

**Office of the West Bengal Clinical Establishment Regulatory Commission**

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**Case Reference: ID- INT/KOL/2024/104**

**Present: Justice Ashim Kumar Banerjee (Retired), Chairman**

**Dr. Makhan Lal Saha**

**Dr. Maitrayee Banerjee,**

**Smt. Madhabi Das.**

**Mr. Bijai Kumar Jaiswal .....Complainant  
- Versus-**

**Charring Cross Nursing Home Pvt Ltd, Kolkata .....Respondent**

**Heard on: May 24, 2024 ,**

**Judgment on : June 27, 2024 .**

Bijay Kr Jaiswal, the complainant above named got 33 year old his daughter Ms. Manisha Jaiswal, at Charring Cross Nursing Home with the

complain of Tonsillitis under Dr. Dabayan Tarafdar. She was admitted on March 19, 2024 at about 5 p.m.. Soon after her admission, Dr Tarafdar advised the nursing home to get her hemoglobin level tested. Accordingly, blood sample was drawn by the paramedical staff of the nursing home. Records would reveal, the sample drawn at 19.31 hours gave result of 5.7 whereas the sample drawn on the same day at 21.23 hours resulted 3.4. The second report was extremely alarming and would definitely require blood transfusion. However, the treating doctor was in doubt and advised shifting of the patient to a higher set-up.

The patient was immediately shifted to Manipal, Salt Lake ( formerly AMRI). The hemoglobin test was repeated by drawing sample at 8.54 a.m. on the next day that resulted 9.7. At the hearing the nursing staff commented, the patient was bleeding through the throat, though the patient, present online, denied.

The complainant has come up questioning the second hemoglobin report that showed result as 3.4.

We mailed the complaint to Charring Cross on May 7, 2024 inter-alia asking for response as also medical records. Charring Cross gave their response on May 11, 2024.

According to the response, the hemoglobin was found to be very low. Blood transfusion was advised. Re-test was done to be sure of the report that yielded same result. Considering the condition of the patient, she was referred to higher set-up.

We heard the matter on May 24, 2024 upon giving notice of hearing dated May 13, 2024. At the hearing, we inquired about the concerned pathologist for his assistance. We contacted Dr. Debashis Bhattacharya, the concerned pathologist over phone. Dr. Bhattacharjee was surprised to know about the complaint. It revealed, although the Charring Cross received the complaint from the Commission on May 7, 2024 and gave response on May 10, 2024. Dr. Bhattacharjee was all throughout kept in the dark. Dr Bhattacharjee requested us to give some time to go through the records as he was out of station. Accordingly, we kept our judgment reserved.

Dr Bhattacharjee subsequently submitted his response. The relevant part is quoted below:-



*"1. Machine Based Testing: the hemoglobin test for patient Manisha Jaiswal was conducted using a 3 part Automated Machine at Charring Cross. The results generated by this machine are automatic and do not involve human intervention at any stage of the process. As a pathologist, I am obligated to report the results as displayed by the machine and cannot alter or report contrary results.*

*2. Consistency of Hemoglobin Test Results. : On the same day as the patient's hemoglobin test, Charring Cross conducted several other hemoglobin tests for different patients. The results varied, showing both high and low hemoglobin levels depending on the health status of each individual. This variation in results demonstrates that the machine did not consistently produce low hemoglobin readings.*

*3. Compliances : As elaborated above, the hemoglobin test is machine-generated. I am informed that the hemoglobin testing machine used at Charring Cross is maintained in compliance with all legal and technical requirements. I have also been informed that Charring Cross has already provided a detailed response to the WBCERC regarding the maintenance and compliance of the equipment.*

**4. Comparison with AMRI Hospital Test Results:- concerning the hemoglobin test conducted at AMRI Hospital, I am not in a position to comment on the accuracy or validity of their report."**

At the hearing we also had interaction with the nursing staff Ms. Suchandra Roy who claimed to have drawn blood sample. According to the concerned nursing staff, since the patient was on IV fluid, blood was drawn from the other limb.

Our esteemed members Dr. Maitrayee Banerjee and Ms. Madhabi Das had interaction with the technicians and the nursing staff and requested them to submit their credentials . Those have been sent by the Charring Cross through mail dated May 27, 2024. The details are given below:-

**NURSING STAFF**

SUCHANDRA ROY	i) Old Ideal Nursing Training School Certificate dated January 10, 2011
	ii) Health Care Centre Nursing Home Certificate for 6 months practical training as Junior ANM Nurse

SANGETA SAHOO	Diploma in Nursing (GNM) issued by Karnataka State Nursing Council
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## TECHNICIAN

BARSHA DHAR	Provisional Certificate for completion of final year examination for Degree of Bachelor of Medical Laboratory Technology ( BMLT) 2023 from Raja Narendralal Khan Women's College ( Autonomous)
ANJALI DAS	BSS Diploma in medical laboratory technology for the year 2021-23 issued by Bharat Sevak Samaj.

