

Forgery of Medical Records – what recourse ?



- **Medical Negligence – a crime committed behind closed doors, on the uninformed and the unconscious !!**
- **By organizations with whole teams of lawyers ready to resort to all tactics to suppress justice opposing complainants generally not aware of even the basics of law, what to talk of medical jurisprudence !**
- **By those who think they can even commit forgery of medical records and get away – and mostly do ! Because the hapless patient has no recourse !**

- **With others conspiring to help out their “brothers” !**

Yet, in some cases, justice is done. As in this case. Sometimes God intervenes..others can only blame past sins, perhaps ?

This when the complainant is herself a doctor – imagine then the status of non-doctors !

Why doesn't the Consumer Forum have a SEPARATE BENCH , with medically competent people, for these category of cases ?

These excerpts hereunder taken from :

<http://timesofindia.indiatimes.com/city/delhi/botched-up-operation-victim-doc-gets-rs-80-lakh-in-damages/articleshow/58618109.cms>

Emphasis is mine. Read on, cry, and hope you are never in these hapless situations !

- The Delhi State Consumer Commission recently indicted the private hospital and its eye surgeon for medical negligence and deficiency of service, asking them to pay compensation and damages of nearly Rs 80 lakh, for botching an eye operation that led to loss of vision of Dr Prakash Sharma.
- The commission, presided by N P Kaushik, held Dr Sharad Lakhotia and Talwar Medical Centre guilty and asked them to pay Rs 19 lakh at 12% interest and Rs 20 lakh at 12% interest respectively. Interest will be charged from 1999, when the complaint was filed.
- The consumer watchdog also concluded that **both the doctor and the hospital fudged medical records relating to the case to escape liability.** Sharma had alleged that the hospital forged her husband's signature to claim he

had given consent before the surgery.

- The commission was surprised that despite evidence of fabrication and concealment of documents, an **in-house inquiry by Delhi government's health department gave the doctor and the hospital a clean chit even while admitting in the report that it did not have access to details of operation notes.** An earlier complaint by to the directorate health services, Delhi, had led to the constitution of a two member enquiry committee by the Gurur Nanak Eye Centre.
- **"In the absence of surgery notes, enquiry committee could not have arrived at a conclusion that there was no negligence on the part of the treating doctors,"** the commission pointed out, faulting the panel for giving an ex-parte order without hearing Sharma.
- Taking a stern view of the connivance of the doctor with the eye hospital located in Greater Kailash the Commission asked the Medical Council of India (MCI) and Delhi government's directorate of health services **to take action against him and the hospital for deficient service.** (Would be interesting to see exactly WHAT action will be taken by these esteemed bodies .. how many doctors have been faulted by MCI til date ?)
- Through advocate Mohit Mudgal, the woman doctor informed the commission that she underwent a cataract surgery in 1998 at Talwar Medical Centre after which she lost vision in her left eye, forcing her to stop her medical career.
- Complainant (Sharma) by profession is an **obstetrician and gynaecologist.** She has been deprived of conducting surgeries on her patients. She became a social recluse after having lost sight in the left eye," the commission noted.
- Dr Sharma, widowed soon after the incident, welcomed the verdict. "I feel fortunate to have seen **justice served in my lifetime.** My husband, Wing Commander V K Sharma was working hard on this case on the day he passed away.

Wherever he is, I feel he will be happy to see his efforts have finally brought the guilty to justice.”

For those interested in seeing the Court Judgement in full, here are the relevant details to click on :

IN THE STATE COMMISSION: DELHI

(Constituted under Section 9 of the Consumer Protection Act, 1986)

Date of Decision: 27.04.2017

[Complaint Case No. 283/2001](#)

If you are a sufferer of medical negligence – and need some advice on how the law works , talk to me – I would be happy to help ! And if you have any helpful suggestions to offer, you too are most welcome – comment in !