

**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.

Dr. Maitrayee Banerjee, Member.

COMPLAINT ID: KOL/2017/000089.

Mr. Sujoy Kumar ChakrabortyComplainant.

-versus-

IRIS Hospital & others.....Respondents.

Date of judgment: 7th March, 2018.

J U D G M E N T.

With the sole allegation of refusal to supply the medical records, by the Clinical Establishment, IRIS Multi Speciality Hospital (herein after refers as "*IRIS*") the complainant, who himself is the service recipient, has approached this Commission.

Subsequently, however, during the course of hearing, further allegation of misbehaviour and harassment has been levelled against the staffs of "*IRIS*". According to the complainant, on 27.05.2017, in the morning, he was informed by the said Hospital authorities that he shall be discharged around 9 a.m. but actually; he got his discharge around 9.30 p.m. at night. It was his further case, during these long 13 hours, he was forced to sit in a room, under the supervision of security guards and remained unfed. No food or beverage was provided to him. Only after making payment of Rs. 45,000/- in addition to Rs. 5,000/- which was paid in advance, out of the total bill of Rs. 96,202/-, he was discharged.

2. Immediately upon the receipt of the complaint, notice was issued to the clinical establishment and their response was called for. The reply of the clinical establishment goes like this,

Mr. Sujoy Kumar Chakraborty hereinafter referred as the patient was admitted in the hospital on 23/05/2017 with history of fever, constipation and burning sensation of hand and feet. The patient was treated by Dr. Ritabrata Mitra. The treatment rendered by Dr. Mitra was on conservative basis and the hospital authority had followed the advice of the consultant doctor and have carried out the tests/investigations.

It is pertinent to mention that the hospital authority as per standard practice had taken the health insurance policy number of the patient and had applied for the case less treatment through the TPA (Medi assists having address 4th Floor, Premier Court, Chandni Chowk Street, Kolkata, West Bengal 700072) of the patients health insurer. However the initial approval was not provided by the TPA. The patient was stable at the time of discharge and the discharge summary was generated as per advice of the treating doctor. At the time of discharge the patient was absolutely stable.

With regard to the allegation regarding the time for discharge the hospital management would like to clarify that the patient could have discharge as soon as the discharge summary was generated.

However the patient had voluntarily waited for the settlement of the bill by the TPA as the same was sent to them on the day of discharge along with all treatment papers, discharge summary and final bill at around 11.06 am on 27/05/2017. The TPA of the patient, raised further query at 1.25 pm and the same was replayed at 2.13 pm and again at 4.30 pm Medi Assist TPA sent their representative at 4.30 pm for verification and they have given a report "Patient was treated conservatively, Hospitalisation is genuine and verified. Claim liability as per policy T&C Needs to be confirmed". (Details Attached)

The case less facility was declined by TPA at 5.58 pm accordingly patient relative was informed and they paid 50000/- against the bill amount of 96,202/- and due amount is 46,202/-. The relatives of the patient verbally assured that will settle the bill very soon. The details of mail communication with TPA is annexed hereto and marked with letter "A".

The allegation that on the day of discharge i.e. on 27.05.2017 from morning no food was given to the patient is an absolute false statement. As per Hospital kitchen record

periodic food was provided to the patient. The kitchen details attached and marked with letter "B". We would also like to state that the patient had previously submitted two written complaint with the hospital authority which has been mentioned by the patient. In the said letters no allegation with regard to the non-supply of food was made. It is stated that if the patient had not been provided with food then the same would definitely been mentioned in the said letter.

The allegation that on the day of discharge he has been shifted in a room from his bed is out and out false. The patient was not at all shifted from his bed (no 624) but when patient was informed about the receipt of the denial letter from TPA he himself along with his family members went to the Medical Superintendent's office for discussion regarding the payment and to get clarification whether the denial by TPA is complete denial or subsequently the same can be claimed after discharge from the hospital.

The allegation of the patient that report and documents not handed over to him is also false. The patient was handed over the discharge summary along with the copy of bills and the test reports and other documents was with us as they have told that patient relative will come very soon and settle the same. The copy of the treatment paper was sent for Xerox as the original is generally retained by the hospital. The relatives of the patient did not wanted to wait any further and therefore left the hospital without the copy of the BHT and other papers which was sent for Xerox.

