

Office of the West Bengal Clinical Establishment Regulatory Commission

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**Case Reference: INT/KOL/2024/047**

Ms. Barnali Moulik..... Complainants

vs

Apollo Hospital.....Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	05/03/2024	<p>The complaint would relate to unfortunate death of a patient on his 12<sup>th</sup> admission at the CE.</p> <p>The patient had various co-morbidities including COPD, CKD. The patient had kidney transplant in the past at the CE. This time, the complainant did not survive. He breathed his last while undergoing treatment.</p> <p>The complainant, the ill-fated widow of the patient, has raised various issues pertaining to the treatment protocol that would be completely outside our domain.</p> <p>Our esteemed medical member, Dr. Sukumar Mukherjee has interaction with the treating doctor. Dr. Mukherjee as well as other members of the panel are Ad-idem on the issue, the patient was too critical. However,</p>

we are not empowered to deal with the medical issues. The complainant would be free to approach appropriate authority questioning the treatment protocol.

The complainant would be free to approach us afresh on other issues if they are successful before the West Bengal Medical Council.

The patient was admitted for eight days. The CE has billed Rs. 6.84 lakhs. We have examined the bill. We find, the medicine and consumable have been charged at MRP. They have not given any discount as per our Advisory 14. According to our calculation the CE should have discounted the bill as follows:-

Medicine	Rs. 17,414/-
OT consumable	Rs. 1,188/-
Pharmacy Consumable-	Rs. 8,260/-
<b>Total</b>	<b>Rs. 26,862/-</b>



Ms Ghosh, Vice-President, CE, would submit, they are not liable to give any discount in view of the decision of the Hon'ble High Court in W.P No 3858 of 2022 dated June 14, 2023.

We have examined the judgment. The matter is sub-judice before the Division Bench of the Hon'ble High Court, Kolkata. In any event, Advisory No. 14 has not been touched upon.

We, thus, direct the CE to adhere to the direction of payment of discount.

The complainant is directed to share her bank details so that money could be refunded to her at once.

We had interaction with Mr Shibshankar Roy, the Pharmacy In-charge. We have drawn his attention to three medicines being :-

- 1) Lyotig 50 mg
- 2) Alburel 20 per cent
- 3) Micedge 50 mg

High price medicines have been used during treatment amounting to nearly Rupees one lakh. Mr. Roy would assure us, while supplying the drug he has followed





		<p>Advisory 7 &amp; 8 in their true letters and spirit.</p> <p>On his assertion, we do not issue any further direction on the same. We hope and trust, they would continue to follow Advisory 7 &amp; 8 in near future.</p> <p>We also notice the CRP has been charged for Rs. 2,070/-.</p> <p>The CE is enjoying licence under the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017. They are bound to follow the provisions of the Act including its Preamble that would empower them to fix their own charge. However, that must have a rationale in fixing of the charge with a “decent return”. We direct the CE to give us a detailed explanation on the CRP charges to show the rationality behind the same. Explanation should reach us within a fortnight from date.</p> <p>In course of hearing, the complainant has made grievance with regard to medical records. Ms. Ghosh has assured us, a complete legible set of medical records would be supplied to the complainant within a week from date.</p>
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		<p>With the directions as above, we dispose of the complaint.</p> <p>Sd/- The Hon'ble Chairperson</p> <p>Sd/- Prof. (Dr.) Sukumar Mukherjee – Member</p> <p>Sd/- Prof. (Dr.) Makhan Lal Saha – Member</p> <p>Sd/- Sri, Sutirtha Bhattacharya, IAS (Retd)- Member</p> <p>Sd/- Dr.Maitrayee Banerjee – Member</p> <p>Sd/- Smt Madhabi Das – Member</p> <p><i>Authenticated</i> <i>W.B.</i> Secretary West Bengal Clinical Establishment Regulatory Commission</p>
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