

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

EDWARD REYES AND CHELSEA REYES AS
PARENTS AND NATURAL GUARDIANS OF
EDWARD REYES, A MINOR,

Petitioners,

Case No. 20-2017N

vs.

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

ADVENTIST HEALTH SYSTEM/SUNBELT,
INC., D/B/A ADVENTHEALTH WINTER PARK,
AND PAMELA SNOOK, M.D.,

Intervenors.

FINAL ORDER

On June 6, 2020, Petitioners Edward Reyes and Chelsea Reyes, as Parents and Natural Guardians of Edward Reyes, a minor, Respondent Florida Birth-Related Neurological Injury Compensation Association, and Intervenor Adventist Health System/Sunbelt, Inc., d/b/a AdventHealth Winter Park, 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”). The Parties jointly seek the entry of an order approving the resolution of the claim for benefits, consistent with the provisions of chapter 766, Florida Statutes.¹

¹ All references to the Florida Statutes are to the 2019 version. The relevant provisions of chapter 766 have not been amended in any way material to this proceeding since 2019.

FINDINGS OF FACT

Based upon the Stipulation and Joint Petition, the undersigned makes the following Findings of Fact:

1. Edward Reyes and Chelsea Reyes (“Petitioners”) are the parents and legal guardians of Edward Reyes (“Edward”) and are the “claimants,” as defined in section 766.302(3), Florida Statutes.

2. Edward suffered a “birth-related neurological injury” (“Injury”), as defined in section 766.302(2), on or about July 3, 2019. The Injury solely and proximately caused Edward’s current medical condition.

3. At birth, Edward weighed 3,897 grams.

4. Pamela Snook, M.D., rendered obstetrical services in the delivery of Edward and, at all material times, was a “participating physician,” as defined in section 766.302(7).

5. Adventist Health System/Sunbelt, Inc., d/b/a AdventHealth Winter Park, located in Orlando, Florida, is the “hospital,” as defined in section 766.302(6), where Edward was born.

6. On April 20, 2020, Petitioners filed a petition seeking compensation from the Florida Birth-Related Neurological Injury Compensation Association (“NICA”), pursuant to section 766.305, Florida Statutes. The Petition is incorporated herein by reference in its entirety, including all attachments. Any reference to NICA made within that document encompasses, where appropriate, the Florida Birth-Related Neurological Injury Compensation Plan (“Plan”).

CONCLUSIONS OF LAW

7. The Division of Administrative Hearings (“DOAH”) has jurisdiction over the parties and exclusive jurisdiction over the subject matter of these proceedings pursuant to section 766.304, Florida Statutes.

8. Pursuant to section 766.305, the presiding administrative law judge may approve the settlement of any claim where NICA determines that the injury is compensable. This is such a case.

CONCLUSION

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

ORDERED:

1. The Stipulation and Joint Petition, filed on June 16, 2020, is approved and the parties are directed to comply with the provisions thereof.

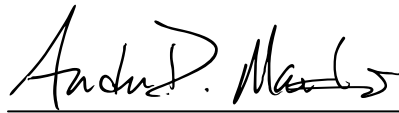
2. Petitioners, Edward Reyes and Chelsea Reyes, as the parents and natural guardians of Edward Reyes, are awarded One Hundred Thousand Dollars (\$100,000.00), to be paid to Petitioners as periodic payments, pursuant to section 766.31(1)(b), Florida Statutes. Petitioners are also awarded payment of benefits as authorized in section 766.31(1)(a), subject to the provisions of paragraph 19 of the Stipulation and Joint Petition.

3. NICA will reimburse Richard W. Bates, Esquire, counsel for Petitioners, an agreed-upon attorney's fee of Ten Thousand Dollars (\$10,000.00) and expenses of Four Thousand Three Hundred and Four Dollars and Thirty-Six Cents (\$4,304.36), totaling Fourteen Thousand Three Hundred and Four Dollars and Thirty-Six Cents (\$14,304.36) in full, for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, past benefits/expenses, and the total attorney's fees and expenses awarded to Petitioners' counsel, Petitioners' claims alleged in their Petition shall be deemed fully satisfied and extinguished, except for NICA's continuing obligation to pay future expenses as incurred, as required by section 766.31(2).

5. DOAH retains jurisdiction over this matter to resolve any disputes, should they arise, regarding the compliance with the terms of this Order.

DONE AND ORDERED this 6th day of July, 2020, in Tallahassee, Leon
County, Florida.



ANDREW D. MANKO
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 6th day of July, 2020.

COPIES FURNISHED:
(via certified mail)

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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).