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A bill to be entitled An act for the relief of Harry Augustin Shumow by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of an employee of the Public Health Trust of Miami-Dade County; providing a limitation on the payment of compensation and specified fees; providing an effective date. WHEREAS, on August 22, 2017, 6-year-old Harry Augustin Shumow, suffering from dehydration, fever, and lethargy, was diagnosed with acute liver failure, hypoglycemia, dehydration, and hypotension, as well as early signs of acute kidney injury, and WHEREAS, Harry was admitted to Jackson Memorial Hospital and from approximately August 24, 2017, to September 8, 2017, showed steady and significant physical, cognitive, and neurological improvements, and

20 WHEREAS, on September 8, 2017, when a lab technician tested 21 Harry's hemoglobin levels, they had decreased significantly 22 overnight, signaling the possibility of severe anemia, and

23 WHEREAS, mistakenly attributing the significant change in 24 hemoglobin levels to sample contamination, the lab technician 25 canceled the lab results and requested blood be redrawn from

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CODING: Words stricken are deletions; words underlined are additions.

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26 Harry, and

27 WHEREAS, when Harry's blood was retested approximately 12 28 hours later, the hemoglobin levels were even lower than the 29 first test, and it was discovered that Harry had been bleeding 30 internally from an earlier kidney biopsy procedure, and

31 WHEREAS, shortly thereafter, exhibiting low blood pressure 32 and a slowed heart rate, Harry went into cardiac arrest and did 33 not fully recover until approximately one hour later, and

WHEREAS, as a result of prolonged oxygen deprivation from the cardiac arrest, Harry suffered severe hypoxic ischemic encephalopathy, a type of brain injury, which resulted in significant neurological disabilities that left Harry quadriplegic, unable to verbally communicate, epileptic, and subject to painful involuntary muscle spasms, among other things, and

WHEREAS, Moses and Rose Shumow, as parents and natural guardians of Harry, filed a lawsuit in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County under case number 2019-15810-CA-01, alleging that the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital, through its employees, was the direct and proximate cause of the injuries to Harry, and

WHEREAS, the Public Health Trust of Miami-Dade County has agreed to settle Harry Augustin Shumow's claim for \$5.3 million, \$300,000 of which will be paid by the Public Health Trust of

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51 Miami-Dade County pursuant to the statutory limits of liability 52 in s. 768.28, Florida Statutes, and the remaining \$5 million of 53 which is conditioned upon the Legislature's passage of a claim 54 bill, NOW, THEREFORE, 55 56 Be It Enacted by the Legislature of the State of Florida: 57 The facts stated in the preamble to this act 58 Section 1. 59 are found and declared to be true. Section 2. The Public Health Trust of Miami-Dade County, 60 d/b/a Jackson Memorial Hospital, is authorized and directed to 61 appropriate from funds not otherwise encumbered and to draw a 62 warrant in the sum of \$5 million payable to the Special Needs 63 64 Trust created for the exclusive use and benefit of Harry 65 Augustin Shumow as compensation for injuries and damages 66 sustained. Section 3. 67 The amount paid by the Public Health Trust of 68 Miami-Dade County pursuant to s. 768.28, Florida Statutes, and 69 the amount awarded under this act are intended to provide the 70 sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in 71 72 injuries and damages to Harry Augustin Shumow. The total amount 73 paid for attorney fees relating to this claim may not exceed 74 \$1,000,000, the total amount paid for lobbying fees may not 75 exceed \$250,000, and the total amount paid for costs or other

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76	similar exp	enses	may r	not e	exceed	\$133 ,	344.06	<u>.</u>			
77	Sectio	on 4.	This	act	shall	take	effect	upon	becoming	а	law.
I	I				Pag	e 4 of 4					

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