

To Whom It May Concern:

I am writing to inform you of an appalling situation that took place on [insert date] at your Sutter location in [insert location].

I had an ultrasound scheduled. When I scheduled this appointment on the phone several days prior, I informed the representative on the telephone that I am exempt from wearing a face mask; I have a legal medical exemption, as well as a legal federal religious exemption. Additionally, California and Federal laws protect the right of all individuals to not wear a face covering in all places legally defined as places of public accommodation, including medical offices, and such places are required by law to accommodate those that do not wear a face covering. I informed the representative of these facts on the phone. The representative said that she would relay the information to the Sutter facility. I informed her that the facility should contact me if they had any questions, and I would be happy to provide any clarification they might need. The representative said that if I didn't hear back from her that I could assume that everything was in order for my appointment. I never heard back, and therefore concluded that everything was in order.

When I arrived for my appointment, the following occurred:

- I was told by the two women working at the front desk to put on a face mask. I declined, and reiterated that I am exempt, and explained that Sutter had been informed in advance of my exemptions.
- One of the employees told me that it was the facility's policy to require the wearing of masks. I responded that policy does not supersede state law, which protects my right not to wear a mask in the establishment.
- The employee responded that the ultrasound technician could decline to perform the exam based on my not wearing a mask. I responded that they cannot legally do so.
- I was instructed to wait outside and one of the staff members would come and get me for my appointment. I did as instructed and proceeded to wait outside.
- While waiting outside, I received a phone call from a different Sutter employee telling me again that it is the facility's policy to require a mask. I again explained my exemptions, as well as the protection under California law that prohibits the facility from denying care to a patient for not wearing a mask. I asked to speak to the person in charge of the facility at the time in person.
- I received a second phone call from another Sutter employee reiterating that a mask was required in the facility. Yet again I explained that facility policy does not supersede the law, and that if they were going to deny me medical care, I needed to speak to the person in charge in person in order to serve them with a Notice of Discrimination. The individual on the phone told me that nobody would be able to take the notice.
- I entered the facility again, and filled out a Notice of Discrimination. The employee at the front desk told me that she would not be able to accept the document. My partner, who recorded the interaction on his cell phone, told her that it would be left on her desk.
- Both my partner and I were calm and polite the entire time, and did not cause a disturbance of any kind.
- The employee left her desk and went into another room to make a phone call.
- I left the Notice of Discrimination on the employee's desk, and my partner and I left the facility.

- As my partner and I were driving away, we noticed two police squad cars driving toward the facility, which I assume were requested by the employee.

The refusal of my medical care was illegal. The calling of law enforcement was unwarranted and outrageous. I have never experienced such treatment at any other Sutter facility. I have had multiple medical appointments at multiple Sutter facilities recently, and in all prior appointments, my medical and religious exemptions were accommodated – because they are required to do so by law.

My medical exemption is protected by the California Department of Public Health, as well as the Americans with Disabilities Act (ADA).

My religious exemption is protected by State and Federal laws.

My right to not wear a mask in Sutter medical offices, and other places of public accommodation, is protected by the following laws and regulations, among others:

- **The California Department of Public Health states:**
 - **‘The following individuals are exempt from wearing masks at all times:**
 - **Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing.....’**
- **The California Patient Bill of Rights – Title 22, CA Code of Regulations Sec. 72527 – protects (among others) the following patient rights:**
 - **‘To consent to or refuse any treatment or procedure or participation in experimental research.’ [Masks are NOT FDA-approved for the purpose of preventing COVID transmission, and are considered an experimental medical device.]**
 - **‘To be free from mental and physical abuse.’ [The treatment I received at the Sutter Orinda location was abusive and unlawful.]**
 - **‘To be treated with consideration, respect and full recognition of dignity and individuality, including privacy in treatment and in care of personal needs.’ [My lawfully-protected medical choices and personal needs were not respected at the Sutter Orinda facility.]**
 - **‘A patient’s rights, as set forth above, may only be denied or limited if such denial or limitation is otherwise authorized by law.’ [The refusal of medical care to me at the Sutter Orinda facility was unlawful.]**
- **California Civil Code 51 (b):**
 - **‘All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.’**
 - **‘A violation of the right of any individual under the federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.’**
 - **Under Civil Code 51, no person may be denied service unless they meet the legal definition of a ‘direct threat’:**
 - **According to Title III of the U.S. Civil Rights Act 36.208,**

“In determining whether an individual poses a direct threat to the health and safety of others, a public accommodation must make an individualized assessment, based on reasonable judgement that relies on current medical knowledge or the best available objective evidence.”

Absent a court-order of quarantine or isolation, there is no medical evidence that I am a threat to the health and safety of your business. Therefore, my right to equal access to the services of this establishment is guaranteed by Titles II, III, and VII of the Civil Rights Act of 1964.

- **California Civil Code 51.5:**
‘No business establishment of any kind whatsoever shall discriminate against boycott or blacklist, or refuse to buy from, contract with, sell to, or trade with any person in this state on account of any characteristics listed or defined in subdivision (b) or (e) of Section 51.’
- **California Civil Code 46 – Provides that no individual can be falsely accused of having a contagious disease:**
‘Slander is a false and unprivileged publication... which imputes in him the present existence of an infectious, contagious, or loathsome disease.’
- **California Health & Safety Code 12926:**
Religious protections for face coverings, or lack thereof.
- **California Health & Safety Code 24171:**
Individual’s right of sovereignty over their body.
- **California Business and Professions Code 125.6:**
Prohibits a licensed business to deny service based on disability or religion.
- **California Business and Professions Code 16721:**
Prohibits any person from being excluded from a business transaction on the basis of a policy expressed in any document or writing and imposed by a third party where that policy required discrimination against that person.
- **United States Title III of the Civil Rights Act of 1964:**
Prohibits denial of service based on protected characteristics including disability and religion.

I made every effort to inform the employees at the facility that they are required by law to accommodate me as a patient, but they still denied me medical care. They kept repeating that it was their ‘policy’ to require face masks of all patients.

NO POLICY CAN SUPERSEDE STATE OR FEDERAL LAW. ANY POLICY THAT IS IN VIOLATION OF THE LAW – SUCH AS THE ONE YOUR EMPLOYEES WERE FOLLOWING – IS INVALID.

I am appalled at the lack of customer service, the harassment, and discrimination I experienced. Your unlawful actions constitute harm against me.

I am requesting the following:

1. A written apology for the abhorrent and unlawful treatment I received at the Sutter Orinda facility.
2. A written statement that my access to the services of this facility, and Sutter Health as a whole, shall be unimpeded, and that I shall be treated with dignity and respect as a patient.
3. An immediate rescheduling of my medical procedure (ultrasound).

4. That all Sutter employees be educated on the laws and regulations that protect the right of any and all patients to not wear face masks, particularly patients with medical and/or religious exemptions.

If these simple requests for resolution are not met, I will be filing formal complaints with the following agencies:

- United States Department of Justice
- United States Department of Health and Human Services
- California Civil Rights Department
- California Department of Health and Human Services
- Medical Board of California
- California Department of Consumer Affairs
- California Department of Insurance
- Blue Shield of California

I am also prepared to pursue a civil complaint in court. I am hoping this will not be necessary, and that we can work this out reasonably, and I can simply receive the medical care that I am entitled to as a Sutter patient, and under State and Federal laws.

I look forward to hearing from you promptly.

Thank you.

Sincerely,