

ENROLLED

CS/HB 3555

2015 Legislature

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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,

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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 left
30 | 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,

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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
 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,

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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.