



A victory in the fight against HIV criminalization

After a 19-month nightmare of facing criminal charges, possible imprisonment, and almost losing her job, a 25-year-old Pennsylvania woman has emerged victorious after striking a blow in the fight against HIV criminalization.

Julie Graham, a licensed practical nurse from Lebanon County, was charged with four crimes, including two felonies, based on allegations by a man she had dated who claimed she had not disclosed her

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Save the date for another Halloween-themed Night of Drag Delight

Boo! at bahdeebahdu is back by popular demand!

The AIDS Law Project's annual Halloween fundraiser is **Thursday, October 29, 2015.**

For sponsorship opportunities, email Juan Baez at jbaze@aidslawpa.org

The AIDS Law Project of Pennsylvania has expanded to South Jersey, stepping in to save an existing legal services program that faced possible extinction.

On March 1, the AIDS Law Project of Pennsylvania created the AIDS Law Project of Southern New Jersey, guaranteeing that people with HIV and AIDS in the region will get the legal services they need to lead healthy, productive lives.

“Free legal services for people with HIV and AIDS are vital and we wanted to be sure they continued in South Jersey,” said **Ronda B. Goldfein**, executive director of the AIDS Law Project of Pennsylvania.

The arrangement brings the two entities full circle in a relationship that started years ago. The AIDS Law Project of Pennsylvania created the program in South Jersey in the mid 1990s and maintained a relationship with it through the years.

The program was most recently administered by All About Hope, which had announced it was going to cease operations. Advocates

AIDS Law Project of Pennsylvania expands to South Jersey

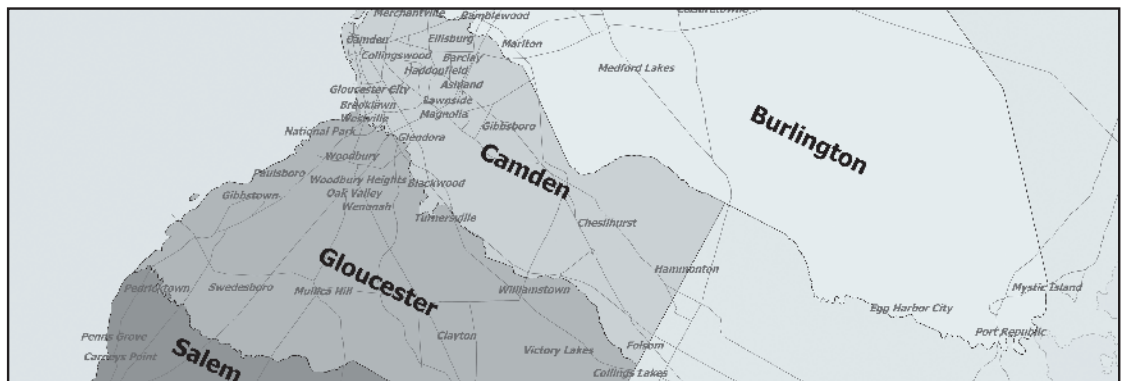


ILLUSTRATION CREDIT: Patrick J. Egan

were alarmed that people with HIV and AIDS in the region could lose vital access to legal help on a range of issues, including public and private benefits, discrimination, housing and utilities, medical confidentiality and financial matters.

Charlotte Hollander, the long-time staff attorney for the New Jersey program, will continue her work with the AIDS Law Project of Southern New Jersey and said she is excited about the future.

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NEWSLETTER OF THE
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Good Counsel is published semiannually by the AIDS Law Project of Pennsylvania for our friends, volunteers and colleagues committed to protecting the rights of people with HIV/AIDS. Last year, we worked on more than 1,707 legal matters, 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 thousands of professionals who work with people with HIV/AIDS.

MESSAGE FROM THE EXECUTIVE DIRECTOR



An Open Letter to Governor Wolf

Dear Governor Wolf:

We're encouraged by what's happened so far in your first term.

You caught our eye by eliminating the complicated Medicaid plan of your predecessor and instead creating a single package for all adults earning less than \$1,354 a month. A package covering ambulatory-patient services, emergency services, hospitalization, mental health, dental care, non-emergency medical transportation and no limits on prescriptions or lab work is pretty enticing. (For more information on Medicaid expansion, see story on page 4.)

