



Meeting of the  
**POLICY COMMITTEE**  
Matthew Lesieur and Darryl Ng, Co-Chairs

February 19, 2010  
CHCANYS, 535 Eighth Avenue, 8<sup>th</sup> Floor Conference Room  
10:00-12:00

**Members Present:** Kareem Clemons, Gregory Cruz, Elaine Greeley, Matthew Lesieur, Lorna Littner, Esther Lok, Lucky Michaels, Wanda Mitchell (alt. for Andresa Person), Darryl Ng, Jan Carl Park, Lyndel Urbano (alt. for Sean Cahill, PhD), Dorella Walters

**Members Absent:** Susan Alston, Kali Lindsey, Paul Meissner

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

**Others Present:** Manuel Ducret, Cynthia Knox, Felix Lopez

**Materials Distributed:**

- Agenda
- Minutes from the January Policy Committee Meeting
- List of Policy Committee Open and Closed Items
- ABAC FY 2011 Appropriations for Federal HIV/AIDS Programs
- New York State Register Material on Proposed Changes to ADAP
- Draft of Letter to NYC Council Speaker Christine Quinn on Mayor Bloomberg's Plan to lay off 248 HASA Caseworkers
- Federal Register Notice Rescinding HRSA's 24-Month Cumulative Lifetime Cap on Ryan White-Funded Housing
- Statement of Office of National AIDS Policy on Rescinding the Cap

**Welcome/Introductions/Review of the Meeting Packet/Review of the Minutes:** Matthew Lesieur and Darryl Ng welcomed meeting participants. Members introduced themselves. Nina Rothschild reviewed the contents of the meeting packet. The minutes were approved with one change by all present with one abstention.

**List of Open and Closed Items:** Nina Rothschild reviewed the list of open and closed items.

- Medicaid managed care for PLWHAs in NYS: NYS has applied for a waiver from the Center for Medicare and Medicaid Services (CMS) to end the exemption of PLWHA from Medicaid managed care. Policy Committee members agreed that when the waiver is approved (probably on March 31), New York State Medicaid Director Donna Frescatore should be invited to address the full Planning Council on the expected impact of managed care on PLWHA.

**Cynthia Knox Presentation on Ryan White-Funded Legal Services:**

Cynthia Knox, JD, Deputy Executive Director of the HIV Law Project, spoke about Part A-funded legal services. She noted that in 2009, legal services providers were advised by NYC DOHMH that Ryan White could not pay for bankruptcy proceedings, debtor/creditor issues, and wills. She stated that the lawyers worked through Congressional Representatives and others to obtain clarification about permitted services. The lawyers also reached out to other jurisdictions and found inconsistencies throughout the country regarding legal services permitted by HRSA. Ms. Knox spoke with Captain Douglas of HRSA to obtain clarification. DOHMH is also contacting HRSA for clarification. HRSA will release a statement in approximately two months.

Ms. Knox expressed frustration that PLWHAs in New York City do not have access to a full array of legal services. Policy Committee members discussed a possible explanation for the discrepancies across the nation. Different Presidential administrations may have placed greater or lesser emphasis on medical services vs. social support services, and legal services fall within the social support category. Jan Carl Park stated that DOHMH has been acting in good faith based on the information it has in writing from HRSA. He stated that if the legal community has concerns about limits in the types of services paid for through the Ryan White grant, the community can launch an audit. Darryl Ng suggested that Ms. Knox present to the Planning Council's Integration of Care Committee because IOC defines models of care.

**New York City Budget:** In his January Plan, Mayor Bloomberg outlined new taxes and cuts in programs. Included in the proposed cuts are 248 HASA caseworkers who will be reassigned, laid off, or disappear through attrition. Policy Committee members discussed whether laying off the caseworkers would be in violation of local law 49. Cynthia Knox agreed to e-mail the text of the Henrietta D case to Darryl, who in turn would forward it to Nina Rothschild, who would tweak the letter into testimony to be presented at City Council budget hearings.

**President's Proposed Budget for FY 2011:** Although the \$30 million increase for HIV prevention in the proposed budget is good, the lack of an increase for Part A and the minor increases for Part B and for ADAP are disappointing – particularly given the increased estimate of 56,300 new HIV infections per year. Policy Committee members were not clear whether a hidden assumption of the budget is that Speaker Nancy Pelosi will arrange for an increase for Ryan White funding. Matt Lesieur and Darryl Ng agreed to provide a FAPP letter on flat Ryan White funding which Nina Rothschild would tweak to make Planning Council-specific.

**New York State Budget:** Governor Paterson has to fill an \$8.2 billion gap in the New York State budget. His proposed budget includes an increase in taxes on hospitals, cuts to AIDS nursing homes, a new reimbursement policy for home care, and the possibility that some drugs may not be in the AIDS formulary. Nina Rothschild agreed to draft a letter to Governor Paterson, Speaker Silver, temporary Senate President Malcolm Smith, and the Health Committee Chairs expressing concern about the budget and, in particular, about possible restrictions on the formulary.

New York State is also considering expanding the income level for ADAP eligibility from \$44,000 to 435% of the Federal Poverty Level. PLWHAs will no longer have to bankrupt themselves and sell down their retirement assets in order to qualify for ADAP. Nina Rothschild agreed to write a letter to the New York State Health Department supporting the proposed changes in the New York State Register and to cc Christine Rivera.

**HRSA 24 Month Cumulative Lifetime Cap on RW-Funded Housing:** In response to advocacy from the AIDS community, HRSA has rescinded the 24 month cumulative lifetime cap on housing. The cap would have impacted approximately 150-200 RW recipients in New York City. Having a 24 month cap on housing services but not on other RW services did not make sense.

**Public Comment:** Manny Ducret asked whether an ADAP card listing the ADAP recipient's address could count as documentation for legal purposes. Felix Lopez stated that he learned at an American Bar Association panel that there are no restrictions on legal services funded by Ryan White.

**Next Meeting:** The Policy Committee will meet again on March 19<sup>th</sup> from 10:00-12:00.

**Adjournment:** The meeting was adjourned.

**Items for Follow-Up:**

- When NYS receives waiver from CMS, Jan Park should invite Donna Frescatore (Director of NYS Medicaid program) to speak to full PC on impact of Medicaid managed care on PLWHA
- IOC should invite Cynthia Knox to present on legal services in order to enhance IOC members' knowledge about this model of care.
- Nina Rothschild should prepare testimony for Community Co-Chair Charles Shorter to present at City Council budget hearings.
- Nina Rothschild will tweak a FAPP letter to President Obama expressing disappointment with Ryan White allocations in proposed budget for FY 2011.
- Nina Rothschild will write letter to Governor, Assembly Speaker, Senate President, Chairs of Assembly and Senate Health Committees expressing concern about proposed NYS budget and, in particular, about proposed restrictions on the HIV formulary.
- Nina Rothschild will write a letter to Katherine Ceroalo supporting proposed changes in ADAP Program.