

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

MARGARET HUSFELT AND CHRISTOPHER  
HUSFELT, INDIVIDUALLY AND AS NEXT  
FRIENDS OF CHRISTOPHER HUSFELT-  
MILLER, A MINOR,

Petitioners,

vs.

Case No. 19-6160N

FLORIDA BIRTH-RELATED NEUROLOGICAL  
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

MORTON PLANT HOSPITAL ASSOCIATION,  
INC. D/B/A MORTON PLANT HOSPITAL,

Intervenor.

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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 (the "Stipulation"), filed with the Division of Administrative Hearings on April 16, 2020, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with the provisions of chapter 766, as well as resolving the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of the Stipulation, Petitioners, Margaret Husfelt and Christopher Husfelt, individually and as Next Friends of Christopher

Husfelt-Miller, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (“NICA”), have agreed that Margaret and Christopher Husfelt are the maternal grandmother and step-grandfather, respectively, of Christopher Husfelt-Miller (“Christopher”). Petitioners and NICA represent that Margaret and Christopher Husfelt have legally obtained temporary custody of Christopher. Petitioners and NICA also represent that Rachel Miller, Christopher’s natural mother, has consented to the custody arrangement, and Margaret and Christopher Husfelt anticipate adopting Christopher or becoming his permanent legal guardians. Petitioners and NICA further stipulate that Christopher was born a live infant on or about March 3, 2019, at Intervenor Morton Plant Hospital Association, Inc. (“Morton Plant Hospital”), a “hospital” as defined by section 766.302(6), located in Clearwater, Florida; and that Christopher’s birth weight exceeded 2,500 grams. In addition, Petitioners and NICA agree that Richard Jamison, M.D., provided obstetrical services at Christopher’s delivery and was a “participating physician” in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). Finally, Petitioners and NICA agree that Christopher suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2), which was the sole and proximate cause of Christopher’s current medical condition.

It is ORDERED:

1. The Stipulation filed on April 16, 2020, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation.
2. Petitioners, Margaret Husfelt and Christopher Husfelt, are awarded One Hundred Thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as follows:
  - a. Ninety Thousand dollars (\$90,000.00) shall be paid as a lump sum to Petitioner, Margaret Husfelt; and

b. Ten Thousand dollars (\$10,000.00) shall be paid as a lump sum to Rachel Miller, Christopher's natural mother.

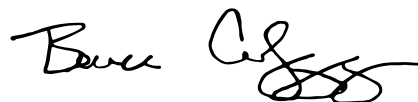
3 Petitioners are awarded payment of benefits up to and including the effective date of the Stipulation pursuant to section 766.31(1)(a), subject to the provisions of Paragraph 20 of the Stipulation.<sup>1</sup>

4. NICA will reimburse the McMillen Law Firm, legal counsel for Petitioners, agreed-upon attorney's fees of Twelve Thousand Five Hundred Dollars (\$12,500.00), as well as expenses of \$544.41, totaling \$13,044.41, in full, for services rendered in the filing of this claim.

5. Upon NICA's payment of the award of \$100,000.00, as well as \$13,044.41 for attorney's fees and costs, Petitioners' claims shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under section 766.31(2) to pay future expenses, as incurred.

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 30th day of April, 2020, in Tallahassee, Leon County, Florida.



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J. BRUCE CULPEPPER  
Administrative Law Judge  
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<sup>1</sup> The undersigned notes that the applicable paragraph in the Stipulation upon which this provision of the Final Order is drawn refers to "Paragraph 19" of the Stipulation. This reference appears to be a scrivener's error, and the appropriate reference in the Stipulation should be to Paragraph 20.

Filed with the Clerk of the  
Division of Administrative Hearings  
this 30th day of April, 2020.

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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).