



**STORAGE NAME:** h0967.CVJS

**DATE:** 2/15/2012

### Florida House of Representatives Summary Claim Bill Report

**Bill #:** HB 967; Relief/Kristi Mellen/North Broward Hospital District

**Sponsor:** Representative Diaz

**Companion Bill:** SB 70 by Senator Storms

**Special Master:** Tom Thomas

#### Basic Information:

<b>Claimants:</b>	Kristi Mellen, as personal representative of the Estate of Michael Munson
<b>Respondent:</b>	North Broward Hospital District
<b>Amount Requested:</b>	\$2,800,000
<b>Type of Claim:</b>	Local equitable claim; result of a settlement agreement.
<b>Respondent's Position:</b>	The North Broward Hospital District has agreed to support this claim bill.
<b>Collateral Sources:</b>	\$10,000 was paid by a doctor for his release from the civil suit.
<b>Attorney's/Lobbying Fees:</b>	The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.
<b>Prior Legislative History:</b>	This is the first year this claim has been filed.

**Procedural Summary:** A tort claim was filed on behalf of Kristi Mellen, as personal representative of the Estate of Michael Munson, Case No. 09-036106 (02) in the Circuit Court of the Seventeenth Judicial Circuit of Florida. Prior to trial, the parties agreed to settle this matter. The settlement is in the amount of \$3 million. The North Broward Hospital District has paid the statutory limit of \$200,000 to the Claimant pursuant to s. 768.28, F.S.

**Facts of Case:** On September 21, 2008, Michael Munson, a 49-year-old accountant and attorney, began to experience signs and symptoms of a heart attack including burning in his chest, indigestion, and radiating pain into his arms, along with severe shortness of breath. His wife, Kristi Mellen, drove her husband immediately to Coral Springs Medical Center, which is a hospital owned

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and operated by the North Broward Hospital District, and dropped him off at the entrance to the emergency center. Mr. Munson was evaluated by Lynn Parpard, the triage nurse, who was informed of the burning in his chest, indigestion, and radiating pain into his arms, along with severe shortness of breath. Ms. Parpard took an initial set of vital signs and misdiagnosed Mr. Munson as suffering from an anxiety attack and sent him into the waiting room.

An administrative assistant who, upon hearing his symptoms, asked Ms. Parpard to address the patient's complaints, given the Chest Pain Protocol that existed. Ms. Parpard once again did not recognize Mr. Munson's complaints as a heart attack and asked him to return to the waiting room for a second time. Shortly thereafter, Mr. Munson suffered a massive heart attack in the waiting room and was taken back into the treatment area. All of these facts and circumstances were recorded by one of the hospital's security cameras.

Medical personnel were unable to resuscitate Mr. Munson, and he died on September 21, 2008, at 12:10 p.m., leaving behind Kristi, his wife of 20 years, and their two minor children, who, at the time, were ages 14 and 17. The hospital's investigation into this matter determined that Ms. Parpard's triage of the patient was inadequate and inappropriate, and, as a result, Ms. Parpard was terminated from her employment with Coral Springs Medical Center.

**Recommendation:** I respectfully recommend House Bill 967 be reported **FAVORABLY**.

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Tom Thomas, Special Master

Date: February 15, 2012

cc: Representative Diaz, House Sponsor  
Senator Storms, Senate Sponsor  
Judge Edward T. Bauer, Senate Special Master