

# Dentist wins AIDS discrimination case

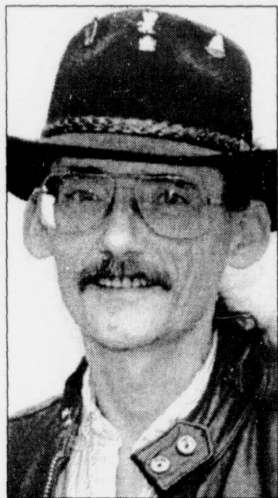
By DAVID HEYMAN

Prince George Free Press

A Prince George B.C. Supreme Court judge has overturned a Human Rights Council verdict that a dentist discriminated against a patient because he had AIDS.

In 1993, Doug Hinkel sued Quesnel dentist Dr. Andrew Wood for failing to offer him treatment. Mr. Hinkel won the case, but Dr. Wood won the appeal and it now looks like the issue is dead.

Mr. Hinkel has apparently decided not to pursue the matter further and he is refusing to talk to the media. As well, he is in the advanced stages of AIDS and may not have much longer to live.



Hinkel: Not speaking to the media about court ruling

tion, he said he's sure he would have.

A few months later, Mr. Hinkel phoned Dr. Wood up and asked for treatment. Dr. Wood said he didn't want to treat him, but he conceded that he knew he had to. Mr. Hinkel decided not to push the issue and he turned to the other dentists in Quesnel, all of whom refused to treat him as well. He eventually had to travel to Vancouver for treatment.

Mr. Hinkel decided to sue Dr. Wood and in June of 1993, the B.C. Human Rights Council awarded him \$1,400 in actual damages (for all the trips to Vancouver) and \$2,000 for humiliation and hurt feelings. The adjudicator said because of the relative power imbalance between the dentist and the patient, Dr. Wood's statement that he didn't want to treat Mr. Hinkel but he knew he had to "was tantamount to a refusal to treat." The other dentists in Quesnel all settled with Mr. Hinkel out of court for a variety of three- and four-figure sums.

But last month, the B.C. Supreme Court in Prince George set aside the decision. The new judge agreed with Dr. Wood's lawyer that Mr. Hinkel hadn't proved all dentists have a relative power imbalance against all patients, and in fact hadn't even introduced any evidence or mentioned it at the initial hearing.

The result is Mr. Hinkel winds up with no money. However, because of the significant economic disparity between he and Dr. Wood, Mr. Hinkel doesn't have to compensate Dr. Wood for his legal costs. Instead, the judge ruled that Dr. Wood should get half his legal costs paid by the B.C. Council of Human Rights.

The Prince George AIDS Society, though, doesn't have any comment on the Hinkel case.

A Society spokesman says the group hasn't debated the moral and ethical questions in this issue and can't comment. Representative Murray Krause said he hadn't heard of Mr. Hinkel and says his group is very young and is just getting started.

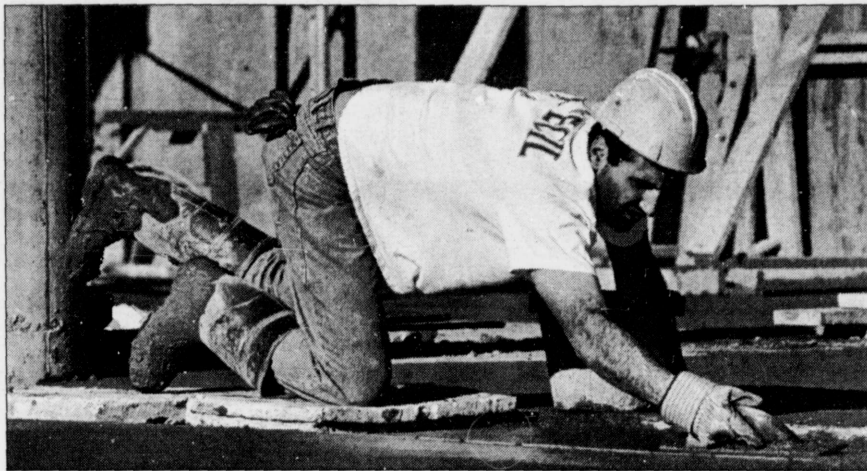
stages of AIDS and may not have much longer to live.

In September, Dr. Andrew Wood won his appeal of a 1993 B.C. Human Rights Council hearing that awarded Mr. Hinkel \$3,400 in damages. The council found that Dr. Wood refused to treat Mr. Hinkel because he had HIV.

Mr. Hinkel was diagnosed with HIV in 1985, and AIDS in 1989. Dr. Wood treated Hinkel several times between 1986 and 1989 without incident.

In 1989, the Quesnel Cariboo Observer did a story on Mr. Hinkel and his condition. Dr. Wood was furious because he said he hadn't known and when treating Mr. Hinkel he hadn't taken any extra precautions against the spread of HIV to other patients or to himself. Although Mr. Hinkel said he didn't actually remember telling Dr. Wood about his condi-

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Carlos Janela stretches to put the right touch on a some freshly poured concrete out at the new Multiplex facility. Janela works for JRJ Concrete Finishers. ROB BIRON/FREE PRESS

## New member of UNBC Senate

Finola Finlay is the newest member of the University of Northern British Columbia Senate.

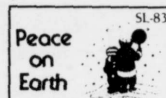
Ms. Finlay is currently principal of the Fort St. John Campus of Northern Lights College. Prior to this, she served as co-ordinator of the Alaska Highway Consortium on Teacher Education Program at Simon Fraser University from 1987 to 1989 and faculty associate to the elementary, secondary and post-secondary teaching experience.

"Finola Finlay is a welcome addition to the UNBC Senate," Skills, Training and Labour Minister Dan Miller said in making the announcement.

The appointment is for three-years. The Senate is the policy-making body for the academic governance of UNBC.

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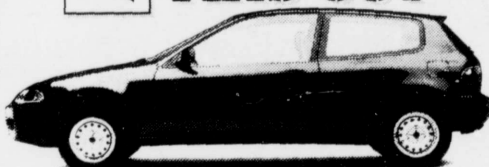
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