The allegation that on the day of discharge security has enclosed him is not true. No security personnel ever interfered with the movement of the patient at any point of time unless and until the same is advised by the treating doctor for treatment purpose. In this particular case no movement restrictions were made. However as per protocol the relatives of the patient was requested to stay in the waiting area for the safety of the patients admitted in the hospital which the relatives of the patient was not willing.

It is true that Mr. Sujoy Kumar Chakraborty submitted a letter on 29/05/2017. After receiving his letter on 29/05/2017 late evening on very next day we called up the number as per our record (8100756509) and found it is his son's contact number from him we got the personal phone number of Mr. Sujoy Kumar Chakraborty (9331065896). We called him up twice on 30/05/2017 and requested him to come and collect the documents which has been

asked by him but the patient was more interested to get compensation and financial benefits over and above the waiver of the pending bill of Rs.46,202/-. (Call details attached)

3. At the time of hearing, the complainant appeared in person while the clinical establishment was represented by its duly authorized representatives.

4. However, the issue of non-supply of medical records no longer survives, since the same has been received by the complainant. The only question now therefore left for our consideration, as to whether, the complainant was subjected to any harassment at the time of his discharge by the staff of "IRIS".

5. We find from the medical file of the service recipient that on 25.05.2017 that there was a note by the doctor,

"cont all as before

Discharge c/m"

The abbreviation "c/m" used in the medical parlance, a Latin term "*cras mane*", to denote 'tomorrow morning'. Next to the above prescription, there is another prescription (undated), which starts with '*Plan for Discharge c/m*'.

On the face of the case of the complaint that on 26.5.2017, at night he was told on the next morning he shall be discharged and such claim was not disputed from the side of the clinical establishment we accept that the service recipient was planned to be discharged on 27.05.2017.

Now, it is the case of the complainant that although he was supposed to be discharged in the morning of 27.05.2017, but he was unnecessarily detained by the staff of the "IRIS" until 9 p.m. The fact he was discharged after 9 p.m. on 27.05.2017 is borne out by the records of the Hospital. However, to counter the claim of the service recipient, it is contended from the side of the clinical establishment that at the time of his admission, a token deposit of Rs. 5000/- was taken from the service recipient as he furnished his mediclaim papers and disclosed that he was enjoying cashless facilities. We find from a communication of the TPA *Medi Assist*, dated 27.05.2017, that the clinical establishment, on the very day of his admission on 23.05.2017, had forwarded the claim of the service recipient for cashless facilities for approval and it is the TPA declined to extend such cashless

facilities to the service recipient and such decision was communicated to the clinical establishment on 27.05.2017 around 6 p.m. and thereafter, the relations of the service recipient arranged for another Rs. 45,000/- and on receipt of a total sum of Rs. 50,000/- (Rs 45,000 plus Rs 5,000 as advance) against the actual bill amounting Rs. 96,202/-, the service recipient was released, with an outstanding sum of Rs. 46,202/- and the said amount is still outstanding.

Against the allegation that the service recipient was not provided with any food on 27.05.2017, so long he was at "IRIS", the kitchen details records of "IRIS" shows otherwise and according to that together with other patients, the service recipient was very much provided with food. No material is forthcoming from the side of the service recipient to counter such claim.

It be noted that in connection with this case, that on 22.12.2017, the Commission examined one Mr.Subhas Chandra Naskar. According to the hospital records, he was occupying bed no. 604B, which was adjacent to that of the service recipient, during the relevant period, when the service recipient was undergoing treatment. Mr.Naskar, however, expressed his inability to recall anything and identify the service recipient. We find from the records that the said Mr.Naskar was in the Hospital during the relevant period.

In the result, the complaint fails and stands dismissed.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Makhan Lal Saha, Member.

Sd/-

Dr. Madhusudan Banerjee.

Sd/-

Dr. Maitrayee Banerjee, Member.



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7/3/2018

Secretary
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