

False-Negative HIV Test: Patient Suicide Was Not Outside The Realm Of Possibility, Court Says.

As routine practice the reproductive clinic tested both husband and wife for HIV before attempting *in vitro* fertilization.

The clinic nurse told both spouses they were negative. The husband, in fact, had tested positive.

In vitro fertilization was attempted but failed.

A year later the husband tested HIV-positive during a routine insurance physical. He went to his own doctor for re-testing. He was told negative results come back right away but positive results take a while to become available.

His body was found at the bottom of a ravine, an apparent suicide, a few hours after he placed a call to his doctor's office and was told his results would not be available for another week or longer.

The clinic nurse told the husband, who actually was HIV positive, that he was negative. A year later he tested HIV-positive.

Having been faithful in his marriage, the only explanation he could see what that his wife had been unfaithful, had contracted the virus and had passed the virus to him.

His suicide can be linked to negligence in reporting a false-negative HIV result.

SUPREME COURT OF IDAHO
March 5, 2009

The Supreme Court of Idaho ruled that the reproductive clinic corporation, the physician and the office nurse could be held liable to the widow in a wrongful-death lawsuit.

The court ruled it was not outside the realm of possibility that the husband was driven to despair and then to suicide by the belief he must have contracted the virus from the only sexual contact he had had the previous year, his wife, who, in turn, must have contracted it from an outside party with whom she was having or had had an extramarital affair.

With correct information the patient could have received treatment and counseling for the medical and psychosocial issues brought up by his diagnosis. ***Cramer v. Slater***, __ P. 3d __, 2009 WL 540706 (Idaho, March 5, 2009).