

To Whom It May Concern at UCSF Medical Center:

I am writing to inform you of an incident that took place today, on [insert date].

To preface this, please allow me to provide some background information:

I am a patient of UCSF. I was last seen on [insert date] at the [insert specific appointment/ department]. Prior to my visit, I communicated to the _____ department, both verbally and in writing of the fact that I am exempt from wearing a face covering, on medical and religious grounds. I have a valid medical exemption and official religious exemption from wearing face coverings. My religious exemption also exempts me from COVID-19 testing, and certain other medical interventions. The documentation I faxed in explained and notified UCSF Medical Center of both my medical and religious exemptions, as well as the laws that protect them.

Accommodations were made for my visit on [insert date], as required by law, and my medical appointment went very well. At that appointment, a [type of medical procedure/appointment] was ordered for me to schedule for a later date.

I called UCSF to make an appointment for the [insert medical procedure/specifics], and reminded the person I spoke with of my exemptions. The appointment was scheduled for [insert date]. In the days that followed, I received a phone call from another UCSF representative. The representative told me that I would need to have a PCR test done prior to my next appointment, despite the exemption documentation I faxed in previously already being on file. I stated that I would be arriving for my appointment as scheduled, and if I was denied care at that point, that I would be filing complaints with the appropriate agencies.

Today, on [insert date], I received a phone call from Dr. _____. The doctor told me that it is 'non-negotiable' for me to have a PCR test prior to my appointment, per UCSF policy. The doctor suggested that I could skip the appointment altogether, as my medical situation is not deemed urgent, or find another facility where to have it performed.

I would have been happy to compromise to a reasonable accommodation– which medical establishments are required to provide in these types of situations – of perhaps being the last appointment of the day, after all other patients had been seen – but that was not offered, and the doctor at that point offered to put me in touch with 'risk management'.

At this point I am being denied medical care solely based on my refusal to COVID-19 testing. This is against the law. My religious exemption is protected by numerous State and Federal laws.

Additionally, COVID-19 nasal tests are considered an experimental medical procedure. As a medical establishment, you are surely aware that coercing patients to participate in experimental medical procedures is in violation of every ethical tenet of modern medicine.

My right to equal services at your medical establishment is protected by the following laws, among others:

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.'

- 'To be free from mental and physical abuse.'
- 'To be treated with consideration, respect and full recognition of dignity and individuality, including privacy in treatment and in care of personal needs.'
- 'A patient's rights, as set forth above, may only be denied or limited if such denial or limitation is otherwise authorized by law.'

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' – please see bottom of page

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 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.

Under the law, no patient may be denied treatment unless they meet the legal definition of a 'direct threat', which is defined as follows:

Per 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 medical establishment, and no individualized assessment was conducted. 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, in addition to California state law.

Regardless of all of these protections, Dr. _____ was only focused on UCSF's PCR testing policy.

NO POLICY CAN SUPERSEDE STATE OR FEDERAL LAW. ANY POLICY THAT IS IN VIOLATION OF THE LAW IS INVALID.

UCSF refusing me medical care on the basis of discrimination is a violation of the law, and constitutes harm against me.

In an effort to resolve the situation, and obtain the continuing medical care I am entitled to as a current patient, I am requesting the following:

1. A written apology and written statement that my access to the services of UCSF shall be unimpeded going forward, and that I shall be treated with dignity and respect as a patient.
2. Confirmation that my medical procedure, currently scheduled for [insert date], will take place, without impediment or any further harassment.
3. That all UCSF staff be educated on the laws and regulations that protect the right of any and all patients to refuse COVID-19 testing (or any other medical procedure) without recrimination, particularly patients with 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 need and am entitled to as an established UCSF patient, and under State and Federal laws.

I look forward to hearing from you promptly.

Thank you.

Sincerely,