

MEMORANDUM

EDHS
Agenda Item No. **1 (F)1**

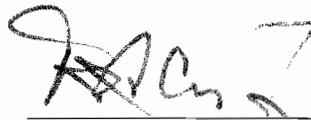
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: **May 14, 2008**

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance providing health
insurance eligibility and other
benefits to the dependent
relatives of Miami-Dade
County Employees

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz, Commissioner Joe A. Martinez, Commissioner Dorrin D. Rolle and Commissioner Natacha Seijas.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE
COUNTY

Date:

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George J. Burgess
County Manager

Subject: Fiscal Impact Statement: Providing Health Insurance Eligibility and Other Benefits to the Dependent Relatives and Household Dependents of Miami-Dade County Employees

We are unable to provide an estimate of the cost of extending health insurance coverage to household dependents as defined in Commissioner Diaz's proposed ordinance, who do not currently qualify as dependents. The following factors make it difficult to determine the County's financial risk:

- There is no way to determine, in advance, how many County employees would enroll the newly defined dependent household members because there is no historical data on which to base an enrollment estimate. Staff's research has not identified any employers who defined eligibility to include household members as listed in the ordinance.
- Household members with chronic medical conditions are more likely to enroll than those who are healthy.
- Under the County's current health plan rate structure, the employee + family tier is based on the employee plus a spouse and child or children. The proposed ordinance would add non-spousal adults to that tier, and there is no way to project the premium differential without a reasonable estimate of how many additional dependent contracts would result. For example, if we projected plan costs to be \$250M, and set premiums accordingly, but costs came in at \$280M, the County would have to come up with the extra \$30M.

I cannot over emphasize the significant impact that such an ordinance can have upon our recently reduced premium rates. Adding an unknown number of children and adults with varying risk factors to a health plan has the potential to increase the rates paid by all of our employees. In other words, employees would be asked to bear the increased cost for something which may be of no benefit to them personally.

Furthermore, without reliable data from which to project costs, even if we increase premiums significantly, it will be a best guess. If premiums are insufficient to cover plan costs, the County would be responsible for all the additional costs through the Trust Fund. You will recall that one of the reasons we were comfortable with self funding our program was because we had 20+ years of claims data available to make reasonable projections about plan costs and set funding levels. Under this proposal, that comfort level is gone.

Honorable Chairman Bruno A. Barreiro
And Members, Board of County Commissioners
Page 2

We do, however, recognize the composition of the family unit has changed over time and we are sensitive to the needs of our employees; we will continue to evaluate opportunities to assist them in addressing their health care issues. In order to determine the composition of their households and the degree of need for health care coverage beyond what is currently available to them, we propose conducting an employee survey, which will provide us with baseline information for projecting costs and determining the financial impact to the County and its employees. This data will help us deal with all of the unknowns and uncertainties we face in properly addressing the fiscal impact of this ordinance. Given the potential for a large fiscal impact, it is prudent for us to take the steps necessary to gather the needed information and provide an actuarial analysis prior to making any decisions.

Additionally, because we have no way of determining the number of participants, we do not know to what extent Consumer Services workload will increase.



Director, General Services Administration



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 6, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 4(G)

Veto _____

03-18-08

Override _____

ORDINANCE NO. _____

ORDINANCE CREATING A SEPARATE ARTICLE TO BE INCLUDED IN CHAPTER 11A OF THE MIAMI-DADE COUNTY CODE; PROVIDING HEALTH INSURANCE ELIGIBILITY AND OTHER BENEFITS TO THE DEPENDENTS OF MIAMI-DADE COUNTY EMPLOYEES; ESTABLISHING DEPENDENT RIGHTS OF VISITATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Section 1. The Code of Miami-Dade County, Florida, is hereby amended by adding

the following new sections to Chapter 11A:

ARTICLE __ DEPENDENT HEALTH INSURANCE COVERAGE AND VISITATION RIGHTS

Sec. 1. Legislative Findings and Purpose

(a) The Miami-Dade County Board of County Commissioners finds that a significant number of Miami-Dade residents establish and maintain important personal, emotional, and economic relationships with relatives and other persons living in the same household in addition to the relationships they establish with their spouses and children. When such relatives and others are dependent upon each other for the provision of basic needs, they should be treated as immediate family members.

