

## Medicare Reimburses Trans Woman for Life-Saving Surgery

The 52-year-old trans woman from central Pennsylvania, who lives with HIV, had experienced gender dysphoria for most of her life and suffered greatly.

The AIDS Law Project had helped her with many issues over the years. When she sought help again in December 2019, Managing Attorney **Yolanda French Lollis** knew she had to take the case.

“Since the onset of puberty, she has not felt comfortable in her body,” Yolanda said. “It led to mental disorders, substance abuse and

suicide attempts.”

Both the woman and her medical team in Philadelphia knew she needed surgery to affirm her gender identity. The huge unanswered question was whether Medicare would cover it.

Knowing from experience that the struggle for Medicare payment would be long and complicated, the surgical team suggested that the woman pay for it and then seek reimbursement from Medicare.

She turned to her family for

**Continued on Page 4**

## Doctor’s Privacy Breach Imperils West African Immigrant Family

The woman, an immigrant from West Africa, had worked hard to build a new life in Philadelphia. A big part of her support community was built around the salon where she worked as a hair braider, alongside other French-speaking immigrants from West Africa.

She, her oldest child, her friends and coworkers were looking forward to the arrival of her new baby.

But there was one thing her support community did not know and

she wanted it to stay that way. They did not know she was living with HIV, something she firmly believed they would not accept.

She was scheduled to deliver the baby at a Philadelphia-area hospital by caesarean section, which along with appropriate medications makes it rare for a mother to transmit HIV to her baby.

She had made a point of alerting her prenatal team that she would

**Continued on Page 5**

### STAFF REFLECTIONS

For more than a year, the staff of the AIDS Law Project of Pennsylvania has worked remotely because of the coronavirus pandemic. In this issue of *Good Counsel*, they reflect on the experience, both professionally and personally.



**SayBria Nelson**

*This year has been one ride I won't forget. There were ups, such as when I found out I could work from home. Who doesn't get excited about coffee and PJ's at Zoom meetings? But the downs were hard. With my child doing remote school, I took on another role as her at-home,*

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### INSIDE

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Double amputee fears cut in vital in-home care hours due to Medicaid decision imperils her safety. **Page 2**

#### N.J. REVOKES UNEMPLOYMENT

EMT in unsafe Covid workplace thought Pandemic Unemployment Assistance was a lifeline. **Page 3**

#### PREVENTION POINT LEGAL SERVICES

Participants can again receive a range of legal services from the AIDS Law Project through a video link. **Page 7**

#### A CALL FOR HELP

Equipping our staff to work remotely has been a big expense. Donors who can give extra help will get something in return. **Page 8**





## FROM THE EXECUTIVE DIRECTOR

### Springtime Is Here

Friends,

“Never yet was a springtime,” wrote the poet Margaret Elizabeth Sangster, “when the buds forgot to bloom.” And despite the unprecedented challenges of the last 12 months, the buds still bloomed, and we are grateful for the renewal of life.

Health-care providers, social service organizations, and essential workers have worked hard to keep us safe. By the time you read this, all Pennsylvanians were expected to have been eligible for a coronavirus vaccine.

Our gratitude extends to those who provided support for a new housing lawyer to help us address the eviction crisis in Philadelphia. Adding a second lawyer to our housing team will help bring housing security to Philadelphians living with HIV.

And we’re grateful to the Sero Project, which created a fellowship to hire a full-time HIV criminalization lawyer based at the AIDS Law Project of Pennsylvania. Protecting people living with HIV from being punished simply because they have a virus is an important step on the path of social justice.

Finally, we are grateful that the staff of the AIDS Law Project has stayed healthy, focused, and committed to serving our clients. Judging from the selfies and words of our staff members in this newsletter, the pandemic did not diminish their dedication but strengthened their resolve.

The buds did not forget to bloom.

