

By the Committee on Judiciary; and Senator Flores

590-02821-15

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1 A bill to be entitled

2 An act for the relief of Michael and Patricia Rardin  
3 by the North Broward Hospital District; providing for  
4 an appropriation to compensate Michael and Patricia  
5 Rardin for injuries sustained as a result of the  
6 negligence of the North Broward Hospital District;  
7 providing a limitation on the payment of fees and  
8 costs; providing an effective date.

9  
10 WHEREAS, on July 14, 2011, Michael Rardin, a 42-year-old  
11 construction company employee earning a six-figure salary,  
12 visited the emergency room at the North Broward Medical Center,  
13 which is owned and operated by the North Broward Hospital  
14 District, complaining of chest pain, shortness of breath for the  
15 prior 2 weeks, and the need to sleep during the day, and

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

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

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

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

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

29 WHEREAS, a chest x-ray was performed, which indicated a

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30 left lower lobe infiltrate, and Dr. Nesselroth's diagnostic  
31 impression was left lower lobe pneumonia and hypoxia, and

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

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

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

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

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

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

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

55 WHEREAS, as a result of the hospital personnel's negligent  
56 failure to monitor and timely intubate Mr. Rardin, he now  
57 suffers from a permanent brain injury and symptoms such as  
58 visual disturbances, short-term memory loss, and severe

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59 depression, and

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

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

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

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

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

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

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

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

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88 Rardin and Patricia Rardin, as compensation for the catastrophic  
89 injuries and damages Mr. Rardin sustained.

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

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