

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: BAN/2019/000554/555/556/557/558/559/560/611

Shailendra Kumar..... Complainant

vs

**The Mission Hospital (A Unit of Durgapur Medical Centre Pvt. Ltd)..... Respondent/
Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	31/07/2019	<p>It is a case of an unfortunate incident of a child death. It was a case of suspected Kawasaki disease. The parents are alleging, the child died without any proper treatment. On the last date of hearing, we asked for expert opinion from Dr. Apurba Ghosh, renowned paediatrician and Dr. Achyut Sarkar, Department of Cardiology, SSKM Hospital. They have submitted their report. Dr. Sarkar is present with us. They are unanimous of the view, from the cardiological point of view, the treating doctor did what was required to be done. However, on detailed examination of the complaint and upon hearing the parents of the child (mother is a nurse, working in a Govt. clinical establishment) as well as the treating Doctor the members of the panel are unanimous of the view, it was a case of diagnostic dilemma that could be finally decided upon a proper report of the post mortem. However, the post mortem was not done as per the desire of the parents, hence, we are handicapped to that extent. We would refer the issue to the West Bengal Medical Council for a decision.</p> <p>We permit the petitioner to approach us again after disposal of the Medical Council proceeding.</p>



Before parting with, we would be failing in our duty if we do not point out the lack of infrastructure and carelessness of the clinical establishment.

The patient was admitted with the complain of abdominal pain with a history of vomiting. The treating Doctor in the emergency, RMO as well as the Paediatrician would not deny such assertion of the parents. However, they are of the view, the case was not so critical as the vomiting was not there when the patient was admitted.

However, the Doctors present in the panel are unanimous of the view, it was a critical case for which an ICU admission was a must whereas the patient was admitted in the general bed without having any monitoring facility. On this score, we find lack of adequate care on the part of clinical establishment.

There is another issue which we cannot overlook. It is the consistent assertion of the parents, since it was a case of acute abdominal pain and the patient was admitted at about 3 o'clock in the evening the clinical establishment should have gone for ultrasound for exclusion of any gastro related disease so that the patient could be given appropriate medication. The experts present in the panel can not also rule out that it could be a case of gastric bleeding due to continued medication of laproxy and cortisone. There was no attempt on the part of the clinical establishment to find out the cause when the patient was admitted for about 14 hours. On this score, we find lack of sincerity on the part of the clinical establishment. We would wait for the appropriate opportunity to deal with such issue. However, for the time being, we impose a penalty of sum of Rs.1 lakh that would be paid by the clinical establishment to the parents within a period of two weeks from date. The amount be kept in a fixed deposit by the parents for a period of one year from date so that in case any contrary decision is received from the Medical Council, the clinical establishment would be at liberty to approach us again for appropriate decision for the said sum. Both parties would submit report of compliance within two weeks thereafter.



In the absence of any contrary decision received within the said period, the complainant would be entitled to appropriate the amount.

The complaint is disposed of accordingly.

Sd/-
Hon'ble Chairperson

Sd/-
Dr. Sukumar Mukherjee, Member

Sd/-
Dr. Gopal Krishna Dhali, Member

Sd/-
Dr. Madhusudan Banerjee, Member

Authenticated
[Signature]

Secretary
West Bengal Clinical Establishment
&
Regulatory Commission
Jt. Secy. Deptt. of Health & FW
Govt. of West Bengal