### REFLECTIONS

**Adrian M. Lowe**

*I feel lucky to work somewhere that was able to respond nimbly to the pandemic, when so many people’s lives have been disrupted. I feel a deep sense of obligation to serve the legal needs of our clients, many of whom have not been so lucky.*

*Also, I have not had a haircut in a year and it shows.*



## NAVIGATING

### Home Care Hours Restored for Double Amputee

More than a decade ago the Philadelphia woman, now 56 and living with HIV, was seriously injured in a terrible fall. An infection spread to both her legs and the only way to get it under control was by double amputation.

Things have not been easy for her since then, but she has managed with the help of in-home care eight hours a day, seven days a week, all paid for by Medicaid.

In January 2019, a managed care company took over her Medicaid services. The company required that her ongoing care needs be reviewed every six months, including an in-home assessment.

The new system initially had no impact on her. No changes were recommended in the first four reviews.

The trouble started in November 2020, when the reviewer called on the day of the scheduled in-home assessment and said he was sick. He said he didn’t want to come to her house because of Covid.

The woman was understanding of his concerns. She also wasn’t eager for people to come to her home at the height of a pandemic. The two talked briefly and, she thought, agreed to reschedule the appointment.

Instead, the review was submitted without the in-home assessment. The managed care company claimed she refused the in-home assessment and cut her home care hours in half.

That threatened to upend her world. She filed an appeal on her own and talked to her

doctor, who suggested she call the AIDS Law Project.

**Jacob M. Eden**, a staff attorney for the AIDS Law Project, said the woman had serious concerns about how she was going to live her life.

“She was worried she could fall and no one would be there to help her,” he said. “She was anxious and distraught.”

To make the situation even trickier the woman called us on Dec. 21 and her appeal hearing was scheduled for Dec. 28, a period that included a three-day weekend and Christmas Eve. Jacob tried unsuccessfully to get the hearing rescheduled. He continued to prepare even though he did not have all the documents he needed.

On the day of the hearing the company called twice to say they were running behind before agreeing to reschedule for Jan. 12.

That gave Jacob some breathing room. He learned the managed care company said the woman had agreed to a “phone assessment,” which she hadn’t. The person who had done her reviews simply submitted what he had done after the previous assessments, so it was unclear how the outcome could be so dramatically different.

Jacob started negotiating directly with the company’s legal department in advance of the hearing. On Jan. 11, the legal department decided to administratively withdraw the service reduction, sparing the woman continued anguish.

“She said she could finally sleep easier at night,” Jacob said.



## EMT Struggles To Stay Safe During Pandemic

The 36-year-old South Jersey man liked his work as an EMT for an ambulance company. At least he did until Covid hit and he no longer felt safe on the job.

**Charlotte Hollander**, senior staff attorney at the AIDS Law Project, said that for a person living with HIV, working during a pandemic in a tiny space in the back of an ambulance was far from ideal. Making matters worse, there was a shortage of personal protective equipment (PPE).

“The conditions were really bad,” she said. “It was pretty scary for him.”

His infectious disease doctor advised him to take time off from work because he was putting himself at great risk. With his company’s permission, he applied for Pandemic Unemployment Assistance and began collecting benefits, which became his only source of financial support.

About four months later, he was shocked when he received a letter from the New Jersey Division of Unemployment Insurance demanding he repay the benefits he had received, claiming he had no reason to be absent from his job. They

also terminated his unemployment benefits, even though he was not yet able to return to work.

“He couldn’t believe it,” Charlotte said.

Once his company had an adequate supply of PPE and adopted new protocols making the work safer, he returned to work.

His health care provider referred him to the AIDS Law Project, where Charlotte filed an appeal of the demand for repayment.

She based her appeal on the federal CARES Act, which provided benefits for people who couldn’t work because of Covid.

“It was a new form of unemployment and he clearly qualified,” she said.

A virtual hearing was held Nov. 4 and a written decision was issued a few days later. To the relief of the client, the judge not only said he did not have to repay the benefits he had received, but was entitled to additional benefits from the time the Division of Unemployment Insurance cut him off to the time he returned to work.

## Turning Up the Heat To Get the Heat Back On

One chilly Friday morning not long before Christmas, the AIDS Law Project got a frantic call from a young, single mother living with HIV. Her apartment’s heat was out and she and her two young children were cold.

It was particularly hard on her kids, who were at home doing remote school because of the pandemic.

A day before, Philadelphia Gas Works had found safety violations in her furnace that needed immediate repair. The woman contacted the property manager and was assured that a maintenance worker would be there the next morning.

But come Friday morning, there was no maintenance worker to be found. Adding to her frustration, the property manager wasn’t returning her phone calls.

She thought she was getting the runaround.

Desperately looking for a solution, she called her medical case manager at Congreso De Latinos Unidos, who encouraged her to contact the AIDS Law Project.

That’s when **Jeni Wright**, our housing attorney, decided enough was enough. She immediately contacted the property manager, identified herself as the woman’s attorney and left a message.

She reminded the property manager of the city’s legal requirement to provide heat of at least 68 degrees from Oct. 1 to April 30, and in September and May if the outdoor temperature is below 60.

“I put a full court press on them,” Jeni said. “I said, ‘My client needs heat, so when is that going to happen?’”

That apparently got the attention of the property manager, who soon called Jeni back. Within the hour, the maintenance worker arrived.

Throughout the day, Jeni stayed in close contact with the property manager, the client, PGW and the worker. By nightfall, the furnace was working, and our client and her children were safe and warm in their home.

### REFLECTIONS



#### Arlene Vasquez

*My quarantine experience was spent organizing my home, clearing up space and setting my atmosphere with contentment and peace.*

*Also answering my children's many questions and helping them adapt to our new norm as we worked together as a family. I learned that self-care is important and prayer is a must.*

*What gave me the most enjoyment was caring for a pregnant cat that needed my help. She had five kittens. Watching them grow and get stronger was fun and exciting. It reminded me that life is delicate and precious.*

#### GOOD COUNSEL BY E-MAIL

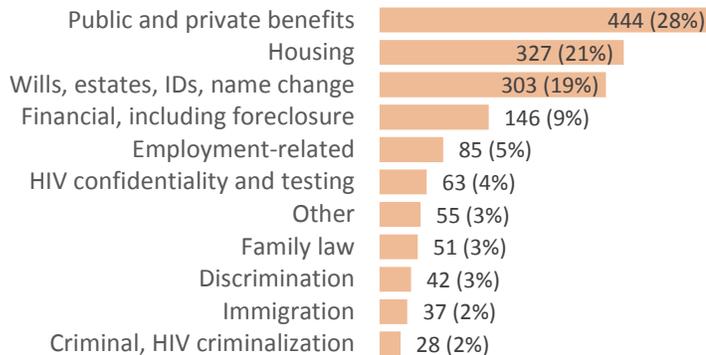
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[AIDSLawPa.org/e-newsletter](https://www.aidslawpa.org/e-newsletter).

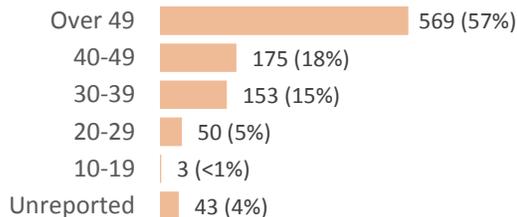
# LEGAL SERVICES IN 2020

We worked on 1,581 cases for 993 clients. Fewer clients called us in 2020 because COVID paused many of the legal issues our clients historically face. Our busiest practice areas are public benefits and housing. Moratoriums were imposed to maintain the status quo in both of these areas.

