

Ms. Jennifer Rivera, Esq.
Civil Rights Bureau
Office of the Attorney General, State of New York
120 Broadway, 23rd Floor
New York, NY 10271-03332

April 23, 2008

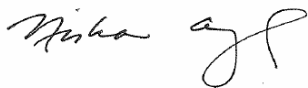
Dear Ms. Rivera:

Please find enclosed a second amended complaint New York Lawyers for the Public Interest (NYLPI) is filing on behalf of Make the Road New York, Inc. and the Immigrant Health & Advocacy Collaborative of the New York Immigration Coalition regarding the failure of New York City pharmacies to provide meaningful access to their services for individuals who are limited English proficient (LEP). A copy of this amended complaint will also be sent to you via e-mail.

In July 2007, NYLPI had filed a complaint on behalf of Make the Road By Walking regarding language access problems in New York City pharmacies. Subsequent to submitting that complaint, we were able to reach out to other communities in the city who have experienced similar problems in accessing pharmacy services in their primary languages. An amended complaint incorporating these additional experiences was filed with your office on October 31, 2007. In the past several months, we have continued to hear from community members who have not received the language assistance services to which they are entitled in New York-area pharmacies. This second amended complaint and accompanying testimonies reflect the additional information we were able to learn about the scope of the problem in the last several months.

Thank you in advance for your consideration. Please do not hesitate to contact me if you have any further questions or would like additional information.

Best regards,



Nisha Agarwal
Staff Attorney/Skadden Fellow

Cc: Andrew Friedman, Co-Executive Director, Make the Road New York, Inc.
Adam Gurvitch, Director of Health Advocacy, New York Immigration
Coalition

DISCRIMINATION COMPLAINT

submitted to the

**STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
CIVIL RIGHTS BUREAU**

120 Broadway, 23rd Floor
New York, NY 10271-03332

This is a complaint filed by New York Lawyers for the Public Interest, Inc. (NYLPI) on behalf of limited-English proficient (LEP) members of Make the Road New York, Inc., a community-based organization with offices in Brooklyn, Queens and Staten Island as well as the New York Immigration Coalition Health Access & Advocacy Collaborative and other LEP individuals who have been denied meaningful access to pharmacy services in their primary language.

1. **Persons Filing Complaint**

Make the Road New York, Inc.

301 Grove Street
Brooklyn, NY 11237
(718) 418-7690

49-06 Skillman Avenue
Woodside, NY 11377
(718) 565-8500

71-24 Roosevelt Avenue, 2nd floor
Jackson Heights, NY 11372
(718) 565-8103

479 Port Richmond Avenue
Staten Island, NY 10302
(718) 727-1222

**New York Immigration Coalition
Health Access & Advocacy Collaborative**

137-139 West 25th Street, 12th Floor
New York, New York 10001-7277
Tel: (212) 627-2227

by

New York Lawyers for the Public Interest, Inc.

151 West 30th St., 11th Floor

New York, NY 10001

(212) 244-4664

2. Persons/Entity You Are Complaining About

CVS Pharmacy

253 1st Avenue

New York, NY 10003

CVS Pharmacy

1622 3rd Avenue

New York, NY 10128

CVS Pharmacy

6502-6510 18th Avenue

Brooklyn, NY 11204

CVS Pharmacy

54-06 31st Avenue

Woodside, NY 11377

CVS Pharmacy

1933 Victory Boulevard

Staten Island, NY 10314

Duane Reade Pharmacy

54-11 Myrtle Avenue

Ridgewood, NY 11385

Duane Reade Pharmacy

5711 Myrtle Avenue

Ridgewood, NY 11385

Duane Reade Pharmacy

749 Broadway

Brooklyn, NY 11206

Kraupner Pharmacy
457 Knickerbocker Avenue
Brooklyn, NY 11237

Rite Aid Pharmacy
355 Knickerbocker Avenue
Brooklyn, NY 11237

Rite Aid Pharmacy
58-01 Queens Boulevard
Woodside, NY 11377

Rite Aid Pharmacy
45-02 43rd Ave
Sunnyside, NY 11104

Rite Aid Pharmacy
46-12 Greenpoint Avenue
Sunnyside, NY 11104

Rite Aid Pharmacy
162-19 Hillside Avenue
Jamaica, NY 11432

Rite Aid Pharmacy
3700-06 Junction Boulevard
Flushing, NY 11368

Rite Aid Pharmacy
66-54 Fresh Pond Road
Ridgewood, NY 11358

Eckerd Pharmacy
50-15 Roosevelt Ave
Woodside, NY 11377

Crown Drug Store
5713 Myrtle Avenue
Ridgewood, NY 11385

Hamtini Pharmacy
615 Seneca Avenue
Ridgewood, NY 11385

Gardener Pharmacy
371 Broadway
Brooklyn, NY 11211

St. Jude's Pharmacy and Surgical Supply Store
121 St. Nicholas Avenue
Brooklyn, NY 11237

