

ADDL'S for FL M

R 11/9/15

GOVERNMENT OF ASSAM
HEALTH & FAMILY WELFARE (A) DEPTT.
DISPUR, GUWAHATI – 781006

No. HLA. 85/2015/51

Dated Dispur, the 11th September, 2015.

From : Smti. J. Sonowal, IAS
Registrar, State Health Authority
& Secretary, Health & FW Deptt.,
Assam.

To : The Director/ Proprietor
Pratiksha Hospital
Barbari, Hengrabari, VIP Road
Guwahati-36

Sub : Order of Suspension of License of Pratiksha Hospital, Barbari, Hengrabari
VIP Road, Guwahati

Whereas, a complaint was lodged against Pratiksha Hospital, Barbari, Hengrabari, VIP Road, Guwahati, by one Mr. Harunar Rashid of Japorigog Road, Dispur, Guwahati-5 alleging medical negligence.

AND, whereas, an enquiry was ordered into the matter by the competent authority dtd 23/5/2014 and whereas, Jt. DHS, Kamrup (M) being the Inspecting Officer submitted his report dtd 31/12/2014 wherein the enquiry officer has opined that "As per statements of Gynaecologist [Dr.(Mrs) Anudhriti Dutta] involved in caesarean operation of the wife of the complainant, burn on both her heels was caused by hot water bag which was placed on her heel to warm her up but later on the attending GNM forgot to remove the same. This is considered to be professional negligence on part of the health care provider of the Pratiksha Hospital."

AND whereas, on the basis of the enquiry report the Registrar, State Health Authority, Assam issued a Show Cause notice to the Director, Pratiksha Hospital vide No. SHA/62/07/2008/2051 dtd 12/01/2015, wherein the Health Establishment was asked to explain within 7(seven) days as to why the Registration and License of the Health Institution shall not be suspended/ cancelled and Closure Notice shall not be served against the Health Establishment under the provisions of Section 12 of Assam Health Establishments Act, 1993 and the Assam Health Establishments Rules, 1995 (as amended) on the basis of the report of the enquiry caused by the Joint Director of Health Services, Kamrup(M) pursuant to a complaint received against the hospital lodged by one Md. Harunar Rashid, Japorigog Road, Dispur, Guwahati-5.

AND whereas, in his delayed reply received on 5/2/15 Dr Pramod Kumar Sharma, Director, Pratiksha Hospital completely denied the findings of the enquiry report and claimed that the incident alleged by the complainant never happened in his hospital. While Dr Anudhriti Dutta, the attending doctor of the victim, in her statement deposited before the Inspecting Officer, admitted the occurrence of incident of negligence on the part of the hospital. Thus, it is apparent that Dr Pramod Kumar Sharma has willfully misrepresented the facts to misguide the Authority and deny justice to a poor patient. He also misled by stating that they have not received the report of enquiry officer inspite of the fact that a copy of the enquiry report of inspecting officer was enclosed with the show cause notice dated 12/1/15.

AND whereas, a copy of enquiry report was again furnished to the Director, Pratiksha Hospital, Guwahati vide letter No. HLA 85/2015/19 Dtd 17/03/2015 and he was asked to submit his comments/reply within 7 (seven) days positively to the Registrar, State Health Authority, Assam.

AND whereas, he never submitted the reply to this notice, thus disobeying the above mentioned government order, defying the Authority and violating the law. Final Show Cause Notice was served upon Pratiksha Hospital on 25.08.2015 as per provision of Section 12 of Assam Health Establishment Act, 1993 and

Rules framed there under, directing them to appear in person alongwith their reply, if any, to show cause within 15 (fifteen) days as to why any action as per provision of the relevant rules, as mentioned in the aforesaid notices and correspondences shall not be taken against them, failing which necessary action will be taken against them without further notice.

AND, whereas, one counsel for the Pratiksha Hospital submitted a letter on 09.09.2015 to the effect that the enquiry conducted by the Jt. Director Health Services, Kamrup(M), under the Assam Health Establishments Act, 1993, is without any jurisdiction and legal recourse is being sought for adjudication.

AND whereas, despite a clear "final showcause notice", dated 25.08.2015, issued to the Director of Pratiksha Hospital, he/they failed to appear and/or show cause, displaying gross violation of orders of Authority, utter disregard and contempt to the laws of the land and utmost insensitivity to the sufferings of the poor complainant.

Now, therefore, after affording reasonable opportunity of being heard to the Health Establishment, vide powers conferred under Section 12 of the Assam Health Establishments Act, 1993(as amended), the Registration and License of Pratiksha Hospital, Barbari, Hengrabari, VIP Road, Guwahati, Assam-781036 is hereby suspended, for a period of 30 (thirty) days initially, with immediate effect. The OPD of the hospital and fresh admissions shall stop immediately. It is further directed that the inpatients that are already there, shall remain under the care and custody of Pratiksha Hospital pending discharge.

Sd/-

Registrar,
State Health Authority, Assam.
& Secretary, Health & FW Deptt.,

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Dated Dispur, the 11th September, 2015.