HIV Misdiagnosis Lawsuit Might Lead to Future Cases in DC

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A Washington, DC, man's HIV misdiagnosis case might open new doors for emotional distress lawsuits against doctors, reports *The Washington Examiner*. Terry Hedgepeth was misdiagnosed in 2001 at DC's Whitman-Walker Clinic and later sued the facility when a second test in 2005 showed that he was HIV negative.

According to the article, the DC Court of Appeals has dismissed emotional distress cases like this for about 20 years. Patients can only claim negligence if the misdiagnosis places them in a "zone of physical danger." But the lawsuit claims Hedgepeth fell into deep depression, abused drugs and had sex with HIV-positive women following his misdiagnosis.

The panel of judges in Hedgepeth's case admitted last week that he suffered genuine and severe emotional distress but ruled that the misdiagnosis did not place him in physical danger.

Judge Vanessa Ruiz shared an opposing view: "[T]his case warrants reconsideration by the full court of the…'zone of physical danger' requirement to cases where foreseeable and severe emotional distress is inflicted on a patient as a result of breach of the standard of care."

The "zone of physical danger" was created in 1990 to prevent emotional stress lawsuits.

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