

**BEFORE THE HUMAN AND CIVIL RIGHTS COMMISSION
FOR THE STATE OF DELAWARE**

Chrystina Bird,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. S-EA-3073-24
	)	
Beebe Healthcare and Dawn Knowles,	)	
	)	
Respondents.	)	

MEMORANDUM DECISION AND ORDER

PRESENT:

Joseph Dawson, *Commissioner and Panel Chairperson*
Chok-Fun Chui, *Commissioner and Panel Member*
Earnest Gulab, *Commissioner and Panel Member*
Victoria Counihan, *Deputy Attorney General, Counsel for the
Commission and Panel*

APPEARANCES:

Chrystina Bird, *Complainant, pro se*
Bruce Leshine, Esq., *General Counsel, Attorney for Respondents*

INTRODUCTION

After due notice of time and place duly served upon all parties, the above-captioned case came before a Panel of the Delaware Human and Civil Rights Commission (“Panel”) on Thursday, October 16, 2025, via Microsoft Teams video conference, to determine whether a violation of Delaware Equal Accommodations Law (“DEAL”), codified at 6 *Del. C.* Ch. 45, occurred.

The Panel convened to determine whether Beebe Healthcare, located at 33664 Bayview Medical Dr., Unit 203, Lewes, DE, 19958 (“Beebe”), and Dawn Knowles, a Psychiatric Nurse Practitioner at Beebe (“Nurse Knowles” and collectively with Beebe, the “Respondents”), violated 6 *Del. C.* § 4504 as alleged in the complaint (the “Complaint”) filed by Chrystina Bird (“Ms. Bird” or “Complainant”), who claimed that the Respondents discriminated against her based on her gender identity and sexual orientation.

The Panel conducted its deliberations immediately after the hearing on October 16, 2025, and followed with a public vote. This Memorandum Decision and Order embodies the Panel’s Findings of Fact and Conclusions of Law, as required by statute. 6 *Del. C.* § 4508(h).

SUMMARY OF THE COMPLAINT

In her Complaint, Ms. Bird alleged that Respondents refused, withheld, and/or denied her accommodations, facilities, advantages, or privileges of a place of public accommodation because of her gender identity and sexual orientation. According to Ms. Bird’s Complaint, on June 21, 2024, she arrived at Beebe’s office for a scheduled appointment. She was escorted into a room where Nurse Knowles greeted her. Another employee¹ took her vitals and stood behind Ms. Bird while Nurse

¹ The Complaint noted this other employee as an “unidentified employee,” however Ms. Bird

Knowles asked questions about her medical history. Ms. Bird asked the other employee to leave the room, but her request for privacy was denied. The Complaint further alleges that Ms. Bird has PTSD and the other employee in the room “freaked her out.” Ms. Bird asserted in the Complaint that Nurse Knowles was mean and accusatory in her line of questions. Ms. Bird alleges that Nurse Knowles then asked Ms. Bird three times to identify her gender, which Ms. Bird indicated is female. Ms. Bird then asked if any of the mental health therapists were qualified to work with patients with PTSD. Ms. Bird alleges that Nurse Knowles then stated: “You might not be a good fit for our therapists.” Ms. Bird left the appointment and requested a refund from the front desk for the visit.

Ms. Bird alleges that Nurse Knowles’ verbal refusal and withholding of mental health treatment, acting on behalf of Respondent Beebe, discriminated against her and unfairly denied her equal access to mental health services, because of her gender identity and sexual orientation.

noted for the record that she intended the Complaint to say a “med tech person,” but the Division’s investigator who helped prepare the Complaint instead wrote that it was an unidentified person. Ms. Bird testified that she signed the Complaint as it was written to get the process moving, because that point was not critically important to the overall narrative.

PRELIMINARY MATTERS

The Panel Chair noted that the Complaint named Nurse Knowles in the box that asks “against whom is this complaint filed,” but only named Beebe Healthcare in the box asking “If you named an individual above who appeared to be acting for a place of Public Accommodation in this case, write the name and address of the company.” General Counsel for Beebe, who represents both Beebe and Nurse Knowles as an employee of Beebe, confirmed that he agreed that both Nurse Knowles and the corporate entity Beebe are Respondents in this case.

BRIEF SUMMARY OF THE EVIDENCE²

During the hearing, Complainant offered into evidence, without objection, the following document, which the Panel admitted into evidence:

- (a) Respondents’ responses to the Fact-Finding Questionnaire sent by the Division of Human and Civil Rights (the “Division”), marked as Complainant’s Exhibit 1.

