

HB 1147

2007

1 A bill to be entitled

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

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

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

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

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

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

36 WHEREAS, the Department of Health has paid \$200,000 to
 37 Cristina Alvarez and George Patnode under the statutory limits
 38 of liability set forth in s. 768.28, Florida Statutes, NOW,
 39 THEREFORE,

40

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

42

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

45 Section 2. There is appropriated from the General Revenue
 46 Fund to the Department of Health the sum of \$1.5 million for the
 47 relief of Cristina Alvarez as compensation for the death of her
 48 son, Nicholas Patnode, a minor, due to the negligence of the
 49 Martin County Health Department.

50 Section 3. The Chief Financial Officer is directed to draw
 51 a warrant in favor of Cristina Alvarez in the sum of \$1.5
 52 million upon funds of the Department of Health in the State
 53 Treasury, and the Chief Financial Officer is directed to pay the
 54 same out of such funds in the State Treasury.

55 Section 4. There is appropriated from the General Revenue
 56 Fund to the Department of Health the sum of \$900,000 for the

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57 relief of George Patnode as compensation for the death of his
58 son, Nicholas Patnode, a minor, due to the negligence of the
59 Martin County Health Department.

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

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

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