

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

HOLLY SLEZ AND ERIC SLEZ, on)
behalf of and as parents and)
natural guardians of HAYLEY)
SLEZ, a deceased minor,)
)
Petitioners,)
)
vs.) Case No. 06-0458N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent,)
)
and)
)
NEW PORT RICHEY HOSPITAL, INC.,)
d/b/a COMMUNITY HOSPITAL OF NEW)
PORT RICHEY,)
)
Intervenor.)
_____)

FINAL ORDER APPROVING STIPULATION AND JOINT PETITION FOR
COMPENSATION OF CLAIM ARISING OUT OF FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY PURSUANT TO CHAPTER 766, FLORIDA STATUTES

This cause came on to be heard pursuant to Sections 766.304 and 766.305(7), Florida Statutes, upon the stipulation and joint petition of the parties, filed July 18, 2006, for the entry of an order approving the resolution of a formal claim for compensation benefits heretofore filed in this cause in accordance with the provisions of Chapter 766, Florida Statutes,

and a resolution of the exclusive remedy otherwise available as outlined in Chapter 766, Florida Statutes.

By the terms of their stipulation, the parties have agreed that Petitioners, Holly Slez and Eric Slez, are the parents and legal guardians of Hayley Slez (Hayley), a deceased minor; that Hayley was born a live infant on September 3, 2004, at Community Hospital, a hospital located in New Port Richey, Florida; and that Hayley was the product of a multiple gestation, with a birth weight that exceeded 2,000 grams. The parties have further agreed that the physician delivering obstetrical services at Hayley's birth was Maria Olga Villa, M.D., who, at all times material hereto, was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by Section 766.302(7), Florida Statutes. Finally, by their stipulation, the parties have agreed that Hayley suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2), Florida Statutes.

After due consideration of the interests of all parties, and being otherwise fully advised in the premises, it is

ORDERED that:

1. The stipulation and joint petition of the parties, filed July 18, 2006, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Holly Slez and Eric Slez, as the parents of Hayley Slez, a deceased minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b)1., Florida Statutes, and a death benefit of Ten thousand dollars (\$10,000.00), pursuant to Section 766.31(1)(b)2., Florida Statutes, to be paid in lump sum.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00), a death benefit of Ten thousand dollars (\$10,000.00), and past expenses, the claims of Petitioners (claimants) shall be deemed fully satisfied and extinguished.

4. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any dispute as to the interpretation of any provision of the parties' stipulation and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of such stipulation and this order.

DONE AND ORDERED this 19th day of July, 2006, in
Tallahassee, Leon County, Florida.



WILLIAM J. KENDRICK
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 19th day of July, 2006.

COPIES FURNISHED:

(Via certified mail)

Kenney Shipley, Executive Director
Florida Birth Related Neurological
Injury Compensation Association
2360 Christopher Place, Suite 1
Tallahassee, Florida 32308
(Certified Mail No. 7002 0860 0000 9192 9588)

Richard K. Bowers, Jr., Esquire
Fowler White Boggs Banker
501 East Kennedy Boulevard, Suite 1700
Tampa, Florida 33602
(Certified Mail No. 7002 0860 0000 9192 9595)

Eric Slez
Holly Slez
3347 Meyhew Turnpike
Plymouth, New Hampshire 03264
(Certified Mail No. 7003 1010 0001 2044 4609)

Maria Olga Villa, M.D.
5422 U.S. Highway 19
New Port Richey, Florida 34652
(Certified Mail No. 7005 1820 0002 9840 7045)

Community Hospital-New Port Richey
5637 Marine Parkway
New Port Richey, Florida 34656
(Certified Mail No. 7002 0860 0000 9192 9519)

Charlene Willoughby, Director
Consumer Services Unit - Enforcement
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275
(Certified Mail No. 7002 0860 0000 9192 9601)

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this final order is entitled to judicial review pursuant to Sections 120.68 and 766.311, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original of a notice of appeal with the Agency Clerk of the Division of Administrative Hearings and a copy, accompanied by filing fees prescribed by law, with the appropriate District Court of Appeal. See Section 766.311, Florida Statutes, and Florida Birth-Related Neurological Injury Compensation Association v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992). The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.