



Disability Rights Connecticut

Connecticut's Protection and Advocacy System

75 Charter Oak Avenue
Suite 1-101
Hartford, CT 06106

February 14, 2024

By Electronic Mail

ADA.complaint@usdoj.gov

Rebecca Bond (rebecca.bond@usdoj.gov)
Chief, Disability Rights Section
1425 NYAV Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Re: ADA/Section 504 Discrimination Complaint-- Discrimination Against Persons with Mobility Disabilities by Medical Provider Jefferson Radiology

The undersigned bring this Complaint on behalf their client, Suzanne Garraffa, alleging disability discrimination by medical provider Jefferson Radiology as against people with mobility disabilities. This discrimination is alleged to be in violation of Title III of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12181-12189 ("Title III" of the "ADA"), which prohibits discrimination on the basis of disability by places of public accommodation, and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 794, which prohibits such discrimination by recipients of federal funds. This Complaint alleges violations by Jefferson Radiology on several days in August 2023, pursuant to an affirmative policy of barring services for anyone who uses a wheelchair if they are not able to "stand and pivot." This policy was communicated by telephone to the Complainant, and well as others who sought corroboration of the existence of the policy. While Jefferson Radiology fails to provide reasonable accommodations to patients who need accessible imaging equipment due to their mobility impairments, this complaint is about something more basic: raw, affirmative discrimination against people with mobility impairments even when they do **not** request accommodations.

I. Background

Jefferson is a large for-profit provider of imaging services throughout the Greater Hartford, Connecticut area, with nine offices in Hartford County, see [Patient Services - Jefferson Radiology Patient Resources and Information](#). It provides a broad range of imaging services from x-rays and ultrasounds to MRIs and CT scans. [Services - Comprehensive Radiology Services at Jefferson Radiology](#). Jefferson Radiology is a medical practice that provides radiology services to the public and its facilities are places of public accommodation covered by Title III of the ADA, 42 U.S.C. § 12181(7)

and its implementing regulation, 28 C.F.R. § 36.104. Because it regularly serves individuals on both Medicaid and Medicare, Jefferson Radiology also is subject to the anti-discrimination requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.

Significantly, on its website ([Our Staff | Meet the Expert Team of Radiologists \(jeffersonradiology.com\)](#)), Jefferson Radiology purports to have a “highly skilled” professional staff who are “experts in quality care” and who provide “exceptional patient care and responsive service”:

Experts in Quality Care

Our team is comprised of expert physicians, physician assistants, nurses, technologists and administrative staff who work together to ensure you receive the highest quality care possible.

Jefferson Radiology offers the full spectrum of imaging services to our patients. As leaders in diagnostic imaging and interventional radiology, our fellowship-trained physicians and highly skilled staff are committed to providing you with exceptional patient care and responsive service.

Notwithstanding these claims, the treatment by this entity toward individuals who have mobility disabilities, as demonstrated in the case of Complainant, does not meet a basic level of professionalism, let alone comply with the anti-discrimination provisions of the ADA and the Rehab Act. Jefferson Radiology engages in express discrimination against individuals it could readily serve but chooses not to, solely on account of their mobility disabilities, specifically their inability to “stand and pivot.”

II. Statement of Facts

As detailed in the attached Declaration of Complainant Suzanne Garraffa dated 12/29/23 (Exhibit A), Complainant has cerebral palsy and uses a wheelchair. She is a beneficiary under the Connecticut Medicaid program. Over the years, since moving to Connecticut, she has received services from Jefferson Radiology despite using a wheelchair. More recently, however, she was unable to get an appointment to receive services after explaining she uses a wheelchair.

On August 24, 2023, Complainant called Jefferson Radiology and reached a receptionist there named “Sadie.” When she made this call on August 24, she was trying to make an appointment for an x-ray of her back, and Sadie asked for basic info about her and the order for x-rays. Complainant then said words to the effect of: “but before we go any further, I want you to know that I am in a wheelchair- do you take people in wheelchairs?” Sadie responded “yes” but then immediately asked “*are you able to stand and pivot on your own?*” Complainant responded that she was not “able to stand and pivot on my own.” In response, Sadie said: “Then you will have to go to the hospital.” Complainant then asked to speak to Sadie's supervisor. Sadie transferred

Complainant to another line, which answered that it was the "Patient Relations Department" and allowed the opportunity to leave a voicemail message. Complainant left a message on this machine, stating her name and telephone number.

For this August 24th call, Complainant's friend, Ruth Grobe, was on the line with her on speakerphone, for the entire call. Ms. Grobe has prepared and signed her own statement under oath, dated 12/29/23 (Exhibit B) confirming the contents of this call.

Later that day, on August 24, the Jefferson Patient Relations Department called Complainant back at a time when she was unable to answer the phone and left a voicemail message for her.

The next day, August 25, 2023, Complainant called back Jefferson at 10:14 a.m. and spoke with "Evee" in the Patient Relations Department. Evee said that she could not help because she did not know what the Jefferson Radiology policy was about taking people who use wheelchairs. Evee said that she would look into it and get back to Complainant.

Later that day, August 25, at 1:45pm, Danielle, a Jefferson Radiology supervisor, called Complainant back. They spoke and briefly and Complainant was not scheduled for an x-ray during this conversation nor offered the opportunity to schedule one.

Complainant's Personal Care Attendant, Donna Baines, also was present for this August 25th call and listened to the entire call, taking contemporaneous notes of that conversation. Her own statement under oath dated December 29, 2023, based on her contemporaneous handwritten notes of that call, is attached as Exhibit C. According to the Declaration by Ms. Baines, her handwritten notes from the August 25th call state, verbatim:

"Does not take w/c. The client has to be able to stand
no stand + pivot stand only
supervisor Danielle said no stand they can't do xray"

Complainant has not received any further contact from Jefferson Radiology about her attempt to obtain an x-ray there.

Another disabled individual, who also uses a wheelchair, made a test call to Jefferson Radiology in August, 2023 as well. This individual, Andrew Bate, has prepared and signed his own statement under oath, dated September 7, 2023 (Exhibit D), about his call to Jefferson Radiology on August 17, 2023. In his statement, which is based on contemporaneous notes, Mr. Bates states that he told the person who answered the phone, "Quanda," that he has cerebral palsy and was inquiring about getting an x-ray for his hips, including noting that he may need some help in "getting on the table." In response, Quanda said it was the Jefferson Radiology policy that they will not serve

someone unless they can “stand and pivot.” She also told Mr. Bate, who asked about a lift to help disabled people access equipment there, that “we are a no-lift facility.”

Based on what was communicated by more than one employee of Jefferson Radiology and to more than one person with a disability seeking services, it is clear that **Jefferson Radiology has a policy of requiring anyone with a mobility impairment to be able to stand and pivot as a condition of receiving services at its facilities**, despite being fully capable of providing services to such individuals – and which it *used* to provide to Complainant without issue. It also fails to provide reasonable accommodations to individuals with mobility disabilities so that they can have equal access to services it provides to non-disabled individuals.

III. Governing Law

The ADA prohibits discrimination against individuals on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of places of public accommodation. 42 U.S.C. §12182(a); 28 C.F.R. § 36.201(a). The ADA also requires a place of public accommodation, such as Jefferson Radiology, to make reasonable modifications in its policies, practices, or procedures, when such modifications are necessary to afford its services to an individual with a disability. 42 U.S.C. §§12182(b)(1)(A)(i), (b)(2)(A)(ii). Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, also requires recipients of federal funds to avoid discrimination against people with disabilities.

IV. Request for Relief

We understand that the Attorney General is authorized under section 308(b)(1) of the ADA, 42 U.S.C. § 12188(b)(1), to investigate complaints and bring a civil action under Title III in any situation where a pattern or practice of discrimination is believed to exist or where a matter of general public importance is raised. We believe that this standard is met by the facts in this case and we therefore ask that the Attorney General investigate this matter and bring appropriate enforcement action.

Following investigation and confirmation of the facts as stated here, including that Jefferson Radiology has, or had in August of 2023, a policy of refusing to serve individuals with mobility impairments unless they are able to “stand and pivot,” we urge the Attorney General to OBTAIN AN ORDER requiring Jefferson Radiology to:

1. Adopt and incorporate a formal Non-Discrimination Policy into its existing policies and post it in conspicuous locations in all of its offices, including waiting rooms, patient examination rooms and employee work areas, and also to post and maintain a hyperlink to the Non-Discrimination Policy on the home page of its website.
2. Train its staff who answer the telephone or meet patients in its offices that they may, solely for the purpose of ascertaining whether any accommodations are needed,

inquire if an individual uses a wheelchair, but under no circumstances refuse service to someone who volunteers the information that they use a wheelchair or provides this information in response to a question from the staff.

3. Train its staff that they may ask a patient who identifies that they use a wheelchair if he or she will need any reasonable modifications at the appointment because of a disability and, if the person responds in the affirmative, then take steps to be prepared to provide the necessary modification at the patient's appointment.
4. Require all of its medical and administrative staff who interact with patients or prospective patients to attend a training session or sessions on the requirements of Title III of the ADA as they apply to healthcare facilities, including training on interacting with individuals with disabilities, and techniques for safely assisting individuals with mobility disabilities to transfer to imaging equipment or examination tables. The individuals to be trained may include doctors, technicians, aids, and receptionists. The trainer(s) shall be approved in advance by the United States Department of Justice. Among other things:
 - a. The training may be tailored to the duties performed by specific employees or classes of employees;
 - b. Jefferson Radiology will incorporate this curriculum into its routine new employee orientation for all future employees who will have contact with patients and prospective patients; and
 - c. Jefferson Radiology will maintain training sign-in sheets for each training session conducted and will maintain a list of all employees, including job titles, who receive this training, for five (3) years.
5. So as to ensure that it provides equal access to its services and medical equipment, provide reasonable modifications to safely assist individuals with mobility disabilities to transfer to imaging equipment or examination tables, including the purchase or lease of at least one patient lift designed to safely transfer a patient to existing equipment in each office.
6. Ensure that all of its facilities will fully comply with the ADA's accessibility standards, including the 2010 Standards. See 28 C.F.R. § 36.104.
7. File a report with DOJ documenting its compliance with the actions described in Sections 1-7, above. The report should include identification of the make, model, and pictures of purchased or leased equipment. It should also include representative photographs of the posting of the Non-Discrimination Policy; the dates of the training, and the names and job positions of the attendees.

8. Pay compensatory damages to the Complainant in the amount of \$10,000.
9. Should the Complainant choose to seek services from Jefferson Radiology, desist from engaging in any retaliatory conduct towards Complainant as a result of her filing this complaint or participating in the investigation process.
10. For a period of five years, notify DOJ if any individual brings any lawsuit, complaint, charge, or grievance alleging that it refused services to a person with a disability or failed to provide any aid or service to an individual with a disability. Such notification must be provided in writing via certified mail within thirty (30) days of the day when Jefferson Radiology has received notice of the allegation and include, at a minimum, the nature of the allegation, the name of the individual making the allegation, and any documentation possessed by Jefferson Radiology or any of its agents or representatives relevant to the allegation.
11. In the event Jefferson Radiology seeks to transfer or assign all or part of its interest in the practice, and the successor or assign intends on carrying on the same or similar use of the practice, include as a condition of sale that there shall be written accession of the successor or assign to any of the above obligations.


V. Conclusion

Decades after the passage of the ADA, it is shocking that a large health care provider would adopt a *new* policy barring access to services for anyone who uses a wheelchair unless they can “stand and pivot,” when they in the past served such individuals, including Complainant. Such denials of access to diagnostic services necessarily mean denials of **treatment** as well, as other medical providers cannot proceed to provide or prescribe treatment without information from these **essential tests**. Of course, Jefferson Radiology has a duty to reasonably accommodate individuals with mobility disabilities as well, and, based on its response to Mr. Bate, it is failing to do that, in addition to having a blanket policy of failing to serve them at all.

Taking enforcement action against Jefferson Radiology will improve access to radiological services for wheelchair users throughout the area, and also send a message to other providers that such discrimination in violation of federal law will not be tolerated.

Thank you for your attention to this matter of critical importance to people with mobility disabilities in Connecticut.

