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

MEMORANDUM

Agenda Item No. 11(A)(5)

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


DATE: April 22, 2008

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

SUBJECT: Resolution urging congress
to pass the Breast Cancer
Patient Protection Act,
SB 459, HR 119, HR 758

Resolution No. R-441-08

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: April 22, 2008

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

SUBJECT: Agenda Item No. 11(A)(5)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
4-22-08

RESOLUTION NO. R-441-08

RESOLUTION URGING CONGRESS TO PASS THE BREAST
CANCER PATIENT PROTECTION ACT, SB 459, HR 119, HR
758 OR SIMILAR LEGISLATION, THAT WOULD REQUIRE
INSURANCE COMPANIES TO COVER A MINIMUM 48-
HOUR HOSPITAL STAY FOR PATIENTS UNDERGOING A
MASTECTOMY AND OTHER PROCEDURES

WHEREAS, breast cancer is the second leading cause of death for women in America;
and

WHEREAS, women in the U.S. today have a 1 in 7 chance of developing breast cancer
in their lifetime; and

WHEREAS, every year, more than 216,000 women will receive a life-altering breast
cancer diagnosis; and

WHEREAS, the Breast Cancer Patient Protection Act (“the Act”) would end the practice
of “drive-through” mastectomies, where women are sometimes forced to leave the hospital just
hours after their physically and emotionally difficult surgeries even if they and their doctors feel
they are not ready to go home; and

WHEREAS, the Act would require that health plans provide coverage for a minimum
hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of
breast cancer and coverage for secondary consultations; and

WHEREAS, the Act would ensure a minimum hospital stay of 48 hours to any woman
who requires it following such procedures; and

WHEREAS, the Act does not mandate a 48 hour hospital stay nor does it set 48 hours as
a maximum amount of time a woman can stay in the hospital; and

WHEREAS, the Act does ensure that any decision in favor of a shorter or longer hospital stay will be made by the patient and her doctor; and

WHEREAS, U.S. Senator Olympia Snowe (R-ME) and Congresswoman Rosa L. DeLauro (D-CT), filed the Breast Cancer Patient Protection Act, which enjoys bipartisan support; and

WHEREAS, the Act is supported by the American College of Surgeons; American Medical Association; Association of Women's Health, Obstetric and Neonatal Nurses; Families USA; Oncology Nursing Society; Society for Women's Health Research; The Susan G. Komen Breast Cancer Foundation and the Y-Me National Breast Cancer Organization,

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 the Breast Cancer Patient Protection Act, SB 459, HR 119, HR 758 or similar legislation that would require insurance companies to cover a minimum of 48-hour hospital stay for patients undergoing a mastectomy if the doctor and patient believe it to be appropriate.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the two U.S. Senators that represent Florida and the members of the Miami-Dade County Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 Federal Legislative Package.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, Commissioner Joe A. Martinez and Commissioner Katy Sorenson and offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** 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	aye
Joe A. Martinez	aye	Dennis C. Moss	absent
Dorin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairman thereupon declared the resolution duly passed and adopted this 22nd day of April, 2008. 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.

Jess M. McCarty