

**IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA  
PROBATE AND GUARDIAN DIVISION**

IN RE

Genea M. Bristol,

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)  
)

Case No.: 562021GA000084AXXXHC

**RULE 5.900 PETITION FOR EXPEDITED JUDICIAL INTERVENTION  
CONCERNING MEDICAL TREATMENT PROCEDURES**

**SECTION 765.105 - REVIEW OF SURROGATE’S DECISION  
CONCERNING MEDICAL TREATMENT**

Petitioner Michael Bakerman, M.D., in his capacity as the Facility Chief Medical Officer on behalf of Lawnwood Medical Center, Inc. d/b/a Lawnwood Regional Medical Center & Heart Institute (the “Hospital”), petitions this Court, pursuant to section 765.105(1) of Florida Statutes and Rule 5.900 of the Florida Probate Rules, for expedited judicial intervention and issuance of an Order reviewing the decision of Belinda Bristol, the health care proxy currently serving as medical decision-maker for Genea M. Bristol (the “Patient”), a patient currently admitted at the Hospital.

In support of this Petition, Petitioner would show as follows:

1. Petitioner is an adult, over the age of twenty-one, whose present mailing and physical address is Lawnwood Regional Medical Center & Heart Institute, 1700 S 23rd St, Fort Pierce, FL 34950, whose relationship to the hereafter named alleged incapacitated person is the Facility Chief Medical Officer at the Hospital.

2. The Patient is Genea M. Bristol, who is currently at the Hospital and is incapacitated. She is 41 years old.

3. The Petitioner is the hospital facility at which the patient is currently being treated by her treating physicians.

4. a. Upon information and belief, the Patient does not have a spouse, but she is believed to have three minor children. The Patient's mother is Belinda Bristol, whose address is believed to be 2325 17th Ave. SW, Vero Beach, FL 32962. The Patient's father is unknown to Petitioner. The Patient's mother is represented by legal counsel, Reginald B. Sessions, Esq., 201 South 2nd Street, Suite 211, Fort Pierce, FL 34950.

b. The Patient is not a minor.

c. No guardian or court-appointed health care decision-maker is believed to exist.

d. No designation of health care surrogate or other advance directive is believed to exist.

e. The CEO of the Hospital is Eric Goldman.

f. The Patient's principal treating physician is Sasha Boris Grek, M.D. (attending).

g. Apart from the above, there are no other individuals who are believed to have information regarding the Patient's wishes. There are many individuals (namely, the Patient's treating medical providers) who have information regarding the Patient's medical condition.

5. The Patient was admitted to the Hospital on January 12, 2021. The Patient is suffering from an irreversible Covid-19 lung injury. She is dependent on Extracorporeal Membrane Oxygenation (ECMO), which she has been receiving since approximately February 1, 2021. She is also on mechanical ventilation, and she receives vasopressors as needed.

6. The Hospital has explored a transfer to other facilities in order to receive a lung transplant, but all potentially accepting facilities have determined that the Patient is not a candidate

for a lung transplant, nor are there any additional interventions that could be offered than what the Hospital is already providing.

7. The Patient's physicians have given a recommendation to stop all aggressive treatment. Because of the Patient's grave medical condition, the physicians recommend the entry of a Do Not Resuscitate (DNR) order, a cessation of ECMO, ventilator support, and vasopressors, and a transfer to Hospice care.

8. The Patient's physicians believe the Patient is unlikely to experience any significant clinical improvement, and thus her condition is considered irreversible.

9. Without the support she is currently receiving (most notably including ECMO), the Patient's physicians believe she would pass away. In other words, any further care to be given at the Hospital would be futile and ill-advised, and not in the Patient's best interest.

10. In addition, the Hospital and the Patient's Physicians cannot be compelled to perform treatment that they believe is futile and not recommended, if that belief is shared by other reasonably prudent providers, which is the case here.

11. The Patient would be most well-suited to be transferred to Hospice and provided comfort measures, with discontinuation of the ECMO, ventilator support, and vasopressors, and a change in status to DNR.

12. An affidavit of Dr. Sasha Boris Grek, the Patient's principal treating physician, is attached hereto as **Exhibit A**.

13. Pursuant to section 765.105(1) of Florida Statutes, this Court may review a proxy's health care decision if that decision "is not in accord with the patient's known desires or the provisions of this chapter," or if the proxy "has failed to discharge duties."

14. In this case, the proxy has refused to discharge her duty to consent to the transfer of the Patient to Hospice (with a DNR order and discontinuation of ECMO, ventilator support, and vasopressors), despite knowing that the current treatment plan (full code and provision of ECMO, ventilator support, and vasopressors) is not the most appropriate care for the Patient and that any further acute care treatment would be futile.

WHEREFORE, the Hospital respectfully requests that this Court review and overrule the decision of Belinda Bristol to refuse to consent to the transfer of the Patient to Hospice (with appropriate DNR orders and discontinuation of ECMO, ventilator support, and vasopressors), enter an appropriate Order mandating the Patient's transfer to Hospice, changing of status to DNR, and removal of life-prolonging measures (including ECMO, ventilator support, and vasopressors), and grant such other relief as the Court considers appropriate.

