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Santa Monica News

Santa Monica Dental Office Turns Away Two Emergency Patients Print this article - Email this article Due To HIV Condition

Posted by Staff on Nov 9, 2008 - 8:57:49 AM

SANTA MONICA —On Saturday, November 1, the HIV/AIDS Legal Services Alliance, or HALSA, filed a lawsuit against the Santa Monica dental practice Western Dental Services Inc. in favor of two Los Angeles County residents. The two men are filing suit due to being turned away from the dental practice after disclosing their HIV positive medical conditions.

The first of the two plaintiffs, Jeffrey Goodman, a Santa Monica resident, had visited the dental office after being referred to them by his Aetna Dental Insurance provider. Goodman had been suffering from severe tooth pain and was looking for the tooth to be removed. He entered the office just after 2 p.m. on September 15, 2007 and filled out paperwork in addition to a normal health questionnaire.

After turning in his paperwork with the disclosed information of his HIV positive condition, Goodman witnessed the dental assistant discussing his file with who looked like the dentist. Shortly after, the dental assistant told Goodman due to an undisclosed "medical condition" the dentist would not be able to perform the tooth extraction. She spoke through a medical mask while wearing medical gloves.

Goodman asked to speak to the authority within the office and was advised to leave if he refused to accept the only service they would provide —x-rays. Goodman was reportedly embarrassed, and he refused to seek other dental help for over six months, suffering from great pain and anguish.

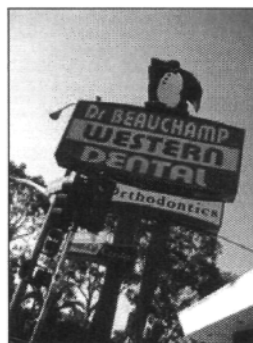
The second plaintiff and Los Angeles City resident, Donald Ford, received similar treatment on May 15, 2008. Ford was directed to Western Dental Services by his health care provider, Denti-Cal, after suffering from a tremendous tooth ache. Ford disclosed his HIV condition on the standard medical history form and was taken to begin x-rays. After an hour of waiting unattended and without medication, the dentist and dental assistant entered the room wearing medical masks in addition to full facial shields. The dentist informed Ford that he would be unable to continue with the procedure without the medical results of Ford's HIV test. Ford's medical doctor immediately faxed them to the dental office, merely resulting in the dentist refusing to complete the tooth extraction because, "Ford's CD4 count was too low and viral load was too high."

Before leaving, Ford was forced to pay a \$5 co-pay for the x-rays. HIV positive patients are classified as "a persons with physical disability" according to California Civil Code 54.1 and in no way should be denied medical or dental health care.

According to www.HIVlawandpolicy.com, the instances, "violated the Santa Monica Municipal Code that prohibits discrimination on the basis of HIV/AIDS, and two sections of the California Civil Code that prohibits discrimination on the basis of disability."

HALSA reports that it is requesting at least \$5,500 in damages per patient on behalf of Goodman and Ford due to "immense emotional, physical, mental pain and anguish."

When contacted, Western Dental Services located at 1670 Lincoln Boulevard, Santa Monica, would give "no comment due to patient privacy."



Western Dental is being sued by HALSA on behalf of two local residents.

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