Complaint filed by Foundation S. against General Hospital E. for discrimination on grounds of health condition in area of providing services

No. 07-00-217/2016-02 Date: August 10, 2016

**OPINION**

This opinion has been issued in the proceeding acting upon a complaint filed by the Charitable Foundation S, against General Hospital E. from B. In the course of the procedure, it has been found out that on March 14, 2016, a voluntary discrimination investigator called up a health institution E. From B, (...), with an aim at establishing if this institution obeyed the rules on anti-discrimination in providing health-care to persons living with HIV. The nurse from that institution, not being aware of the health condition of a voluntary discrimination investigator, made an appointment in the course of the week (Magnetic Resonance Imaging of the Spine with contrast). However, when the investigator advised her that she was a person living with HIV, the nurse replied that they did not have conditions to carry out that medical intervention. Upon completion of proceedings and established state of facts, the Commissioner for Protection of Equality has issued her opinion that General Hospital E. from B. refused to provide health service to a person living with HIV, thus committing an act of direct discrimination on grounds of medical condition, pursuant to Article 6 of the Law on Prevention of discrimination and in connection with Article 27 of the Law on Prevention of Discrimination. Therefore, General Hospital E. has been recommended not to refuse in future the provision of health services to persons living with HIV, as well as to provide these persons with notifications needed so that they could decide to agree or not agree to the proposed medical measure, i.e. an info comprising a short description, the objectives and benefits of the proposed medical measure, duration and possible consequences of taking or failure to take the proposed medical measure, types and probabilities of the potential risks, painful and other side or lasting effects, alternative methods of treatment, possible changes in the patient's condition after taking the proposed medical measure, as well as to comply in future with anti-discrimination rules when performing duties within its competence.