

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

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

SUBJECT: Resolution urging the United States Congress and the Florida Legislature to require health insurance companies to cover bariatric procedures when said procedure is a medically necessary treatment

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

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

SUBJECT: Agenda Item No.11(A) (12)

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 Mayor'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) (12)

3-5-13

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS AND THE FLORIDA LEGISLATURE TO REQUIRE HEALTH INSURANCE COMPANIES TO COVER BARIATRIC PROCEDURES WHEN SAID PROCEDURE IS A MEDICALLY NECESSARY TREATMENT AS DETERMINED BY A SURGEON OR REFERRING PHYSICIAN

WHEREAS, bariatric surgery is accepted as the best and most effective treatment for morbid obesity; and

WHEREAS, morbid obesity is defined as having a Body Mass Index of 40 or more, which is roughly equal to 100 pounds or more over ideal body weight; and

WHEREAS, the disease of morbid obesity interferes with basic physical functions such as breathing or walking; and

WHEREAS, long-term effects of the disease include shorter life expectancy and serious health consequences in the form of weight-related health problems; and

WHEREAS, more than thirty (30) co-morbid conditions are associated with morbid obesity; and

WHEREAS, a co-morbid condition is defined as the presence of one or more disorder or disease in addition to a primary disorder or disease, or as the presence of a disorder or disease that is caused by or otherwise related to another condition in the same patient; and

WHEREAS, the most serious co-morbid conditions associated with morbid obesity are hypertension, diabetes, heart disease, stroke, obstructive sleep apnea, and degenerative joint disease; and

WHEREAS, two landmark studies in the *New England Journal of Medicine* demonstrate significant evidence that bariatric surgery reduces long-term mortality associated with obesity; and

WHEREAS, bariatric surgery is successful in preventing, improving or resolving type 2 diabetes and studies demonstrate that bariatric operations on patients with type 2 diabetes can achieve a resolution rate as high as 83 percent, rendering these patients normoglycemic; and

WHEREAS, studies demonstrate that bariatric operations on patients with high blood pressure can achieve a resolution rate as high as 75%; and

WHEREAS, studies demonstrate that bariatric operations on patients with high cholesterol can achieve a resolution rate as high as 95%; and

WHEREAS, studies demonstrate that bariatric operations on patients with obstructive sleep apnea can achieve a resolution rate as high as 86%; and

WHEREAS, the out-of-pocket costs for bariatric procedures generally range from \$14,000.00 to \$30,000.00; and

WHEREAS, each insurance company is unique as to the coverage of bariatric surgery; and

WHEREAS, an insurance company may deny payment of a bariatric procedure because the insurance company may include a specific exclusion in the insurance policy for obesity surgery or treatment of obesity; and

WHEREAS, an insurance company may deny payment of a bariatric procedure if the insurance company determines that there is lack of medical necessity due to the availability of alternative treatments such as dieting, exercise, behavior modification, and some medications; and

WHEREAS, such an exclusion or denial of payment by an insurance company is permitted even if the surgical treatment is recommended by a surgeon or referring physician as the best therapy to relieve life-threatening obesity-related health conditions,

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

Section 1. Urges the United States Congress to enact comprehensive legislation to require health insurance companies to cover bariatric procedures regardless of alternative treatment options when recommended by a surgeon or referring physician as the best therapy to relieve life-threatening obesity related health conditions.

Section 2. Urges the Florida Legislature to enact comprehensive legislation to require health insurance companies to cover bariatric procedures regardless of alternative treatment options when recommended by a surgeon or referring physician as the best therapy to relieve life-threatening obesity related health conditions.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Members of the Florida Congressional Delegation, the Governor, the Senate President, the House Speaker, and to the Chair and members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's Federal and State lobbyists to advocate for the legislation described in Section 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package and the 2013 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Chairwoman 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of March, 2013. 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.



Christopher A. Angell