

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MATTHEW WILLIAMS AND JOY WILLIAMS,
AS PARENTS AND NATURAL GUARDIANS OF
JESSE WILLIAMS (DECEASED), A MINOR,

Petitioners,

vs.

Case No. 19-6158N

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

TALLAHASSEE MEMORIAL HEALTHCARE,
INC.,

Intervenor.

FINAL ORDER

On March 27, 2020, the parties filed a 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). Petitioner and the Florida Birth-Related Neurological Injury Compensation Association (NICA) seek the entry of an order approving the resolution of the claim for benefits filed in accordance with the provisions of chapter 766, Florida Statutes. On March 31, 2020, Tallahassee Memorial Healthcare, Inc. (TMH), filed a Notice of No Objection, indicating that it had no objection to the entry of a final order granting the Stipulation and Joint Petition.

FINDINGS OF FACT

Based on the stipulation of the parties, the following facts are found:

1. Matthew Williams and Joy Williams (Petitioners) are the parents and natural guardians of Jesse Williams (Jesse), and are the “claimants” as defined by section 766.302(3).
2. Jesse incurred a “birth-related neurological injury” as that term is defined in section 766.302(2), on or about December 26, 2018, which was the sole and proximate cause of Jesse’s injury.
3. At birth, Jesse weighed 3,640 grams.
4. Adrienne George, M.D., rendered obstetrical services in Jesse’s delivery, and, at all times material to this proceeding, was a “participating physician” as defined in section 766.302(7).
5. TMH is a hospital located in Tallahassee, Florida, and is the hospital where Jesse was born. TMH is the “hospital” as that term is defined in section 766.302(6).
6. Jesse died on March 28, 2019.
7. Petitioners filed a petition pursuant to section 766.305, seeking compensation from NICA, and that petition is incorporated by reference in its entirety, including all attachments. Any reference made within this document to NICA encompasses, where appropriate, the Florida Birth-Related Neurological Injury Compensation Plan (Plan).

CONCLUSIONS OF LAW

8. The Division of Administrative Hearings has jurisdiction over the subject matter and the parties to this proceeding pursuant to section 766.301.
9. Section 766.305(7) requires the presiding administrative law judge to approve the settlement of any claim where NICA determines that the injury is compensable.

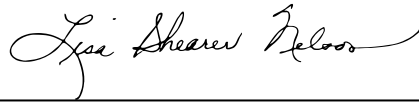
CONCLUSION

Based upon the Findings of Fact and Conclusions of Law, it is

ORDERED:

1. The Stipulation and Joint Petition filed March 27, 2020, is approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.
2. Petitioners, Matthew and Joy Williams, as the parents and natural and legal guardians of Jesse Williams, are awarded one hundred thousand dollars (\$100,000), to be paid as a lump sum, as authorized by section 766.31(b).
3. Petitioners are also awarded past benefits and the Ten Thousand Dollars (\$10,000) death benefit authorized by section 766.31. Payment of past benefits under section 766.31(1)(a) shall be subject to the provisions of paragraph 20 of the Stipulation and Joint Petition.
4. NICA will reimburse Teresa Arnold-Simmons, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of Ten Thousand Dollars (\$10,000), and expenses of Four Thousand Two Hundred Eighty-Nine Dollars and Eighty-Nine Cents (\$4,289.89), totaling Fourteen Thousand, Two Hundred Eighty-Nine Dollars and Eighty-Nine Cents (\$14,289.89) in full for services rendered with respect to this proceeding.
5. Upon payment of the award of \$100,000; the death benefit of \$10,000; past benefits/expenses; and payment of the attorney's fee awarded to Petitioners' counsel, Petitioners' claims shall be deemed fully satisfied and extinguished.
6. 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 8th day of April, 2020, in Tallahassee, Leon
County, Florida.



LISA SHEARER NELSON
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 8th day of April, 2020.

COPIES FURNISHED:
(via certified mail)

Kenney Shipley, Executive Director
Florida Birth-Related Neurological
Injury Compensation Association
Suite 1
2360 Christopher Place
Tallahassee, Florida 32308
(eServed)
(Certified Mail No. 7019 1640 0000 2208 6583)

Teresa Arnold-Simmons, Esquire
Morgan & Morgan
Suite 1100
76 South Laura Street
Jacksonville, Florida 32202
(eServed)
(Certified Mail No. 7019 1640 0000 2208 6590)

Chase Edward Boswell, Esquire
Pennington, P.A.
Suite 200
215 South Monroe Street
Tallahassee, Florida 32301
(eServed)
(Certified Mail No. 7019 1640 0000 2208 6606)

Amie Rice, Investigation Manager
Consumer Services Unit
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275
(Certified Mail No. 7019 1640 0000 2208 6613)

Mary C. Mayhew, Secretary
Health Quality Assurance
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 1
Tallahassee, Florida 32308
(eServed)
(Certified Mail No. 7019 1640 0000 2208 6620)

Adrienne George, M.D.
1641 Mahan Center Boulevard
Tallahassee, Florida 32308
(Certified Mail No. 7019 1640 0000 2208 6637)

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).