MEMORANDUM

Agenda Item No. 11(A)(13)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	November 15, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution supporting H.R. 2746, the Cancer Drug Coverage Parity Act of 2011; further urging the U.S. Congress and the Florida Legislature to pass legislation requiring insurance companies to provide equivalent coverage of oral and intravenous cancer drugs

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/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 15, 2011

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

SUBJECT: Agenda Item No. 11(A)(13)

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)
11-15-11

RESOLUTION NO. _____

RESOLUTION SUPPORTING H.R. 2746, THE CANCER DRUG COVERAGE PARITY ACT OF 2011; FURTHER URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE TO PASS LEGISLATION REQUIRING INSURANCE COMPANIES TO PROVIDE EQUIVALENT COVERAGE OF ORAL AND INTRAVENOUS CANCER DRUGS

WHEREAS, in the past decade, medical research has led to an increasing number of innovative cancer drugs in the form of pills, capsules and oral liquids; and

WHEREAS, these oral cancer drugs in some cases promise better results in fighting cancer than intravenous drugs; and

WHEREAS, oral cancer drugs often offer less side effects, including reduced hair loss; and

WHEREAS, oral cancer drugs also offer far greater convenience, freeing a patient from frequent trips to a clinic to be administered intravenous cancer drugs for hours, thus reducing the burden of fighting cancer on a patient's daily life; and

WHEREAS, both intravenous and oral cancer medications are expensive, easily reaching tens of thousands of dollars a year; and

WHEREAS, health insurance coverage has not kept pace with recent medical innovations related to oral cancer drugs; and

WHEREAS, health insurance typically covers cancer drugs that are infused intravenously at a clinic as a medical benefit, like surgery, while oral cancer drugs are usually

covered as a prescription drug under a health insurance company's prescription drug plan, which is typically much less generous; and

WHEREAS, for expensive oral cancer drugs, patients may face large co-payments, sometimes thousands of dollars, or quickly exceed annual prescription drug coverage limits; and

WHEREAS, in some cases, patients already facing a serious, sometimes terminal illness, are forced to choose between paying the large co-payments for oral cancer drugs, potentially decimating their family's life savings in the process, or going through far more burdensome intravenous cancer treatments; and

WHEREAS, the choice is even more difficult for patients on an oral cancer drugs that have no intravenous alternatives, forcing many patients to either pay the additional cost of oral medications or go without available, yet costly oral treatments; and

WHEREAS, the disparity between insurance coverage of oral and intravenous cancer drugs is likely to affect increasing numbers of cancer patients, because one-fourth of the 400 cancer drugs in the development pipeline are oral; and

WHEREAS, in 2007, Oregon enacted the nation's first state law requiring insurers to provide equivalent reimbursement for oral and intravenous cancer drugs; and

WHEREAS, since then, nine other states and the District of Columbia have passed cancer drug parity laws, with Texas being the most recent state to pass such a law in the spring of this year; and

WHEREAS, similar bills have been introduced in approximately 20 other states, and a bill also has been filed in Congress; and

WHEREAS, Congressman Brian Higgins (D – New York) filed H.R. 2746, the Cancer Drug Coverage Parity Act of 2011, for consideration during the 112th Congress; and

WHEREAS, H.R. 2746 would require group and individual health insurance coverage and group health plans to provide for coverage of oral cancer drugs on terms no less favorable than the coverage provided for intravenously administered cancer medications; and

WHEREAS, it has been reported that members of the Florida Legislature are considering filing similar bills for consideration during the 2012 session; and

WHEREAS, this Board supports legislation at both the federal and state levels that would require insurance companies to provide equivalent coverage of oral and intravenous cancer drugs,

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

Section 1. Supporting H.R. 2746, the Cancer Drug Coverage Parity Act of 2011.

Section 2. Urges Congress and the Florida Legislature to pass legislation requiring insurance companies to provide equivalent coverage of oral and intravenous cancer drugs.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, U.S. Representative Brian Higgins, Florida's Governor, Florida's Senate President, Florida's House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 4. Directs the County's federal and state lobbyists to advocate for the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2012 Federal Legislative Package and to amend the 2012 State Legislative Package to include this item.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of November, 2011. 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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