

December 21, 2015; Laws Protect Those with HIV/AIDS

In this last column on HIV/AIDS, I want to flip the conversation from discussing criminal laws that target those who have contracted HIV/AIDS to focusing on laws that protect them and promote treatment. In the early and mid-1980's, as most people infected with the AIDS virus died, panic set in across the nation. Medical experts had yet to figure out what exactly was causing the outbreak and how the disease was spreading. Also, the treatment options were limited and mostly ineffective. People were rightfully scared.

With time, further research proved that HIV/AIDS does not spread by casual contact. Rather, the virus is transmitted by contact with blood or other body fluids of an infected person. Persons with HIV/AIDS did not pose imminent danger to others. Research also provided better treatment options that allow HIV/AIDS patients to live longer and healthier lives.

Armed with these new facts, disability advocates successfully lobbied Congress to pass new laws, or amend existing legislation, to better protect those afflicted with various diseases, including HIV/AIDS. These laws include:

1. The Americans with Disabilities Act. This law guarantees equal opportunity for persons with disabilities, including those with HIV/AIDS, in public housing, employment, transportation, state and local government services, and telecommunications. State licensing agencies and occupational schools such as barbering, massage therapy, and home healthcare assistance, can't discriminate against person with HIV or AIDS. Private companies that provide public accommodations, such as restaurants, hotels, theaters, doctors' and dentists' offices, hospitals, retail stores, health clubs, museums, libraries, private schools and daycare centers, also fall under ADA requirements.

2. Rehabilitation Act of 1973. Federal agencies are prohibited from discriminating against persons with disabilities, including HIV/AIDS. The law requires affirmative action in the hiring, retention, and promoting of qualified people with disabilities in federal government employment. These requirements extend to covered federal contractors and subcontractors and to programs and activities that receive federal financial assistance.

3. Workforce Investment Act of 1988. The WIA makes it illegal to discriminate on the basis of disability in employment or in the provision of services by organizations or entities that receive federal funding under WIA, and by any program or activity that is provided as part on the nation's One-Stop training system.

4. Family and Medical Leave Act. This law provides eligible employees up to 12 weeks of unpaid, job-protected leave per year for a variety of health reasons, including HIV/AIDS. The employee's group health care coverage must continue

under the same terms and conditions as if the employee had not taken leave.

5. Health Insurance Portability and Accountability Act. This law seeks to protect individuals' medical information from commercial use, personal gain or malicious harm. To accomplish this goal, HIPAA has four parts: 1) Allows individuals with pre-existing conditions to obtain health insurance; 2) Standardizes procedures for handling patients' sensitive health-related information including claims, enrollment, eligibility and payment. 3) Establishes national standards for protecting a patient's privacy. 4) Strictly limits access to sensitive information.

6. Affordable Care Act. Better known as Obamacare, this landmark legislation, passed in 2010, brought sweeping and controversial changes to healthcare. Key provisions include healthcare coverage for persons with pre-existing conditions such as HIV/AIDS, broader Medicaid eligibility, more affordable coverage, and lower prescription drug costs for Medicare recipients. The ACA is seen as one of the most important laws in the fight against HIV/AIDS.

7. Ryan White HIV/AIDS Treatment Extension Act of 2009. This act provides grants to States and Territories, to improve the quality, availability, and organization of HIV/AIDS healthcare and support services. With funds from this program, those individuals with HIV/AIDS who don't qualify for MIP, Medicare or Medicaid, can receive free treatment from Public Health.

Those readers who wish to obtain more information about these various laws and HIV/AIDS related programs and services can contact the following resources:

Guam Public Health and Social Services STD/HIV program at 735-3603/4
Guam Alternative Lifestyle Association at 969-5483
WestCare Pacific Islands/GUAHAN Program at 472-0219

As a united community, we can effectively combat HIV/AIDS and humanely assist those afflicted with the virus.