

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/NPG/2022/017

Ms. Dalia Goswami **Complainant**

vs

Fortis Hospital..... **Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	07/02/2022	<p>This complaint would mainly relate to billing. We have carefully examined the bill. Dr. Ms Susmita Roy Chowdhury, treating pulmonologist, is kind enough to join us at the hearing to apprise us the nature of treatment given to the patient and reply to our various queries made in course of hearing. Dr. Roy Choudhury is also critical about ABG done four times a day on May 23, 2021. She has also expressed surprise as to the Biofire examination that was done without consent.</p> <p>Mr. Sahin Biswas representing the administration, would however confront such allegation made on the part of the complainant. According to Mr. Biswas, consent was taken and he is trying to pass it on to the</p>



Commission.

Ms. Dolly Biswas, nursing superintendant has shared a note that would show, Dr. Pradoot had a detailed discussion with the patient's daughter and obtained her verbal consent for biofire examination.

We are of the view, concerned examination is a costly one that might have been done as suggested by the treating team. The patient party were counselled as contended by the CE that the complainant would deny. Written consent is however, conspicuously absent.

We have examined the bill. The investigations have been overcharged in excess of the tariff fixed by us through our various advisories.

It is a unique case where a patient who was treated for covid and other disease for 29 days, was given medicine worth Rs. 10 lakhs out of Rs. 23.64 lakhs being the total cost of her treatment. We do not find any satisfactory explanation on that issue.

Dr. Roy Chowdhury in her usual fairness would



also observe, the bill must be given a relook. We leave it to the wisdom of the management to do such exercise and if they find any irregularity and / or infirmity they should definitely pass on suitable relief to the complainant in addition to the relief that we would be giving.

Violation of our Advisories are galore in case of investigation, consumable, medicines, use of high end drugs.

We have shared our calculation with the parties. A sum of Rs. 3.3 lakhs have been charged in excess. Pertinent to note, out of Rs. 23.64 lakhs Rs. 10 lakhs have been paid by the TPA, thus the patient had to bear 60 percent of the cost. On that count, huge sum is payable to the complainant.

Our conscience would prick if we allow four times ABG on 23rd May. We disallow Rs. 3400/- on that count.

We direct refund of Rs. 2,00,000/- to the complainant on sharing of her bank details.

Coming back to the violations, we find from our



record, four cases on the identical issue against the establishment were disposed of. i.e in case of Debika Saha, Uttara Dutta and Bikash Chandra Mondal vide orders dated September 6, 2021 and Mr. Jonny Bassi dated November 24, 2021 where identical violations were pointed out. Even then, the present case has come as a fifth violation. We impose a penalty of Rs. 50,000/- as against the Clinical Establishment that should be deposited within four weeks from the date with the Commission.

At this juncture, patient herself, with permission from the Commission, would submit that she had to spend all her resources for the treatment and the amount of penalty of Rs. 50,000/- be given to her to reduce her hardship to some extent. In such circumstances, we direct the CE to pay the penalty amount to the complainant. Hence, Rs. 2,50,000/- must be paid to the complainant on sharing her bank details at once.

The complaint is disposed of accordingly.



Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Madhusudan Banerjee – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated
[Signature]
[Signature]

ARSHAD HASAN WARSI
Secretary
W. B. C. E. R. C.