



LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

SIXTH REPORT OF THE SIXTH ASSEMBLY

SUBJECT: IN THE MATTER OF ALLEGED IRREGULARITIES IN
EWS PATIENT BY BATRA AND PSRI HOSPITAL

PRESENTED ON 02ND DECEMBER, 2019

ADOPTED ON 3RD DECEMBER, 2019

Legislative Assembly, Old Secretariat, Delhi – 110054

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COMMITTEE ON PETITIONS
(2019-2020)

COMPOSITION OF THE COMMITTEE

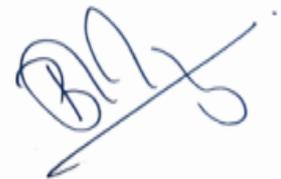
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1. Shri C. Velmurugan	Secretary
2. Shri Sadanand Sah	Deputy Secretary
3. Shri Manjeet Singh	Deputy Secretary

PREFACE

1. I, the Chairman, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Report on the petition received from Mr. Jamal Ahmed, Chirag Delhi, New Delhi-110017. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Prakash Jarwal, Hon'ble MLA and referred to the Committee on Petitions dated 24.04.2019.
2. The Committee considered and adopted the Draft Report at their sitting held on 29.11.2019.
3. The observations/recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee for their continued guidance.
5. The Committee places on record the profound appreciation for the valuable assistance rendered by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Ms. Yamini Saxena, Associate Fellow, Delhi Legislative Assembly (DARC) and other of Assembly Committee in preparation of this report.



Date: 30.11.2019
Place: Delhi

(SAURABH BHARDWAJ)
CHAIRMAN
COMMITTEE ON PETITIONS

Introduction

1. Mr. Jamal Ahmed, Chirag Delhi, New Delhi-110017, filed a petition on the issue related to the non-compliance of free treatment of EWS Patients in Private Hospitals of Delhi. The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Prakash Jarwal, Hon'ble MLA, and referred to the Committee on Petitions dated 24.04.2019.

2. It was alleged in the Petition that even though there has been many a legal judgement reinforcing all the Hospitals to treat Economically Weaker Sections (EWS) category patients under both Out Patient Department (OPD) as well as In-Patient Department (IPD), many Hospitals, specially private hospitals, do not comply with the order of the Government and the Hon'ble Courts. It is also alleged that hospital showed neglect in proper treatment for Oncology and referred the patient to other hospitals.

PROCEEDINGS

1. In order to ascertain the facts and investigate the allegations levelled in the said Petition, the Committee on Petitions conducted its meeting on 14.05.2019 and deliberated the matter comprehensively with the officers of the Department of Health and Family Welfare, GNCTD, Chief Executive Officer (Batra Hospital), and Chief Executive Officer (Pushpawati Singhanian Research Institute (PSRI) Hospital).
2. The Committee Proceedings were primarily aimed to examine following issues/matters:
 - i. Whether the said Hospitals neglected medical care and referred the patient to another hospital?
 - ii. Whether right diagnosis was done with respect to the EWS patient by the Oncology department?
3. A copy of the said Petition was forwarded to the Secretary, Department of Health & Family Welfare, GNCTD, Chief Executive Officer, Batra Hospital and Chief Executive Officer, Pushpawati Singhanian Research Institute (PSRI) Hospital vide letter dated 02.05.2019 with the request to furnish replies/information by 10.05.2019.
4. The issues raised by the Petitioner and the Committee to the Secretary, Department of Health and Family Welfare, CEO, Batra Hospital and CEO, PSRI Hospital and the replies thereof received from the Hospitals have been reproduced below:

Issue 1

Whether the said Hospitals neglected medical care and referred the patient to another hospital?

- i. According to the response submitted by **PSRI hospital**, the patient was first examined in the hospital on 26.03.2019 and diagnosed with bilateral pleural effusion and ascites. The patient was then examined by the Gynaecologist. Further examination by the physicians and was advised

- admission for therapeutic tapping to improve the symptoms.
- ii. During the admission, the patient was given ultrasound guided pleural and ascetic tapping and injectable antibiotics. Simultaneously, it was planned that during the gastroenterology consultation the patient will be given lymph node biopsy for tissue diagnosis, however, this could not be done due to the medical condition of the patient.
 - iii. The patient showed improvement and was advised discharge on 30.03.2019.
 - iv. At the time of discharge, the patient was advised to follow up in Gynae OPD and medical OPD after a week. But, the patient did not return.
 - v. The patient was reported to the Emergency with recurrence of shortness of breath, fever, chills and was readmitted on 09.04.2019 in the Department of Internal Medicine. The patient was diagnosed with dyselectrolytemia which was corrected over the next 3-5days
 - vi. The patient's attendants were regularly counselled about the recovery and the need to get her shifted to a tertiary oncology facility as the said hospital had non-availability of advanced diagnostic and therapeutic oncologic services.
 - vii. On 14.04.2019, the attendants realised there is a need to be transferred to an Oncology centre and the patient was discharged on 15.04.2019 in a stable condition.
 - viii. According to the response received from **Batra Hospital**, the patient was admitted to the hospital on 15.04.2019 under the care of Dr. Kunjahari Medhi, Department of Oncology and was admitted for supportive care. The patient was discharged on 17.04.2019 in a stable condition.

Issue 2

Whether right diagnosis was done with respect to the EWS patient by the Oncology department?

- i.** According to the response received from **PSRI hospital**, the patient's attendants were counselled about the need to get her shifted to a tertiary oncology facility as the said hospital had non-availability of advanced diagnostic and therapeutic oncologic services.
- ii.** According to the response received from **Batra Hospital**, the patient based on preliminary investigations, the ascetic and pleural tapping done in PSRI and the fluid reported negative malignancy and negative AFB.

Observations and Conclusions

From the scrutiny of the responses filed by Batra Hospital and PSRI hospital records and Committee meeting, the following observations are brought on record:

- 1.** Based on the reply submitted to the Committee by Batra hospital and PSRI hospital, the Committee observes that the Hospitals did not show neglect in this case and provided the patient with healthcare.
- 2.** The Committee also observes, based on the discharge summary provided by PSRI hospital that the Petitioner did not attend review session in Gynae OPD and medical OPD.
- 3.** The Committee observes that the allegation- referring to other hospital and denying healthcare - levelled against the hospitals did not hold for the lack of substantial evidence.

Recommendation

- 1.** The Committee recommends that a Public Advisory should be issued by the Department of Health and Family Welfare, GNCTD for all the Hospitals to avoid discrimination towards EWS patients.
- 2.** The Committee also recommends that the Hospitals should build a follow-up mechanism to keep track of their patients, including EWS category.
- 3.** The Committee is of the belief that the Department of Health and Family Welfare, GNCTD, should hold session with the Hospital staff to sensitize them toward EWS category patients.
- 4.** The Action Taken Report on the recommendation of the Committee should be submitted by the Chief Secretary, GNCTD to the Vidhan Sabha within 30 days from the adoption of this report.



Date: 30.11.2019
Place: Delhi

(SAURABH BHARDWAJ)
CHAIRMAN
COMMITTEE ON PETITIONS