Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2023/072

Dr. Priyabrata Mondal ..... **Complainant**

vs

R N Tagore Institute of Cardiac Science..... **Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	22/05/ 2023	The complaint would relate to treatment protocol as well as hospital negligence. The complainant is a doctor. He got his father admitted on January 9, 2023 under Dr. Amitava Chakraborty for left upper lobe lung cancer. There had been post surgical complication. While the patient was in the critical care unit and he was under the Fentanyl, pain reducing medicine. He was given oral feeding without application of Ryle's tube knowing that the Fentanyl would have drowsy effect. The CE would however, confront such allegation. Dr. Susmita Guha Roy, the critical care expert is

present online. According to Dr. Guha Roy, while she was on round she found the patient quite alert. He was in talking terms. He expressed discomfort at his surgery area. As per the advice of Dr. Guha Roy, the patient was orally fed. There had been subsequent discomfort resulting in right sided pneumothorax. The complainant would contend, soon after the incident Dr Debashree Mondal, also a doctor, elder sister of the complainant, was called by the CE. She rushed to the hospital and found the patient had discomfort soon after oral feeding. According to the complainant, once the patient was under Fentanyl having a drowsy effect he should not have been oral fed without taking help of Ryle's tube.

Our esteemed member, Dr. Sukumar Mukherjee has interaction with Dr. Priyabrata Mondal, the complainant as well as Dr. Susmita Guha Roy. There has been a contradiction and it is difficult for us to come to a definite conclusion particularly when the treatment protocol is outside our domain.

We would grant liberty to the complainant to

			approach the appropriate authority for the same. We are however, displeased on the other issue. The complainant was under West Bengal Engineering Service being entitled to WBHS. The complainant is also enjoying WBHS being in West Bengal Medical Service. He wanted to have the patient admitted under WBHS. According to the CE, as per the advice of Dr. Amitava Chakraborty, cardio thoracic surgeon, the estimate was uploaded in the portal for appropriate E-approval on January 3, 2023. Mr. Tarak Mondal, the concerned officer represents Finance Department of the Government, Medical Cell. According to Mr Mondal, the approval was duly given on January 7, 2023, well ahead of the admission. According to the CE, they did not receive due approval on January 9, 2023. Before admission they could find admission approval on the portal only on January 9, 2023 after the admission. Mr. Susanta Kumar Shaw representative of the CE

			would however, express his inability to say whether such approval could be seen by them before or after the admission on January 9, 2023. Dr. Debashree Mondal, the daughter of the patient, would confront such assertion of the CE. According to her, she was instrumental in admitting the patient on January 9, 2023. She wanted to have the patient admitted under WBHS. The CE refused on the ground that they did not get due approval of the estimate that they had uploaded in the WBHS portal . Hence, on the insistence of Mr. Abhijit De, the concerned official of the CE, she had to write, she wanted to have the patient treated as a cash patient. Mr. Tarak Mondal would contend, since the CE is denying uploading of approval on the portal prior to admission he would have to check the entire data base to find out the actual timing of uploading. We have considered the rival contentions. Even if we give full credence to what the CE would contend, we

			cannot appreciate their stand at the time of admission. According to them, they uploaded the estimate on January 3, 2023. They got approval on January 9, 2023. By that time, they got a clear indication of the relative of the patient that they wanted to have the patient treated as a cash patient. We refuse to believe. If a patient is already under WBHS there is no reason why he would agree to have treatment as a cash patient that would be more expensive. Mr. Shaw would contend, even if the approval was given that was not in the desired mode as there had been distinct mismatch between the procedure that the concerned Cardio Thorasic surgeon wanted to have and the approval received by the CE. The WBHS has specified remedy in this regard. In case there is any dispute between the service provider and the Government it would be resolved through the sole arbitration of the Arbitrator. At present, the Chairman of the Commission is the Arbitrator.

			Be that as it may, in the given circumstance, the best course would be to have a declaration from the relative of the patient to the effect, in case WBHS final approval is not given they would undertake to pay the bill in cash mode. The CE has not done so. We hold the CE guilty for the same. We impose a penalty of Rs. 50,000/- to be paid to Matribhavan, Tollygaunge. CE would furnish a copy of the receipt with the Commission within a period of two weeks from date. Matribhawan is hereby requested to utilise the said sum for the welfare of the hospital in the memory of the departed soul, late Dhruba Pada Mondal. The complaint is disposed of accordingly. Sd/- The Hon'ble Chairperson Sd/- Prof. (Dr.) Sukumar Mukherjee – Member Sd/- Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission