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FLORIDA DEPARTMENT OF INSURANCE
FLORIDA MEDICAL PROFESSIONAL LIABILITY
CLOSED CLAIM REPORTING FORM

DEPT. FILE NO.

BUREAU OF RATES P/C
FLORIDA DEPARTMENT OF INSURANCE

INSURER'S CLAIM NUMBER: B89-11937-87

1. PRIMARY INSURER NAME: Florida Physicians Insurance Company INSURER CODE: 09583
(See Table A)

2. EXCESS INSURER NAME: None INSURER CODE: N/A
(See Table A)

3a. HEALTH CARE PROVIDER: Bonnette, Harris Larue
(Last Name, First and Middle Name or Hospital Name from Table D)

3b. IF HEALTH CARE PROVIDER (above) IS A PHYSICIAN, DENTIST OR
PODIATRIST ENTER DEPARTMENT OF PROFESSIONAL REGULATION LICENSE NUMBER: 0029202

3c. INSURED'S NAME: Same

STREET ADDRESS: 3661 Central Avenue

CITY: Ft. Myers STATE: FL ZIP: 33901 COUNTY CODE: 18
(See Table B)

	<u>POLICY NUMBER</u>	<u>PER CLAIM POLICY LIMITS</u>	<u>AGGREGATE POLICY LIMITS</u>
PRIMARY INSURER:	<u>8806-29202</u>	<u>\$ 500,000 .00</u>	<u>\$1,500,000 .00</u>
EXCESS INSURER:	<u>NONE</u>	<u>\$ N/A .00</u>	<u>\$ N/A .00</u>

5. IS THE INSURED PHYSICIAN A FOREIGN MEDICAL GRADUATE? (01) Yes (02) No (If yes, enter the country in which primary medical education was received: N/A)

6. PROFESSION OR BUSINESS: (Check one)
 (01) Physicians & Surgeons (03) Podiatrists (05) Abortion Clinics
 (02) Hospitals (04) Dentist (06) Ambulatory Surgical Centers

7. SPECIALTY CODE: 80261 (Applies to physicians, surgeons, and dentists.)
(See Table C) Use ISO Common Statistical Base Classification Codes.)

8. BOARD CERTIFICATION: (Check one)
 (01) In specialty coded in Item 7, above.
 (02) In a different specialty.
 (03) In the specialty in Item 7 and another. Enter the additional specialty code here: _____
 (04) Insured is not board certified. (See Table C)

9. PLACE WHERE INJURY OCCURRED: (Check one)
 (01) Hospital Inpatient Facility (04) Nursing Home (07) Other Outpatient Facility
 (02) Emergency Room (05) Physician's Office (08) Other Location
 (03) Hospital Outpatient Facility (06) Patient's Home (09) Other Hospital/Institution

10. IF PLACE OF INJURY (above) IS CHECKED AS ((08) OTHER), THEN PROVIDE A DESCRIPTION OF THE PLACE WHERE THE INJURY OCCURRED: N/A

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11. NAME OF INSTITUTION: Lee Memorial Hospital INSTITUTION CODE: 100012
(See Table D)
12. LOCATION OF INSTITUTIONAL INJURY: (Check one)
 (01) Patient's Room (05) Physical Therapy Dept. (09) Radiology
 (02) Operating Suite (06) Nursery (10) Emergency Room
 (03) Recovery Room (07) Critical Care Unit (11) Other _____
 (04) Labor & Delivery Room (08) Special Procedure Room _____
13. DATE OF OCCURRENCE: 2/21/87
DATE REPORTED TO INSURER: 4/6/89
14. INJURED PERSON'S AGE: 13 Years (If less than one year, enter 00; if unknown, enter UNK.)
INJURED PERSON'S SEX: M F (Circle one)
- 14.1 INJURED PERSON'S NAME: _____
STREET ADDRESS: 4 _____
CITY: N _____
15. FINAL DIAGNOSIS FOR WHICH TREATMENT WAS SOUGHT OR RENDERED: Fracture of left femur. (LEAVE BLANK)
15.
16. DESCRIBE MISDIAGNOSIS MADE, IF ANY, OF THE PATIENT'S ACTUAL CONDITION: To this date, actual diagnosis is unclear, but it is likely that fat embolism syndrome caused the claimant's neurological problems. Diagnoses considered included metabolic encephalopathy, concussion, and rhabdomyolysis. 16.
17. DESCRIBE ACTION WHICH CAUSED CLAIM TO BE MADE: While hospitalized for broken leg, claimant suffered neurologic deterioration and ultimately sustained permanent neurologic deficits. It is alleged that the claimant suffered a hypoxic episode. 17.
18. DESCRIBE THE OPERATION, DIAGNOSTIC OR TREATMENT PROCEDURE CAUSING THE INJURY. USE NOMENCLATURE AND/OR DESCRIPTIONS OF THE PROCEDURES USED. INCLUDE METHOD OF ANESTHESIA, OR NAME OF DRUG USED FOR TREATMENT, WITH DETAIL OF ADMINISTRATION: Treatment of fractured femur and treatment of altered neurological status. 18.
19. DESCRIBE THE PRINCIPAL INJURY GIVING RISE TO THE CLAIM. USE NOMENCLATURE AND/OR DESCRIPTIONS OF THE INJURY. INCLUDE TYPE OF ADVERSE EFFECT FROM DRUGS WHERE APPLICABLE: Quadriplegia. 19.