Walgreens Pharmacy
393 Front Street
Hempstead, NY 11550

Walmart Pharmacy
1123 Jerusalem Avenue
Uniondale, NY 11553

Pathmark Pharmacy
1351 Forest Avenue
Staten Island, NY 10302

Woodhull Prescription Center
751 Flushing Avenue
Brooklyn, NY 11206

3. Nature of Complaint

A. Statutory Bases for Complaint

- (1) Title VI of the Civil Rights Act of 1964.
- (2) N.Y. EDUC. LAW, §6800, et. seq. (2007).
- (3) N.Y. COMP. CODES R. & REGS. tit. 8, §63.6 (2007)
- (4) N.Y. City Code, tit. 8, § 8-107(17) (2001) (New York City Human Rights Law).

B. Statutory Violations Alleged

The following describes the ongoing policy and practices at CVS Pharmacy ("CVS"), 253 1st Avenue, New York, NY; 1622 3rd Avenue, New York, NY; 54-06 31st Avenue, Woodside, NY; 6502-6510 18th Avenue, Brooklyn, NY; and 1933 Victory Boulevard, Staten Island, NY which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to CVS Pharmacy services and programs:

- 1 CVS routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.

- 2 CVS routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, CVS pharmacists violate their duty to conduct a prescriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, CVS pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, CVS pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 CVS fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 CVS fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, CVS does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, CVS does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, CVS does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Duane Reade Pharmacy ("Duane Reade"), 54-11 Myrtle Avenue, Ridgewood, NY and 749 Broadway, Brooklyn, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Duane Reade Pharmacy services and programs:

- 1 Duane Reade routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.

- 2 Duane Reade routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Duane Reade pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Duane Reade pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Duane Reade pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Duane Reade fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Duane Reade fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Duane Reade does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Duane Reade does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Duane Reade does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Kraupner Pharmacy ("Kraupner"), 457 Knickerbocker Avenue, Brooklyn, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Kraupner Pharmacy services and programs:

- 1 Kraupner routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Kraupner routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Kraupner pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Kraupner pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Kraupner pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Kraupner fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Kraupner fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Kraupner does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Kraupner does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Kraupner does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Rite Aid Pharmacy ("Rite Aid"), 355 Knickerbocker Avenue, Brooklyn, NY; 45-02 43rd Avenue, Sunnyside, NY; 46-12 Greenpoint Avenue, Sunnyside, NY; 162-19 Hillside Avenue, Jamaica, NY; 3700-06 Junction Boulevard, Jamaica, NY; 66-54 Fresh Pond Road, Ridgewood, NY; and 58-

01 Queens Boulevard, Woodside, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Rite Aid Pharmacy services and programs:

- 1 Rite Aid routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Rite Aid routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Rite Aid pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Rite Aid pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Rite Aid pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Rite Aid fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Rite Aid fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Rite Aid does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Rite Aid does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Rite Aid does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Eckerd Pharmacy (“Eckerd”), 50-15 Roosevelt Avenue, Woodside, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Eckerd Pharmacy services and programs:

- 1 Eckerd routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Eckerd routinely fails to respond to LEP individuals’ requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Eckerd pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Eckerd pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Eckerd pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Eckerd fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Eckerd fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Eckerd does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Eckerd does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Eckerd does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug’s user.

The following describes the ongoing policy and practices at Crown Drug Store (“Crown”), 5713 Myrtle Avenue, Ridgewood, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Crown Drug Store services and programs:

- 1 Crown routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Crown routinely fails to respond to LEP individuals’ requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Crown pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Crown pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Crown pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Crown fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Crown fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Crown does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Crown does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Crown does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug’s user.

The following describes the ongoing policy and practices at Hamtini Pharmacy (“Hamtini”), 615 Seneca Avenue, Ridgewood, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Hamtini Pharmacy services and programs:

- 1 Hamtini fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 2 By routinely failing to translate drug labels, Hamtini does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 3 By routinely failing to translate drug labels, Hamtini does not provide drug labels that bear adequate directions for use for LEP individuals.
- 4 By routinely failing to translate drug labels, Hamtini does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug’s user.

