

STORAGE NAME: h3011.cjc

DATE: April 8, 1998

**Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Report**

Bill #: HB 3011
Sponsor: Representative Rojas
References: Civil Justice & Claims; Health & Human Services Appropriations
Companion Bill: SB 42, by Senator Silver

A. Basic Information:

1. **Claimant:** Vernelle Lowder
2. **Respondent:** Department of HRS (former)
3. **Amount Requested:** \$350,000
4. **Type of Claim:** Excess Judgment
5. **Respondent's Position:** Opposes Claim
6. **Collecteral Sources:** None
7. **Prior Legislative History:** None

B. Procedural Summary: A complaint for negligence was filed against HRS, medical care center and treating physician. Jury trial resulted in \$600,000 judgment: 65% liability for HRS, 35% for treating physicians, and 0% for health care center. Final Judgment against HRS for \$350,000 entered on October 19, 1994. Plaintiff appealed as to liability of Center. Affirmed on appeal. HRS appeal was dismissed. Lowder v. Economic Opportunity Family Health Center, Inc., 680 So 2d 1133 (Fla. 3d DCA 1996).

C. Facts of Case: Claimant was a patient at the Family Health Center in Dade County. During an examination for a thyroid problem in 1990, she informed the Center that she had a blood transfusion during surgery in the 1980's. She was advised to have an HIV test. Claimant's blood sample was submitted to a laboratory operated by HRS. The laboratory performed the test negligently and, falsely informed the Center that claimant tested positive for HIV. For over a year claimant was treated for HIV. In 1992 she moved to Georgia and was retested, the results then showed she was negative for HIV. Claimant sustained extensive emotional distress from diagnosis and contemplated suicide. Claimant also suffered physical distress from side-effects of treatment from HIV.

SM: _____ **LRD:** _____ **Date:** March 7, 1998

Richard Hixson

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