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IT WOULD NOT BE CONDUCIVE TO THE EFFICIENCY OF THE MEDICAL PROFESSION, IF NO DOCTOR COULD ADMINISTER MEDICINE WITHOUT A HALTER ROUND HIS NECK.

Nail Dalip Kumar and ors. vs Dr. K.D. Singh
SCDRC, Punjab
Judgment dated 13 February, 2015
Judgment is pro Doctors and Hospital

Facts of the case:

During October 2009, the Mr. Dalip Kumar had some strain in left eye while doing his job, so the he approached Poly Clinic at Gurdaspur for checkup. Upon checkup, the Doctors gave an estimate for transplantation of lens in the left eye upto Rs. 9,000/- including price of the lens and operation charges. The patient disclosed to the Hospital and the Doctors that he has been a diabetic. The Hospital and the Doctors admitted the patient for transplant of lens in the left eye after getting the approval of the estimate and injection was injected in the left eye of the patient by the staff nurse. The patient was operated and he complained of severe pain in the operated eye. The Doctors told him not to worry and prescribed medicines. The patient was discharged next day from the Hospital and was called for check-up after few days. The patient approached the Hospital for the same problem many times so he was referred to another eye hospital i.e Dr. Daljit Singh Hospital at Amritsar with referral slip and he was admitted and treated for the pain and shrinking of left eye. Then the patient underwent certain tests at Uppal Hospital for neurology and remained admitted there for 2-3 days. Size of the left eye of the patient was shortened due to shrinking. There was no improvement in the eye.

ALLEGATIONS OF MEDICAL NEGLIGENCE:

1. On account of operation of the complainant, the left vision of the complainant's eye was reduced instead of improving.
2. Not properly conducting the eye surgery of the complainant, being a diabetic patient. The Hospital and the Doctor have committed medical negligence in not conducting his surgery being a diabetic patient in a negligent manner.
3. The complainant has prayed for compensation of Rs. 35,00,000/- for the loss of his vision.

Defences of the Hospital and the Doctor:

1. Necessary tests were carried out before undertaking the surgery of the patient. On completion of the treatment of the patient, he was required to submit for post care check-up.
2. It is averred that keeping in view diabetic profile of the patient, special permission from Incharge Military Hospital, Gurdaspur for a special Phaco operation procedures for cataract and few advanced test like Fundus Flourescein Angiography (FFA) and Optical Coherence Temography (OCT) for diabetic patient was asked for. Aforesaid tests were latest and specific for diabetic patient. The OP was very careful in conducting pre-operative check-up of the complainant, being diabetic patient after taking due precautions.
3. The complainant was operated under topical anaesthesia, which means with anaesthetic eyedrops, which was instilled for the anesthesia.
4. The blood sugar level of the complainant at the time of the surgery was 118 mg, which was within the prescribed limits.
5. The complainant developed Optic Neuropathy, which was a neurological problem of the optic nerve of the eye, and hence he was referred to renowed Neurophysician Dr.Ashok Uppal by Dr. Daljit Singh Eye Hospital. Conclusion made was left eye neuropathy diabetic cause. Dr. Uppal clarified that diabetic neuropathy was not outcome of surgery carried out by the Hospital and Doctors.

Findings of the State Commission:

1. There is mere assertions of the complainant in this regard. On the other hand, there is categorical plea as well as affidavit of the OPs that he conducted latest tests for surgery of eye of the complainant and thereafter did cataract surgery, keeping in view the diabetic profile of the complainant. It has been held that there is no evidence on the record to prove deficiency in service. The Doctors have taken extra care in this case before cataract surgery of the complainant due to his diabetic profile.
2. It would not be conducive to the efficiency of the medical profession, if no doctor could administer medicine without a halter round his neck.
3. There is no breach of duty exercised by omission to do something, which a reasonable man, guided by those considerations, which ordinarily regulate the conduct of human affairs, would do, or doing something, which a prudent and reasonable man would not do on the part of the Doctors. Doctor never guarantees to provide permanent cure from any problem to the patient, when he takes on his treatment.
4. No medical negligence has been proved on the record by the patient against the Hospital and the Doctors. Hence, there is no merit in the complaint and same is dismissed.

Learnings of the Case Study

Doctors need to abide by the standard protocol and must stay upto date with the protocols.