

# MEMORANDUM

Agenda Item No. 11(A) (15)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** March 17, 2009

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

**SUBJECT:** Resolution urging Congress  
to pass legislation that would  
require insurance companies  
to cover a minimum 48 hour  
stay for patients undergoing  
a mastectomy  
**Resolution No. R-305-09**

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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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 Mayor'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)(15)  
3-17-09

RESOLUTION NO. **R-305-09** \_\_\_\_\_

RESOLUTION URGING CONGRESS TO PASS LEGISLATION  
THAT WOULD REQUIRE INSURANCE COMPANIES TO  
COVER A MINIMUM 48-HOUR HOSPITAL STAY FOR  
PATIENTS UNDERGOING A MASTECTOMY AND OTHER  
RELATED PROCEDURES

**WHEREAS**, breast cancer is the second leading cause of death for women in the U.S.,  
with heart disease being the first; and

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

**WHEREAS**, for 2008, the National Cancer Institute estimated that there were over  
182,000 new cases of breast cancer diagnosed in women and almost 2,000 in men in the U.S.;  
and

**WHEREAS**, this year in Florida alone, it is estimated that there will be almost 12,000  
new cases of breast cancer diagnosed with 2,760 people losing their lives from breast cancer; and

**WHEREAS**, the Breast Cancer Patient Protection Act (“the Act”) has been filed during  
the last few congressional sessions; but has not passed; and

**WHEREAS**, 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**, 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 U.S. Congress to enact the Breast Cancer Patient Protection Act 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 authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2009 Federal Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Dorrin D. Rolle**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of March, 2009. 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.

A handwritten signature in black ink, appearing to read "JMM", is written over a horizontal line.

Jess M. McCarty