

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

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Makhan Lal Saha, Member.

COMPLAINT ID: BAN/2018/000303.

Mr. Debojyoti Banerjee.....Complainant.

-versus-

Mission Hospital, DurgapurRespondents.

Date of judgment: 3rd January, 2019.

J U D G M E N T.

Miss Sanjali Banerjee, aged about 12 years, the minor daughter of Mr Debjyoti Banerjee, the complainant was admitted at the Mission Hospital, Durgapur on 21/05/2017 with acute pain in lower abdomen. However, complainant found that there was absence of care and compassion to the patient at the hospital. The patient was released on 24/05/2017 without any significant improvement. On 26/05/2017 at around 4.00p.m pain recurred and this time it was quite acute. The complainant tried to contact the hospital authority but no one took the responsibility and tried to pass the buck from one person to another. Finding no alternative, the complainant went to Bishnupur District Hospital. At the said hospital, on scrutiny of the treatment documents of his daughter handed over to him from the Mission Hospital, Durgapur, it was found that the report relates to another person, aged about 61 years. The complainant doubts that the treatment of his daughter was done on the basis of a wrong report and that was the reason for relapse of abdominal pain. He prays that for this gross mistake, the appropriate action be taken against the Mission Hospital Durgapur for ends of justice.

2. In their reply in the form of affidavit, the Clinical Establishment contended as follows, The patient was first admitted on 6th November, 2016 and discharged on 10th November, 2016 with diagnosis of Mesentric Lymphadenopathy in a known case of Appendectomy and Pancreatitis. Thereafter the patient was re-admitted on 21st May, 2017 and was discharged on 24th May, 2017. Right from the beginning of admission, the patient was reviewed in the Emergency Department by emergency physician and emergency consultant and in the ward by the consultants-gastro & gastro team. They categorically denied that there was any absence of care and compassion at the hospital. Moreover, the treatment file was verified by the grievance team and found the file contains the report relating to the patient Sanjali Banerjee and she was treated on the basis of such report as explained by the nursing in-charge of the ward and claimed that the patient party with mala fide intention approach this Commission.
3. After having this response from the side of the clinical establishment, the commission took up the case for hearing on 17/07/2018.

On that day, Ms. Sweety Banerjee, the mother of the patient, the complainant Mr Debjyoti Banerjee, were present.

On the other hand the clinical establishment was represented by their learned Counsel, Ms. Jayati Chowdhury and their Chief Medical Superintendent of the hospital Dr. Partha Pal was also present.

During the hearing, the complainant Mr. Debojyoti Banerjee and Dr Partha Pal, Chief Medical Superintendent were examined on oath their statement was recorded which are reproduced below.

a. Statement of Mr Debjyoti Banerjee.

His daughter with abdominal pain was admitted at Durgapur Mission Hospital on 21.05.2017 and discharged on 25.05.2017. During the treatment one CT scan was done but two reports were given which are at variance with each other. At the time of discharge, he was given a bunch of investigation reports, which includes a report of one Mr. Rakesh Kr.

Grover (age 61 years) and they were surprised how and why the report of another patient was made over to him with the treatment documents of her daughter. He suspects that on the basis of report of another patient, his daughter was wrongly treated.

b. Statement of Dr. Partha Pal.

..... By mistake in the medical file of the patient, one report of Mr. Rakesh Kr. Grover (age 61 years) was included and supplied to the patient party. This is a clerical error on the part of the concerned staff for which he tendered unqualified apology.

On being question by the Commission, Dr. Partha Pal further stated as follows:

It is true that report for one test, two reports were issued and in the second report one finding about uterus was added. Since in the first report that finding was not noted another report with such findings was issued.

He assured that in future such mistake will never be repeated. He contended that such finding has no clinical significance with regard to the treatment.

It be noted that the cross-examination of both of them was declined.

4. After careful consideration of the submissions of the parties and the materials on record and more particularly the medical documents, we do not find any merit in this case. It is true that with the medical file of the patient a report of another patient was included and supplied to the complainant but on perusal of the treatment documents we find that the report of the another one, never influenced the treatment of the service recipient. We do not find any reason to disown the claim of the clinical establishment that the report of another patient was supplied to the complainant by their office staff inadvertently. We further find that in this case that there are two CT scan report of the daughter of the complainant was generated but we find that in second report the assessment about the condition of uterus was included. We do not find anything wrong in this inclusion since due to that there was no impact on the treatment of the patient.

5. In view of above this case stands closed and disposed off.

6. However, before parting with we direct the clinical establishment Mission Hospital Durgapur to be more careful in preparing the report and while supplying the medical papers to any patient there must not be any lackadaisical attitude as is found in this case, where with the treatment document of a girl, aged about 12 years, a report of an elderly person aged about 61 years has been included.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Makhan Lal Saha, Member.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Authenticated



ARSHAD HASAN WARSI
WBCS (Ex)

Secretary
W. B. C. E. R. C.