

MEMORANDUM

Agenda Item No. 14(A)(1)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 19, 2015

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

SUBJECT: Resolution authorizing legal action against the State of Florida Department of Health, Aventura Hospital and Medical Center and/or other relevant parties to defend or preserve the Public Health Trust's interests relating to the provision of trauma services in the Public Health Trust's service area, provided that any such legal action taken by the Public Health Trust shall be subject to approval by a duly enacted resolution of its Board of Trustees

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsor Commissioner Xavier L. Suarez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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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. 14(A)(1)
5-19-15

RESOLUTION NO. _____

RESOLUTION AUTHORIZING LEGAL ACTION AGAINST THE STATE OF FLORIDA DEPARTMENT OF HEALTH, AVENTURA HOSPITAL AND MEDICAL CENTER AND/OR OTHER RELEVANT PARTIES TO DEFEND OR PRESERVE THE PUBLIC HEALTH TRUST'S INTERESTS RELATING TO THE PROVISION OF TRAUMA SERVICES IN THE PUBLIC HEALTH TRUST'S SERVICE AREA, PROVIDED THAT ANY SUCH LEGAL ACTION TAKEN BY THE PUBLIC HEALTH TRUST SHALL BE SUBJECT TO APPROVAL BY A DULY ENACTED RESOLUTION OF ITS BOARD OF TRUSTEES

WHEREAS, the Public Health Trust ("Trust") is an agency and instrumentality of Miami-Dade County that operates the Jackson Health System, including Jackson Memorial Hospital, Jackson South Community Hospital ("Jackson South"), Jackson North Medical Center ("Jackson North") and multiple other designated facilities that provide health care services in Miami-Dade County (the "County"); and

WHEREAS, the Trust established the Ryder Trauma Center at Jackson Memorial Hospital ("Ryder") in 1992, which is presently the County's only comprehensive Level I Trauma Center; and

WHEREAS, Ryder provides adult and pediatric trauma services and has developed great expertise in the provision of trauma care, as well as national and international recognition; and

WHEREAS, Ryder is centrally located in the County and has the capacity to treat trauma patients throughout the entirety of Miami-Dade County and its trauma service area; and

WHEREAS, the provision of Level I trauma services at Ryder requires a significant investment of resources, financial and otherwise, by the Trust and the County; and

WHEREAS, the operation of trauma centers is regulated by the State of Florida, Department of Health (“Department”), and hospitals that wish to provide trauma services must first apply for and receive a license to do so from the Department; and

WHEREAS, on March 6, 2012, this Board adopted Resolution No. R-248-12, which authorized the Trust to take all actions necessary to apply to the Department for licenses to establish trauma centers at Jackson North and/or Jackson South, as determined by the Trust to be in the best interest of the Trust and the communities it serves, including, but not limited to, all actions necessary for filing of the application for service approval with the Department; and

WHEREAS, on January 23, 2013, this Board adopted Resolution No. R-66-13, which authorized the Trust to take appropriate legal action, if any, against the Department, Kendall Regional Medical Center and/or other relevant parties to defend or preserve the Trust’s interests with respect to the provision of trauma services in the Trust’s service area; and

WHEREAS pursuant to the authority granted by Resolution No. R-248-12, the Trust determined it to be the best interest of the Trust and the communities it serves to apply for a license to operate a Level II trauma center at Jackson South; and

WHEREAS, upon its review of Jackson South’s license application, the Department, by letter dated April 30, 2015, advised Jackson South of the Department’s denial of Jackson South’s application; and

WHEREAS, the Trust is presently authorized to appeal the Department’s denial of Jackson South’s application pursuant to the authority granted by Resolution No. R-248-12; and

WHEREAS, in contrast to the Department’s denial of Jackson South’s application, on April 30, 2015, the Department provisionally approved an application for a license to operate a Level II trauma center by Aventura Hospital and Medical Center (“Aventura Hospital”), and

authorized Aventura Hospital to begin operating as a Provisional Level II trauma center effective May 1, 2015; and

WHEREAS, pursuant to Chapter 25A of the Code, this Board has delegated the authority for the operation, maintenance and governance of Ryder and Jackson South to the Trust, but has reserved to itself authority to set health care policies for the County; and

WHEREAS, taking legal action may preserve the Trust's rights regarding the Department's denial of Jackson South's application and could further the Trust's mission to operate a sustainable, thriving trauma center at Ryder; and

WHEREAS, consideration of this resolution is highly time-sensitive in that failure to swiftly contest actions by the Department may result in the expiration of the right to do so; and

WHEREAS, coterminous with this Board's regular meeting of May 19, 2015, the Trust's Board of Trustees is scheduled to hold a special meeting to consider the authorization of legal action against the Department, Aventura Hospital and other relevant parties, but such action of the Board of Trustees may not be concluded prior to action taken by this Board; and

WHEREAS, in order to preserve the high quality of trauma services provided to the citizens Miami-Dade County and to support and protect the Trust's and County's significant investment of financial and other resources at Ryder, this Board finds that it is in the best interest of the County to authorize the Trust to take legal action against the Department, Aventura Hospital and/or other relevant parties to defend or preserve the Trust's interests relating to the provision of trauma services in its trauma service area,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board authorizes any and all legal action by the Trust against the Department, Aventura Hospital and/or other relevant parties to defend or preserve the Trust's interests relating to the provision of trauma services in the Trust's service area.

Section 3. No legal action pursuant to this Resolution shall be taken unless approved by a duly adopted resolution of the Trust's Board of Trustees.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson and the Co-Sponsor is Commissioner Xavier L. Suarez. 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:

- | | |
|-------------------------------------|----------------------|
| Jean Monestime, Chairman | |
| Esteban L. Bovo, Jr., Vice Chairman | |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Dennis C. Moss | Rebeca Sosa |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

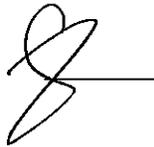
The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Eugene Shy, Jr.
Christopher C. Kokoruda