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BOARD OF COMMISSIONERS OF FULTON COUNTY

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February 10, 2000

Sandra L. Thurman, Director
Office of National AIDS Policy
The White House
Washington, DC 20503

Dear Ms. Thurman:

As the Chief Elected Official of the Atlanta Eligible Metropolitan Area for the purposes of Title I of the Ryan White CARE Act, I am writing to ask for your assistance in addressing an issue of grave concern to this office. In short, it is my belief that Mr. Harold Phillips, an employee of the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services, has improperly and publicly stated his intent to "investigate" the practices of this office in relation to the allocation & re-allocation of Title I dollars.

Mr. Phillips has been reported in a local Atlanta newspaper as indicating that he has been contacted by an agency in the Atlanta EMA regarding said processes and is prepared to respond to that agency's concerns. While I have every confidence that our locally adopted and implemented processes will withstand any level of scrutiny, I am concerned that this agent of HRSA is attempting to intervene in a situation which is outside of his purview. As you are aware, all EMAs are required by legislation and regulation to have grievance processes in place by which alleged complaints may be resolved. It is not within HRSA's authority to set-aside this process and attempt to intervene into the particulars of a process for which HRSA has no standing.

While I have asked the Fulton County Attorney to solicit certain information, I believe that your assistance in this matter might prove to be invaluable. Specifically, I am seeking to determine:

- 1) what is HRSA's written standard operating procedures for responding to inquiries by an agency with which HRSA has no fiduciary or contractual relationship;
 - 2) what is HRSA's written standard operating procedures for responding to inquiries by members of the press regarding local processes and procedures;
 - 3) what processes exist within HHS for this EMA to lodge a formal complaint against HRSA;
- and,

Sandra Thurman
February 10, 2000
Page Two

- 4) if such a process does not exist within HHS, what remedies are appropriate for us to seek via members of Georgia's congressional delegation in terms of an investigation into the conduct of HRSA? I have scheduled meetings with certain Members of Congress while I am in Washington March 2, 2000 providing testimony before the Senate regarding the reauthorization of the CARE Act and could broach this issue with our delegation during that visit.

I thank you in advance for any assistance which you might be able to provide to us. My staff has been unsuccessful so far in its attempts to speak with anyone at HRSA (other than our Project Officer) regarding this issue and it is our hope that you will have greater success.

Sincerely,


Mike Kern

Feds may resolve fight on AIDS money for local minority group

This year's batch of Ryan White AIDS funding is being handed out, but some say not enough is going to minority agencies, and the feds may step in to resolve the conflict

by PAIGE PARVIN

Money from the largest pot of government funding available for Atlanta area AIDS/HIV care is being doled out for 2000, and at least one local agency may be going away empty-handed—and unhappy.

Earlier this month, more than \$15.5 million in 2000 funding was awarded to the Atlanta area under the Ryan White CARE Act, nearly 13 percent more than last year, according to the office of Fulton County Commission Chairman Mike Kern.

Twenty-one Atlanta AIDS service agencies have been identified as recipients of

this year's Ryan White funds, according to Jeff Check, associate to Kern, who has oversight over Ryan White funding for the entire Atlanta area.

The Atlanta area Ryan White money includes \$930,176 in funding from the Congressional Black Caucus, which last year convinced the White House to declare a "state of emergency" in HIV/AIDS treatment and prevention among African-Americans.

But an agency targeted to blacks that has received Ryan White money since 1993 didn't make the list this year, and its director is crying foul.

Rudy Carn, executive director of AIDS Education & Services for Minorities, said he is taking his concerns to the next level, and has contacted the regional office of the Health Resources and Services Administration, which oversees Ryan White allocation.

"The process is so frustrating," Carn fumed.

Carn said he is particularly concerned that minority agencies be funded in light of the recent study released by the Centers for Disease Control, which revealed that in 1998, for the first time, minority gay men have surpassed white gay men in new AIDS cases.

