



Meeting of the

HIV Health and Human Services Planning Council of New York

January 7, 2010

3:10-4:50 PM

LGBT Center, 208 W. 13th Street

MINUTES

Members Present: J. C. Park, MA, MPA (Governmental Co-chair), C. Shorter (Community Co-chair), S. Hemraj (Finance Officer), B. Backofen, V. Benadava, M. Brooks (for M. Bacon), S. Cahill, Ph.D., F. Carroll, N. Cataldi, G. DeYounge, J. Edwards, M. Gilborn, L. Hildebrand, DSW, M. Hunt, M. Irizarry, K. Kaiman, J. Hilger (for F. Laraque, M.D, M.P.H.), , J. Lehane, Ph.D. (for T. Petro), M. Lesieur, F. Machlica (for L. Fraser), D. Marcano, D. Marder, M.D., H. Mateo, G. Mercado, L. Freddy Molano, M.D., Pastor J. Payne, G. Philip, M. Piñón, A. Vergara, E. Viera, Jr., D. Walters, S. Wayne

Members Absent: S. Adams, A. Aviles, D. Bird, K. Clemons, A. Cohall, M.D., J. A. Eddie, I. Feldman, A. Hardman, D. Ng, D. Rakower

Staff Present: *DOHMH:* D. Klotz, N. Rothschild, R. Molina; *Public Health Solutions:* R. Miller, G. Kaloo

Agenda Item #1: Welcome/Introductions/Minutes

Mr. Park and *Mr. Shorter* opened the meeting followed by introductions.

Mr. Lesieur introduced the moment of silence.

Mr. Backofen reviewed the rules of respectful engagement.

Mr. Park reviewed the meeting packet.

The minutes of the December 17, 2009 meeting were approved with one typo corrected.

Mr. Park reviewed the conflicts of interest guidelines, noting that this is the first meeting of the new Council cycle with a vote on a financial matter, and that members are expected to disclose their conflicts.

Agenda Item #2: 2009 and 2010 MAI Spending Plans

Mr. Park explained that, with the synchronization of Minority AIDS Initiative (MAI) and base funding starting on March 1, 2010, there are five months of overlapping MAI funds in the two fiscal years (2009-10 and 2010-11), thus the EMA has unexpectedly received \$3.2 million in additional MAI funds. HRSA informed us of the availability of these funds recently, with the requirement that a plan for the use of these funds be submitted by January 15th. The Priority Setting & Resource Allocation Committee (PSRA) met on January 5th to develop a plan, based on recommendations from DOHMH and solicited from the Committee. The amount of the 2010-11 MAI award is not known yet, there but will probably not be a

large variation from the 2009-10 amount. The new award is 100% formula-based and the amount will depend on surveillance figures reported by CDC in New York and the other EMAs/TGAs nationally.

Ms. Hilger explained that the 2010-11 plan uses the same dollar figure as 2009-10, and that the Council will vote on a final plan after the final award is known. HRSA has informed EMAs that base formula and MAI awards will be known around March 1st, with base supplemental awards later. There is a small amount of uncommitted funds (approx. \$29,000) due to Early Intervention (EIS) contracts being negotiated at a slightly lower rate than the amount allocated to the category. Also, about \$19,000 will be freed up for use in NYC because the proportion of Tri-county's award will drop from 5.1% to 4.9% of the grant, based on surveillance numbers. Housing Placement, which is one program, has reached full capacity, and the Medical Case Management (MCM) programs are new. Also, the EMA's base spending plan borrowed about \$3M from ADAP with the promise to repay it out of under-spending, but with spending rates so high only about \$1.1M was able to be repaid. Thus, the MAI plan calls for allocating the surplus by giving an additional \$1.875M in 2009-10 and \$1.086M in 2010-11 to the ADAP pools. This includes about \$200,000 in on-going funds that have been parked in the plan in the ADAP pools.

In response to a question from *Pastor Payne*, *Mr. Lesieur* explained that, in addition to repaying the funds borrowed from ADAP, it is the Council's highest priority, and the program may be facing a serious reduction due to the State's budget crisis.

In response to a question from *Mr. DeYounge*, *Ms. Hilger* explained that the one-time nature of the funds restricts how housing programs could use the funds. Also, as *Mr. Lesieur* explained, this program is housing placement services only.

A motion was made, seconded and passed unanimously to approve the plan as recommended by PSRA.

Dr. Lehane presented the Tri-county MAI plan as approved by their Steering Committee through a similar process. Tri-county will continue 3 EIS programs. As of March 1, 2010, one MCM program will be transferred from base to MAI permanently which will allow them to increase base funding to newly contracted base-funded Food & Nutrition programs. A motion was made, seconded and passed unanimously to approve the Tri-county MAI plan.

Agenda Item #3: Sign-on Letter: HIV Criminalization

Mr. Lesieur reported on a growing trend to criminalize HIV transmission through dedicated laws. PLWHAs have been sentenced to long prison terms for actions that pose no actual risk of HIV transmission (e.g., spitting at police officers). These laws increase stigma, do not reflect the realities of HIV transmission and discourage people from getting tested. Every state already has laws that can be used to prosecute someone who intentionally infects another person (e.g., reckless endangerment), but that do not specifically target and stigmatize people with HIV. A letter from the Prevention Justice Alliance asks the CDC to take a leadership role on this issue. The CDC has already pledged to take action, such as educating state health departments and law enforcement agencies, but more intensive action is needed. This is in line with both CDC policy and UNAIDS guidelines.

A motion was made, seconded and approved to add the Council as a signatory to the letter.

Agenda Item #4: Notice of Proposed Bylaws Changes

Mr. Mercado presented a proposal approved by the Rules and Membership Committee (RMC) to amend the Council bylaws to clarify the selection process for alternates, requiring approval of a permanent alternate by both of the Council co-chairs.

Ms. Walters presented a proposal recommended by the Policy Committee and approved by the RMC to expand the Policy Committee membership from 15 to 20, and to eliminate the stipulation on the percentage of Committee members who are also Council members.

Mr. Lesieur explained that the Policy Committee thought it was time to expand as there is more interest in their work. Also, no one remembers why a certain percentage had to be Council members, and the Committee wants to get input from wide range of people.

In response to a comment from *Mr. Viera*, *Mr. Park* said that, while having an alternate is strongly encouraged, members can not be required to have one. Also, having an alternate is a good opportunity to train someone for possible future membership.

The vote on these amendments will take place at the January 21, 2010 meeting.

Agenda Item: #5 Carry-over Waiver Request

Ms. Hilger reported that the EMA is required to submit an advance carry-over waiver request to HRSA. The request asks for the maximum amount permitted by the Ryan White law (formerly 2% of formula funds, now 5%), but the actual amount will be less. The EMA will also have to identify which service categories the carry-over comes from, which will be known after close-out is completed. As per the Council's reprogramming plan, all carry-over funds are committed to repaying the ADAP pools. DOHMH will present the final plan to the Council.

A motion was made, seconded, and approved unanimously to submit the waiver request as presented.

Agenda Item #6: Other Business

Ms. Miller reminded the Council that Part A providers and consumers are encouraged to apply for membership on HIV Care Services Consumer Advisory Group.

Dr. Marder reminded the Council that volunteers are needed for the annual HOPE project census of street homeless.

Mr. Park stated that discussion of the HRSA response to the Council letter on the Board of Directors resolution will be tabled to the next meeting.

There being no further business, the meeting was adjourned.

Minutes approved by the HIV Planning Council on January 21, 2010



Jan Carl Park, MA, MPA
Governmental Co-chair