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Broward Local

“Hospital offers care for Justin”
Settlement proposed in case of brain-damaged boy
By Ronnie Greene

Nearly 10 years after medical mishaps left toddler Justin Bates trapped in a hospital bed and brain-damaged for life, the North Broward Hospital District has taken the first step to send the young boy home to his mother.

In a settlement offer delivered Thursday to Justin’s attorney, the district proposes to care for Justin for free for the rest of his life – whether it be in a hospital or at a special room built at his home by the hospital district.

And the district offers to waive more than \$2 million in medical bills it has run up treating Justin since 1990, when a jury awarded the boy an \$8.6 million verdict for the district’s mistakes.

“Justin will be cared for the rest of his life without any cost, with the best medical care,” said Amadeo “Trinchi” Trinchitella, chairman of the hospital district’s board of directors. “That’s what the jury wanted. I imagine that’s what the mother wants – what everyone wants.”

Justin’s attorney, Sheldon J. Schlesinger, said he couldn’t talk about the offers until he speaks with Justin’s mother, Cynthia Mendat.

Reached at home, Mendat was packing Christmas gifts for Justin – a new AM/FM cassette radio to replace the one in Room 268 at Broward General Medical Center. Although she hadn’t seen the proposal, Mendat knows what she wants.

“The only place I want him to go is home,” she said. “He is my son. And I have the right to have him back to be his mom.”

He hasn’t been home since he was taken to Broward General with breathing problems in January 1985. Justin was hooked to a breathing machine – but doctors failed to respond when complications arose. Robbed of oxygen and blood to his brain, Justin was left without the ability to see, swallow or speak.

Despite the verdict, the hospital district has yet to pay a penny by shielding itself under rules of sovereign immunity, which limit liability to public entities to a maximum of \$200,000.

A special act of the Legislature can grant more money. But for two years running, bills to pay Justin’s verdict proposed by state Rep. John Rayson, D-Pompano Beach, fell flat. Each time, the district hired an attorney to fight the bills in Tallahassee.

Today, Justin, 11 is fed through tubes in Room 268. His only constant companion is the old radio playing.

After The Herald told Justin’s story, Trinchitella paid a visit to Justin’s hospital room – and vowed to resolve the simmering dispute to the benefit of the boy.

“The heritage of my mother was to love thy neighbor,” said Trinchitella, a Democratic activist known for helping others – and getting things done. “I was moved by it. After all, I’m a father. I have children of my own. To see a boy that’s helpless there... We should take steps to see it that it never happens again.”

The settlement offer – the first ever made to Justin’s mother – provides three possible scenarios:

- Proposal 1: Justin would be discharged from Broward General to his mother’s home, or any other location. The district would pay \$15,000 every month into a trust account for Justin’s care. The monthly payment would increase by 4 percent every year for the rest of Justin’s life.
- Proposal 2: Justin would be sent home. If his mother’s house – she rents- is “not sufficient size or configuration to accommodate Justin, the North Broward Hospital District would modify the home to include a room for Justin, a separate room for a nurse, a separate bathroom facility and a level handicapped entry.” The district would spend up to \$90,000 for an addition of approximately 1,000 square feet.

Besides providing nursing care, equipment and special transportation, the district would pay \$99,724.61 to Justin’s mother and \$157,750 into a trust account for Justin.

- Proposal 3: Justin would remain at Broward General, with all future care “provided at no cost or obligation to Justin or his family.”

“After I saw how Justin was, I felt there was a responsibility to lend my support,” Trinchitella said.