

By Senator Campbell

32-121-06

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A bill to be entitled

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

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

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

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

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

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

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

1 WHEREAS, the actions of the Martin County Health
2 Department demonstrated failure to adhere to a reasonable
3 level of care of Nicholas Patnode and resulted in his death,
4 and

5 WHEREAS, after an unsuccessful attempt by Nicholas
6 Patnode's parents to settle this claim, it proceeded to
7 litigation, resulting in a judgment in favor of the parents in
8 the amount of \$2.6 million, and

9 WHEREAS, the Department of Health has paid \$200,000 to
10 Cristina Alvarez and George Patnode under the statutory limits
11 of liability set forth in section 768.28, Florida Statutes,
12 NOW, THEREFORE,

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

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

18 Section 2. There is appropriated from the funds of the
19 Martin County Health Department not otherwise encumbered the
20 sum of \$1.5 million, to be paid in equal payments of \$300,000
21 per year over a 5-year period for the relief of Cristina
22 Alvarez as compensation for the death of her son, Nicholas
23 Patnode, a minor, due to the negligence of the Martin County
24 Health Department.

25 Section 3. There is appropriated from the funds of the
26 Martin County Health Department not otherwise encumbered the
27 sum of \$900,000, to be paid in equal payments of \$180,000 per
28 year over a 5-year period for the relief of George Patnode as
29 compensation for the death of his son, Nicholas Patnode, a
30 minor, due to the negligence of the Martin County Health
31 Department.

1 Section 4. The governmental entity responsible for
2 payment of the warrant shall pay to the Agency for Health Care
3 Administration the amount due under section 409.910, Florida
4 Statutes, prior to disbursing any funds to the claimant. The
5 amount due the agency shall be equal to all unreimbursed
6 medical payments paid by Medicaid up to the date upon which
7 this act becomes a law. Such amounts shall be deducted in
8 equal amounts from the award of each parent.

9 Section 5. This act shall take effect upon becoming a
10 law.