Good Counsel, by e-mail

Want to receive Good Counsel electronically?

Send your e-mail address to goldfein@aidslawpa.org.

Next, you nominated a progressive physician general. Dr. Rachel Levine's nearly three decades of experience in medical, public and behavioral health bring attention to the fact that comprehensive health care includes behavioral and physical health.

You announced a moratorium on the death penalty, declaring it "a flawed system that has been proven to be an endless cycle of court proceedings as well as ineffective, unjust and expensive."

And you recently announced the end of the asset test for food stamps. The biggest reason people are denied food stamps is documentation and paperwork problems. Asset tests don't help low-income people, they just discourage them from saving for self-sufficiency.

Thank you for these decisions. It's good to have some fresh air in Harrisburg.

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
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EXPANDING THE HEALTH CARE COVERAGE SAFETY NET

It can be a daunting task figuring out the maze of health care programs that help people with HIV and AIDS lead healthy, productive lives.

The rules and regulations governing the patchwork of programs can also change frequently. One of the missions of the AIDS Law Project is to stay abreast of all the twists and turns so our clients can maximize their benefits.

Combining benefit programs can be tricky, and many people who work with them had been confounded by rules that left a gap in prescription drug coverage for some recipients.

Recently, Staff Attorney **Adrian M. Lowe** was approached by **Tom McCoy**, a client and a long-time associate who works with the AIDS Law Project to train medical case managers on Medicare. Tom had his own complicated medical benefit issue. Together they decided to take on Tom's issue as a test case to try to clarify the situation.

One option was to receive Medicare, which covers 80 percent of medical office visits, and Medicaid, which covers the remaining 20 percent. The catch was that a person could then not receive the Special Pharmaceutical Benefits Program (SPBP), Pennsylvania's version of the federal Ryan White AIDS Drug Assistance Program.

The other option was to get Medicare and SPBP, but lose Medicaid and its 20 percent coverage of doctor visits.

Previous clients who tried to enroll in all three programs have been denied, even though it didn't make sense, as the plans are designed to cover all co-pays. Instead, clients were forced to choose between co-pays for prescriptions or office visits.

The issue of pharmaceutical coverage is a huge one for people with HIV and AIDS. Tom, for example, has monthly drug costs of about \$6,200. Even with benefits, paying small co-pays can add up quickly.

"For someone on a fixed, low income, the costs can be staggering," Adrian said.

Adrian and Tom decided to see if he could get all three programs. Tom, who receives Medicare, applied and was accepted for Medicaid. He then applied for SPBP, declaring that he was receiving Medicaid, which traditionally would have disqualified him.

Adrian monitored the whole process and was prepared, even expecting, to have to file appeals if his client was denied. But to our delight and Tom's, he was approved for "triple eligibility."

"This will help low income people avoid being bankrupted by their health care costs," Adrian said. "It's one more piece of the puzzle."

DECIPHERING SOCIAL SECURITY BENEFITS

The distraught woman came to the AIDS Law Project in September 2014, carrying a stack of letters from Social Security that she could not comprehend.

Staff Attorney **Jacob Eden** sat down with her to figure out the mess.

"The notices were confusing and even contradictory," Jacob said. "She didn't know what to do."

The client, whose husband died in 1996, had been working two jobs until 2013, when she became too sick to continue with both. She left her full-time job, but kept her part-time job.

In June 2013, after she turned 60, she went to a Social Security office to explain her situation and get help. They told her to apply for Social Security disability, which eventually was approved. They also told her she qualified for widow's benefits, which started almost immediately, although that was stopped when she was approved for disability in November 2013.

"She did everything they asked her to do," Jacob said. "She was reporting her income from her part-time job."

Then the barrage of notices began arriving. With limited English skills, our client didn't know what to make of them.

As Jacob sifted through the documents his client had received, he unraveled the situation.

Social Security claimed it had overpaid the woman \$2,500, which it wanted back in \$72 monthly payments, a huge amount for someone living on a low, fixed income.

