

STORAGE NAME: h0037.cla
DATE: October 27, 2001

Florida House of Representatives
Committee on Claims
Summary Claim Bill Report

Bill #: HB 37
Sponsor: Rep. Harper
Companion Bill: SB 44 by Sen. Pruitt
Special Master: Stephanie Birtman for Michael Carlson

A. Basic Information:

1. **Claimants:** James Torrence
2. **Respondent:** Palm Beach County Health Care District, d/b/a Glades General Hospital
3. **Amount Requested:** \$400,000
4. **Type of Claim:** Equitable/Settlement
5. **Respondent's Position:** Agreed not to oppose claim bill.
6. **Collateral Sources:** None.
7. **Prior Legislative History:** HB 819 was filed in 2001, and died in the Claims Committee. The identical Senate companion bill, SB 74 by Sen. Holzendorf, passed all committees of reference and died on the Senate calendar.

B. Procedural Summary: This is an excess judgment claim based on a settlement entered into between the parties, in which the Palm Beach County Health Care District, d/b/a Glades General Hospital (the "District") has agreed to compensate James Torrence in the amount of \$500,000 for the injuries he sustained arising out of a the medical malpractice of an employee of the District. Pursuant to the settlement agreement, the District has agreed not to oppose Mr. Torrence's claim of \$400,000 through the legislative claims bill process. This amount, if approved by the Legislature, will be paid from the District's operating fund. The District has paid the claimant \$100,000 out of its operating funds. The District has agreed not to oppose the claim's bill.

C. Facts of Case: On or about June 23, 1998, James Torrence was injured while employed as a deputy sheriff with the Palm Beach County Sheriff's Office. Mr. Torrence sought medical treatment at Glades Hospital, which was owned and operated by the District. Dr. Jose Thomas-Richards, an employee of the District, informed Mr. Torrence that he had torn the meniscus as well as the anterior cruciate ligament in his left knee. Dr. Thomas-Richards asked for and received Mr. Torrence's permission to perform a mini-arthrotomy on the knee. However, Dr. Thomas-Richards did not perform the mini-arthrotomy. Instead, he performed a discredited 20 year-old procedure, leaving severe scarring on and around Mr. Torrence's knee. Moreover, Dr. Thomas-Richards performed the procedure negligently, by performing an open arthrotomy to repair a torn meniscus rather than performing the surgery arthroscopically; by failing to perform the surgery that Mr.

Torrence consented to; by failing to treat the torn meniscus properly; by improperly performing repair of the anterior cruciate ligament including the use of an oscillating saw to divide the patella tendon; by making an unnecessarily large incision for the procedure performed; by improperly immobilizing the knee following surgery; and by failing to appropriately order timely post-operative physical therapy. As a result of Dr. Thomas-Richards' negligence, Mr. Torrence required additional surgeries and will require a total knee replacement. In addition, Mr. Torrence suffers pain on a daily basis and faces limitations on his work as a law enforcement officer.

SM: _____ SD: _____ Date: _____
Stephanie O. Birtman Stephanie O. Birtman