Know Your Rights

Can a hospital or doctor refuse treatment if you have HIV?

February 28, 2013 By Kate Ferguson

Laws are on the books to keep health care agencies and workers from denying treatment or services to HIV-positive people. So if this ever happens to you, take action.

In general, according to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), people living with HIV/AIDS are considered as having a disability and so are protected from discrimination based on their condition. Some examples of discriminatory acts aimed at people with HIV/AIDS include denying or delaying access to social services or medical treatment.

Despite the laws, however, ignorance and fear of the virus continue to fuel bias against those living with HIV. According to a 2009 survey by Lambda Legal, a national group that protects the civil rights of those with HIV, almost 63 percent of HIV-positive respondents said they'd been refused needed care, blamed for their health status or had a health care professional take unnecessary precautions or refuse to touch them.

But just to clarify a bit: If an HIV/AIDS patient is seeking services outside a health care provider's area of specialization, "that provider can refer the patient…to another provider in an appropriate specialty," says the National Association of Social Workers. This action isn't discriminatory.

What do you do if you've been treated unfairly? File a discrimination complaint with the Office of Civil Rights, a division of the U.S. Department of Health and Human Services. What's more, you can report licensed businesses or individuals to their respective licensing boards—and you can seek help from the nearest office of the licensing and certification division of your state's department of health services.

Remember, you don't have to stay silent.

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