



U.S. Department of Justice

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PRESS RELEASE

**UNITED STATES SETTLES CLAIM AGAINST SURGEON WHO REFUSED TO
OPERATE ON AN HIV- POSITIVE PATIENT**

Robert L. Capers, United States Attorney for the Eastern District of New York, announced today a settlement with Dr. William Sher, an otolaryngologist in Port Jefferson, New York, under title III of the Americans With Disabilities Act, 42 U.S.C. § 12181- 12189 (ADA). Title III prohibits discrimination against people with disabilities in places of public accommodation such as hospitals. Individuals with HIV fall within the protection of the ADA.

The settlement resolves claims made by J.P.¹, who is HIV positive, that Dr. Sher refused to operate on him after Dr. Sher learned that J.P. was HIV positive. J.P. alleged that Dr. Sher was scheduled to perform a biopsy on a growth on his neck but cancelled minutes before the procedure was to begin, citing J.P.'s HIV status. Approximately three weeks later, another physician performed the biopsy on the growth, which turned out to be cancerous.

Under the settlement, Dr. Sher will pay \$75,000 to J.P. and attend training on title III of the ADA, including training about HIV/AIDS and discrimination. Under the terms of the settlement, Dr. Sher does not admit to violating J.P.'s rights under the ADA.

"Discrimination against individuals with HIV is not permissible," stated United States Attorney Capers. "The ADA requires that doctors and other health care professionals provide appropriate care and treatment to patients without regard to their HIV status. The settlement makes clear that this office will vigorously enforce the ADA against those who seek to discriminate against patients who fall under its protection."

The matter was handled by Assistant U.S. Attorneys Jolie Apicella and Michael Goldberger.

¹ J. P. has asked that his identity remain confidential.