Agenda Item #: 62-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

======== Meeting Date:	September 11, 2007	=====: [/\j	Consent	[4	Regular	=
Department		Lj	Ordinance	[]	Public Workshop	
By: <u>COUNT</u>	Y ATTORNEY'S OFFI	<u>CE</u>				
For:		•	_			
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I. EXECUTIVE BRIEF

Motion and Title: Staff Recommends Motion to approve A) Payment in the amount of \$375,308.00 to St. Mary's Medical Center for the cost of providing medical care to an indigent individual who was shot and injured by the West Palm Beach Police Department during his arrest on November 27, 2006. As a result of this shooting, this Defendant is a quadriplegic; B) Continued payment to St. Mary's Medical Center at the Medicaid rate of \$1,472.82 per day for the care of this defendant, from September 11, 2007 forward until the defendant is either released from the criminal court hold on him by either being acquitted or convicted and committed to the custody of the Florida Department of Corrections, upon his release to the Healey Rehabilitation and Nursing Center, or until January 11, 2008, whichever occurs first, in an amount not to exceed \$179,684.00. The budget amendment and transfer for these per diem payments shall only be made through September 30, 2007, the end of our fiscal year. After the beginning of the 2007-2008 fiscal year, an additional budget request will be made for any needed per diem funds required to January, 11, 2008 per the above agreement; C) a budget transfer in the amount of \$406,237.00 from the Risk Management Fund to the General Fund; and D) a budget amendment in the amount of \$406,237.00 in the General Fund to provide for this payment for medical services from November 27, 2006 through September 30, 2007.

Summary: Section 901.35, Florida Statutes, provides that the County is responsible for the medical cost of treating a person injured by law enforcement during their arrest when there is no other source of payment. In the past, the County has argued that these indigent medical costs are the responsibility of the Palm Beach County Health Care District because these patients are indigent citizens of the County and, therefore the District is properly "another source of payment" pursuant to Section 901.35, Florida Statutes. However, the Health Care District has refused to pay these medical costs because it has a policy of excluding coverage for indigent persons under arrest and the Circuit Court agreed that the District could pass such a policy. The total cost of the defendant's care through September 10, 2007 is over a million dollars, and the hospital will accept the Medicaid rate for his treatment through September 10, 2007 of \$375,308.00. St. Mary's has filed a Motion to Compel the County to pay these costs in the pending criminal case, and that Motion will be withdrawn upon the approval of this payment. Sufficient funds exist in the Risk Management Fund to cover the cost of this payment. Should the defendant's situation not change by January 11, 2008, another item will be brought to the Board for additional funding. Countywide (LSJ)

Background and Justification: In 2005, the County paid \$500,000.00 to the parent company of St. Mary's Medical Center and Good Samaritan Hospital for the costs to treat 18 individuals injured during their arrests, which was the result of litigation in the Circuit Court wherein the County argued that because these individuals were indigent that the Palm Beach County Health Care District was "another source of payment" pursuant to Section 901.35, Florida Statutes.

CONTINUED ON PAGE 3

Attachments: 1. Budget Amendme	ent	
2. Budget Transfer		
Recommended by:	MNHeman	8/23/07
Annuared Day	Department Director	Date
Approved By:	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A.	Five Year Summ	ary of Fiscal	Impact:				
Capi Opei Opei Is Ite	al Years tal Expenditures rating Costs rating Revenues em Included In Cur get Account No.:		Age	ncy	2010 Org	2011 Object	
В.	Recommended S	ources of F	unds/Sun	nmary of Fi	scal Impact	:	
	Risk Managemen	t Fund reserv	'es				
		III. <u>RE</u>	EVIEW CO	MMENTS			
A.	OFMB Fiscal and The 2007 Net	I/or Contract Fiscal Impo	t Adminis actis \$1	tration Con 106, 237.	nments:		
1/200	188 8 37 07 OFN	8-17-07 1B	90/23/1	Cor	ntract Admir	heoly generation	ים א פצא
В.	Leon St. John Sr. Assistant Cour	John		9/30/01			
c.	Other Departmer	t Review:			20 - 1		
	Department D			aala far na	mort		

(Continued)

The Circuit Court held that because the Health Care District promulgated a policy in 1993 that excluded individuals who were under arrest, the Health Care District was not responsible for these costs. To date, the only class of indigent citizens in Palm Beach County excluded from coverage with the Health Care District are those citizens who are under arrest.

Background and Justification: In May, 2007, St. Mary's Medical Center attempted to transfer this Defendant to the Healey Rehabilitation and Nursing Center for care, but the Health Care District objected to this, primarily on the basis of the above exclusion cited by the Circuit Court in the 2005 cases. If such a transfer were possible, the costs associated with St. Mary's Medical Center care of this defendant would cease.

Disclosure: County Attorney, Denise Nieman, serves on the governing Board of St. Mary 's Medical Center.

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA BUDGET AMENDMENT

Fund 0001 GENERAL FUND

BGEX-420-082707*2171 BGRV-420-082707*635

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 8/27/2007	REMAINING BALANCE
Revenues							
760-7601 8233 Tr. Fr. Risk Mgmt Fund 5011	0	0	406,237	0	406,237		
TOTAL RECEIPTS & BALANCES	1,031,254,533	1,068,665,885	406,237	0	1,069,072,122		
<u>Expenditures</u>							
760-7601OA 3105 Hospital Service for Indigent	0	0	406,237	0	406,237	0	406,237
TOTAL APPROPRIATIONS & EXPENDITURES	1,031,254,533	1,068,665,885	406,237	0	1,069,072,122		
OFFICE OF FINANCIAL MANAGEMENT & BUDGET	Signatures & Dates				BY BOARD OF COUNTY COMMISSIONERS AT MEETING OF		
INITIATING DEPARTMENT/DIVISION Administration/Budget Department Approval OFMB Department - Posted	\$8-8/27/07	is plath (toese	8 30/07		9/11/2007 Deputy Clerk to the of County Commission	oners

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA

BUDGET TRANSFER Fund 5011 - Risk Management

BGEX-420-082707#2172

ACC	OUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 8/27/07	REMAINING BALANCE
EXPENDITURE 820-7190NA	ES 9000 Tr. To. Fund 0001 General Fund	0	0	406,237	0	406,237		
700-7199NB	9920 Res-Insurance Claims	5,397,249	5,397,249	0	406,237	4,991,012	0	4,991,012
	TOTALS			406,237	406,237			0
OFFICE OF FINANCIAL MANAGEMENT & BUDGET		Signatures & Dates			BY BOARD OF COUNTY COMMISSIONERS AT MEETING OF			
INITIATING DEPARTMENT/DIVISION Administration/Budget Department Approval OFMB Department - Posted			izaluth	Street i	8/30/07	Board	9/11/2007 Deputy Clerk to the of County Commission	oners
		\$8 8/27/07	\	1				