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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 Permanente 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