6 Nursing Homes Accused of HIV Discrimination

The facilities allegedly refused to accept a client because of his HIV, according to the ACLU.

September 21, 2016

When Courtney Shelor was looking for a nursing home in Nebraska to care for her father, John Shelor, six facilities refused to accept him because he was living with HIV, she says. Writing on her behalf, the American Civil Liberties Union (ACLU) of Nebraska sent letters to the nursing homes, warning them about the potential consequences of their actions and offering solutions, according to an ACLU press release.

“Nursing homes and medical facilities may not refuse access to an individual who is living with HIV or is even suspected of living with HIV,” states the letter, which is included in the press release. “Rejecting an applicant for services at your facility violates both state and federal law.... Because the law is so clear on this issue, the federal government and advocacy groups have begun taking action against nursing facilities and nursing homes who have rejected applicants living with HIV.”

The ACLU then suggested several steps the facilities could take to ensure they follow the law and are protected from lawsuits. Namely, the nursing homes can inform all staff about the discrimination laws and educate them about HIV in general and the specific needs of people living with the virus.

“My father was only 57 years old when he was diagnosed with HIV and dementia,” Courtney Shelor writes in a first-person article accompanying the ACLU press release. “It is hard for any daughter to become a caretaker for her dad. The fact that I had to deal with discrimination alongside health care issues is something no family should have to face.”

Her father’s HIV was under control, she writes, but as his Alzheimer’s and dementia progressed, she made the difficult decision to place him in a nursing home. Courtney located a facility she liked, but “a staff member said they couldn’t take him because they didn’t have the right air system for someone with HIV. I broke down and cried,” she writes. “I figured I was all on my own until the end.”

She looked for other nursing homes, each one farther and farther away from her own residence. “Call after call, we were told no because my dad had HIV. Because everyone was saying no, I had just figured it wasn’t discrimination. It couldn’t be discrimination if everyone was doing it, right?

But some family members saw how frustrated I was and suggested I contact the Nebraska AIDS Project. They were very shocked to hear so many places, six of them in particular, would say no because of his HIV. They contacted the ACLU for me while I continued to make more phone calls."

Eventually, Courtney writes, they discovered Golden Living Center in Broken Bow, which welcomed them despite never having had a person with HIV stay at their facility.

Although her father died July 31, Courtney will continue to advocate on his behalf. "I want to ensure no one else has so many obstacles to getting approved for a nursing home just because they are living with HIV," she writes. "I will do whatever it takes to continue this journey, in honor of my dad, to help others in their time of need."

For a related topic, read the POZ cover story, "Defying Discrimination: The legal tools to fight back are within your reach."

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