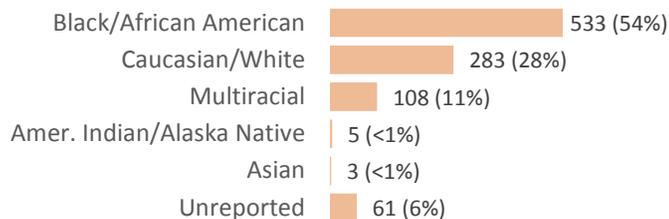
## LEGAL ISSUES WORKED ON BY TYPE



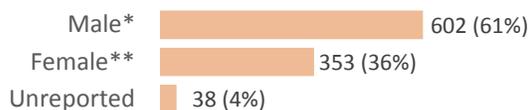
## CLIENTS BY AGE



## CLIENTS BY RACE

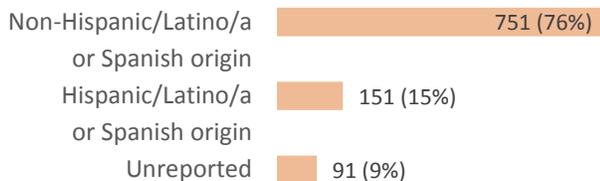


## CLIENTS BY GENDER



\* Includes 5 who identify as transgender  
 \*\* Includes 37 who identify as transgender

## CLIENTS BY ETHNICITY



# THE AIDS LAW PROJECT AT WORK

## Medicare Continued from Page 1

financial assistance. They had seen first-hand how much she had struggled with gender dysphoria and they offered to pay for the surgery.

After her surgery was completed in February 2019, she felt grounded enough to request that Medicare reimburse her. But Medicare denied her request, claiming the surgery was cosmetic and therefore not a covered service.

“They said the services were cosmetic in nature and done to improve the beneficiaries’ appearance,” Yolanda said. “It’s stigma, that’s all it is.”

It’s an attitude Yolanda is determined to change. She has known people so desperate that they had turned to back alley operations. Some have bled to death or been permanently disfigured or disabled.

Yolanda filed an appeal arguing that her client’s history and medical documentation established that the gender-affirming surgery was reasonable and necessary.

Medicare denied the appeal, claiming that the woman’s documentation did not detail her gender dysphoria diagnosis. Yolanda appealed again in November 2020 and requested a hearing before an Administrative Law Judge.

To the great relief of Yolanda and her client, the judge issued a decision in December 2020 without the need for a hearing. The judge specifically found that the “gender reassignment surgery services were not for cosmetic purposes, but a part of a comprehensive, medically necessary treatment plan for gender dysphoria.”

This was the first such case the AIDS Law Project has taken on, but Yolanda is eager to help more people in similar situations.

“The client was really, really excited, not just for herself, but for any trans person who feels they need these services,” Yolanda said. “This is life and death.”

## REFLECTIONS



**Yolanda French Lollis**

*During the pandemic, I have been sustained by: the love of my family; virtual contact with my faith community; my dog Chloe; great collegial relationships; and singing hymns from my great-grandmother’s hymnal.*



**Jeni Wright**

*Gardening has helped me get through the pandemic. Seeing our herbs and flowers and even strawberries grow has helped bring me closer to nature.*

# THE AIDS LAW PROJECT AT WORK



## REFLECTIONS

### Jacob M. Eden

*While working from home and balancing childcare needs has been stressful, it also meant spending a lot more time with my (sometimes goofy) family.*

## Immigrants Continued from Page 1

have people from her cultural and immigrant communities visiting her in the hospital. It was imperative her health information be kept private, she told them.

Tragically, that's not the way it went and why she later met with **Adrian M. Lowe**, a staff attorney for the AIDS Law Project. She recounted her ordeal to Adrian, who speaks French.

She was in her hospital room, surrounded by her support network, when a doctor came in and started talking about her HIV. She tried to subtly tell the doctor they should talk in private, but the damage had been done.

"Her whole support system disappeared," Adrian said. "She was shunned in her community."

She also lost her job, putting her family, including her healthy new baby, in a precarious position.

"She was both angry and ashamed," Adrian said. "She was sad and terrified as everything fell apart."

She filed a complaint with the hospital and her medical case manager referred her to the AIDS Law Project. The hospital quickly sent her a letter of apol-

ogy and Adrian negotiated a settlement, which is confidential.

