

MEMORANDUM

Agenda Item No. 11(A)(21)

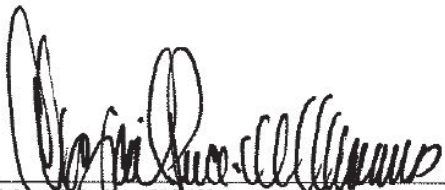
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature and Governor Ron DeSantis to require all nursing homes and assisted living facilities that are licensed to operate in Florida to: (1) conduct regular and frequent testing of all healthcare personnel and residents of such facilities for coronavirus disease 2019 (COVID-19); (2) provide paid sick leave for all healthcare personnel of such facilities who test positive for COVID-19; and (3) provide all healthcare personnel of such facilities with sufficient personal protective equipment to safely work and care for their patients

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(21)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(21)
5-19-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE AND GOVERNOR RON DESANTIS TO REQUIRE ALL NURSING HOMES AND ASSISTED LIVING FACILITIES THAT ARE LICENSED TO OPERATE IN FLORIDA TO: (1) CONDUCT REGULAR AND FREQUENT TESTING OF ALL HEALTHCARE PERSONNEL AND RESIDENTS OF SUCH FACILITIES FOR CORONAVIRUS DISEASE 2019 (COVID-19); (2) PROVIDE PAID SICK LEAVE FOR ALL HEALTHCARE PERSONNEL OF SUCH FACILITIES WHO TEST POSITIVE FOR COVID-19; AND (3) PROVIDE ALL HEALTHCARE PERSONNEL OF SUCH FACILITIES WITH SUFFICIENT PERSONAL PROTECTIVE EQUIPMENT TO SAFELY WORK AND CARE FOR THEIR PATIENTS

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51 directing the State Surgeon General to declare a public health emergency due to the discovery of the coronavirus disease 2019 (“COVID-19”) in Florida; and

WHEREAS, March 9, 2020, Governor DeSantis issued Executive Order No. 20-52, declaring a state of emergency for the State of Florida due to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization determined that the COVID-19 outbreak constitutes a pandemic; and

WHEREAS, on March 12, 2020, the Mayor of Miami-Dade County declared a state of emergency for all of Miami-Dade County; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the COVID-19 pandemic; and

WHEREAS, the Florida Department of Health and the Florida Agency for Health Care Administration have been in communication with hospitals, nursing homes, and assisted living facilities in Florida regarding COVID-19 response activities; and

WHEREAS, according to the United States Centers for Disease Control and Prevention (CDC), the congregate nature and resident populations served by nursing homes and assisted living facilities, which frequently consist of older adults who often have underlying chronic medical conditions, put such facilities at the highest risk of being affected by COVID-19; and

WHEREAS, according to the CDC, there is a high risk of spread once COVID-19 enters a nursing home or assisted living facility and, if infected, residents of such facilities are at an increased risk of serious illness, complications or death; and

WHEREAS, it has been reported that to date, patients and staff at nursing homes, assisted living facilities and other long-term care facilities have accounted for approximately four out of every ten deaths in Florida from COVID-19; and

WHEREAS, according to the CDC, testing for COVID-19 among residents and healthcare personnel in nursing homes and assisted living facilities, among other measures, must be a priority to prevent and control the spread of the disease in such facilities; and

WHEREAS, it has been reported that the Florida Health Care Association estimates that to date only about ten percent of all workers in long-term care facilities and only approximately two percent of residents have been tested; and

WHEREAS, healthcare personnel in nursing homes and assisted living facilities often include, without limitation, emergency medical service personnel, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the facility, and persons not directly involved in patient care but who could be exposed to COVID-19, such as clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel; and

WHEREAS, given the high risk of spread once COVID-19 enters a nursing home or assisted living facility, it is imperative that healthcare personnel in such facilities stay home if they test positive for COVID-19, or are pending results and have symptoms that are consistent with COVID-19; and

WHEREAS, personal protective equipment (PPE) and other related forms of equipment are used by healthcare personnel to protect themselves and their patients when providing medical care; and

WHEREAS, PPE may consist of sterile gloves, gowns, eye protection, face masks, respirators and other medical gear; and

WHEREAS, optimal use of PPE and other related equipment varies depending on patient care activities; and

WHEREAS, according to the CDC, PPE protects healthcare personnel and their patients from infectious pathogens and materials, toxic medications, and other potentially dangerous substances used in healthcare delivery; and

WHEREAS, for the benefit of both healthcare personnel and the residents of nursing homes and assisted living facilities, this Board would like to urge the Florida Legislature and Governor DeSantis to require all nursing homes and assisted living facilities that are licensed to operate in Florida to: (1) conduct regular and frequent testing of all healthcare personnel and residents of such facilities for COVID-19; (2) provide paid sick leave for all healthcare personnel of such facilities who test positive for COVID-19; and (3) provide all healthcare personnel of such facilities with sufficient PPE to safely work and care for their patients,

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

Section 1. Urges the Florida Legislature and Governor DeSantis to require all nursing homes and assisted living facilities that are licensed to operate in Florida to: (1) conduct regular and frequent testing of all healthcare personnel and residents of such facilities for COVID-19; (2) provide paid sick leave for all healthcare personnel of such facilities who test positive for COVID-19; and (3) provide all healthcare personnel of such facilities with sufficient PPE to safely work and care for their patients.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade Legislative Delegation, the Florida Surgeon General, the Secretary for the Agency for Health Care Administration, and the Director of the Division of Emergency Management.

Section 3. Directs the County's lobbyist to advocate for the legislative action set forth in section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item, and to include this item in the 2021 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.
Jose "Pepe" Diaz
Eileen Higgins
Joe A. Martinez
Dennis C. Moss
Xavier L. Suarez

Daniella Levine Cava
Sally A. Heyman
Barbara J. Jordan
Jean Monestime
Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of May, 2020. 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.



Christopher C. Kokoruda