Jacob figured out two mistakes had been made. In 2013, Social Security calculated his client's income assuming she had worked her full-time job for the full year, even though her illness had forced her to give it up. In 2014, Social Security also counted the widow's benefit as part of her income, even though it had been stopped in 2013.

Jacob negotiated with Social Security to resolve the mess. He got her monthly benefits increased from \$970 to \$1,150. The amount the woman had been overpaid was reduced from \$2,500 to \$1,900, which she could repay at \$10 a month instead of \$72.

In the end, the woman was grateful for the help in resolving the situation and relieved that her income would continue.

DEAR LANDLORD: NOT SO FAST ON THAT EVICTION

The man's life was difficult enough as it was.

He lived on a fixed income in a subsidized apartment. He also had health and cognitive issues because of a traumatic head injury.

Then, out of the blue, he learned he was being evicted from his apartment.

The property management company claimed he had failed to properly prepare his apartment for a bed bug extermination it had scheduled for his building. The company charged him \$200 for that supposed oversight.

The landlord added another \$200 for a previous violation even though our client thought he had already successfully challenged it.

Unable to pay the additional charges, the man came to the AIDS Law Project earlier this year, eviction notice in hand.

Jennifer Collins, our housing attorney, and **Michael Gluk**, our housing paralegal, teamed up on the case and quickly figured out what went wrong.

NAVIGATING THE SYSTEM

Landlords are required to notify tenants in writing of exterminations so they have

time to do the extensive preparations. Our client was never notified.

"Nobody knew they were supposed to prepare their units," Jenna said.

Even the eviction notice was flawed. It failed to inform the tenant that he had a right to a hearing, as required by law.

Despite the lapses, Jenna said the landlord was "very resistant initially to removing these charges."

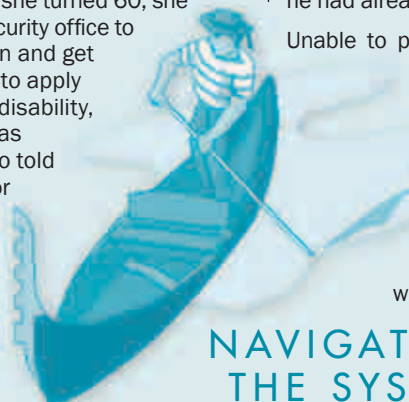
Although Michael had attended hearings before with Jenna, this time he flew solo, while trying to reassure his anxious client.

"He was frustrated and annoyed," Michael said.

At the Feb. 19 hearing, Michael got the property management company to agree "there probably was an issue with not notifying tenants." The \$200 charge was eliminated and a new extermination was scheduled.

As for the other, mystery \$200 charge, Michael knew that was not legitimate. **Rebecca Richman**, a former AIDS Law Project paralegal, had gotten that charge removed when the man first came to us for help in the summer of 2014. The company had incorrectly kept it on the books.

"Michael did the hearing on his own and got a great outcome," Jenna said. "It was a big deal."



Family law services return to the AIDS Law Project

The AIDS Law Project of Pennsylvania is back in the business of practicing family law.

Although we offered family law services years ago to parents with HIV and AIDS, it was discontinued for a variety of reasons, including budget constraints.

But thanks to the work of a former summer intern, the AIDS Law Project will once again offer parents vital help on issues including divorce, child and spousal support, permanency planning and domestic violence.

Malissa L. Durham was a summer intern for us in 2013 and graduated from the University of Michigan Law School in 2014. She rejoined us in the fall of 2014 after applying for and receiving an *Equal Justice Works Fellowship*, sponsored by the Norflet Progress Fund, to specialize in family law litigation.

Malissa will provide direct legal representation to parents with HIV and AIDS to help them on a variety of legal issues.

She also will create a Pro Se Family Law Representation Guide that will outline procedures and processes for common family law issues that HIV-positive individuals face. The guide will address specialized concerns about stigma and disclosure in a family law context. Malissa hopes the guide will be a model for other disability advocates who want to create a similar document.

Malissa has already seen the fruition of her work with clients.

