

Office of the West Bengal Clinical Establishment Regulatory Commission

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**Case Reference: INT/KOL/2023/105**

Ms Ruma Halder ..... Complainant

vs

Apollo Clinic, Narendrapur..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	19/06/2023	<p>The complaint would relate to basic question as to whether a clinical psychologist can prescribe allopathic and anti-psychotic medicine.</p> <p>The complainant's son was under treatment of a psychiatrist who advised counselling apart from medication. The patient was under medication as per advice of the Psychiatrist.</p> <p>The complainant approached Apollo Clinic, Narendrapur for appropriate Psychological Counselling. The Apollo Clinic booked the appointment for the patient to be examined by Dr. Priya Nandy.</p> <p>The complainant would contend, Dr. Nandy</p>

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prescribed medicine instead of counselling. Dr. Nandy also advised that the medicine prescribed by the earlier Psychiatrist should be stopped and the patient must be having medication as per her instruction.

We have heard the complainant. We have heard the Apollo Clinic, represented by Ms. Subhra Dutta. Dr. Nandy is also present online.

Ms. Dutta would contend, they did not face this type of complaint before. The complainant is a frequent visitor to the clinic. As per her request they booked for psychological counselling. They did not know what would actually happen at the time of consultation.

Dr. Nandy would however insist, she was practicing as a clinical psychologist in USA where she used to prescribe medicine. She was having appropriate authentication from Indian Embassy at USA. She is however candid enough to say, in case she is legally barred to prescribe medicine she would not do so in future.

On our request, Dr. Sujit Sarkhel, Psychiatrist, Institute of Psychiatry, is present with us. Dr. Sarkhel would strenuously contend, any person without having an appropriate medical degree cannot prescribe allopath medicine under section 34 of NMC Act 2019. Moreover, in case of psychiatric treatment it is barred under Section 107 and 108 of Mental Health Care Act of 2017. These statutory violations would amount to penal offence that would be punishable under the appropriate laws of the land.

We have considered the rival contentions. We are also enlightened by the expert opinion.

Dr. Nandy is candid enough to say that she was not properly aware of the legal implications she would pray for Pardon. She would assure us, henceforth she would not do so.

Ms. Dutta would also assure that there would be no such recurrence in future in her establishment.

In view of such assurance, we do not wish to

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interfere any further .

Ms. Dutta offers refund of the consultation fee for Rs. 1,000/- that was collected from the complainant. Let the complainant collect the same from the clinic.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

*Authenticated*  
*S. P. Mukherjee*  
*23/06/2023 .*

Secretary  
West Bengal Clinical Establishment  
Regulatory Commission

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