

**STORAGE NAME:** h1501.cla  
**DATE:** January 13, 2000

**Florida House of Representatives  
Committee on Claims  
Summary Claim Bill Report**

**Bill #:** HB 1501  
**Sponsor:** Committee on Claims  
**Companion Bill:** Senate Bill 20, by Senator Forman  
**Special Master:** Jo Ann Levin

- 1. Claimant:** Virgilio Chavez and Anagely Chavez, a minor
- 2. Respondent:** North Broward Hospital District
- 3. Amount Requested:** \$600,000
- 4. Type of Claim:** Excess Judgment/ Settlement
- 5. Respondent's Position:** Supports claim. Reached settlement with claimant.
- 6. Collateral Sources:** None.
- 7. Legislative History:** None before this session.

**Procedural Summary:**

This is an excess judgment claim based on a pre-trial settlement and final judgment for the total sum of \$800,000 in which the North Broward Hospital District agreed to compensate the claimants for injuries and damages sustained in an incident of hospital malpractice that resulted in the death of Cruz Chavez, the wife of Virgilio Chavez and mother to Anagely Chavez. The North Broward Hospital District has already paid \$200,000. Payment of the \$600,000 balance is contingent on the passage into law of this claim bill to be paid in the amount of \$300,000 to Virgilio Chavez and \$300,000 to Anagely Chavez. No part of the claim is compensation for the unborn fetus. To protect the funds paid or to be paid on behalf of the minor child Anagely Chavez, the natural father of the minor, Virgilio Chavez, has been appointed the guardian of a trust account with Sun Trust Bank for the benefit of Anagely. The Circuit Court in Broward County has retained jurisdiction over expenditures from the account and has entered an order that no withdrawals may be made without a court order.

**Facts of the Case:**

Cruz Chavez, a lawful resident of the United States, who was 9 months pregnant was taken by her husband, Virgilio Chavez, to Broward General Medical Center on the evening of October 4, 1996 to check on her pregnancy and to confirm the date of delivery of her unborn child because she was two days past her due date. At 6:40 pm, the hospital staff evaluated Cruz Chavez and started an intervenous administration of fluids to hydrate Mrs. Chavez. At approximately 8:11 pm, Virgilio Chavez notified hospital staff that his wife was experiencing a seizure. To treat the seizure, a doctor on staff at Broward General Hospital ordered the administration of magnesium sulfate. Pharmacy records indicate that sufficient magnesium sulfate was withdrawn for both the loading and maintenance doses. Medical records for Cruz Chavez indicate that the entire loading dose which was mixed with 200 cc's of five percent dextrose was administered in approximately 7 minutes, ending at 8:37 p.m. At approximately this same time, Chavez experienced cardiopulmonary arrest, and at 8:41p.m. a code blue was called. Lab results from blood taken during the cardiac arrest revealed that Ms. Chavez had a magnesium level of 13.2 milligrams per deciliter, well above the normal blood magnesium range of 1.7 to 2.2 milliliters per deciliter. The parties have stipulated that it is unrefuted that the high magnesium level resulted from either the hospital administering an excessive amount of magnesium sulfate, or the chemical being administered too quickly, or both.

Ms. Chavez suffered severe brain damage on October 4, and her fetus died in-utero at approximately the time of the cardiac arrest. Upon the advice of the neurologist on October 14 that Cruz Chavez was brain-dead, the family of Ms. Chavez permitted the removal of life support, and she was pronounced dead on that date.

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Jo Ann Levin

Stephanie Olin Birtman