

Senate Bill No. 60

An act relating to the South Broward Hospital District; providing for the relief of Adrian Fuentes, a minor, by and through his parents and natural guardians, Luz Fuentes and Jose Fuentes; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the South Broward Hospital District, d/b/a Memorial Hospital Primary Care Center; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, Luz Fuentes received prenatal medical care for her first pregnancy at Memorial Hospital Primary Care Center, an entity operated by the South Broward Hospital District, and

WHEREAS, the attending physician supervising her care was Andreas Spyridakis, D.O., although all examinations were conducted by certified nurse midwives, and

WHEREAS, on April 18, 2002, during an examination at 36 weeks' gestation, a discrepancy was noted between the weeks of gestation and the fundal height of the fetus, and an obstetrical ultrasound to determine the estimated fetal weight was ordered by Sharon Harrison, C.N.M., and scheduled for April 23, 2002, and

WHEREAS, during or following the April 18 visit, Nurse Harrison did not consult with Dr. Spyridakis regarding the possibility of intrauterine growth retardation being present nor did she order a nonstress test or a biophysical profile or call for an immediate consultation to evaluate the possibility of intrauterine growth retardation or determine whether intervention was necessary, and

WHEREAS, the obstetrical ultrasound was performed on April 23 and was interpreted by Leonard Rosendorf, M.D., whose findings showed an amniotic fluid index of 9, which is a normal reading, and indicated a low abdominal circumference, which possibly indicated intrauterine growth retardation, and Dr. Rosendorf suggested clinical follow-up, and

WHEREAS, on April 23, Dr. Rosendorf faxed a report detailing the ultrasound findings to Nurse Harrison but did not telephone or otherwise personally relay his findings to Nurse Harrison or anyone else at Memorial Hospital Primary Care Center, and

WHEREAS, the report from Dr. Rosendorf was reviewed and signed by Rosanne Wohlman, C.N.M., on April 25, 2002, during a scheduled follow-up examination of Luz Fuentes, and

WHEREAS, during the April 25 examination, Nurse Wohlman ordered a nonstress test with results that she described as prolonged decelerations, a fetal heart rate of 90 beats per minute, and decelerations lasting 60 seconds, and Nurse Wohlman then had Luz Fuentes transported to Memorial Hospi-

tal West, where it was determined that the fetus was in serious distress and Adrian Fuentes was derived by an emergency cesarean section that day, and

WHEREAS, the actions of the medical providers constituted negligence, and as a result of such negligence, Adrian Fuentes was born brain-injured and will remain so for the rest of his life, and

WHEREAS, a medical malpractice claim and legal action on behalf of Adrian Fuentes was instituted in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Florida, case no. 04-15033(13) styled Luz Fuentes and Jose Fuentes, as parents and natural guardians of Adrian Fuentes, their minor child, and individually, v. South Broward Hospital District, et al., against the South Broward Hospital District and certain other persons and legal entities, including Memorial Hospital Care Center, Andreas Spyridakis, D.O., Sharon Harrison, C.N.M., Rosanne Wohlman, C.N.M., Broward Women's Healthcare, Inc., Sheridan Healthcorp, Inc., Leonard Rosendorf, M.D., Radiology Associates of Hollywood, P.A., and others, and

WHEREAS, a prior claim against Leonard Rosendorf, M.D. and Radiology Associates of Hollywood, P.A., previously settled for \$2 million, has been tendered and accepted by the plaintiffs, and

WHEREAS, the claim against the South Broward Hospital District and related defendants was settled prior to trial and a settlement was approved by the court on July 10, 2007, and

WHEREAS, the settlement agreement provides for the payment of \$200,000 by the South Broward Hospital District to the plaintiffs, pursuant to the limits of liability in s. 768.28, Florida Statutes, the entry of consent judgment in the amount of \$1,600,000, and the hospital district's agreement not to contest the filing of a claim bill that does not exceed \$1,600,000, NOW, THEREFORE,

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

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

Section 2. The South Broward Hospital District is authorized and directed to appropriate from funds of the hospital district not otherwise encumbered and draw a warrant in the sum of \$1,600,000, payable to a special needs trust established for the care and benefit of Adrian Fuentes, as compensation for injuries and damages sustained by Adrian Fuentes as a result of the negligence of the South Broward Hospital District.

Section 3. This award is intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injury to Adrian Fuentes. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act.

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

Approved by the Governor May 19, 2008.

Filed in Office Secretary of State May 19, 2008.