

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: HOW/2019/000742

Tridib Kumar Adak..... Complainant

vs

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

**ORDER SHEET**

| Office Note | Order No. | Date      | Order   |
|-------------|-----------|-----------|---|
|             | 2.        | 5/02/2020 | <p>The complaint would relate to medical negligence as well as overbilling. The records would depict, the patient was being treated under a package of Rs.4.17 lakhs which was subsequently enhanced to Rs.4.58 lakhs. However, there had been post operative complication that resulted in continued stay at the hospital, ultimately, resulting unfortunate death of the patient. Pertinent to note, the patient was admitted on December 25, 2018 and he died on January 24, 2019. The hospital billed for a sum of Rs. 14.77 lakhs. The complainant paid a sum of Rs.11.58 lakhs. The complainant applied for discount as he was not in a position to pay the balance amount that, according to him, was allowed by the Hospital Authority. The patient party did not raise any objection either as to the treatment process or the billing process, contemporaneously. On an about</p> |



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|  |  | <p>September 12, 2019 the Hospital Authority gave a letter of demand inter alia, asking for the balance amount of Rs.3.19 lakhs that the complainant replied on September 23, 2019. Ultimately, the complainant approached us by filing his complaint on December 16, 2019 after about one year of the death of the patient and three months after receipt of the said notice.</p> |
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We have heard the parties at length. The billing issues would have justification as we prima-facie find, however, we do not intend to interfere at this stage mainly, because of the inordinate delay in approaching us with the complaint. The complainant would submit, he was not aware of the procedure.

He had genuine grievance as to the treatment process. He wishes to proceed as against the treating doctor that is not within our domain. The concerned treating doctor was registered under the Maharashtra Medical Council as submitted by the complainant, the Clinical Establishment would deny such allegation. However, they would assure us, in case the concerned doctor is not yet registered under the West Bengal Medical Council they would definitely get it done within a period of two weeks from date.

The Hospital Authority would submit details of registration of the



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|  |  | <p>concerned doctor with the West Bengal Medical Council within a period of one week thereafter with a copy endorsed to the complainant so that the complainant may approach the West Bengal Medical Council within a period of one month thereafter. In case such an approach is made the West Bengal Medical Council is requested to consider the same on merits ignoring the delay, if any, in approaching them.</p> |
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In case we are approached again the issues, now raised by the complainant with regard to billing issues would be considered afresh on merits.

On the other issues we would permit the complainant to approach us in future in case he would get a favourable response from the Medical Council as against his grievance with regard to medical negligence. Ms. Sweta Sharma, Head, Legal, of the Clinical Establishment would assure us, they would wait for a decision by the West Bengal Medical Council in case they are approached, and would not take any punitive measures for recovery of the said amount covered by the notice of demand referred to above. We, however, give them liberty to proceed. We also permit them to proceed in case, despite registration of the treating doctor with the West Bengal



Medical Council and despite the stipulated period as referred to above, having expired, the complainant does not approach the West Bengal Medical Council or us, as the case may be.

The complaint is accordingly disposed of so far the complainant is concerned.

Before parting with, we intend to give certain guidelines to the Clinical Establishment to avoid unnecessary complaint of the like nature.

- i) The Clinical Establishment must ensure, all doctors, either under their pay roll as regular doctor or as consultant, must have registration with the West Bengal Medical Council so long they would treat patients at the Clinical Establishment in this state.
- ii) They must follow all Government guidelines and circulars with regard to service charges, processing charges for blood transfusion and/ or use of blood products and/ or whole blood particularly, with regard to charges provided there for, by the concerned circular.
- iii) The Hospital Authority would also see to it, there must be a rationale between the charges, either diagnostic or



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|  |  | <p>pathological, for the OPD patients as well as in-house patients. We hope, they would implement such decisions and send us a report of compliance.</p> <p>Sd/-<br/>The Hon'ble Chairperson</p> <p>Sd/-<br/>Prof. (Dr.) Sukumar Mukherjee – Member</p> <p>Sd/-<br/>Prof. (Dr.) Makhan Lal Saha – Member</p> <p>Sd/-<br/>Prof. (Dr.) Madhusudan Banerjee – Member</p> <p>Sd/-<br/>Smt. Madhabi Das - Member</p> |
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*Authenticated*

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