

1 A bill to be entitled
2 An act for the relief of Sharon Jurgrau, wife of Mark
3 Jurgrau, deceased, and Megan Jurgrau, minor child of Mark
4 and Sharon Jurgrau, by the South Broward Hospital
5 District; providing for an appropriation to compensate
6 them for the death of Mark Jurgrau as a result of the
7 negligence of the South Broward Hospital District;
8 providing for attorney's fees, lobbyist's fees, and costs;
9 providing an effective date.

10

11 WHEREAS, in the summer of 1999, Mark Jurgrau, an architect,
12 38 years of age and a resident of Broward County, underwent
13 medical tests after exhibiting weakness and shortness of breath
14 while engaging in athletic activity, and

15 WHEREAS, the tests revealed that Mark Jurgrau had a problem
16 with the aortic valve of the heart, and as a result of the
17 diagnosis, he was advised to have surgery to replace the aortic
18 valve, and

19 WHEREAS, Mark Jurgrau's doctors recommended a surgical
20 procedure known as the "Ross procedure" in which the patient's
21 own pulmonic valve is used to replace the aortic valve, and

22 WHEREAS, the procedure, commonly used in younger patients,
23 was chosen due to the fact that it is effective for a very long
24 period of time and does not require the patient to take
25 medications subsequent to surgery, and

26 WHEREAS, the Ross procedure was performed on Mark Jurgrau
27 on September 2, 1999, at Memorial Hospital, part of the South
28 Broward Hospital District, and

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29 WHEREAS, Mark Jurgrau tolerated the procedure well and
30 appeared to be doing fine, and

31 WHEREAS, the decision to replace Mark Jurgrau's aortic
32 valve was a good decision, the choice of the Ross procedure was
33 a sound choice, and the operation was performed ably and
34 correctly, and

35 WHEREAS, however, one of the risks of this procedure is the
36 possible occurrence of internal bleeding at the location of the
37 operation, and

38 WHEREAS, internal bleeding following this procedure does
39 occur from time to time, is easily recognizable and readily
40 treatable, and is not an indication of negligence per se, and

41 WHEREAS, one of the primary reasons patients are kept in
42 the hospital following this type of surgery is so they can be
43 observed for complications, and

44 WHEREAS, the negligence in this case occurred in the
45 failure of the employees of Memorial Hospital to provide Mark
46 Jurgrau with appropriate postoperative care, and

47 WHEREAS, following his operation, the management of Mark
48 Jurgrau's care was entrusted to a nurse, Kathy Kater, ARNP, and

49 WHEREAS, the surgeon who operated on Mark Jurgrau never saw
50 him again, and Kathy Kater and the other hospital nurses became
51 Mark Jurgrau's health care team, and

52 WHEREAS, from the time of Mark Jurgrau's operation on
53 September 2, 1999, to the time of his death on September 6,
54 1999, Mark Jurgrau exhibited signs and symptoms of internal
55 bleeding, and

56 WHEREAS, in order to monitor for internal bleeding, blood

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57 is drawn from a patient daily, and

58 WHEREAS, when a person is losing blood, laboratory values
59 drop as blood contents are used up, and

60 WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and
61 platelets were all dropping, each day registering much lower
62 than the day before, and

63 WHEREAS, in the 5 days he was in Memorial Hospital, Mark
64 Jurgrau's blood values fell to less than 30 percent of normal,
65 and

66 WHEREAS, also, in order to determine if blood is
67 accumulating in a patient's chest, X-rays are taken daily and
68 the patient's breathing is monitored daily, and

69 WHEREAS, Mark Jurgrau's X-rays showed his lungs filling
70 with blood, more each day than the day before, and

71 WHEREAS, his breathing decreased each day as the portions
72 of his lungs which were full of blood could no longer transfer
73 oxygen, and

74 WHEREAS, as Mark Jurgrau's blood became depleted and his
75 lungs filled with blood, he became deprived of oxygen, which
76 made him weak, dizzy, and disoriented, as evidenced by the fact
77 that his oxygen saturation fell precipitously, and

