



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

April 21, 2014
Center for HIV Law and Policy
65 Broadway, 7th Floor Conference Room

Members Present: Adrian Guzman, JD, MPH, Graham Harriman, Esther Lok, Jan Carl Park, Lyndel Urbano

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

NYC DOHMH Staff Present: Rafael Molina, Nina Rothschild, DrPH

Others Present: Randall Bruce, Billy Fields, Jessica Reinhart, Carlos Rosario

Material Distributed:

- Agenda
- Minutes from the March 24, 2014 Meeting
- Modern Healthcare: CMS Orders Insurers to Accept Ryan White Premium Assistance
- Articles from the Center for HIV Law & Policy on Ryan White Payments of Premiums to QHPs
- Federal Register Notice on Proposed Revisions to Criteria for Evaluating HIV for Disability
- *Poz* Article on Problems Confronted by People Living with HIV and HCV in Paying for Obamacare
- GMHC Material on Mail Order Pharmacies
- Draft Letter from Planning Council to Acting Commissioner of Social Security on Revising the Criteria for Disability
- HIV and Disability: Modernizing the Social Security Inventory
- Bureau of HIV/AIDS: HIV/AIDS Weekly Update
- Article from *The Body Pro* on HIV Transmission Risk When Viral Load is Undetectable and Condoms are not Used

- Planning Council 101
- Planning Council Calendar for April 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. Jan Carl Park led the moment of silence and acknowledged the death of Oliver Martin, a leader in the HIV community. Nina Rothschild reviewed the contents of the meeting packet. The minutes from the March 24th meeting of the Policy Committee were accepted for posting on the Planning Council website at nyhiv.org. Mr. Park noted that, as per instructions from the Planning Council's Registered Parliamentarian, Joan Corbisiero, meeting minutes should simply reflect actions taken – e.g., motions made, accepted, or not accepted – rather than discussions. Minutes are an account of what was done, not what was said.

Update on the Affordable Care Act (ACA):

- Eight million individuals have enrolled in insurance on the health care exchanges under the ACA.
- Even with insurance provided by the ACA, some consumers are paying one-third to one-half of the cost of their medications. New York State is negotiating with Gilead and other pharmaceutical companies for bulk purchasing of medications. ADAP, the AIDS Drug Assistance Program, receives a deep discount on the price of medications – even more than the discount received by Medicaid. Planning Council staff agreed to seek an update from the ADAP Director and the NYS Commissioner of Health on the discounts under negotiation with the pharmaceutical companies.
- Many states have chosen not to expand Medicaid, making it hard for their residents to obtain health care.
- The period for enrollment in the exchanges has closed, and the next enrollment period will begin in October.
- Planning Council staff members are drafting a guide to help individuals who are choosing an insurance plan on the NYS exchange.

Ryan White Premium Payments:

- In Louisiana, Blue Cross and Blue Shield (BCBS) refused to accept Ryan White payment of health insurance premiums. This situation has also occurred in North Dakota.
- The Center for Medicare and Medicaid Services (CMS) issued a temporary ruling requiring Blue Cross and Blue Shield to accept Ryan White payments.
- Policy Committee members agreed to draft a formal letter to CMS on behalf of the full Planning Council encouraging CMS to make the ruling

permanent. The New York City Department of Health and Mental Hygiene is producing its own statement in support on this issue. Graham Harriman agreed to send a copy of DOHMH's letter to Planning Council staff.

Mail Order Pharmacies:

- Many PLWHAs in New York City with private insurance are being told that they have to use mail order pharmacies rather than their local pharmacies. PLWHAs on Medicaid and ADAP are protected from this policy.
- This policy has created problems for PLWHAs who live in buildings without doormen to accept packages.
- Policy Committee members agreed to draft a letter to Mayor de Blasio encouraging him to support New York City Council Resolution 0138-2014 calling on the New York State Legislature to pass, and Governor Cuomo to sign, A5723-A/S3995-A, ensuring that consumers are able to access medications from local participating pharmacies, including medications for HIV.

Social Security and Disability:

- The Social Security Administration is proposing to revise the disability listings for people living with HIV. The Policy Committee agreed to revise and update a letter on this topic drafted several years ago.

Federal Funding for Syringe Exchange Programs:

- Policy Committee members agreed that they cannot draft a letter to federal legislators concerning federal funding for syringe exchange programs but can encourage Mayor de Blasio to address the issue via his lobbyists in Washington, DC.

Budgets: Federal, State, and Local:

- The federal appropriations bill is working its way through committees.
- The New York State budget has been released.
- The New York City budget will be released on May 8th. Many HIV-related programs have been base-lined into the budget, but the broker's fee issue remains unresolved.

Legal and Policy Issues for Social Workers:

- A social work intern at the Center for HIV Law and Policy is creating a toolkit addressing legal and policy issues for social workers dealing

with PLWHA. Topics include confidentiality and disclosure. The toolkit should eventually be available across the country.

Planning Council 101:

- Several months ago, the Planning Council approved a “Planning Council 101” document providing basic information about Part A community planning in the New York EMA. The plan was to send it to newly elected City Council members and give it to speakers invited to appear before Planning Council committees.
- Work on a brochure is under way.
- Policy Committee members agreed that the document should be translated into Spanish and that the name of a contact person should be added.

Public Comment: No members of the public commented.

Adjournment: The meeting was adjourned.

Items for Follow-Up:

- Planning Council staff members are drafting a guide to help people living with HIV who are choosing an insurance plan on the NYS exchange.
- Policy Committee members agreed to draft a public comment to CMS on behalf of the full Planning Council encouraging CMS to make the ruling requiring health insurance companies to accept Ryan White payment of premiums permanent.
- Planning Council staff agreed to seek an update from the ADAP Director and the NYS Commissioner of Health on the discounts under negotiation with the pharmaceutical companies.
- Policy Committee members agreed to draft a letter to Mayor de Blasio encouraging him to support New York City Council Resolution 0138-2014 calling on the New York State Legislature to pass, and Governor Cuomo to sign, A5723-A/S3995-A, ensuring that consumers are able to access medications from local participating pharmacies, including medications for HIV.
- The Policy Committee agreed to draft a public comment on revising the Social Security listings for disability for PLWHAs.
- Policy Committee members agreed to draft a letter encouraging Mayor de Blasio to address the federal funding for syringe exchange via his lobbyists in Washington, DC.
- Policy Committee members agreed that the “Planning Council 101” document should be translated into Spanish, that it should also appear as a brochure, and that the name of a contact person should be added.