



UNITED STATES ATTORNEY'S OFFICE
Southern District of New York

U.S. ATTORNEY PREET BHARARA

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<http://www.justice.gov/usao/nys>

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**MANHATTAN U.S. ATTORNEY FILES SUIT AGAINST PLASTIC
SURGERY PRACTICE AND SURGEON FOR DISCRIMINATING
AGAINST PATIENTS WITH DISABILITIES**

Preet Bharara, the United States Attorney for the Southern District of New York, announced today the filing of a lawsuit against the SPRINGFIELD MEDICAL AESTHETIC P.C. d/b/a ADVANCED COSMETIC SURGERY OF NEW YORK (“ADVANCED COSMETIC”), and EMMANUEL O. ASARE, M.D. (“ASARE”), a plastic surgery practice and surgeon in that practice, alleging discrimination on the basis of disability in violation of Title III of the Americans with Disabilities Act of 1990 (“Title III of the ADA”). ADVANCED COSMETIC, which has offices in Manhattan and Long Island, and ASARE are alleged to have unlawfully discriminated against a prospective patient (the “Patient”) on the basis of his disability by refusing to provide services to the Patient, without even conducting a medical assessment of his condition, because the Patient is HIV positive.

Manhattan U.S. Attorney Preet Bharara said: “Medical providers are not free under the law simply to refuse their services to a person with a serious medical condition like HIV. Individuals with disabilities are entitled to the same medical services as everyone else, and there can be no room in the medical profession for the kind of discrimination alleged in this lawsuit.”

Title III of the ADA prohibits discrimination by doctors, lawyers, hospitals, restaurants, retail stores, hotels, private transportation providers, and other private businesses and nonprofit organizations that provide services to the public. All of these entities are prohibited from excluding individuals with disabilities from their services and programs because they have a serious medical condition, such as HIV.

According to the Complaint filed in Manhattan federal court, the Patient is a cancer survivor living with HIV. In July 2014, the Patient scheduled an appointment at ADVANCED COSMETIC to have an initial consult regarding his gynecomastia, an inflation of breast tissue that is a common side effect of both cancer treatments and anti-retroviral HIV medications. On or about July 14, 2014, the Patient met with ASARE at ADVANCED COSMETIC’s Manhattan offices. Upon learning that the Patient was living with HIV, ASARE immediately told the Patient that ADVANCED COSMETIC did not provide services to those with HIV, and the Patient was asked to leave. Subsequently, ASARE and ADVANCED COSMETIC stated that it

is their policy not to provide services to people living with any of a host of ailments, including HIV, cancer, and diabetes.

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The Complaint filed today seeks to require ADVANCED COSMETIC and ASARE to take the necessary steps to prevent and remedy any future discrimination on the basis of disability, particularly against those with serious medical conditions such as HIV, cancer, and diabetes, and pay compensation to the victims of discrimination and a civil penalty.

This case is being handled by the Office's Civil Rights Unit. Assistant United States Attorney Arastu K. Chaudhury is in charge of the case.

To file a complaint alleging that any place of public accommodation within the Southern District of New York is not accessible to persons with disabilities, use the Civil Rights Complaint Form available on the United States Attorney's Office's website, www.usdoj.gov/usao/nys. Complaints should be sent to:

U.S. Attorney's Office, Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York, 10007
Attention: Chief, Civil Rights Unit

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