

REPORT FROM ISRAEL

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On 3 August 1988 an article appeared in the Israeli weekly magazine "HaOlam HaZeh" entitled "The Medicine killed Rivi". The article was an interview with the husband of a woman who died following treatment with Pergonal and also includes some of the text of a 7 page letter sent by the husband to the Ministry of Health. The following is a summary of this article and another a month later.

Dr. Emanuel Berman may submit a claim against Dr. Gavriel Eisner for negligence in the treatment the doctor gave to his wife Rivi Ben-Ari following which she died suddenly.

Dr. Berman, a psychologist, sent a seven page complaint to the Director of the Ministry of Health detailing the negligence and events which led up to the couple's efforts to bring a child into the world, up till his wife's death. Rivi Ben-Ari, a clinical psychologist, died following treatment with Pergonal which she was taking to help her ovulate. Ben-Ari was being treated by Dr. Bukovsky and she had succeeded in becoming pregnant once, but the pregnancy was terminated after three months when there was no heartbeat. Dr. Bukovsky went abroad in March 1988 and suggested to Ben-Ari that she delay treatment till his return, but she was anxious not to delay treatment and so she turned to Dr. Eisner, a highly recommended doctor who works at the Tel HaShomer-Sheba hospital. She was treated in his private clinic.

Both Berman and Ben-Ari were 42 years old. They were married five years ago, and Ben-Ari had a daughter from a previous marriage. Ben-Ari decided to undergo infertility treatment to enable her to have a child from this marriage.

One of Berman's complaints is that neither he nor his wife knew the possible dangers involved with Pergonal. Dr. Bukovsky, Ben-Ari's regular doctor, explained in the article the dangers of Pergonal and how important it is that the dosage be given according to the patient's reaction to the drug. He said all doctors know that the drug can be treacherous and that for this reason it is very important that a woman having Pergonal treatment undergo ultrasound approximately every 2 days. If there is any sign of overstimulation of the ovaries this can be seen immediately and the treatment halted. "Overstimulation of the ovaries can create a change in blood-clotting. Overstimulation is always a dramatic condition and sets off a chain of reactions, all as a direct result of Pergonal. Early hospitalization can overcome these problems" said Dr. Bukovsky.

In Israel, Pergonal can be given only on prescription. Accompanying the drug is a long list of warnings, contraindications and adverse reactions headed "For Doctors only" and printed only in English. The drug manufacturers, Teva, claim that it is not necessary to print the information in Hebrew since Pergonal is administered only by the doctor, and that in the case of doctor-administered drugs the Ministry of Health does not require any accompanying explanations in Hebrew. Berman claims that if he or his wife had seen this list or been aware of such dangers, they would not have relied solely on Dr. Eisner's assurances when Ben-Ari became ill. "What Dr. Eisner told us was in complete contradiction to what is written on the list of adverse reactions. We would therefore have at least turned to another doctor for advice."

Ben-Ari was injected with Pergonal on March 10th. She had two ampules a day. Her estrogen count on March 17 was 438, three days later it was 1084 and one month later it was 213. The ultrasound showed several follicles in the left ovary and an enlarged womb. Between April 19th and 23rd she was injected with three ampules of Pergonal a day. During that week Rivi felt very ill. She had already complained of swolleness, nausea, diarrhoea and stomach-ache. These worsened in the week of April 29th. She was completely swollen, and had put on so much weight her clothes did not fit. At this point, says Dr. Bukovsky, Rivi should have been hospitalized as it was already a clear case of ovarian overstimulation.

On May 1st Rivi felt so ill she cancelled an important appointment. She called Eisner at home but he was out. His wife asked her not to call him at the hospital but promised to pass a message on to him. He called her and told her to come to his clinic at 4:30 that afternoon. By then Rivi was throwing up all day. She could not drive but went to his clinic by taxi. She told him in detail all of her symptoms. He examined her and advised her to lie in bed, drink a lot, and take painkillers as necessary. He did not mention hospitalization; he did no blood test or ultrasound. She continued to feel terrible and to throw up and only because Dr. Eisner had assured her that the symptoms would pass, she did not go to the hospital.

