

By Senator Rodriguez

39-00189A-22

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1 A bill to be entitled
2 An act for the relief of Harry Augustin Shumow by the
3 Public Health Trust of Miami-Dade County, d/b/a
4 Jackson Memorial Hospital; providing for an
5 appropriation to compensate him for injuries sustained
6 as a result of the negligence of an employee of the
7 Public Health Trust of Miami-Dade County; providing a
8 limitation on the payment of compensation and attorney
9 fees; providing an effective date.

10
11 WHEREAS, on August 22, 2017, 6-year-old Harry Augustin
12 Shumow, suffering from dehydration, fever, and lethargy, was
13 diagnosed with acute liver failure, hypoglycemia, dehydration,
14 and hypotension, as well as early signs of acute kidney injury,
15 and

16 WHEREAS, Harry was admitted to Jackson Memorial Hospital
17 and from approximately August 24, 2017, to September 8, 2017,
18 showed steady and significant physical, cognitive, and
19 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
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

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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

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

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

48 WHEREAS, the Public Health Trust of Miami-Dade County has
49 agreed to settle Harry Augustin Shumow's claim for \$5.3 million,
50 \$300,000 of which will be paid by the Public Health Trust of
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,

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

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58 Section 1. The facts stated in the preamble to this act are

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59 found and declared to be true.

60 Section 2. The Public Health Trust of Miami-Dade County,
61 d/b/a Jackson Memorial Hospital, is authorized and directed to
62 appropriate from funds not otherwise encumbered and to draw a
63 warrant in the sum of \$5 million payable to the Special Needs
64 Trust created for the exclusive use and benefit of Harry
65 Augustin Shumow as compensation for injuries and damages
66 sustained.

67 Section 3. 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
71 of the factual situation described in this act which resulted in
72 injuries and damages to Harry Augustin Shumow. The total amount
73 paid for attorney fees relating to this claim may not exceed 25
74 percent of the total amount awarded under this act.

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