Office of the West Bengal Clinical Establishment Regulatory Commission

1st Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: wbcerc@wb.gov.in Website: www.wbcerc.gov.in

Case Reference: WBCERC/SOU/26/2024-25

Present: Justice Ashim Kumar Banerjee (Retired), Chairman

Dr. Makhan Lal Saha

Dr. Sukumar Mukherjee,

Dr. Maitrayee Banerjee,

Smt. Madhabi Das.

Mr. Prabir Paswan .....Complainant

- Versus-

Santiniketan Nursing Home & Society .....Respondent

Heard on: June 13, 2024.

Judgment on : June 27 , 2024

Ms. Mithu Paswan, 45 years old female patient, was admitted at Santiniketan Nursing Home & Society under Dr. Vijaya Bhattacharya on April 24, 2024 with the complaint of pain abdomen. She was advised for

surgical procedure for removing bulky uterus and thickened endometrium. The patient was taken to the OT on the next day i.e, April 25, 2024. Before the surgery could be completed the concerned Obstetrician stopped the procedure in the midway as she was apprehensive of post surgical complication that may not be possible to be conservatively managed at the centre in view of insufficiency of appropriate infrastructure. As a result, the patient became immobile and had tremendous complication despite two units blood transfusion. Even after closure of the abdomen the patient was still unwell, hence, the complaint.

The nursing home authority submitted their response. According to them, the patient was initially admitted on March 29, 2024 for blood transfusion due to anaemia when she received two units of blood and discharged on the next day. On April 24, 2024 the patient was admitted for surgery under care of Dr. Vijaya Bhattacharya to manage her bulky uterus and thickened endometrium. During surgical procedure, Dr. Bhattacharya encountered unexpected aggressions. She decided not to proceed further to avoid potential severe complication. Such decision was taken in the interest of patient safety.

After the surgery, the complainant, being the husband of the patient, manhandled the doctor and female staff of the members. Threats were made by the local goons and political connects.

Dr. Bhattacharya also gave a separate response. According to her, the patient was admitted initially for blood transfusion to manage her Haemoglobin that was quite on the lower side. The report of CECT scan done on April 07, 2024 showed mildly bulky uterus with thickened posterior myometrium Cysitic SOL septa within pelvis and left adnexal region with multiple septa and wall calcification within ovarian origin. The patient was advised to undergo total abdominal hysterectomy with bilateral salpingo-ophorectomy. The patient was admitted for the procedure on April 24, 2024. She was taken to the OT on the next day when abdomen was opened by midline longitudinal incision-after-incision through layers of abdomen like skin, subcutaneous tissue, rectus sheath, rectus muscle was separated and peritoneum entered. Upon entering peritoneum gross adhesions seen with ovarian SOL and gut loops. Seeing this, she apprehended gut injury, bladder and ureteric injury, major vessels injury, uretero vaginal fistula, vesicovaginal fistula in the long term. Hence, she stopped the procedure and closed the abdomen.

We heard the matter on June 13, 2024. On our request Dr. Runa Bal, HOD Gynaecology, NRS medical college, Calcutta was present as an expert. The complainant was present, he would repeat what he had said in the complaint.

Our esteemed medical members as also Dr. Bal had detailed interactions with Dr. Vijaya Bhattacharya, the concerned Gynaecologist as also representative of the nursing home. According to Dr. Bal, since the nursing home did not have appropriate infrastructure the concerned Gynaecologist should not have gone for the planned surgery at a center which was not equipped to take care of the post surgical complication. Dr. Bal was also of the opinion, 45 years old patient having bulky uterus and other problem that surfaced in the CECT report the concerned Gynaecologist should not have gone for the planned surgery that too, without being assisted by another experienced Gynaecologist as well as GI surgeon to take care of the post-surgical complications that could happen during surgery. Dr. Bhattacharya took an aggressive decision without having backup of appropriate arrangement to take care of the on-slaught that could happen during surgery.

It was a case of Swasthya Saathi admission. We understand, there was no monetary transaction. We are of the view, this case should be dealt with by an appropriate body of experts where the decision for the planned surgery could be questioned. Although we have full sympathy for the patient and her family, we are not in a position to deal with the situation as we do not find any hospital negligence.

Dr. Bhattacharya was selected by the patient. On her advise, the patient took admission at the nursing home. It would be difficult for us to blame the nursing home at this stage unless and until the question that is being raised, is effectively gone into by an appropriate body duly authorized for the same. Complainant may take recourse accordingly.

The complaint is disposed of accordingly.

Sd/-

(ASHIM KUMAR BANERJEE)

We agree,

Sd/-

Dr. Makhan Lal Saha,

Sd/-

Dr. Sukumar Mukherjee,

Sd/-

Dr. Maitrayee Banerjee,

Sd/-

Smt. Madhabi Das,

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission