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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/26/2011	.	
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The Committee on Rules (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 176 - 185
and insert:

Section 2. Lee Memorial Health System, formerly known as the Hospital Board of Directors of Lee County, is authorized and directed to appropriate from funds of Lee Memorial Health System not otherwise appropriated and to draw the following warrants as compensation for the medical malpractice committed against Aaron Edwards and Mitzi Roden:

(1) The sum of \$13,500,000, payable to the Guardianship of Aaron Edwards;

(2) The sum of \$1,000,000, payable to Mitzi Roden; and



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14 (3) The sum of \$500,000, payable to Mark Edwards.

15
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete lines 12 - 120

19 and insert:

20 WHEREAS, Mitzi Roden and Mark Edward's only child,
21 Aaron Edwards, was born on September 5, 1997, at Lee
22 Memorial Hospital, andWHEREAS, during Mitzi Roden's
23 pregnancy, Mitzi Roden and Mark Edwards attended
24 childbirth classes through Lee Memorial Health System
25 and learned of the potentially devastating effect that
26 the administration of Pitocin to augment labor may
27 have on a mother and her unborn child when not
28 carefully and competently monitored, andWHEREAS, Mitzi
29 Roden and Mark Edwards communicated directly to Nurse
30 Midwife Patricia Hunsucker of Lee Memorial Health
31 System of their desire to have a natural childbirth,
32 andWHEREAS, Mitzi Roden enjoyed an uneventful full-
33 term pregnancy with Aaron Edwards, free from any
34 complications, andWHEREAS, on September 5, 1997, at
35 5:29 a.m., Mitzi Roden, at 41 and 5/7 weeks' gestation
36 awoke to find that her membranes had ruptured,
37 andWHEREAS, when Mitzi Roden presented to the hospital
38 on the morning of September 5, she was placed on a
39 fetal monitoring machine that confirmed that Aaron
40 Edwards was doing well and in very good condition,
41 andWHEREAS, Mitzi Roden tolerated well a period of
42 labor from 9 a.m. until 12:30 p.m., but failed to



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43 progress in her labor to the point of being in active
44 labor. At that time, Nurse Midwife Patricia Hunsucker
45 informed Mitzi Roden and Mark Edwards that she would
46 administer Pitocin to Mitzi in an attempt to speed up
47 the labor, but both Mitzi Roden and Mark Edwards
48 strenuously objected to the administration of Pitocin
49 because of their knowledge about the potentially
50 devastating effects it can have on a mother and child,
51 including fetal distress and even death. Mitzi Roden
52 and Mark Edwards informed Nurse Midwife Patricia
53 Hunsucker that they would rather undergo a cesarean
54 section than be administered Pitocin, but in spite of
55 their objections, Nurse Midwife Patricia Hunsucker
56 ordered that a Pitocin drip be administered to Mitzi
57 Roden at an initial dose of 3 milliunits, to be
58 increased by 3 milliunits every 30 minutes,
59 andWHEREAS, there was universal agreement by the
60 experts called to testify at the trial in this matter
61 that the administration of Pitocin over the express
62 objections of Mitzi Roden and Mark Edwards was a
63 violation of the standard of care, andWHEREAS, for
64 several hours during the afternoon of September 5,
65 1997, the dosage of Pitocin was consistently increased
66 and Mitzi Roden began to experience contractions
67 closer than every 2 minutes at 4:50 p.m., and began to
68 experience excessive uterine contractility shortly
69 before 6 p.m., which should have been recognized by
70 any reasonably competent obstetric care provider,
71 andWHEREAS, in spite of Mitzi Roden's excessive



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72 uterine contractility, the administration of Pitocin
73 was inappropriately increased to 13 milliunits at 6:20
74 p.m. by Labor and Delivery Nurse Beth Jencks, which
75 was a deviation from the acceptable standard of care
76 for obstetric health care providers because, in fact,
77 it should have been discontinued, andWHEREAS,
78 reasonable obstetric care required that Dr. Duvall,
79 the obstetrician who was ultimately responsible for
80 Mitzi Roden's labor and delivery, be notified of Mitzi
81 Roden's excessive uterine contractility and that she
82 was not adequately progressing in her labor, but the
83 health care providers overseeing Mitzi Roden's labor
84 unreasonably failed to do so, andWHEREAS, in spite of
85 Mitzi Roden's excessive uterine contractility, the
86 administration of Pitocin was increased to 14
87 milliunits at 7:15 p.m., when reasonable obstetric
88 practices required that it be discontinued, and a
89 knowledgeable obstetric care provider should have
90 known that the continued use of Pitocin in the face of
91 excessive uterine contractility posed an unreasonable
92 risk to both Mitzi Roden and Aaron Edwards,
93 andWHEREAS, Lee Memorial's own obstetrical expert,
94 Jeffrey Phelan, M.D., testified that Mitzi Roden
95 experienced a tetanic contraction lasting longer than
96 90 seconds at 8:30 p.m., and Lee Memorial's own nurse
97 midwife expert, Lynne Dollar, testified that she
98 herself would have discontinued Pitocin at 8:30 p.m.,
99 andWHEREAS, at 8:30 p.m., the administration of
100 Pitocin was unreasonably and inappropriately increased



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101 to 15 milliunits when reasonable obstetric practices
102 required that it be discontinued, andWHEREAS, at 9
103 p.m., Nurse Midwife Hunsucker visited Mitzi Roden at
104 bedside, but mistakenly believed that the level of
105 Pitocin remained at 9 milliunits, when, in fact, it
106 had been increased to 15 milliunits, and further, she
107 failed to appreciate and correct Mitzi Roden's
108 excessive uterine contractility, andWHEREAS, Lynne
109 Dollar acknowledged that it is below the standard of
110 care for Nurse Midwife Patricia Hunsucker to not know
111 the correct level of Pitocin being administered to her
112 patient, Mitzi Roden, andWHEREAS, at 9:30 p.m., the
113 administration of Pitocin was again unreasonably and
114 inappropriately increased to 16 milliunits, when
115 reasonable obstetric practice required that it be
116 discontinued in light of Mitzi Roden's excessive
117 uterine contractility and intrauterine pressure,
118 andWHEREAS, as 9:40 p.m., Aaron Edwards could no
119 longer compensate for the increasingly intense periods
120 of hypercontractility and excessive intrauterine
121 pressure brought on by the overuse and poor management
122 of Pitocin administration, and suffered a reasonably
123 foreseeable and predictable severe episode of
124 bradycardia, where his heart rate plummeted to life-
125 endangering levels, which necessitated an emergency
126 cesarean section. Not until Aaron Edwards' heart rate
127 crashed at 9:40 p.m. did Nurse Midwife Patricia
128 Hunsucker consult with her supervising obstetrician,
129 Diana Devall, M.D., having not discussed with Dr.



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130 Devall her care and treatment of Mitzi Roden's labor
131 since 12:30 p.m. Because Dr. Devall had not been kept
132 informed about the status of Mitzi Roden's labor, she
133 was not on the hospital grounds at the time Aaron
134 Edwards' heart rated crashed, and another obstetrician
135 who was unfamiliar with Mitzi Roden's labor performed
136 the emergency cesarean section to save Aaron Edwards'
137 life, and