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September 26, 1997

PRESIDENTIAL

ADVISORY

COUNCIL ON

HIV/AIDS

**MEMORANDUM FOR MEMBERS OF THE PRESIDENTIAL
ADVISORY COUNCIL ON HIV/AIDS****FROM:** R. Scott Hitt, Chair

On Monday and Tuesday, September 15 and 16, I met with some Council members in Washington, D.C., to discuss issues we raised in the letters addressed to President Clinton and Secretary Shalala.

In all of the meetings I provided an overview of the Council's concerns, including the following:

- Deprioritization of AIDS issues in FY 1998 budget;
- Need for Prioritization of AIDS in FY 1999 budget;
- AIDS Drug Assistance Program;
- Needle Exchange;
- Medicaid Expansion;
- Collaboration/Coordination/Resources for HHS and ONAP;
- Changing Nature of the Epidemic and Changing Financial News; and
- Council Vacancies.

In addition to the overview, the following issues were presented to Secretary Shalala:

- Content Restriction on Prevention Materials;
- HIV+ Health Care Worker Guidelines;
- Needle Exchange;
- Medicaid Expansion/Keystone Process;
- AIDS Vaccine Initiative; and
- Prisons Issues.

I represented the Council in the meeting with Bruce Reed, Sylvia Matthews, and Maria Echaveste (Sandy was present). Stephen Abel, Regina Aragon, Tom Henderson, Mike Isbell, Helen Miramontes, Ben Schatz, and I, as well as Daniel and Sandy, attended the meeting with Secretary Shalala.

Meeting Schedule:**Monday, September 15, 1997**

- **National Organizations Responding to AIDS Executive Committee**
Attendees: AIDS Policy Center for Children, Youth and Families, National Hemophilia Foundation, National Minority AIDS Council, National Association of People Living with AIDS, American Foundation for AIDS Research, and the Human Rights Campaign
Issues Discussed: Overall coordination between the Council and community, budget issues, and the need for immediate action on crucial issues. NORA specifically asked the Council to request a meeting with the Health Care Financing Administration (HCFA) in the next two weeks to discuss Medicaid expansion.
Response: The Council communicated this specific request to Nancy Ann Min De Parle of HCFA and will continue to work closely with NORA to ensure communication between the Council's objectives and those of NORA.
- **Tom Shea, Special Assistant to the President and Associate Director, Presidential Personnel**
Issues Discussed: Council vacancies
Action: Council will provide two to three names for nomination for vetting process no later than the beginning of October.
- **Betsy D'Jamoos, White House Liaison for HHS**
Issues Discussed: Council vacancies
Action: Council will provide two to three names for nomination for vetting process no later than the beginning of October.
- **Marsha Martin, Special Assistant to Secretary Shalala**
Issues Discussed: Pre-meeting to Secretary Shalala
- **Daniel Zingale, Executive Director, AIDS Action Council (AAC)**
Issues Discussed: Overall issues and AAC Strategy for solving current and future issues.

Tuesday, September 16, 1997

- **Nancy Ann Min De Parle**
Issues Discussed: Medicaid Expansion to cover HIV+ individuals
Action: She will meet with the community to discuss model and cost assumptions
- **Bruce Reed, Assistant to the President for Domestic Policy, Domestic Policy Council**
Issues Discussed: Overall issues, specifically Needle Exchange

- **Maria Echaveste, Assistant to the President and Director for Public Liaison, Office of Public Liaison**
Issues Discussed: Items from Council's letter to the President, specifically Needle Exchange, AIDS Vaccine Initiative, and Council vacancies
- **Don Gips, Chief Domestic Policy Advisor for the Vice President, Toby Donenfeld, Domestic Policy Advisor for the Vice President, and Miguel Bustos, Domestic Policy Advisor for Mrs. Gore**
Issues Discussed: Overall Council's role, Vaccine Initiative, Vice President's Medicaid Expansion Initiative
- **Sylvia Matthews, Assistant to the President and Deputy Chief of Staff**
Issues Discussed: Items from Council's letter to the President, specifically Needle Exchange, AIDS Vaccine Initiative, and Council vacancies
- **Donna Shalala, Secretary, Department of Health and Human Services** (also included, John Eisenberg, Eric Goosby, Greg Jones, Marsha Martin, Victor Zonona, Katherine Steel)

Secretary Shalala started the meeting by saying everything she does is based on the appropriations process in order to ensure maximized funding for all health programs. She discussed the different roles she, HHS, the White House and Congress play in order to achieve the desired results. She emphasized that she is very results oriented.

Scott Hitt provided an overview of items as listed above and then allowed time for each of the main items to be discussed.