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20. SEVERITY OF INJURY: (check only one -- rate most serious injury if several are involved.)

- (01) Emotional only - Fright, no physical damage.
- (02) Insignificant - Lacerations, contusions, minor scars, rash. No delay.
- Temp- (03) Minor - - - - Infections, misset fracture, fall in hospital. Recovery delayed.
- orary (04) Major - - - - Burns, surgical material left, drug side effect, brain damage. Recovery delay
- (05) Minor - - - - Loss of fingers, loss or damage to organs. Includes nondisabling injuries.
- Perma- (06) Significant - - Deafness, loss of limb, loss of eye, loss of one kidney or lung.
- nent (07) Major - - - - Paraplegia, blindness, loss of two limbs, brain damage.
- (08) Grave - - - - Quadraplegia, severe brain damage, lifelong care or fatal prognosis.
- (09) Death

21. DATE OF SUIT, IF ANY: 7/6/89

21.1 CIRCUIT COURT CASE NUMBER: 89-3294CA-WCM/TSR

21.2 COUNTY CODE OF COUNTY SUIT FILED IN: 18 (SEE TABLE B)

22. LIST OTHER DEFENDANTS INVOLVED IN THIS CLAIM, THE INSURER'S NUMBER AND THE COMPANION CLAIM FILE ID NUMBER:

	DEFENDANT'S NAME (Last Name, First Name)	INSURER CODE NO.	INSURER FILE ID.
1)	<u>Kowalsky, Thomas (Not a party to the suit)</u>	<u>09583</u>	<u>A89-11937-87</u>
2)	<u>Cullen, Patrick</u>	<u>UNK</u>	<u>UNK</u>
3)	<u>Lee Memorial Hospital</u>	<u>UNK</u>	<u>UNK</u>
4)	<u>Aardema, Austin</u>	<u>UNK</u>	<u>UNK</u>
5)			

23. WAS PLAINTIFF REPRESENTED BY AN ATTORNEY? (Check one)

- (01) Yes
- (02) No

24. DATE OF FINAL CLAIM DISPOSITION: 3/16/92

25. FINAL METHOD OF CLAIM DISPOSITION:

- (01) Settled by parties. *(Three of four parties settled, case continued against Dr. Cullen)*
- (02) Disposed of by a court.
- (03) Disposed of by arbitration.

26. STAGE OF THE LEGAL SYSTEM AT WHICH SETTLEMENT WAS REACHED OR AWARD MADE: (Check one)

- (01) Within the presuit period as set forth in Section 768.57, Florida Statute (usually within 90 days).
- (02) After arbitration is initiated or prior to suit being filed.
- (03) Within 90 days of suit being filed.
- (04) More than 90 days after suit filed, ~~and prior to or during the course of mandatory settlement conference~~
- (05) During trial but before court verdict.
- (06) After court verdict and prior to filing of notice of appeal.
- (07) After notice of appeal is filed or post-judgement relief or action is required for recovery.
- (08) During appeal.
- (09) After appeal.
- (10) Claim or suit abandoned.

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27. COURT: (Check one)
- | | |
|---|--|
| <input type="checkbox"/> (01) No court proceedings. | <input type="checkbox"/> (07) Judgment for the defendant. |
| <input type="checkbox"/> (02) Directed verdict for plaintiff. | <input type="checkbox"/> (08) Judgment for the plaintiff after appeal. |
| <input type="checkbox"/> (03) Directed verdict for defendant. | <input type="checkbox"/> (09) Judgment for the defendant after appeal. |
| <input type="checkbox"/> (04) Judgment notwithstanding the verdict for plaintiff. | <input checked="" type="checkbox"/> (10) Other <i>(Dismissed as to this defendant)</i> |
| <input type="checkbox"/> (05) Judgment notwithstanding the verdict for defendant. | <input type="checkbox"/> (11) Summary judgment for the plaintiff. |
| <input type="checkbox"/> (06) Judgment for the plaintiff. | <input type="checkbox"/> (12) Summary judgment for the defendant. |

28. ARBITRATION: (Check one)
- | | |
|--|--|
| <input checked="" type="checkbox"/> (01) Claim not subject to arbitration. | <input type="checkbox"/> (03) Award for plaintiff. |
| <input type="checkbox"/> (02) Claim subject to arbitration, but settlement reached in lieu of award. | <input type="checkbox"/> (04) Award for defendant. |

29. Was there an itemized verdict? (Check one) *(Not as to this defendant.)*
 (01) Yes (02) No (If yes, please attach copy of settlement or verdict.)

30. INDEMNITY PAID BY YOU ON BEHALF OF THIS DEFENDANT: ----- \$ 307,500.00

30.1 AMOUNT OF DEDUCTIBLE PAID BY THIS DEFENDANT: ----- \$ 5,000.00

31. INDEMNITY PAID BY EXCESS CARRIER ON BEHALF OF THIS DEFENDANT: ----- \$ 0.00

32. LOSS ADJUSTMENT EXPENSE PAID TO DEFENSE COUNSEL: ----- \$ 59,693.00

33. ALL OTHER LOSS ADJUSTMENT EXPENSE PAID: ----- \$ 41,839.00

34. NUMBER OF DAYS OF INJURED PERSON'S WAGE LOSS PAID TO DATE: ----- 0 days

35. ESTIMATED NUMBER OF FUTURE DAYS OF INJURED PERSON'S WAGE LOSS: ----- UNK days

36. INJURED PERSON'S GROSS WEEKLY INCOME: ----- \$ 0.00

37. INJURED PERSON'S *Since documentation was not furnished by plaintiff, estimates are:*

TOTAL ECONOMIC LOSS:	<u>MEDICAL</u>	<u>WAGE LOSS</u>	<u>OTHER EXPENSES</u>
A) INCURRED TO DATE ----- \$	<u>80,000</u> .00	\$ <u>NA</u> .00	\$ <u>20,000</u> .00
B) ESTIMATED FUTURE ----- \$	<u>80,000</u> .00	\$ <u>UNK</u> .00	\$ <u>20,000</u> .00

38. AMOUNT PAID FOR INJURED PERSON'S NON-ECONOMIC LOSS: ----- \$ 100,000.00

39. IF A STRUCTURED SETTLEMENT OR PERIODIC PAYMENTS USED IN THIS CLAIM: *N/A*
- | | |
|---|----------------|
| A) PRESENT VALUE OF PERIODIC PAYMENTS ----- \$ | <u>N/A</u> .00 |
| B) COST TO THE INSURER OF THE PAYMENTS ----- \$ | <u>NA</u> .00 |
| C) TOTAL EXPECTED PAYMENT TO PLAINTIFF ----- \$ | <u>NA</u> .00 |

D) DID YOU PURCHASE AN ANNUITY? (01) Yes (02) No

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40. BRIEFLY DESCRIBE THE STRUCTURED SETTLEMENT INCLUDING HOW IT IS FINANCED: NA

41. TYPE OF NON-ECONOMIC DAMAGE LIMIT: (Check one)

- (01) No limit (neither party requests or agrees to voluntary binding arbitration).
- (02) No limit (defendant refuses claimant's offer of voluntary binding arbitration).
- (03) \$250,000 limit (both parties accept arbitration). (See Item 42 for exception.)
- (04) \$350,000 limit (plaintiff rejects arbitration).
- (05) Does not apply because occurrence happened before the 02-08-88 law.

42. IF (03) IS CHECKED IN ITEM 41 AND THE LIMIT ON NON-ECONOMIC DAMAGES IS DIFFERENT THAN \$250,000, THEN INDICATE THE MODIFIED LIMIT: ----- \$ NA .00

43. COLLATERAL SOURCE INFORMATION: *Claimant claimed no health insurance*
ENTER TO THE NEAREST PERCENT (use no decimals) THE PERCENT RECOVERY FOR ECONOMIC LOSS FROM:

- A. 0 % Health
- B. 0 % Disability
- C. 0 % Workers' Compensation
- D. 0 % Automobile
- E. 0 % Medicare, Medicaid & Social Security
- F. 0 % Other sources, specify: _____

44. SAFETY MANAGEMENT STEPS TAKEN BY INSURED TO MAKE SIMILAR OCCURRENCES LESS LIKELY: *Since negligence is disputed, it is questionable whether any actions would have prevented the claimant's injuries. However, communication of suspected diagnoses to other treating physicians and symptomatic treatment of patient's problems regardless of diagnosis should be considered.*

JAMES W. SCHELFHAUDT

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