"It will allow her to move, start a life elsewhere and open a business," Adrian said.

Accidental disclosure is unfortunate and not uncommon, even among the most well-intentioned care providers, Adrian said.

"Stigma and discrimination are pervasive," Adrian said. "The collateral consequences of a disclosure may be far-reaching, regardless of whether the disclosure is intentional or not."

This settlement is a reminder to care providers to be cautious when discussing a person's HIV status. They should make sure they have specific consent before disclosing that a person is living with HIV. If anyone else is present, stop, think, and obtain consent.

Adrian and **John C. Marrero**, a paralegal for the AIDS Law Project, recently delivered the settlement check to the woman at her home, which was decorated for her baby's first birthday.

"She cried when I put the check in her hand," Adrian said. "She couldn't believe it was real."

## REFLECTIONS

### Rebecca Richman

*Exercise has become a refuge for me, especially during the pandemic winter months. Whether braving a new hiking trail, or training remotely from my kitchen, it brings me a sense of clarity and joy that grounds my days.*



# ABOUT US

## WHAT WE DO

The AIDS Law Project of Pennsylvania is a nonprofit, public-interest law firm. We publish *Good Counsel* semiannually for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and those at risk of HIV. Last year, we worked on 1,581 legal issues, nearly all from people with HIV. 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 living with HIV.

## WHO WE ARE

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Charlotte Hollander, Esq.	<i>Senior Staff Attorney</i>
Adrian M. Lowe, Esq.	<i>Senior Staff Attorney</i>
Jeni Wright, Esq.	<i>Senior Housing Attorney</i>
Shamus Brennan, Esq.	<i>Staff Attorney</i>
Steven R. Bryson, Esq.	<i>Staff Attorney, Sero Fellow</i>
Blair C. Dickerson, J.D.	<i>Intake Attorney</i>
John C. Marrero	<i>Paralegal/Intake Advocate</i>
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On Facebook: [AIDS Law Project of Pennsylvania](https://www.facebook.com/AIDSLawProjectofPennsylvania)  
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## 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 SEPA:** Specific Care Option #09067  
**Combined Federal Campaign:** Donor Option #36027

# THE AIDS LAW PROJECT AT WORK

## Safehouse Sees Encouraging Developments

On April 1, the U.S. Office of National Drug Control Policy issued the Biden-Harris Administration's Statement of Drug Policy Priorities for Year One. It's full of thoughtful ideas and priorities. The third priority is "enhancing evidence-based harm reduction efforts" with a call to "support research on the clinical effectiveness of emerging harm reduction practices in real world settings and test strategies to best implement these evidence-based practices."

The Safehouse team couldn't agree more.

2020 was rough for everyone, and 2021 got off to a rocky start for Safehouse. In January, the U.S. Third Circuit Court of Appeals ruled in a 2-1 opinion against Safehouse, and in March denied its petition for a rehearing by the full panel.

In the two years since the U.S. Attorney's Office filed suit against Safehouse, there's been great support for overdose prevention services. A federal court judge ruled that Safehouse's proposed activities do not violate federal law and cited reviews of supervised consump-

tion research published in peer-reviewed journals. The research found the number of local persons who inject drugs did not increase, that people using drugs were not discouraged from treatment, and that non-fatal overdose risk did not increase.

The judge also cited a 2019 review of 13 studies that found evidence that supervised consumption sites produce favorable outcomes, not only for individuals using drugs but also potentially enhancing the well-being of the local community.

An appellate court judge wrote a strong dissent to the Third Circuit ruling and a second judge from the same appeals court wrote compellingly in support of a rehearing. Nine states and the District of Columbia, as well as 10 cities and four counties, filed an amicus brief in support of Safehouse's petition for rehearing.

Rhode Island, New Mexico, and Illinois all have bills on the move to legalize supervised consumption. The American Rescue Plan Act, the \$1.9 trillion relief package enacted in March, also commits \$4 billion to address the

overdose crisis, including \$30 million "to support community-based overdose prevention programs, syringe services programs, and other harm reduction services."

