

**THE WEST BENGAL CLINICAL ESTABLISHMENT
REGULATORY COMMISSION.**

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Makhan Lal Saha, Member.

Dr. Madhusudan Banerjee, Member.

COMPLAINT ID: KOL/2017/000219.

Mr. Somal Roy Chowdhury.....Complainant.

-versus-

Woodlands Hospital, Kolkata.....Respondents.

Date of judgment: 7th March, 2018.

J U D G M E N T.

Upon receipt of a letter of complaint together with the chronological events which took place during the treatment of the service recipient at Woodlands Multispecialty Hospital Ltd. (in short 'Woodlands') and the allegation of deficiency in service on the part of the clinical establishment, the instant case was registered.

2. According to the case of the complainant,

On August 14, 2017 around 12noon the complainant had been to the emergency ward of Woodlands but his treatment started after prolonged delay due to procedural paraphernalia. Although the doctor attended the service recipient in time and gave his advice, prescribing medicines and other supportive treatment, but the medicines were given to him after 12midnight on repeated insistence. On 14.08.2017, Nebulization with

O₂, although was prescribed for 6 times administration but he received once only. It was the sister who declared that no nebulization was required. On 15.08.2017, nebulization with O₂ was given for 3 times instead of 6 times as prescribed. Similarly, the sister informed the service recipient that no nebulization was required. On 16.08.2017, sister informed that no nebulization was required. Again on 17.08.2017, nebulization with O₂ was administered but as the doctor objected O₂ was replaced by another device. Still instead of 6 times as prescribed same was administered only for 3 times. Having no alternative on 18.8.2017, the service recipient complained to the attending doctor about non administering nebulization as prescribed. Doctor advised to take-up this matter with Head Sister. Head Sister was called around 8 am. Head Sister came around 10am to enquire about the delay of 2 hours. Head Sister told Sister did not call her at all. Drug chart was scrutinized in front of Head Sister, she admitted lack of Medication by the Sisters. Also she assured to look after properly so as to restrict such occurrence again but in the late evening while chart was scrutinized lapses came out again. Due to lack of Nebulisation the patient failed to PFT test appeared on 18.8.2017. All requests by the service recipient was not responded and finally being disgusted with system at 10pm, the complainant in writing requested the hospital authority to stop medicines and arrange for early release by 19.8.2017. On 19.8.2017, the sister on duty was requested for removing the channel and to allow the patient to leave but she did not responded. When the service recipient on his own left the hospital and came to his residence with the channel fitted with. The doctor concerned advised him to take medicine at home over phone and requested to continue the treatment as prescribed. Now the patient after consuming drugs regularly is keeping well and on 23.8.2017 he resumed his office duty. Finally, he asked for refund of Rs.70,000/-, which he spent for treatment at Woodlands.

3. On receipt of the complaint, notice was issued against Woodlands seeking their response.
4. On behalf of the Woodlands, Dr Malati Purkait, Medical Superintendent filed its reply which is as follows:-

The complainant/patient during his stay in the hospital had been given medicine advised by the doctors every day except for two doses of nebulisation in the night at about 10pm and 12 midnight since the patient did not cooperate and refused to take the same.

It is further stated that the treatment of the patient started from the very day of his admission and that he was given the 3 day-time doses of nebulisation on 14.08.2017 but the 2 night-time doses could not be given as the patient did not cooperate and refused to take the same. The process of refusal for taking the 2 night time doses continued on each of the days of the patient's stay from the night of 14.8.2017 until the night of the 18.8.2017. From the medical records it appears that the patient received all 6 doses of nebulizer on 17.8.2017.

It is informed by the Clinical Establishment that the patient complained for the first time only on 18.8.2017 and followed up the same with a letter seeking his release on the next day at 10am. However, before his request for release could be even considered, the patient in the night of the 18.8.2017 and again in the morning on the 19.8.2017 refused the morning dose of nebulizer. At around 7am when the floor sister went inside his cabin to administer other medicines, he was found missing. After thorough search, a general diary was also lodged with the Alipore PS. It is asserted that during his stay in the hospital for 5 days the patient was treated with various medicines and was provided with proper treatment.

It is contended by the hospital that it was highly improper of the patient to leave the hospital premises without formal discharge and instant complaint appears to be made in justification of his leaving without permission and not effecting payment of his outstanding bill.

5. Heard the parties. Perused the medical records including bed head ticket. Considered their respective submissions.
6. Now going through the regular medication chart which is the part of the medical records, we find that there is no apparent variance between the medicine prescribed and its administration. We further find that sometime truly the medicine was not administered and it was noted in the bed head ticket by the Sister concerned 'refused'. Now considering the above facts with other materials we find the complainant has failed to establish the charge brought by him against the clinical establishment. During the hearing of this case, the complainant drew our attention to a note recorded on the bed head ticket on 18.8.2017 by his attending doctor. Such note by the doctor does not indicate beyond any question that there was any fault on the part of the nursing staffs.
7. Last but not the least, we find from the medical record, at around 7am in the morning on 19.8.2017 that the service recipient was not found in the bed and accordingly the police was informed. According to the service recipient, on the previous night he informed the hospital authority for his early release in the next morning. But his leaving the hospital without any intimation at early hour at 7am, if not before that is not at all proper and desirable conduct of the patient. We deprecate such action.

At the same time, the hospital authority has no reason to disown its responsibility about surveillance of a patient admitted under it. It is not disputed from the side of the hospital authority that its premises highly secured by CCTV and quite a good number of security guards. The floor where the patient was staying in the cabin

was full of good number of nursing staffs. It has been admitted by the hospital authority that if anybody wants to leave the floor either in lift or by staircase, he has to pass through the nurses' station (monitoring cabin of the nurses) and the departure of a patient without being notice by them is totally unusual and attract deficiency in service. Since the patient has equally contributed such deficiency we do not propose to provide any relief to the complainant.

We, however, give a strong note of caution against the clinical establishment that if, in future, any such incident happens at Woodlands, very stringent action shall be followed.

With the above observation, this case stands closed.

Sd/-

Justice Ashim Kumar Roy
Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Makhan Lal Saha, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

Authenticated



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[Handwritten Signature]
7/3/2018.

Secretary
W.B.C.E.R.C.
Kolkata-1