



569698

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2015	.	
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The Committee on Judiciary (Ring) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 87

and insert:

Rardin and Patricia Rardin, as compensation for the catastrophic injuries and

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 69

and insert:



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12 An act for the relief of Michael and Patricia Rardin  
13 by the North Broward Hospital District; providing for  
14 an appropriation to compensate Michael and Patricia  
15 Rardin for injuries sustained as a result of the  
16 negligence of the North Broward Hospital District;  
17 providing a limitation on the payment of fees and  
18 costs; providing an effective date.

19  
20 WHEREAS, on July 14, 2011, Michael Rardin, a 42-year-old  
21 construction company employee earning a six-figure salary,  
22 visited the emergency room at the North Broward Medical Center,  
23 which is owned and operated by the North Broward Hospital  
24 District, complaining of chest pain, shortness of breath for the  
25 prior 2 weeks, and the need to sleep during the day, and

26 WHEREAS, based on Mr. Rardin's alarming vital signs, he was  
27 triaged as a priority 1/critical patient, and

28 WHEREAS, Mr. Rardin was evaluated by Susan Nesselroth,  
29 M.D., at 2:04 p.m., who noted that his chief complaint was  
30 persistent shortness of breath with an associated cough, and

31 WHEREAS, Dr. Nesselroth ordered an oxygen saturation  
32 monitor, which reported a critical oxygen saturation level of 53  
33 percent, and a nonrebreather mask with supplemental oxygen, and

34 WHEREAS, Mr. Rardin was to be monitored in the emergency  
35 department, and

36 WHEREAS, in violation of the standard of care, Mr. Rardin,  
37 a priority 1/critical patient, was not placed on a centrally  
38 monitored respiratory or cardiac monitor, and

39 WHEREAS, a chest x-ray was performed, which indicated a  
40 left lower lobe infiltrate, and Dr. Nesselroth's diagnostic



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41 impression was left lower lobe pneumonia and hypoxia, and  
42       WHEREAS, Mr. Rardin proceeded to progressively deteriorate  
43 for about the following 2 hours, and  
44       WHEREAS, at 3:57 p.m., Dr. Nesselroth was called to Mr.  
45 Rardin's bedside and a nurse noted increased respiratory  
46 distress and difficulty arousing Mr. Rardin, and  
47       WHEREAS, at Mr. Rardin's bedside, Dr. Nesselroth evaluated  
48 him as unresponsive, diaphoretic, and as having agonal  
49 respirations, and  
50       WHEREAS, in violation of the standard of care, Mr. Rardin  
51 was not intubated until about 2 hours after Dr. Nesselroth's  
52 initial evaluation that indicated critical oxygen values, and  
53       WHEREAS, at 4:05 p.m., the first of two intubation attempts  
54 resulted in an esophageal intubation, where oxygen was being  
55 delivered to Mr. Rardin's stomach rather than his lungs, and  
56       WHEREAS, as a result of the faulty intubation, Mr. Rardin  
57 became asystolic and a code was called, which led to the  
58 administration of cardiopulmonary resuscitation (CPR) and  
59 Advance Life Support (ALS) efforts, and  
60       WHEREAS, by the time hospital personnel were able to  
61 successfully intubate Mr. Rardin he had suffered a serious and  
62 permanent hypoxic brain injury due to the length of time,  
63 approximately 10 minutes, during which his brain did not receive  
64 sufficient oxygen, and  
65       WHEREAS, as a result of the hospital personnel's negligent  
66 failure to monitor and timely intubate Mr. Rardin, he now  
67 suffers from a permanent brain injury and symptoms such as  
68 visual disturbances, short-term memory loss, and severe  
69 depression, and



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70           WHEREAS, as a result of the hospital personnel's negligent  
71 failure to monitor and timely intubate Mr. Rardin, he can no  
72 longer support his family or provide the company and affection  
73 that he otherwise would have provided to his wife, Patricia  
74 Rardin, and their two minor children, Emily and Kayla Rardin,  
75 and

76           WHEREAS, a tort claim was filed on behalf of Michael and  
77 Patricia Rardin, Case No. 12-034723(13), in the 17th Judicial  
78 Circuit, and

79           WHEREAS, the North Broward Hospital District and Mr. and  
80 Mrs. Rardin