

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

Agenda Item No. 11(A)(58)  
4-24-07

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-479-07

RESOLUTION OPPOSING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES (“CMS”) PROPOSED RULE REGARDING THE MEDICAID PROGRAM; URGING THE SECRETARY OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE ACTING ADMINISTRATOR OF CMS TO NOT IMPLEMENT A FINAL RULE; AND SUPPORTING SENATE BILL INTRODUCED BY U.S. SENATOR MEL MARTINEZ AND HOUSE BILL INTRODUCED BY U.S. CONGRESSWOMAN ILEANA ROS-LEHTINEN AND U.S. CONGRESSMAN RON KLEIN, WHICH WOULD PROVIDE FOR A TWO-YEAR BAN ON THE RULE

**WHEREAS**, on January 18, 2007, the Centers for Medicare and Medicaid Services (“CMS”), within the Department of Health and Human Services, published a proposed rule entitled “Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal and State Financial Partnership”, 72 Fed. Reg. 2236 (Jan. 18, 2007) (to be codified at 42 CFR Parts 433, 447 and 457) (“Proposed Rule”), with a public comment period on all issues set forth in the Proposed Rule ending March 19, 2007; and

**WHEREAS**, the Proposed Rule, implemented as a final rule, will have the effect of cutting Medicaid payments to safety net providers (such as the Jackson Health System) by an estimated \$3.8 billion over five years, and, specifically, the impact of the Proposed Rule as it pertains to Jackson Health System will be a reduction of approximately \$129 million in funding, therefore severely impacting the provision of health care services to the low-income, uninsured and vulnerable residents of Miami-Dade County; and

**WHEREAS**, during the public comment period, Jackson Health System submitted its comments in opposition to the Proposed Rule; and

**WHEREAS**, this Commission opposes the Proposed Rule because it is too onerous to Jackson Health System and the low-income, uninsured and vulnerable residents of Miami-Dade County; and

**WHEREAS**, U.S. Senator Mel Martinez and U.S. Congresswoman Ileana Ros-Lehtinen and U.S. Congressman Ron Klein introduced bills that would place a two-year ban on the Proposed Rule,

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

Section 1. The Board opposes the Proposed Rule and urges the Secretary of the U.S. Department of Health and Human Services and the Acting Administrator of the Centers for Medicare and Medicaid Services to not implement a final rule based upon the Proposed Rule because any such rule would be too onerous to Jackson Health System and the low-income, uninsured and vulnerable residents of Miami-Dade County. In addition, this Board supports the Senate and House bills introduced by U.S. Senator Mel Martinez and U.S. Congresswoman Ileana Ros-Lehtinen and U.S. Congressman Ron Klein that would place a two-year ban on the Proposed Rule. The Proposed Rule also negatively impacts other hospitals servicing the community such as Miami Children's Hospital, in that case, by an estimated \$30 million.

Section 2. The Clerk of the Board is directed to transmit a certified copy of this resolution to the Secretary, Acting Administrator and the members of Florida's Congressional delegation.

The foregoing resolution was sponsored by Chairman Bruno A. Barreiro, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Joe A. Martinez, Commissioner Katy Sorenson, Commissioner Rebeca Sosa, and Senator Javier D. Souto and offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

|                      |                                    |                    |        |
|----------------------|------------------------------------|--------------------|--------|
|                      | Bruno A. Barreiro, Chairman        | aye                |        |
|                      | Barbara J. Jordan, Vice-Chairwoman | aye                |        |
| Jose "Pepe" Diaz     | aye                                | Audrey M. Edmonson | absent |
| Carlos A. Gimenez    | aye                                | Sally A. Heyman    | absent |
| Joe A. Martinez      | aye                                | Dennis C. Moss     | aye    |
| Dorrian D. Rolle     | aye                                | Natacha Seijas     | absent |
| Katy Sorenson        | aye                                | Rebeca Sosa        | aye    |
| Sen. Javier D. Souto | aye                                |                    |        |

The Chairperson thereupon declared the resolution duly passed and adopted this 24<sup>th</sup> day of April, 2007. 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: KAY SULLIVAN  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Eugene Shy, Jr.

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## MEMORANDUM

Agenda Item No. 11(A)(58)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

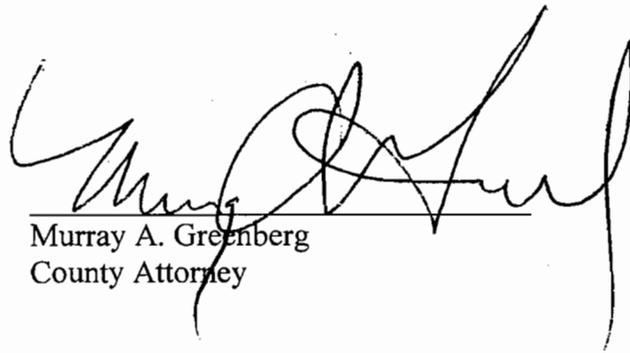
**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution opposing the  
Centers for Medicare and  
Medicaid Services proposed  
rule regarding the Medicaid  
Program

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The accompanying resolution was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Joe A. Martinez, Commissioner Katy Sorenson, Commissioner Rebeca Sosa, and Senator Javier D. Souto.



Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(58)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review