Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2020/02

Present: Justice Ashim Kumar Banerjee (Retired), Chairman

Dr. Sukumar Mukherjee,

Sri. Sutirtha Bhattacharya,

Dr. Maitrayee Banerjee,

Smt. Madhabi Das.

Mr Suman Paul .....Complainant

- Versus-

Medica Superspeciality Hospital

.....Respondent

Heard on: February June 30, 2020, February 19, 2021, May 3, 2023

Judgment on: May 22, 2023.

FACTS

On January 22, 2020 Ms Sumita Paul was admitted at Ramakrishna Mission Seva Prathistan. At the time of admission, she developed hypoglycaemia that was controlled during her stay at the hospital. The investigation revealed, she had chronic kidney disease, left ventricular systolic dysfunction, anemia and urosepsis. She was also investigated for unexplained hyper-calcaemia. She was discharged on February 24, 2020 with a bedsore that the patient developed during her hospital stay.

On March 6, 2020 she had bleeding per rectum and was admitted in Medica under Dr. P Setthi. She was stabilized and investigation revealed colonic angioectasis and hemorrhoids as the cause of bleeding. She was discharged on March 11, 2020 when Medica found her in stable condition and fit to be discharged. Within hours after discharge, she had to be admitted at Ramakrishna Miission Seva Prathistan again. She ultimately passed away on March 18, 2020.

She had three admissions; two at Ramakrishna Mission and one at Medica. The first one was in Ramakrishna Mission followed by Medica and finally at Ramakrishna Mission where she breathed her last.

COMPLAINT

The complainant filed a complaint before us as against both the hospitals on June 18, 2020 questioning medical protocol as well as hospital negligence that would principally pertain to bedsore issue. We heard the complaint on February 19, 2021 when we disposed of the same by imposing a penalty on Ramkrishna Mission for Rs.

25,000/- on bedsore issue. With regard to Medica we granted liberty to the complainant to approach the West Bengal Medical Council and come back afresh before us if he was successful.

The complainant availed the liberty granted by us and approached the West Bengal Medical Council alleging medical negligence against both the hospitals and their doctors. Vide Order dated April 4, 2023 the West Bengal Medical Council decided to close the case as they could not find any medical negligence by the doctors of either of the hospitals.

The relevant extract of the order of the West Bengal Medical Council is quoted below:-

"The allegations against Medica Superspeciality Hospital cannot be ruled out considering the fact that the patient needed ICU care in RKMSP within few hours of discharge from Medica Superspeciality Hospital".

... ...

"However, the role of medica Superspeciality Hospital in releasing the patient on 11.03.2020 in a reported "stable condition" is not beyond question since the patient had to be re-admitted on the very day itself in the ICU of RKMSP".

... ...

"The role of Medica Superspeciality Hospital in releasing the patient on 11.03.2020 in a reported "Stable condition" was not beyond question sine the patient had to be re-admitted on the very day itself in the ICY of RKMSP".

... ...

"In so far as the observation of the Committee about the Medica Superspeciality Hospital concerning the release of the patient in reported " stable condition" on 11.03.2020, the Council decided that the matter be brought to the notice of the West Bengal Clinical establishment Regulatory Commission for redressal, if any".

FURTHER HEARING

The complainant did not make any formal complaint before us however, the West Bengal Medical Council referred the issue directly to us inter-alia to consider the issue of negligence as against Medica.

We placed this matter for further hearing before us on May 3, 2023.

COMPLAINANT'S SUBMISSION

Mr. Paul reiterated his earlier stand as culminated in the Order dated February 19, 2021 Mr. Paul also insisted that we should proceed against Ramakrishna Mission as well on a definite issue, the CE failed to detect the infection of Klebsiella Pneumonia that the patient got affected during her stay at Ramakrishna Mission. We did not

permit him to raise such issue as it stood finalised in the said order dated February 19, 2021 followed by the West Bengal Council Order dated April 10, 2023.

We heard the parties on the issue on the complaint as against Medica.

PER CONTRA

Mr. Komal Dashora representing Medica would contend, the Commission, by its Order dated February 19, 2021, permitted the complainant to file a further complaint in case he was successful before the West Bengal Medical Council. The Medical Council did not find any medical negligence and exonerated the entire medical team of both the hospitals. Hence, the complainant is not entitled to file a subsequent complaint. In any event, the complainant, in fact, has not yet approached the Commission for appropriate relief hence, the Commission should not impose any penalty on Medica.

OUR VIEW

We have considered the submissions of Mr. Paul and Mr Dashora.

While we are in full agreement with Mr. Dashora, the complainant has no right to approach afresh., we are still entitled to reconsider the issue as against Medica as another statutory body being West Bengal Medical Council has referred the issue to us that would definitely deserve reconsideration in the light of the observations made by the West Bengal Medical council and we intend to do so by the foregoing judgment.

The core issue involved herein is whether the Medica was justified in discharging the patient in "stable condition" when patient had to be re-admitted within few hours of her discharge form Medica. The West Bengal Medical Council also raised doubt as to whether the patient was fit to be discharged.

The West Bengal Medical Council observed, ***role of Medica in releasing the patient on March 11, 2020 in a reported "stable condition" was not beyond question since the patient had to be re-admitted on the very day itself in the ICU of Ramakrishna Mission.***

The West Bengal Medical Council considered the medical records and observed so that is final and binding upon all concerned. It was a final decision of a body of experts and we do honour them. We do not find any scope to differ.

This would only guide us to hold, it was a hasty discharge. Even if we consider the entire scenario we cannot satisfy ourselves how a patient could be discharged after about 12 days of treatment, and would have to be re-admitted within few hours in ICU.

We are not sure whether the patient could survive even if she was at Medica till her death. The role of Medica in such hasty discharge would definitely deserve a proper penalty to ameliorate the grievance of the complainant.

We would impose a penalty of Rupees fifty thousand to be paid to the complainant by Medica on sharing of his bank details.

The complaint is disposed of accordingly.

Sd/-

(ASHIM KUMAR BANERJEE)

We agree,

Sd/-

Dr. Sukumar Mukherjee,

Sd/-

Sri. Sutirtha Bhattacharya,

Sd/-

Dr. Maitrayee Banerjee,

Sd/-

Smt. Madhabi Das.

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission