

Doctors seek cap on malpractice compensation

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Fallout of apex court ordering Rs 6 crore medical negligence damages last October

MUMBAI, JANUARY 22:

Doctors are set to knock on the Health Ministry's doors, seeking a cap on the malpractice-compensation paid to patients.

There should be a strong law to regulate the way doctors practise, and if there is malpractice, punish, even revoke the doctor's licence, says Devi Shetty, Chairman of Narayana Health, a hospital chain.

But the compensation should be capped, else it would exacerbate the existing shortage of medical professionals, besides pushing up costs, he said, adding the US and Europe have such caps. Several states in the US cap malpractice compensation at \$250,000 (Rs 1.5 crore).

In the next two weeks, the Association of Healthcare Providers of India and the Indian Medical Association will approach the Health Ministry urging it to request the Law Ministry to cap malpractice compensation, Shetty said. Without indicating the amount that compensation should be pegged at, he said they would look forward to the ministries' response.

Doctors are concerned, after a Supreme Court order last October directed Kolkata-based AMRI Hospital and three of its doctors to pay Rs 6 crore (up to Rs 11 crore, including interest) to non-resident Indian doctor Kunal Saha, following the death of his wife. This was the country's highest compensation for medical negligence.

Public-health veteran Mira Shiva said there are rational and ethical doctors, and there are those who knowingly indulge in malpractice. The Medical Council of India needs to

implement systems to address patient concerns “in a fair and quick manner”, so the patient does not need to go to Court, she added.

A discussion on capping compensation should involve patient groups, adds senior counsel Anand Grover. If there is a cap on compensation, there should also be price regulation on medical procedures prescribed to patients, doctors fees, and other hospital costs, he said.

Small town side-effect

Implementing “first world regulatory structures with third world infrastructure,” has its pit-falls, said Shetty, as India is “short of one million doctors, two million nurses and three million beds.”

In small towns, for instance, gynaecologists could stop delivering babies, fearing litigation. In the event of an unfortunate incident, if a patient sues for Rs 2 crore – “even if he (gynaecologist) sells his nursing home, his house and farmland, if he has any, will still not be able to come up with ₹2 crore,” he added. No amount of money can compensate the loss of a loved one, but the best punishment for errant doctors would be to disallow them from practicing, he pointed out.

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