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FOR IMMEDIATE RELEASE
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Surgeon who discriminated against HIV positive patient loses federal funding

HHS Office of Civil Rights director Leon Rodriguez announced the termination of Medicaid funding to a California surgeon who intentionally discriminated against an HIV-positive patient by refusing to perform much needed back surgery. An order, issued by the HHS Departmental Appeals Board, concluded that the surgeon violated Section 504 of the Rehabilitation Act of 1973, which prohibits disability discrimination by health care providers who receive federal funds.

The order follows an Office for Civil Rights (OCR) investigation of a complaint filed by a patient who alleged that the surgeon refused to perform back surgery after learning that the patient was HIV-positive. OCR found that the surgeon discriminated against the patient on the basis of his HIV status in violation of federal civil rights laws.

OCR issued a violation letter of findings and sought to obtain voluntary compliance. When the surgeon declined to come into voluntary compliance with Section 504, the HHS Office of the General Counsel initiated an enforcement action before the Board. In commenting on the decision, OCR director Leon Rodriguez explained, "Although OCR works with providers to provide technical assistance to ensure compliance with federal civil rights laws, this case demonstrates that we will not tolerate health care providers who refuse to comply and intentionally discriminate."

The enforcement action, which resulted in the termination of Medicaid funding to this provider, is part of a coordinated HHS effort to increase access to care and improve health outcomes for people living with HIV. In concert with the National HIV/AIDS Strategy, the department has prioritized fighting HIV-related stigma and discrimination. The Office for Civil Rights will continue to vigorously enforce the nation's health information privacy and civil rights laws to ensure individuals feel safe getting tested and seeking lifesaving treatment for HIV and other conditions.

Read the [HHS Departmental Appeals Board Decision](#)

To learn more about non-discrimination laws and civil rights matters in health care and human service settings and to find information on filing a complaint, visit us at <http://www.hhs.gov/ocr>

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