



Meeting of the
POLICY COMMITTEE
Adrian Guzman, JD, MPH, Chair

December 15, 2014
Village Care of New York
120 Broadway, Suite 2840

Members Present: Adrian Guzman, Matthew Lesieur, Jason Lippman, Esther Lok, Amanda Lugg, Jan Carl Park

Members Absent: Yves Gebhardt, Graham Harriman, Paul Meissner, Carlos Rosario, Kimberleigh Smith, Lyndel Urbano

NYC DOHMH Staff Present: Michael Pantano, Nina Rothschild, DrPH, Anna Thomas

Others Present: Randall Bruce

Material Distributed:

- Agenda
- Minutes from the October 27, 2014 Policy Committee Meeting
- HIV Health Reform: The Illinois Ryan White Part B Program & Illinois Health Insurance Marketplace
- HIV Health Reform: Advocates Address Discriminatory Insurance Practices in Florida
- Center for HIV Law & Policy: Halbig v. Burwell, Amici Curiae Brief
- Ryan White Working Group ACA and Ryan White Program Assessment Questionnaire
- One-Pager: HIV Care Status Reports
- Letter to HHS Secretary Burwell on One-Year Deferral Policy for MSM Blood Donations
- The Hill: Panel: Too Many Risks to Lift Ban on Blood Donations by Gay Men
- Mother Jones: FDA Panel: Don't Let Gay Men Give Blood

- GMHC: Shame on FDA Committee for Failing to Recommend the Elimination of the Lifetime Ban on Blood Donation by Gay and Bisexual Men
- Planning Council Calendar for December 2014

Welcome/Introductions/Moment of Silence/Review of the Meeting

Packet/Review of the Minutes: Committee Chair Adrian Guzman welcomed meeting participants. Attendees introduced themselves. Amanda Lugg led the moment of silence. Nina Rothschild reviewed the contents of the meeting packet. The minutes from the October meeting were accepted for posting on the Planning Council website at nyhiv.org.

Update on Planning Council Appointments: Jan Park provided an update on appointments to the Planning Council. The process has been substantially delayed this year because of turnover in the Mayor's appointments office. The full Planning Council has to be appointed and vote on the carryover request in order to meet a HRSA deadline of December 31, 2014.

Budget Updates:

- Federal: Congress has passed a continuing resolution to keep the government running. Most HIV programs, including Ryan White, are flat funded. Sequestration will kick in again.
- State: Albany will have a \$5 billion surplus to be spent primarily on infrastructure. Funding should be sufficient to implement Governor Cuomo's plan for Ending the Epidemic. Committee member Kimberleigh Smith will update the full Planning Council on Ending the Epidemic on Thursday, Dec. 18.

Affordable Care Act:

- Ten Questions: The Policy Committee developed ten questions for PLWHAs to use when choosing a health care plan on the ACA's insurance exchange, but these questions need to be done in collaboration with the Health Department. They are being shelved for the time being.
- Special Needs Plans (SNPs): The SNPs are still not on the New York State health insurance exchange but should be listed sometime next year. Planning Council staff will draft a letter with the assistance of Jason Lippman and Matt Lesieur urging that the SNPs be added to the exchanges.

- **Quality Measures:** The mainstream plans in New York State do not include quality measures.

HIV Care Status Reports: Grantee staff member Anna Thomas presented on the HIV care status reports.

- An HIV provider of record can contact the NYS HIV registry about a patient who appears to have fallen out of care and will be informed about whether the patient does or does not need follow-up.
- The program is in the pilot phase with sixteen providers.
- Committee members discussed follow-up: what if the provider drops the ball and doesn't do follow-up? Can staff from the BHIV's Field Services Unit do follow-up? FSU staff can do follow-up – but Committee members recognized a need for a more comprehensive understanding of follow-up under various circumstances: who does follow-up if the patient is in a Medicaid health home? Who does follow-up for a private patient? Who does follow up for a Medicare patient? How do we ensure that they ball isn't dropped?
- Planning Council staff will invite Dr. Charu Subharwal, medical director of the Field Services Unit in the Bureau of HIV/AIDS Prevention and Control, to discuss the care status reports.

Return to Work:

- Esther Lok noted that many PLWHA are interested in returning to work but face barriers. Only 28% of employed respondents to a survey by Conyers et al. knew about reasonable accommodations for disabilities. Unemployed respondents identified a number of barriers such as a lack of employment services where they live and concern about loss of benefits.
- Programs do exist to help with return to work, but they are funded by different agencies and don't talk to each other. The Department of Education needs to talk to the Office of Temporary and Disability Assistance (OTDA). OTDA has a small HIV welfare-to-work program. HOPWA has a pilot program upstate.
- The Federation of Protestant Welfare Agencies is preparing recommendations on this issue for the NYS AIDS Institute in the hope that the State will invest.

- Members of the CHAIN cohort, who are somewhat older than the PLWHA population as a whole, are not particularly interested in returning to work.
- Can the Policy Committee advocate for specialized employment services? Can we make employment support services part of retention and linkage to care?
- The federal Equality Act of 2010 protects a potential employee from being asked during an interview about health status.

Blood Ban: A letter on the ban on blood donation by men who have sex with men, signed by 75 Members of Congress, was sent to HHS Secretary Sylvia Matthews Burwell with a request for a response by December 22nd. Although the FDA is now proposing a one-year deferral for men who have sex with men, the letter argues that risk-based assessments should be applied to everybody.

Public Comment: Amanda Lugg noted that President Obama's executive action on immigration will give work permits to immigrants and make them Medicaid-eligible and HASA-eligible. This means that they would no longer receive Ryan White-funded care.

Adjournment: The meeting was adjourned.

Items for Follow Up:

- Planning Council staff will draft a letter with the assistance of Jason Lippman and Matt Lesieur urging that the SNPs be added to the exchanges.
- Planning Council staff will invite Charu Subharwal, medical director of the Field Services Unit in the Bureau of HIV/AIDS Prevention and Control, to discuss the care status reports.