78 WHEREAS, despite the fact that all appropriate tests were
79 administered and all the results of those tests indicated
80 problems, no intervention was ordered based upon Mark Jurgrau's
81 test results, and

82 WHEREAS, by September 5, 1999, Mark Jurgrau was dying,
83 slowly bleeding to death and drowning in his own blood, and

84 WHEREAS, as he became disoriented from lack of oxygen, the

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85 hospital nurses called Nurse Kater, and

86 WHEREAS, without coming in to the hospital to observe Mark
87 Jurgrau, Nurse Kater diagnosed him as having a panic attack and,
88 over the telephone, ordered Xanax to be administered to Mr.
89 Jurgrau, and

90 WHEREAS, on September 6, 1999, Mark Jurgrau's condition
91 became critical, and

92 WHEREAS, Mark Jurgrau was gasping for air, turning pale and
93 cold, and writhing in pain, and

94 WHEREAS, Nurse Kater was again contacted, and again, via
95 telephone, Nurse Kater diagnosed Mark Jurgrau as having a panic
96 attack, and

97 WHEREAS, Mark Jurgrau arrested and a code blue was called,
98 but it was too late, and

99 WHEREAS, Mark Jurgrau died at the age of 38, leaving his
100 wife of 8 years, Sharon Jurgrau, and a 4-year-old daughter,
101 Megan Jurgrau, and

102 WHEREAS, upon performing an autopsy, the medical examiner
103 confirmed that Mark Jurgrau died from undiagnosed internal
104 bleeding, and

105 WHEREAS, the case was also reviewed by a recognized
106 authority in cardiac surgery, Dr. Dudley Johnson, regarded as
107 the father of cardiac surgery and, along with Dr. Michael
108 DeBakey, the co-inventor of the modern coronary bypass
109 operation, and

110 WHEREAS, Dr. Johnson confirmed that Mark Jurgrau's death
111 was unnecessary and unreasonable, and

112 WHEREAS, at the time of his death, Mark Jurgrau was in the

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113 beginning stages of a very successful career as an architect,
 114 and

115 WHEREAS, based on his age and proven earning potential,
 116 economic damages alone were over \$10 million, and

117 WHEREAS, Mark and Sharon Jurgrau's daughter, Megan Jurgrau,
 118 now 11 years of age, has experienced emotional distress as a
 119 result of the death of her father, and

120 WHEREAS, recognizing this as a case involving malpractice
 121 and catastrophic damages, the South Broward Hospital District
 122 settled the matter, tendering \$200,000 pursuant to the limits of
 123 liability established pursuant to section 768.28, Florida
 124 Statutes, and agreeing to support a claim bill in the amount of
 125 \$500,000, NOW, THEREFORE,

126

127 Be It Enacted by the Legislature of the State of Florida:

128

129 Section 1. The facts stated in the preamble to this act
 130 are found and declared to be true.

131 Section 2. The South Broward Hospital District is
 132 authorized and directed to appropriate from funds of the
 133 district not otherwise appropriated and to draw a warrant in the
 134 sum of \$500,000 payable to Sharon Jurgrau, wife of Mark Jurgrau,
 135 deceased, as compensation for the death of Mark Jurgrau as a
 136 result of the negligence of the South Broward Hospital District.
 137 After payment of fees, costs, and authorized expenses, 75
 138 percent of the proceeds recovered through the passage of this
 139 act shall be apportioned to Sharon Jurgrau, wife of Mark
 140 Jurgrau, and 25 percent of the proceeds recovered through the

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141 passage of this act shall be deposited into the guardianship
142 account of Megan Jurgrau, minor child of Mark and Sharon
143 Jurgrau, for the exclusive use and benefit of Megan Jurgrau.

144 Section 3. Payment for attorney's fees and costs incurred
145 by the claimant's attorneys shall not exceed \$77,781. Payment
146 for the professional services and costs of lobbyists advocating
147 for passage of this claim shall not exceed \$5,000.

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