

What a narrow escape for Doctors, Rs. 2 Crore Compensation case dismissed!!

The ECG report of the patient got interchanged with other patient and the treatment was given on wrong ECG, but... but....

The National Commission observed,

" In the critical care/emergency units, the doctor's paramount intention is to treat the patient, therefore sometimes for each case, it could be difficult to change the name and patient's ID in the ECG machine. The emergency ECG will be taken in presence of treating consultant and he instantly reads and interprets the same"...

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

Judgment dated 02/02/2016, in the case of RADHEY SHYAM PRAJAPAT & ANR V/s. SANTOKBA DURLABHJI MEMORIAL HOSPITAL CUM MEDICAL RESEARCH INSTITUTE, JAIPUR & 3 ORS

Facts in Short:

The daughter of the Complainant (since deceased), Soniya, a bright academic student was admitted in the Hospital for fever and headache. It was alleged that even though she was diagnosed as a case of Tubercular Meningitis (TBM), she was discharged from the hospital without proper treatment. After 4-5 days the patient was admitted in the hospital, but she was not referred to any neurologists. It was further alleged that ECG was performed, but due to carelessness and negligence Hospital staff, ECG report of Sonia was interchanged with some other male patient about 35 years of age and thus entire treatment also changed accordingly!!!! Ultimately she took her last breath due to severe 'bradycardia.

This case forced Rajasthan Govt. to appoint a Fact finding Committee as well as Rajasthan Medical Council issued warnings to Doctors!!

The National Commission after perusing the medical record and the Medical Literature, observed that," Even if we assume that, after reading the ECG the patient was advised for tapering dose of vasopressor, it should borne in mind that, the patient was in the ICU since 30.05.2013. In the ICU patient will be kept under Cardiac monitors, therefore prudent doctor or physician will never totally rely upon the single point ECG as alleged. Therefore, we do not accept the complainants' allegation that the Doctors treated the patient on the basis of the mistaken ECG only. According to medical record, the patient was comatose and was kept on ventilator, with continuous cardiac monitoring since 30.05.2013. The patient's precarious condition was due to meningitis and Tuberculoma in the brain which was already diagnosed, and a fatal one."

It relied on the famous judgement of Hucks v. Cole & Anr. (1968) 118 New LJ 469, wherein the legendary Lord Denning speaking for the court, observed as under:-

"A medical practitioner was not to be held liable, simply because things went wrong from mischance or misadventure or through an error of judgement in choosing one reasonable course of treatment in preference of another. A medical practitioner would be liable only where his conduct fell below that of the standards of a reasonably competent practitioner, in his field."

I feel in Medical field, the treatment is based on various reports and if the report is interchanged by mistake though, the patient has to suffer!! It's really sad for the parents who lost their daughter at such early age....

Hence, dear Medicos, be careful and learn from others mistakes, not every time you will be saved!