

1                   A bill to be entitled  
2           An act for the relief of Vonshelle Brothers,  
3           individually, and as the natural parent and legal  
4           guardian of Iyonna Hughey; providing an appropriation  
5           to compensate her and her daughter for injuries and  
6           damages sustained as a result of the alleged  
7           negligence of the Brevard County Health Department, an  
8           agency of the Department of Health; providing that  
9           certain payments and the appropriation satisfy all  
10          present and future claims related to the alleged  
11          negligent acts; providing a limitation on the payment  
12          of compensation, fees, and costs; providing an  
13          effective date.

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15          WHEREAS, on March 16, 2010, Vonshelle Brothers visited a  
16          location of the Brevard County Health Department for her initial  
17          prenatal visit, during which a complete obstetrical and  
18          gynecological exam was conducted, including a Pap smear, and

19          WHEREAS, the lab results of the exam were reported to be  
20          within normal limits with the exception of the Pap smear, which  
21          had tested negative for intraepithelial lesion or malignancy,  
22          but showed cellular changes consistent with herpes simplex virus  
23          and bacterial vaginosis, and

24          WHEREAS, despite the results of the Pap smear, the Brevard  
25          County Health Department did not report the results to Vonshelle

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26 Brothers and did not acknowledge, record, or otherwise note the  
27 herpes simplex virus or the bacterial vaginosis in her prenatal  
28 records, and

29 WHEREAS, Vonshelle Brothers continued to receive treatment  
30 from the Brevard County Health Department through the duration  
31 of her pregnancy until the birth of her daughter, Iyonna Hughey,  
32 on October 14, 2010, at the Wuesthoff Medical Center, and both  
33 were discharged from the hospital 2 days later in good  
34 condition, and

35 WHEREAS, on November 1, 2010, Vonshelle Brothers brought  
36 Iyonna to the emergency room at Wuesthoff Medical Center citing  
37 Iyonna's lack of eating, weak condition, and fever, and

38 WHEREAS, a lumbar puncture was performed and cerebral  
39 spinal fluid was collected which initially suggested that Iyonna  
40 had meningitis, which prompted her transfer to the Arnold Palmer  
41 Hospital for Children for further evaluation and management, and

42 WHEREAS, on November 3, 2010, the final results of the  
43 cerebral spinal fluid collection were reported, and the fluid  
44 had tested positive for herpes simplex type 2, and

45 WHEREAS, as a result of her diagnosis, Iyonna continues to  
46 experience significant developmental delay and neurologic  
47 impairment related to the herpes meningoencephalitis and has  
48 required continued treatment, including physical therapy,  
49 occupational and speech therapy, and neurologic and  
50 ophthalmologic care, and

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51 WHEREAS, Iyonna's condition requires her to be under the  
52 constant care and supervision of Vonshelle Brothers and has  
53 placed the child at heightened risk for the development of  
54 seizures and epilepsy, and

55 WHEREAS, the Brevard County Health Department had a duty to  
56 provide a reasonable level of care to Vonshelle Brothers and  
57 Iyonna Hughey but that duty was allegedly breached by the  
58 department failing to disclose the presence of the herpes  
59 simplex virus in Vonshelle Brothers and to order proper  
60 treatment of the virus, which eventually resulted in Iyonna's  
61 diagnosis, and

62 WHEREAS, in June 2016, a final order was entered approving  
63 a settlement in the sum of \$3.2 million between Vonshelle  
64 Brothers, individually, and as natural parent and legal guardian  
65 of Iyonna Hughey, and the Brevard County Health Department to  
66 settle all claims arising out of the factual situation described  
67 in this act, and

68 WHEREAS, the Department of Health has paid \$200,000 to Ms.  
69 Brothers under the statutory limits of liability set forth in s.  
70 768.28, Florida Statutes, which has left \$3 million as the  
71 remaining balance of the settlement agreement, NOW, THEREFORE,

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73 Be It Enacted by the Legislature of the State of Florida:

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75 Section 1. The facts stated in the preamble to this act

76 | are found and declared to be true.

77 |       Section 2. The sum of \$3 million is appropriated from the  
78 | General Revenue Fund to the Department of Health for the relief  
79 | of Vonshelle Brothers, individually, and as natural parent and  
80 | legal guardian of Iyonna Hughey, to compensate Vonshelle  
81 | Brothers and Iyonna Hughey for injuries and damages sustained.

82 |       Section 3. The Chief Financial Officer is directed to draw  
83 | a warrant in favor of Vonshelle Brothers, individually and as  
84 | natural parent and legal guardian of Iyonna Hughey, in the sum  
85 | of \$3 million upon funds of the Department of Health in the  
86 | State Treasury and to pay the same out of such funds in the  
87 | State Treasury.

88 |       Section 4. The amount paid by the Department of Health  
89 | pursuant to s. 768.28, Florida Statutes, and the amount awarded  
90 | under this act are intended to provide the sole compensation for  
91 | all present and future claims arising out of the factual  
92 | situation described in this act which resulted in injuries and  
93 | damages to Vonshelle Brothers and Iyonna Hughey. The total  
94 | amount paid for attorney fees, lobbying fees, costs, and similar  
95 | expenses relating to this claim may not exceed 25 percent of the  
96 | amount awarded under this act.

97 |       Section 5. This act shall take effect upon becoming a law.