



HIV/AIDS Bureau

Rockville MD 20857

Ms. Mary Curtis
Deputy County Executive
County of Nassau, New York
One West Street
Mineola, New York 11501

MAR 13 2007

Dear Ms. Curtis:

I am responding to your letter on behalf of the Nassau-Suffolk Counties, in which you requested a waiver pursuant to section 2604(c)(2) of the Public Health Service (PHS) Act, as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Public Law 109-415 (the Ryan White Program).

We have reviewed the additional information contained in your March 9, correspondence in which you certified that all core medical services identified in section 2604(c)(3) of the PHS Act are available to all individuals living with HIV/AIDS in the Nassau-Suffolk Counties. Your correspondence additionally indicated the specific funding source for each service. You have previously certified that your program meets the other requirement for a waiver: there is no waiting list for AIDS Drug Assistance Program services. The information provided meets the standard for granting a waiver from the core medical services requirement which the Health Resources and Services Administration (HRSA) is using for the fiscal year (FY) 2007 grant year. We have determined that for FY 2007, applicants for waivers may satisfy the "core medical services" requirement by certifying that all core medical services provided under the applicant's Ryan White program grant are available to all eligible individuals in the area.

We are pleased to indicate that the Nassau-Suffolk Counties have been granted a waiver from the core medical services requirement for the grant period commencing March 1, 2007, through February 28, 2008. In granting a waiver, however, HRSA reiterates the importance that HRSA and the Ryan White Program legislation place on the funding of core medical services. HRSA intends to publish a notice in the Federal Register that will provide the standards for approving and the process for applying for a core medical services requirement waiver in FY 2008.

Sincerely,

Deborah Parham-Hopson, Ph.D., R.N.
Assistant Surgeon General
Associate Administrator



**NASSAU COUNTY
DEPARTMENT OF HEALTH**
240 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501-4250
VOICE: 516 571-3410
FAX: 516 571-3369

March 9, 2007

Deborah Parham Hopson, Ph.D.
Assistant Surgeon General
Associate Administrator
Department of Health & Human Services
Health Resources and Services Administration
HIV/AIDS Bureau
Rockville, MD 20857

Dear Dr. Hopson:

This letter is to provide certification that the following core medical services specified in section 2604(c)(3) of the Public Health Service (PHS) Act as amended by the Ryan White HIV/AIDS Treatment and Modernization Act of 2006, are available to all individuals in Nassau County living with HIV/AIDS identified and eligible under title XXVI of the PHS Act.

This information is being provided in response to your letter received March 5, 2007 to Dr. Mary Curtis, Deputy County Executive County of Nassau, New York, regarding the request for a waiver pursuant to section 2604(c)(2) of the PHS Act.

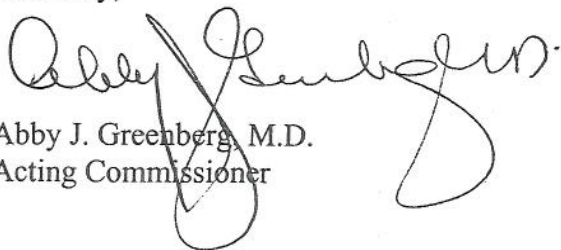
Core Medical Services Provided:

- (A) Outpatient and ambulatory health services: Available to all eligible individuals living with HIV/AIDS at the three Designated AIDS Centers in the Nassau-Suffolk region. Services are covered by private insurance, Medicare, Medicaid, and Ryan White Title I funding.
- (B) AIDS Drug Assistance Program treatments in accordance with section 2616: Available to all eligible individuals living with HIV/AIDS through Ryan White Title II funding.
- (C) AIDS pharmaceutical assistance: Available to all eligible individuals living with HIV/AIDS through private insurance, Medicare, Medicaid, and AIDS Drug Assistance Program.
- (D) Oral health care: Available to all eligible individuals living with HIV/AIDS through private insurance, Medicaid, and Ryan White Title I funding.

