



Meeting of the
EXECUTIVE COMMITTEE
Thursday, May 14, 2009
3:00-5:30 pm

Cicatelli Associates, 505 Eighth Avenue, 20th Fl, Lavender Room, NY, NY

MINUTES

Members Present: Jan Carl Park (Governmental Co-Chair), Steve Hemraj (Finance Officer), Victor Benadava, Damian Bird, Gregory Cruz, Antionettea Etienne, Marya Gilborn, Jo Ann Hilger (for F. Laraque), Jennifer Irwin, Matthew Lesieur, Gonzalo Mercado, Darryl Ng, Tom Petro, Charles Shorter, Dorella Walters

Members Not Present: Soraya Elcock (Community Co-Chair), Joan Edwards, Alexander Hardman, John-Anthony Eddie, Maria Irizarry

Staff Present: NYCDOHMH: Rafael Molina, Anthony Santella, DrPH, Monica Sweeney, M.D., Jessica Wahlstrom, Darryl Wong

Public Health Solutions: Rachel Miller

Materials Distributed: Agenda; April 9, 2009 EC Minutes; HIV Planning Council ByLaws - Article IX (Conflicts of Interest); Comparison of FY 2008 and FY 2009 Ryan White Program Part A Funding, CAEAR Coalition, May 2009; HRSA/HAB Part A:Eligible Metropolitan Areas Objective Review Committee Final Summary Statement; NYCDOHMH: Analysis of Weaknesses Cited by the Objective Review Committee FY 2009 Ryan White Part A Grant Application; FY 09 Base Spending Plan; FY 09 Tri-County Base & MAI Spending Plan; Memorandum of Understanding betw. HIV Health & Human Services Planning Council of New York and NYCDOHMH (4/30/09 draft); HIV Planning Council ByLaws - Article III (Replacement of Members); letter to Deborah Glick re: A.2565, AIDS Budget & Appropriations Coalition (ABAC) FY 10 Appropriations for Federal HIV/AIDS Programs; May 9, 2009 PWA Advisory Group resolutions in support of the Denver Principles; the Denver Principles (NAPWA); May 2009 Planning Council Calendar.

Welcome/Minutes: Steve Hemraj opened the meeting, followed by member introductions. Marya Gilborn led the moment of silence and Darryl Ng reviewed the Rules of Respectful Engagement. Mr. Park reviewed the meeting agenda and materials. The minutes of the April 9, 2009 meeting were approved with no changes. Jan Park reviewed the Conflict of Interest guidelines, reminding members to acknowledge potential conflicts of interests when voting.

I. Ryan White FY 2009 Award

JoAnn Hilger referenced the handout comparing FY 08 and FY 09 Part A Funding Awards, noting that Nassau - Suffolk Counties, NY and New Haven, CT did not receive 2008 funding awards due to their status as Transitional Grant areas (TGAs) and that the New York and Boston EMAs were the only two EMAs in 2009 to lose Part A funds. New York's increase in funding was in the formula portion of the award, with the decrease in supplemental portion. In addition, NY received > \$800K in the hold-harmless/Stop-loss awards which can be applied to either 2008 or 2009 services; a budget and narrative for the use of those funds must be submitted by June 1, 2009. These funds have been included in the total spending plan. Darryl Ng & Matthew Lesieur added that these funds help mitigate the loss in the formula and supplemental award. New York's total award for FY 09 is \$99,422,261 compared to \$102,430,205 for FY08.

The Objective Review Committee Summary Statement describes the strengths and weaknesses of each section of the application, which received a score of 86 this year, compared to last year's score of 97. The NYC response addresses each identified weakness, listing the application guidance, the HRSA question, excerpts from the submitted application, which is then followed by the NYCDOHMH response. Ms. Hilger added that last year, there were no weaknesses cited in our application, which may be attributed to reviewer selection, order of review and other random variables beyond our control. In addition, the length of our responses was limited by page constraints, which necessitated the removal of repetitive narrative, for which we were penalized. Weaknesses identified include service impact on formerly-incarcerated individuals with HIV/AIDS upon release, unmet need, STIs, poverty, service unit definition, costs of service delivery and budget narrative information. For specific responses to these and other cited weaknesses, please refer to the handout "*NYCDOHMH: Analysis of Weaknesses Cited by the Objective Review Committee FY 2009 Ryan White Part A Grant Application, 5/12/09*". In the next cycle, Planning Council members may be asked to review specific sections. Tom Petro relayed the interest from a Tri-County Steering Committee member to FOIL application review documents; he was joined by Darryl Ng and other Planning Council members in commending NYCDOHMH for the consistent quality and high ratings of each year's applications.