(b) The Miami-Dade County Board of County Commissioners finds that employment benefits form an essential portion of the compensation provided to County employees.

(c) The rules developed to implement the provisions of this ordinance shall be liberally construed to accomplish the policies and purposes of the ordinance. However, this ordinance shall not be construed to supersede any federal, state, or county laws or regulations, nor shall this ordinance be interpreted in a manner as to bring it into conflict with federal, state, or other county laws.

Sec. 2. Definitions.

5

For purposes of this Act:

(a) *County employee* means any employee of Miami-Dade County, including employees of the Miami-Dade Public Health Trust and all other agencies and instrumentalities of the County.

(b) *Relative*, for purposes of this ordinance only, means a person who is related to another as a parent, child, grandparent, grandchild, sibling, first cousin, aunt or uncle, nephew or niece.

(c) *Dependent relative* means a person's relative who lives in the same household and is dependent on that person for the provision of basic needs, including food, shelter and health care.

(d) *Household dependent* means a person, other than a relative, who lives in the same household as another person and is dependent on that other person for the provision of basic needs, including food, shelter and health care.

(e) *Declaration of Dependent Relationship* means a sworn form under penalty of perjury, which certifies that two persons meet the requirements of a dependent relative relationship as described in section 11A-72.

(f) *A declarant* is a person who files a declaration of dependent relationship.

(g) *Health Care Facility* means any hospital, convalescent facility, walk-in clinic, doctor's office, mental health care facility and any other short- or long-term health care facility located within Miami-Dade County.

Sec. 3. Registration of Dependent Relationship.

(a) A valid dependent relationship may be registered by any person residing in this County by filing a declaration of dependent relationship with the Miami-Dade County Consumer Services Department, which declaration shall comply with all requirements set forth in this ordinance for establishing such dependent relationship. Upon payment of any required fees, the Consumer Services Department shall file the declaration of dependent relationship and issue a certificate reflecting the registration of the dependent relationship in Miami-Dade County.

(b) A declaration of dependent relationship shall contain the name and address of the declarant and the name of the dependent, the signature of the declarant, and the signature of any dependent over the age of eighteen and competent to contract. The declaration shall certify:

- (1) The declarant is at least 18 years old and competent to contract;
 - (2) The person identified as a dependent meets the definition of either a dependent relative or household dependent;
 - (3) Each person in the dependent relationship considers himself or herself to be a member of the immediate family of the other and to be jointly responsible for maintaining and supporting the Registered Dependent Relationship;
 - (4) Each person agrees to immediately notify the Consumer Services Department, in writing, if the terms of the Dependent Relationship are no longer applicable or the declarant or dependent wishes to terminate the dependent relationship.
- (c) Any declarant, or dependent who is over the age of eighteen and competent to contract, may file an amendment to the dependent relationship certificate issued by the Consumer Services Department to reflect a change in his or her legal name or address.

Sec. 4. Termination of registered dependent relationship.

- (a) A declarant, or a dependent who is over the age of eighteen and competent to contract, may terminate a dependent relationship by filing a notarized declaration of termination of dependent relationship with the Consumer Services Department. Upon the payment of the required fee, the Consumer Services Department shall file the declaration and issue a certificate of termination of dependent relationship to the declarant and dependent. The termination shall become effective 30 days from the date the certificate of termination is issued.
- (b) If any household dependent enters into a legal marriage with someone outside the household, the dependent relationship shall terminate automatically, and all rights, benefits, and entitlements there under shall cease as of the effective date of the marriage. The marrying dependent shall file a declaration terminating the dependent relationship within 10 days after entering into a legal marriage.
- (c) The death of either the declarant or the dependent shall automatically terminate the dependent relationship.

(d) If the declarant of the dependent relationship ceases to be responsible for the other's basic food and shelter, the dependent relationship shall be considered terminated.

Sec. 5. Maintenance of records; filing fees.

(a) The Miami-Dade County Mayor shall by administrative rule prescribe the form of all declarations, amendments, and certificates required to be filed under this act. The Consumer Services Department shall maintain a record of all declarations, amendments, and certificates filed pursuant to this ordinance.

