

“Pyrexia of unknown origin (PUO) is not a Psychiatric disease and hence Doctors are not liable to pay Rs.30 lacks as compensation”

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DAUJI DAYAL CHAUHAN V/s. SWARN JAYANTI SAMUDAIK HOSPITAL & ORS.

Facts in brief:

The National Commission was dealing with the allegations of the Complainant, that due to initial wrong diagnosis and wrong treatment by the doctors to his Wife, a lawyer by profession, did not improve and succumbed to death. She was initially alleged to be diagnosed as PUO. But day by day, there was no progress and hence she was referred to a Neurologist in Agra, who after CT Scan etc. opined it as the case of Meningitis. But it was too late to save his wife and hence he filed the case of Rs.30 lakhs.

Doctors and Hospital Version:

All the proper care was taken. The allegations of the Complainant that Pyrexia of unknown origin (PUO) is a Psychiatric disease, have been made with an ulterior motive to extract money. It was also denied that the patient was given any psychiatric treatment. The Patient also concealed previous medication at the time of admission.

Held:

1. The Commission ruled in favour of Doctors. It observed that the patient was treated properly for meningitis, which is also one of the causes of PUO and as per literature, 22 % of PUO cases presented due to infection, meningitis is a type of infection. Therefore, the treatment given by Doctors was for infection, i.e correctly treated.
2. The reliance put by Commission on previous Apex Court judgements may be summarized as, merely because the doctor chooses one course of action in preference to the other one available, he would not be liable if the course of action chosen by him was acceptable to the medical profession.
3. Consumer Protection Act (CPA) should not be a "halter round the neck" of doctors to make them fearful and apprehensive of taking professional decisions at crucial moments to explore possibility of reviving patients hanging between life and death." "Doctors in complicated cases, have to take chance, even if the rate of survival is low.

Here also it was observed that, “referring a patient to higher centre is not a negligence”. If you refer, they may say you referred for "Cut" or because of your incompetence, if you don't, still they may say, what prevented you, when you are not an expert... so blame it on Doctors... Isn't it?