



Meeting of the  
**EXECUTIVE COMMITTEE**  
Thursday, July 23, 2009  
Closed Session 3:00-3:30  
Meeting 3:30-5:00 pm  
Cicatelli Associates, 505 Eighth Avenue, 2<sup>nd</sup> Fl, Oak Room, NY, NY

## MINUTES

**Members Present:** Jan Carl Park (Governmental Co-Chair), Steve Hemraj (Finance Officer), Victor Benadava, Gregory Cruz, Joan Edwards, Marya Gilborn, Alexander Hardman, JoAnn Hilger (for F. Laraque), Jennifer Irwin, Julie Lehane (for T. Petro), Matthew Lesieur, Charles Shorter, Dorella Walters

**Members Not Present:** Damian Bird, John-Anthony Eddie, Soraya Elcock, Antionettea Etienne, Maria Irizarry, Gonzalo Mercado, Darryl Ng

**Staff Present:** NYCDOHMH: David Klotz, Rafael Molina, Nina Rothschild, DrPH, Anthony Santella, DrPH, Monica Sweeney, MD, MPH, Darryl Wong

**Public Health Solutions:** Bettina Carroll

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### Agenda Item #1: Welcome/Minutes:

Jan Park opened the closed session during which 2009-2011 Planning Council recommended appointments were discussed, followed by member and staff introductions. **[Please note that proceedings from the closed session are confidential and are therefore excluded from these minutes.]**

Matthew Lesieur led the moment of silence and Charles Shorter reviewed the Rules of Respectful Engagement. Jan Park reviewed the meeting agenda and materials. The minutes of the June 11, 2009 meeting were approved with no changes.

Mr. Park reviewed the Conflict of Interest guidelines, in particular Section I, Paragraph 2, reminding members to acknowledge potential conflicts of interests when voting.

### Agenda Item #2: Administrative Mechanism

Jan Park presented the September 2008 Planning Council letter of assurance re: the administrative mechanism and historical documents related to the Memorandum of Understanding (MOU), when the Planning Council was under the aegis of the Mayor's Office. As outlined in the 2009 Part A Manual, "The purpose [of the Administrative Mechanism] is to assure that funds are being contracted for quickly and through an open process and that providers are being paid in a timely manner." Attention was brought to the Title I Manual on Assessing the Administrative Mechanism, which restates the legislative requirements, as well as the *Components of an Assessment of the Administrative Mechanism*.

Matt Lesieur queried as to whether the sample questions appearing in this document could be used as a basis for further discussion; Mr. Park suggested that this discussion be deferred to the Rules & Membership Committee for that Committee's action this Fall. JoAnn Hilger suggested that it may be useful for the grantee to re-visit these questions with HRSA to ascertain their relevance, especially in comparison with the language contained in the new Part A manual.

Mr. Hemraj suggested that the administrative mechanism issue be directly addressed in the MOU, which having been approved by the Executive Committee on April 30, 2009, is now awaiting comments from the Legal Department of the NYCDOHMH for continued discussion this Fall.

### **Agenda Item #3: Finance Committee Report**

Mr. Hemraj presented the MAI Year 18 Third quarter commitment and expenditures report, calling attention to the distinction between committed and uncommitted funds, with a total of \$34,169 uncommitted funds. It is anticipated that these funds will be fully committed by the end of the 4<sup>th</sup> quarter, given that the EMA's current level of under-spending YTD is ~34%, compared to ~48% for Year 17. It was noted that while the goal is to close out with a maximum of 8% under-spending, it is in New York's best interest to reduce our under-spending to the lowest level possible, particularly in view of next year's Care Coordination contract.

With respect to the Year 18 Base Closeout report, Mr. Hemraj emphasized the high rate of spending, with 99.85% of funds expended and only \$150,093 in unspent funds with a grant total of \$102,430,205. Mr. Lesieur inquired as to why the Tri-County award accounts for \$140,581 of the total unspent funds; Dr. Lehane responded that 13 new Medical Case Management programs began this year (representing 65% of Ryan White funded agencies) and that start-up issues, hiring and the cost-based reimbursement methodology utilized were factors that affected overall spending.

### **Agenda Item #4: FY 2009 Reprogramming Plan**

Charles Shorter reviewed the work of the PSRA Committee, noting that the FY2009 Reprogramming Plan was approved on July 16, 2009. Ms. Hilger noted that this is the same plan as last year, with the exception of last year's increases to food and nutrition services contracts and medical transportation contracts. Reprogrammed dollars, available from taken-down contracts at the end of the calendar year, need to be spent by the end

of February. Last year \$10.3 million was taken down and re-programmed. The first \$ 2 million that becomes available is shifted back to the ADAP pools restoration; contract enhancements due to over-performance, Rapid Test Kits and ADAP/ADAP+ Pools enhancements use all the remaining uncommitted funds.

