

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

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Gopal Krishna Dhali, Member.

Dr. Madhusudan Banerjee, Member.

COMPLAINT ID: KOL/2018/000348

Ms. Rekha Ghosh.....Complainant.

-versus-

Parivar Seva Clinic & others.....Respondents.

Date of judgment: 14th August, 2018.

J U D G M E N T.

The letter of complaint against Parivar Seva Clinic, received by the Commission from Ms. Rekha Ghosh, the service recipient contains the following allegations,

The complainant for abortion related issue, on 27.01.2018 visited Parivar Seva Clinic, Hatibagan, Kolkata. At the said clinic, she was examined by a doctor and was given some oral medicines (tablet), which she was asked to consume at once. Neither the particulars of the said tablet were noted in the prescription/registration card nor were disclosed to her. Even the foil was not shown to her. They charged Rs.1650/- for the said medicine. After consuming the said medicine within two days, she became ill. When her husband contacted the Clinic over phone on 27.01.2018, he was told it was natural phenomenon. However, in the coming days, her condition deteriorated and on 30.01.2018, she visited the clinic once again. However, this time her experience was horrible. There was no doctor, no nurse, nor any attendant. She was forced to share a bed and rag with another patient. Even a glass of water was not available. Her husband

was not allowed to enter inside the room nor even her sister-in-law. However, her sister-in-law somehow managed to enter the room and noticed her pale and in pathetic condition. She had to leave the clinic to save her life. From there she went to Moonlight Nursing Home, where Dr Gautam Halder examined her and was shocked seeing her condition and advised her husband to take her to Apollo Gleneagles Hospital at once. She was then taken to Divine Nursing Home and it was found her haemoglobin count had fallen 7.5g/dl. Her attending doctor, Dr Arindam Saha told them over dose of medicine had reduced her to such state. At the said nursing home, she had to undergo Salpingectomy (right).

She was working in a private firm as a sales girl and her husband is a driver. They have a child aged about 8 years. Due to the wrong treatment, she was bed ridden for about one month and still facing discomforts due to mutilation. This kind of negligence could be fatal but somehow avoided incurring huge expenses.

Her husband has approached the Consumer Forum, when he was told verbally that they would try to compensate the expenses incurred at Divine Nursing Home against their claim of Rs.3 lakh but they did not agree.

2. The Clinical Establishment in writing replied and responded to the allegations made against them in the letter of complaint. In the said reply, not only the said allegations were categorically denied but also elaborately justified the treatment was never wrong and was in accordance with medical protocol.

3. The Medical Member of the Commission having background in this field, opined as follows,

Mrs. Rekha Ghosh, 3rd gravida with history of previous cesarean section and induced abortion went to Parivar Seva Santha (Clinic), Hatibagan, Shyambazar for termination of her un-wanted pregnancy. It was the early pregnancy and Dr. Susmita

Sen, Medical Officer at the said Clinic, advised medicinal termination of pregnancy with Mifepristone 200mg and Misoprostol 400mg as per Medical protocol, and also prescribed Analgesic for relief of pain and advised to report to the Clinic, if the pain is not relieved by the medicine. The patient had acute pain in abdomen and reported to the Clinic on 30-01-2018 at around 10AM, but no attending doctor was present there. The doctor was reported to be held up elsewhere. The pain became very severe and Doctor was contacted over phone, who advised the USG from a nearby USG centre. The patient became more ill, so the patient left the Parivar Seva Santha (Clinic) and got admission in the Divine Nursing Home under Dr. Arindam Saha, Gynecologist. Dr. Saha diagnosed it as a case of acute ectopic pregnancy and performed laparoscopic salpingectomy on the right side, in the same afternoon. The patient was also transfused 2 units of blood for recovery and went home on 4th post operative day.

Patient's allegation are against the doctor and the Clinical Establishment of Parivar Seva Sanstha. The allegations were that no USG was done before medicinal induction and abortion, the Tab for abortion she was told to take, were not labeled and without file. She was made to share a bed with another patient, while she was waiting for the doctor to come in the morning of 30-01-2018.

Medicinal termination of pregnancy by use of Mefepristone and Misoprostol is a recognized and generally approved method for early abortion. USG is not as pre-requisite for induction of abortion.

In this case, pregnancy was not in the uterus, but at an abnormal site in the Fallopian Tube, called Ectopic pregnancy.

It is difficult to differentiate early pregnancy in uterus from ectopic pregnancy which is not yet disturbed, as, it was in this case, when the procedure for termination of pregnancy was undertaken.

The termination of pregnancy procedure had nothing to do with the ectopic pregnancy and in its complication. The association is just incidental and has no cause-

effect relation with induction of abortion. The said patient had fainting fits and acute pain in abdomen in the morning of 30-01-2018. The delay at the Clinic because of absence of doctor had worsened her condition.

4. We are of the opinion that for non-availability of doctors, nurses and attendants during the working hours to attend a patient with serious condition associated with acute pain and not noting in the treatment document, the particulars of the medicine administered, the Clinical Establishment cannot absolve of its responsibility.

The above facts clearly constitutes a deficiency in patient care service on the part of the Clinical Establishment and, therefore, undoubtedly this is a fit case for compensation.

4. Now considering the attending circumstances, the pain and sufferings, the service recipient has to undergo, we are of the opinion that if an amount of Rs.20,000/- is awarded as compensation including the cost of litigation, that would sub-serve the ends of justice. Such amount shall be paid to the complainant within 15 days from this day.

Sd/-
Justice Ashim Kumar Roy
Chairperson.

Sd/-
Dr. Gopal Krishna Dhali, Member.

Sd/-
Dr. Madhusudan Banerjee, Member.

Authenticated
22/1/2018
ARSHAD HASAN WARSI
WBCS (Ex)
Secretary
W. B. C. E. R. C.