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THE TIMES OF INDIA

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NEWS / INDIA NEWS / Can Hospitals Detain Patients For Unpaid Bills?

THIS STORY IS FROM JUNE 16, 2020

# Can hospitals detain patients for unpaid bills?

TIMESOFINDIA.COM / Updated: Jun 16, 2020, 17:29 IST

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A 60-year-old man was last week tied to a hospital bed in Madhya Pradesh's Shajapur after his family failed to pay the medical bill of Rs 11,200. After media reports, the local administration suspended the licence of the private hospital and booked the hospital manager for wrongful confinement.

Laxminarayan Dangi, 60, who was admitted to the Shajapur City Hospital with stomach ache, was tied to the bed. His daughter Sheela Dangi alleged that the restraints were put after they failed to pay the bill. The hospital claimed that he was suffering from convulsions and was tied to prevent injury.

Photos and videos of the patient being tied with the ropes to the bed went viral at social media platforms and drew attention of chief minister Shivraj Singh Chouhan, who ordered a probe into the matter. That's not how most such cases end though the law doesn't say much on the issue.

A draft charter: In 2018, the Union health ministry came out with a 'charter of patient rights' prepared by the National Human Rights Commission, laying down the basic rights of a patient. The draft said that hospitals cannot detain a patient, or the dead body of a patient, over procedural grounds such as dispute in payment of

hospital charges. "Caretakers also have the right to the dead body of a patient who had been treated in a hospital and the dead body cannot be detained on procedural grounds, including nonpayment/dispute regarding payment of hospital charges against wishes of the caretakers," the draft charter says.

The plan was to implement the provisions of the charter through state governments as health is a state subject.

**A draft rule:** Draft rules issued by the Maharashtra government last year that seek to amend the state Nursing Home Registration Rules said patients cannot be detained for non-payment of hospital bills and "under no circumstances a dead body be withheld for non-payment of hospital bill or any other reason".

**A problem:** These rules and guidelines are still 'drafts' and unless they are made into a law backed by sanctions for non-compliance, getting hospitals to fall in line would be difficult.

**The only option:** Various courts have ruled time and again that hospitals can't hold patients hostage for unpaid bills. However, these judgments have been on a case-to-case basis with courts refusing to pass general directions. In 2018, the Bombay high court, ruling in favour of a patient, observed: "How can a hospital detain a person who is declared fit otherwise on the ground of non-payment of fees? Such a hospital is curtailing the personal liberty of a person. Every member of the public must be made aware that such action on the part of a hospital is illegal."

However, the court refused to issue any specific regulatory order against hospitals, saying it is the government's job. A year earlier, the Delhi high court had asked for the release of a patient held hostage over a disputed bill saying, "even if dues are outstanding, custody of patients cannot be withheld to extract money towards unpaid bills. We deprecate this practice."

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