AESM received \$84,880 in Ryan White funds last year.

Check said a review committee deemed AESM's grant application this year was "not strong enough" to receive funding. One

➤ Continued on Page 13



Atlanta's AIDS Education & Services for Minorities, headed up by Rudy Carn, has asked federal officials to intervene after the agency was cut from Atlanta's Ryan White funding.

AESM challenges Ryan White funding distribution

> Continued from Page 7
agency targeted just to blacks, Our Common Welfare, was approved for money this year.

"We are funding for services, not necessarily any particular service provider, and each applicant must address how they are providing services," he said. "[A review committee] said the application was not strong enough to assure those services would be provided by that agency."

Nevertheless, Cheek said he, too, was concerned about AESM's funding cut, even if he apportioned the blame on the agency's application.

"I think it's fair to say... it's a disturbing issue that they were not funded. We never want to see clients not get services," said Cheek.

Cheek also emphasized that although AESM wasn't funded, a significant portion of Ryan White funding went to AIDS organizations that work with African-American clientele.

"We have to look at whether or not we as a community are serving those populations that have been affected," Cheek said. "The most current information from fiscal year 1999 is that African Americans make up a little more than 70 percent of the cases in metro Atlanta, and we are funding 70 percent African American efforts."

Looks ready to resolve fight

Federal health officials will likely resolve the issue. After a conference call with Carn on Monday, Harold Phillips, deputy chief of the Eastern services branch of HRSA, said representatives from his office will be "following up" with Cheek and with the Metro Atlanta HIV Health Services Planning Council.

"It's not clearly defined how they are allocating dollars," Phillips said. "We also want to look at whether or not they are really making sure that dollars are following the need in the community, and that there are culturally competent minority

providers in a position to compete for dollars and provide services."

Phillips acknowledged he is concerned that AIDS service agencies targeted to minorities may not be receiving adequate Ryan White funding in Atlanta.

"They've gotten our attention," he said.

Under Title I of the Comprehensive AIDS Resources Emergency Act, which applies to metro areas hardest hit by the epidemic, Ryan White money is distributed each year to the chief elected official in the jurisdiction that provides health care to those most affected by AIDS. In Georgia, this means Title I money goes to Keno, the highest official in Fulton County.

The funds wind up in the case of Cheek, who is openly gay, and who oversees the HIV Health Services Planning Council. Made up of about 136 members, 45 of whom have voting privileges, the Council meets each year to assess the needs of Atlantans with HIV and AIDS and sets priority categories for the year's funding.

Once the Council is notified of the year's dollar award, an outside review committee decides which agencies should receive how much, to help eliminate conflicts of interest since many Council members are also grant applicants. The Council must then give

final approval to the plan.

Although agencies often apply and receive money year after year, there is no guarantee of continued funding, Cheek said. Each year all applications are scrutinized as if they are first-time applicants, he claimed.

All agencies funded for 2000 have received funds in the past, although not necessarily last year, Cheek said.

Funded Atlanta agencies can also request budget revisions throughout the year. Last month, AESM's Carn wrote a letter to the Council objecting because a request by AESM to redirect funds was denied.

The Council's refusal to allow AESM to redirect \$4,880 toward a staff member's salary is another example of the Council's unfair treatment of AESM, Carn insisted, and part of the reason he contacted the federal officials at HRSA.

Cheek said he is not aware of any Atlanta agencies complaining to HRSA in the past, and the allocation process has not come under fire from the federal agencies before.

He has requested and expects to receive technical assistance from HRSA regarding how to spend the nearly \$1 million in Congressional Black Caucus money, which is not yet spoken for, he said.

AIDS Education & Services for Minorities

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OFFICE OF NATIONAL AIDS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
THE WHITE HOUSE

FACSIMILE TRANSMITTAL SHEET

TO:

Dr. Joe O'Neill

FROM:

on behalf of
Sandy Thurman

COMPANY:

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FAX NUMBER:

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