

EMERGING LEGAL ISSUES IN HOSPITAL MANAGEMENT

By

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(1) In a recent incident¹ at a Government hospital in Kondapur in Hyderabad of the death of a new born baby after a hospital nurse and ward boy performed the complicated delivery is shocking and reveals the sad state of affairs in the area of hospital management. The reason for the nurse and the ward boy in taking this most dangerous initiative appeared to be that they did not wish to disturb their sleeping duty doctor. Instances such as these, shake the confidence of the public in the medical profession that too, of doctors in Government hospital. The time is now ripe to study some of the major happenings in Health care institutions, giving rise to most serious legal issues in the hospital administration.

(2) There has been increasing incidents of missing of new-born babies. How the babies can be found missing in hospital makes one to wonder that the health-care institutions can no longer be depended upon the safety and security of young babies. Instances such as these require a careful and thorough investigation. The following steps may be taken to prevent such incidents:-

- (i) The new-born babies must be kept under strict vigilance of a competent staff who are trust-worthy. The movement of babies must be noted in a register and maintained by the concerned duty doctor. No outsider should be allowed to enter the rooms, where the babies are kept.

Even near relatives should be allowed accompanied by a staff of watch and ward and not permitted to remain after seeing the babies. All entries to this room should be locked and only one door must be kept for entry and exit. The room should be heavily guarded throughout (24) hours of stay and until they are discharged. The hospital staff of this unit should be asked to furnish heavy security deposits to be forfeited, when any act of negligence of their part occurs. The service contract must make suitable provision in this regard. The duty doctor should attend to their duties without any time of breach. The services of night duty doctors who are 'sleeping doctors' should be dispensed with, after due disciplinary action is taken as per rules.

(3) Some instances like substitution of male babies by females have taken place in some parts of the Country. This may be motivated by persons who are not able to beget male children and are keen in getting their female babies substituted by male with the help of the hospital staff or by other means. The need to evolve strict procedures and prevent such incidents has become the prime need of the hour. The following suggestions are made:-

- (a) The doctor attending to the duties in delivery cases should remain in the theatre throughout the period of delivery and the moment the child is delivered note immediately the sex of the child in a register to be specially maintained for the purpose together with the names of the parents and their addresses, the date and the exact time of delivery. A tag should be tied to the hand of the baby with all these details.

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1. See the report of times of India published on 22.7.2011 in its Hyderabad Edition.