She recently represented a woman with two teenage children. Although divorced from her husband since 2007, she had never sought child support. But with her children getting older, she couldn't make ends meet living on disability benefits and food stamps, so she asked her ex-husband for child support.

He retaliated by saying he would seek full custody of the children, even though he had never been very involved with them.

Malissa and her client felt the ex-husband had dramatically under-reported his income, even though it would be almost impossible to prove. They decided to see what they could negotiate.

At the Family Court hearing Feb. 12 before a Support Master, the man started by offering \$100 a month. After examining his tax return, Malissa realized that much of his income was off the books, as he was an independent contractor. The Support Master was similarly skeptical of the man's reported income and ended up awarding the woman \$250 a month.

The Support Master stressed that this seemed like a fair sum to support two growing teenage children. Later, in a separate hearing, she retained full custody of her children.

"My client considered dropping the matter before she learned that representation was available through the AIDS Law Project," Malissa said. "Having a lawyer on her side gave her the confidence to pursue a fair resolution."

Pennsylvania to expand, streamline Medicaid

We are happy to report that Pennsylvania has finally caught up to the 28 other states that are expanding Medicaid.

Not only will Medicaid coverage be expanded to all adults age 18-64 who earn less than 138% of the Federal Poverty Guidelines, but Governor Wolf also is eliminating *Healthy Pennsylvania* and streamlining the benefits package.

By the end of the year, all adult Medicaid beneficiaries will be enrolled in one benefits package, called *Adult*. The existing Managed Care Organization (MCO) network will administer the package. The three *Healthy Pennsylvania* plans will be eliminated.

Notices were scheduled to go out in April to many Medicaid enrollees. The notices explain the new *Adult* benefits package. No action by recipients is required. The new *Adult* package covers dental and non-emergency medical transportation and has no caps on prescriptions or lab work.

People currently in Healthy or Healthy Plus should see no change in coverage. They will stay enrolled in their MCO.

Some people in Healthy PCO plans are being notified of a switch to the *Adult* package.

PCO enrollees will be switched from their PCO insurer to an MCO and will receive new insurance cards by June 1. Beginning April 27, 2015, these enrollees will have dental and non-emergency medical transportation coverage through ACCESS cards, until they are enrolled in an MCO. For example, an enrollee with Keystone Connect (a PCO plan) will be switched to Keystone First (an MCO plan). Until the switch is completed, they can use their ACCESS cards to receive dental care.

Other people in PCO plans will be transferred to the new *Adult* package in the fall. For now, anyone enrolled in a PCO should call their local County Assistance Office and ask to be switched to the *Adult* package.



The AIDS Law Project after dark

Winter is now just a fading, ugly memory, but two nights made the whole mess worth it for the AIDS Law Project of Pennsylvania.

More than 200 people turned out for the V15 Bachelor Auction (pictured) on Feb. 12 at Boxers PHL, where more than \$5,500 was raised for the AIDS Law Project.

More than a dozen of Philly's finest bachelors and fabulous drag performers chased away the winter chill.

We owe a huge debt of gratitude to event organizers **Sean Doan, Josh Moore** and the AIDS Law Project's own **Juan Baez**, as well as hostess **Roxy VonFresh**.

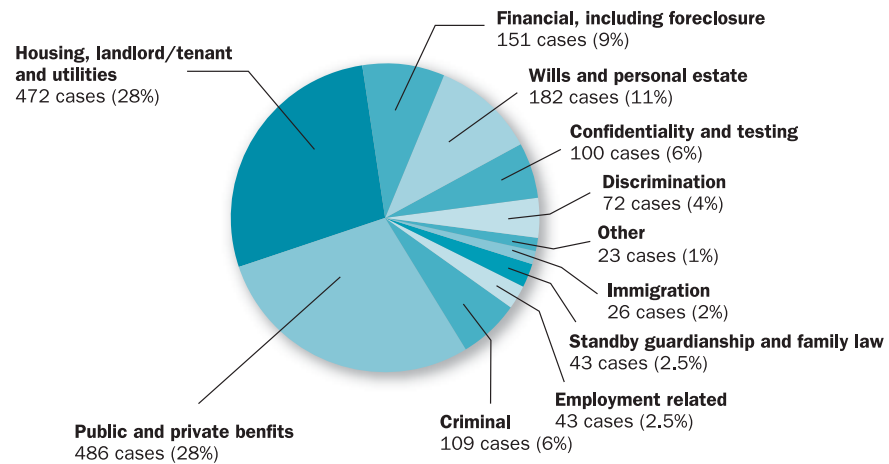
On March 14, the party continued at Back 2 Basics: Throwback Hip Hop and Pop Edition at Tabu Lounge & Sports Bar.

