

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference:WBCERC/KOL/293/2024-25

Mr. Adwitiya Achaya Chaudhari Complainant

vs

Recovery Nursing Home.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	17/04/2025	<p>The complaint would relate to hospital negligence.</p> <p>A stroke patient was taken to the CE at about 1 a.m. in the night of February 10/11, 2025. She was admitted under Dr Atanu Paul, MD, Medicine, Nephrologist. According to the complainant, the patient was discharged after four days on DAMA and shifted to INK where after a prolonged treatment of about two months the patient was discharged and she is now undergoing treatment at home.</p> <p>The complainant, the son of the patient, is absent because of his other pre-occupation. He is represented by his father and a family friend.</p> <p>The representatives of the complainant would raise</p>



three issues:-

- i) Since the patient suffered a cerebral attack the patient would direly need neurological intervention for which CT Brain should have been done without any delay. The record would reveal, the CT Brain was done after 12 hours of admission.
- ii) The CE did not have proper infrastructure in neurology. The patient was admitted under a nephrologist and no referral was made soon after the admission.
- iii) The patient had second degree bed sore at the time of discharge due to delay in providing air mattress.

The CE has given their response. They are present online being represented by the owner Dr Sushil Kumar Aggarwal.

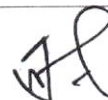
According to the complainant, soon after the stroke they took the patient to the CE. They were made to believe, the CE would have neurological set-up as

appears from the display board. The patient was admitted under Dr. Atanu Paul. Subsequently they came to know that Dr. Paul is a Nephrologist. The patient was not properly evaluated through CT Brain that was ultimately done that too, at a different set-up after about 12 hours. The neurologist came at about 2.30 p.m. after a written request made on behalf of the family.

According to the CE, Dr. Paul is a regular consultant of the nursing home. He is MD, Medicine. He is thus entitled to practice and treat even a neuro patient. In any event, according to them, the referral was made on the next day at about 8.30 a.m.

On the bedsore issue, they would rely upon a screen shot of the nursing assessment done by the INK on February 15, 2025 when the patient was admitted there.

They would also rely upon the initial nursing assessment at the time of admission wherefrom it reveals as follows:-



Activity Degree of physical activity	ABR- Absolute Bed Rest	Chair fast- NWB/WC must be assisted to chair	Ambulates occasionally with assist up in chair	Ambulates frequently
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Such nursing assessment was signed by a nurse at the end of the assessment that too in a different page. The corresponding entry had not been counter signed. There was no counter signature obtained from the patient relatives contemporaneously.

We have considered the rival contentions.

Dr. Atanu Paul examined the patient soon after the admission. He talked to the husband of the patient over phone and such recording has been played at the hearing in presence of the complainant.

From the conversation we find, Dr. Paul explained in detail the status of the health condition of the patient and the guarded prognosis on the issue. Whether Dr. Paul was duly authorised to treat a stroke patient or not, is a question that would be outside our domain.

The complainant would be free to approach the




appropriate authority if he so likes.

On the issue of referral, the CE is not transparent. They contended, at the suggestion of the patient family they involved Dr. S.S Chowdhury neurologist who came at 2.30 p.m.

The friend of the complainant would submit, the written request had to be made by them at the later part of the day. Hence question of referral at 8.30 a.m, as subsequently contended by the CE, is nothing but an afterthought.

Be that as it may, fact remains, the CT brain was done at 12 noon. Report came after two hours i.e, at 2 p.m. and the neurologist examined the patient at 2.30 p.m.

There had been laxity on the part of the CE in getting the neurologist involved in the process of treatment however, whether such delay had caused deterioration, would again be a medical issue outside our domain.



On the bedsore issue, we wish to give a benefit of doubt to the CE. The nursing assessment should have been signed by the patient family. On that score, there had been a laxity however, our esteemed member Ms Madhabi Das, would opine, a fresh bedsore could not be had and that too, in second degree in a case of four day admission. The complainant would rely upon the assessment of INK who is not present before us. Hence we wish to give the CE benefit of doubt.

Before we part with, we would be failing in our duty if we do not intervene in a case of exorbitant billing even if it has not been raised by the complainant.

For four day admission in a 35 bed nursing home having no neurological infrastructure, the patient was billed Rs. 96,000/- out of which Rs. 25,000/- was charged as bed charges. It is shocking.

Apart from Dr. Paul's fees the RMO was separately charged that is not permissible. A stroke patient who is almost in a vegetative state, was shown to have been given physiotherapy treatment for three days

that is absolutely questionable.

No dedicated attendant was given to the patient. Even then, attendant fees were charged for four days.

Medicine and consumable were charged at mrp.

The CE would try to defend the bill by contending that the patient was in ICU.

We doubt how updated the ICU was.

Taking a sum total of the infrastructure and the treatment given, we do not find any justification to be a mere onlooker in a case of Rs. 96,000/- billed for four days.

Our members are unanimous of the view, it is a case of overbilling that would be exfacie apparent.

We direct refund of Rs. 46,000/- by the CE to the complainant.

The complainant is directed to share his bank details so that money could be transferred to them at once.

Since we have faced with such a bill for the first time from the CE we do not wish to penalise them. We hope and expect, good sense would prevail upon them and they would change their billing system accordingly to make it affordable commensurate with the infrastructure they are having.

The complaint is disposed of.

Sd/-

The The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr.Maitrayee Banerjee – Member

Sd/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Smt Madhabi Das – Member

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WBC

Secretary
West Bengal Clinical Establishment
Regulatory Commission