

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/KOL/2024/093

Mr. Soumya Roy Complainant

vs

Apollo Multispeciality Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	25/04/2024	<p>The complaint would relate to insurance refusal at the time of discharge that compelled the patient to pay the entire bill amount in cash.</p> <p>38 years young man, an employee of PNB Bank, had discomfort. He approached nearby clinical establishment where he was advised “Admission at ICU/ any cardiac set up”.</p> <p>The complainant, the patient himself, immediately rushed to the emergency of Apollo however, Apollo, in their response has denied so. According to them, the patient attended OPD although there is no paper to support such statement.</p>





		<p>Be that as it may, he was immediately treated by the Emergency Medical Officer Dr Arijit Bose who advised few investigations that were done upon payment of cash to the extent of Rs. 7,950/- that would include Rs. 300/- on account of registration charges.</p>
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		<p>The patient was advised admission. Subsequently, the Eco-cardiography report came that did not suggest any irregularity. The patient wanted to go home however, he was persuaded to stay back. According to him, Dr P.C Mondal, the treating cardiologist, advised Angiography, despite no irregularity found in the Eco-cardiography report, as it would help the complainant to get cashless facility in terms of the medi-claim policy. The CE would, however, deny such contention.</p>
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		<p>Fact remains, the patient was kept for observation and was discharged on the next day.</p>
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		<p>At the time of discharge, the TPA rejected the cashless claim with the observation :-</p>
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		<p><i>"As per submitted documents, it is evident that, this</i></p>
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hospitalization is not medically needed. The patient may be treated as OPD basis. Hence as per policy exclusion 4.4/NIC/IBN the cashless claim is non-admissible.”

The TPA however, made it clear that such denial would not prevent the insured to apply for reimbursement.

We have dealt with almost an identical issue in the case of Dhiraj Kr Sharma vs Fortis Hospital (INT/KOL/2024/089) on April 12, 2024. In that case the TPA not only rejected the cashless claim but also repudiated it. We directed parties to go to Ombudsman Insurance and directed refund of a substantial amount after retaining cost of the emergency treatment.

In this case, the patient was billed for Rs. 16,558/- that would include Rs. 3,520/ for emergency treatment. Ms Josodhara Ghosh, Vice President, Apollo Hospital would contend, some medications were also given that should also be considered under “Emergency” Head.

Let Apollo retain the Emergency cost on actual



basis, as charged in the bill and keep the balance amount in a suitable fixed deposit in any Nationalised Bank of their choice free from lien.

Dr. Vatia, the Medical Director would assure all cooperation to the complainant when he would be asking for reimbursement from the insurance.

The deposit would be subject to the result of the finalisation of insurance claim.

In case the complainant gets the insurance claim on the basis of the policy the CE would be at liberty to encash the fixed deposit and appropriate the proceeds.

In case of repudiation, the parties would also be at liberty to approach Ombudsman Insurance.

Needless to mention, fixed deposit would continue to be renewed from time to time until final decision comes from the appropriate authority.

In case the decision is otherwise and complainant, despite full cooperation from the CE, fails to get any reimbursement due to repudiation by the insurance the

amount of the fixed deposit along with interest accrued thereon, would be made over to the complainant by the CE.

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
[Signature]

Secretary
West Bengal Clinical Establishment
Regulatory Commission

[Signature]