DJ Deluxx and **DJ Ka\$h** kept the dance floor jumping. We are grateful to **Amber Hikes** for donating a portion of the proceeds to the AIDS Law Project.

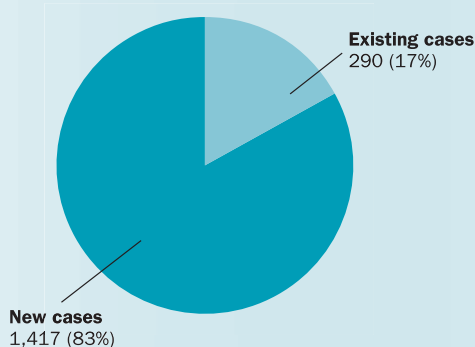
TYPES OF SERVICES REQUESTED

LEGAL SERVICES IN 2014

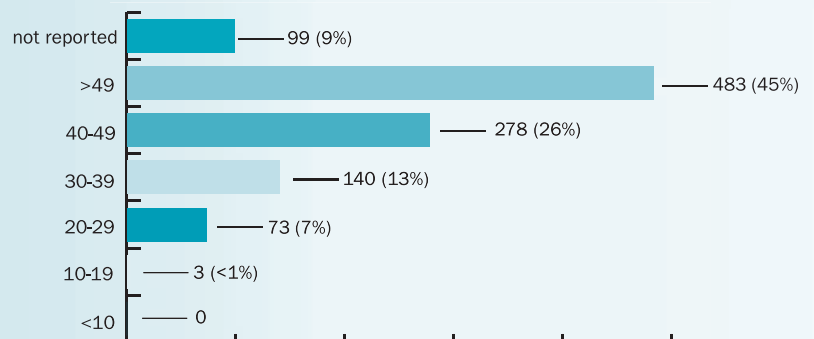
We helped 1,076 people with 1,707 legal issues. Many clients seek assistance with multiple issues. Most requests for help came from people with HIV/AIDS, although we also took calls from case managers, AIDS-service professionals, lawyers and students.



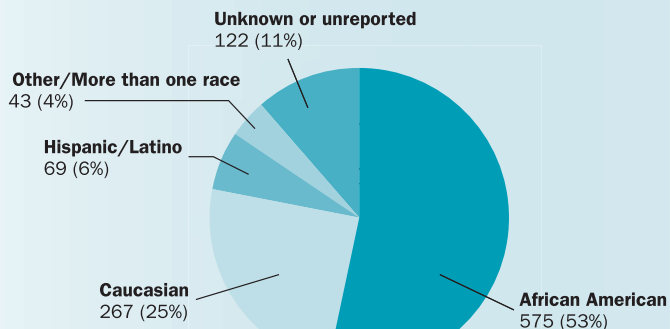
OUR ANNUAL WORKLOAD



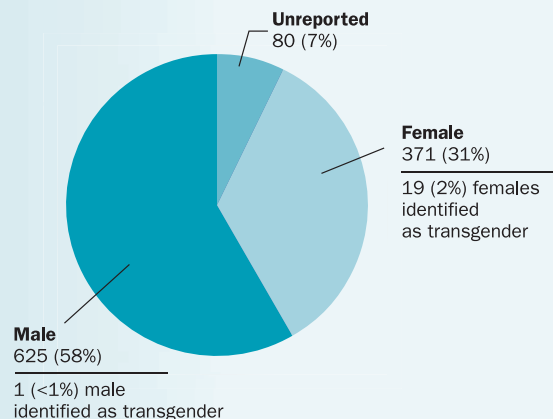
CLIENTS BY AGE



RACE AND ETHNICITY



CLIENTS BY GENDER



Offering peace of mind through legal planning



PHOTO CREDIT: Jacob Eden

Two attorneys from the AIDS Law Project, **Jennifer Collins**, third from left, and **Juan Baez**, far right, talked to clients at the LGBT Elder Initiative Legal Clinic held March 14 at the William Way Community Center in Philadelphia.

The free clinic, sponsored by the AIDS Law Project and the LGBT Elder Initiative, started with a workshop on the importance of legal planning to assure an individual's wishes are carried out. Participants then met one-on-one with an attorney to prepare documents such as wills, living wills and medical and financial powers of attorney.

Six attorneys from the AIDS Law Project, two from Community Legal Services of Philadelphia, one from the Mazzoni Center and private practice lawyer **Amy Steerman** volunteered to prepare the documents during the all-day event. Notaries from the AIDS Law Project and the Mazzoni Center and several community members, who served as witnesses, also volunteered their time. AIDS Law Project staff attorney **Jacob Eden**, who coordinated the event along with **Mai Schwartz** of the LGBT Elder Initiative, said 25 people participated and more than 90 documents were prepared.

In a note to the AIDS Law Project after the event, one participant wrote, "I just want to let you know how much your kindness has been appreciated by me. You all have been such a blessing to me and my family."

TAKE A SEMINAR, TAKE CONTROL

Life can be a little easier with the right information at your fingertips. Our free seminars are held at our offices at 1211 Chestnut St., Suite 600, just 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 of the month, 9:30 a.m.-1 p.m. Call us for more information.

BACK TO WORK

Your medications are working and you're ready to get a job. This seminar covers the rules of returning to work so you won't lose the benefits that got you healthier in the first place. You'll also learn 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.

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.

South Jersey continued from cover

Charlotte will continue to work out of offices at Kennedy Health System's HIV/AIDS Clinic in Voorhees and Cooper Health System's Early Intervention Program in Camden.

Charlotte said housing legal services in a health care clinic has great advantages for clients, offering them one-stop shopping for their needs.

"There's a tremendous need in South Jersey," Charlotte said. "The AIDS Law Project of Pennsylvania has resources that I didn't have before."

Pam Gorman, administrative director at the Cooper program, described the legal services as "invaluable" and was a strong supporter of making sure the organization survived.

"I'm thrilled that these services are continuing," Gorman said.

The expansion brings considerable additional firepower to South Jersey, with the AIDS Law Project of Pennsylvania's 26 years of experience in HIV and AIDS legal issues and its nationally recognized team of staff attorneys, paralegals, support staff and volunteer attorneys.

The team will be able to assist the South Jersey organization on a variety of cases. Bilingual services also will now be available in South Jersey.

The target area for services will be residents of Camden, Gloucester, Burlington and Salem counties. Services also will be available to residents of other South Jersey counties.

In the four-county area, Camden County has the highest prevalence of HIV and AIDS. Fifty-nine percent of people living with HIV and AIDS in South Jersey live in Camden.

To learn more about the AIDS Law Project of Southern New Jersey, go to www.aidslawsnj.org.

Changes...

Board of Directors

Jovan T. Goldstein, John Franchini and **Gregory Davis** have resigned from the board of directors. The AIDS Law Project thanks them for their many years of dedication and service.

RJ Thornburg has been named to the board. RJ is co-owner with **Warren Muller** of bahdeebahdu, where in 2014 they hosted and helped plan our annual gala, Boo! at bahdeebahdu. To the delight of everyone who attended last year, they have generously agreed to host the party again this year.

Staff

Juan Baez has been named Deputy Managing Attorney for the AIDS Law Project. Juan first started working with us while attending the Thomas R. Kline School of Law at Drexel University, then became a staff attorney for us. He also has a Masters in Law in Trial Advocacy from the Temple University James E. Beasley School of Law.

