

By Senator Flores

37-00065-15

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1 A bill to be entitled
2 An act for the relief of Michael Rardin by the North
3 Broward Hospital District; providing for an
4 appropriation to compensate Michael Rardin, Patricia
5 Rardin, his wife, and Emily and Kayla Rardin, their
6 two minor children, for injuries sustained as a result
7 of the negligence of the North Broward Hospital
8 District; providing a limitation on the payment of
9 fees and costs; providing an effective date.

10
11 WHEREAS, on July 14, 2011, Michael Rardin, a 42-year-old
12 construction company employee earning a six-figure salary,
13 visited the emergency room at the North Broward Medical Center,
14 which is owned and operated by the North Broward Hospital
15 District, complaining of chest pain, shortness of breath for the
16 prior two weeks, and the need to sleep during the day, and

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

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

22 WHEREAS, Dr. Nesselroth ordered an oxygen saturation
23 monitor, which reported a critical oxygen saturation level of 53
24 percent, and a nonrebreather mask with supplemental oxygen, and

25 WHEREAS, Mr. Rardin was to be monitored in the emergency
26 department, and

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

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30 WHEREAS, a chest x-ray was performed which indicated a left
31 lower lobe infiltrate, and Dr. Nesselroth's diagnostic
32 impression was left lower lobe pneumonia and hypoxia, and

33 WHEREAS, Mr. Rardin proceeded to progressively deteriorate
34 for about the following 2 hours, and

35 WHEREAS, at 3:57 p.m., Dr. Nesselroth was called to Mr.
36 Rardin's bedside and a nurse noted increased respiratory
37 distress and difficulty arousing Mr. Rardin, and

38 WHEREAS, at Mr. Rardin's bedside, Dr. Nesselroth evaluated
39 him as unresponsive, diaphoretic, and as having agonal
40 respirations, and

41 WHEREAS, in violation of the standard of care, Mr. Rardin
42 was not intubated until about 2 hours after Dr. Nesselroth's
43 initial evaluation that indicated critical oxygen values, and

44 WHEREAS, at 4:05 p.m., the first of two intubation attempts
45 resulted in an esophageal intubation, where oxygen was being
46 delivered to Mr. Rardin's stomach rather than his lungs, and

47 WHEREAS, as a result of the faulty intubation, Mr. Rardin
48 became asystolic and a code was called, which led to the
49 administration of cardiopulmonary resuscitation (CPR) and
50 Advance Life Support (ALS) efforts, and

51 WHEREAS, by the time hospital personnel were able to
52 successfully intubate Mr. Rardin he had suffered a serious and
53 permanent hypoxic brain injury due to the length of time,
54 approximately 10 minutes, during which his brain did not receive
55 sufficient oxygen, and

56 WHEREAS, as a result of the hospital personnel's negligent
57 failure to monitor and timely intubate Mr. Rardin, he now
58 suffers from a permanent brain injury and symptoms such as

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59 visual disturbances, short-term memory loss, and severe
60 depression, and

61 WHEREAS, as a result of the hospital personnel's negligent
62 failure to monitor and timely intubate Mr. Rardin, he can no
63 longer support his family or provide the company and affection
64 that he otherwise would have provided to his wife, Patricia
65 Rardin, and their two minor children, Emily and Kayla Rardin,
66 and

67 WHEREAS, a tort claim was filed on behalf of Mr. Rardin,
68 Case No. 12-034723(13), in the 17th Judicial Circuit, and

69 WHEREAS, the North Broward Hospital District and Mr. Rardin
70 have agreed to settle the claim for \$2.2 million, and

71 WHEREAS, \$200,000 has been paid pursuant to the statutory
72 limits of liability imposed under s. 768.28, Florida Statutes,
73 and

74 WHEREAS, the North Broward Hospital District has agreed to
75 fully cooperate and promote the passage of this claim bill in
76 the amount of \$2 million, the remainder of the settlement
77 amount, NOW, THEREFORE,

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79 Be It Enacted by the Legislature of the State of Florida:

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81 Section 1. The facts stated in the preamble to this act are
82 found and declared to be true.

83 Section 2. The North Broward Hospital District is
84 authorized and directed to appropriate from funds of the
85 district not otherwise appropriated, including insurance, and to
86 draw a warrant in the sum of \$2 million payable to Michael
87 Rardin, as compensation for the catastrophic injuries and

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88 damages he sustained.

89 Section 3. The amount paid by the North Broward Hospital
90 District pursuant to s. 768.28, Florida Statutes, and the amount
91 awarded under this act are intended to provide the sole
92 compensation for all present and future claims arising out of
93 the factual situation described in this act which resulted in
94 the catastrophic injuries to Mr. Rardin. The total amount paid
95 for attorney fees, lobbying fees, costs, and other similar
96 expenses relating to this claim may not exceed 25 percent of the
97 amount awarded under this act.

98 Section 4. This act shall take effect upon becoming a law.