Main Issues Discussed:

- **Content restrictions (Presenter: Mike Isbell)**
Issue:
The Secretary should immediately lift existing restrictions on the content of federally funded HIV materials, requiring only that materials be scientifically accurate and appropriate for the targeted audience.
Response:
Shalala stated that HHS would work with CDC to finalize these guidelines.
- **Health Care Worker Guidelines (Presenter: Ben Schatz)**
Issue:
The CDC should immediately review its scientifically discredited guidelines on health care workers infected with HIV/AIDS, replacing them with recommendations based on the present body of science.
Key issues discussed:
 1. No significant risk standard
 2. Exposure-prone procedures
 3. Patient notification provision

Response:

Shalala will discuss the guideline issues with CDC and work with them to ensure that an update is available within a short time frame. After that, the scientific update would be available on the MMWR.

- **Needle Exchange (Presenter: Regina Aragon)**

Issue:

The Secretary should immediately exercise her needle exchange waiver authority while simultaneously taking a more visible and forceful stand against Congressional efforts to eliminate this authority as of October 1, 1997.

Regina stressed the importance of the Administration's and Secretary's leadership on this issue. Shalala needs to personally send a strong message to Congress to retain her waiver authority. If we are not successful in conference committee to retain her waiver authority, given other extreme issues included in the Labor/HHS appropriations bill, then needle exchange should be a priority issue in considering whether to veto the bill.

Response:

Secretary Shalala articulated the strategy for responding to the use of needle exchange programs as a prevention strategy, including the Department's February report that stated HHS is clear on the science. She said that her first priority is to protect her authority in conference committee and that she would be meeting with Senator Specter tomorrow (Wednesday, Sept. 17th). She also said that she would check in with Harkin later that week; she did not respond to the issue of a veto message believing that was premature and preferred to focus on the existing strategy to protect her authority. She also stated that David Satcher, nominee for Surgeon General and Assistant Secretary for Health; Peggy Hamburg, nominee for Assistant Secretary for Planning and Evaluation; and Harold Varmus, Director of National Institutes of Health, would commit as leading public health professionals to prevention strategies that include the effectiveness of needle exchange programs.

- **Medicaid Expansion (Presenter: Tom Henderson)**

Issue:

In April, the Vice-President announced a long-sought initiative to expand Medicaid coverage to HIV-infected individuals and thus facilitate early intervention therapies. The initiative is seriously threatened by failure to consider long-term cost savings that could offset the additional short-term costs.

Response:

According to Secretary Shalala, Medicaid expansion is not revenue-neutral based on current assumptions; she is extremely concerned with opening

Medicaid to scrutiny by Congress because of Congress' past attempts to block grant Medicaid; Nancy Ann Min De Parle offered to meet with the community in 2-4 weeks to discuss the Medicaid expansion assumptions; De Parle offered to work with the Council to look at the actuarial data and methodology used to arrive at conclusions; Don Gips is concerned with the present HHS modeling and welcomed the opportunity to work with the Council to discuss HIV financing and current modeling assumptions.

- **AIDS Vaccine Initiative (Presenter: Helen Miramontes)**

Issue:

During the past 2 years the Council has consistently made recommendations on vaccine development that emphasize a comprehensive approach that includes multiple Federal agencies, the private sector, and the international community. A comprehensive approach, broader than just NIH, is essential if the President's goal of having an AIDS vaccine within a decade is to be achieved.

Response:

Secretary Shalala offered to work with Sandy to convene a White House meeting of all Federal agencies and outside entities affected by the AIDS Vaccine Initiative to discuss the Council's recommendation regarding the AIDS Vaccine Center and the overall coordination of the long-term strategy for vaccine research and product development.

- **Prisons (Presenter: Stephen Abel)**

Issues:

Money earmarked from CDC for HIV surveillance in correction facilities; also a decline in prevention activities within the correction system paralleling a rise in AIDS cases; there are model programs in State correction systems that were funded by HRSA that could be applied on a Federal level; need greater access within correction sites through joint ventures between HHS and DOJ that could be accomplished.

Response:

Secretary Shalala offered to work with Sandy and ensure that Dr. Satcher, Secretary Janet Reno, and Secretary's Reno's new deputy Eric Holder fully discuss these issues to determine possible remedies.

Update on Needle Exchange

On Thursday, September 11th, Representatives Dennis J. Hastert of Illinois and Tom Coburn of Oklahoma introduced an amendment to the Labor/HHS Appropriations Bill on the floor of the House restricting needle exchange. Although the White House, especially Sandy Thurman, was actively involved in opposition to this bill, the amendment passed with 257 votes (157 opposed). The Senate passed its appropriations bill without any similar amendment, so the issue must be resolved in conference committee. Sandy was able to get OMB to voice its objection to any

effort to remove the Secretary's authority. Secretary Shalala did meet with Senator Specter, and I will be following up with her office to find out what happened. Obviously, it is hoped that the agreement between the House and Senate will not include this amendment in the final appropriations bill.

As we move closer to December in providing our assessment of the Administration's response to our recommendations, I remain hopeful that these meetings will move the Administration to respond to our concerns. I will follow up with the Council regarding any responses that occur in regard to our concerns.

My next trip to Washington, D.C. will be in October and I will continue to follow up with the Administration and community.