Michael Gluk, our housing paralegal since July 2013, has left us to go on a great adventure. Michael will be teaching English in Vietnam. A 2008 graduate of Swarthmore College, he first started working with us as a volunteer.

Messopotamia Lefae has joined the AIDS Law Project as an administrative assistant. A 2008 graduate of Vassar College, Messopotamia volunteered at our annual gala in 2013 and is a volunteer at the AIDS Fund's GayBINGO!

Jade McKnight has joined the AIDS Law Project as a housing paralegal. Jade, who graduated from Amherst College in 2013, previously worked at Public Health Management Corporation.

Thank You

Remmy Chen, a Haverford College intern, worked on our HIV is Not a Crime project.

Dawna Coffey is a volunteer doing intake and special research assignments. She is a JD candidate, Class of 2016, at the Drexel University, Thomas R. Kline School of Law.

Shannon Doherty has helped as an intake volunteer. Shannon is a JD candidate, Class of 2015, at the University of Pennsylvania School of Law.

Pinky volunteered in administrative and office operations.

Congratulations

Waheedah Shabazz-El, a member of the AIDS Law Project's board of directors, has been named by HIV-PlusMag.com to its list of the 20 Most Amazing HIV-Positive Women.

Criminalization continued from cover

HIV status. The man who made the complaint against her did not contract HIV. Convictions on the charges carried the potential for decades in prison. Julie had to post \$25,000 bail after being arrested.

She turned to the AIDS Law Project of Pennsylvania for help, where Executive Director **Ronda B. Goldfein**, Managing Attorney **Yolanda French Lollis** and Staff Attorney **Adrian M. Lowe** stood with her from beginning to end.

Julie was stunned when state police contacted her in September 2013 and told her of the man's allegations. When Julie was diagnosed with HIV in 2011, she began treatment and her viral load was soon undetectable, meaning it was all but impossible for her to transmit the virus.

As a result of the charges, Julie was suspended indefinitely from her hospital job and scheduled to lose her medical insurance. Her name, the small town where she lives and works, and her private medical information were exposed in the local media's coverage of the case.

"I've had hit after hit after hit over the last two years," she said.

After the indefinite suspension, she filed for unemployment, but her hospital challenged it. The AIDS Law Project, with the assistance of Thomas R. Kline School of Law summer intern **Kim Hollenback**, represented Julie at a hearing and got her the unemployment compensation she deserved. As her employer-provided insurance was ending, we advised her on how to get Medicaid. We also helped her get her Licensed Practical Nurse license renewed after it had briefly lapsed, threatening her entire career.

With the vigorous representation of criminal defense lawyer **Larry Krasner**, of Krasner & Long, all but one of the charges were dropped. The AIDS Law Project worked with Larry in developing Julie's defense, including providing an expert witness on HIV transmission.

Lawyers from the AIDS Law Project then met with the Lebanon County District Attorney to discuss general concerns about HIV criminalization. This March, the District Attorney's office announced that it would not prosecute the remaining charge.

Based on the disposition of the criminal charges, the AIDS Law Project challenged the hospital's intention to terminate her employment.

Finally, on April 16, Julie's nightmare came to an end, when the hospital notified her she could return to work.

"When these HIV criminalization cases occur, I want people to know you can fight it," Julie said.

As a result of her experience, Julie has become an HIV activist and is committed to educating people, particularly young women, about HIV.

"People need to be educated about the disease," she said. "Once you're educated, there's so much power in that."

Ronda said that HIV criminalization prosecutions have the potential to consume a person's life.

"When you get charged with a crime like this, there is so much collateral damage at every level," she said.

Adrian said he hoped other prosecutors take note of the case.

"We hope this is the beginning of a trend where prosecutors make decisions based on science, not fear," he said.

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CORRECTION: M.L.Werneke was misspelled in the previous edition of *Good Counsel*

**The AIDS Law Project is the convener of the HIV Policy Collaborative of Pennsylvania, a consortium of AIDS service organizations active in dozens of counties across the Commonwealth. Collaborative members work together to develop and recommend medically-sound and legally-equitable policies for the management of the HIV/AIDS epidemic and the treatment of people with HIV/AIDS.*

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