Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2022/051

Dr. Arindam Basu ..... **Complainant**

vs

Narayan Memorial Hospital..... **Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	25/02/2022	The complaint would relate to medical as well as hospital negligence. The complainant lost his father. He is also a medical practitioner. At the outset, he has made it clear to us, he has no grievance as against the treating doctors and do not wish to peruse any complaint as against the treating Doctors. His complaint would relate to the hospital negligence. We appreciate his gesture and try to avoid the issue of medical negligence in the foregoing order hereinafter. The patient, late Biplab Kumar Basu was 75 years old. For his co-morbidities he was initially admitted at the CE from December 6, 2021 to December 14, 2021. He was admitted principally with the complaint of

			immobile condition. He was feeble having various co-morbidities. The present complaint does not relate to first admission. Hence, we do not wish to further on the issue. The patient visited the OPD on December 20, 2021 when he was examined by Dr. Pahari Ghosh, senior neurologist and he was diagnosed having Parkinson disease. Dr. Ghosh advised admission. The patient was admitted on December 23, 2021. Despite treatment, he passed away on January 2, 2022. The present complaint would reveal, the patient was principally admitted for neurological treatment. However, he died of pneumonia that the complainant would contend, was a hospital acquired infection for which the hospital could not avoid their primary responsibility. The complainant would make such allegation on the basis of his opinion that he arrived at on examination of the investigation reports that the CE shared with him. Pertinent to note, despite request, the CE failed and neglected to share all medical records with the complainant. Even after filing of the complaint when

			we asked the CE to give their response they did not share copy of the response with the complainant. The complainant would also contend, at the time of admission this could have been detected. Had it been done so, the patient could have been treated at an early stage. However, this issue would have a medical component that would be outside our domain. He would also contend, first discharge summery should have referred such issue. The discharge summery is prepared by Doctors on behalf of the CE that would not be available for our scrutiny. We have examined the bill that would reflect a very very unfortunate state of affairs prevalent at the CE. A ventilated patient was charged for dietician and physiotherapy. Our Advisories have been performed in breach. There has been blatant violation on that score. For nine and half days stay, the patient was billed for 11 days bed charge. The principal Doctor visited the patient

regularly and the CE charged accordingly. However, the referral doctors including ophthalmologists purportedly visited just a day before the death of the patient. Rs.60,800/- have been charged on that count. Even if we ignore the Doctor charge issue we would find, Rs. 47,386/- have been over billed. The CE would contend, they ultimately gave a discount of Rs. 35,141/-. In our view, when the patient is entitled to be billed for just treatment question of adjusting discount as against the inflated billing would not be the right approach. We do not wish to accept such explanation on the part of the CE. Dr. Swarup Sinha would represent the CE. Dr. Sinha, in his usual fairness, would leave the entire issue for our consideration.

On the billing issue, we feel, even if we take into account the discount that the CE has purportedly given as recorded above, a sum of Rs 50,000/- would be apt as a minimum pecuniary benefit that should be extended to the complainant ameliorating his grievance on the bill.

The complainant has also raised various issues on

			mishandling of the patient by the paramedical staff. In our view, that would be trifle considering the other issues. We do not wish to deliberate on the same right now. Dr. Sinha would assure us, they would send the money to Dr. Basu, the complainant by bank transfer within seven days from date. The complainant is asked to share his bank details with the CE right now so that money could be transferred to his account immediately. We direct the CE to share all medical records with the complainant within a week from date. The complainant would also be at liberty to examine the medical records that the CE would be sharing. He would also be entitled to ask for further records pertaining to the treatment protocol if he would feel so fit and proper. The CE is also directed to share Infection Control Mechanism prevalent at the CE and the steps taken from

time to time by them contemporaneously.

We also direct the CE to share the brief death summery of the patients who died within fifteen days prior to and after the death of the subject patient so that the complainant could get an idea as to whether any other patient died contemporaneously with hospital acquired infection.

After perusal of the medical records as also the other records that the CE would be sharing in terms of our foregoing order the complainant would be at liberty to approach the appropriate authority including us raising identical issue pertaining to hospital acquired infection.

Before we part with, we would be failing in our duty if we do not highlight a pertinent issue that our esteemed member Dr. Maitree Banerjee has raised in course of hearing of the matter. On a query made by Dr. Banerjee the hospital could not give any plausible explanation as to why there is no regular full time microbiologist at the CE.

Dr. Sinha would confront such allegation. Dr. Basu, the complainant would contend, he tried to contact the micro biologist at the crucial hour when the concerned microbiologist was not available at the CE. Since the hospital is having 172 beds it must maintain a proper microbiology Department having a full time microbiologist. We direct the CE, they must take care of the deficiency and report to the Commission.

The complaint is disposed of.

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

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