The April statement from the Office of National Drug Control Policy is another important step forward.

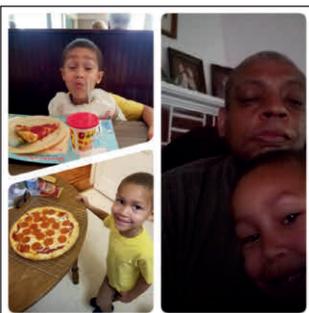
These activities highlight the desperate need to offer those struggling with substance use as many effective solutions as possible. All worthwhile social change comes about through hard work.

Safehouse remains confident that its evidence-based initiative will become part of the U.S. toolkit to support those struggling with substance use. For now, Safehouse will continue to pursue its legal options before the U.S. Supreme Court and the federal district court.

The full statement can be found at: <https://www.whitehouse.gov/wp-content/uploads/2021/03/BidenHarris-Statement-of-Drug-Policy-Priorities-April-1.pdf>

The Safehouse docket is at <https://www.safehousephilly.org/us-v-safehouse>.

## REFLECTIONS



**Blair C. Dickerson**

*My deep feelings about serving our clients remotely from the office have led me to believe this. It's not so much about me finding adequate space to work from the house for the clients. It's more about finding abundant ways to confirm, for myself and for my family, that we can bring the love we shared out in the pre-COVID world back into our home so that our home works for everyone.*



**Ronda B. Goldfein**

*Despite the choppy waters of the pandemic, I am sustained by the belief that we will weather this storm. The Good Ship AIDS Law Project is always here for our clients.*

**John C. Marrero**

*The most interesting thing that happened during the pandemic was that I got a bunny. This certainly was interesting to my coworkers, friends, and family members as I was always someone that refused to have a pet. Jack Daniel's Marrero, named after my favorite adult drink, helped with my uncertainty of what our future held at the time. As I see him grow, and cuddle me to death, I know the future is bright.*

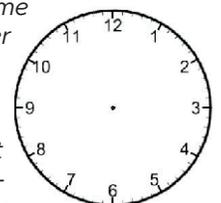


**Charlotte Hollander**

*Working with the supportive ALPP staff has been the best part of persevering through the pandemic. I was privileged to be able to support electoral candidates who actually take governing seriously. The darkness is lifting for me and hopefully for our clients as well.*

**Juan M. Baez**

*Working remotely taught me to better value time and the concept of thinking more deeply and slowly.*



# THE AIDS LAW PROJECT AT WORK

## Legal Services Clinic at Prevention Point Resumes Remotely

The AIDS Law Project is once again offering a variety of legal services to Prevention Point Philadelphia participants.

Just as it did before the Covid shutdown in March, the AIDS Law Project's legal clinic will offer assistance with obtaining birth certificates, criminal warrants and medical planning documents, as well as other legal services and referrals on a case-by-case basis.

Prevention Point, based in Kensington, is a longtime partner of the AIDS Law Project and is a public health organization that runs the only sanctioned syringe exchange program in the region as well as offering a wide range of other harm reduction services.

**John Marrero**, an AIDS Law Project paralegal, will meet with clients via confidential video link from 2 to 4 p.m. on Mondays and Fridays. The clinic's restart is being advertised

by word-of-mouth and flyers in English and Spanish that are being distributed to individuals and organizations.

"Once they know we're back, they'll start flooding in," John said. "I think there's a lot of pent-up demand."

Prevention Points' Police Assistance Diversion program will be one of the main referral points for the clinic. The police refer to the diversion program people who have been picked up for offenses such as petty theft, sex work and simple possession of narcotics so they can be connected to the services they need.

John Phillips, PAD program coordinator, said its office at 707 E. Allegheny Ave. recently reopened after a pandemic shutdown. He said he is eager to renew referrals to the AIDS Law Project's legal clinic.

"The services they provide are awesome," he said. "It's a necessity in our community."

## INSIDE THE AIDS LAW PROJECT

### Second Housing Attorney

**Shamus Brennan** has joined the AIDS Law Project as a second housing attorney to help handle a crush of cases related to the coronavirus pandemic.

"The advocacy community has a chance to stand up for people on housing issues coming out of the pandemic," Shamus said.

He most recently worked for Philadelphia VIP, which helps provide free, high-quality legal services to individuals, small businesses and nonprofits on a variety of issues, including housing.

Prior to that he worked as a volunteer attorney at the Washington Legal Clinic for the Homeless. He has worked for several other law firms and social justice organizations since he graduated from the George Mason University School of Law in Arlington, Virginia, in 2011. He said he was initially more interested in policy development than in working with clients.

"That changed when I started meeting more one-on-one with clients," he said. "I realized how much it mattered."



### New Attorney To Focus on HIV Criminalization

**Steven R. Bryson** said he has been told the new role he is undertaking at the AIDS Law Project may be a one-of-a-kind job for an attorney in the country.

Steven will focus exclusively on HIV criminalization issues as a fellow sponsored by the Sero Project, a network of people with HIV and allies fighting stigma and injustice.

Sean Strub, director of the Sero Project, said it has had an excellent and productive relationship with the AIDS Law Project.

"Establishment of the Sero Legal Fellow at the AIDS Law Project, focused on HIV criminalization, is an important and exciting step for the growing global movement to end HIV criminalization," Sean said.

Steven said he was excited to begin his new mission. "The science of HIV and the law often don't match up," he said.

Steven will do extensive policy work concerning the criminalization of HIV.

Among other jobs, he previously worked as an assistant city solicitor in the civil rights unit in the City of Philadelphia Law Department. Prior to that he was an assistant district attorney in Philadelphia.

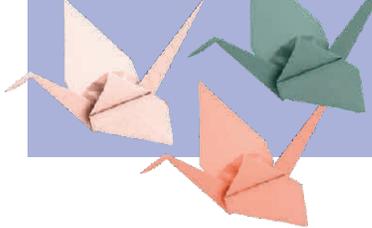
After working in the entertainment industry for a number of years, Steven graduated cum laude from the University of Baltimore School of Law in 2017.



## REFLECTIONS

### SayBria Nelson Continued from Page 1

*second-grade teacher. I found some of her lessons amusing. If Ebony was really worried about how many apples she would have left, she shouldn't have given so many away. However, there were the ups again when I got that extra time with my family. When it came to working for ALPP during 2020 and the uncertainty of the world, there was nothing like the sound of relief I heard in our clients' voices when I said, "I'm calling from the law project to complete an intake with you."*



# OUR FUNDERS AND DONORS

Gifts received October 1, 2020 through March 31, 2021

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## Gifts were made in honor of:

Christopher Carr  
 Jacob Eden  
 Essential workers  
 Ronda Goldfein  
 Bryn Michaels

## Gifts were made in memory of:

Jaci Adams  
 Ed Bomba  
 Gegory Chandler  
 Mark Davis & John L. Turner M.D.  
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 Steve Goldfein  
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 Bob Hanrahan  
 Bernice Kosansky  
 Nick & Eileen Talone



## Please dig a little deeper

For more than a year, we have conducted AIDS Law Project business as (almost) usual.

But all of this comes with an unexpected cost. Equipping our staff to work remotely has been a big, unexpected expense.

Please consider digging a little deeper for our Spring appeal. And if you can give us a larger gift, we'll return the favor.

For each gift of \$250 or more, we will send you a snazzy AIDS Law Project of Pennsylvania T-shirt.

As modeled by our receptionist Arlene Vasquez, the T-shirt reads AIDS Law Project of Pennsylvania on the front and AIDS is Hard Enough, Justice Shouldn't Be on the back. T-shirts are available in white or black, crew or V-neck. Sizes run from small to 2XL. Please specify your color, cut, and size.

Use the envelope in this newsletter to order or go to [www.aidslawpa.org](http://www.aidslawpa.org) and click on the "Donate" page.