

Wrong Dose of Anesthesia and failure to follow Std. Guidelines in ERCP procedure + Unethical Siphoning of government funds = Rs. 47 lakhs of Compensation.

The commission observed, Michael Jackson and Joan Rivers both lost their lives secondary to the anaesthetic agent, Propofol...!!

The National commission was dealing with the case of D. UMA DEVI V/s. Yashoda Hospital., A.P.

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

In the opening para of the judgement, commission has referred "Anaesthesiologist, are like aeroplane pilots, are essentially 99% of the time in a "watchful waiting mode". It is when an untoward event occurs that they are called into action, their level of alertness, skill and response is critical.

It is not the drug Propofol itself that is the culprit for it is an effective and fast acting anaesthetic agent.

It is the monitoring of the patient and the ability of an attentive physician to promptly act with the necessary staff and equipment that can make the difference between life and death."

Facts in nutshell:

1. This started in 2008. The patient, was suffering from Jaundice. After he was admitted in the Hospital, he was advised ERCP (Endoscopic Retrograde Cholangio- Pancreatography) with CBD endoscopy.

But during ERCP, after the administration of anaesthesia, something went wrong and the Patient went in Coma and became brain dead.

2. Thereafter also the Hospital refused to discharge the patient and hence the wife of the patient, the complainant approached National Human Rights commission (NHRC) which directed the Hospital to continue with the treatment along-with case to be filed in Consumer court. Ultimately, after a long struggle of 2.5 yrs, the patient succumbed to death in the year 2010, at the age of 42 years. The State commission granted Rs.10 lakhs of Compensation. But both the parties feeling aggrieved, approached National Commission.

3. The Doctors denied all the charges. They attributed the initial complications to sudden cardiac arrest during ERCP.

Held :

It narrated the State commission observations-

1. The principle of Res Ipsa Loquitor (the act speaks for itself) aptly applies in this case for the reason that; firstly it seems the doctors who have attended on the patient did not conduct necessary exercise before administering "Propofol".

Secondly, the patient was not admitted with complications. Mishandling or negligence for a spur of moment would adversely affect the life of a patient.

2. Further it was really shocking that the Hospital siphoned of government funds (as the deceased was a police personnel) to the tune of Rs. 12 lakhs and after exhausting the outer limit, started demanding more money from the patient for discharging him and then the NHRC intervened.

3. The cardiac arrest was not managed properly, therefore patient suffered coma. Thus, it is the case of medical negligence. If the hospital is having super speciality facilities, higher level of treatment facilities and cost of treatment; there will be higher expectations of treatment and care.

4. The National Commission took in to account, the dependent person of the family of the deceased and hence enhanced the compensation to Rs. 47 lakhs Plus 9% p.a. interest.

This case is a mixture of Medical Negligence and unethical practices. We must learn what not to do than what to do, from the mistakes of others.