

Justice and the ADA

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In his Oped column ("Dentistry in a time of tyranny," *BDN*, Feb. 12), Dr. Randon Bragdon, a dentist, misstated the Justice Department's role in a lawsuit brought by an HIV-infected woman against Dr. Bragdon because he refused to treat her.

In September 1994, Sidney Abbott went for a dental exam at Dr. Bragdon's office. Dr. Bragdon discovered that Ms. Abbott had a cavity, but refused to treat her after he learned that she had the HIV virus. Ms. Abbott sued, claiming that Dr. Bragdon's discriminatory conduct violated the Americans with Disabilities Act. When Dr. Bragdon challenged the constitutionality of the ADA, the Justice Department stepped in to defend the law.

Although the federal district court ruled that the ADA was constitutional and that Dr. Bragdon discriminated against Ms. Abbott, Dr. Bragdon continues to claim that he is the victim. Dr. Bragdon spreads fear and misinformation by claiming that he denied care for his own protection. The American Dental Association, the Centers for Disease Control, scientific authorities and every court to confront this issue agree: Providing the type of dental services that Ms. Abbott needed to persons with HIV/AIDS does not endanger the dentist or anyone else.

The ADA is a law that protects the civil rights of individuals with disabilities. Under the ADA, dentists and other health care providers must not discriminate against patients with disabilities.

The ADA does not, however, require a doctor to provide care if treatment would create a direct threat to the health or safety of others. In this case, the court agreed with the medical authorities that providing routine in-office dental care to Ms. Abbott did not create a threat to Dr. Bragdon.

This administration is committed to protecting the civil rights of all persons -- black or white, male or female, HIV negative or HIV positive. In the Bragdon case, the Justice Department's role was to bring the facts to light and let the facts prevail. Where the civil rights of citizens are at stake, the Justice Department will continue to ensure that myths, fears, stereotypes and unfounded prejudices are not allowed to rule the day -- as they do in Bragdon's Oped.

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