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# Mediclaim can be availed at any govt-registered hosp, rules HC

## ‘Informed consent must before surgery’

Abhinav Garg &  
Durgesh Nandan Jha | TNN

**New Delhi:** In a major relief for patients, the Delhi high court has ruled that insurance companies would have to honour claims by valid medical policy holders who have received treatment at any government-registered hospital. Cashless facilities must also be extended at such hospitals.

The court, thus, has put an end to a system where health insurance companies and third party administrators (TPA) insisted that a hospital had to be registered with them for patients to get of insurance claims. They also dictated which hospitals could extend cashless facility.

The HC held that all patients were entitled for medical insurance, including cashless facility, as long as they held a valid medical claim policy and that the General Insurance Public Sector Association (GIPSA) — group of public sector insurance companies — could not insist that hospitals must be registered with them.

Though the current order



MAJOR RELIEF FOR PATIENTS

was limited to patients seeking eye treatment, the court found fault with the very basis of GIPSA's guidelines and the external system of "network hospitals" to exclude government-registered hospitals. It may, therefore, be applied to other treatments as well.

The order, an interim ruling, was passed by a bench of then Chief Justice Rajendra Menon and Justice Brijesh Sethi on May 31. The HC bench specified that so long as a medical service provider is certified and registered with the state or central government, the health insurance claims of patients have to be accepted. While issuing the order, the HC also questioned insurance regulator IRDA on its 2018 norms that allow GIPSA and TPAs to have a network of preferred hospitals.

Aamir.Khan2@timesgroup.com

**New Delhi:** In an important judgment, Delhi State Consumer Disputes Redressal Commission (DSCDRC) has said that merely asking patients to sign a consent form is not enough as they ought to be informed about the consequences of a surgery.

The observation came while the commission awarded Rs 8 lakh compensation to the family of a city-based journalist, 60-year-old Bhushan Raina, who lost sight in one of his eyes after cataract surgery in 2008. He died in 2016.

DSCDRC member (judicial) OP Gupta found the doctors guilty of negligence and said, "The life of a person is almost like death without eyesight. He cannot see properly or walk or eat with comfort. He feels secluded from society and his near and dear ones." He also noted that the man li-

ved in such a state from 2008 till 2016. "His family must get compensation of Rs 1 lakh per year," the commission held.

The commission said that an informed consent was when a patient is explained the consequences in layman's language to decide on the surgery. "Merely writing 'informed consent' on the top of the form doesn't make it so. The clauses were very vague and signing on such a form was no consent in the eyes of the law," it was held.

Raina was advised to undergo the surgery after his right eye started giving him trouble. The surgery was performed on May 31, 2008. On July 3, 2008, his eye checkup showed retinal detachment and was advised to undergo another surgery. The real suffering came when he was asked lie on his stomach for almost two months and he had to eat and sleep in the same position.