

## **SUN SENTINEL, September 1, 1994**

### **LIFESTYLE**

**“CBS focuses on Broward boy’s tragedy”**  
**by Nancy McVicar**

The strange case of Justin Bates, the child who has been a patient at Broward General Medical Center for nearly 10 years, will be examined by CBS’s *Eye to Eye* with Connie Chung at 9 tonight on Ch. 6 and 12.

Producer Pat Lynch say the CBS crew spent time in South Florida interviewing people connected with Justin’s case, including state Rep. John Rayson, D-Pompano Beach, who sponsored a claims bill on behalf of Justin in the Florida Legislature.

“It was a tough story to tell in a 9 – 10-minute segment, but we think we covered all the bases,” Lynch says.

“We were interested in it from the sovereign immunity angle, and at how much the hospital has spent (\$775,000) to keep from paying the judgment.”

Justin was left brain-damaged after medical personnel put a breathing tube into his stomach instead of his lungs in January 1985, depriving his brain of oxygen. The hospital admitted fault, and a Broward jury said the child and his mother, Cynthia Mendat of Margate, were entitled to \$8.6 million in damages.

Broward General has not paid its share because it gets a portion of its income from taxes and has sovereign immunity. That means it is protected from having to pay any more than \$200,000 per malpractice incident unless the Legislature approves a claims bill on behalf of the injured patient.

Rayson has introduced claims bills two years in a row but they have not reached a floor vote. Justin remains in the hospital because his mother can’t afford the special care he would need at home.

Hospital lawyers also placed a lien against a separate settlement offered by doctors in the case, saying the money should be applied to Justin’s hospital bill, which has reached \$3.4 million.

He was 14 months old when he was admitted. He will be 11 on Sept. 8.