

CAHOCON 2017

Learning from Mistakes

New Delhi – 15th April 2017

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Institute Of Medicine & Law

2 Fundamental Questions



- Have we learnt from our past mistakes?
- Have we at least made systematic efforts to know our mistakes?

“NO”



Case Study 1 - Macro Level

28.8.1989 - Supreme Court (Pt. Pandit Parmanand Katara v/s Union of India)

- **"Every doctor whether at a Government hospital or otherwise has the professional obligation to extend his services with due expertise for protecting life. ... The obligation being total, absolute and paramount ..."**

10.4.2015 - Supreme Court (Laxmi v/s Union of India)

- **"We issue a direction ... that the private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries"**

March 2017 - Mumbai High Court

- **Doctors who are getting physically abused should resign**



Case Study 2 - Micro Level (Learning)

Director, PGI v/s Meena widow of Late Roshan Deen (5MLCD j167, May 2012)

- The defense of the hospital was that it could not provide ventilator support to the patient as all the ventilators were occupied at that point in time.
- The court directed the Medical Superintendent to produce the relevant records and state before the court the number of ventilators available in the Department of Neurology on the relevant date; ventilators already provided to the patients and in use on the relevant date; and the number of defective ventilators, if any, on the relevant date.

Learning

- Every hospital must preserve relevant records of patient's using ventilators at any given point in time



Case Study 2 - Micro Level (Improvising)

Saini Hospital v/s Rekha Sharma & Ors. (4MLCD j282, August 2011)

- **The court drew an adverse inference against the hospital for not producing the record / register maintained by its laboratory technician and eventually held that the pre-surgery investigation reports were fabricated**

Jug Jeevan Pal & Anr. v/s. Post Graduate Institute of Medical Education and Research & Anr. (5MLCD j429, December 2012)

- **A biliary stent failed within one month. The court held PGI negligent only for failure to keep proper records of the stent's purchased (quality) and exonerated it from all the other charges of negligence.**

Consumer Education and Research Society & Ors. v/s Dr. K. M. Shah & Anr. (8MLCD a73; j201 – May 2015)

- **To counter patient's allegation that there was no oxygen cylinder when the patient suffered heart attack in the OT, the hospital had to produce OT Register and the Oxygen Purchase and Utilization Register in the court.**

Case Study 2 - Micro Level (Improvising)



Improvising

- Every hospital must preserve the following non-medical records / registers / computer data along with the patient's medical records for at least 3 years, especially in cases where legal problem is anticipated
 1. Register of Laboratory Technician
 2. Purchase Register of Stents
 3. OT Register
 4. Oxygen Purchase / Utilization Register
 5. 6 7 8 9

Way Forward



Consistent effort must be made by all stakeholders in healthcare to:

- **Measure (Discover)**
- **Monitor (Updates)**
- **Improve (Formulate)**

Best Practices from Mistakes - To Ensure / Enhance Patients Safety

Thank you !!!



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