

By Senator Forman

32-37B-00

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 because of the
6 death of Cruz Chavez due to inappropriate
7 treatment by the Broward General Medical
8 Center; providing an effective date.

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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 she remained in the triage area for a little more
15 than 2 hours, and

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

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

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

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

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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 Mrs.
6 Chavez's death was hypoxic encephalopathy due to magnesium
7 sulfate toxicity, and

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

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

17 WHEREAS, Virgilio Chavez has lost his wife and
18 daughter, and the couple's older child, Anagely, born in 1993,
19 has lost the love, guidance, and companionship of her mother,
20 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 the father
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1 and daughter, with part of the daughter's settlement being in
2 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 Anagely Chavez, a minor, in the amount of \$300,000,
12 partly in the form of an annuity, for injuries and damages
13 sustained, from the death of Cruz Chavez, who was wife to
14 Virgilio Chavez and mother to Anagely, both compensatory sums
15 to be paid out of the funds of the North Broward Hospital
16 District not otherwise appropriated.

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

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