MEMORANDUM

Agenda Item No. 11(A)(15)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 17, 2009

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

SUBJECT: Resolution urging Congress to pass legislation that would require insurance companies to cover a minimum 48 hour stay for patients undergoing a mastectomy

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 17, 2009

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

SUBJECT: Agenda Item No. 11(A)(15)

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 Mayor'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)(15)
3-17-09

RESOLUTION NO. _____

RESOLUTION URGING CONGRESS TO PASS LEGISLATION THAT WOULD REQUIRE INSURANCE COMPANIES TO COVER A MINIMUM 48-HOUR HOSPITAL STAY FOR PATIENTS UNDERGOING A MASTECTOMY AND OTHER RELATED PROCEDURES

WHEREAS, breast cancer is the second leading cause of death for women in the U.S., with heart disease being the first; and

WHEREAS, women in the U.S. today have a 1 in 7 chance of developing breast cancer in their lifetime; and

WHEREAS, for 2008, the National Cancer Institute estimated that there were over 182,000 new cases of breast cancer diagnosed in women and almost 2,000 in men in the U.S.; and

WHEREAS, this year in Florida alone, it is estimated that there will be almost 12,000 new cases of breast cancer diagnosed with 2,760 people losing their lives from breast cancer; and

WHEREAS, the Breast Cancer Patient Protection Act ("the Act") has been filed during the last few congressional sessions; but has not passed; and

WHEREAS, the Act would end the practice of "drive-through" mastectomies, where women are sometimes forced to leave the hospital just hours after their physically and emotionally difficult surgeries even if they and their doctors feel they are not ready to go home; and

WHEREAS, the Act would require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; and

WHEREAS, the Act would ensure a minimum hospital stay of 48 hours to any woman who requires it following such procedures; and

WHEREAS, the Act does not mandate a 48 hour hospital stay nor does it set 48 hours as a maximum amount of time a woman can stay in the hospital; and

WHEREAS, the Act does ensure that any decision in favor of a shorter or longer hospital stay will be made by the patient and her doctor; and

WHEREAS, the Act is supported by the American College of Surgeons; American Medical Association; Association of Women's Health, Obstetric and Neonatal Nurses; Families USA; Oncology Nursing Society; Society for Women's Health Research; the Susan G. Komen Breast Cancer Foundation and the Y-Me National Breast Cancer Organization,

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

Section 1. Urges the U.S. Congress to enact the Breast Cancer Patient Protection Act or similar legislation that would require insurance companies to cover a minimum of 48-hour hospital stay for patients undergoing a mastectomy if the doctor and patient believe it to be appropriate.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the two U.S. Senators that represent Florida and the members of the Miami-Dade County Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes 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 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2009. 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. JMM

Jess M. McCarty