The following describes the ongoing policy and practices at Walgreens Pharmacy (“Walgreens”), 393 Front Street, Hempstead, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Walgreens Pharmacy services and programs:

- 1 Walgreens routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Walgreens routinely fails to respond to LEP individuals’ requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Walgreens pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Walgreens pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Walgreens pharmacists violate their non-delegable duty to

personally counsel each patient who requests such counseling upon refilling an existing prescription.

- 6 Walgreens fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Walgreens fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Walgreens does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Walgreens does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Walgreens does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Walmart Pharmacy ("Walmart"), 1123 Jerusalem Avenue, Uniondale, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Walmart Pharmacy services and programs:

- 1 Walmart routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Walmart routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Walmart pharmacists violate their duty to conduct a prescriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Walmart pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.
- 5 By routinely failing to provide skilled, oral interpretation for LEP

individuals, Walmart pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.

- 6 Walmart fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Walmart fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Walmart does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Walmart does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Walmart does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Gardener Pharmacy ("Gardener"), 371 Broadway, Brooklyn, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Gardener Pharmacy services and programs:

- 1 Gardener routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Gardener routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Gardener pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Gardener pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.

- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Gardener pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Gardener fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Gardener fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Gardener does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Gardener does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Gardener does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at St. Jude's Pharmacy and Surgical Supply Store ("St. Jude's"), 121 St. Nicholas Avenue, Brooklyn, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to St. Jude's services and programs:

- 1 St. Jude's routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 St. Jude's routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, St. Jude's pharmacists violate their duty to conduct a prescriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, St. Jude's pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the first time.

- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, St. Jude's pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 St. Jude's fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 St. Jude's fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, St. Jude's does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, St. Jude's does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, St. Jude's does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Pathmark Pharmacy ("Pathmark"), 1351 Forest Avenue, Staten Island, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Pathmark's services and programs:

- 1 Pathmark routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Pathmark routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Pathmark pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Pathmark pharmacists violate their non-delegable duty to personally counsel each patient prior to dispensing a prescription for the

first time.

- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Pathmark pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Pathmark fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Pathmark fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Pathmark does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Pathmark does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Pathmark does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

The following describes the ongoing policy and practices at Woodhull Prescription Center ("Woodhull"), 751 Flushing Avenue, Brooklyn, NY, which discriminate against LEP individuals who seek health care services at its facility and deprive them of meaningful access to Woodhull's services and programs:

- 1 Woodhull routinely fails to provide skilled, oral interpretation for LEP individuals who are seeking pharmaceutical services.
- 2 Woodhull routinely fails to respond to LEP individuals' requests for skilled interpretation services.
- 3 By routinely failing to provide skilled, oral interpretation for LEP individuals, Woodhull pharmacists violate their duty to conduct a proscriptive drug review before each prescription is dispensed or delivered to a patient.
- 4 By routinely failing to provide skilled, oral interpretation for LEP individuals, Woodhull pharmacists violate their non-delegable duty to

personally counsel each patient prior to dispensing a prescription for the first time.

- 5 By routinely failing to provide skilled, oral interpretation for LEP individuals, Woodhull pharmacists violate their non-delegable duty to personally counsel each patient who requests such counseling upon refilling an existing prescription.
- 6 Woodhull fails to provide LEP individuals with written, translated medication labels, medication information and other necessary forms and materials.
- 7 Woodhull fails to provide LEP individuals with oral translations of medication information and other necessary forms and materials.
- 8 By routinely failing to translate drug labels, Woodhull does not provide drug labels in such terms as to render them likely to be read and understood by an ordinary individual who is LEP.
- 9 By routinely failing to translate drug labels, Woodhull does not provide drug labels that bear adequate directions for use for LEP individuals.
- 10 By routinely failing to translate drug labels, Woodhull does not provide drug labels that bear adequate warnings against use where use may be dangerous to health or as may be necessary for the protection of the drug's user.

4. Are You Aware of Other Individuals Who May Have Been Subjected to the Alleged Discriminatory Conduct? If Yes, Provide Names, Addresses, and Telephone Numbers, If Possible.

Make the Road by Walking New York, through NYLPI, files this complaint on behalf of members of Make the Road New York. The New York Immigration Coalition Health Access & Advocacy Collaborative, through NYLPI, files this complaint on behalf of clients of Collaborative member organizations.

5. Have You Sought or Received Assistance from the New York State Division of Human Rights or Any Other Agency? If Yes, Provide Names, Addresses, and Telephone Numbers, If Possible.

No.

6. Are You Represented by a Private Attorney? If Yes, Provide Name, Address, and Telephone Number.

Yes.

New York Lawyers for the Public Interest, Inc.

