

PCS for HB 967

ORIGINAL

2012

1                   A bill to be entitled  
2           An act for the relief of Kristi Mellen as personal  
3           representative of the Estate of Michael Munson,  
4           deceased, by the North Broward Hospital District;  
5           providing for an appropriation to compensate the  
6           estate and the statutory survivors, Kristi Mellen,  
7           surviving spouse, and Michael Conner Munson and  
8           Corinne Keller Munson, surviving minor son and  
9           surviving minor daughter, for the wrongful death of  
10          Michael Munson as a result of the negligence of the  
11          North Broward Hospital District; providing a  
12          limitation on the payment of fees and costs; providing  
13          an effective date.

14  
15          WHEREAS, on September 21, 2008, while spending the morning  
16          with his family, Michael Munson, a 49-year-old accountant and  
17          attorney, began to experience signs and symptoms of a heart  
18          attack including burning in his chest, indigestion, and  
19          radiating pain into his arms, along with severe shortness of  
20          breath, and

21          WHEREAS, Kristi Mellen, his wife, drove her husband  
22          immediately to Coral Springs Medical Center, which is a hospital  
23          owned and operated by the North Broward Hospital District, and  
24          dropped him off at the entrance to the emergency center, and

25          WHEREAS, Mr. Munson was evaluated by Lynn Parpard, the  
26          triage nurse, who was informed of the burning in his chest,  
27          indigestion, and radiating pain into his arms, along with severe  
28          shortness of breath, and

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29 WHEREAS, Ms. Parpard took an initial set of vital signs and  
30 misdiagnosed Mr. Munson as suffering from an anxiety attack and  
31 sent him into the waiting room, and

32 WHEREAS, Ms. Parpard violated the appropriate standards of  
33 care and breached the hospital's policies and procedures  
34 including its Chest Pain Protocol, and

35 WHEREAS, Mr. Munson was then processed by an administrative  
36 assistant who, upon hearing his symptoms, asked Ms. Parpard to  
37 address the patient's complaints, given the Chest Pain Protocol  
38 that existed, and

39 WHEREAS, Ms. Parpard once again dismissed Mr. Munson's  
40 complaints and asked him to return to the waiting room for a  
41 second time, and

42 WHEREAS, shortly thereafter, Mr. Munson suffered a massive  
43 heart attack as he collapsed in the waiting room and was taken  
44 back into the treatment area, and

45 WHEREAS, all of the facts and circumstances described in  
46 this preamble were recorded by one of the hospital's security  
47 cameras, and

48 WHEREAS, medical personnel were unable to resuscitate Mr.  
49 Munson, and he died on September 21, 2008, at 12:10 p.m.,  
50 leaving behind Kristi, his wife of 20 years, and their two minor  
51 children, who, at the time, were ages 14 and 17, and

52 WHEREAS, the hospital's investigation into this  
53 circumstance determined that Ms. Parpard's triage of the patient  
54 was inadequate and inappropriate, and, as a result, Ms. Parpard  
55 was terminated from her employment with Coral Springs Medical  
56 Center, and

57 WHEREAS, a tort claim was filed on behalf of Kristi Mellen,  
 58 as personal representative of the Estate of Michael Munson, Case  
 59 No. 09-036106 (02) in the Circuit Court of the Seventeenth  
 60 Judicial Circuit of Florida, and

61 WHEREAS, Kristi Mellen, as personal representative of the  
 62 Estate of Michael Munson, and the North Broward Hospital  
 63 District did agree to amicably settle this matter, and

64 WHEREAS, a specific condition of the settlement was that  
 65 the North Broward Hospital District would permit the entry of a  
 66 consent judgment in the amount of \$3 million, and

67 WHEREAS, the North Broward Hospital District has paid the  
 68 statutory limit of \$200,000 to the Estate of Michael Munson,  
 69 pursuant to s. 768.28, Florida Statutes, and

70 WHEREAS, the North Broward Hospital District has agreed to  
 71 fully cooperate and promote the passage of this claim bill in  
 72 the amount of \$2.8 million, NOW, THEREFORE,

73

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

75

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

78 Section 2. The North Broward Hospital District is  
 79 authorized and directed to appropriate from funds of the  
 80 district not otherwise appropriated, including insurance, and to  
 81 draw a warrant payable to Kristi Mellen, as personal  
 82 representative of the Estate of Michael Munson, in the sum of  
 83 \$2.8 million as compensation for the death of Michael Munson.

84 Section 3. The amount paid by the North Broward Hospital

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85 District pursuant to s. 768.28, Florida Statutes, and the amount  
86 awarded under this act are intended to provide the sole  
87 compensation for all present and future claims arising out of  
88 the factual situation described in this act which resulted in  
89 the death of Michael Munson. The total amount paid for  
90 attorney's fees, lobbying fees, costs, and other similar  
91 expenses relating to this claim may not exceed 15 percent of the  
92 first \$1,000,000 awarded under this act, 10 percent of the  
93 second \$1,000,000 awarded under this act, and 5 percent of the  
94 remainder awarded under this act, for a total of \$290,000.

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