

CHAPTER 2018-162

House Bill No. 6501

An act for the relief of Cristina Alvarez and George Patnode; providing appropriations to compensate them for the death of their son, Nicholas Patnode, a minor, due to the negligence of the Department of Health; providing for the repayment of Medicaid liens; providing a limitation on the payment of fees and costs; 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, and as a result, 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 the failure to adhere to a reasonable level of care for Nicholas Patnode and resulted in his death, and

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

WHEREAS, the Department of Health has paid \$200,000 to Cristina Alvarez and George Patnode under the statutory limits of liability set forth in s. 768.28, Florida Statutes, 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 sum of \$1.5 million is appropriated from the General Revenue Fund to the Department of Health for the relief of Cristina Alvarez as compensation for the death of her son, Nicholas Patnode, a minor, due to the negligence of the Martin County Health Department.

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

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

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

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

Section 7. The amount paid by the Department of Health pursuant to s. 768.28, Florida Statutes, and the amounts awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the death of Nicholas Patnode. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$300,000, the total amount paid for lobbying fees may not exceed \$75,000, and the total amount paid for costs and other similar expenses relating to this claim may not exceed \$2,080.64.

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

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.