The following morning Berman found his wife completely confused and incoherent. He called Dr. Eisner who told him to bring Rivi to the hospital. "The doctors crowded around her in anxiety. They had me running with her tests. When they tried to do a blood-clotting test they couldn't because the blood was clotting in the syringe" says Berman.

The medical report states that Rivi was admitted to the hospital in a state of shock with blood pressure that could not be measured. The ultrasound showed extreme over-stimulation with many large

cysts on both ovaries and with an enormous accumulation of fluids, states Berman.

The last ultrasound Rivi received was 14 days earlier, contrary to the fact that most doctors treating with Pergonal do ultrasounds every couple of days. Eisner also only did two blood tests a month, instead of every 2–3 days.

After two hours in the emergency ward Rivi was transferred to the neurological ward and given a brain-scan. The family was told that she was suffering from aphasia and temporary paralysis of the right side. The doctors were anxious about the brain damage suffered so far but did not believe there would be any further damage. Three days later the doctors told Berman they believed that in two weeks she would be recovered and would then go to Bet Levinstein for rehabilitation. At this time no further brain scans were done and Rivi was not connected to a monitor, said Berman.

On the night of 4th–5th May her condition worsened. Her father, who was sitting with her, realised that she was having difficulty breathing. She was given artificial respiration. She completely lost consciousness and never regained it. On the afternoon of May 5th a further brain scan was done which showed an edema in the brain which caused herniation of the brain. She was transferred to intensive care. On 8th May she was declared brain-dead and on 9th May she was declared clinically dead.

Berman's letter of complaint to the Ministry of Health includes the following: at no time was it explained that Pergonal can be a dangerous drug; at no time were any possible danger-signs explained to them as symptoms of negative reaction to the drug; there was insufficient follow-up during the Pergonal treatment; the doctor increased the dosage of Pergonal without first doing the necessary tests as recommended by the manufacturers of Pergonal; the doctor ignored the serious symptoms the day before Rivi went into a state of brain-shock.

The Ministry of Health has said it will set up an investigating committee to examine the chain of events following Rivi's hospitalisation to see whether there was any negligence during this time. Dr. Berman insists however that in addition to this they should examine Dr. Eisner's treatment of Rivi as a private patient before she was hospitalized.

No comment so far from Dr. Eisner who is not allowed to comment while the investigation is taking place.

On 16 September 1988 an article appeared in the weekend magazine of the daily paper *Maariv* entitled "The Third Grave of Yaakov Volkovitch." The article was an interview with Rivi's father, who lost his wife to cancer, his son in the Yom Kippur War, and now Rivi. Volkovitch is quoted as saying, "In all my life I never thought that the alternative to giving birth was death," "the Egyptians took my son, the doctors my daughter." Noteworthy in this article is the wording of the death certificate, "Immediate reason: Hernation of the brain, brain death. Illnesses or situations leading to the immediate reason for death—Overstimulation of the ovaries syndrome."

Part of the article is concerned with Berman's claims and the doctors' counterclaims. Berman is quoted as saying, "Dr. Eisner's reactions to my claims have led me to the conclusion that

he is trying to save his skin at any price. If this is so, I may be forced to go to the police and ask them to investigate the incident."

In this article the doctors claim (a) that Rivi did not have a particularly bad case of ovary-overstimulation and that (b) there is no direct connection between the Pergonal treatment and the brain-shock and its aftermath.

"It is odd that a doctor who has dealt with thousands of cases—and hospitalized hundreds of women for cases of ovary overstimulation, would not have recognized the phenomenon"—Professor Ser—head of the Ob/Gyn dept of Tel Hashomer.

"Many women have been hospitalized with cases of ovary overstimulation following treatment with Pergonal much worse than Rivi's . . ."—Dr. Eisner.

"Our department is the most experienced in the world in Pergonal treatment because use of the drug began here . . . it would be laughable for someone to try to tell us how to use the drug . . . if there have been two or three cases of death, (over the past 25 years) that is an existing risk but irrelevant. We have to keep things in proportion and act for the good of the public. This is a treatment which gives life"—Professor Mashiach, head of Obstetrics and Gynaecology at Tel Hashomer.