

By- **Adv. Rohit Erande**

"Hospital saddled with Rs. 1 lakh towards damages for lapses in keeping record of Purchase of medical materials"

The National Commission in its judgment dated 8th Jan, 2016 in the case of POST GRADUATE INSTITUTE OF MEDICAL EDUCATION & RESEARCH (P.G.I.M.E.R.), Chandigarh, V/s. JUG JEEVAN PAL & ANR gave this verdict.

<http://cms.nic.in/ncdrcusersWeb/GetJudgement.do...>

The Facts in nutshell:

The mother (75) of the complainant was admitted in the Hospital biliary stent was placed inside the patient and samples were taken for biopsy. Thereafter the patient was discharged at own instance and succumbed to death on same day. The allegations of Medical Negligence were made on the count that:

- a) There was no record of Stent maintained by the Hospital in order to show the date of manufacturing and date of Expiry.
- b) Blood testing was wrongly done at several occasions. Wrong blood test reports can definitely cause wrong diagnosis and wrong treatment.
- c) There was dearth of proper treatment.

The State commission rejected the grounds of Medical Negligence, but showed its anguish over the lethargic approach of concerned officers in maintaining the record of purchase of Medical Accessories, medicines etc & therefore saddled cost of **Rs.2 lakh** on PGIMER and feeling aggrieved thereby PGIMER approached National Commission.

Held:

After going through the record and after listening to the arguments advanced, the National Commission came to the conclusion that

- a) There was no Medical Negligence and held that treating doctor's assessment and judgement may have to be respected until proved contrary,
- b) But it was held that the deficiency in service is mainly in respect of not maintaining the proper records for the purchase and issue of medical items like stent etc. It was observed that the patient cannot be allowed to suffer on this account as they would never be sure about the authenticity and quality of treatment. Even though it is very difficult to compensate individual patient as consumer on account of this administrative lapse yet in specific cases like this, where the lapse might be a causal factor for death, the consumer of these services may be entitled to get some compensation.
- c) It has not been proved that the biliary stent inserted in the patient was defective or expired or of sub-standard quality as there was no record to show the purchase of the stent inserted in the patient & there is also no conclusive proof that the patient died due to insertion of this biliary stent, hence reduced the compensation from **Rs. 2 lakh** to **Rs.1 lakh** to be paid to the Complainant.

An eye opener judgement for all the Hospitals and Doctors. As I have mentioned number of times, that maintaining the proper record is always beneficial, here is an example for not keeping the record properly. In current scenario, where the Doctor-patient relationship is in turmoil, such lapses will add oil into it.