

Case Reference: SPG/2018/000306

Mr. Abdus Samad Molla..... Complainant

vs

G. D Hospital & Diabetes Institute Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	27/06/2019	<p>The patient was admitted in the clinical establishment. He was 82 years old. The complaint would relate to catheterization. According to the hospital, since, even after catheterization the patient was bleeding he had to be shifted to OT to do the catheterization under cystostomy. The discharge certificate would record, the patient removed the catheter on his own that resulted in complication for the patient. At the time of hearing on the last occasion, Dr. Ganguly who signed the discharge certificate disowned such statement. According to him, he overlooked that paragraph while signing the discharge certificate. He also did not support such version of the hospital mentioned in the discharge summary. The relevant part is quoted below:</p> <p><i>“At a later date the patient removed the Foley’s catheter himself following which there was oozing of blood with passage of blood mixed urine. His catheterization was</i></p>

tried again with a silicon catheter but since there was spontaneous haematuria, the procedure was put on hold. The patient was then promptly taken to OT for Cystoscopy and catheterization"

By an order dated November 28, 2018 the Commission asked the clinical establishment to carry on investigation to find out who was responsible for such incident. Today the clinical establishment has expressed their inability to fix up the responsibility on any of their staff. Dr. Anirban Chanda, Chief Operating Officer of the clinical establishment would submit, despite investigation being done by him, he could not fix responsibility to any particular staff of the establishment. However, he is of the view, the catheterization was done in view of the bleeding as it was found necessary. Mr. Samad , the complainant would, however, confront such allegation by contending, it was a mistake on the part of a junior doctor that resulted in complication. The Hospital Authority charged the patient for the OT and other clinical expenses which the patient or the patient party was not liable to pay. We fail to appreciate, how a clinical establishment could disown responsibility of such statement in the paragraph when the treating doctor, Dr. Ganguly who signed the discharge certificate, would not agree with the statement recorded in the discharge summary. Moreover, such insertion paragraph would show, someone was responsible for the same. It was incorporated to avoid irregularity, if any, on the part of the



hospital. In our view, the complaint is justified. The objective of such insertion and consequential treatment at the expense the patient party is not beyond question. The hospital has charged a sum of Rs.18, 500/- approximately.

We also intend to highlight another issue. When the patient was shifted to OT, consent was required. We are told, the patient was quite literate, he was an officer of the Port Trust. The hospital obtained the patient's thumb impression. The procedure followed by the hospital, is not appreciated.

Considering the above, we compensate the petitioner by awarding a token compensation of Rs.25, 000/- to be paid within a period of one week from date. The complainant would furnish bank details of the patient in course of tomorrow to the clinical establishment so that money could be transferred to his account within one week from date.

Sd/-

Hon'ble Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member

Sd/-

Dr. Madhusudan Banerjee, Member

Authenticated
[Signature]

ARSHAD HASAN WARSI
WBCS (Ex)
Secretary
West Bengal Clinical Establishment
Regulatory Commission
&
Joint Secretary
Health & F.W. Department