

## CHAPTER 2010-236

### Committee Substitute for Senate Bill No. 30

An act for the relief of Lois H. Lacava by the Munroe Regional Health System, Inc.; providing for an appropriation to compensate her for injuries sustained as a result of the negligence of the Munroe Regional Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on November 8, 2005, Lois H. Lacava was admitted to the Munroe Regional Medical Center in Ocala, Florida, with an admitted diagnosis of a malunion of the right hip which was related to a prior fracture of the neck of the femur bone in her leg, and

WHEREAS, on November 11, 2005, Ms. Lacava had a total right hip arthroplasty along with hardware removal, and the following day Dr. Mehra examined Ms. Lacava and noticed that her right leg below the knee to her toes was cold to the touch and that her toes were discolored, and

WHEREAS, Dr. Mehra brought these observations to the attention of the nursing staff, ordered an arterial Doppler test to be performed immediately, and advised the nurse to continue to daily monitor Ms. Lacava's production of red blood cells and the effectiveness of a blood-thinning drug that Ms. Lacava was prescribed, and

WHEREAS, an arterial Doppler test is a blood pressure test that measures the lack of blood flow which may be caused by a blockage in the arteries in the legs, and

WHEREAS, Dr. Mehra was not on call on the evening of November 12, but the next morning he was paged by the nurse taking care of Ms. Lacava and told that her venous Doppler test, a test used to check the circulation in the large veins in the legs, was negative for deep venous thrombosis, and

WHEREAS, upon further questioning, Dr. Mehra realized that the arterial Doppler test had not been performed even though he had ordered a nurse to conduct the test, and

WHEREAS, the Doppler technician, upon hearing the clinical features and history of the patient, had been reluctant to perform an arterial Doppler test because the technician thought there was a venous problem in Ms. Lacava's leg, and

WHEREAS, a computer loading error required a venous Doppler test to be performed before an arterial Doppler test and, for unexplained reasons, the arterial Doppler test was never performed, and

WHEREAS, even though the venous Doppler test did not reveal any deep venous thrombosis, the lack of the arterial Doppler test prevented a femoral artery occlusion from being timely diagnosed, and

WHEREAS, Dr. Mehra ordered an evaluation for vascular surgery by Dr. Swaminathan and another arterial Doppler test to be preformed immediately, and

WHEREAS, Dr. Swaminathan evaluated Ms. Lacava and ordered an angiogram, which revealed a blockage of the right femoral artery and dislocation of the right hip prosthesis, and Ms. Lacava was taken to the emergency operating room where Dr. Brill performed a right total hip arthroplasty revision and Dr. Swaminathan performed an excision of a blood clot of the right femoral vein, with repair to the right femoral artery, and

WHEREAS, Dr. Swaminathan also removed a blockage in the right tibial artery and cut the soft tissue component of the connective tissue in order to relieve tension or pressure within the right leg; however, Ms. Lacava ultimately experienced irreversible necrosis of her right lower leg, which required that her leg be amputated above the knee, and

WHEREAS, after her surgeries Ms. Lacava developed tachycardia secondary to toxemia from the gangrene of her right foot and lower leg, suffered a fracture of her superior pubic ramus and femoral prosthesis, acquired a staphylococcus infection, and developed diarrhea, and

WHEREAS, it was determined that Ms. Lacava was not a suitable candidate for a prosthesis due to her medical conditions that included an above-the-knee amputation of her right leg and a dislocated prosthetic hip, and

WHEREAS, a consent final judgment was entered in favor of Ms. Lacava against the Munroe Regional Health System, Inc., by the Circuit Court of the Fifth Judicial Circuit in and for Marion County for \$450,000, wherein \$200,000 was paid to Ms. Lacava within 30 days after entry of the consent final judgment, and the remaining balance of \$250,000, pursuant to the agreement by the parties, would be reported to the Florida Legislature for its consideration as a claim bill, 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. Munroe Regional Health System, Inc., is authorized and directed to appropriate from funds not otherwise appropriated and to pay the sum of \$125,000 to Lois H. Lacava within 30 days and to make a second payment of \$125,000 to Lois H. Lacava within 365 days thereafter, as compensation for injuries and damages sustained as a result of the negligence of Munroe Regional Medical Center.

Section 3. The amount paid by Munroe Regional Health System, Inc., pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are 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 Lois H. Lacava. 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 total amount awarded under this act.

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

Approved by the Governor June 3, 2010.

Filed in Office Secretary of State June 3, 2010.