Pregnancy Craving Leads to Complaints Alleging Violation of Civil Rights



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Two women, represented by the ACLU of New Jersey, filed complaints alleging violations of their civil rights after they were drug tested without their knowledge or informed consent. Upon arrival at the hospital to give birth, both women were drug tested in the absence of medical necessity. They assert that testing pregnant patients violates New Jersey's Law Against Discrimination on the basis of sex and pregnancy and is looking for hospitals to discontinue this practice.

Both women returned positive tests for opiates after they consumed a poppyseed bagel before they went to the hospital. The positive test led the hospitals to contact the New Jersey Department of Child Protection and Permanency (DCPP) to report the women for potential abuse and neglect before they even gave birth. DCPP then investigated each of the women's families, interfered with the first few months with their newborns, and caused them fear and mistrust of medical personnel.

Testing for the presence of drugs is a routine test for some New Jersey hospitals. The American College of Obstetricians and Gynecologists, however, specifically rejects this practice for the negative legal consequences that a positive test can produce. In addition, some hospitals use a threshold 200 times lower than federal guidelines. The complaints seek a full investigation of the claims and a finding of probable cause for unlawful discrimination.

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