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First AIDS-Related Settlement for ADA After Refusal to Treat

by Gina Pugliese, RN, MS
Medical News Editor

The U.S. Justice Department recently announce that a Houston dental office will pay $100,000 in damages and penalties for refusing to treat a patient with AIDS. The settlement is the first AIDS-related agreement with a dental service under the Americans with Disabilities Act (ADA). The dental center refused to continue orthodontic treatment of a patient after he disclosed in a questionnaire that he was HIV positive. The suit was tiled under title III of the ADA, which prohibits discrimination against persons with disabilities in places of public accommodation, such as medical offices.

The Justice Department noted that the CDC and the American Dental Association have issued policy guidelines stating that there is no medical justification for excluding those with HIV from dental care solely on the basis of their HIV status and recommend the use of universal precautions to prevent the transmission of bloodborne diseases, including AIDS.

FROM: U.S. versus Castle, DC S Texas, No. H-93-3140, filed October 4, 1993; settlement reached September 22, 1994.

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