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Kaiser Permanente to settle kidney transplant claims for \$1 million

Patients and relatives alleged that the HMO mishandled its San Francisco-based kidney transplant program, endangering lives and causing deaths.

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Kaiser Permanente has agreed to pay \$1 million to settle claims on behalf of five patients alleging that the HMO mishandled its kidney transplant program, endangering lives and causing deaths.

The arbitration claims were filed shortly after a Times investigation in 2006 found that Kaiser's Northern California kidney transplant program jeopardized hundreds of patients by forcing them into a new program unprepared to handle an enormous caseload. Less than two weeks after the first article ran, Kaiser announced plans to shut down the San Francisco-based program.

"The failure of the program resulted in the deaths of some patients who did not timely receive kidney transplants. The health of others was severely jeopardized," said Lawrence Eisenberg, an attorney for two former patients and the families of three deceased patients. "As the largest HMO in the country, Kaiser's gross mismanagement of the kidney transplant program certainly did not allow their patients to thrive."

Kaiser released a brief statement confirming the settlements.

"As we said at the time, we deeply regret the problems, difficulties and concern that some of our members experienced with transfers involving the San Francisco kidney transplant program," said Kaiser spokesman Tony Rau.

Problems arose in the program soon after Kaiser began moving up to 1,500 kidney transplant patients from well-established centers at UC San Francisco and UC Davis to a new program introduced in the fall of 2004, the first transplant center that was opened by Kaiser.

Within months, Kaiser's waiting list was among the longest in the country, and its patients' odds of getting a kidney plummeted. In 2005, twice as many people died on the waiting list as received kidneys. The statewide pattern for transplant centers was the opposite: Twice as many patients received kidneys as died.

The settlements ranged from \$100,000 to \$300,000 for each client; most were limited by a state law passed in 1975 capping malpractice awards for "pain and suffering" to no more than \$250,000. There is no limit on what patients can collect for loss of future wages.