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3 Meeting Minutes  
4 **POLICY COMMITTEE**  
5 Adrian Guzman, JD, MPH, Chair  
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7 May 19, 2014  
8 Center for HIV Law and Policy  
9 65 Broadway in the 7<sup>th</sup> Floor Conference Room  
10 4:00 pm – 6:00 pm  
11

12 **Members Present:** Adrian Guzman, Kimberleigh Smith  
13

14 **Members Absent:** Kareem Clemons, Yves Gebhardt, Sandy Guillaume,  
15 Graham Harriman, Matthew Lesieur, Esther Lok, Paul Meissner, Jan Carl Park,  
16 Lyndel Urbano  
17

18 **NYC DOHMH Staff Present:** Rafael Molina, Nina Rothschild, DrPH, Anna  
19 Thomas  
20

21 **Others Present:** Randall Bruce, Billy Fields, Mallory Lowenstein, Carlos  
22 Rosario  
23

24 **Material Distributed:**  
25

- 26 • Agenda
- 27 • Minutes from the April 21, 2014 Meeting of the Policy Committee
- 28 • 30 for 30 Campaign Letter to Social Security Administration
- 29 • Center for HIV Law and Policy Statement on Making HIV Prevention  
30 Work for Women
- 31 • HIV Health Reform Statement About “Speak Up” Project
- 32 • Article from Access to Condoms on Condoms as Evidence
- 33 • New York Times Article on NY Police Limiting Seizure of Condoms as  
34 Evidence in Prostitution Cases
- 35 • Text of NYS Senate Bill on Condoms as Evidence
- 36 • Letter from NYS Health Commissioner Nirav Shah about Changes to HIV  
37 Testing in NYS
- 38 • NYS Division of Budget Statement on Passage of 2014-15 Budget
- 39 • GMHC Action Alert re Mail Order Pharmacies
- 40 • Planning Council Letter to Mayor de Blasio re Mail Order Pharmacies

- Planning Council Letter to Mayor de Blasio re SEPs
- Planning Council Calendar for May 21 14

**Welcome/Introductions/Moment of Silence/Review of the Minutes/Review of the Meeting Packet:** Adrian Guzman welcomed meeting participants. Attendees introduced themselves. Rafael Molina led the moment of silence. The minutes from the April Policy Committee meeting were deferred for consideration because of low attendance by appointed Committee members at the May meeting. Nina Rothschild reviewed the contents of the meeting packet.

**Affordable Care Act Updates:**

- While an individual state may have decided not to expand Medicaid under the Affordable Care Act (ACA), a new governor can change that decision.
- The Federal government will pick up more than 90% of the costs associated with the expansion of Medicaid.
- The states will spend approximately one-third less than projected by the Office of Management and Budget (OMB).
- PLWHAs who wish to report a problem with health care reform can use the Speak UP! Project.

**Federal, State, and City Budgets for HIV-Related Services and Programming:**

Federal:

- HOPWA received a cut of \$20 million, including a \$5 million cut to New York.

State:

- In New York, PLWHAs will only have to contribute 30% of their income toward rent.
- NY/NYIII funding is solid.
- The AIDS Institute received \$2 million additional dollars.
- The Campaign to End AIDS did not make it into the Governor's budget, but the budget is not a finished deal. Negotiations are still taking place with the pharmaceutical industry.

City:

- Mayor de Blasio just released the City budget, including the 30% rent cap. In his speech at GMHC's AIDS Walk, he focused on the 30% issue.

1 **Spending Plan:**

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- 3 • Nina Rothschild reviewed the 2014 spending plan and reprogramming
  - 4 plan approved by the Planning Council.
- 5

6 **HIV Testing:**

- 7
- 8 • Written consent to HIV testing has been eliminated in NYS except when
  - 9 dealing with correctional populations. Oral consent is sufficient
  - 10 • Individuals can opt-out and decline HIV testing.
  - 11 • New York was one of two states – the other was Nebraska – requiring
  - 12 written consent.
  - 13 • Advocates should focus on ensuring that providers know about best
  - 14 practices and that providers are trained in keeping HIV information
  - 15 confidential. Penalties for disclosing HIV information are monetary and
  - 16 can be criminal.
- 17

18 **Mail Order Pharmacies:**

- 19
- 20 • The Planning Council's letter on this topic has been sent to Mayor de
  - 21 Blasio.
- 22

23 **Condoms as Evidence of Intent to Engage in Prostitution:**

- 24
- 25 • Police cannot assume that possession of condoms is evidence of
  - 26 unlawful activity. The change in NYPD policy is good news.
  - 27 • Condoms can still be used as evidence in more serious cases such as
  - 28 sex trafficking.
  - 29 • Undoing the ingrained practice among police – i.e., condoms as
  - 30 evidence – may take time.
  - 31 • The change may be part of a broader shift to focus more on the johns –
  - 32 the customers who patronize prostitutes – and less on the prostitutes
  - 33 themselves.
- 34

35 **Syringe Exchange Programs (SEPs):**

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- 37 • SEPs are cheap and effective.
  - 38 • Addicts are shifting from oxycodone to heroin – and once they start
  - 39 with heroin, they frequently graduate from sniffing to injecting.
- 40

41 **Social Security and Disability:**

- 42
- 43 • The Social Security Administration has a set of listings articulating the
  - 44 manifestations of HIV disease. SSA is considering changing the
  - 45 qualifications for SSI and SSDI for PLWHAs and may remove the women-

1 specific manifestations. The Planning Council has addressed this topic  
2 in a letter to the Acting Administrator for Social Security.  
3

4 **Understanding Data Collection Requirements:**  
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- 6 • PLWHAs are required to provide substantial information about a variety  
7 of topics, including their sexual practices, when arriving at an agency  
8 for receipt of a service such as food and nutrition. We want to be sure  
9 that PLWHAs' privacy and confidentiality are protected and that the  
10 questions are being asked respectfully.
- 11 • The Policy Committee will work with the Needs Assessment Committee  
12 and write a memo highlighting concerns about whether the questions  
13 are a blatant deterrent for vulnerable client populations and whether a  
14 PLWHA might be criminally liable based on information provided.
- 15 • Planning Council staff will review the s-Share questions and mark those  
16 that should not be asked verbatim.
- 17 • The Consumers Committee has already dealt with some of these issues.  
18

19 **Other Items:**  
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- 21 • The vote on the Mayor's budget will take place at the end of June.
- 22 • Steve Banks, Commissioner of HRA, has named Dan Tietz of ACRIA to a  
23 major position.
- 24 • Catherine Abate of Community Health Care Network has died.
- 25 • Kaiser is doing a sentinel site study of the implementation of the ACA  
26 and is collecting names of people who know how PLWHAs are being  
27 affected. Specifically, Kaiser is looking for institutions, individuals, and  
28 navigators.  
29

30 **Adjournment:** The meeting was adjourned.