Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: ID- INT/KOL/2023/085

Present: Justice Ashim Kumar Banerjee (Retired), Chairman

Dr. Sukumar Mukherjee,

Dr. Makhan Lal Saha

Sri S.K. Thade

Dr. Maitrayee Banerjee,

Smt. Madhabi Das.

Ms. Erica Diya Basu .....Complainant

- Versus-

Apollo Hospital .....Respondent

Heard on: May 29, 2023

Judgment on: July 10 , 2023.

S. P. Mukherjee.

BACKDROP

The complainant had pain abdomen. She visited Gastroenterologist who advised CT Enterography and CT Angiography. The complainant used the helpline of Apollo to book her test. According to her, she categorically informed Apollo about two tests advised by the concerned Gastroenterologist. On the appointed date she visited Apollo for her test. She was on fasting since last evening as asked by the concerned staff of Apollo at the time of booking.

When she visited Apollo across the counter she would find, the concerned staff, whom she approached, was not aware of such tests. As a result, she had to move from one desk to the other. Finally she could approach the Radiology Department. When she wanted to make payment she was asked to wait. Ultimately the concerned staff prepared the bill for CT Enterography only. When she alerted that she would have to do two tests CT Enterography and CT Angiography the concerned staff would assure her that bill would cover both.

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She had to wait for the test for a long time. There was an unforeseen situation when a patient was having appropriate radiological tests he suddenly became critically ill and Code Blue was announced. The entire staff of Radiology Department became busy with the said patient until the patient was wheeled to ICU. She was absolutely traumatized to see the fate of the patient who was having radiological test just before her. She was waiting in the lounge while the patient was being wheeled to ICU. She was in the corridor when she was sandwiched between the trolley and the wall as the space was too narrow. She wanted to have her test postponed to the next date. However, the concerned staff assured her that test would be done immediately. She was called late in the afternoon for the test. When she entered into the investigation room she was asked to change her dress. She was asked to take the Peglac solution within twenty minutes to get ready for the test. Altogether she had to be on fasting for about fifteen / sixteen hours. The CE did not maintain proper hygiene at the investigation room. Once the earlier patient was taken to ICU they did not properly clean the table. They just spread a disposable paper roll and asked her to lie down.

She forwarded her report to her Gastroenterologist who asked her to consult Vascular Surgeon. She consulted Dr Anirban Chatterjee, the Vascular Surgeon. Dr Chatterjee enquired about the CT Angiography report. She told him that she had been assured that the CE Enterography would cover the CT Angiography. Dr Chatterjee was not satisfied and asked for separate CT Angiography that she did separately again on April 20, 2023. She submitted both the reports to us. She would have serious grievance with regard to the total mismanagement on the part of Apollo.

RESPONSE

On receipt of the complaint dated April 28, 2023 we asked Apollo to give their response. Apollo gave their response vide letter dated May 25, 2023. According to them, they only charged for CT Enterography as according to their protocol the CT Enterography was done as per the advice of the Gastroenterologist particularly keeping in view the purpose of the examination. According to them, the concerned Radiologist gave his report that would cover the area that the Gastroenterologist advised.

The CE highlighted the portion of the report that is quoted below:-

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" Aorta is normal in course, caliber and show normal major branches viz. Coeliac trunk, Superior Mesenteric Artery and Inferior Mesenteric Artery. It shows normal bifurcation into Common Iliac Arteries. No evidence of any AVM, angiodysplasia, aneurysm seen. No stenosis noted. No extravasation of contrast seen anywhere".

Pertinent to note, Dr. Partha Sarathi Patra, Gastroenterologist, by his prescription dated April 6, 2023 advised CT Enterography and CT Angiography to look **Coeliac Axis and Mesenteric vessels**. The concerned Radiologist already gave his report on the said two issues as would appear from the report itself. However, the patient had her CT Angiography done seperately on April 20, 2023 as per advice of the vascular surgeon.

The CE also contended in their reply, the complainant started harassing Apollo by making complaints to the police, Health Department and other organizations. The Health Department formed an Inquiry Committee to enquire into the aforesaid complaint. The hearing was duly attended by the representative and clinicians who explained the response of the hospital.

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According to Apollo, the incident of Code Blue as referred to by the patient, was totally irrelevant for the purpose of present complaint.

