

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference:INT/KOL/2023/206

Ms. Powlomee Ghosh Bhattacharjee **Complainant**

vs

Eskage Sanjeevani, Khardah.....**Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	05/12/2023	<p>This complaint was heard by us on November 17, 2023. Although the medical records were belatedly sent to us no copy was forwarded to the complainant.</p> <p>We adjourned the matter till today with the condition that the Clinical Establishment must deposit Rs. 5,000/- as penalty by the next week.</p> <p>Considerable time has passed. No such deposit was made. The CE is already at fault by not complying our direction as contained in the order dated November 17, 2023. They must comply with said order at once.</p> <p>Today, we have heard the parties at length. The complaint would relate to deficiency in treatment. An</p>

elderly patient, aged about 80 years with history of 30 years of diabetics and 10 years of hypertension, came with respiratory distress and attended the emergency at 6.05a.m. when except the concerned RMO Dr. Kader, no doctor was available.

Dr. Kader would strenuously contend, he gave treatment what was needed at that hour and informed the concerned consultant clinician over phone and as per his advice he continued treatment.

From the records, it appears, the patient was in emergency till 7.40 a.m. when he was transferred to ICCU. As per the bill the patient was admitted at 6.46 a.m.

Dr. Atanu Majumder, the concerned consultant physician, is also present online.

According to Dr. Mazumder, he was informed by the concerned RMO at 7.30 a.m. He immediately rushed to the hospital and examined the patient. He advised him to be transferred to the ICCU. The patient was ventilated.

Despite giving treatment, he breathed his last at 8.50 a.m as per the medical records produced before us.

We have examined the records. There are umpteen number of irregularities surfaced on the record. Some of the instances are highlighted by the complainant being the ill-fated daughter of the deceased patient.

The patient was taken to the hospital on July 22, 2023. However, dates are interpolated. Dr. Kader would explain, it was his mistake that was subsequently corrected by him.

Even if we give full credence to what Dr Kader would say, we do not find any detailed chronological recording of the treatment from the time of arrival of the patient till he was shifted at ICCU under care of Dr. Majumder.

Dr. Majumder has explained the treatment that was given to the patient in an interaction he has with Dr. Sukumar Mukherjee, our Esteemed Member.

We are not authorised to comment on the treatment

		<p>protocol and we reserve our comment on the issue.</p> <p>We grant liberty to the complainant to approach the appropriate body of experts being West Bengal Medical Council questioning the treatment protocol that would be appearing from the records produced before us.</p> <p>Yet, we cannot be a mere oblivion when we notice lackadaisical approach of the CE leading to hospital negligence resulting unfortunate death of the patient without proper treatment at the golden hour. According to Dr. Kader, page six was his note at the emergency that would have no chronological evidence as to the treatment protocol. The interpolations appearing on the BHT are apparent. Dr. Majumder, in so many words, would categorically contend before us, he was informed at 7.30 a.m. whereas the patient came at 6.05 a.m. So from 6.05 a.m. to 7.30 a.m. consultant clinician was contacted by the CE.</p> <p>Let us now come to the bill. The patient was admittedly at the CE before his death for two hours. He</p>
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was charged Rs. 21,229.18. RMO is integral part of the hospitals stay yet, for him Rs. 1,200/- was charged. ICCU charge for one hour ten minutes would cost Rs. 3,200/-. The consumable was used for Rs. 6,000/-. The medicine was used for Rs. 1,400/-. Even an attendant was paid Rs. 340/-.

We are constrained to hold, it is a case of complete lackadaisical approach of the CE. They were only interested in billing the patient as much as they could.

We direct the CE to refund Rs. 10,000/- immediately to the complainant on sharing of the bank details by the complainant.

The Admin, representing the CE, would agree to refund the said sum.

We direct payment of compensation of Rs. 5,00,000/- to the complainant for hospital negligence.

The payment of compensation as directed above, would not debar the complainant to approach us afresh in case she succeeds before the West Bengal Medical

Council on the treatment protocol issue.

We direct CMOH, 24 Pgs (North) to cause a through investigation in day to day affairs of the CE and take appropriate measure in case any deficiency is noticed.

The CMOH would submit us a report of compliance within a period of two months from date .

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/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Authenticated


Secretary
West Bengal Clinical Establishment
Regulatory Commission

(Handwritten mark)