

STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

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CHARGE NO: _____
CHARGE OF DISCRIMINATION

Dept. of Human Rights
INTAKE UNIT
MAR 29 2018
RECEIVED
By: _____

COMPLAINANT

Darolyn Lee
c/o Jenna Prochaska
150 N. Michigan Ave. Suite 600
Chicago, IL 60691
(312) 201-9740, ext. 313

I believe that I have been personally aggrieved by a civil rights violation committed on

(date/s of harm): October 5, 2017 , by:

RESPONDENT

Mercy Hospital and Medical Center
2525 S. Michigan Ave.
Chicago, Illinois 60616
(312) 567-2000

SEE ATTACHED

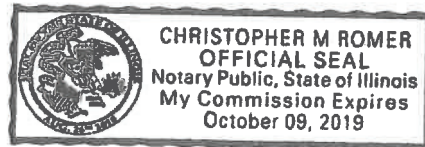
I, Darolyn Lee on oath or affirmation state that I am Complainant herein, that I have read the foregoing charge and know the contents thereof, and that the same is true and correct to the best of my knowledge.

Darolyn Lee 3/27/18
Complainant's Signature and Date

Subscribed and Sworn to

Before me this 27th day
of March , 2018 .

Christopher M. Romer
Notary Public Signature



Notary Stamp

ATTACHMENT

A. ISSUE/BASIS

On October 5, 2017, Respondent Mercy Hospital and Medical Center (“Mercy”) denied Darolyn Lee full and equal access to its services. Ms. Lee made an appointment at Mercy for contraceptive services. She was denied the services she sought and was treated in a discriminatory manner by a Mercy physician, who told Ms. Lee that all women “should be required” to have children.

When Ms. Lee requested contraception, the Mercy physician told her that she could not provide it. Instead, she referred Ms. Lee to a second Mercy physician, despite knowing that Mercy’s policies would prohibit the second physician from providing Ms. Lee the contraception she sought. Ms. Lee was only able to obtain contraception by making a third appointment, this time at another health care facility. Respondent’s statements and actions constituted unlawful sex discrimination under the Illinois Human Rights Act.

B. PRIMA FACIE ALLEGATIONS

PARTIES

1. Complainant, Ms. Lee, is a 37-year-old woman who resides in Chicago, Illinois. She works as a retail merchandiser for Crossmark, a marketing services company.
2. Ms. Lee does not want to become a parent. She uses a contraceptive implant called Nexplanon to avoid pregnancy. Nexplanon is a form of long-acting reversible contraception, which is inserted into a patient’s arm. It releases hormones that prevent pregnancy.
3. In 2017, at the time she sought health care services from Mercy, Ms. Lee relied on Medicaid for her health insurance.
4. Respondent, Mercy, is a health care provider with 15 locations in the Chicago area. Mercy provides a range of health care services, including obstetrics and gynecology. See Mercy Hospital and Medical Center, Hospitals and Locations, <http://www.mercy-chicago.org/body.cfm?id=302&action=list&view=all> (last visited Mar. 29, 2018).
5. Mercy is a place of public accommodation as defined by 75 ILCS 5/5-101(A)(6) (places of public accommodation include the “professional office[s] of a health care provider, hospital, or other service establishment”).
6. Mercy operates under religious directives known as the Ethical and Religious Directives for Catholic Health Care Services, promulgated by the United States Conference of Catholic Bishops. Directive 52 states: “Catholic health institutions may not promote or condone contraceptive practices, but should provide, for married

couples and the medical staff who counsel them, instruction about the Church's teaching on responsible parenthood and in methods of natural family planning."