II. Revised Base Spending Plan for FY 2009

For FY09, the NY EMA has sustained a cut of \$3,007,944, or 2.94% less than last year's award. As per the adopted scenario plan in place, targeted reductions would be taken from the ADAP pool (up to \$2.5M), before other service categories would be reduced; the amount of funds which remain for program costs, after factoring in the Tri-County award, NYC Administration and the Quality Management initiative, is \$82,004,650, compared to \$84,608,658 from FY 08. This reduction of \$2,604,008 represents a combination of the targeted cut of \$2,263,702 and a \$340,306 reduction in carrying costs from Year 18 to Year 19.

Noting that 1) ADAP carrying costs already include an upfront, temporary reduction of \$3M, 2) contracts have not yet been awarded for the current Care Coordination RFP and 3) New York State's budget situation is likely to further deteriorate, Mr. Lesieur proposed that the targeted ADAP cut of \$2,263,702 instead come from the Medical Case Management service category. After considerable discussion, and lacking further support for his motion, Mr. Lesieur withdrew his motion. Mr. Hemraj made the motion to accept the FY09 Spending Plan, as presented

ACTION: The year 2009 Base Award Spending Plan was accepted, as presented, 11 voting in favor and 2 abstaining.

Mr. Petro presented the Tri-County spending plan which suffered a cut in the award of only \$16,717. A \$136,688 Westchester-based Treatment Adherence contract, supported with Tri-County funding to the AIDS Institute via Public Health Solutions, starting this year will be fully funded by the AIDS Institute, thereby freeing that amount to be used for other Tri-County programs. The Year 19 Base award is \$5,070,535, and the approved MAI budget is \$486,619, totaling \$5,557,154 for both awards.

ACTION: Mr. Petro made the motion to accept the Tri-County budget, as presented and as accepted by the Tri- County Steering Committee. The motion was seconded and approved, with 13 voting in favor.

III. Rules & Membership Committee

Memorandum of Understanding

David Klotz of the Planning Council Support Unit reviewed the historical background to the HRSA recommendation that EMAs have Memoranda of Understanding (MOU) and Bylaws in place. While there is little guidance as to the format of such memoranda, generally it is accepted as a meeting between parties and a convergence of will and action in achieving common goals. While there are few EMAs who have developed MOUs, San Francisco and Houston have provided theirs as models for our adaptation.

Dorella Walters pointed out that in the existing document there was no mention of the timeframe in which NYCDOHMH would respond to Planning Council requests; it is important that a tenor of respect and collaboration be infused in the guidance, and that such guidance be applicable to both current and future relationship dynamics between NYCDOHMH and the Planning Council. Mr. Hemraj and Ms. Walters suggested that a timeline of actions is needed for feedback and development of the Memorandum of Understanding in order to assure its completion by the end of this planning cycle.

Mr. Lesieur suggested that language be included addressing timeliness and availability of materials and documents for Planning Council decision making. Mr. Petro suggested that language more fully articulating the concept of program guidance should be included and that terms such as directives need clarification and that descriptives such as vague and contradictory should be avoided. J Park suggested that Executive Committee members thoroughly review the MOU with their comments for the next (June) Executive Committee meeting, at which time a decision will be made as to whether to submit that interim draft to the full Planning Council for consideration this June. Once approved, it will then be submitted to the grantee, NYCDOHMH, and its legal department for review.

Removal Proceedings

After reviewing attendance by Planning Council members at full and Committee meetings, the RMC has identified three (3) members who are not in compliance with attendance requirements. Two (2) members resigned on May 14, 2009 for non-participation; the third member, Dr. Kecia Gaither has not responded to our inquiries nor has she resigned. Mr. Park cited Article III, Section I of the Bylaws which addresses absences and removal for cause and the Planning Council's intention, subject to approval by the EC, to seek her removal.

