

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/PAS/19/2024-25

Present: Justice Ashim Kumar Banerjee (Retired), Chairman

Dr. Sukumar Mukherjee

Sri Sutirtha Bhattacharya

Dr. Maitrayee Banerjee,

Smt. Madhabi Das.

Mr. Sraban Kumar Murarka.....Complainant

- Versus-

Glocal Hospital.....Respondent

Heard on: June 27, 2024,

Judgment on : August 07, 2024

### BACKDROP

Shri Murarka got his mother Tara Devi admitted at Glocal Hospital, Midnapore on April 17, 2024 with head injury. The Hospital Authority





advised him to admit the patient under Swasthya Sathi Scheme so that they could do the surgery properly. Accordingly the patient was admitted. The CE asked for blood for transfusion. Mr. Murarka arranged it. After few days his mother complained that the hospital staff misbehaved and beaten her. As a result, her right arm had swollen. He reported the incident to the hospital. However, they did not take any action on the issue. According to them, the patient had already fracture in her arm and that was in a bad shape. According to him, such arm injury occurred during hospital stay. Hence, he was entitled to compensation.

### **COMPLAINT**

We received the complaint through the Chief Medical Officer of Health, Paschim Midnapore on May 13, 2024. We asked for response from Glocal Hospital vide name dated May 21, 2024.

### **RESPONSE**

Vide letter dated May 28, 2024, Glocal Hospital gave their response through their Medical Superintendent. As per the response, Smt Tara Devi was admitted with cerebrovascular arrest with traumatic injury



due to CVA. The patient developed ischemic brain stroke with progression. The hospital decided to give priority to stroke management rather to treat fracture of RT proximal humerus. As per the medical emergency protocol they chose the right way to manage the CVA on priority basis.

### HEARING

We heard this matter on June 27, 2024. We have perused the medical records produced along with the complaint. We have considered the rival contentions.

### EXPERT OPINION

On our request Dr. Mukul Bhattacharya, HOD, Orthopedics, IPGMER, evaluated the medical records. His opinion on the issue on evaluation, is set-out hereunder:-

- 1. The patient Tara Devi Murarka, 84 years Female, was admitted on 18.04.2024 at ICU-10 at Glocal Hospital ( Paschim Medinipur) for the treatment of Ischemic CVA with Hypertension with Fracture Right Proximal Humerus.*

2. *The patient was treated conservatively for CVA and she was referred to higher centre as the patient was not fit for OT( 24/04/2024) for fracture of Right Humerus.*
3. *The patient was discharged on 26/04/2024.*
4. *It is clear from the documents that, the patient Tara Devi Murarka was admitted with CVA and Fracture Humerus on 18/04/2024, So it could not have happened during her stay in hospital.*
5. *The patient referred to higher centre for operation on 24/04/2024 and discharged on 26/04/2024 rightly, as she was not fit for OT*
6. *There is no negligence regarding the treatment of the patient in that hospital during 18/04/2024 to 26/04/2024. They have treated as per protocol”.*

## **OUR VIEW**

From the discharge certificate, it would appear, the patient already had fracture as would appear from the discharge certificate however it is not clear as from the admission records particularly, the Emergency Assessment Sheet as to when such fracture happened. However the

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emergency assessment sheet it was recorded, the patient had "slurring of speech and weakness of limb. The patient can't stand properly".

On the reverse side of the Emergency Assessment Sheet, the provisional diagnosis was recorded as CVA WP Rt Pr Humerus. The recording "Rt Pr Humerus seems to have been written by a different person as the handwriting differed. In any event, a CVA patient due to traumatic head injury might have limb injury as well particularly, when it appears, on the first page of the Emergency Assessment Sheet it was recorded "weakness of limbs. Patient can not stand properly". We thus intend to give benefit of doubt to the CE on that score. In any event, from the treatment sheet it appears that the limb fracture was also taken into account on the third day of admission i.e. on April 23, 2024. Since they could not manage the patient because of severeness of the disease the patient was referred to higher set-up by a referral discharge on April 26, 2024.

We do not find any definite proof that the fracture occurred during her stay in the hospital and thus intend to give the CE benefit of doubt.

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## RESULT

We thus do not wish to interfere.

The complaint is disposed of accordingly.

Sd/-

**(ASHIM KUMAR BANERJEE)**

We agree,

Sd/-

**Dr. Sukumar Mukherjee,**

Sd/-

**Sri. Sutirtha Bhattacharya, IAS (Retd)- Member**

Sd/-

**Dr. Maitrayee Banerjee – Member**

Sd/-

**Smt. Madhabi Das**

*Authenticated*  
  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission