

By Senator Campbell

32-17-04

1                                   A bill to be entitled  
2           An act relating to the Department of Children  
3           and Family Services; providing for the relief  
4           of Cristina Alvarez and George Patnode;  
5           providing for appropriations to compensate them  
6           for the death of their son, Nicholas Patnode,  
7           due to negligence of the Martin County Health  
8           Department; providing an effective date.

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10           WHEREAS, Nicholas Patnode, 5 months of age, was seen at  
11           the Martin County Health Department - Indiantown Clinic on  
12           January 8, 1998, for a fever; a blood test was ordered, the  
13           results of which were abnormal and consistent with bacteremia,  
14           a condition that requires immediate administration of  
15           antibiotics, and

16           WHEREAS, the results of the test were printed that day,  
17           but not picked up from the printer at the clinic, as a result  
18           of which treatment was not begun and Nicholas became much  
19           worse, and

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

25           WHEREAS, a decision was made to discontinue life  
26           support due to irreversible brain damage, and Nicholas Patnode  
27           died on January 10, 1998, and

28           WHEREAS, Nicholas is survived by his parents, Cristina  
29           Alvarez and George Patnode, and

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1 WHEREAS, the actions of the Martin County Health  
2 Department demonstrated failure to adhere to a reasonable  
3 level of care of Nicholas and resulted in his death, and  
4 WHEREAS, after an unsuccessful attempt by Nicholas'  
5 parents to settle this claim, it proceeded to litigation,  
6 resulting in a judgment in favor of the parents in the amount  
7 of \$2,600,000, NOW, THEREFORE,

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

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

13 Section 2. The Department of Children and Family  
14 Services is authorized and directed to appropriate from funds  
15 not otherwise appropriated and to draw a warrant in the sum of  
16 \$1,600,000 payable to Cristina Alvarez as compensation for the  
17 death of her son due to the negligence of the Martin County  
18 Health Department.

19 Section 3. The Department of Children and Family  
20 Services is authorized and directed to appropriate from funds  
21 not otherwise appropriated and to draw a warrant in the sum of  
22 \$1 million payable to George Patnode as compensation for the  
23 death of his son due to the negligence of the Martin County  
24 Health Department.

25 Section 4. This act shall take effect upon becoming a  
26 law.

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29 SENATE SUMMARY

30 Provides for the relief of Cristina Alvarez and George  
31 Patnode following the death of their son as a result of  
negligence by the Martin County Department of Health.