- (E) Early intervention services described in subsection (e): Available to all eligible individuals living with HIV/AIDS in the region through Ryan White Title III funding.
- (F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615: Available to all eligible individuals living with HIV/AIDS in the Nassau-Suffolk region through Ryan White Title I funding.
- (G) Home health care: Available to all eligible individuals living with HIV/AIDS through the three Designated AIDS Centers in the Nassau-Suffolk region.
- (H) Medical nutrition therapy: Available to all eligible individuals living with HIV/AIDS at the three Designated AIDS Centers in the Nassau-Suffolk region with partial support from Ryan White Title I funding.
- (I) Hospice services: Available to all eligible individuals living with HIV/AIDS through private insurance, Medicare, and Medicaid.
- (J) Community-based health services as defined under section 2614(c): Available to all eligible individuals living with HIV/AIDS through the three Designated AIDS Centers in the Nassau-Suffolk region.
- (K) Mental health services: Available to all eligible individuals living with HIV/AIDS through private insurance, Medicare, Medicaid, and Ryan White Title I funding.
- (L) Substance abuse outpatient care: Available to all eligible individuals living with HIV/AIDS through private insurance, Medicaid, and Ryan White Title I.
- (M) Medical Case Management, including treatment adherence services: Available to all eligible individuals living with HIV/AIDS through the three Designated AIDS Centers and through Ryan White Title I funding (inmate pre-release program).

Based upon the foregoing certification, we believe it is clear that Nassau County fully meets the requirement for a waiver under the statute.

Sincerely,



Abby J. Greenberg, M.D.
Acting Commissioner



HIV/AIDS Bureau

Rockville MD 20857

APR 17 2007

Mr. John Auerbach
Executive Director
Boston Public Health Commission
1010 Massachusetts Avenue, 2nd Floor
Boston, Massachusetts 02118

Dear Mr. Auerbach:

I am responding to your letter on behalf of the Boston Eligible Metropolitan Area (EMA) in which you requested a waiver pursuant to section 2604(c)(2) of the Public Health Service (PHS) Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Public Law 109-415.

The March 23 letter from Deborah Parham Hopson, Associate Administrator of the HIV/AIDS Bureau, Health Resources Services Administration (HRSA), outlined the criteria for waiver eligibility and the information that must be submitted by a grantee to be eligible for a 1 year waiver from the 75 percent core medical services expenditure requirement in fiscal year (FY) 2007. As you know the grantee must submit the following criteria:

- Certification from the Part B State grantee that there are no waiting lists for AIDS drug Assistance Program services within the State. This certification also must specify that there are no waiting lists for a particular core class of antiretroviral therapeutics established by the Secretary, e.g., Enfuvirtide (Fuzeon); and,
- Certification that all core medical services funded under the applicant's Ryan White Program grant are available to all eligible individuals in the area.

We have reviewed your correspondence in which you, as the delegate for the Boston EMA certified that all core medical services funded under the Boston's EMA Ryan White Program are available to all individuals in the area. Further, you included a letter from Ms. Carol Weisberg, Chief Financial Officer of the Department of Public Health for the Commonwealth of Massachusetts, which certified that the Commonwealth of Massachusetts does not currently, or plans to maintain a program or utilization waiting list during FY 2007.

We are pleased to indicate that the Boston EMA is being granted a waiver from the core medical services requirement for the grant period commencing March 1, 2007, through February 29, 2008. In granting a waiver, however, HRSA reiterates the importance that HRSA and the Ryan White Program legislation place on the funding of core medical services. HRSA intends to publish a notice in the Federal Register that will provide the standards for approving and the process for applying for a core medical services requirement waiver in FY 2008.

Sincerely,



Deborah Parham Hopson, Ph.D., R.N.
Assistant Surgeon General
Associate Administrator



OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL CENTER

2007 APR - 3 A 9: 49

RECEIVED

March 27, 2007

Michael O. Leavitt
Secretary of Health & Human Services
The U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Grant Number: 2 H89HA 00011-17-00
Title of Project: HIV Emergency Relief Project Grants

Dear Mr. Leavitt:

In accordance with the Ryan White HIV/AIDS Treatment Modernization Act of 2006 and the procedures detailed in a March 23, 2007 letter from Dr. Deborah Parham Hopson, Associate Administrator, HRSA HAB, the Boston Part A (Title I) EMA is submitting a request for a waiver from the 75 percent core medical services expenditure requirement for FY 2007.

As the Boston EMA HIV Services Planning Council has previously certified (see attached), The Boston EMA meets the legislative criteria for waiver eligibility. This includes:

- There are no waiting lists for AIDS Drug Assistance Program (ADAP) services within the state

Please see the attached certification from the Massachusetts Department of Public Health, HIV/AIDS Bureau, the Part B State grantee, that there are no waiting lists for ADAP services.

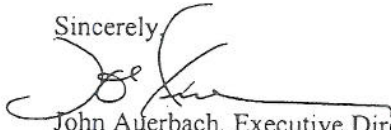
- Core medical services are available within the relevant service area to all individuals with HIV/AIDS identified and eligible under Title XXVI of the PHS Act

As the CEO's official delegate for the Part A grant I hereby certify that all core medical services funded under the Boston EMA's Ryan White program are available to all individuals in the area.

Having met and certified all criteria specified in the statute, we request that a waiver be granted from the core medical service requirement. This will enable the locally developed plan for ensuring that a range of medical and health related services that improve and maintain access to care for PLWH can be fully implemented.

Please feel free to contact our office if there are additional questions.

Sincerely,



John Auerbach, Executive Director
Boston Public Health Commission

Cc: Deborah Parham Hopson, HRSA, Associate Administrator
Douglas Morgan, HRSA, Director Division of Service Systems
Stephannie Young, HRSA, Grants Management Officer
Latrece Timmons, HRSA, Project Officer
Richard Stevens, BPHC, Director, AIDS Program
Michael Goldrosen, BPHC, Client Services Manager



*** RECEIVED ***
Apr 03, 2007 09:49:41 WS# 06
OFFICE OF THE SECRETARY
CORRESPONDENCE
CONTROL CENTER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

PAUL J. COTE, JR.
COMMISSIONER

March 30, 2007

Richard Stevens
Director, AIDS Program
Boston Public Health Commission
1010 Massachusetts Avenue
Boston, MA 02118

Dear Mr. Stevens:

This will certify that the Massachusetts HIV Drug Assistance Program (HDAP), the Commonwealth's ADAP, does not currently maintain a program enrollment or utilization waiting list nor is one anticipated during federal fiscal year 2007.

Further, the HDAP program, as a matter of policy, maintains an open formulary inclusive of all FDA-approved treatments for HIV infection and related opportunistic conditions. This formulary, which is available to all enrollees in the program, is consistent with U.S. Public Health Service treatment guidelines and contains no categorical exclusion of any anti-retroviral therapeutic class. The Commonwealth anticipates no changes to this program policy during federal fiscal year 2007.

Should you have additional questions about this certification, please contact Kevin Cranston, Director of the Massachusetts Department of Public Health HIV/AIDS Bureau at 617-624-5303.

Thank you.

Sincerely,

Carol Weisberg (cc)

Carol Weisberg
Chief Financial Officer
Massachusetts Department of Public Health

**Ryan White CARE Act Title I
Boston EMA HIV Health Services Planning Council**

c/o Boston Public Health Commission
1010 Massachusetts Avenue, 2nd Floor
Boston, MA 02118

Phone: 617.534.4559 Fax: 617.534.5756

Members

February 9, 2007

Saliha Abdal-Khabir
Richard Berryman
Jim Christopher
Kevin Cranston
Larry Day
Amit Dixit
David Gaulin
Susan Goldin
Judith Graham
Jorge Guzman
Alfredo Hernandez
Mario Matos
Emerson Miller
Steven Moran
Sandra Newton
Maria Orsini
Lester Payne
John Powell
Brian Quigley
Freeda Rawson
Donna Rivera
Iris Rivera
Osvaldo Rivera
Shirley Royster
Barry Sandberg
Gary Sandison
Constance Santiago
Ronald Sayres
Richard Stevens
Susan Tannehill
Denise Terrell-
Rondeau
Van Thomas
Rodney VanDerwarker
Arthur Weeks

Michael O. Leavitt
Secretary of Health & Human Services
The U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Leavitt:

At its meeting on February 8, 2007, The Boston EMA Title I, Health Services Planning Council in accordance with the provisions of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 certified that there are no waiting lists for ADAP and that core medical services are available to all individuals with HIV in the EMA.

Therefore in accordance with the provisions of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 we hereby request a waiver of the 75% Core Medical Service requirement for FY 2007

Sincerely,



Larry V. Day
Chair, Boston EMA Title I Health Services Planning Council

Cc: Deborah Parham Hopson, Associate Administrator
Douglas Morgan, Director Division of Service Systems



HIV/AIDS Bureau

Rockville MD 20857

APR 17 2007

Mr. Randy Johnson
Chairman
Board of Hennepin County Commissioners
A-2400 Government Center
Minneapolis, Minnesota 55487-0240

Dear Chairman Johnson:

I am responding to your letter on behalf of the Minneapolis-St. Paul Transitional Grant Area (TGA) in which you requested a waiver pursuant to section 2604(c)(2) of the Public Health Service (PHS) Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Public Law 109-415.

