Complaint filed by S. Č. against the Clinic for Physical Therapy S. for discrimination on grounds of health condition in area of providing of health services

No. 07-00-218/2016-02 Date: 7/7/2016

**OPINION**

The Opinion has been issued in the proceeding acting upon the complaint filed by Charity Foundation S. Č. from B., against the Clinic for Physical Therapy and Rehabilitation “S. M. A.” from B. During the proceeding, it was determined that the volunteer discrimination examiner called the Clinic for Physical Therapy and Rehabilitation “S. M. A.” from B. on 14 March 2016, with the aim of determining whether this clinic complies with the regulation on the prohibition of discrimination, regarding offering of medical services to persons living with HIV. A medical technician from the Clinic for Physical Therapy and Rehabilitation “S. M. A.”, not knowing the state of health of the volunteer discrimination examiner, booked a blood plasma treatment. However, when the examiner declared that he is a person living with HIV, the employee said that he had not encountered a situation like this before, and that he must speak to the doctors that work in the afternoon shift. In a subsequent phone call, the volunteer discrimination examiner was informed that they are not in the position to offer him blood plasma treatment, with an explanation that is a highly potent treatment that could trigger HIV. After the proceedings and determining the facts, the Commissioner for the Protection of Equality issued an opinion that the Clinic for Physical Therapy and Rehabilitation “S. M. A.” had refused to offer a medical service to a person living with HIV, thus committing an act of indirect discrimination based on state of health from Article 6 of the Law on the Prohibition of Discrimination, and regarding Article 27 of the Law on the Prohibition of Discrimination. As a result, the Clinic for Physical Therapy and Rehabilitation “S. M. A.” was recommended not to refuse to offer medical services to people living with HIV in the future, as well as to give information to these persons, which are necessary for them to make a decision of accepting or declining the proposed medical service, i.e. a notification that includes a short description, goal and benefits of the proposed medical service, type and probability of possible risks, painful and other secondary or permanent consequences, alternative methods of treatment, possible changes of the patient’s state after the proposed medical service, and to act pursuant to the anti-discriminatory regulations while performing works in their field in the future.