

By Senator Aronberg

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A bill to be entitled

An act 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 negligence of the Department of Health; providing for the repayment of Medicaid liens; providing an effective date.

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

WHEREAS, the actions of the Martin County Health Department demonstrated failure to adhere to a reasonable

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

1 level of care of Nicholas Patnode and resulted in his death,
2 and

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

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

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

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

16 Section 2. There is appropriated from the General
17 Revenue Fund to the Department of Health the sum of \$1.5
18 million for the relief of Cristina Alvarez as compensation for
19 the death of her son, Nicholas Patnode, a minor, due to the
20 negligence of the Martin County Health Department.

21 Section 3. The Chief Financial Officer is directed to
22 draw a warrant in favor of Cristina Alvarez in the sum of \$1.5
23 million upon funds of the Department of Health in the State
24 Treasury, and the Chief Financial Officer is directed to pay
25 the same out of such funds in the State Treasury.

26 Section 4. There is appropriated from the General
27 Revenue Fund to the Department of Health the sum of \$900,000
28 for the relief of George Patnode as compensation for the death
29 of his son, Nicholas Patnode, a minor, due to the negligence
30 of the Martin County Health Department.

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1 Section 5. The Chief Financial Officer is directed to
2 draw a warrant in favor of George Patnode in the sum of
3 \$900,000 upon funds of the Department of Health in the State
4 Treasury, and the Chief Financial Officer is directed to pay
5 the same out of such funds in the State Treasury.

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

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

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18 SENATE SUMMARY

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