Respectfully submitted,


Sheldon V. Toubman
Litigation Attorney

/s/Deborah Dorfman
Deborah Dorfman
Executive Director/Attorney

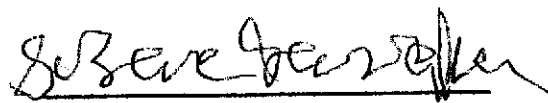
STATEMENT OF SUZANNE GARRAFFA

- 1. I, Suzanne Garraffa, am 58 years of age. I understand the meaning of an oath.**
- 2. I have cerebral palsy and use a wheelchair.**
- 3. Over the years, since moving to Connecticut, I have received services from Jefferson Radiology, despite using a wheelchair.**
- 4. On August 24, 2023, I called Jefferson Radiology and reached a receptionist named Sadie (I asked for her name and it was provided). My friend Ruth Grobe was on the line with me on speakerphone, as I made this call, for the entire time.**
- 5. When I made this call on August 24, I was trying to make an appointment for an x-ray of my back, and Sadie asked for basic info about me and the order for x-rays.**
- 6. I then said words to the effect of: "but before we go any further, I want you to know that I am in a wheelchair- do you take people in wheelchairs?" Sadie responded "yes" but then immediately asked "are you able to stand and pivot on your own?"**
- 7. I responded that I was not "able to stand and pivot on my own." In response, Sadie said: "Then you will have to go to the hospital."**
- 8. I then asked to speak to Sadie's "supervisor." Sadie then sent me to a voicemail, which answered that it was the "Patient Relations Department." I left a message on this voicemail machine, leaving my name and number, but not saying what it was about.**
- 9. Later that day, on August 24, the Jefferson Patient Relations Department called me at a time when I was unable to answer the phone and left a voicemail message.**

10. The next day, August 25, 2023, I called back at 10:14 a.m. and spoke with "Evee" in the Patient Relations Department. Evee said that she couldn't help because she didn't know what the Jefferson policy was about taking people who use wheelchairs.
11. I explained that I had actually asked to speak with the scheduler's supervisor, but that Sadie had referred me to the Patient Relations Department instead. Evee said that she would look into it and get back to me.
12. Later that day, August 25, at 1:45pm, Danielle, the Jefferson supervisor, called me back. My PCA, Donna Baines was present and listened to the entire call and took contemporaneous notes of that conversation. I was not scheduled for an x-ray during this conversation nor offered the opportunity to schedule one.
13. I have not received any further contact from Jefferson Radiology about my attempt to obtain an x-ray there.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 29, 2023.



Suzanne Garraffa

STATEMENT OF RUTH GROBE

- 1. I, Ruth Grobe, am 72 years of age. I understand the meaning of an oath.**
- 2. I am a fellow advocate with Suzanne Garraffa in the organization known as Citizens Coalition for Equal Access, or CC=A.**
- 3. In this capacity, I have assisted Ms. Garraffa on some matters, as she has significant disabilities including cerebral palsy and dyslexia.**
- 4. I was aware that Ms. Garraffa was having difficulty getting an x-ray performed at Jefferson Radiology this past summer. I therefore agreed to listen in on a conversation she had with Jefferson Radiology.**
- 5. On August 24, 2023, I listened in while Ms. Garraffa called Jefferson Radiology to try to make an appointment. I was on speaker-phone for the entire duration of the call.**
- 6. When she made this call on August 24, she was trying to make an appointment for an x-ray of her back, and Sadie, the receptionist who answered the phone, asked for basic info about her and the order for x-rays.**
- 7. Ms. Garraffa then said words to the effect of: "but before we go any further, I want you to know that I am in a wheelchair- do you take people in wheelchairs?" Sadie responded "yes" but then asked "are you able to stand and pivot on your own?"**
- 8. Ms. Garraffa responded that she was not "able to stand and pivot on my own." In response, Sadie said: "Then you will have to go to the hospital."**
- 9. Ms. Garraffa then asked to speak to Sadie's "supervisor." Sadie then sent her to another line, which answered that it was the "Patient Relations Department." Ms. Garraffa left a message on the voicemail machine, leaving her name and number.**

10. I was not present for any further communications between Ms. Garraffa and Jefferson Radiology.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 29, 2023.

Ruth Grobe
Ruth Grobe

STATEMENT OF DONNA BAINES

1. I, Donna Baines, am 56 years of age. I understand the meaning of an oath.
2. I am a personal care attendant for Suzanne Garraffa, who has cerebral palsy and uses a wheelchair. I have been her PCA for 8 months.
3. I assist Ms. Garraffa with her activities of daily living and sometimes participate in phone calls she has with others.
4. I was aware that Ms. Garraffa was having difficulty getting an x-ray done at Jefferson Radiology in August of this year. I therefore agreed to listen in on a conversation she had with a supervisor there, named Danielle, on August 25, 2023.
5. I took handwritten notes of the conversation between Ms. Garraffa and Danielle while the call was in progress.
6. My notes from the August 25th call read as follows, verbatim with my punctuation at the time:

"Does not take w/c. The client has to be able to stand
no stand + pivot stand only
supervisor Danielle said no stand they can't do xray"
7. I still have my handwritten notes of the August 25th conversation.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 29, 2023.



