

By the Committee on Claims and Representatives Cantens and Rayson

1 A bill to be entitled
2 An act relating to the North Broward Hospital
3 District; providing for the relief of Virgilio
4 Chavez and Anagely Chavez, a minor, for
5 injuries and damages sustained as a result of
6 the death of Cruz Chavez due to inappropriate
7 treatment by the Broward General Medical
8 Center; providing an effective date.

9
10 WHEREAS, On October 4, 1996, 26-year-old Cruz Chavez,
11 who was 9 months pregnant, was taken by her husband, Virgilio
12 Chavez, to Broward General Medical Center in Fort Lauderdale
13 to check on her pregnancy because she was 2 days past her due
14 date, and

15 WHEREAS, before going to Broward General Medical Center
16 on that date, Cruz Chavez had received complete prenatal care
17 and was healthy and in good shape physically, and

18 WHEREAS, Cruz Chavez remained in the labor triage area
19 of Broward General Medical Center for a little more than 2
20 hours, and

21 WHEREAS, while in the labor triage area, Mrs. Chavez
22 experienced a seizure, which the hospital-employed
23 obstetrician diagnosed as a grand mal seizure and for which he
24 ordered the usual medical treatment for a patient in labor
25 undergoing a seizure, namely, the administration of the drug
26 magnesium sulfate, and

27 WHEREAS, the loading dose of magnesium sulfate was
28 administered correctly, but a subsequent, intravenous dose was
29 excessive, and

30 WHEREAS, after the drug was administered, Cruz Chavez
31 went into cardiac and respiratory arrest and died, and

1 WHEREAS, subsequent laboratory tests showed that her
2 body's serum magnesium level was 13.2, when the normal range
3 for magnesium is 1.7 to 2.2, and

4 WHEREAS, the Assistant Broward Medical Examiner who
5 performed the autopsy testified that the cause of Cruz
6 Chavez's death was hypoxic encephalopathy due to magnesium
7 sulfate toxicity, and

8 WHEREAS, the baby, named Yulibet, also died, and both
9 the attending obstetrician and the assistant medical examiner
10 testified that the child would have been delivered normal and
11 healthy were it not for the poisonous level of magnesium and
12 her mother's cardiac pulmonary arrest, and

13 WHEREAS, the assistant medical examiner also testified
14 that the seizure which Mrs. Chavez suffered, if treated
15 appropriately, would have left her and her baby unharmed, and
16 that both had died because of cardiac pulmonary arrest, and

17 WHEREAS, Virgilio Chavez has lost his wife and
18 daughter, and the couple's older child, Anagely Chavez, born
19 in 1993, has lost the love, guidance, and companionship of her
20 mother, and

21 WHEREAS, the Chavez family and the North Broward
22 Hospital District have entered into a stipulation of
23 settlement for the total sum of \$800,000, including \$400,000
24 for Virgilio Chavez and \$400,000 for Anagely Chavez, a minor,
25 and

26 WHEREAS, both sides contemplate that the \$200,000
27 maximum payment allowable under section 768.28, Florida
28 Statutes, will be made initially, and the hospital district
29 and the county commissioners will support a claim bill in the
30 amount of \$600,000 to be divided equally between Virgilio
31

1 Chavez and Anagely Chavez, with part of Anagely Chavez's
2 settlement being in the form of an annuity, NOW, THEREFORE,

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

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

8 Section 2. The North Broward Hospital District is
9 authorized and directed to compensate Virgilio Chavez in the
10 amount of \$300,000 for injuries and damages sustained, and to
11 compensate the guardianship account of Anagely Chavez, a
12 minor, in the amount of \$300,000, partly in the form of an
13 annuity, for injuries and damages sustained, as a result of
14 the death of Cruz Chavez, wife of Virgilio Chavez and mother
15 of Anagely Chavez, both compensatory sums to be paid out of
16 the funds of the North Broward Hospital District not otherwise
17 appropriated.

18 Section 3. This act shall take effect upon becoming a
19 law.