

ENROLLED

HB 6505

2018 Legislature

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

13
14 WHEREAS, on March 16, 2010, Vonshelle Brothers visited a
15 location of the Brevard County Health Department for her initial
16 prenatal visit, during which a complete obstetrical and
17 gynecological examination was conducted, including a Pap smear,
18 and

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

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

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

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

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

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

49 WHEREAS, Iyonna's condition requires her to be under the
50 constant care and supervision of Vonshelle Brothers, and

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

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

64 WHEREAS, the Department of Health has paid \$200,000 to Ms.
 65 Brothers under the statutory limits of liability set forth in s.
 66 768.28, Florida Statutes, and the parties have agreed to a
 67 reduced settlement in the amount of \$1 million, NOW, THEREFORE,

68
 69 Be It Enacted by the Legislature of the State of Florida:
 70

71 Section 1. The facts stated in the preamble to this act
 72 are found and declared to be true.

73 Section 2. The sum of \$1 million is appropriated from the
 74 General Revenue Fund to the Department of Health for the relief
 75 of Vonshelle Brothers, as natural parent and legal guardian of

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76 Iyonna Hughey, to compensate Iyonna Hughey for injuries and
77 damages sustained.

78 Section 3. The Chief Financial Officer is directed to draw
79 a warrant in favor of the Supplemental Care Trust for the
80 Benefit of Iyonna Hughey or other special needs trust for the
81 exclusive use and benefit of Iyonna Hughey, in the sum of \$1
82 million upon funds of the Department of Health in the State
83 Treasury and to pay the same out of such funds in the State
84 Treasury.

85 Section 4. The amount paid by the Department of Health
86 pursuant to s. 768.28, Florida Statutes, and the amount awarded
87 under this act are intended to provide the sole compensation for
88 all present and future claims arising out of the factual
89 situation described in this act which resulted in injuries and
90 damages to Vonshelle Brothers and Iyonna Hughey. Of the amount
91 awarded under this act, the total amount paid for attorney fees
92 may not exceed \$100,000, the total amount paid for lobbying fees
93 may not exceed \$50,000, and the total amount paid for costs and
94 other similar expenses relating to this claim may not exceed
95 \$2,214.

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