



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

December 16, 2013
Center for HIV Law and Policy
65 Broadway, 7th Floor Conference Room

Members Present: Adrian Guzman, Jan Carl Park, Lyndel Urbano

Members Absent: Kareem Clemons, Yves Gebhardt, Sandy Guillaume, Graham Harriman, Matthew Lesieur, Lorna Littner, Esther Lok, Paul Meissner, Kimberleigh Smith

NYC DOHMH Staff Present: Katrina Estacio, Rafael Molina, Nina Rothschild, DrPH, Anna Thomas

Others Present: Randall Bruce, Mallory Lowenstein

Material Distributed:

- Agenda
- Minutes from the November 18th Policy Committee Meeting
- GMHC Press Release Remembering Nelson Mandela
- GMHC Press Release on the HIV Organ Policy Equity Act
- APIAHF Statement Commending Introduction of REPEAL HIV Discrimination Act
- Center of Budget and Policy Priorities Statement on Federal Budget Deal
- AIDS United Policy Update on Budget Deal
- Congressional Quarterly Article re Appropriations
- GMHC Press Release on MSM Blood Ban
- Washington Times Article: Panel Seeks 'Surveillance' System for Gay Blood Donors
- Association of Nurses in AIDS Care Press Release re Syringe Funding
- Article: HIV Patients Asked to Pay More Under Obamacare
- Draft Informational Statement re Ryan White Planning Council

- Outline of Anti-Lobbying Restrictions for CDC Grantees
- List of Policy List-Serves
- Draft January 2014 Planning Council Calendar

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

Packet: Committee Chair Adrian Guzman welcomed everyone. Meeting participants introduced themselves and observed a moment of silence. Nina Rothschild reviewed the contents of the meeting packet.

Update on Sequestration and Hold Harmless: The New York EMA will most likely lose \$6 million dollars because of the disappearance of Hold Harmless. Sequestration may cut an additional 3%-5%. The Planning Council's Priority Setting and Resource Allocation (PSRA) Committee is looking at possible budget cuts and their effect on our portfolio. Jan Park raised the issue with our HRSA Project Officer, but HRSA also doesn't know the exact amount of the potential budget cuts. We will receive our award in two parts.

Federal Budget: With the recent federal budget deal, House and Senate committees can move forward with setting their budgets. The government is currently operating under a Continuing Resolution.

Rollout of Insurance Exchanges: In New York State, a total of one client has asked for Ryan White assistance with paying the premium for Affordable Care Act-funded insurance. Many of these plans are costing a lot of money. Patients may have to pay up to 50% of the cost of medications. The AIDS Institute is examining the situation but is not in a position to advise people about which plan to choose. Insurance can be purchased up until the end of March.

Articles in Meeting Packet:

- GMHC press release on Nelson Mandela: Jan Park noted that he will pay tribute to Mr. Mandela during the moment of silence at the full Planning Council meeting.
- U.S. Senator Chris Coons (Democrat from Delaware) has introduced the REPEAL HIV Discrimination Act that would mandate an interagency review of laws criminalizing certain activities by PLWHA. This is a companion bill to legislation introduced in the House by Representative Barbara Lee. The laws criminalizing such activities are based on outdated ideas of how HIV is transmitted. PACHA – the Presidential Advisory Council on HIV/AIDS is also calling for a review.
- Syringe Exchange: Multiple health and science professionals have called on Congress to lift the ban on federal funding for syringe exchange. US Senator Barbara Mikulski of Maryland is an advocate of syringe exchange programs.

- GMHC and other organizations are calling on the FDA to lift the ban on blood donation by men who have sex with men (MSM). Currently, any man who has had sex with another man – even just once – since 1977 is deferred from donating blood. Many members of the HIV/AIDS community agree that the methodology for screening potential donors should be changed. The Ryan White Planning Council wrote a letter to NYC Health Commissioner Dr. Thomas Farley suggesting that he propose an alternative screening methodology but did not receive a response, even though other jurisdictions offered plans.
- The OMB Circular stating that CDC funding cannot be used for lobbying applies to all federal funding, not just CDC money. The Planning Council’s work and the work of Department of Health and Mental Hygiene staff are guided by federal law, and we are barred from lobbying on a federal, state, or local level. We can, however, keep Planning Council members informed about the issues – and Planning Council members can act on the information as they see fit, either as individuals or as representatives of the organizations where they are employed and/or receive services. We can also provide Planning Council members with links to additional resources.

Planning Council Member Survey on Policy Hot Topics: Going forward, all full Planning Council meetings will include a brief “news flash” on policy hot topics. Policy Committee members discussed possible topics for inclusion:

- HIV criminalization
- MSM blood donation
- HASA updates (esp. the 30% rent cap)
- Sequestration
- Hold harmless
- Mandatory use of mail order pharmacies

Mandatory use of mail order pharmacies is a problem for clients who live in buildings without doorman. They may need a new medication or a fresh supply of a current medication but not be home during the day when it is delivered. Without medication, the virus may rebound. (Mandatory use of mail order pharmacies does not apply to patients on Medicaid.)

Planning Council staff will develop a brief survey for Planning Council members to determine their interest in various potential hot topics. When putting together the survey, Planning Council staff will include the OMB language on lobbying to explain that we cannot advocate or lobby but that we can provide education. Planning Council staff will also note whether the issues are federal, state, or local.

Affordable Care Act: Policy Committee members discussed medication coverage under the ACA. Platinum and gold plans cover all HIV medications. Other plans may offer only one drug in each class. In helping with the cost of premiums, Virginia won't pay for anything less than a silver plan for HIV patients. Bronze plans require too much client financial outlay. Consumers should know about drug coverage under the different plans when signing up.

Planning Council 101: Policy Committee members discussed a draft of a document entitled "Planning Council 101." The document will be shared with the de Blasio Administration. Members agreed that the document should include more information up front about what the Planning Council does, rather than beginning the document with a discussion of the authorizing legislation, and that it should emphasize that the Planning Council makes binding decisions, engaging in community-driven planning. Drafting this document is important because without it the incoming Mayor hears only about the Council through DOHMH administration.

Policy Issues in Other EMAs: Adrian Guzman and Nina Rothschild will be in touch with other jurisdictions to find out more about how they handle policy issues.

Next Meeting: Nina Rothschild will do a meeting wizard to determine Committee member availability in January because our next regularly scheduled meeting falls on Martin Luther King Day.

Review of the Minutes: Review of the minutes from the November meeting was postponed until January.

Public Comment: No members of the public commented.

Adjournment: The meeting was adjourned.

Items for Follow-Up:

- Planning Council staff will follow up with other EMAs to see how they handle policy issues.
- Planning Council staff will survey Planning Council members about potential items for inclusion in the Policy Committee Hot Topics component of all Planning Council meetings going forward.