

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/KOL/2023/126

Mr. Manoranjan Samal Complainant

vs

AMRI, Mukundapur..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	09/08/2023	<p>This complaint would relate to an additional sum recovered from a CGHS covered patient.</p> <p>The complainant would contend, the patient was fully covered by CGHS hence, there was no scope for any additional charge. Moreover, additional sum of Rs. 23,000/- was taken from the complainant without having any formal consent being taken for such procedure.</p> <p>Haemoclip was used to control the bleeding during endoscopy .</p> <p>The CE gave a response dealing with the issue of the additional amount. According to them, the hemostatic clip was priced at Rs. 23,830/- (MRP) whereas after</p>

giving discount of 20 per cent the CE realised Rs. 19,064/-.

The other issue on consent, has not been dealt with by the CE and they have maintained total silence.

In course of hearing, the complainant would contend, he was personally present during the procedure waiting in the lobby. No one called him and explained the situation. The patient was discharged three days after the procedure. During this period, he was never told about the use of such clip. Only at the time of discharge, when the billing section demanded the sum the complainant came to know about the same.

The complainant would further contend, his office has also raised a plea that the use of such clip could have been avoided.

The CE is represented by Dr Hazarika as well as Ms. Rina Ghosh, Unit Head. Both of them would fairly admit, it was a medical procedure and could not be said to be non medical expense. However, they would strenuously



contend, since the patient was bleeding profusely as an emergency measure the clip was used.

Dr. Sanjoy Basu who did the procedure is also present. He would also inform us, it was a case of emergency and use of clip was essential.

Our esteemed medical members of the panel are unanimous of the view, Dr. Basu did the right thing and use of the clip can not be said to be superfluous. The complainant and / or the CE can take it up to the CGHS authority on that score.

However, we cannot buy the contention of the CE that verbal consent was taken from the complainant when complainant would categorically deny so.

The statement of the complainant inspires confidence in us. It was a case of emergency. Doctor decided to use the clip and he was authorised to do so. We agree with the contentions of Dr. Basu on the score. However, the CE should have maintained transparency and should have obtained appropriate consent

immediately after the procedure from the complainant who was all throughout waiting in the lobby to know the result of the procedure. The patient was there for three more days. Ms. Ghosh would also admit, the complainant was not approached during such period. It was only when the patient was being discharged and money was demanded.

We direct the CE to send a letter of regret to the complainant and explain the situation under which the clip was used so that he could use such letter while taking up the issue with the CGHS authority.

We further make it clear, henceforth, the CE must be cautious and must take adequate measure so that this type of incident may not recur.

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



Secretary
West Bengal Clinical Establishment
Regulatory Commission

