Indian Journal of Clinical Practice, Vol. 32, No. 4, September 2021

Can a Registered Medical Practitioner Compel or Force his Patient to Purchase the Drug/Medicine from him Only?

No, the registered medical practitioner cannot compel or force his patient to purchase the drug/medicine from him only. Though as per Item No. 5 of the Schedule K of the Drugs and Cosmetics Rules, 1945 and Clause 6.3 of the Code of Medical Ethics, the registered medical practitioner is entitled to supply the drugs to his patients which have been prescribed by him.

However, the registered medical practitioner cannot compel or force the patients or his relatives/friends to purchase or take the medicine from the said registered medical practitioner as held by the **Hon'ble National Consumer Disputes Redressal Commission in its landmark judgment dated 22.07.2014 titled as Fortis Health Management (North) Ltd. vs Meenu Jain & Anr.**

In the case titled as **Fortis Health Management (North) Ltd. vs Meenu Jain & Anr.,** on 25.05.2009, Meenu Jain was admitted to Fortis Escort Hospital, Jaipur, Rajasthan (OP) for treatment of Guillain-Barré syndrome (GBS). The Complainant signed a general consent for admission. On 25.06.2009, the patient was on ventilator and administered life-saving drug injection Iviglob Ex, five doses daily, for 5 days. The cost of each injection- MRP was Rs. 18,990/-. Those injections were provided by hospital pharmacy and the Complainant was successfully treated and discharged on 13.06.2009. The total sum of Rs. 6,82,965/- as hospitalization charges were paid by the Complainant without any protest.

The Complainant alleges that, he was told that the cost per injection was Rs. 9,000/-. The Complainant 2 requested the hospital authorities that the injection Iviglob Ex was available at 30-40% discount in the other medical shops in the market and he may be permitted to purchase the injections from outside, but his request was not considered and he was forced to purchase the injections from the hospital itself.

The Hon'ble Commission held that:

"8. We find that, the Complainant singed the consent and the counseling form, but it is also important to understand the state of mind of the Complainant 2 as his wife Meenu Jain was in a critical condition in OP Hospital. The OP was in a dominating position over the Complainants. Also, the Complainants agreed to pay the expenses of drugs and medicines and other consumables as per rates of the hospital, but it is also an admitted fact that the hospital authorities did not permit the Complainant to purchase the injection "Iviglob Ex" from outside, despite repeated verbal requests. Those injections were allegedly available in the market at lesser price and he was forced to buy the injections from the hospital itself. Thus, the hospital authorities indirectly imposed unjustified and unreasonable conditions on the Complainant to purchase the injections from the hospital, for the treatment of the patient. The counsel for OP argued that, to ensure quality and genuineness of the drugs, the OP did not permit the patients to buy the drugs from outside which is not at all convincing and reasonable. The OP sold the injections at the maximum retail price (MRP), and not charged any excess amount.

9. We have given a thoughtful consideration and feel that the patient was suffering from GBS, a serious disease, and was in a critical condition. No doubt, the OP Hospital has treated her and cured her. We know that, the corporate hospitals purchase the medicines, surgical items, consumables, in bulk. Certainly huge margin is available, while procurement. OP has not produced it's purchase bills of those injections. In the open market, certainly the distributors or Pharmacy shops offer discounts on the medicines. The injection Iviglob Ex is a very expensive drug, which will be available at discounted price in open market, hence the OP should have allowed at least marginal discount of about 10-20%. The corporate hospitals should not be a commercial/business centres for profiteering from the exploitation of such critical patients, who have to pay sky rocketing hospital bills. Regarding contention of OP about spurious drugs, the OP was at liberty to explain the pros and cons of drugs brought from outside market, and after due consent from the complainants, they could have administered the injections."

■■■■

IJCP SUTRA: *"There is also shorter "disease-free" survival time among obese men who eat high saturated fat diet compared with non-obese men consuming diets low in saturated fat."*