

Lawsuit: Iraq war vet with HIV was barred from aquatic therapy pool

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Contact: Ronda B. Goldfein Esq., Executive Director,
AIDS Law Project of Pennsylvania • 215-587-9377 goldfein@aidslawpa.org

PHILADELPHIA (Thursday, June 23, 2016) -- The AIDS Law Project of Pennsylvania today filed a federal lawsuit on behalf of an Iraq war veteran who was denied aquatic therapy at a physical therapy center because she has HIV.

The plaintiff, Bonnie Jones, 40, who is using a pseudonym to protect her identity, served two tours of active duty in Iraq. She sought treatment from the OSS Orthopaedic Hospital facility in York, Pa., for chronic spine pain and limited range of motion caused by wearing a bulletproof vest for an extended period. Drayer Physical Therapy operates the physical therapy services at the facility owned by OSS Orthopaedic Hospital.

On June 18, 2015, Jones was evaluated at OSS Orthopaedic Hospital. As part of the evaluation she disclosed her medical history, HIV diagnosis and medications. She then was referred for physical therapy at the same facility and scheduled an appointment for eight days later.

At the June 26 appointment, Jones met with a physical therapist in a gymnasium where about 25 people were using the physical therapy equipment. After evaluating Jones' range of motion, the physical therapist recommended aquatic therapy, but said: "I have to check because of your health status if you can go in the pool." He walked away, then returned about three minutes later and told her: "Because of your HIV/AIDS, you're not allowed to go in the pool. It's our policy." Several people in gym looked up at the mention of HIV and stared at Jones.

Unsure of what to do next, Jones finished her physical therapy session, but was too embarrassed and offended to return to OSS Orthopaedic Hospital.

The lawsuit demands that OSS Orthopaedic Hospital and Drayer Physical Therapy develop an anti-discrimination policy and conduct training for all staff regarding HIV disease, transmission and universal precautions. It seeks awards for compensatory and punitive damages, costs and attorneys' fees.

Bonnie Jones is represented by Ronda B. Goldfein and Adrian M. Lowe of the AIDS Law Project of Pennsylvania and Sarah R. Schalman-Bergen of Berger & Montague.

"After risking her life serving her country in a war zone, Bonnie Jones thought she was ready for anything," Goldfein said. "She never expected to have to fight HIV discrimination after she came home."

Bonnie Jones v. Drayer Physical Therapy, OSS Orthopaedic Hospital, LLC d/b/a OSS Health, and Timothy Burch is filed in U.S. District Court for the Middle District of Pennsylvania. A copy of the complaint may be found here: <http://bit.ly/28TSHpG>

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Founded in 1988, the AIDS Law Project of Pennsylvania is the nation's only independent public-interest law firm dedicated to AIDS and HIV. The firm represents clients throughout Pennsylvania and southern New Jersey. In 2015, the AIDS Law Project of Pennsylvania represented more than 1,245 people in 5,814 legal matters. It also educates about AIDS-related legal issues, and works at local, state and national levels to achieve fair laws and policies.

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