The March 23 letter from Deborah Parham Hopson, Associate Administrator of the HIV/AIDS Bureau, Health Resources Services Administration, outlined the criteria for waiver eligibility and the information that must be submitted by a grantee to be eligible for a 1 year waiver from the 75 percent core medical services expenditure requirement in fiscal year (FY) 2007. As you know the grantee must submit the following criteria:

- Certification from the Part B State grantee that there are no waiting lists for AIDS drug Assistance Program (ADAP) services within the State. This certification also must specify that there are no waiting lists for a particular core class of antiretroviral therapeutics established by the Secretary, e.g., Enfuvirtide (Fuzeon); and,
- Certification that all core medical services funded under the applicant's Ryan White Program grant are available to all eligible individuals in the area.

We have reviewed your correspondence in which you, as the Chief Elected Official of the Minneapolis-St. Paul TGA, certified that core medical services funded are available to all individuals with HIV in the Minneapolis-St. Paul TGA. Further, you included a letter from the Commissioner of the Minnesota Department of Human services certifying that there are no waiting lists for ADAP in the State of Minnesota.

We are pleased to indicate that the Minneapolis-St. Paul TGA is being granted a waiver from the core medical services requirement for the grant period commencing March 1, 2007, through February 29, 2008. In granting a waiver, however, HRSA reiterates the importance that HRSA

Page 2 - Mr. Randy Johnson

and the Ryan White Program legislation place on the funding of core medical services. HRSA intends to publish a notice in the Federal Register that will provide the standards for approving and the process for applying for a core medical services requirement waiver in FY 2008.

Sincerely,



Deborah Parham Hopson, Ph.D., R.N.
Assistant Surgeon General
Associate Administrator

RANDY JOHNSON
CHAIR



*** RECEIVED ***
Mar 13, 2007 10:19:40 WS# 06
OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL CENTER
PHONE: 612-348-7885
FAX: 612-348-5295
TDD: 612-348-7708

BOARD OF HENNEPIN COUNTY COMMISSIONERS
A-2400 GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487-0240

March 9, 2007

The Honorable Mike O. Leavitt, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Leavitt:

I am writing on behalf of the Minneapolis-St. Paul metropolitan area to request that you direct HRSA to implement the waiver provision under Section 2604 of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (RWTMA). Under Section 2604, 75% of grant funds awarded to cities eligible under Part A must be spent on a defined list of core medical services. The remaining 25% of grant funding may be spent by grantees on support services that allow people with HIV/AIDS to achieve their medical outcomes. Section 2604 also states that the Secretary shall waive the core medical services requirement if: 1) there are no waiting lists for AIDS Drug Assistance Program services; and 2) core medical services are available to all individuals with HIV/AIDS identified and eligible under Part A.

Minnesota's AIDS Drug Assistance Program does not currently have a waiting list and low income people living with HIV in the Minneapolis-St. Paul metropolitan area have access to core medical services through a variety of publicly funded Minnesota Health Care Programs including Medicaid and Minnesota Care, the State's HIV Insurance Program and high risk insurance pool and programs funded through Parts C and D of the RWTMA. The Minneapolis-St. Paul metropolitan area's success in identifying people with HIV who know their status and are not in care and helping them enter into and adhere to treatment can be attributed to the continuum of prevention and care developed since the EMA became eligible for Title I funding in 1995. The foundation of this continuum has been to support a broad range of support services that create client-centered paths to care that lead to positive medical outcomes. Without these support services, many people with HIV will drop out of care or encounter unmitigated barriers to accessing core medical services.

E-MAIL ADDRESS:
randy.johnson@co.hennepin.mn.us

WEB PAGE:
<http://www.hennepin.us>

RECEIVED
2007 MAR 13 A 9:56
OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL CENTER

I hope that you will accept an application from Hennepin County for a waiver of the 75% core medical service requirement for the Minneapolis-St. Paul area in fiscal year 2007. If not, please consider delaying implementation of the requirement until 2008. Not allowing a waiver in 2007 could result in a significant increase in unmet need among people living with HIV in our area as well as a widening of racial and ethnic disparities in access to HIV medical care.

Very truly yours,

A handwritten signature in black ink, appearing to read "Randy Johnson". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Randy Johnson, Chair
Hennepin County Board of Commissioners