MS. LEE'S FIRST APPOINTMENT AT MERCY

7. In September 2017, Ms. Lee believed that her Nexplanon needed to be removed and replaced, as it had been over three years since she had had it inserted. Nexplanon's website indicates that it provides pregnancy prevention for three years, after which it needs to be removed and replaced by a health care provider.
8. Ms. Lee called her managed care organization ("MCO"), Family Health Network, to make an appointment with a health care provider to have her birth control renewed. The MCO informed her that Mercy was the in-network provider closest to her home.
9. Ms. Lee called Mercy to make an appointment to see a provider as soon as possible. She told the Mercy representative over the phone that she needed to have her birth control removed and replaced and wanted a general physical examination.
10. The Mercy representative scheduled Ms. Lee's first appointment at the hospital for October 5, 2017 with a primary care provider ("Mercy Provider").
11. At the time of her appointment, Ms. Lee was not aware that Mercy was religiously-affiliated. She expected she would get standard of care treatment, including the contraceptive care she had requested. She did not expect that any limitations would be placed on the services she would receive because of the religious directives that Mercy imposes on its individual health care providers.
12. To get to the hospital for her appointment on October 5, Ms. Lee traveled about 30 minutes from her home by bus. When she arrived, she checked in with the front desk and explained to the receptionist that she had made an appointment over the phone to have her birth control replaced.
13. During her general exam, the Mercy Provider asked Ms. Lee about her previous pregnancies. Ms. Lee explained that she had been pregnant once, and had had an abortion. Ms. Lee observed that the Mercy Provider made a judgmental facial expression in response.
14. Ms. Lee then explained to the Mercy Provider that she does not want to have children. She told the Mercy Provider that she uses a Nexplanon rod for contraception, and that her contraceptive implant needed to be removed and replaced.
15. The Mercy Provider told Ms. Lee that she could not replace Ms. Lee's birth control implant. She did not explain why. Instead, she gave Ms. Lee a referral card and instructed her to make an appointment with Mercy's obstetrics and gynecology department for the contraceptive services she was seeking.

16. At the end of the appointment, the Mercy Provider stated that having babies is a beautiful experience and that all women “should be required” to have children.
17. For Ms. Lee, this statement confirmed what she had felt throughout the appointment – that the Mercy Provider was judging her and had made assumptions about the choices she should make because she was a woman. Ms. Lee felt that the Mercy Provider had judged her for her decision not to have children.
18. After this appointment, Ms. Lee took the bus about 30 minutes to get back home.

MS. LEE’S SECOND APPOINTMENT AT MERCY

19. Because Ms. Lee knew that she still needed to have her contraceptive implant removed and replaced, she used the referral card the Mercy Provider had given her to call Mercy’s appointment line and make another appointment.
20. Ms. Lee explained to another Mercy representative over the phone that she needed to have her contraceptive implant removed and replaced. The Mercy representative made her an appointment with an obstetrician-gynecologist (“Mercy Ob/Gyn”). Ms. Lee’s second appointment at Mercy was about two weeks after her first.
21. Ms. Lee’s second appointment was located at the same hospital as the first appointment, so she again took a bus 30 minutes from her home to get there. Again, she checked in with the front desk, and explained that she had made an appointment to have her contraceptive implant removed and replaced.
22. When the Mercy Ob/Gyn came into the room, Ms. Lee again explained the reason for her visit. At this point, the Mercy Ob/Gyn told Ms. Lee that she does not “do birth control.” She offered to give Ms. Lee a pap smear instead.
23. Ms. Lee was extremely frustrated that the first Mercy Provider had misled her into coming back to Mercy a second time, only to once again be denied the health care she was seeking. She was also confused and upset that she was being denied the health care she was seeking simply because she was a woman trying to prevent pregnancy.
24. Ms. Lee told the Mercy Ob/Gyn that she did not want the pap smear. She had made this appointment for the purpose of having her birth control removed and replaced, and was not interested in continuing the full appointment without getting that service.
25. She took the bus about 30 minutes home after the second appointment with Mercy.
26. Eventually, Ms. Lee was able to get an appointment at Planned Parenthood, where a health care provider removed and replaced her Nexplanon.
27. Respondent’s actions denied Ms. Lee the full and equal enjoyment of a place of public accommodation. Mercy denied Ms. Lee the contraceptive service she was

seeking, which is a service that only women use. She was also treated in an explicitly discriminatory manner. The Mercy Provider judged Ms. Lee for not wanting to have children and, fostering sex based stereotypes, told Ms. Lee that all women “should be required” to have children. The Mercy Provider also referred Ms. Lee to another physician at Mercy, despite knowing that the second physician would not be able to provide the contraceptive service Ms. Lee was seeking either – and delaying Ms. Lee’s ability to access basic contraceptive services.

28. Respondents’ actions constituted discrimination on the basis of sex and conditions related to pregnancy or childbirth in violation of the Illinois Human Rights Act.