

Loss of fetus due to Wrong blood Transfusion = Compensation of Rs.15 lakh plus!!!

The Hospital was vicariously held liable and MAJOR PORTION of compensation was saddled upon the Hospital

The National Commission in the case of Dr. Anil Kumar Mittal V/s Smt. Neelan Gupta & ors, R.P. No.3145/2008) held the Doctor as well as the Hospital for wrong blood Transfusion. (see the link <http://cms.nic.in/ncdrcusersWeb/GetJudgement.do...>)

The brief facts are as under:

The complainant (patient) Smt. Neelam Gupta gave birth to a male child on 04.12.1988 in SBD Hospital, Saharanpur, UP. However she was advised Blood Transfusion after delivery, due to anemic condition of the patient. The petitioner herein, tested patient's blood previously on 15.09.1988 as B +ve and therefore, one bottle of B +ve blood was issued from SBD hospital blood bank and transfused to the patient.

Thereafter, till 1994, the patient became pregnant for four times, but every pregnancy resulted into fetal loss (death). In year 1994, during her 5th pregnancy, the patient got her blood group tested from the petitioner as B +ve, which was reconfirmed by Dr. Chandra at Arpit Diagnostic Laboratory as O +ve. Due to such disparity, the then Dr. Sareen, advised blood group from Dr. Vijay Laxmi Taneja, who reported it as B Negative on 15.11.1994. It was again reconfirmed by Dr. A.K. Jain on 16.11.1994 as B -ve.

The complainant contended that the Doctor as well as the Hospital, both are at fault. Because the Doctor did not bother to cross match the blood and the Blood Bank of the Hospital also did not carry out the necessary and mandatory Compatibility Test like grouping and cross matching.

The National Commission upheld the Complaint and rejected all the pleas of the Opponent Doctors and the Hospital. It was observed that" it was strange that the SBD blood bank just blindly issued the blood either without compatibility test (cross matching) or wrongly and carelessly performed it without following standard procedure. It is very unfortunate that, at the first instance only, if the blood bank would have detected patient's blood group correctly as B -ve, the major mishap would have averted. The patient was transfused with B +ve blood, which resulted into Rh-sensitization, i.e. development of anti Rh-antibodies in the patient's blood, which was the cause for destruction of fetus during subsequent pregnancies. Rh sensitization leads to death of fetus or development of abnormal fetus.

Therefore, the SBD hospital is wholly liable for this medical negligence."

The Commission applied the principal of 'Res ipsa loquitur'. "Res ipsa loquitur" (Latin word which means the thing speaks for itself) is one form of circumstantial evidence that permits a reasonable person to surmise that the most Probable Cause of an accident was the defendant's negligence. The plaintiff's injury or damage must have been caused by an instrumentality or condition that was within the exclusive control of the defendant.

*The Petitioner doctor was held responsible for damages for **Rs.10,000/-** only for wrong reporting of blood group. However the remaining major portion of compensation was saddled upon the SBD Hospital which was held to be entirely guilty of gross medical negligence of transfusing wrong blood to the patient, without carrying out the mandatory Compatibility Test!! The commission also expressed its concern about pathetic condition, rampant unethical practices and negligence in the Govt. Hospitals.....*

Such cases are lessons to be learnt from others mistakes!!!