/s/ Blake J. Delaney

Blake J. Delaney

Florida Bar Number: 0015187

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Attorneys for Petitioner Lawnwood Regional  
Medical Center & Heart Institute

**VERIFICATION**

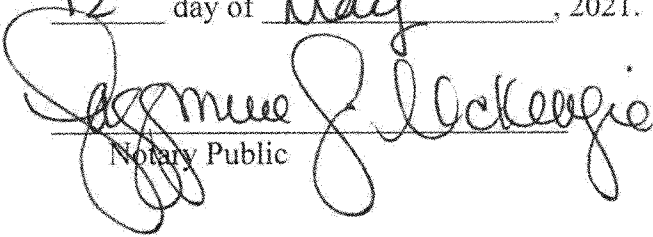
STATE OF FLORIDA                    )  
  ) ss.:  
COUNTY OF ST. LUCIE            )

Michael Bakerman, being duly sworn, deposes and says that he is the Chief Medical Officer of Lawnwood Regional Medical Center & Heart Institute, the Petitioner named in the foregoing Petition, a corporation, and that he has read the foregoing Petition and knows the contents thereof and that the same is true to his own knowledge except as to the matters therein stated to be alleged upon information and belief, or the opinions of other professionals, and that as to those matters he believes it to be true.

  
\_\_\_\_\_  
Michael Bakerman, MD, FACC, FACP, FACPE

Sworn to before me, this

12<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
Notary Public



**Jazzmine J. McKenzie**  
COMMISSION # GG255102  
EXPIRES: Dec. 1, 2021  
Bonded Thru Aaron Notary

**EXHIBIT A**

**IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA  
PROBATE AND GUARDIAN DIVISION**

IN RE

Genea M. Bristol,

)  
)  
)

Case No.:

**AFFIDAVIT OF SASHA BORIS GREK, M.D.  
IN SUPPORT OF RENEWED RULE 5.900 PETITION FOR EXPEDITED JUDICIAL  
INTERVENTION CONCERNING MEDICAL TREATMENT PROCEDURES**

STATE OF FLORIDA

)

) ss.:

COUNTY OF ST. LUCIE

)

1. My name is Sasha Boris Grek, M.D.
2. I make this affidavit upon my personal knowledge and upon a review of the Patient's medical record.
3. I am a licensed physician in the State of Florida. I have privileges to practice medicine at Lawnwood Regional Medical Center & Heart Institute. I attended medical school at the University of Florida, followed by an internship (General Surgery), two residencies (Anesthesiology), and a fellowship (Critical Care Medicine), all at University of Florida Shands Hospital.
4. I am one of the physicians providing medical care and treatment to Genea M. Bristol (the "Patient").
5. The Patient is currently at the Hospital and is incapacitated.
6. The Patient is suffering from an irreversible Covid-19 lung injury. She is dependent on Extracorporeal Membrane Oxygenation (ECMO), which she has been receiving since

approximately February 1, 2021. She is also on mechanical ventilation, and she receives vasopressor support as needed.

7. I have given a recommendation to stop all aggressive treatment. Because of the Patient's grave medical condition, I recommend the entry of a Do Not Resuscitate (DNR) order, a cessation of ECMO, ventilator support, and vasopressors, and a transfer to Hospice care.

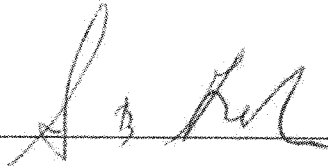
8. I believe the Patient is unlikely to experience any significant clinical improvement, and thus her condition is considered irreversible.

9. Without the support she is currently receiving (most notably including ECMO), I believe she would pass away. In other words, any further care to be given at the Hospital would be futile and ill-advised, and not in the Patient's best interest.

10. Other reasonably prudent providers agree that to continue the treatment the Patient is receiving would be futile and not recommended.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

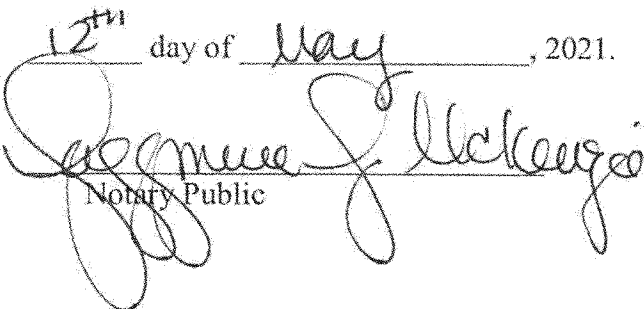
Executed this 12 day of May, 2021

X 

Print: Sasha Boris Grek, M.D.

Sworn to before me, this

12<sup>th</sup> day of May, 2021.

  
Notary Public

[notary stamp]



Jazzmine J. McKenzie  
COMMISSION # GG255102  
EXPIRES: Dec. 1, 2021  
Bonded Thru Aaron Notary