

CHAPTER 2015-218

Committee Substitute for House Bill No. 3555

An act for the relief of Michael and Patricia Rardin by the North Broward Hospital District; providing for an appropriation to compensate Michael and Patricia Rardin for injuries sustained 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 July 14, 2011, Michael Rardin, a 42-year-old construction company employee earning a six-figure salary, visited the emergency room at the North Broward Medical Center, which is owned and operated by the North Broward Hospital District, complaining of chest pain, shortness of breath for the prior 2 weeks, and the need to sleep during the day, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, \$200,000 has been paid pursuant to the statutory limits of liability imposed under 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 million, the remainder of the settlement amount, 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 in the sum of \$2 million payable

to Michael Rardin and Patricia Rardin, as compensation for the catastrophic injuries and damages they sustained.

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 catastrophic injuries to Mr. Rardin. The total amount paid for attorney 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 June 11, 2015.

Filed in Office Secretary of State June 11, 2015.