ADA Upheld

Federal court rules against dentist

June 1, 1995

Louisiana: In the Justice Department's first case filed under the Americans with Disabilities Act (ADA), a federal court ruled that Dr. Drew Morvant, a Louisiana dentist, could not refuse to treat patients with HIV. Morvant's office reportedly refused to treat two men, who were told that the office did not treat people with HIV.

Maryland: A Maryland court has ruled that a physician with HIV had an affirmative duty to inform patients of his HIV status. The estate of a Maryland oncologist specializing in breast cancer and his hospital, are being sued by two women who underwent surgery by the doctor and learned of his HIV status a month after the doctor died of AIDS. Though HIV negative, the patients filed suit for negligence, failure to obtain informed consent and intentional infliction of emotional distress. The court ruled the AIDSphobia claim could go forward but only to the extent that the distress can be proven and only for the period of time from when the patients learned of the doctor's illness to the time they learned that they were HIV negative.

New York: The raging legislative debate over whether mothers should be made aware of the results of their newborn babies' HIV antibody tests -- tests which are currently required but handled anonymously in New York -- was stepped-up recently when it moved into the courts. The Association to Benefit Children, a New York City advocacy group for children, filed suit to force the state to inform the mothers of the results. The debate pits the desire to identify newborns with HIV in order to provide HIV treatment and prolong their lives against their mothers' right to privacy. A newborn's positive test result indicates that the mother is also HIV positive.

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