Nisha S. Agarwal

Gavin Kearney

Marianne Engelman Lado

151 West 30th St., 11th Floor

New York, NY 10001

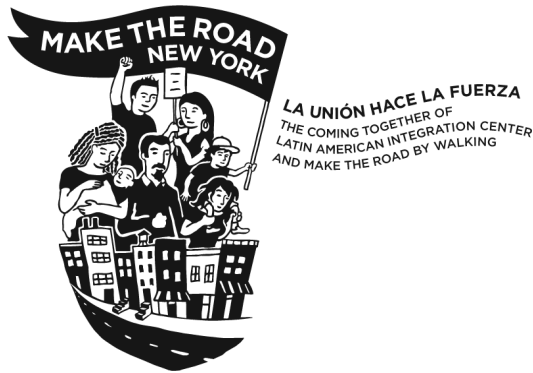
(212) 244-4664

7. Is a Court Action Pending? If Yes, Provide Index Number and a Copy of the Complaint.

No.

Appended to this Complaint are the following documents:

Testimonies of Carlos M., Ma. Angela C., Carmen R., Maria C., Marta (Magali) J., Ivonne L., Anita G., and Irania S.



The following testimonies were collected by Theo Oshiro and Juanita Lara, Health Advocates at Make the Road New York.

Carlos M.

Rite-Aid, 45-02 43rd Avenue, Sunnyside, NY

Carlos knows enough English to understand the labels on his medication, but his mother who lives alone depends on him to come over and translate the directions on the bottles. “Every time I go to my mother’s house and she asks me to write down what the bottles say, I wonder what will happen the day I can’t come over and she needs to take her medication.” Carlos also translates for his mother’s neighbors, seniors who live alone and do not have relatives that come by often enough to do the translating for them. Every time, Carlos states, there seems to be one more person who needs their prescriptions translated. Carlos stated, “People’s lives are at risk when they can’t understand the medication that is supposed to save their lives. I wonder why pharmacies seem so hesitant to translate the labels.”

Ma. Angela C.

CVS, 54-06 31st Avenue, Woodside, NY

Ma. Angela is learning English, but she nonetheless finds it difficult to understand the labels on her medications and the written explanations that come with them. Ma. Angela remembers the time when her 5 year old son got an allergic reaction and broke out in hives. Her doctor only explained he had an allergy and wrote a prescription but did not explain the dosage. When Ma. Angela picked up her prescription at CVS on 31st Ave and 58th Street, Woodside, the pharmacist neglected to explain how to use the medication. When she got home and opened the package she found a small jar with pink liquid inside. When she looked at the directions they were unclear, and she understood one dosage a day, but did not understand how to take it. She deduced that since it looked like “pepto” (an oral medication), and she spoon fed her son his dosage of the day. Her son’s reaction was of great disgust and

www.maketheroadny.org

301 GROVE STREET
BROOKLYN, NY 11237
TEL 718 418 7690
FAX 718 418 9635

49-06 SKILLMAN AVENUE
WOODSIDE, NY 11377
TEL 718 565 8500
FAX 454 0646

71-24 ROOSEVELT AVENUE
JACKSON HEIGHTS, NY 11372
TEL 718 565 8103
FAX 718 651 3828

479 PORT RICHMOND AVENUE
STATEN ISLAND, NY 10302
TEL 718 727 1222
FAX 718 981 8077

complained that it tasted horrible. She was worried and confused and didn't know what to do. She sought someone to translate the label and was told the medication was topical not oral. Ma. Angela was devastated, since she had administered the medication incorrectly to her son. Luckily her son did not suffer from any negative reactions, but he complained about the bad taste in his mouth. Ma. Angela stated, "I felt so bad that I did that to my son. All because I couldn't understand the label on the medicine, even when I really tried to read it and translate it myself with my English/Spanish dictionary."

Carmen R.

Rite Aid, 58-01 Queens Blvd Woodside, NY

Carmen is an ex-home health aid with disabilities who takes medications for a variety of conditions. She speaks some English but feels more comfortable listening to and reading instructions about her medicines in Spanish. When she goes to her local Rite Aid branch (58-01 Queens Blvd) she asks for labels and instructions in Spanish but the pharmacy staff tells her they do not have materials in Spanish. Carmen says that the pharmacist has never spoken to her, and she often leaves the pharmacy confused about her medication. She worries that she will make a mistake when taking her medication so she depends on her daughter to translate labels for her. She also buys books in Spanish to teach herself what kinds of medications are contraindicated or how to take medicine appropriately.

