

CHAPTER 2012-250

Committee Substitute for House Bill No. 967

An act for the relief of Kristi Mellen as personal representative of the Estate of Michael Munson, deceased, by the North Broward Hospital District; providing for an appropriation to compensate the estate and the statutory survivors, Kristi Mellen, surviving spouse, and Michael Conner Munson and Corinne Keller Munson, surviving minor son and surviving minor daughter, for the wrongful death of Michael Munson as a result of the negligence of the North Broward Hospital District; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on September 21, 2008, while spending the morning with his family, Michael Munson, a 49-year-old accountant and attorney, began to experience signs and symptoms of a heart attack including burning in his chest, indigestion, and radiating pain into his arms, along with severe shortness of breath, and

WHEREAS, Kristi Mellen, his wife, drove her husband immediately to Coral Springs Medical Center, which is a hospital owned and operated by the North Broward Hospital District, and dropped him off at the entrance to the emergency center, and

WHEREAS, Mr. Munson was evaluated by Lynn Parpard, the triage nurse, who was informed of the burning in his chest, indigestion, and radiating pain into his arms, along with severe shortness of breath, and

WHEREAS, Ms. Parpard took an initial set of vital signs and misdiagnosed Mr. Munson as suffering from an anxiety attack and sent him into the waiting room, and

WHEREAS, Ms. Parpard violated the appropriate standards of care and breached the hospital's policies and procedures including its Chest Pain Protocol, and

WHEREAS, Mr. Munson was then processed by an administrative assistant who, upon hearing his symptoms, asked Ms. Parpard to address the patient's complaints, given the Chest Pain Protocol that existed, and

WHEREAS, Ms. Parpard once again dismissed Mr. Munson's complaints and asked him to return to the waiting room for a second time, and

WHEREAS, shortly thereafter, Mr. Munson suffered a massive heart attack as he collapsed in the waiting room and was taken back into the treatment area, and

WHEREAS, all of the facts and circumstances described in this preamble were recorded by one of the hospital's security cameras, and

WHEREAS, medical personnel were unable to resuscitate Mr. Munson, and he died on September 21, 2008, at 12:10 p.m., leaving behind Kristi, his wife of 20 years, and their two minor children, who, at the time, were ages 14 and 17, and

WHEREAS, the hospital's investigation into this circumstance determined that Ms. Parpard's triage of the patient was inadequate and inappropriate, and, as a result, Ms. Parpard was terminated from her employment with Coral Springs Medical Center, and

WHEREAS, a tort claim was filed on behalf of Kristi Mellen, as personal representative of the Estate of Michael Munson, Case No. 09-036106 (02) in the Circuit Court of the Seventeenth Judicial Circuit of Florida, and

WHEREAS, Kristi Mellen, as personal representative of the Estate of Michael Munson, and the North Broward Hospital District did agree to amicably settle this matter, and

WHEREAS, a specific condition of the settlement was that the North Broward Hospital District would permit the entry of a consent judgment in the amount of \$3 million, and

WHEREAS, the North Broward Hospital District has paid the statutory limit of \$200,000 to the Estate of Michael Munson, pursuant to s. 768.28, Florida Statutes, and

WHEREAS, the North Broward Hospital District has agreed to fully cooperate and promote the passage of this claim bill in the amount of \$2.8 million, 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 North Broward Hospital District is authorized and directed to appropriate from funds of the district not otherwise appropriated, including insurance, and to draw a warrant payable to Kristi Mellen, as personal representative of the Estate of Michael Munson, in the sum of \$2.8 million as compensation for the death of Michael Munson.

Section 3. The amount paid by the North Broward Hospital District 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 the death of Michael Munson. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 15 percent of the first \$1,000,000 awarded under this act, 10 percent of the second \$1,000,000 awarded under this act, and 5 percent of the remainder awarded under this act, for a total of \$290,000. However, taxable

costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$290,000.

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

Approved by the Governor March 29, 2012.

Filed in Office Secretary of State March 29, 2012.