

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference:INT/NPG/2022/191

Mr. Uttam Kumar Nath Complainant

VS

ILS Hospital, Dumdum..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	28/10/2022	<p>The complaint would relate to principally medical negligence. We have carefully gone through the medical records that have been evaluated by our medical experts. The principal complaint would relate to complication in a failed central line procedure that ultimately resulted in death of the patient. The patient was admitted for 39 days. She was admitted on August 3, 2022. The incident happened on September 3, 2022. The complaint would also reveal, the patient did not want central line to be done yet, the concerned RMO ignored her objection and tried to do the procedure that became unsuccessful and caused tremendous bleeding that ultimately caused her death.</p>

			<p>The nature of the complaint would relate to medical protocol that would be outside our domain. The complainant would be at liberty to approach the appropriate authority for the same. In case they are successful they would be at liberty to come back to us afresh.</p>
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The CE has already shared the entire medical records with the complainant, the son of the ill-fated patient. The complainant would also want CCTV footage of the relevant date. It is very difficult to have the CCTV footage at this belated stage. Moreover, the treatment area is outside the CCTV area. We direct the CE to provide the entire CCTV footage of the relevant date, of the cameras installed at the hospital premises wherever they were. They would send a copy of the same to the Commission with a copy to the complainant for their perusal.

For 39 days admission the CE billed a sum of Rs. 20,00,000/-. We have examined the bill and is shocked to note, our Advisory are performed in breach. Our



Advisory No. 7,8,14 and Order dated July 2, 2021 are clearly violated.

High end antibiotic and antifungal drugs have been used at the highest price tag and that too, at MRP without giving any discount violating Advisory no 8. Three medicines can be referred to as example.

U-TRYP injection was used at the rate of Rs. 4,265/-. Altogether thirty vials have been used at the said rate. It appears that the said medicine is freely available in the market within the range of Rs. 1,190/- and Rs. 2240/-. On an average if we price the drug at Rs. 1,265/- there would be a difference of Rs. 3,000/-. If we multiply the same by 30 it would amount to Rs. 90,000/- that was realised in excess.

Human Albumin is available in the market at the rate of Rs. 4,000/- from medicine companies on repute. 10 vials of the said medicine were used at the rate of Rs. 7,325/- that would amount to Rs 33,250/- charged in excess.

		<p>Fonyl 4gm injection 'was used at the rate of Rs. 5,606/. Significantly, the same brand was charged also at the rate of Rs. 5,940/- without any rhyme or reason. One medicine company of repute GLENMARK is selling the said medicine at MRP of Rs. 1,500/-. 36 vials have been used. A sum of Rs.1.44 lakhs have been charged in excess.</p>
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The total cost of medicine was charged for Rs. 9.48 lakhs. If we follow our Advisory 14 it would attract discount of Rs. 1.4 lakhs.

There are some more instances of violations.

The investigation cost on pathology and radiology are charged in violation of our Order dated July 2, 2021 that would also attract substantial amount of excess charged. The aggregate amount would be Rs. 2,52,050/-.

The patient was charged for bed charge at the rate of Rs. 7,500/- that would include fooding yet, the hospital charged for lunch, breakfast, dinner separately. The CE would contend, those are charged for the companion food

charges. We do not find any such reflection in the bill.

In course of hearing, Dr. Arijit Saha, Medical Superintendent, Dr. Tapas Roy, Nephrologist and Dr. Sudipta Dutta, Medical Super, would contend, despite best efforts of the treating team the patient could not survive. The hospital offered discount however, the complainant did not show any interest in it. The complainant would contend, they offered discount of Rs. 40,000/- that was not acceptable to them.

We feel, a sum of Rs. 5 lakhs was charged in excess.

It is a fit and proper case to refer it to the licencing authority to take appropriate measure against the CE giving them an opportunity to show cause why such action would not be taken. We refrain from doing so as in course of hearing the representatives present online, would seek a short adjournment to talk to their management. We adjourned the matter for some time.

The representatives have now come back. In deference to the desire of panel, they agree to pay the

said sum however, they would request for little relaxation of the suggested amount.

We appreciate their gesture and reduce the amount to Rs. 4,00,000/- and permit them to pay the same by two equal monthly instalments payable on November 15, 2022 and December 15, 2022.

We direct the complainant to share his bank details with the CE so that money could be sent to their account.

Before we part with, we appreciate the gesture shown by the hospital authority through the representatives appearing before us online, Dr. Arijit Saha, Dr. Roy and Dr. Sudipta Dutta.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Authenticated
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			<p>Sd/-</p> <p>Dr. Maitrayee Banerjee – Member</p> <p>Sd/-</p> <p>Sri. Sutirtha Bhattacharya, IAS (Retd)- Member</p> <p><i>Authenticated</i></p> <p><i>Secretary</i></p> <p>West Bengal Clinical Establishment Regulatory Commission</p>
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