

MEMORANDUM

Agenda Item No. 11(A)(6)

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

DATE: October 19, 2010

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

SUBJECT: Resolution urging the Florida
Legislature to adopt legislation
extending sovereign immunity
to the University of Miami and
its Miller School of Medicine
for providing healthcare services
to Miami-Dade County Public
Health Trust patients

Resolution No. R-1056-10

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



R. A. Cuevas, Jr.
County Attorney

RAC/up



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(Revised)

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and Members, Board of County Commissioners

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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)(6)
10-19-10

RESOLUTION NO. R-1056-10

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ADOPT LEGISLATION EXTENDING SOVEREIGN IMMUNITY TO THE UNIVERSITY OF MIAMI AND ITS MILLER SCHOOL OF MEDICINE FOR PROVIDING HEALTH CARE SERVICES TO MIAMI-DADE COUNTY PUBLIC HEALTH TRUST PATIENTS RECEIVING CARE AT COUNTY PUBLIC HEALTH TRUST DESIGNATED FACILITIES AND IDENTIFYING ADOPTION OF THE SOVEREIGN IMMUNITY LEGISLATION AS A CRITICAL PRIORITY FOR THE 2011 SESSION

WHEREAS, the Public Health Trust of Miami-Dade County (the "Trust"), which operates Jackson Memorial Hospital and other Trust designated facilities (collectively "Jackson Health System"), is currently facing a financial crisis which significantly threatens its sustainability and survival; and

WHEREAS, the University of Miami, its Miller School of Medicine and its physicians (collectively "the Medical School") have affiliated with the Trust to meet the Trust's mission of providing high quality medical care to all patients at Jackson Health System, regardless of the patient's ability to pay; and

WHEREAS, the Board of County Commissioners (the "Board") agrees with the recommendation of PricewaterhouseCoopers -- consultants charged with advising the Trust on how to overcome its current fiscal crisis -- that the key to the long-term viability of Jackson Health System lies in strengthening the affiliation between the Trust and the Medical School; and

WHEREAS, the Medical School and the Trust wish to further strengthen the affiliation; and

WHEREAS, the primary obstacle to further strengthening the affiliation between the Trust and the Medical School is the Medical School's exposure to significant medical malpractice liability when providing care to patients admitted to Jackson Health System; and

WHEREAS, all patients admitted to Jackson Health System, regardless of the patient's ability to pay, receive the same quality care from the Trust and the Medical School; and

WHEREAS, all revenues earned from paying patients admitted to Jackson Health System are used to support the public mission of providing the same quality care to patients who do not have an ability to pay; and

WHEREAS, the capacity of the Trust and the Medical School to provide high quality care to all residents of Miami-Dade County, regardless of the patient's ability to pay, would be greatly improved if sovereign immunity protections were extended to the Medical School; and

WHEREAS, the extension of sovereign immunity to the Medical School will allow the Medical School and the Trust to build a stronger affiliation that will ensure the financial sustainability of Jackson Health System,

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 to adopt legislation extending sovereign immunity to the University of Miami and its Miller School of Medicine while providing health care services to the Public Health Trust patients receiving care at Jackson Memorial Hospital and other Trust designated facilities.

Section 2. Identifies the adoption of such legislation as a County critical priority for the 2011 state legislative session.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2011 state legislative package as a critical priority.

The Prime Sponsor of the foregoing resolution is Commissioner Natacha Seijas. It was 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of October, 2010. 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.

Handwritten signature: SAC for VCC

Valda Clark Christian