Navy Veteran Claims VA Went 20 Years Without Telling Him He Had HIV

A lawsuit alleges he tested HIV positive in 1995, but federal health care workers missed numerous chances to inform him.

September 17, 2020 By Trent Straube

In a federal lawsuit filed this month, a Navy serviceman claims a doctor in the Department of Veterans Affairs (VA) tested him for HIV in 1995 and that the test came back positive—but no one informed him of his status until 2015, reports The Associated Press.

Today, the South Carolina veteran, referred to as John Doe in the lawsuit, has responded well to HIV treatment, but because he went more than two decades without taking antiretrovirals, he had already developed several comorbidities often associated with HIV, including lymphadenopathy, neurotoxoplasmosis, muscle aches and joint pain, according to the lawsuit.

“The treatment he’s getting now is effective, but he’s had essentially 25 years of wear and tear for having no treatment,” Doe’s lawyer, Chad McGowan, told the AP, noting that Doe also suffered a brain infection related to his HIV status.

McGowan added that Doe “feels extremely guilty about the girlfriends he’s had over the last 25 years because he didn’t know [about his HIV status].”

According to the lawsuit and the AP’s reporting, the veteran was seeking care at a VA facility in Columbia, South Carolina, for posttraumatic stress disorder when a doctor ordered an HIV test in 1995. Although the positive result was noted in the paperwork, the veteran claims he was never informed of it. In 2014, a nurse practitioner at the Columbia medical center noticed the 1995 test result and included the information in a memo—allegedly without mentioning it to the veteran. In 2015, another doctor, upon reading the files, asked Doe who his infectious disease specialist was. When Doe said he didn’t have one, the doctor informed him he was HIV positive.

The doctor suggested another HIV test to confirm the diagnosis, but according to Military.com, the lawsuit doesn’t say whether Doe had the other test.

The diagnosis was confirmed in 2018 when Doe had to make an emergency visit to a non-VA hospital in New York. At that point, Doe had developed AIDS.

The lawsuit requests an unspecified amount of money, to be determined by a jury. Representatives from the VA facility in South Carolina said they could not comment on ongoing litigation.

In related POZ news, see "Federal Court Rules Against Discharging Airmen Because They Have HIV" from earlier this year and "Stronger Together," a Q&A with Peter Perkowski of OutServe-SLDN, which represents LGBT military and those living with HIV.

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