Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2023/130

Mr. Subhajit Kundu .... **Complainant**

vs

Woodlands Hospital &Nightingale Hospital..... **Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	29/08/ 2023	This complaint would relate to a very very unfortunate death of a 33 year old lady who lost her life at a very early age and that too, leaving a child aged about three and half years. The patient approached the concerned surgeon with pain abdomen. On examination, the patient was advised Gallbladder Surgery. On the advice of the concerned surgeon, she got her admitted at Nightingale. She took admission on May 29, 2023. She was taken to the OT at 11 a.m. and the surgery was done by 12.40 p.m. The patient was discharged on the very next day that too, at 12.03 p.m. that would be less than 24 hours

time.

CE would contend, the discharge was on medical advice given by the concerned surgeon whereas CE would rely on certificate of the concerned surgeon where it was recorded, "the operation was uneventful and the patient was discharged on May 30, 2023 **on request".**

The patient had immense pain. It revealed, there had been post surgical complication due to bowel perforation. She was advised to further admission that took place at the second CE, Woodlands on June 3, 2023. Curative surgery was done on June 5, 2023. The condition of the patient deteriorated.

Post operative medical board was constituted on June 8, 2023. Ultimately, the medical board decided to transfer her to SSKM and such transfer took place on June 17, 2023. The patient was admitted at SSKM on June 17, 2023 and died on July 26, 2023 at SSKM.

The ill-fated husband of the patient has approached us with his complaint as against both the CEs. He has also

			approached the West Bengal Medical Council as against the treating surgeon. So far the first CE is concerned, we find, the discharge summary would depict a normal discharge under medical advice. The CE is also consistent in their response given to us on August 8, 2023 where it is recorded that she was discharged on medical advice. The said response is accompanied by a certificate from the concerned surgeon where the surgeon described the discharge as a discharge **on request**. The representative present at the hearing is unable to give any satisfactory explanation as to the conflict on discharge. We would find from the bill, no discount was given either on medicine or on consumable. Mr. Sarkar representing the CE would offer discount of Rs. 960/-. We direct the complainant to share his bank details so that money can be transferred to him by Nightingale at once. In course of hearing, on a query made by, Mr.

			Bhattacharjee, our esteemed member, Mr. Sarkar would apprise us that they would always verify the credentials of surgeon including their due expertise on the use of Laparoscopic procedure for surgery. Mr. Sarkar would also assure, he would furnish all necessary particulars of the surgeons attached to the CE including the concerned surgeon showing their competence to do the Laparoscopic surgery. Such compliance may be sent within a week from date so that we can forward the same to the appropriate authority. We, record our displeasure as to the conflict referred to above on the discharge. CE must be cautious so that there would be no such recurrence in future. The complainant would also contend, they have asked for a CD containing recording of OT procedure that the CE has refused to share. According to Mr. Sarkar representing Nightingale, they do not, as a matter of course, record any surgery proceedings unless and until there is any specific request made before the OT.

			The complainant would however contend, the CE told them, they recorded the OT. However, they cannot share the CD without the concurrence of the concerned surgeon. This conflict, in our view, cannot be resolved in absence of the concerned surgeon who would be beyond our reach. We are however unable to accept the contention of the CE how they would not use the modern system of recording of the surgery as a matter of course. We would refer the issue to the appropriate authority under the Health and Family Welfare, State of West Bengal, particularly, the licensing authority for appropriate steps in this regard. With regard to Woodlands, we are amazed how the curative surgery could be described as ***"obstructed paraumbilical hernia"*** referred to in the bill as well as in the response. The complainant would categorically submit, it was a

			curative surgery however, the CE advised that they should describe the surgery as Hernia so that they could realise the insurance claim. Ultimately, no cashless facility was given to the complainant and the entire money was realised in cash from the complainant. The complainant would contend, the concerned surgeon insisted that they should shift the patient to SSKM at once and was instrumental in getting a bed at Woodburn. The bill was accordingly lodged with the TPA. TPA asked for certain clarification. CE could not furnish such clarification. To avoid delay in transfer of the patient they had to pay the entire amount in cash. Dr. Basu, representing the CE would submit, the bill as well as the response were prepared as per the note given by the concerned surgeon and the CE has no hand in it. The nature of the surgery as reported by the concerned surgeon to the CE, was taken into account. The complainant would strenuously dispute such contentions.

			We are totally amazed how a hospital of repute would do so. The entire records would show that the patient had post operative complication from a gallbladder surgery that would need immediate redressal. The patient got herself admitted at Woodlands on the advice of the concerned surgeon. Such curative surgery, in no stretch of imagination, could be termed as a "Obstructive Paraumbilical Hernia." Be that as it may, at the end of the day, the patient was treated as a cash patient hence, the bill has to be prepared on cash mode. Once the bill would be prepared on cash mode the CE must follow our Advisory in its true letters and spirit. Pertinent to note, the patient was admitted on June 3, 2023. She was discharged on June 16, 2023. The bill was prepared on June 16, 2023 when our Advisories were in force including the order dated July 2, 2021. We wish to give one more opportunity to the CE to give complete relook to the bill. Dr. Basu would pray for

			some time to transfer the bill in cash mode. We have also shared our views on the bill with Dr. Basu so that they could address those issues while preparation of the new bill. Coming back to the medical issues, as observed hereinbefore, the complainant has already approached the Medical Council. Let him get the said complaint duly redressed by the appropriate authority. In case he is successful therein he would be at liberty to approach us afresh as against both the CEs or either of them so that we can address overlapping issues. The complaint is disposed of to the extent of bill in respect of Nightingale. The complaint is partly kept pending against Woodlands restricted to the issue of billing. The CE would prepare the bill and share it with the complainant with a copy to us within a week from date. On receipt of the said bill, the complainant would be

			free to give his view with a copy to the CE so that CE could give their rejoinder, if any. On completion of the formalities as directed above, the matter would again be placed for hearing restricted to the bill of Woodlands. Rest of the complaint is disposed of. Sd/- The Hon'ble Chairperson Sd/- Prof. (Dr.) Sukumar Mukherjee – Member Sd/- Prof. (Dr.) MakhanLalSaha – Member Sd/- Dr. Maitrayee Banerjee – Member Sd/- Sri. Sutirtha Bhattacharya, IAS (Retd)- Member Sd/- Smt Madhabi Das – Member

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission