

Aetna Mailing Prompts Lawsuit

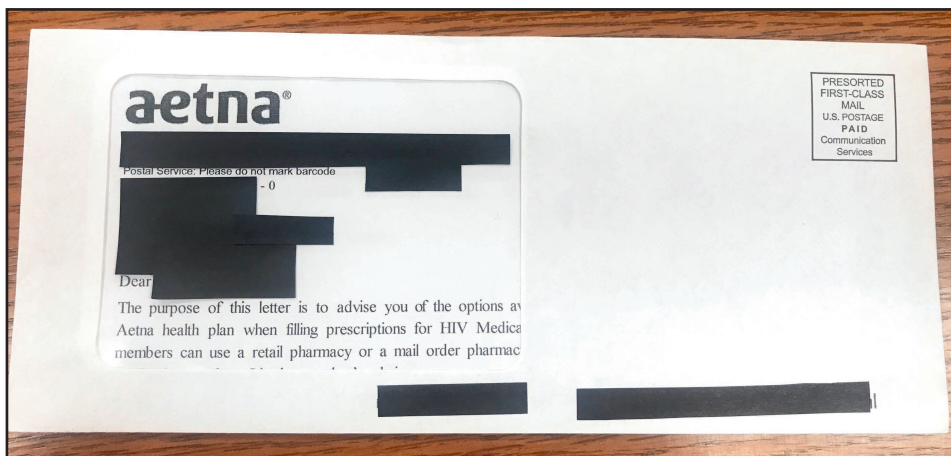
HIV Medication Reference Visible in Envelope Window

This summer the Aetna insurance company sent 12,000 letters to current and former customers that displayed the words “prescriptions for HIV” in the large address window.

The AIDS Law Project of Pennsylvania and other HIV-related legal organizations immediately began getting complaints from people who received the letters.

In response, the AIDS Law Project partnered with the New York-based Legal Action Center and the Philadelphia law firm Berger & Montague, P.C. to file a class action lawsuit Aug. 28 in U.S. District Court for the Eastern District of Pennsylvania in Philadelphia.

Aetna is offering emergency financial



relief and counseling to those who suffered specific harm as a direct result of the mailing. This program is not a settlement of the class action lawsuit.

The AIDS Law Project has agreed to assist with the processing of the emer-

gency relief requests. For help applying for the program or to learn about the lawsuit, call 215-587-9377 or email aetnaclass@aidslawpa.org.

To see updates on the case as it proceeds, go to aidslawpa.org.

A Bootiful Bride

“Corpse bride” **Audrey Hoang Ai** took a big bite at the Boo! IV Wretched Excess @BAHDEEBAHDU dinner party, the AIDS Law Project’s annual gala. The dinner on Oct. 26 was followed by the Debauchery dance party on Oct. 27.

More photos, Page 5

Photo by Contigo Photos + Films 2017



'Valued' Employee Suddenly Fired After HIV Diagnosis

It was a calamitous time for the northeast Pennsylvania couple.

In the spring of 2016, one of them had become seriously ill and ended up in the hospital, where he learned he had HIV. Our client, who is his partner, then got tested and was also diagnosed with HIV.

Despite this unexpected news, our client still had one bright spot in his life. Things had been going well for him at the residential care facility where he worked as a certified nursing assistant.

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HOMELESS AND DESTITUTE

A woman's benefits are restored after a legal settlement leads to financial collapse.

Navigating the System, Page 2

DISCRIMINATION CASE SETTLED

A U.S. Navy veteran who was denied aquatic therapy for war-related injuries gets satisfaction after a federal lawsuit.

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THE BIG PICTURE

An overnight retreat allows the AIDS Law Project staff to assess the future and develop a strategic plan on how best to serve clients.

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SNAPSHOT OF OUR WORK

A new feature on our Facebook page keeps supporters updated on legal developments.

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FROM THE EXECUTIVE DIRECTOR

At the end of the summer, the AIDS Law Project of Pennsylvania, along with the New York-based Legal Action Center and the Philadelphia class-action law firm Berger & Montague filed a federal lawsuit against the giant insurance company Aetna.

The class action suit was filed on behalf of about 12,000 people whose HIV-related information was inadvertently disclosed as a result of an Aetna mailing in envelopes with a large window.

For almost 30 years, we have provided direct legal representation on behalf of people living with HIV and AIDS in Pennsylvania and southern New Jersey, but this is our first lawsuit protecting HIV-related information nationally.

We expanded beyond our traditional geographic boundaries because the stigma around HIV is still a barrier to finding legal representation. We also know how unauthorized disclosure of HIV-related information can easily lead to discrimination. Three to five people a week call our office to report that they have been treated differently because they have a virus. In 2016, we handled 189 HIV-related discrimination cases.

Part of our mission is to educate people that HIV has become a chronic but treatable condition, and that it can only be transmitted in specific ways. We try to diminish the unjustified knee-jerk fear of transmission. We remind people that HIV and other viruses are random, and that there should be no shame in illness.

Among the people living with HIV we represented in 2016 is the Iraq war veteran who alleged she was denied the use of a therapy pool because she has HIV; the chef who lost his job a day after his boss learned he had HIV; the certified nursing assistant who was offered a promotion at the residential treatment facility where he worked, then was fired by the owner five days after he disclosed his status to his supervisor.

Until the protection we offer is no longer needed by people living with HIV, we will be asserting their rights to privacy and to be free from discrimination.

Ronda

NAVIGATING T

Woman Homeless After Spending Cash Settlement

SUSPENDED BENEFITS ULTIMATELY REINSTATED

The woman's life was in shambles when she came to the AIDS Law Project in February. Her federal social security disability benefits had been suspended and she was left homeless and destitute.

Although she tried to communicate with the Social Security Administration, she had a hard time dealing with the agency, said **Jacob M. Eden**, an AIDS Law Project staff attorney.

"She didn't understand what was going on," he said.

Her troubles began when she received a settlement payment following a personal injury. In October 2015, she received \$12,000 as compensation after suffering a serious fall.

Grateful she had survived her accident and with a generous spirit, she spent almost all the money on her family for large Thanksgiving and Christmas celebrations. She also gave a generous gift to a Good Samaritan passerby who had helped her after her accident.

Unfortunately, she did not know that she was required to report the settlement to the Social Security Administration right away. During her yearly redetermination in mid-2016, she reported the settlement. The agency promptly suspended her benefits, claiming that she was

over the resource limit of \$2,000, and assessed an \$8,000 overpayment back to October 2015.

With no other income or resources, she was unable to pay rent and ended up homeless.

Jacob reviewed her case and determined she was only over the resource limit in November and December. Because the woman did not have any receipts or proof of the money she spent, Jacob helped her draft a statement to the Social Security Administration explaining what had happened to the money. The Social Security Administration agreed that she was below the resource limit starting in January 2016.

This caused another complication. Since Social Security Administration rules prohibit giving away resources, her generosity led to a 16-month period of ineligibility.

Jacob argued that this penalty should not be enforced due to the hardship it would cause, and the Social Security Administration agreed. Her benefits were reinstated and her overpayment was reduced to \$2,200 – for the month she received the check and the two months she still had the money.

"She was ecstatic that her benefits were restored," Jacob said. "Now she can start putting her life back together."

GOOD COUNSEL BY E-MAIL

Want to receive the newsletter electronically? Sign up at AIDSLawPa.org/e-newsletter.



Man Battling Disabilities, Addiction Gets Another Chance

FROM SHELTERS TO REHABS, STABILITY SEEMED ELUSIVE

A stable life seemed out of reach for the 59-year-old man.

When he wasn't incarcerated, he bounced from homeless shelters to recovery programs and back again. In addition to struggling with addiction, he was burdened with schizophrenia, bipolar disorder, uncontrolled diabetes and peripheral neuropathy.

The way he saw it, the drug use offered an occasional escape from his painful life. It also made the stability he so desperately needed an impossible goal.

He had applied for Social Security disability benefits for years, but was repeatedly denied because of his drug addiction. Federal law prohibits awarding disability benefits to a person if alcohol and drug addiction are considered material to their disability.

Finally, he came to the AIDS Law Project for help as he once again tried to get the benefits that would offer him a glimmer of hope.

"He had a very tragic look to him," said **Juan M. Baez**, the AIDS Law Project's deputy managing attorney. "He was desperate."

At the Social Security hearing in August, Juan argued that the man's drug addiction was not material to his disability. The administrative law judge agreed that the man's multiple health impairments, age and limited past work experience rendered him unable to work, regardless of his drug addiction.

Juan was able to secure for the man Social Security disability income of \$733 a month, which also was granted retroactively to 2015.

"He was grateful for the assistance in getting a stable income that gives him a chance to find a home," Juan said.

Bookkeeping Error Imperils Family

YOUNG MOTHER STRUGGLES TO KEEP FAMILY TOGETHER

The 24-year-old woman was doing her best to keep her family together under trying circumstances.

She had been living with her 9-year-old child when her mother suddenly died. She immediately arranged for her two teenage siblings to come and live with her.

Doing her best to follow the rules, she reported her new household size, now four people, to the Department of Human Services (DHS). She also applied for food stamps and Medicaid for her two siblings so her family could survive.

The next thing she knew was that DHS had cut off her and her child's benefits, putting the family in a precarious position.

Bewildered, she contacted the AIDS Law Project for help.

"She was trying to take care of her family and do the right thing," said **Adrian M. Lowe**, an AIDS Law Project staff attorney.

Adrian quickly determined that DHS had made a mistake. The department had included our client's siblings' Social Security survivor benefits in assessing the family income, but had not counted the increased number of household members.

DHS was counting the income of four people, but applying the eligibility limit for two.

Adrian filed an appeal and provided documentation that his client's siblings were living with her. DHS redid its calculations and determined the whole family was eligible for benefits.

"It was simple enough to correct, but not something she could have done on her own," Adrian said. "She is a very together young woman who still was tripped up by an error."

Resolution In Aquatic Therapy Bias Lawsuit

The AIDS Law Project settled a federal discrimination lawsuit May 16 on behalf of an HIV-positive Iraq war veteran.

The veteran, who used the pseudonym **Bonnie Jones** in the lawsuit to protect her privacy, contended that defendants **Drayer Physical Therapy** and **OSS Orthopaedic Hospital** in York, Pa., denied her aquatic therapy because she had HIV.

Good Counsel reported in the Fall 2016 issue that **Bonnie** had sought treatment for chronic spine pain and limited range of motion, the result of wearing a bulletproof vest for extended periods during two active-duty tours in Iraq.

Bonnie's lawsuit, filed in June 2016, contended that **OSS**, **Drayer** and a physical therapist violated federal anti-discrimination laws and the Pennsylvania law on confidentiality of HIV-related information.

According to the terms of the settlement, the case was resolved to the mutual satisfaction of all parties.

AIDS Law Project Executive Director **Ronda B. Goldfein**, staff attorney **Adrian M. Lowe**, of counsel **Sarah Schallman-Bergen** and intern **Priya Mehta** worked on the case.

LEGAL NEWS



Former Staff Attorney Becomes New Jersey Superior Court Judge

The Honorable **Rodney Cunningham** was sworn in as a New Jersey Superior Court judge at the Atlantic County Institute of Technology in Mays Landing on Aug. 31. Judge Cunningham has had the respect and affection of the AIDS Law Project since he worked with the organization as a staff attorney 20 years ago.

'Valued' Employee Suddenly Fired

CONTINUED FROM PAGE 1

He had worked there for eight months and had recently been offered a promotion to a management position. The offer came in a letter that described him as "a valued asset to our organization and paramount to our community's success."

Six days after he got the letter and feeling on solid ground with his employer, he disclosed that he and his partner had recently been diagnosed with HIV to explain why he was unable to work an overnight shift.

He was stunned by what happened next.

Within hours of disclosing his status, the owner of the facility told him to attend a meeting the next day, where he was put on probation for 30 days for alleged performance problems.

Five days later, he was fired. His employer said he failed to clock out.

The nursing assistant went from being a star employee to a problem employee in five days and the only thing that had changed was he had HIV.

The man was left dazed by the rapid developments, as his whole world had turned upside down. He didn't know how he was going to take care of himself and his family.

The AIDS Law Project filed a complaint with the U.S. Equal Employment Opportunity Com-

mission in September 2016 alleging that the facility violated the federal Americans with Disabilities Act and the Pennsylvania Human Relations Act.

Executive Director **Ronda B. Goldfein**, staff attorney **Adrian M. Lowe**, and interns **Kadeem Morris** and **Brian Shim** worked on the case.

This September, the residential care facility agreed to pay \$30,000 to settle the complaint.

For more than 30 years, infection control protocols, known as universal precautions, have been recommended by the Centers for Disease Control to create safe workplaces for patients and providers.

These precautions assume that all blood and other bodily fluids are potentially infectious and health care providers should: routinely use barriers (such as gloves and/or goggles) when anticipating contact with blood or bodily fluids; immediately wash hands and other skin surfaces after contact with blood or bodily fluids; and carefully handle and dispose of sharp instruments during and after use.

There has not been a documented case of HIV transmission from an infected health care worker since 1990, according to the Centers for Disease Control.

The nursing assistant is now working at another facility, providing quality and compassionate care.

ABOUT US

WHAT WE DO

The AIDS Law Project of Pennsylvania is a non-profit, public-interest law firm. We publish Good Counsel semiannually for our friends, volunteers and colleagues committed to protecting the rights of people with HIV/AIDS. Last year, we worked on more than 6,621 legal issues, nearly all from people with HIV/AIDS. We help people navigate the legal system, the welfare system, the housing system, and the worlds of public and private insurance. We provide education and training to professionals who work with people with HIV/AIDS.

WHO WE ARE

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On Facebook: [AIDS Law Project of Pennsylvania](https://www.facebook.com/AIDSLawProjectofPennsylvania)
On Twitter: [@AIDSLawPa](https://twitter.com/AIDSLawPa)

HOW TO HELP

Remember us at workplace giving time. When you donor-designate in your workplace giving campaign, remember your neighbors served by the AIDS Law Project of Pennsylvania.

United Way of SE PA: Specific Care Option #09067
Combined Federal Campaign: Donor Option #36027

BOO! IV Wretched Excess @BAHDEEBAH DU



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Board member **Miss Finesse Ross**



Kartik Zutshi Photography 2017
Board member and co-host **RJ Thornburg** and DJ Sharyn Stone aka **Matt Beierschmitt**



Kartik Zutshi Photography 2017
Jonathan Agudelo and Deputy Managing Attorney **Juan M. Baez**



Kartik Zutshi Photography 2017
Scary clown **Steven Grabowski**

Dinner and Debauchery

The AIDS Law Project's double-barreled gala started with a sumptuous dinner party on Oct. 26 and continued the next night at the Debauchery dance party, which lived up to its name. Special thanks to the performers who dazzled the crowds both nights: **Jeannie Brooks, Heath Allen, Brian Sanders' JUNK** featuring **Jessica Daley, Teddy Fatscher and Julia Higdon, Miss Finesse Ross, DJ Sharyn Stone, Tony Violence** and Patsy Ratchett, right, aka **Warren Muller**, co-host of the event.

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INSIDE THE AIDS LAW PROJECT



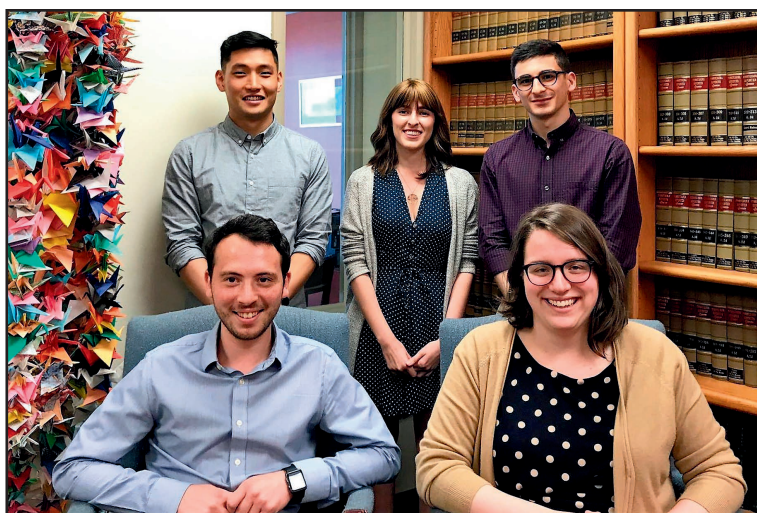
RETREAT OFFERS CHANCE TO ASSESS FUTURE: The staff of the AIDS Law Project gathered at an overnight retreat at Congress Hall in Cape May, N.J., in April to develop a strategic plan on how to best serve its clients in the future. "It was a unique experience," said AIDS Law Project paralegal **Maggie Schepcaro**, pictured second from right. "As a relatively new staff member, it was valuable for me to get an idea of where the organization is going from a big-picture perspective." The retreat was made possible by the generous support of the Philadelphia Foundation. **Lonnie S. Weiss** of Weiss Consulting, pictured front left, led the sessions.

WEB PAGE LAUNCHED:

In July, the AIDS Law Project launched a new web-only feature called Justice Update. The brainchild of intern **Alex Grayson**, the quick-take stories are designed to give our supporters



a fast glimpse of what is happening at the AIDS Law Project, from cases to events. Every Wednesday, a new Justice Update is posted on the AIDS Law Project's Facebook page. For the full collection, go to aidslawpa.org and click on Justice Update in the top menu bar.