HEARING

We fixed the hearing of the complaint on May 29, 2023 upon notice to the parties concerned. We also requested two experts on the subject; Dr. Sougata Sen, Radiologist, Tata Medical Centre and Dr. Avik Bhattacharya, Radiologist, CMRI to be present at the hearing to assist us. Accordingly Dr. Sen and Dr. Bhattacharjee were present at the hearing. We heard the parties at length.

The complainant narrated her ordeal in detail. According to her, the hospital must apologies for the total mismanagement for which the complainant suffered a lot.

Our experts, Dr. Sen and Dr. Bhattacharya, had a discussion with the concerned radiologist of Apollo who did the test. According to Apollo, the very purpose for which the test was directed, could be served by CT Enterography. Hence, it was done however, the Vascular Surgeon subsequently advised CT Angiography that was also done.

S. P. Mukherjee.

OURVIEW

We have given a very patient hearing to the complainant when she narrated her ordeal in detail. It is unfortunate, Apollo claiming to be a star hospital, having great number of footfall, was not serious to deal with an aged patient who approached them for radiological test. Even if we buy their explanation that CT Enterography was sufficient to have the desired result we cannot conceive of the situation for which the patient had suffered.

Once she booked her test the hospital must be ready and there must be one window that would serve the purpose of every patient visiting therein and that must be hassle free.

The Code Blue situation is an unforeseen incident for which her test was delayed. The patient was already on fasting. The CE rightly did her test ,although belatedly, on the same day so that the patient may not suffer for another day keeping herself on fasting. The corridor leading to Radiology department should not have been so narrow. The CE must consider this aspect and give a relook to the same.

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In course of hearing, Ms Josodhara Ghosh, Vice President, Apollo was candid enough to show empathy for the patient. According to her, the patient's interest was the paramount consideration for them and they try their utmost to make the patient's visit free from any hassle. We feel, a letter of appreciation of the complainant's harassment during her visit on April 10, 2023 should be sent to the complainant without any further delay to ameliorate her grievance.

That would leave us with the issue relating to protocol and the report.

Dr. Bhattacharya has given his written opinion that is quoted below:-

DR. AVIK BHATTACHRYA

"CT Enterography can sometimes be combined with CT angiography of abdomen as the protocols, methods and the area of interest during reporting of both the procedures overlap substantially. However, it is very important that whenever we report CT Enterography along with CT angiography, we need to be very careful in terms of protocols of the procedure, the techniques we use during both the procedures and at the time of reporting both the procedures should be reported separately for better understanding of the referring physicians."

S.P.Mukherjee

CONCLUSION

We have considered the rival contentions as well as the opinion of Dr. Bhattacharya. Our primary duty is to see whether the Clinical Establishment enjoying license under the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017 are discharging their duty properly or not. Investigation protocol is completely a technical issue that would require medical expertise. Dr. Bhattacharya would opine, even if one test would give the desired result of both the tests advised by the Gastroenterologist would suffice it should be made clear in the report.

Whether the procedure that the concerned Radiologist followed in Apollo, was correct or not, would be outside our domain. We would rather wish to view the issue through eyes of Dr. Bhattacharya. The radiology Department of Apollo would follow a particular radiological protocol as would appear from their response. According to them, the desired result could be obtained by doing CT Enterography and there was no need for separate CT Angiography. If that is so the test report

should have made it clear. Unfortunately, it was not done in the instant case.

In this backdrop, let us examine the case in hand. Concerned Gastroenterologist advised CT Enterography and CT Angiography particularly, to look ***Coeliac Axis and Mesenteric vessels.*** If CT Enterography could give the desired result the reporting Radiologist should have been clear in his report that they did not do CT Angiography separately as the desired result had already been achieved by the test of CT Enterography.

Pertinent to note, the CE charged for CT Enterography. No separate charge for CT Angiography was taken. The Vascular Surgeon was not satisfied. He advised separate CT Angiography that was done.

We do not wish to interfere any further save and except observing henceforth, CE must be careful about the radiological report making the procedure transparent to the patient as also his/her physician.

The complaint is disposed of accordingly.

Sd/-
(ASHIM KUMAR BANERJEE)

We agree,

Sd/-

Dr. Sukumar Mukherjee,

Sd/-

Dr. Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee,

Sd/-

Sri S.K. Thade

Sd/-

Smt. Madhabi Das.

Authenticated.
S.P.
14/07/2023.

Secretary
West Bengal Electricity Regulatory Commission