MEMORANDUM Agenda Item No. 11(A)(24)

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

DATE: December 2, 2008

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

SUBJECT: Resolution urging the Centers for Medicare and Medicaid Services within the U.S. Department of Health & Human Services to rescind the signature requirement for patients transported by public emergency medical service transport

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez and Co-Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

MEMORANDUM

(Revised)

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

DATE: December 2, 2008

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

SUBJECT: Agenda Item No. 11(A)(24)

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
Veto _____
Override _____

Agenda Item No. 11(A)(24)
12-2-08

RESOLUTION NO. _____

RESOLUTION URGING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES WITHIN THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES TO RESCIND THE SIGNATURE REQUIREMENT FOR PATIENTS TRANSPORTED BY PUBLIC EMERGENCY MEDICAL SERVICE TRANSPORT

WHEREAS, the Centers for Medicare and Medicaid Services within the U.S. Department of Health & Human Services adopted a new rule effective January 1, 2008 that required a patient signature for Medicare emergency medical services (EMS) transport, including public EMS transport, 42 C.F.R. § 424.36; and

WHEREAS, the very reason a patient needs public EMS transportation often runs counter to the appropriateness of attempting to obtain a signature from the patient; and

WHEREAS, many patients are in physical distress, unconscious, or of diminished mental capacity due to age or illness; and

WHEREAS, the previous rule required public EMS transportation providers to document that the patient was unable to sign, to specify the reason the patient was unable to sign and to indicate that no one else was available to sign for the patient; and

WHEREAS, the new rule requires a patient signature regardless of the patient's condition, with limited and cumbersome exceptions; and

WHEREAS, the new rule was intended to curtail Medicare fraud, but there have not been allegations of fraud among public EMS transportation providers; and

WHEREAS, if the appropriate documentation cannot be obtained, then the patient is responsible for the cost of the public EMS transportation; and

WHEREAS, making the patient responsible results in many senior citizens receiving bills for public EMS transportation; and

WHEREAS, the signature requirement has resulted in more than $2.1 million in lost revenue to the Miami-Dade Fire Rescue Department since January 1, 2008; and

WHEREAS, city and county fire departments have realized lost revenue from the signature requirement,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Administrator of the Center for Medicare & Medicaid Services within the U.S. Department of Health & Human Services to rescind the signature requirement for patients transported by public EMS providers.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation and the Administrator of the Center for Medicare & Medicaid Services.

Section 3. Directs the County's federal lobbyists to advocate for the action set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 Federal Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez and the Co-Sponsor is Commissionner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 2nd day of December, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

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