

House Bill No. 1501

An act relating to the North Broward Hospital District; providing for the relief of Virgilio Chavez and Anagely Chavez, a minor, for injuries and damages sustained as a result of the death of Cruz Chavez due to inappropriate treatment by the Broward General Medical Center; providing an effective date.

WHEREAS, On October 4, 1996, 26-year-old Cruz Chavez, who was 9 months pregnant, was taken by her husband, Virgilio Chavez, to Broward General Medical Center in Fort Lauderdale to check on her pregnancy because she was 2 days past her due date, and

WHEREAS, before going to Broward General Medical Center on that date, Cruz Chavez had received complete prenatal care and was healthy and in good shape physically, and

WHEREAS, Cruz Chavez remained in the labor triage area of Broward General Medical Center for a little more than 2 hours, and

WHEREAS, while in the labor triage area, Mrs. Chavez experienced a seizure, which the hospital-employed obstetrician diagnosed as a grand mal seizure and for which he ordered the usual medical treatment for a patient in labor undergoing a seizure, namely, the administration of the drug magnesium sulfate, and

WHEREAS, the loading dose of magnesium sulfate was administered correctly, but a subsequent, intravenous dose was excessive, and

WHEREAS, after the drug was administered, Cruz Chavez went into cardiac and respiratory arrest and died, and

WHEREAS, subsequent laboratory tests showed that her body's serum magnesium level was 13.2, when the normal range for magnesium is 1.7 to 2.2, and

WHEREAS, the Assistant Broward Medical Examiner who performed the autopsy testified that the cause of Cruz Chavez's death was hypoxic encephalopathy due to magnesium sulfate toxicity, and

WHEREAS, the baby, named Yulibet, also died, and both the attending obstetrician and the assistant medical examiner testified that the child would have been delivered normal and healthy were it not for the poisonous level of magnesium and her mother's cardiac pulmonary arrest, and

WHEREAS, the assistant medical examiner also testified that the seizure which Mrs. Chavez suffered, if treated appropriately, would have left her and her baby unharmed, and that both had died because of cardiac pulmonary arrest, and

WHEREAS, Virgilio Chavez has lost his wife and daughter, and the couple's older child, Anagely Chavez, born in 1993, has lost the love, guidance, and companionship of her mother, and

WHEREAS, the Chavez family and the North Broward Hospital District have entered into a stipulation of settlement for the total sum of \$800,000, including \$400,000 for Virgilio Chavez and \$400,000 for Anagely Chavez, a minor, and

WHEREAS, both sides contemplate that the \$200,000 maximum payment allowable under section 768.28, Florida Statutes, will be made initially, and the hospital district and the county commissioners will support a claim bill in the amount of \$600,000 to be divided equally between Virgilio Chavez and Anagely Chavez, with part of Anagely Chavez's settlement being in the form of an annuity, NOW, THEREFORE,

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

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

Section 2. The North Broward Hospital District is authorized and directed to compensate Virgilio Chavez in the amount of \$300,000 for injuries and damages sustained, and to compensate the guardianship account of Anagely Chavez, a minor, in the amount of \$300,000, partly in the form of an annuity, for injuries and damages sustained, as a result of the death of Cruz Chavez, wife of Virgilio Chavez and mother of Anagely Chavez, both compensatory sums to be paid out of the funds of the North Broward Hospital District not otherwise appropriated.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.