

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Committee/Subcommittee hearing bill: Civil Justice Subcommittee
Representative Artiles offered the following:

Amendment (with title amendment)

Remove lines 87-88 and insert:

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

T I T L E A M E N D M E N T

Remove lines 2-69 and insert:

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

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17 District; providing a limitation on the payment of fees and
18 costs; providing an effective date.

19
20 WHEREAS, on July 14, 2011, Michael Rardin, a 42-year-old
21 construction company employee earning a six-figure salary,
22 visited the emergency room at the North Broward Medical Center,
23 which is owned and operated by the North Broward Hospital
24 District, complaining of chest pain, shortness of breath for the
25 prior 2 weeks, and the need to sleep during the day, and

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

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

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

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

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

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

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

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

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

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

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

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

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

65 WHEREAS, as a result of the hospital personnel's negligent
66 failure to monitor and timely intubate Mr. Rardin, he now
67 suffers from a permanent brain injury and symptoms such as

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68 visual disturbances, short-term memory loss, and severe
69 depression, and

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

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

79 WHEREAS, the North Broward Hospital District and Mr. and
80 Mrs. Rardin