



OFFICE FOR CIVIL RIGHTS

Office for Civil Rights

U.S. Department of Health
and Human Services

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KNOW THE RIGHTS THAT PROTECT INDIVIDUALS WITH HIV AND AIDS

What laws protect individuals with these conditions against discrimination?

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) protect individuals with the Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS) from discrimination on the basis of their disability. Section 504 prohibits discrimination by health care and human service agencies that receive federal funds. Title II of the ADA prohibits discrimination by state and local government entities even if they do not receive federal financial assistance. Title II requires that state and local governments provide individuals with disabilities an equal opportunity to participate in a service or receive a benefit from the entities' activities, programs or services.

Examples of entities that may be covered by Section 504 and the ADA include hospitals and health clinics, dental offices, social services agencies, drug treatment centers and nursing homes.

The Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) ensures that health care and human service agencies comply with these laws.

How do these laws protect individuals?

Discrimination may occur when an entity excludes an individual with HIV from participating in a service or denies the individual a benefit. If the individual with HIV meets the essential eligibility requirements for the service or benefit, the entity may be required to make a reasonable accommodation to enable the individual to participate. The ADA also protects other persons, such as family and friends, who are discriminated against because of their association with someone who has HIV.

Examples of discriminatory acts toward individuals with HIV or AIDS include denying access to social services and/or medical treatment, or having services and/or treatment delayed solely because an individual has HIV or AIDS.

How to file a complaint of discrimination with the Office for Civil Rights (OCR)

If you believe that you or someone else has been discriminated against for having HIV, AIDS or a related condition by an entity receiving financial assistance from HHS, you or your legal representative may file a complaint with OCR. Complaints must be filed within 180 days from the date of the alleged discrimination.

You may send a written complaint or you may complete and send OCR the Complaint Form available on our webpage at www.hhs.gov/ocr. The complaint form is also available on our webpage in a number of other languages under the Civil Rights Information in Other Languages section.

The following information must be included:

- Your name, address and telephone number.
- You must sign your name on everything you write. If you file a complaint on someone's behalf — e.g. spouse, friend, client, etc. — include your name, address, telephone number, and statement of your relationship to that person.
- Name and address of the institution or agency you believe discriminated.
- When, how and why you believe discrimination occurred.
- Any other relevant information.

If you mail the complaint, be sure to send it to the attention of the regional manager at the appropriate OCR regional office. OCR has ten regional offices and each regional office covers specific states. Complaints may also be mailed to OCR Headquarters at the following address:

**Office for Civil Rights
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200 Independence Avenue, SW.
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Washington, D.C. 20201**

To learn more:

Visit us online at www.hhs.gov/ocr

Call us toll-free at 1-800-368-1019

Email us: ocrmail@hhs.gov

TDD: 1-800-537-7697

Language assistance services for OCR matters are available and provided free of charge. OCR services are accessible to persons with disabilities.

www.hhs.gov/ocr