

Consumer as King

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Times of India

10 November 2008

By Jehangir B. Gai

Prescribe in haste, repent in court

Docs must find out about Patient's Medical History before giving drugs

Subject: Does the doctor have a duty to inform the patient about the side-effects of a drug?

Backdrop: With the medical profession becoming increasingly commercial, doctors have less and less time for patients. They prescribe medicines and patients pop the pills in good faith. Doesn't the doctor have to explain the ailment to the patient, tell him about the various treatment options and caution him about side-effects? Of course. Failure to do so is a deficiency in service as held by the national commission in its judgment of May 22, 2008 in the case of Dr V K Ghodekar v/s Sumitra Pralhad Korgaonkar.



Graphic by: Yamini Panchal

Case Study: Pralhad Korgaonkar was suffering from a chronic cold and cough. He was taken to Dr Ghodekar at Aldona village in Goa in February 1993. The doctor prescribed some medicines and asked him to come back three days later with a urine sample. The test report showed sugar in the urine, indicative of diabetes, for which the doctor prescribed one tablet of 5 mg of Euglucon per day for five days.

After taking Euglucon for three days, Korgaonkar began sweating, got an attack of convulsions and became unconscious. He had to be rushed to the government hospital at Mapuca. He went into a coma and regained consciousness only after four days. He remained in hospital for 40 days. In May 1993, he was hospitalised again for a few days. He died in August 1993.

Korgaonkar's wife filed a consumer complaint alleging that Euglucon had been prescribed without first ascertaining whether her husband was in fact suffering from diabetes. She claimed that her husband went into a coma due to hypoglycemia (fall in blood sugar level), that the subsequent treatment at the government hospital did not really help him to recover, and so his death was directly attributable to the rash administration of Euglucon. Medical literature was produced to show that Euglucon is a very sensitive drug and needs to be administered with care and dosage has to be regulated carefully depending on the level of blood sugar.

The district forum dismissed the complaint. In appeal, the state commission held the doctor guilty of negligence and awarded compensation Rs 1,09,000 along with 18 per cent interest and costs of Rs 5,000. The doctor then approached the national commission.

The apex commission noted that as per medical texts, a mere urine test is not sufficient to determine diabetes as there are chances of false positivity in cases like alcoholism, pregnancy etc. Hence blood sugar estimation and a glucose tolerance test are mandatory to confirm diabetes. Yet no such test were carried out before prescribing Euglucon. Also, even though this medicine is known to cause alcohol intolerance, it was administered to Korgaonkar who was a known alcoholic. The doctor at the government hospital who treated Korgaonkar gave evidence that the patient had been brought with convulsions occurring due to hypoglycemia. Hence it was clear that Euglucon had been administered to a non-diabetic patient.

The next question was whether or not Euglucon had caused any damage to the patient. The doctor who treated Korgaonkar at the hospital for hypoglycemia gave evidence that drug-induced hypoglycemic coma had resulted in irreversible, neurological damage and behavioural abnormalities. If one tablet of Euglucon tablets per day is given to a normal person, it can cause hypoglycemia causing lack of supply of glucose to the brain resulting in irreversible damage to the brain. This can occur even in patients on a normal diet. Other doctors who treated Korgaonkar at the hospital also had the opinion.

The national commission upheld the state commission's order holding the doctor guilty of negligence and deficient in rendering services. The Commission also held that it is the duty of a doctor, before prescribing a drug, to inform the patient about its side-effects.

Impact: Doctors would do well to spend a few moments with their patient and give all relevant information rather than save a few minutes and then face litigation from an aggrieved patient. Also, it is in the patient's own interest to ask the doctor for all the necessary information.

The author has won the Govt of India's National Youth Award for Consumer Protection.