(b) Filing Fees. The Mayor is authorized to establish fees for the filing of any declarations, amendments, and the issuance of any certificates required by this act, subject to the approval of the County Commission. The fees shall be included within a Miami-Dade County Administrative Order. Any fees established under this section shall be commensurate with the actual costs of administering the provisions of this ordinance.

**Sec. 6. Extension of benefits to dependents
of County employees.**

(a) Any County employee who is a party to a registered dependent relationship under this ordinance shall be entitled to elect insurance coverage for his or her dependent or the children of such dependent on the same basis in which any County employee may elect insurance coverage for his or her spouse or children. A County employee's right to elect insurance coverage for his or her dependent, or the dependent's children, shall extend to all forms of insurance provided by the County to the spouses and children of County employees, unless such coverage is prohibited by state or federal law or the terms of a collective bargaining agreement. All elections of coverage shall be made in accordance with the requirements of applicable county ordinances, administrative rules, county policies and applicable collective bargaining agreements. However, in no event shall an employee make an election for coverage of a dependent more than two times in a plan year.

(b) Any County employee who is a party to a dependent relationship under this ordinance shall be entitled to use all forms of leave provided by the County including, but not limited to, sick leave, annual leave, funeral leave and family leave to care for his or her declarant, dependent or the children or parents of the declarant or dependent, as applicable. The use of leave authorized in this section shall be consistent with the applicable requirements in county ordinances, administrative rules, and collective bargaining agreements.

(c) Unless prohibited by state or federal law or the terms of a collective bargaining agreement, all other benefits available to the spouses and children of County employees shall be made available on the same basis to the declarant, dependent, or child of such declarant or dependent, of a County employee who is a party to a registered dependent relationship pursuant to this ordinance.

(d) Any County employee who obtains or attempts to obtain benefits under this provision fraudulently shall be subject to discipline, up to and including termination.

(e) The Mayor is authorized and directed to take all actions necessary to implement the provisions of this section within ninety (90) days after this ordinance is enacted.

Sec. 7. Health care facility visitation rights.

Whenever a dependent or declarant is a patient in a health care facility in Miami-Dade County, the health care facility shall afford:

(a) the dependent or declarant of the patient the same right to visit the patient as the facility would provide to the relative of a patient;

(b) the parent of the dependent or declarant of the patient the same right to visit the patient as the facility would provide to the parent of a relative of a patient.

(c) the children of a dependent or declarant of the patient the same right to visit the patient as the facility would provide to the children of a patient.

Sec. 8. Visitation rights at county correctional and juvenile detention facilities.

(a) Any person who is a party to a registered dependent relationship, pursuant to section 3, shall be entitled to visit his or her declarant or dependent, or other family member of the declarant or dependent, who is an inmate at a county correctional facility or a juvenile detention facility, upon the same terms and conditions under which visitation is afforded to spouses, children, or parents of inmates. Visitation rights provided by this section shall extend to any children of the dependent or declarant.

(b) In any situation providing for mandatory or permissible notification of family members of inmates, including notification of family members in an

emergency, or when permission is granted to inmates to contact family members, "notification of family" shall include declarants and their dependents.

Sec. 9. Enforcement

County employees who believe the County has violated any right established by this ordinance shall have the right to file a complaint with the Office of Fair Employment Practices in accordance with section 11A-37 and the rules promulgated by that Office. The terms of this ordinance may be enforced by persons other than County employees, and by County employees against private businesses, through the filing of a private action in any court of competent jurisdiction for declaratory or injunctive relief or both.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

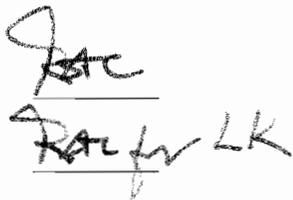
PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Lee Kraftchick

Sponsored by Commissioner Jose "Pepe" Diaz,
Commissioner Joe A. Martinez,
Commissioner Dorrin D. Rolle and
Commissioner Natacha Seijas



Handwritten signatures: JAC and RAC for LK