

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

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

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

Eckerd Pharmacy
50-15 Roosevelt Ave
Woodside, NY 11377

Hamtini Pharmacy
615 Seneca Avenue
Ridgewood, NY 11385

Walgreens Pharmacy
393 Front Street
Hempstead, NY 11550

Walmart Pharmacy
1123 Jerusalem Avenue
Uniondale, NY 11553

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; and 6502-6510 18th Avenue, Brooklyn, 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; 5711 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; and 3700-06 Junction Boulevard, Jamaica, 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 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, 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 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 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, 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.

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.

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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:

Report entitled *Bad Medicine*, which includes statements of all complainants.