



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

July 23, 2014  
Center for HIV Law and Policy  
65 Broadway, 7<sup>th</sup> Floor Conference Room

**Members Present:** Yves Gebhardt, Adrian Guzman, Matthew Lesieur, Jan Carl Park

**Members Absent:** Kareem Clemons, Sandy Guillaume, Graham Harriman, Esther Lok, Paul Meissner, Kimberleigh Smith, Lyndel Urbano

**NYC DOHMH Staff Present:** Nina Rothschild, DrPH, Anna Thomas

**Others Present:** Randall Bruce, Carlos Rosario, Dwayne Wright

**Material Distributed:**

- Agenda
- Minutes from the May 19<sup>th</sup> and June 16<sup>th</sup> Policy Committee Meetings
- NY Times Op-Ed Column by Paul Krugman: “Obamacare Fails to Fail”
- Executive Summary of Kaiser Family Foundation Survey of Non-Group Health Insurance Enrollees
- Office of National AIDS Policy Statement by Douglas Brooks: “Stepping Up the Pace on HIV/AIDS: Four Years of Progress, More Work to Do”
- Invitation to ONAP Listening Sessions in New York City
- CAEAR Coalition Document on Ryan White Treatment Program
- Press Release Announcing Gov. Cuomo’s Plan to End AIDS in NY State
- WHO Guidance on Pre-Exposure Oral Prophylaxis (PrEP) for Serodiscordant Couples, Men and Transgender Women Who Have Sex with Men at High Risk of HIV
- NY Times Article: “Evidence of HIV Found in a Child Said to Be Cured”
- US Department of Justice: Best Practices to Reform HIV-Specific Criminal Laws to Align with Scientifically-Supported Factors and Accompanying Statement by Center for HIV Law and Policy
- Planning Council Calendar for July 2014

**Welcome/Introductions/Moment of Silence/Review of the Meeting Packet/Review of the Minutes:** Committee Chair Adrian Guzman welcomed attendees. Committee members introduced themselves. Jan Park led the moment of silence. Nina Rothschild reviewed the contents of the meeting packet. The minutes from the May and June meetings of the Policy Committee were accepted for posting on the Planning Council website at nyhiv.org.

**Affordable Care Act Update:**

- In Florida, several health care plans are trying to discourage PLWHAs from enrolling by putting HIV meds on a top tier and making them more expensive with high co-pays -- even the older and cheaper drugs.
- The PSRA Committee received good news from Chris Rivera of the State's ADAP Program: 1200 PLWHAs have enrolled in commercial policies and 600 took advantage of Medicaid expansion. A total of approximately 2000 were expected to enroll in commercial policies.
- Planning Council staff are working on a guide for PLWHAs enrolling in commercial plans on the Exchange.
- HIV Health Reform is a good source of information on preparing for the next round of enrollment.

**Brainstorming for the Office of National AIDS Policy (ONAP) Sessions on August 7<sup>th</sup> and 8<sup>th</sup>:**

- Jan Park has seen reports critical of the White House definition of success:
  - No new money has ever been tied to the NHAS.
  - The HIV/AIDS strategy has been based on the ACA, but the ACA rollout has been problematic.
  - Planning Council staff will draft testimony affirming the importance of Ryan White and discussing the negative impact of drastic cuts.

**Other Federal Policy Updates:**

- New York has received a cut of \$5 million to its HOPWA grant. HUD, which dispenses HOPWA funding, is moving away from basing awards on the cumulative number of AIDS cases. And HUD's definition of having AIDS has changed: in the past, a person with HIV who had progressed to AIDS retained the AIDS diagnosis for the rest of his or her life; now, as per CDC's definition, a person who has AIDS but whose immunological status improves is still a PLWH but no longer has AIDS. In addition, HUD funding now covers not only NYC but also several counties in New Jersey. HASA's policy remains the same as in the past:

an individual who has received an AIDS diagnosis has AIDS for the rest of his or her life.

**New York State Updates:**

- Gov. Cuomo wants an agreement with pharmaceutical companies if we are going to be putting a lot of people on ARVs.
- How will Gov. Cuomo's plan deal with people who have dropped out of care?
- The NYS AI wants \$10 million to set up a task force to implement the Campaign to End AIDS.

**Pre-Exposure Prophylaxis (PrEP):**

- The incoming Assistant Commissioner for the Bureau of HIV/AIDS Prevention and Control, Dr. Demetre Daskalakis, is a PrEP expert.
- We should not forget that PrEP helps women, too. It is like birth control.
- Ryan White funds cannot pay for PrEP. RW money can only pay for treatment and care of people who are already infected.

**HIV Criminalization:** CDC and DOJ are calling for the states to repeal their HIV criminalization laws.

**Public Comment:**

- Yves Gebhardt noted that the HIV Care Network in Harlem is going to be able to continue to meet in the building where it has been meeting.
- Carlos Rosario stated that the LGBT Center in the Bronx will open on August 14<sup>th</sup>, courtesy of BOOM!Health.

**Adjournment:** The meeting was adjourned.

**Items for Follow-Up:**

- Planning Council staff members are working on the guide for PLWHAs choosing a plan on the health insurance exchange, modeled on guides in California and Ohio.
- Planning Council staff will draft testimony for the ONAP listening sessions.
- Planning Council staff will invite Dan O'Connell to talk about the task force which the NYS AIDS Institute wants to establish.
- The Policy Committee and/or the Planning Council want a presentation on the opening of the registry to providers.