

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

EMANIE SILVER-NELSON, on behalf
of and as parent and natural
guardian of EDRINA B. NELSON, a
minor,

Petitioner,

vs.

Case No. 15-6714N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent.

_____ /

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition for Compensation of Claim Arising Out of Florida Birth-Related Neurological Injury Pursuant to Chapter 766, Florida Statutes (Stipulation and Joint Petition), filed with the Division of Administrative Hearings on March 1, 2016, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with the provisions of chapter 766 and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their stipulation, Petitioner, Emanie Silver-Nelson, as parent and natural guardian of Edrina B.

Nelson, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Emanie Silver-Nelson is the parent and legal guardian of Edrina B. Nelson (Edrina), a minor; that Edrina was born a live infant on or about November 29, 2013, at Memorial Regional Hospital, a "hospital" as defined by section 766.302(6) located in Hollywood, Florida; and that Edrina's birth weight exceeded 2,500 grams. The Parties have further agreed that Stephen B. Channey, M.D., provided obstetrical services at Edrina's delivery and was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The Parties have agreed that Edrina suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Edrina's injury.

It is ORDERED:

1. The Stipulation and Joint Petition filed on March 1, 2016, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Emanie Silver-Nelson, as the parent and legal guardian of Edrina B. Nelson, a minor, is awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as periodic payments to the parent; payment of benefits up to and including the effective date of the

Stipulation and Joint Petition pursuant to section 766.31(1)(a), subject to the provisions of paragraph 19 of the Stipulation and Joint Petition; and payments of future expenses, as incurred.

3. NICA will reimburse Jeffrey R. Davis, Esquire, attorney for Petitioner, an agreed-upon attorney's fee of \$3,740.00 and expenses of \$859.71, totaling \$4,599.71 in full for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, past benefit/expenses, and \$4,599.71 for attorney's fees and costs, the claims of Petitioner shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under section 766.31(2) to pay future expenses, as incurred.

5. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any disputes, should they arise, regarding the Parties' compliance with the terms of this Order.

DONE AND ORDERED this 2nd day of March, 2016, in Tallahassee, Leon County, Florida.



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

Filed with the Clerk of the
Division of Administrative Hearings
this 2nd day of March, 2016.

COPIES FURNISHED:
(via certified mail)

Kenney Shipley, Executive Director
Florida Birth Related Neurological
Injury Compensation Association
2360 Christopher Place, Suite 1
Tallahassee, Florida 32308
(eServed)
(Certified Mail No. 7012 3050 0000 1249 8642)

Jeffrey Davis, Esquire
Jeffrey R. Davis, P.A.
10800 Biscayne Boulevard, Suite 700
Miami, Florida 33161
(eServed)
(Certified Mail No. 7012 1200 0002 3336 2774)

Amie Rice, Investigation Manager
Consumer Services Unit
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275
(Certified Mail No. 7014 1200 0002 3336 2781)

Elizabeth Dudek, Secretary
Health Quality Assurance
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 1
Tallahassee, Florida 32308
(eServed)
(Certified Mail No. 7014 1200 0002 3336 2798)

Memorial Regional Hospital
Attention: Risk Management
3501 Johnson Street
Hollywood, Florida 33021
(Certified Mail No. 7014 1200 0002 3336 2804)

Stephen Channey, M.D.
3501 Johnson Street
Hollywood, Florida 33021
(Certified Mail No. 7014 1200 0002 3336 2811)

NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).