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/2018/000294.

Mr. Mahendra Kumar Gond.....Complainant.

-versus-

B.M. Birla Heart Research Centre.....Respondents.

Date of judgment: 2nd January, 2019.

J U D G M E N T.

The complainant, who happens to be the service recipient himself has moved this Commission against B. M. Birla Heart Research Centre alleging overbilling.

2. It is his case that he is a domestic help, aged about 60 years. It is his further case on 6.1.2018 at the early morning, he felt a severe chest pain and as the B.M. Birla Heart Research Centre was closest to the house, where he was working, he rushed there. At the said hospital, the doctor on examination found that there was some blockage in arteries and he was advised to undergo angioplasty and for implantation of stent. For the procedure, two stents were implanted and a total sum of Rs.63,378/- was charged. However, at the time of admission, he was told that the Fixed CCU/ITU charges along with other consultation charges would be around (Rs.2400+Rs.8,500/-)= Rs.10,900/-. The hospital itself advertises Angiography at Rs.17,999/- all inclusive which obviously includes the CATH-LAB charges where the procedure is performed. In his case the medicine Bill was Rs.5096.61, the Diagnostics Bill=Rs.7925/- and Doctors Fee=750/-. It is contended that if all the these items are considered then the total Bill could not have exceeded 1,06,000/- considering it does not include the general ward sharing bed charges of 2 days and the Surgeons fees, even then under no circumstances can it in total exceed Rs.1.3-1.5 lacs by any stretch of imagination but the patient has been charged a sum of Rs.2,50,202.11. It will also not be pertinent to mention here that the original bill was for Rs.2,90,000/- and on request was reduced to Rs.2,50,202.11.

3. On receipt of the above complaint, notice was issued against the Clinical Establishment and in response to that the Clinical Establishment filed their reply. It is their case,

The patient was admitted on emergency basis in CCU and underwent primarily CAG+PTCA (DVD). By default the patient admitted at CCU was charged as per twin sharing package. The package was Rs.2,10,000/- excluding stents. However, it was lowered and Rs.1,68,500/- was charged as package, a sum of Rs.63,378/- for two stents (Rs.31689/- each), investigation and drugs Rs.7925/- (2 ECGs, 2 X-rays and 1 Echo-screening), Doctor Fees Rs.750/- and Drug and materials Rs.7249/-, totaling to Rs.250202/-.

4. Heard the parties at length. Considered the respective submissions and their respective contentions in the letter of complaint and the reply of the Clinical Establishment.

5. We find admittedly that the patient was admitted on a package for Rs.168500/- and according to the case of the Clinical Establishment, the actual package rate was Rs.2,10,000/- and they have reduced the package rate giving a discount of Rs.41500/-. The Commission heavily appreciates the attitude of the Clinical Establishment in giving a discount of Rs.41500/- to a domestic help, a very poor man. We also do not find any fault on the part of the Clinical Establishment in charging the patient Rs.63,378/- for two stents because that was the prevailing practice amongst the nursing home in the city. Although, we are principally, do not agree to that and in our opinion the package should include the charge of the stent and when the package is excluding of stent cost, the patient party should be apprised of such facts in no uncertain term.

However, when a patient is admitted in a package for undergoing any particular procedure, it means that the package rate should include the bed charges, charges for investigations, both ECG, X-rays, Echo-screening, drugs and other materials used in such procedure. That must also include the fees of the consultants. We find that the patient was admitted in a package for 2 days, 6.1.2018 and 7.1.2018 and a doctor fees of Rs.750/- was charged for 8.1.2018, obviously for ascertaining whether patient was stable and ready for discharge.

We find in the case at hand Rs.2400/- (Bed charge), Rs.7925/- (ECG, X-Ray, Echo-screening), Rs.750/- (Doctor fees), Rs.7249/- (Drugs and materials), a total sum of Rs.18324/- was charged in excess from the package rate, which is wholly unjustified and amounts to unethical trade practice. We, therefore, direct the Clinical Establishment to pay a sum of Rs.40,000/- to the complainant, inclusive of refund of excess amount and the litigation cost, such amount shall be paid to the complainant by an account payee bankers' cheque within 15 days from the date of communication of the order. In addition to above, we impose a penalty of Rs.10,000/-, which shall also be paid within 15 days from the date of communication of the order in the account of West Bengal Clinical Establishment Regulatory Commission Fund.

6. Before parting with, we direct the Clinical Establishment, henceforth, whenever a patient is admitted in a package for undergoing any particular procedure, such patient must

be apprised of in writing the break up of the package in detail. In addition to the package, if there is a question of implantation of any material and for that the Clinical Establishment is going to charge the party separately that shall also be explained to the patient party or the patient in no uncertain term. We also make it clear that if in future we find there is any deviation from our above direction the stringent action will be followed.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Makhan Lal Saha, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

Authenticated

ARSHAD HASAN WARSI
WBCS (Ex)
Secretary
W. B. C. E. R. C.