

## MEDICO-LEGAL NEWS

Private hospitals may soon have to provide medical records to patients on a daily basis

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New Delhi: The Central Information Commission (CIC), highest authority for enforcement of the Right to Information (RTI) Act, has asked the Centre and the state governments to enforce RTI in private hospitals and ensure they provide medical records to patients on a daily basis "to prevent undesirable practices of altering records after damage caused to patient".

While giving his order against Fortis Hospital, Vasant Kunj, which had refused to give medical records to the applicant Prabhat Kumar, whose father Kailash Prasad Singh had passed away in November 2012 at the hospital, Information Commissioner M Sridhar Acharyulu said right to medical records is equal in private and public hospitals and directed Fortis Hospital to provide all records to the applicant.

Kumar, an advocate, had spent nearly Rs 18 lakh on his father's treatment in the hospital.

On its part, Fortis Hospital had contended that the information asked for by the applicant was "private, confidential and privileged". It further said that "the provision of the Right to Information Act do not apply to private hospitals. The provisions of the said act apply only to the public authorities/offices."

However, the Commission ruled out the objection of Fortis Hospital and said the information sought by the applicant was not private, "because the information about treatment given to patient on payment of fee belong to patient or his heirs"; "not confidential because patient is not asking any information which has any commercial value for the hospital, he is asking because he suspects negligence in treatment and lack of necessity in conducting diagnostic tests", "and not privileged at all which does not attract any provision of RTI Act or Consumer Protection Act, or Medical Council Act".

"Using three words without any further explanation or basis by Fortis Hospital to deny the right of patient and his son reflects arrogance and recklessness of hospital and fortifies the common impression of the patients that they are unethically being fleeced by commercially greedy hospital shops," the Commission said in its order dated April 7.

The Commission added, "The Government, Medical Council of India and the health regulatory have to see that licence to practice medicine will not become licence to kill and extort and (should) come to the rescue of helpless patients."

Bottom line. Documentation is needed on regular basis. We can't sit till the patient's family or court/ police asks for it. Patient's attenders can take images of the medical records using mobile phone during admission. Start every day's notes on a new page