

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, and as a  
18 result, treatment was not begun and Nicholas Patnode's condition  
19 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

30 |       WHEREAS, the actions of the Martin County Health Department  
 31 | demonstrated the failure to adhere to a reasonable level of care  
 32 | for 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  
 45 | are found and declared to be true.

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

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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 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.