**Motion was made and seconded to approve the FY 09 Re-programming plan. The motion passed, 12 yes, 0 no.**

#### **Agenda Item #5: FY 2010 NYC Base Spending Plan**

Marya Gilborn presented the FY2010-11 Priority Setting Tool, noting the changes in three service categories, Outpatient/Ambulatory Medical Care (from 3 to 5 in the Payor of Last Resort criteria), Housing Services (from 3 to 5 in the Payor of Last Resort criteria) and Food & Nutrition Services (from 5 to 8 in both the Consumer Priority and Specific Gaps/Emerging Needs criteria). The FY2010 Base Spending Plan remained unchanged, with the exception of an increase (11.5%) of \$600,000 to the Food and Nutrition Services category. Mr. Park noted that this spending plan represents an increased request of \$4,175,100 above last year's award, bringing the total to \$106,304,515.

Victor Benadava raised the question of whether it made sense to request a waiver from the 75%/25% core/non-core split. Mr. Lesieur added that the process articulates that the EMA must provide data documenting that it has provided all core medical services to clients; he also requested clarification regarding the timeline of submission of the waiver to HRSA. Ms. Hilger responded that the waiver, which would include the Base & MAI funding, would need to be submitted upon submission of the application and that it would need to be carefully thought out. Mr. Hemraj asked that information clarifying the process be made available at the next full Planning Council meeting. Ms. Hilger brought to the Committee's attention that the Tri-Country allocation in the past was 5.1% based on New York State HIV/AIDS surveillance data; in March that allocation would drop to 4.9%. However, all of Tri-County's needs were factored into the current allocation of 5.52% of the application in the FY 10 Spending Plan; once the award is known, the tri-County region would receive 4.9% of the award.

**Motion was made and seconded to approve the FY 10 Base Spending Plan of \$106,304,515. The motion passed, 12 yes, 0 no.**

#### **Agenda Item #6: FY 2010 Tri-county Base Spending Plan**

Dr. Lehane noted that while the Core services allocation remained approximately the same, the budgets for both the Food Bank/Home-Delivered Meals and Medical Transportation service categories have been increased due to exponentially-rising costs, but have been balanced out by a decrease in Early Intervention Services funding. She added that medical transportation in the Tri-County region consists of public transportation, Access a Ride and private taxi/car services. Alexander Hardman relayed the difficulties of traveling to medical appointments in the Tri-County region.

**Motion was made and seconded to approve the FY 10 Tri-County Base Spending Plan of \$5,862,937. The motion passed, 12 yes, 0 no.**

#### **Agenda Item #7: Committee Updates**

Mr. Park reported that ~ 90 members of the *PLWHA Advisory Group* attended the last event held in Central Park where the AG's and Ms. Etienne's (past Co-Chair), accomplishments were celebrated. Rafael Molina was acknowledged for his work in arranging the logistics and helping make the event a success.

Matt Lesieur, on behalf of the *Policy Committee*, reported that the Planning Council signed on to a letter to Congress urging members to incorporate Early Treatment for HIV/AIDS (ETHA) language into health insurance reform; there has been dialog regarding CVS stores and their refusal to distribute syringes; there was discussion around proposed cuts in the City budget and health care reform at the national level; and the Committee will submit formal comments, within the public comment period, on the HIV travel & immigration ban.

Jennifer Irwin reported that the *Needs Assessment Committee* reviewed and responded to presentations regarding transgender individuals, from the LGBT Center, ACQC and the Sylvia Rivera Law Project. Recommendations will be developed and the Integration of Care Committee will review them in the Fall. Callen Lorde will be presenting on transgender youth and populations in August. Ms. Irwin was acknowledged for her leadership in bringing the perspectives of under-served and marginalized populations to light, in addition to outreaching to youth for Planning Council membership.

Jan Park, on behalf of the *Integration of Care Committee*, reported that the Committee, has completed its work on the development of program guidances for the Food & Nutrition Services, outreach focusing on homeless and street youth and outreach to the SRO/unstably housed population. These guidances were approved by the PSRA Committee and will be presented to the full Planning Council.

Victor Benadava reported that the *Consumers Committee*, has been receiving updates on the work of the NA, IOC and PSRA Committees and at its last meeting, received the presentation on the 2009 Spring Consumer Focus Groups. The discussion and analysis of published literature on guidelines for consumer input and feedback for CABs continued and the roles of consumers in the Quality Improvement process was introduced.

Dorella Walters reported that the *Rules & Membership Committee* has completed the 2009-11 New membership Appointment Process and its work on the Memorandum of Understanding (MOU) to be reviewed by NYCDOHMH. Ms. Gilborn reminded the Committee that Conflict of Interest issues, as addressed in the By-laws, needs further examination.

Mr. Park re-iterated that there will be follow-up on the submission of the HRSA core/non-core waiver and that additional work regarding the administrative mechanism and its relation to the MOU remains to be done.

There being no further business, the meeting was adjourned.