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

MEMORANDUM

Agenda Item No. 11(A)(1)

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

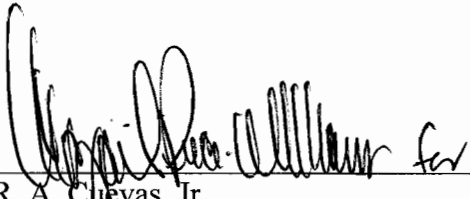
DATE: October 6, 2009

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

SUBJECT: Resolution urging Congress to
pass legislation providing
federal reimbursement to
Jackson Health System and
charity care other hospitals for
undocumented immigrant health
care

Resolution No. R-1170-09

The accompanying resolution was prepared and placed on the agenda at the request of
Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: October 6, 2009

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

SUBJECT: Agenda Item No. 11(A) (1)

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 Manager'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. 11(A)(1)
10-6-09

RESOLUTION NO. R-1170-09

**RESOLUTION URGING CONGRESS TO PASS LEGISLATION
PROVIDING FEDERAL REIMBURSEMENT TO JACKSON
HEALTH SYSTEM AND OTHER CHARITY CARE
HOSPITALS FOR UNDOCUMENTED IMMIGRANT HEALTH
CARE**

WHEREAS, Jackson Health System (“Jackson”) is the State of Florida’s largest provider of charity care, serving the Florida community as the only safety net hospital in Miami-Dade County; and

WHEREAS, Jackson consists of Jackson Memorial Hospital, 10 primary care centers, 17 school-based clinics, two long-term care nursing facilities, an outpatient diagnostic center, a children’s hospital, a rehabilitation hospital, a mental health hospital and two community hospitals; and

WHEREAS, a significant part of the charity care that Jackson provides is for undocumented immigrants, who often lack an ability to pay for health care and are generally not eligible for government programs, such as Medicare and Medicaid; and

WHEREAS, in 2008, more than 77,000 undocumented immigrants visited Jackson at a total cost of \$38 million in unpaid care; and

WHEREAS, so far in 2009, more than 55,000 undocumented immigrants have visited Jackson, at a cost of more than \$33 million in unpaid care so far this year; and

WHEREAS, under the Emergency Medical Treatment and Labor Act of 1986 (EMTALA), hospitals are required to assess and stabilize any person who walks through the doors of an emergency room; and

WHEREAS, EMTALA prohibits a hospital from inquiring about a patient's immigration status or ability to pay until such time as the patient has been stabilized, resulting in many hospitals providing significant care that is ultimately uncompensated; and

WHEREAS, Congress has recognized the burden EMTALA placed on hospitals and in 2003 as part of the Medicare Modernization Act of 2003 included Section 1011 which allowed some federal reimbursements for the cost of treating undocumented immigrants through 2008; and

WHEREAS, Section 1011 funding was extended to 2009, but reimbursements for hospitals within the State of Florida already have been exhausted for the current year; and

WHEREAS, Congress needs to continue and authorize more funds for the Section 1011 program or pass other legislation providing federal reimbursement to hospitals for undocumented immigrant health care,

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

Section 1. Urges Congress to pass legislation providing federal reimbursement to Jackson Health System and other charity care hospitals for undocumented immigrant health care.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2009 and 2010 Federal Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner **Audrey M. Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

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