During the hearing, Respondents did not offer into evidence any documents.

The Panel heard testimony from the following witnesses offered by Complainant:

- (a) Complainant, Chrystina Bird; and

² Both parties made opening statements and presented closing arguments which are part of the record but are not summarized here because such statements are not evidence. They are considered by the Panel during deliberations, to the extent that they are supported by the evidence presented and may shed light on a material point.

(b) Lazaynah Gerald.

The Panel heard testimony from the following witnesses offered by Respondents:

(a) Dawn Knowles.

FINDINGS OF FACT

On June 21, 2024, the Complainant, Ms. Bird, attended a scheduled intake appointment to obtain a new mental health therapy provider at Respondent, Beebe's facility in Lewes, Delaware. Ms. Bird has a long-standing diagnosis of PTSD, which is a chronic condition she has had for decades, stemming from two issues of gun violence in her past: (1) witnessing a workplace shooting where a co-worker was shot, and (2) being held up at gunpoint at a party in high school.³ Ms. Bird's prior mental health therapist had retired. She generally managed her condition on her own, but in times in her life when she needed support, she has seen a mental health therapist. Ms. Bird was experiencing a medical condition, so

³ Ms. Gerard testified that Ms. Bird told Nurse Knowles that she had PTSD from observing a transgender person or LGBTQ+ person or a person that was not the same sex as her in a bathroom, although she did not remember the exact words Ms. Bird used. Nurse Knowles testified that Ms. Bird stated to her that she had PTSD and "was triggered by cross-dressers using the women's bathroom, checking me out at the registers with their long fingernails." Ms. Bird testified to the contrary that no such incident in a bathroom ever happened to her, and she never told anyone at Beebe that was the cause of her PTSD. The Panel credits Ms. Bird's account of the basis for her PTSD, which she indicated stemmed from witnessing a workplace shooting.

she wanted to find a new mental health provider to help her deal with that. Her gynecologist referred her to Beebe's mental health clinic.

When she was waiting for her appointment, Ms. Bird was directly observed by Nurse Knowles and Medical Assistant Lazaynah Gerard (nickname "Zay," referred to herein as "Ms. Gerard") to be anxious and pacing in the waiting room. Ms. Bird admits that she is high energy and sometimes paces to look around at things in waiting rooms. Ms. Gerard called Ms. Bird for her appointment, introduced herself by name and identified herself as the medical assistant, walked Ms. Bird into the back area, and took her vital signs (height, weight, blood pressure). At the time she was taking vitals, Ms. Bird expressed to Ms. Gerard dissatisfaction with other Beebe providers, but did not mention any names specifically. Ms. Gerard then escorted Ms. Bird into the evaluation room and introduced her to Nurse Knowles, a Psychiatric Nurse Practitioner. Nurse Knowles is Board certified in psychiatric mental health, has a Master's degree in Psychiatric Mental Health, has worked at Beebe since 2023 and has been a nurse since 2007.

Nurse Knowles was seated behind a desk and did not rise, but she greeted Ms. Bird and introduced herself and her position as Psychiatric Nurse Practitioner. Nurse Knowles also explained that Ms. Gerard was clinical staff observing the visit, and explained that she conducts mental health intake appointments as a structured psychiatric interview, which Respondents explained in their responses to

the Division's Fact-Finding Questionnaire may differ from patient to patient based on their past history, their needs and their presentation. Nurse Knowles had reviewed Ms. Bird's medical charts before the appointment. Ms. Bird's medical chart contained a note of caution that stated: "This patient accuses all providers of assaulting her." Ms. Gerard shut the door and sat with the laptop on Ms. Bird's right side. Nurse Knowles began to ask Ms. Bird the intake questions about health and family history.

Due to the note on Ms. Bird's medical chart, which was not typical or usual, Nurse Knowles requested that Ms. Gerard remain in the room during the intake interview. Nurse Knowles felt it was in both her and Ms. Bird's best interests to have another person present in the room for safety reasons. According to Beebe, it is within the discretion of the provider to have a second staff person in the room during an appointment: (1) when there is a concern for safety, (2) when there is a past history of misrepresenting the content of interactions, and (3) for training purposes. At one point, Ms. Bird asked if Ms. Gerard could please leave the room, as she was uncomfortable with a second person in the room given the personal medical and mental health questions she was being asked. Ms. Bird was also not comfortable with Ms. Gerard's placement in the room to her right, but somewhat behind her. Nurse Knowles told Ms. Bird that it was not an option to have Ms. Gerard leave the room. Nurse Knowles did not inform Ms. Bird of the note on her

medical chart, as Ms. Bird already appeared agitated; the nurse thought that raising the content of the note could agitate her further.

