

# MEMORANDUM

Agenda Item No. 11(A)(1)

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

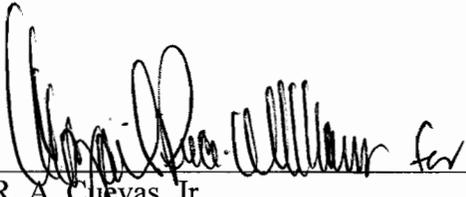
**DATE:** October 6, 2009

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

**SUBJECT:** Resolution urging Congress to  
pass legislation providing  
federal reimbursement to  
Jackson Health System and  
charity care other hospitals for  
undocumented immigrant health  
care

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The accompanying resolution was prepared and placed on the agenda at the request of  
Prime Sponsor Senator Javier D. Souto.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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

**DATE:** October 6, 2009

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

**SUBJECT:** Agenda Item No. 11(A) (1)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(1)  
10-6-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING CONGRESS TO PASS LEGISLATION  
PROVIDING FEDERAL REIMBURSEMENT TO JACKSON  
HEALTH SYSTEM AND OTHER CHARITY CARE  
HOSPITALS FOR UNDOCUMENTED IMMIGRANT HEALTH  
CARE

**WHEREAS**, Jackson Health System (“Jackson”) is the State of Florida’s largest provider of charity care, serving the Florida community as the only safety net hospital in Miami-Dade County; and

**WHEREAS**, Jackson consists of Jackson Memorial Hospital, 10 primary care centers, 17 school-based clinics, two long-term care nursing facilities, an outpatient diagnostic center, a children’s hospital, a rehabilitation hospital, a mental health hospital and two community hospitals; and

**WHEREAS**, a significant part of the charity care that Jackson provides is for undocumented immigrants, who often lack an ability to pay for health care and are generally not eligible for government programs, such as Medicare and Medicaid; and

**WHEREAS**, in 2008, more than 77,000 undocumented immigrants visited Jackson at a total cost of \$38 million in unpaid care; and

**WHEREAS**, so far in 2009, more than 55,000 undocumented immigrants have visited Jackson, at a cost of more than \$33 million in unpaid care so far this year; and

**WHEREAS**, under the Emergency Medical Treatment and Labor Act of 1986 (EMTALA), hospitals are required to assess and stabilize any person who walks through the doors of an emergency room; and

**WHEREAS**, EMTALA prohibits a hospital from inquiring about a patient's immigration status or ability to pay until such time as the patient has been stabilized, resulting in many hospitals providing significant care that is ultimately uncompensated; and

**WHEREAS**, Congress has recognized the burden EMTALA placed on hospitals and in 2003 as part of the Medicare Modernization Act of 2003 included Section 1011 which allowed some federal reimbursements for the cost of treating undocumented immigrants through 2008; and

**WHEREAS**, Section 1011 funding was extended to 2009, but reimbursements for hospitals within the State of Florida already have been exhausted for the current year; and

**WHEREAS**, Congress needs to continue and authorize more funds for the Section 1011 program or pass other legislation providing federal reimbursement to hospitals for undocumented immigrant health care,

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

**Section 1.** Urges Congress to pass legislation providing federal reimbursement to Jackson Health System and other charity care hospitals for undocumented immigrant health care.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation.

**Section 3.** Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2009 and 2010 Federal Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. 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                 |
| Dorrrin D. Rolle     | Natacha Seijas                  |
| Katy Sorenson        | Rebeca Sosa                     |
| Sen. Javier D. Souto |                                 |

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of October, 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