

Case Reference: INT/KOL/2023/122

Mr. Bibek Kumar Tiwary Complainant

vs

Mission of Mercy Hospital & AMRI, Dhakuria..... Respondent/
Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	24/07/2023	<p>The complaint would relate to medical negligence.</p> <p>We have examined the medical records pertaining to the treatment at the CE as well as the next CE where the patient ultimately breathed her last.</p> <p>The patient was too critical. She was having carcinoma that was overlooked by the treating doctor at the CE. The patient came with the complain of back pain on November 20, 2021. She was there upto November 29, 2021. She was admitted under Dr. Nizam who advised several investigations including chest x-ray that revealed a mass lesion in the right lung that was completely overlooked. Since the patient was having back pain she was referred to orthopaedics and ultimately</p>



discharged after treatment.

The patient was subsequently admitted in another CE where the carcinoma was detected and patient died few days after the treatment.

The medical issue would be outside our domain. The complainant would be free to approach appropriate forum for the same. However, we cannot be mere onlooker when we find serious negligence on the part of the CE.

The discharge summary did not record the report of the chest x-ray that was the principal cause of the patient's ultimately death. Moreover, the treating doctor, in his response, categorically observed "patient was advised that she might need to go for further investigation like HRCT chest, MRI and all other needful investigations depending of her condition".

This important advice is consequently absent in the discharge summary.

The discharge summary was prepared and signed by the concerned RMO on behalf of the CE. CE cannot



avoid their responsibility.

The concerned CE is a Trust hospital running on “no loss no profit” basis. We impose a token penalty of Rs. 25,000/- to be paid to the complainant, the son of the deceased patient.

We caution the CE, they must see that there is no such recurrence in future.

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
[Signature]

Secretary
West Bengal Clinical Establishment
Regulatory Commission

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