Nurse Knowles then began to ask questions about Ms. Bird's gender identity. There are three standard gender identity questions Nurse Knowles asks patients – (1) what is your gender identity, (2) what sex were you assigned at birth, and (3) what is your sexual orientation. According to Ms. Bird's perspective, Nurse Knowles "aggressively gender questioned" her by asking her three times what her gender was and what gender she was assigned at birth. Ms. Bird claims she responded each time that she was a woman and female. She claims that Nurse Knowles kept shaking her head, "like I was giving the wrong answer." Nurse Knowles testified that she only got to ask the first of the three standard Beebe gender identity related questions, when Ms. Bird got upset and agitated. Ms. Gerard, however, remembers Nurse Knowles asking the first two of the gender identity questions, but agrees Ms. Bird seemed uncomfortable and agitated by the questions. Regardless of whether one or two gender identity questions were asked, it was clear from all the witness testimony that the gender identity related questions made Ms. Bird uncomfortable. She began raising her voice. Ms. Bird then showed Nurse Knowles the t-shirt she was wearing that contained a statement that "Woman is female." Ms. Bird sat up straight in her chair and tried to redirect the

discussion back to her PTSD. She asked Nurse Knowles why these questions were necessary to obtain a therapist.

At this point, based on Ms. Bird's demeanor, Nurse Knowles apologized for upsetting Ms. Bird. She did not continue with the other standard gender related questions she typically asks in mental health intakes and instead tried to move on to other questions. She attempted to explain to Ms. Bird the intake and interview question process that is required before a therapist can be recommended.

There is conflicting testimony as to what happened after the gender identity questions were posed. Ms. Bird claims she asked Nurse Knowles if Beebe had therapists who handled PTSD. According to Ms. Bird, Nurse Knowles responded that she "wasn't sure we have a therapist that is qualified to handle your type of PTSD," and that "you may not be a good fit for our therapists." Ms. Bird claims that it was Nurse Knowles' denial of the referral to a therapist that essentially concluded the appointment.

Nurse Knowles and Ms. Gerard, in contrast, both testified that Ms. Bird got upset by the gender identity questioning, stood up, and terminated the visit after Nurse Knowles told her that the full intake question process had to be completed before she could be assigned a therapist or treatment plan. Nurse Knowles testified that Ms. Bird claimed to be less than impressed with her and said she would not pay for the visit. Nurse Knowles denied saying that Beebe did not have therapists

who would be a good fit for Ms. Bird. Since she had not gotten through her intake questions, the nurse noted that she would not have been able to draw a conclusion about whether Beebe could provide her mental health treatment. According to Nurse Knowles, the full intake interview takes approximately an hour, and she only got through 10 or 15 minutes of questions before Ms. Bird left.

The Panel does not find Ms. Bird's testimony to be credible to the extent that she claimed that the nurse denied her a therapist. Instead, the Panel credits the account of Nurse Knowles and Ms. Gerard and finds as a fact that Ms. Bird became visibly upset by a standard gender identity question, removed herself from the appointment before the intake interview could be completed, and stated her intention to report Nurse Knowles.⁴

Once Ms. Bird left the appointment, she went to the front desk and requested a refund of her insurance co-payment for the visit. After the refund was processed, Ms. Bird began to walk out of the facility and saw a pamphlet in the waiting area that explained the gender identity and sexual orientation questions that are asked of patients. Ms. Bird stated that she cried in her car because her feelings were hurt, and she felt so broken by her PTSD. In addition, she testified that she had to

⁴ One of Respondents' answers in the Response to the Division's investigative questionnaire included a statement that "It is not uncommon for patients with a history of trauma, abuse, or with a history of paranoid ideations to have skewed perceptions and project their feelings on the provider." The Response was introduced into evidence at the hearing by Ms. Bird.

endure treatment for a medical issue without a therapist because this incident made her afraid to seek therapy again.

Ms. Bird appeared genuinely upset and explained her perspective that she was denied mental health treatment by Respondents. However, the Panel carefully assessed the testimony and concludes that Ms. Bird terminated the intake interview well before it could achieve its purpose. Similarly, it was Ms. Bird's choice to leave the facility prematurely, not a decision by either Beebe or Nurse Knowles. While we understand that Ms. Bird has suffered severe trauma in the past and that something beyond her control may have triggered her unusual response to the standard questions asked of patients, we cannot find, as a fact, that Nurse Knowles did or said anything untoward that fairly could be construed as a termination of the intake interview.⁵

CONCLUSIONS OF LAW

Ms. Bird alleges that Respondents violated DEAL and denied her access to a place of public accommodation because of her gender identity and sexual orientation. According to DEAL,

no person being the owner...manager...agent or employee of any place of public accommodation, shall directly or indirectly refuse,

⁵ Ms. Bird stated that she believes she has been banned from seeing any providers in the Beebe Healthcare system. Counsel for Respondents asserted that Beebe will provide mental health services to Ms. Bird if she makes a new appointment and completes a full intake interview.

withhold from or deny to any person, on account of race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity, military status or national origin, any of the accommodations, facilities, advantages, or privileges of the public accommodation.⁶

The purpose of DEAL is “to eliminate the inconvenience, unfairness, and humiliation of...discrimination.”⁷ The statute must be “liberally construed” to safeguard the rights that it protects. Under Delaware law, when, as here, there is no direct proof of discrimination, a claim alleging a denial of public accommodations based upon unlawful discrimination is decided pursuant to a three-part framework for assessing circumstantial evidence established by the United States Supreme Court in an employment discrimination case called *McDonnell Douglas Corp. v. Green*.⁸ This analysis, which has been adopted by the Delaware courts,⁹ involves the following steps:

- (1) The Complainant must establish a *prima facie* case of discrimination.
- (2) Once a *prima facie* case is established, the burden shifts to the respondent to present evidence of a legitimate, non-discriminatory reason for denying plaintiff access.

⁶ 6 Del. C. § 4504(a)(1)a.

⁷ *Uncle Willie’s Deli v. Whittington*, 1998 WL 960709, at *4 (Del. Super. Dec. 31, 1998) (citations and internal quotation marks omitted).

⁸ 411 U.S. 792 (1973).

⁹ See *DP, Inc. v. Harris*, 2000 WL 1211151, at *6 (Del. Super. July 31, 2000) (“Delaware Courts have applied the standard articulated in *McDonnell Douglas Corporation v. Green* for cases alleging unlawful discrimination.”) (citations omitted); *Uncle Willie’s Deli*, 1998 WL 960709, at *4 (applying the *McDonnell Douglas* analysis to a case brought under DEAL).

- (3) After this production of evidence, the complainant retains the burden of persuading by a preponderance of the evidence that the respondent's proffered reason was a pretext for discrimination.¹⁰

To meet the initial burden of going forward and establishing a *prima facie* case of discrimination, Ms. Bird must show: (a) she is a member of a protected class; (b) she was denied access to a place of public accommodation;¹¹ and (c) non-members of the protected class were treated more favorably. Further, under Delaware's Administrative Procedures Act¹² as well as the *McDonnell Douglas* analysis itself, the burden of proof always remains upon the complainant.¹³

DISCUSSION

COMPLAINANT HAS NOT ESTABLISHED A PRIMA FACIE CASE OF DISCRIMINATION

The Panel finds that Ms. Bird has proven by a preponderance of the evidence the first *prima facie* element, that she is a member of a protected class.

¹⁰ *Salty Sam's Pier 13 v. Washam*, 2000 WL 1211227, at *2 (Del. Super. Aug. 3, 2000) (citations omitted).

¹¹ According to DEAL, it is illegal to "directly or indirectly refuse, withhold from, or deny," any "accommodations, facilities, advantages, or privileges" of a "place of public accommodation" based upon specified protected characteristics. 6 Del. C. § 4504(a)(1)a. Unless the context requires otherwise, for purposes of clarity in this discussion the Panel will employ the term "denied" to embody all the statutory terms "refuse," "withhold from," and "deny," and will use the word "access" to encompass the phrase "accommodations, facilities, advantages, or privileges."

¹² 29 Del. C. Ch. 101.

¹³ 29 Del. C. § 10125(c); *Boggerty v. Stewart*, 14 A.3d 542, 550-553 (Del. Feb. 17, 2011).

