



IMA HQs. Standing Committee For Medicolegal Cell



MEDICO LEGAL TIP No.- 5 /2021

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National Consumer Disputes Redressal commission New Delhi

REVISION PETITION NO. 67 OF 2020

(Against the Order dated 28/11/2019 in Appeal No. 223/2016 of the State Commission Maharashtra)

1. DIRECTOR ADMINISTRATION, P.D. HINDUJA NATIONAL
HOSPITAL MEDICAL RESEARCH CENTRE
V.S. MARG, MAHIM,
MUMBAI-400016
MAHARSHTRA

.....Petitioner(s)

Versus

1. HARSHA ASHOK LALA
B/23, GANGA BHAVAN J.P. ROAD, VARSOVA
ANDHERI WEST, MUMBAI
MAHARASHTRA-400061

.....Respondent(s)

BEFORE: Passed on 08.07.2021
HON'BLE DR. S.M. KANTIKAR, PRESIDING MEMBER

FACT OF THE CASE : Briefly stated facts are that the Complainant Smt. Harsha Ashok Lala came to the P.D. Hinduja National Hospital - on 9.10.2012 at around 1.15 PM for follow-up check-up after her spinal surgery in the last week of September 2012. It was alleged that she was **very rashly and negligently wheeled** from hospital corridor, on the ramp by an **un-identified security guard without putting the seat belt, as a result of which she suffered 'head on fall'** from the wheelchair and sustained fracture of left (ankle) lower end fibular tip. She further alleged that **immediate first aid was not given, and she was made to stand in queue for payment of X-Ray charges which caused further pain and agony.** It was further alleged that the incidence was reported immediately to the Hospital authorities but no avail. Being aggrieved by the negligent care and conduct of the complainant filed the Consumer Complaint before the District Forum and claimed compensation of

Rs.16,00,000/- . She also filed one Criminal Complainant - FIR in the concerned Police Station.

The district commission ordered Rs. 100000 as compensation and Rs.10000 as legal costs .The state commission ordered Rs. 25,000/- on the Petitioner with modification of the Order of District Forum that the Hospital was directed to pay Rs. 3,51,000/- to the Complainant on appeal by the complainant (Hospital)

REPLY TO ALLEGATION: The Complainant was old patient of their hospital, admitted the fall of the patient from the wheelchair on 9.10.2012. The junior doctor attended her immediately and provisional diagnosis mentioned as undisplaced fracture of lower end of left tibia. The treating doctor, Dr. Sanjay Agarwal, examined her and **ruled out any fracture or any dislocation of left ankle joint and mentioned, it was only swelling around the ankle joint.** A Sugar tong splint was given which was to be removed after 5 days and Air Cast splint was advised to be worn after 5 days. The patient was treated as per standards.

COURT OBSERVATION: Wheelchairs are usually thought of a medical device that is meant to help those who are injured or have physical challenges; they can also be a source of injury when not properly used. Most wheelchair injuries that happen in a medical setting due to the negligence of medical staff and such could be easily prevented by hospital or nursing home.

As a word of caution, in my view, the Hospital authority should make systemic improvement in their administration and their grievance redressal mechanism to ensure the patient's safety and to maintain good Doctor-Patient relationship.

ORDER

Patient Safety aims to prevent and reduce risks, errors and harm that occur to patients. The “Deny and Defend” approach of the hospital/doctor had a significant impact on patient safety. Unfortunately, when hospital staff and administrators do not keep their hospitals well organized or the supporting staffs make careless mistakes, innocent lives could be at risk. When protecting the institution is the primary goal, poor practices are excused and justified, and patients remained at risk of injuries.

ML Team observation: NABH is for patient safety and observing the process could have avoided the incident. Hospital grievance mechanism must be functioning in all hospitals to tide over the dissatisfied patients.

PURITY OF PROFESSION – PARITY IN HEALTHCARE