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Dallas Gay Alliance looses suits

Friday, May 5, 1989

Federal judge dismisses gay discrimination lawsuit h

DALLAS (AP) — A federal judge on Thursday dismissed a discrimination suit filed by the Dallas Gay Alliance and five plaintiffs against a public hospital in connection with AIDS treat-

The Battalion

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Judge Barefoot Sanders ruled that the alliance take nothing in its suit against Parkland Memorial Hospital and ordered it dismissed.

The court does not minimize the seriousness of AIDS, AIDS-related Complex and HIV infection," Sanders said in his 29-page opinion. "It may be that this community should devote more resources to this menacing and so far irremediable problem; that is a question of important public policy, which it is not for this court to deter-

The judge also rejected a move by the alliance to institute a class action in the suit. The American Civil Liberties Union had joined the gay alliance in the discrimination suit, saying it could set a precedent for hospitals around the country.

"We're obviously disappointed, but I also think we've declared a victory of sort. When started, there was a waiting list for AZT. Now a year later, under threat of judicial action, there's over 300 people receiving the drug," said William Waybourn, president of the Dallas Gay Alliance.

"After our lawsuit was filed, the plaintiffs were treated with kid gloves, they were given the best care available," Waybourn said, adding that two of the five plaintiffs have died since the suit was

'We believe that opinion vindicates Parkland regarding all of the allegations which were brought by the Dallas Gay Alliance," Parkland administrator Ron Anderson said.

The alliance claimed that AIDS patients were discriminated against and received inadequate health care at Parkland's AIDS clinic. The suit al-

"We're obviously disappointed, but I also think we've declared a victory of sort. When started, there was a waiting list for AZT. Now a year later, under threat of judicial action, there's over 300 people receiving the drug.'

- William Waybourn, president of the Dallas Gay Alliance

leged the hospital failed to provide "readily available" medical treatments that included the drugs AZT and Pentamidine.

The judge dismissed claims that the clinic was

inadequately staffed and drugs were not read

'Although plaintiffs disagree with the fendants as to adequacy of staffing and non-to-tion of medical students at the AIDS clinic, plants tiffs have not demonstrated an actual

threatened injury caused by the alleged staff deficiencies," Sanders wrote. He said plaintiffs and all other eligible pat now have access to appointments, AZT and tamidine at Parkland AIDS clinic. One plain testified he could get an appointment at the

within an hour. Waybourn said the alliance would watch hospital, which is required by law to provide gent health care in Dallas County, and file

other lawsuit if its care of AIDS patients slip The day after the suit was filed, state by Judge John M. Marshall signed a temporary straining order instructing Parkland to eliminate the state of the waiting list and begin offering experim

treatment to indigent AIDS patients who ne Less than a week later, Dr. Daniel Barban signed as chief of Parkland's AIDS clinic leaders viewed Barbaro as a scapegoat for hospital's difficulties.

Anderson had blamed Barbaro in April! for the clinic's difficulties, saying he created rale problems among the staff and failed tom

the most of available resources.

Senator says Drop in immigrant numbers rural hospitals face slow death allow Border Patrol cutbacks

WASHINGTON (AP) - The health-care system in rural America will crumble if quick changes aren't made to reverse a Medicare reimbursement system that has caused the "slow starvation" of rural hospitals, Sen. Tom Harkin told a Senate

Members of the Senate Finance Committee agreed Medicare's system for reimbursing urban hospitals at a higher rate than their rural counterparts is unfair and largely responsible for putting rural hospitals

\$50

\$300

\$300

\$300

on frail financial footing.

Health and Human Services Secretary Louis W. Sullivan, meanwhile, has recommended rural and large urban hospitals receive greater Medicare payment increases next fiscal year than urban hospitals.

Minority Leader Bob Dole and Finance Committee Chairman Lloyd Bentsen, D-Texas, have introduced legislation that calls for phasing in a uniform Medicare reimbursement rate beginning 1991.

"If we don't act quickly to change Medicare's Prospective Payment System, the health care system in rural America will crumble," Harkin said. "If that happens, we will be forced not very long from now to take drastic measures — with a drastic price tag — to rebuild it."

Under the prospective payment system, hospitals are reimbursed for the average costs of their elderly Medicare patients and not on actual costs. Enacted by Congress in 1983, the system has meant rural hospitals are reimbursed by as much as 40 according to testimony.

McALLEN (AP) — A sharp drop in the number of Central Americans trying to enter the United States prompted the Border Patrol to scale back extra forces detailed to the South Texas border, an official said

Immigration officials say the drop in apprehensions means get-tough policies are discouraging Central Americans from coming here to file frivolous applications for political

From January to March, the Border Patrol's McAllen Sector added 192 extra agents to stem a flood of "other-than-Mexican," or so-called OTM, aliens — mostly Central Americans — entering the country illegally. The bulk of the extra agents brought in from other parts of the country patrolled in the Brownsville area, the closest border crossing point to Nicaragua, El Salvador, Honduras and Guatemala.

The agency began detaining nearly all of those apprehended, rather than releasing most on their own recognizance, as it had been

Its crackdown accompanied an Immigration and Naturalization Service policy that began Feb. 21, in which asylum applicants are proc-essed in one day and immediately detained if their initial claims to refugee status are denied.

The number of extra Border Patrol agents in South Texas has been cut to 102, and may be reduced further if apprehensions continue to are reimbursed by as much as 40 drop, said E.J. Vickery, assistant of the countries along their route.

percent less than urban hospitals, chief of the Border Patrol's McAllen "They become men and women and women are reimbursed by as much as 40 drop, said E.J. Vickery, assistant of the countries along their route. Sector. There are 395 agents permaby the time they get here," said Ale-Mission.

in South Texas have fallen from eled north never to be heard 200-250 a day in early March to a again." current level of 50-60 a day, Vickery

"There's no free pass," Vickery January to a current level of & said. "If you're caught here you are than 10 daily in South Texas.

nently stationed in the McAllen Sec- detained, then your case is hearding mediately. It's not like it was before Central American apprehensions when they were released and

INS officials also say the nun He said the word of a crackdown has reached Central America.

Of people turning themselves in untarily to apply for political as untarily to apply for political asyl has plummeted from 500 ad

U.S. shelters overflow with child immigrants

LOS FRESNOS, Texas (AP) — Childhood ends somewhere between national Emergency Shelter for Central America and the Rio Grande for young immigrants who about 45 miles north of the border slip into the United States without their parents.

Border Patrol agents in South

Texas say they've found children as a crisis in southern Texas, where young as 4 traveling without adults, some abandoned by the alien smugglers known as "coyotes" to fend for themselves on the crime-infested riverbank that marks the Mexican bor-

By the time they find a temporary refuge at government-sponsored shelters in South Texas, many of the children carry with them stories of rape, robbery, physical abuse, intimidation and extortion at the hands of alien smugglers or corrupt officials

jandro Flores, director of the la

The exodus of thousands of a tral Americans seeking political and lum in the United States has cause immigrants have filled to overfl ing a detention camp and Red Or shelters and overwhelmed medica and legal aid systems.

Since July, when the first species shelter for child immigrants open in Los Fresnos, more than 600 d dren have been housed there and? Raymondville. In addition, I Cross shelters for immigrant fam lies house 60-80 unaccompar children on a given week, and alien smugglers or corrupt officials of the countries along their route.

"They become men and women grants in a former seminary men and women by the time they get here," roud Ala.

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