Ms. Bird testified that she is a woman, which qualifies under the protected class of “sex.” 6 *Del. C.* § 4504(a)(1)a. However, Ms. Bird only alleged in her Complaint that the alleged violations occurred because of her “gender identity” and “sexual orientation,” without including the more obvious related protected class of “sex.” “Gender identity” is defined under DEAL as “a gender identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.” 6 *Del. C.* § 4502(11). Ms. Bird testified that her gender identity is female. She alleged that she was discriminated against based on her gender identity and that Nurse Knowles “aggressively gender questioned” her. Although their testimony about the gender identity questions differs from Ms. Bird’s allegations, both Nurse Knowles and Ms. Gerald confirmed that Ms. Bird told them during the intake interview that her gender identity was female. Based on the collective testimony, the Panel finds that Ms. Bird met her burden of proof that she is a member of the protected class of gender identity. Ms. Bird’s Complaint also alleged she was a member of the protected class of “sexual orientation,” which is defined under DEAL as including “heterosexuality, homosexuality, or bisexuality.” 6 *Del. C.* § 4502(28). However, the Panel found that Ms. Bird did not meet her burden of proof that she is a member of this protected class, because she did not provide testimony about her sexual orientation, nor did she indicate she discussed her sexual orientation with Nurse Knowles. The Panel finds that Ms. Bird is a

member of a protected class based on her gender identity (female) and also based on her sex (female).

The Panel finds, however, that Ms. Bird has not proven by a preponderance of the evidence the second *prima facie* element—that she was denied access to a place of public accommodation. A place of public accommodation is “any establishment which caters to or offers goods or services or facilities to, or solicits patronage from, the general public....”¹⁴ As a business that provides services to the general public, the hospital operated by Respondents is a place of public accommodation. The DEAL statute dictates that the Panel consider whether the conduct of Respondents amounted to a refusal, withholding or denial of access to a public accommodation.

Ms. Bird contends in her Complaint that she was denied mental health therapy services because of her response to what she perceived as aggressive gender questioning and because there was a note on her medical chart indicating that she accuses all providers of assault. The testimony made clear, however, that Ms. Bird was upset and uncomfortable by Nurse Knowles asking gender identity questions that are standard questions that Nurse Knowles asks of all patients in intake interviews for mental health treatment. As Ms. Bird acknowledged, there

¹⁴ 6 *Del. C.* § 4502(14).

was even a pamphlet in the waiting room to explain to patients that these gender identity questions would be asked.

Ms. Bird was free to answer or not, but instead became so agitated by the questions that she terminated the entire intake interview process designed to help her obtain a therapist and walked before the process could be completed. Ms. Bird may not have liked being asked these questions, but her own actions left Nurse Knowles and Beebe unable to provide the service according to standard procedures that they undertake to apply to all patients – which is the very opposite of invidious discrimination. This being the case, the Panel cannot conclude, as a matter of law, that Respondents denied a service on prohibited grounds because, as a matter of fact and law, they did not deny a service at all.¹⁵

The Panel unanimously finds that Ms. Bird has not met her burden to prove that Respondents denied her the accommodations, facilities, advantages, or privileges of a place of public accommodation. The Panel therefore finds that Ms. Bird has not established by a preponderance of the evidence a *prima facie* case of discrimination, so no further analysis under the *McDonnell Douglas* test is required.

¹⁵ Ms. Bird's request for a full refund of her insurance co-payment for the visit, coupled with her threat to report Nurse Knowles, underscores the fact that it was Complainant, not Respondents, who terminated the interview. This also suggests, despite Ms. Bird's assertion that Beebe has "banned" her, that there was no intent on her part to resume the intake at a later time.

CONCLUSION

After careful consideration of the evidence presented, the Panel, by unanimous vote, concludes that Ms. Bird has failed to prove by a preponderance of the evidence that Respondents violated DEAL, 6 *Del. C.* § 4504.

ORDER

Pursuant to 6 *Del. C.* § 4508(g), the Complaint against Respondents is **DISMISSED**.

IT IS SO ORDERED this 5th day of November, 2025.



[Joseph Dawson \(Nov 5, 2025 12:36:45 EST\)](#)

Joseph Dawson
Commissioner and Panel Chair



[Chok-Fun Chui \(Nov 5, 2025 22:44:05 EST\)](#)

Chok-Fun Chui
Commissioner and Panel Member



[Earnest Gulab \(Nov 6, 2025 08:09:39 EST\)](#)

Earnest Gulab
Commissioner and Panel Member