

Department of Justice
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Justice Department Settles with Ohio Healthcare System Over HIV Discrimination

The Justice Department announced today that, as part of its Barrier-Free Health Care Initiative, the department has reached a settlement with Genesis Healthcare System (Genesis) to resolve claims that Genesis discriminated against a woman with HIV in violation of the Americans with Disabilities Act (ADA). Genesis operates a healthcare system that includes a hospital, a network of more than 300 physicians, and multiple outpatient health care centers throughout southeastern Ohio.

Title III of the ADA prohibits public accommodations, such as healthcare providers, from discriminating against people with disabilities, including HIV. Following an investigation, the department found that Genesis discriminated against a woman with HIV when one of its primary care physicians refused to accept her as a new patient because of her HIV. Genesis refused to accept her as a patient despite the fact that she was only seeking a general practitioner for medical care unrelated to HIV. As a result, the woman had to seek medical treatment at the local emergency room for non-emergent health issues. The department's investigation revealed that it was this doctor's practice to refer any patients with HIV seeking a primary care physician to an HIV specialist.

"Exclusion of patients with HIV creates unfair and illegal barriers to medical care for people with HIV," said Acting Assistant Attorney General Vanita Gupta for the Civil Rights Division. "Under the law, healthcare providers cannot deny care or refer a patient to a specialist unless the decision is based on current medical knowledge about the particular patient and condition, not on stereotypes about a disability. The ADA prohibits these types of discriminatory barriers, and the Justice Department is committed to tearing them down."

Under the settlement, Genesis Healthcare System must pay \$25,000 to the victim of discrimination, and \$9,000 as a civil penalty. In addition, it must train its staff on the ADA, develop and implement a non-discrimination policy, and report to the department every time a person with HIV (or who is suspected of having HIV) is denied or discharged as a patient, with a written justification for the decision.

This settlement agreement is part of the department's Barrier-Free Health Care Initiative, a partnership of the Civil Rights Division and U.S. Attorney's offices across the nation to target enforcement efforts on a critical area for individuals with disabilities: access to health care. For more information on the Barrier-Free Health Care Initiative visit <http://www.ada.gov/usao-agreements.htm>.

For more information on the ADA, HIV discrimination, and this settlement, visit www.ada.gov/aids. Those interested in finding out more about the obligations of healthcare providers under the ADA may call the Justice Department's toll-free ADA information line at 800-514-0301 or 800-514-0383 (TDD), or access its ADA website at www.ada.gov. ADA complaints may be filed by email to ada.complaint@usdoj.gov