

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled

7 An act for the relief of Cristina Alvarez and George
8 Patnode; providing for appropriations to compensate them
9 for the death of their son, Nicholas Patnode, a minor, due
10 to negligence of the Department of Health; providing for
11 repayment of Medicaid liens; providing an effective date.

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13 WHEREAS, on January 8, 1998, Nicholas Patnode, 5 months of
14 age, was seen at the Martin County Health Department -
15 Indiantown Clinic, for a fever, and

16 WHEREAS, a blood test was ordered, the results of which
17 were abnormal and consistent with bacteremia, a condition that
18 requires immediate administration of antibiotics, and

19 WHEREAS, the results of the blood test were printed that
20 day but not picked up from the printer at the clinic, as a
21 result of which treatment was not begun and Nicholas Patnode's
22 condition deteriorated, and

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23 WHEREAS, several hours later, Nicholas Patnode's parents
 24 took him to Martin Memorial Medical Center, where a spinal tap
 25 confirmed a diagnosis of bacterial meningitis, and Nicholas
 26 Patnode was transferred to St. Mary's Hospital in critical
 27 condition, and

28 WHEREAS, a decision was made to discontinue life support
 29 due to irreversible brain damage, and Nicholas Patnode died on
 30 January 10, 1998, and

31 WHEREAS, Nicholas Patnode is survived by his parents,
 32 Cristina Alvarez and George Patnode, and

33 WHEREAS, the actions of the Martin County Health Department
 34 demonstrated failure to adhere to a reasonable level of care of
 35 Nicholas Patnode and resulted in his death, and

36 WHEREAS, after an unsuccessful attempt by Nicholas
 37 Patnode's parents to settle this claim, it proceeded to
 38 litigation, resulting in a judgment in favor of the parents in
 39 the amount of \$2,600,000, and

40 WHEREAS, the Department of Health has paid \$200,000 to
 41 Cristina Alvarez and George Patnode under the statutory limits
 42 of liability set forth in section 768.28, Florida Statutes, NOW,
 43 THEREFORE,

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

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

49 Section 2. There is appropriated from the General Revenue
 50 Fund to the Department of Health the sum of \$1,500,000 for the

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51 relief of Cristina Alvarez as compensation for the death of her
52 son, Nicholas Patnode, a minor, due to the negligence of the
53 Martin County Health Department.

54 Section 3. The Chief Financial Officer is directed to draw
55 a warrant in favor of Cristina Alvarez in the sum of \$1,500,000
56 upon funds of the Department of Health in the State Treasury,
57 and the State Treasurer is directed to pay the same out of such
58 funds in the State Treasury.

59 Section 4. There is appropriated from the General Revenue
60 Fund to the Department of Health the sum of \$900,000 for the
61 relief of George Patnode as compensation for the death of his
62 son, Nicholas Patnode, a minor, due to the negligence of the
63 Martin County Health Department.

64 Section 5. The Chief Financial Officer is directed to draw
65 a warrant in favor of George Patnode in the sum of \$900,000 upon
66 funds of the Department of Health in the State Treasury, and the
67 State Treasurer is directed to pay the same out of such funds in
68 the State Treasury.

69 Section 6. The governmental entity responsible for payment
70 of the warrant shall pay to the Florida Agency for Health care
71 Administration the amount due under s. 409.910, Florida
72 Statutes, prior to disbursing any funds to the claimant. The
73 amount due the agency shall be equal to all unreimbursed medical
74 payments paid by Medicaid up to the date upon which this act
75 becomes a law. Such amounts shall be deducted in equal amounts
76 from the award of each parent.

77 Section 7. This act shall take effect upon becoming a law.