Carmen is not only worried about herself. When she used to work as a home health aid she used to see that many of her Spanish-speaking clients did not get medications in Spanish and did not know how to take their medications correctly. Her clients would seek her help but she would have to try to find people who could translate the instructions. She is worried for her old clients because they cannot seek help when their medication labels are not translated since they are old, disabled, and homebound.

Maria C.

Gardner Pharmacy 371 Broadway, Brooklyn, NY

Woodhull Rx Center 755 Flushing Avenue, Brooklyn, NY

Maria Calderon speaks some English, but not much. She does not feel completely comfortable taking medications when the instructions are in English. She says that the pharmacists at the two pharmacies she goes to rarely speak to her and she goes home without understanding the meds she was taking home. This worries her, particularly because many times she is not clear what each medication is for and the paperwork she gets is in English. She believes that pharmacies should explain things to their patients so they understand how to take their medications and what the medications are for. Maria says she would feel safer if labels were in Spanish and if she could communicate with the pharmacist. Once, she used the little bit of English

that she knows to tell the pharmacist at Gardner pharmacy that he was giving her a different medication than what her doctor had prescribed. The pharmacist said “Insurance didn’t cover.” This was one of the only thing the pharmacist had ever said to her.

Marta (Magali) J.

St. Jude’s Pharmacy and Surgical Supply, 121 St. Nicholas Ave., Brooklyn, NY

Marta has lived in the Bushwick neighborhood of Brooklyn for the past 26 years. She is originally from Santo Domingo, Dominican Republic. Marta suffers from a variety of health problems including diabetes, asthma and arthritis. She takes 6 different medications, including Ambien, Albuterol and Glucosamine, on a daily basis, as well as 4 different vitamins. She receives her medications from St. Jude’s Pharmacy and Surgical Supply.

Marta is Limited English Proficient, and because St. Jude’s pharmacy does not translate the prescriptions or the instructions for her medications, Marta constantly worries that she has taken the wrong medication or dosage. This is a particular problem because her Medicare plan often changes the drug brands that it will cover and because Marta cannot read the directions when the new medications are sent. She has no one at home who can explain to her when or how she should take the medication.

Last week Marta took medication for her blood sugar level as well as a diuretic prescribed by her doctor. She began to sweat and have chills and became alarmed that she was having a bad reaction to the two medications. “I can’t understand the prescriptions so I don’t know what the side effects are for the medications or if I shouldn’t mix one drug with the other,” Marta said. “I always have doubts about whether I’m taking my drugs at the right time and in the right dosage and this scares me because I don’t want to hurt myself.”

Ivonne L.

Pathmark Pharmacy, 1351 Forest Avenue, Staten Island, NY

Ivonne is an ESL student in Staten Island. Ivonne was prescribed medication by her doctor which she got filled at Pathmark pharmacy. When she got her medicine she realized that the instructions were in English and she could not understand them. Ivonne did not know that she had the right to get counseling from the pharmacy so she took the medicine and left, hoping she would figure out how to take the medicine herself. The pharmacy did not make sure she knew how to take her medicine. When she tried to read the English instructions she was confused but took her best guess on how to take the medication. Later on she realized that she had taken too much of the medication. She hurried to her doctor because she was extremely worried that she would get sick. Her doctor told her it would be okay but that it was very

important that she understood the instructions before taking any medication. Ivonne thinks that all pharmacies should have to provide language services so that she and others can take their medications safely.

Anita G.

CVS Pharmacy, 1933 Victory Boulevard, Staten Island, NY

Anita is an ESL student in Staten Island. While her English is improving she still has limited English-speaking ability. Her sister speaks no English and Anita tries to help her understand her children's medications since the CVS they go to always gives them medications with labels in English. Anita did not know it was their right to get medications in a language they can understand since the pharmacy staff usually just gives them their medications and does not say anything to them. Anita worries that she and her sister will make a mistake and hurt the sister's children by giving them medication in the wrong way. Anita and her sister travel to Metropolitan Hospital in Manhattan because there is no local public hospital in Staten Island. She says that when they get medicine there the labels are translated. She thinks that all pharmacies should make sure their patients understand how to take their medications before they leave the store. "This would make me and my sister feel safer, especially since it is the children who are taking the medicines."

Irania S.

In February of 2008 Irania Sanchez went to Rite Aid Pharmacy at 66-54 Fresh Pond Road in Ridgewood, NY. Irania says that she could not find staff that speaks Spanish and had a hard time understanding anything that was said to her. She asked for her prescription's labels to be put in Spanish but they told her "no" and she understood that they told her to find someone else to translate the labels for her. Irania also says that the pharmacy staff had a bad attitude and she felt bad when she left the pharmacy. Irania says she hopes more pharmacies start ensuring that their patients can understand their medications.