Donna Baines

My name is Andrew Bate, I hold my Master's in Social Work, from the University of Connecticut. I am currently retired, with my last position being as a Human Services Advocate for the State of Connecticut Office of Protection and Advocacy for Persons with Disabilities, (OPA). In 2017 when I retired, this office was the designated Protection and Advocacy system agency for the State of Connecticut. As of July 1, 2017, per state legislation, OPA was abolished and Disability Rights Connecticut is the current designated Protection and Advocacy system agency for Connecticut. I am a person that uses a wheelchair full-time as a result of a diagnosis at birth of Cerebral Palsy.

I am writing this statement concerning a telephone call I had with Jefferson Radiology on August 17, 2023, which was witnessed by Connie Michelle Stanley, my Personal Care Assistant, (PCA)

Time of call: 1:55 p.m.

Date: 08/17/2023

Desk personnel spoken with: Name that sounded like "Quanda"

Witness: Connie Michelle Stanley, PCA 860-306-8323

Me: Who am I speaking with, please

Her: Jefferson Radiology

Me: Can I get your first name?

Name that sounded like "Quanda": Quanda

Me: Hi, my name is Andrew Bate, I am calling because my doctor wants me to get an x-ray for my hips, I was wondering if I could schedule an appointment.

Name that sounded like "Quanda": Can I get your name and address?

Me: 33 Mechanic Street, Unit 112 Windsor CT 06095

Name that sounded like "Quanda": Phone number?

Me: 860-219-1060

Name that sounded like Quanda: Do you have the doctor's order in hand?

Me: No, I do not he is going to mail it to me. I'm calling because I have Cerebral Palsy and may need some help getting on the table, I wanted to let you guys know ahead of time.

Name that sounded like "Quanda": Oh, our policy is, if you cannot stand/pivot we cannot take you. You have to go to the hospital.

Me: So, you do not have a Hoyer lift or other equipment that may be able to help me transfer?

Name that sounded like "Quanda": No, we do not, we are a no-lift facility.

Me: Ok, so just to clarify, the position of the office, [Located at 85 Seymour Street, Hartford CT, a Hartford Hospital and other practices office building] cannot take me as a patient unless I can stand and pivot.

Name that sounded like "Quanda": That is correct.

Me: I am not sure how to make an outpatient radiology appointment at a hospital. Any advice on how to do that?

Name that sounded like "Quanda": I don't know, you would have to call the hospital you went to.

Me: Ok, thank you

Name that sounded like "Quanda": Sorry

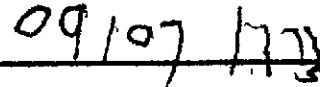
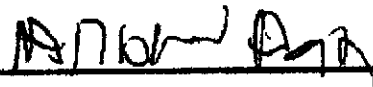
Me: Thank you, bye.

Call ended 1:57 p.m.

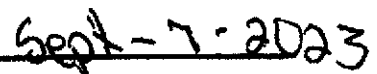
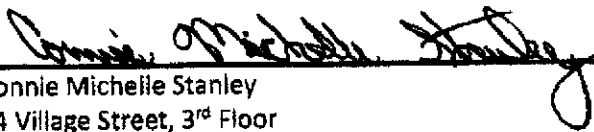
I took those notes right after the call. My PCA wrote down verbatim what Quanda said regarding the policy regarding the requirement to stand and pivot in order to utilize the services of Jefferson Radiology. While I could not write down the conversation in real time, I did write the conversation down immediately after having it. As a social worker, part of my training involved process recording, taking down what was said word for word, between client and (at that time) student.

Pursuant to 42 U.S.C. § 1746, we the undersigned, declare under penalty of perjury that the foregoing is true and correct.

Executed on this day, September 7, 2023



Andrew Bate
33 Mechanic Street, Unit 112
Windsor Connecticut 06095
Phone: (860) 219-1060



Connie Michelle Stanley
54 Village Street, 3rd Floor
Vernon Connecticut 06066
Phone: 860-306-8323