Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2022/031

Dr. Sabyasachi Basu ..... **Complainant**

vs

CMRI..... **Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	23/02/2022	The complaint would relate to a very critical Neuro patient who was not being properly attended to at the CE at the crucial hour. The complaint would reveal, the patient had a cerebral intracranial haemorrhage firstly, on January 6, 2022 however, the patient immediately recovered and he was admitted in a local nursing home. Subsequently, On January 8, 2022 there had been a recurrence for which the complainant decided to transfer him to a higher setup and the patient was brought at the CE at about 12.30 am on January 9, 2022. At that time Dr. Vias Mukherjee, attended the patient and admitted him under Dr. Mahesh Chowdhury (Medicine) in view of the patient being covid positive. He was subsequently transferred to ICU. The

			ICU Registerar, Dr. Gulam Saha, attended the patient and she was under constant touch with the complainant who is also a doctor. The record would reveal, the ICU doctor suggested CT brain as the CT brain done at a different establishment on the same day did not have desired result. There had been also a referral to neuro surgeon. Neither the CT brain was done nor any neurologist or neurosurgeon visited the patient. CT brain was done on the next day at the afternoon and it took about twelve and half hours time to have the CT brain done. The Clinician under whom the patient was admitted being Dr. Mahesh Chowdhury also came at about 1. pm whereas Dr. Tapas Chatterjee the neurosurgeon came at 2.30 p.m. By the time Dr. Chatterjee examined the patient it was too late ultimately he advised not to go for surgery. On the insistence of the complainant he agreed to do the surgery. However, the consent was subsequently withdrawn considering the situation. The complainant, a Doctor by profession, being the son of the patient, would raise principally two issues i) since the patient was covid positive CT brain was not

done on the plea; the machine would only entertain examination of the covid positive patient at a particular time maintaining the covid protocol and for which early CT brain could not be done.

Dr. Chatterjee, in his usual fairness, has categorically stated before us whenever he was contacted he saw the patient.

The CE responded to the complaint. According to them, they did whatever best they could do to the patient. The patient was critically ill. Despite best efforts given at the CE the patient succumbed to the deceased. However, it is significant to note, two pertinent questions that the complainant would raise have not been answered rather, carefully avoided by the CE.

Dr. Sabyasachi Basu, the complainant, would contend, had the CT brain done immediately after the patient had been brought at the CE even if, the neurosurgeon had not been there, being a Doctor they could try to make some other arrangement on examination of the CT brain report.

We find logic in his argument. The CE is a quite big hospital in the city serving patients for decades. It is unfortunate a critically ill patient admittedly did not get adequate clinical support at the crucial hour. The CE, would mention about the covid protocol. We beg to defer. If an Emergency would arise the patient must be given priority in doing CT brain. Dr. Sraddha , representing the Administration, would contend, that might disturb the patients waiting inline for CT being non covid patient. We have not been given the benefit of perusal of record that would support her contention.

We have considered the rival contentions. We got assistance from Dr. Vias Mukherjee and Dr. Tapas Chatterjee wherefrom we would unhesitatingly hold, the CE responsible for their deficiency.

The patient was critically ill that is not in dispute. We are not sure about the result if deficiency could have been taken care of at the critical hour hence, we cannot conclusively hold that the death was due to such deficiency. At the same time, we cannot brush aside the

deficiency that is highlighted hereinbefore.

We award a compensation of Rs.2,00,000/- that the CE would pay to be paid to the complainant on sharing of his bank details.

The complaint is disposed of.

Sd/-
The Hon'ble Chairperson

Sd/-
Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-
Prof. (Dr.) Madhusudan Banerjee – Member

Sd/-
Dr. Maitrayee Banerjee – Member

Sd/-
Smt Madhabi Das – Member

Authenticated

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