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Luxury Clinic Sued After Expat Left Blinded in One Eye

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Kojevnikov before the eye incident.

It's the kind of horror story every expat fears.

When Alyona Kojevnikov slipped on ice and hit her head last winter, her first instinct was to go to a posh private clinic to make sure she was all right. Instead, she says she was left blinded in her left eye — not by her injuries, but by the treatment itself.

An Australian expat working as a translator in the Moscow office of international law firm Baker McKenzie, Kojevnikov said she trusted that the Guta Clinic's gleaming interior and well-to-do clientele meant its doctors were among the best. But she has never regretted any assumption more in her life, she said.

"They invest a lot of money on marble walls and shiny bathrooms, but it doesn't necessarily imply that their staff is top rate," she told The Moscow Times. "I have rather lost my faith

in private health care in Russia."

Kojevnikov, 67, has filed a medical malpractice suit against Guta seeking 3.5 million rubles ($112,000). But she said the outcome is unclear because this is a relatively new area of law in Russia.

"If this had happened in the West, they would definitely be made to pay. Here, it's anyone's guess," she said by telephone Wednesday.

The Moscow Times tried repeatedly to get comment by phone from officials at Guta on Wednesday without success. Several calls transferred to the clinic president's office went unanswered, another ended with an official hanging up the phone on a reporter and a message left with an operator was not returned.

The first hearing took place on Oct. 8. Kojevnikov was due back in the Tverskoi District Court on Thursday.

Kojevnikov said her nightmare began late last December when she lost her footing on some black ice and was left with a lump "the size of a goose egg" on the back of her head.

Describing herself as previously "healthy as a horse," she went to Guta just to be on the safe side and because her company's insurance policy covered treatment there.

An X-ray revealed no damage to her head, but the emergency room doctor advised that she be checked by an ophthalmologist because she had suffered a detached retina 12 years earlier.

When she visited an eye specialist the next day, he found no damage to her retina but suggested she undergo a course of injections of a drug called retinylamine as the retinas in both her eyes were "weak and needed reinforcement."

"I asked whether there were any alternative treatments, and he assured me this would be the most effective and that it was covered by my insurance," she said.

The treatment, which began after the New Year's holiday, involved a series of 10 uncomfortable injections directly under the eye. It was when the doctor administered the seventh shot that things went wrong, she said.

"I felt a hideous pain in my left eye. When I managed to open it again I couldn't see anything. He put in some drops and said my sight would return in a few minutes. When it didn't, he began to panic and drove me to the emergency department of the Helmholtz Institute."

Kojevnikov said she remained at the well-known eye hospital for 10 days, but her sight never returned.

"I was told the cause was that the doctor had plunged the needle directly into the optic nerve," she said.

A later visit to a specialist in Germany confirmed the chilling diagnosis.

"The nerve is now atrophied," she said. "They say I will never have more than 2 percent of my

vision back in that eye."

When she confronted Guta with what had happened, she said administrators there tried to bully and intimidate her.

"It seemed they just wanted to wash their hands of it," she said. "They tried to tell me that the doctor had not been trained there, so they couldn't take responsibility for his actions. But that is just ridiculous."

That's when she decided to sue.

Medical malpractice was basically unheard of in Russia, but it is a growing area, said Kojevnikov's lawyer, Nadezhda Lukyanova, whose practice, the Medical Law Firm, is only one of three in the capital specializing in such cases.

A landmark case came around 2006 when a mother-to-be in St. Petersburg won a $7,100 award from a maternity hospital where her infant son died, Lukyanova said.

"The number of claims for damages caused by malpractice is increasing steadily, and the physical damage inflicted on my client by Guta Clinic is a case in point," she said.

Kojevnikov said Guta suggested negotiating an "amicable settlement," but only offered 200,000 rubles ($6,500).

"Their fees are very high, and they claimed poverty," she said. "That is peanuts for an eye."

Guta was founded in 1998 among a wave of private clinics that were opened to cater to foreign and well-heeled patients who did not trust state-run medical centers. It is part of Guta Group, which is involved in banking, insurance, hotels, construction, health and beauty and the candy business.

Part of what has kept malpractice cases uncommon is the cost, which many Russians can ill afford, given that the average monthly salary in the country stood at 23,600 rubles ($760) in September, according to the State Statistics Service.

But as someone with means, Kojevnikov said she is ready to press ahead.

"I will fight it until the end. They bank on the fact that local patients might not be willing to take on the costs to fight this," she said.

"There's a feeling that they can get away with anything — to hell with the patient. There is no way I'm going to let them get off scot-free."

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