

State dismisses Spring Valley NAACP's complaint against medical clinic

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SPRING VALLEY — The state Division of Human Rights has dismissed the Spring Valley NAACP's discrimination complaint against the Ben Gilman Medical and Dental Clinic.

The state said an investigation revealed no evidence that the Spring Valley clinic was engaged in discrimination.

The National Association for the Advancement of Colored People filed the complaint in August 2006, characterizing as discriminatory the clinic's practice of closing on Saturdays to accommodate the Jewish Sabbath. The clinic's operators are Jewish.

The NAACP's complaint also alleged that the center lacked a diverse staff and discriminated in transferring black patients to the Spring Valley clinic and white or Jewish patients to the sister Monsey Medical and Dental Center in Monsey. Black patients were being transferred without their consent, the complaint alleged.

Even though patients' records had been moved from one clinic to the other, the state's ruling, which was dated Oct. 26, said the clinic had not segregated patients by race or creed.

"The Respondent has advanced a non-discriminatory, business-related reason for moving certain Medical and Dental records to its newer Spring Valley location. ... The reason was not found to be a pretext to discriminate," the ruling said. "Moreover, Complainant could not produce a single witness who received the letter advising of the business change who then refused the change and was not accommodated."

The ruling did not mention the Saturday closing or other issues.

Roman P. Storz, a lawyer for the clinic from the Storz & Greene firm, said his clients were happy with the decision.

"They are very pleased with the outcome, and they're looking forward to getting back to what they do best, which is serving the community," Storz said yesterday.

But Willie Trotman, president of the Spring Valley branch of the National Association for the Advancement of Colored People, said he was disappointed.

After the complaint was initially filed, the county's Human Rights Commission brought the NAACP and the clinic together for negotiations.

A tentative agreement had been reached in which Mendel Hoffman, president of Community Medical and Dental, which runs the clinic, had agreed to consider opening the center on Saturdays, after the Sabbath, for an eight-week trial period, among other terms.

But the state took over administration of the complaint in March, a move that led the NAACP to question the good faith of the negotiations and the possible outcome. The clinic asked the state to dismiss the case.

The Saturday closings were specifically unlawful, the NAACP maintained, because the clinic's operator had received millions of dollars in federal funding. Storz has said the clinic's Saturday closings were not unlawful.

The working-class residents of Spring Valley would find it convenient to visit their doctors on a Saturday when they had the day off, Trotman has said.

Trotman said yesterday that the branch might consider further action.

Storz said the state's ruling ended the matter, adding that he wasn't sure his clients would further consider opening on Saturday after the Sabbath.

"My clients are interested in serving the community to the best of their capacities and ... it's a determination that they have to make on the merits of the issue, not based on some spurious complaint by the NAACP," he said.

The Gilman and Monsey clinics have been the focus of several prior complaints by community advocates who criticized the way reception staff treated non-English-speaking immigrants, the undocumented and the uninsured.

The clinic denied any wrongdoing in those cases.