INVALUABLE ASSISTANCE: Five summer interns provided invaluable assistance in legal research, client interviews and legal analysis and the preparation of documents. Seated from left are **John Plotz**, second year at the University of Pennsylvania School of Law, and **Nina Gurak**, second year at Drexel University Thomas R. Kline School of Law. Standing from left are **Brian Shim**, second year at Temple University Beasley School of Law, **Diana Sioutis**, recent graduate of American University, and **Alex Grayson**, senior at Clark University. Additional work was done by interns **Jonah Cohn**, junior at Rutgers University-New Brunswick, and **Miles Miller-Lowe**, a student at Central High School in Philadelphia.

BRIEFLY NOTED

PRESENTED: A great crowd turned out for the AIDS Law Project's 18th Annual Summer Movie Party on July 14 at the William Way LGBT Community Center, where Secret Cinema presented "Berserk!," a 1967 movie starring Joan Crawford. Many thanks to sponsors Flying Fish Brewing Co., Yards Brewing Co., Tria, William Way, Secret Cinema, Rosa's Fresh Pizza, Action Wellness, AIDS Fund, Nuts to You, Wawa, Saxbys and Victory Brewing Co.



ADVISING: Executive Director **Ronda B. Goldfein** is now the legal expert for TheBody.com, answering reader-submitted questions about HIV and the law. Since August, Ronda has been providing authoritative, clear answers to reader questions concerning a variety of topics, including HIV and international travel, privacy, discrimination and disclosure.

CONGRATULATIONS: **Julius Mark Eden** was born in July to **Lydia R. Gottesfeld**, an attorney at Community Legal Services, and **Jacob M. Eden**, an attorney at the AIDS Law Project.



INSIDE THE AIDS LAW PROJECT



Unity Prevails at AIDS Walk 2017

The AIDS Law Project's Team 8 braved the rainy weather Oct. 15 to participate in this year's AIDS Walk Philly 5K. "Everybody worked together and there was a lot of unity," said **Arlene Vasquez**, AIDS Law Project administrative assistant, bilingual receptionist and Team 8 captain. "It felt like family." In addition to raising money for the fight against HIV and AIDS, Team 8 had great results. In the 5K run, Executive Director **Ronda B. Goldfein** won a silver medal in her age division and paralegal **Jade E. McKnight** won bronze in her age division. Pictured in front of the Philadelphia Art Museum are AIDS Law Project staff and friends, from left, **Jade E. McKnight**, **Arlene Vasquez**, **Jeni Wright**, **Jacob M. Eden**, **Ronda B. Goldfein**, **Maggie Schepcaro** and **Dan Erkes**.

Jonathan Demme, 1944-2017

The AIDS Law Project was saddened by the April 26 death of **Jonathan Demme**, who directed the landmark 1993 film "Philadelphia," which helped shift the public perception of people with AIDS in a more compassionate direction. Demme was a great friend of the AIDS Law Project and in 2008 came at his own expense to participate in a fundraiser. He was a man who made a difference.



Photo by Donald D. Groff

TAKE A SEMINAR, TAKE CONTROL

Life can be easier with the right information at your fingertips. Our free seminars are held at our offices at 1211 Chestnut St., Suite 600, a short walk from the Broad Street and Market/Frankford SEPTA lines, Market East trains and many bus lines.

MARRIAGE AND PUBLIC BENEFITS: A BUYER'S GUIDE

With the arrival of marriage equality in Pennsylvania, people on public benefits need to be informed about the impact getting married could have on them.

Every Friday, 9:30 a.m.-1 p.m.

HOUSING: TENANTS' RIGHTS AND RESPONSIBILITIES

Before you sign a lease or offer a security deposit, learn what to expect of your landlord and what your landlord can legally expect of you. This program covers protecting and retrieving your deposits, record keeping, qualifying for subsidies, dealing with utilities, and all aspects of the landlord/tenant court process.

Second Thursday of the month, noon-2 p.m.

BACK TO WORK

Your meds are working and you're ready to get a job. Learn the rules of returning to work so you won't lose the benefits that got you healthier in the first place, and how to improve your credit rating with your new income.

Second Tuesday of the month, noon-2 p.m.

LEAVING YOUR JOB

Making a smooth transition from the working world onto disability benefits takes planning. This seminar lays out a step-by-step timeline so you know what to expect when it's time to make the move. You'll also learn how to avoid some of the common debt pitfalls leaving a job can entail and how to handle the debt you may take with you into retirement.

Second Wednesday of the month, noon-2 p.m.



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Gifts received April 1, 2017, through Sept. 30, 2017

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