

By Senator Aronberg

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1                                   A bill to be entitled  
2           An act for the relief of Cristina Alvarez and George  
3           Patnode; providing appropriations to compensate them  
4           for the death of their son, Nicholas Patnode, a minor,  
5           due to the negligence of the Department of Health;  
6           providing for the repayment of Medicaid liens;  
7           providing a limitation on the payment of fees and  
8           costs; providing an effective date.  
9  
10          WHEREAS, on January 8, 1998, Nicholas Patnode, 5 months of  
11          age, was seen for a fever at the Martin County Health Department  
12          - Indiantown Clinic, and  
13          WHEREAS, a blood test was ordered, the results of which  
14          were abnormal and consistent with bacteremia, a condition that  
15          requires immediate administration of antibiotics, and  
16          WHEREAS, the results of the blood test were printed that  
17          day but not picked up from the printer at the clinic, as a  
18          result of which treatment was not begun and Nicholas Patnode's  
19          condition deteriorated, and  
20          WHEREAS, several hours later, Nicholas Patnode's parents  
21          took him to Martin Memorial Medical Center, where a spinal tap  
22          confirmed a diagnosis of bacterial meningitis, and Nicholas  
23          Patnode was transferred to St. Mary's Hospital in critical  
24          condition, and  
25          WHEREAS, a decision was made to discontinue life support  
26          due to irreversible brain damage, and Nicholas Patnode died on  
27          January 10, 1998, and  
28          WHEREAS, Nicholas Patnode is survived by his parents,  
29          Cristina Alvarez and George Patnode, and

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

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

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

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

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

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

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

56 Section 4. The sum of \$900,000 is appropriated from the  
57 General Revenue Fund to the Department of Health for the relief  
58 of George Patnode as compensation for the death of his son,

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59 Nicholas Patnode, a minor, due to the negligence of the Martin  
60 County Health Department.

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

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

74 Section 7. The amount paid by the Department of Health  
75 pursuant to s. 768.28, Florida Statutes, and the amounts awarded  
76 under this act are intended to provide the sole compensation for  
77 all present and future claims arising out of the factual  
78 situation described in this act which resulted in the death of  
79 Nicholas Patnode. The total amount paid for attorney's fees,  
80 lobbying fees, costs, and other similar expenses relating to  
81 this claim may not exceed 25 percent of the total amount awarded  
82 under this act.

83 Section 8. This act shall take effect upon becoming a law.