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Aids error may cost hospital dearly

By ADRIAN CROFT,

SAN FRANCISCO, Monday

In 1986, John Kuivenhoven went

to see a doctor complaining of

flu-like symptoms and was diagnosed

as having Aids.

After six years of treatment -

during which he gave up his job,

lived on welfare and suffered terrible

and irreversible side effects

- doctors told Mr Kuivenhoven

last June it was all a mistake. He

did not have Aids and could live a

normal life.

Now, Mr Kuivenhoven, 53, is

seeking $32 million in damages

from the hospital which he alleges

misdiagnosed him as having

the Acquired Immune Deficiency

Syndrome.

"I feel as if I was imprisoned

and the warden comes to me and

says: 'Mr Kuivenhoven, we've

made a horrible mistake. You're

not guilty. Go out and live your

life,' " he told a news conference

last week.

The problem for Mr

Kuivenhoven is that he cannot go

back to a normal life. "I still

think of myself as a person with

Aids," he says.

He suffers from hypertension,

high blood pressure, migraine

headaches, a neurological condition known as neuropathy, and

has bouts of asthma and bronchitis,

which he believes are all the

result of medication he was given

during treatment for Aids.

"He's thought of himself as a

person with Aids for so long that

this reversal of fortune has been

overwhelming, difficult to accept,"

said Mr Kuivenhoven's attorney,

Mr Paul Wotman.

Mr Wotman said that at one

stage, Mr Kuivenhoven was told

he had only six months to live.

"Each day he prepared himself to

die," the lawyer said.

Mr Kuiverihoven also feared he

had transmitted the human immunodeficiency virus (HIV), which

causes Aids, to his male

lover, who died of Aids in September,

Mr Wotman said.

"He's coming forth with his

story now because he thinks

there could be others who've been

misdiagnosed and it's important

to talk about," Mr Wotman said

at the news conference.

Mr Wotman said Mr

Kuivenhoven was making the

claim against San Francisco's

Kaiser PerD;lanente Medical

Centre because he had suffered

serious financial loss, emotional

distress and permanent physical

damage and needed future medical

care.

Mr Kuivenhoven's medical

plan bars him from taking the

hospital to court, but he can go to

binding arbitration with a panel

of lawyers and a judge.

A spokesman for Kaiser

Permanente said last week that

the centre had received Mr

Kuivenhoven's demand for arbitration but could not comment in

detail until it had studied his

medical records.

Mr Kuivenhoven said he was

not angry at the people who had

treated him but he was angry at

the system which allowed the error

to go on so long.

He says he suffered severe

headaches as a side effect of an

Aids drug he was given.

The discovery was made after a

routine check showed

Kuivenhoven's T-cells! count,

which drops rapidly in Aids patients,

had risen sharply.

Mr Kuivenhoven said that as

far as he knew, he had not been

given an HIV test until the mistake

was discovered.

Mr Wotman said it was the

first case he knew of where a patient

had been misdiagnosed as

having Aids for six years.

"I don't think this is a widespread

problem, but I'm sure he's

not the only one," he said