ACTION: Mr. Mercado made the motion to remove Ms. Gaither from the Planning Council, unless a resignation is submitted between May 14 and the Planning Council meeting on May 21. The motion was seconded and voted; all voted in favor.

The most recent candidate to be submitted to the Mayor's Office on Appointments has not yet been cleared for appointment to the Planning Council. This vacancy was due to the resignation of one (1) member earlier this Spring, who has changed residency and occupation.

IV. COMMITTEE UPDATES

The *PWHA Advisory Group* met on May 9, 2009 at African Services, where Soraya Elcock and Petra Barrios from the Leadership Training Institute presented. Ms. Quinn's HIV representative, Eric Baucher, also attended. The ByLaws have been revised and were approved. Ms. Etienne reviewed the resolution passed by the AG that the HIV Planning Council support the Denver Principles, and that organizations receiving Part A funding have PLWAs on their boards of directors, underscoring the importance of the participation of PLWAs in the planning and service delivery processes. Ms. Etienne also called attention to the functioning of Community Advisory Boards (CABs); Rachel Miller reiterated Public Health Solutions monitoring process which assures that CABs meet on a regular basis and that meeting minutes are taken.

Mr. Park reported that the *Care Coordination Guidance and RFP Task Force* has met once and will be meeting once again on May 18th. Because neither Dr. Sweeney nor Dr. Laraque will be available on May 18th, Gregory Cruz and other members of the Task Force present postponed the meeting until Dr. Sweeney or Dr. Laraque's presence could be confirmed.

Mr. Lesieur, representing the *Policy Committee*, presented a draft thank you letter to Assemblywoman Glick for her support of Assembly bill 2565, which would cap the rent contribution for low income people living with AIDS at 30% of their income.

ACTION: A motion was made to send the letter to Ms. Glick; the motion was seconded and adopted unanimously.

Darryl Ng announced that the \$59.5 billion City budget was recently released, with a \$6.6 billion deficit and \$3.4 billion in proposed agency cuts. There will be a hearing at the General Welfare Committee on May 20, at which time Soraya Elcock will be testifying in opposition of the cuts, which affect housing and food/nutrition services.

ACTION: A motion was made in support of Ms. Elcock, the Community Co-Chair, to deliver testimony before the General Welfare Committee on May 20, in opposition to the proposed cuts in the City budget.

Jennifer Irwin, on behalf of the *Needs Assessment Committee* put forth recommendations to the Integration of Care Committee on the program guidance for outreach to youth and will be submitting recommendations on services in SROs.

Damian Bird, on behalf of the *Integration of Care Committee*, reported that the program guidance for Food & Nutrition Services was voted on and approved recently, noting that the guidance is better articulated than the previous one. The Committee is currently focusing on homeless and street youth.

Vicotr Benadava, of the *Consumers Committee*, provided updates of the Medical Monitoring Project (MMP), the Consumers Focus Groups, NAPWA and the Denver Principles, AIDS Watch, the program guidances for Food & Nutrition & Outreach to Homeless Youth.

At the last meeting, NYSDOH/AI provided an overview of the Quality Management initiative; John Ruscillo from HASA will present on the HASA program at HRA at the next meeting. The Committee will continue its discussion on developing guidelines for consumer input and feedback for CABs.

Marya Gilborn, of the *Priority Setting/Resource Allocation Committee*, reported on the Committee's approval of the FY 09 Spending Plan, the EMA Report Cards which provide data on local utilization of services and performance in meeting targets. The Committee will meet again in May and twice in June.

V. Grantee Report

Tom Petro of WCDOH reported that the Tri-County region is working the Food & Nutrition Services RFP and is looking at Early Intervention Services, which is funded at \$900,000, and has yielded a low number of HIV+ clients (some of whom were repeat testers).

VI. May 21, 2009 HIV Planning Council Agenda

Mr. Park reported that at the 5/21 Planning Council meeting, the NYSDOH/AIDS Institute will present on the Ryan White-funded Quality Management Initiative.

VII. Public Comment

A consumer relayed her emotional and life challenges in dealing with a recent HIV diagnosis.

There being no further business, the meeting was adjourned.