Our experts have duly verified the credentials and found none of them having appropriate recognition by the West Bengal Nursing Council in case of the nursing staff and by the Department of Health and Family Welfare in case of the technicians.

The view expressed by Dr. Maitrayee Banerjee and Ms. Madhabi Das, our esteemed members, are set out hereunder: -

### **DR MAIYTREE BANERJEE**

*On 19th March 2024, a 34-year-old female patient ( Ms Manisha Jaiswal ) visited Dr. Debayan Tarafder with a complaint of fever, nausea, vomiting and difficulty in swallowing. He diagnosed her*

*with follicular tonsillitis along with soft palate ulceration. He advised admission to Charring Cross Nursing Home Pvt Ltd , Kolkata and prescribed 12-hourly IV Xone 1 gm . Upon admission, the patient's hemoglobin report at 5 p.m. on 19-3-2024 showed 5.7 gm percent.*

*At 8 p.m. the same evening, the hemoglobin report was 3.4 gm percent, on basis of which the patient was advised blood transfusion. The family, however, decided to shift her to AMRI Salt Lake, where a fresh hemoglobin report was generated, reading 9.7 gm percent at 11 p.m. on the same evening.*

*Additionally, the patient showed deranged blood-liver function and kidney function test results.*

*Subsequent tests were, all within acceptable limits.*

*By 24th, the patient was discharged.*

*During hearing, on 24-5-2024, the patient denied bleeding and pregnancy.*

*The question then, as has been rightly raised by the complainant, is why the difference in values between the two hospitals in a matter of three hours. The nurse on duty at Charring Cross Nursing Home Pvt Ltd, categorically confirmed that she drew blood from the hand, other than the hand in which infusion was running. The pre-analysis and analysis of the sample is, however, questionable. The qualifications of the nurses and technicians were checked by the commission.*

*Dr. D. Bhattacharya, the official signatory of the blood reports generated at Charring Cross NH was contacted. He has replied that he is an independent consultant and obliged to report results displayed by the three-part cell counter of the lab.*

*I, however, find the explanation inadequate. No control values or LJ charts have been shared to verify accuracy and precision of the*



*reporting system, as variation in results is not acceptable marker to understand correctness of an auto-analyzer report. He has also not clearly mentioned his physical presence when he had signed out.*

*In my view, the report generated by Charring Cross Nursing Home Pvt Ltd was inaccurate and urge training on quality control and good lab practices to understand clinical significance of values generated by an auto-analyzer”.*

**MS MADHABI DAS**

*“Health Care Centre Nursing Home Certificate for 6 months practical training as Junior ANM Nurse is not recognized by INC and WBNC. Diploma in Nursing ( GNM) issued by Karnataka State Nursing Council is not recognized course and Raja Narendralal Khan Women’s college is not in INC website.”*

We have considered the rival contentions. Our esteemed medical members are of the opinion that the hemoglobin shown at 7.30 p.m.

as 5.7 could not be 3.4 at 9.23 p.m. when the same patient was found to be having hemoglobin level particularly, on the very next day, 9.2 at 9.37 a.m.

We thus come to a conclusion that either there was something wrong with the machine or the drawing of the sample. Dr. Bhattacharya, in his report, would categorically observe, the machine gave proper result on the same day for the other patients. In that case the other cause referred to above, might be correct otherwise we would not be in a position to find any plausible logic behind the said hemoglobin report at 3.4.

Considering the above, we feel, it is for the Charring Cross to justify such report with prudence as they would be the right person to offer such justification.

We are not at all satisfied with their response. We are convinced, there had been some problem with regard to drawing of the sample or there had been something wrong in between drawing of the

sample and putting the same into the machine. Fortunately, the treating doctor, while doubting the report, took immediate decision to shift the patient to a higher set-up and the patient was given the right treatment.

We feel, it is a fit and proper case where we should direct payment of compensation.

We direct the Charring Cross to pay Rs. One lakh to the complainant on sharing of his bank details.

The complaint is disposed of accordingly.

Sd/-

**(ASHIM KUMAR BANERJEE)**

We agree,

Sd/-

**Dr. Makhan Lal Saha – Member**

Sd/-

**Dr. Maitrayee Banerjee – Member**

Sd/-

**Smt. Madhabi Das – Member**

*Authenticated*  
*[Signature]*  
Secretary  
Bengal Clinical Establishment  
Regulatory Commission