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June 6, 2011

FOR IMMEDIATE RELEASE:

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AIDS Advocates Praise Obama Administration for New Initiative Promoting Access to HIV Care

Washington, DC – As part of its pledge under the National HIV/AIDS Strategy, the Centers for Medicare and Medicaid Services (CMS) released guidance and an application template today to make it easier for states to apply for Section 1115 Medicaid waivers to cover pre-disabled people living with HIV. Right now (and until 2014 when health care reform expands Medicaid to most people up to 133% of the federal poverty level), most people living with HIV have to wait until they are disabled by AIDS to be eligible for Medicaid. An 1115 waiver gives a state flexibility to immediately cover pre-disabled people living with HIV under its Medicaid program.

“This is a huge victory for the HIV/AIDS community,” said Robert Greenwald, Clinical Professor of Law at Harvard Law School and Director of the school’s Center for Health Law and Policy Innovation. “Early access to HIV care and treatment will save lives and is very cost-effective. And, as the recent finding from the National Institute of Health trial (HPTN 052) study demonstrated, early diagnosis with access to care and treatment not only improves individual health, it greatly reduces transmission risk.”

“We are very pleased with the commitment and leadership that CMS has shown to the National HIV/AIDS Strategy and to stemming the tide of the HIV epidemic,” said David Ernesto Munar, a leading organizer of the Coalition for a National AIDS Strategy and President/CEO of AIDS Foundation of Chicago. “We know that it will not be an easy lift for states to expand access to Medicaid given the current state of the economy. But, we also know that failing to implement an HIV waiver means that millions of state tax dollars will continue to go toward preventable and high-cost medical interventions. We will be working hard to encourage state Medicaid programs to review the new application process and make informed decisions about HIV-related Medicaid expansion.”

A waiver will also give states an important tool in addressing the current AIDS Drug Assistance Program (ADAP) crisis. Advocates in Louisiana, for instance, hope that the state will use the waiver to move the nearly 700 people currently unable to access ADAP because of the program’s capped enrollment, into Medicaid. Enrique Moresco, Chair of the Louisiana AIDS Advocacy Network has been urging the state to apply for a waiver. “We started advocating for the 1115 waiver through the State Healthcare Access Research Project (SHARP) report, which we presented to the state legislature in March, and we will be introducing a resolution committing Louisiana to study the issue,” Moresco said. “Louisiana has some of the highest infection rates in the country and by expanding Medicaid coverage through a waiver, we could be assisting many more people infected with HIV,” he said. “I hope that with this guidance from CMS, the state legislature and the Medicaid office will commit to making it happen.”

Now that there is concrete guidance and support from CMS, HIV health and social services providers’ say they will work closely with state Medicaid offices to take the necessary steps to apply for the HIV waiver.

The CMS State Medicaid Director Letter can be found at <https://www.cms.gov/SMDL/SMD/>. For more information about the waiver application process, please visit www.taepusa.org, www.nationalaidsstrategy.org/, and www.doseofchange.org.

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