

In this file, we have summaries of HIV/AIDS news items from November, 1993 to January, 1994. We invite users to contribute news items. Please see the manual for the mailing address. This is not a comprehensive news listing. We have selected significant items related to HIV/AIDS and the law. In addition, we only put "final" items in the summary, for example, judgments, significant rulings and settlements in cases reported throughout the Media.

11/23/93- This program contains the interim guidelines under the ADA for employer insurance coverage. In a (presently) unreported opinion, the U.S. District Court for the Southern District of New York (New York City) ruled that the ADA gives the government authority to prohibit discrimination in benefits by disease. The Mason Tenders District Council Welfare Fund, provided a drastically lower limit for AIDS treatment than for other diseases. The Court found that the ADA prohibited this practice, and rejected a claim that previous decisions under ERISA (such as McGann in the case law collection) permitted such activity. Further proceedings will continue in the case.

11/23/93- 30 patients of Dr. Rudolph Almarez and Johns Hopkins Hospital sued the estate of Dr. Almarez and Johns Hopkins, alleging that the doctor had a duty to disclose that he was HIV positive to patients. The hospital notified numerous patients that Almarez died of ARC and a testing disclosed no infections transmitted by the Doctor. No significant rulings have occurred to date.

11-25-93- A jury awarded \$30,000 to Roland Igleas in San Francisco County Superior Court, finding that he was illegally discriminated against when he was fired from his job by employer Jerimah Tower.

12-01-93- Salvador Fuentes, who is HIV positive, filed suit in Los Angeles, stating that he was refused medical service for a bad cut by the "Urgent Care Center" and Dr. Thelma Reich. Prior to trial a settlement of \$85,000 was accepted. Fuentes claimed that he informed the staff at the center that he was HIV positive and then was refused treatment and referred to the County Hospital. The Urgent Care Center and Doctor deny liability and indicated that they settled for financial reasons.

12-07-93- Richard Williams was accused in Chattanooga, Tennessee, of lying to sexual partners about his HIV positive status. In a sentence of 15 years probation, Lewis will have to give a written statement to sexual partners, and report this fact to the prosecutor.

12-16-93- Louise Purdy recovered a verdict of \$275,000 in Philadelphia Common Pleas Court against funeral director John M. Price. Purdy alleged that the body was not in the funeral homes control, and that in a closed casket funeral her son was not in the casket. Price stated to

reporters that since the incident the funeral home has handled HIV infected bodies.