

Accessibility, Affordability of Medical Devices and Safeguards of Consumer Rights



CONSUMERS INDIA

Are you a Consumer?

**You are a 'Consumer' under
Consumer Protection Act, 1986
if you have paid for
a product or a service**

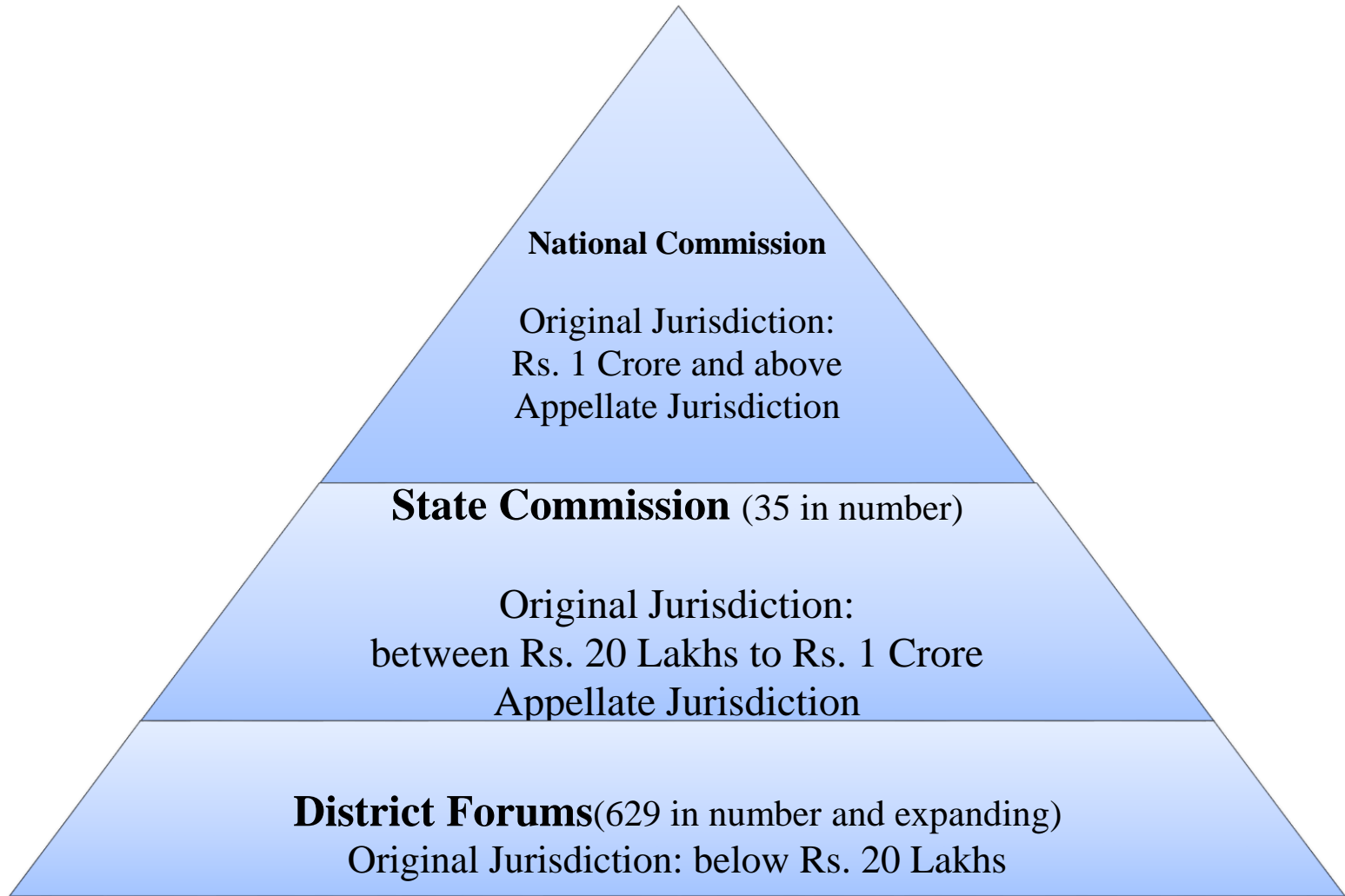
Statutory Rights of Every Consumer - Consumer Protection Act, 1986

- Right to safety**
- Right to be Informed**
- Right to choose**
- Right to be heard**
- Right to seek redressal**
- Right to consumer education**

MRP Mandatory for Medical Devices from January 1, 2018

Also, under the Legal Metrology (Packaged Commodities) Rules, 2011, every package must bear the name, address, telephone number, e-mail of persons or of office that can be contacted in case of consumer complaints

Consumer Forums set up to provide Speedy Justice to Consumers



A Landmark Judgement

‘Doctor can be held liable under Consumer Protection Act 1986 for deficiency of service.’

- **Supreme Court In the path-breaking case of Indian Medical Association V/s V.P. Shantha, (AIR 1996 SC 550)**

A Landmark Case

- **Wife of US-based doctor Kunal Saha died in 1998 - negligence of doctors in Kolkata**
- **West Bengal Medical Council gave a clean chit to doctors**
- **Compensation of Rs 1.73 crores ordered by the National Commission during 2011**
- **Increased to over Rs 6 crores by Supreme Court in 2013**

Time Taken: 15 years!!

High cost of Health Care a major cause of poverty

“I am shocked to note that as many as 4 crore people of our country plunge into poverty each year due to expenses on medical treatment.”

Mr Pranab Mukherjee,
President of India (AIIMS-2012)

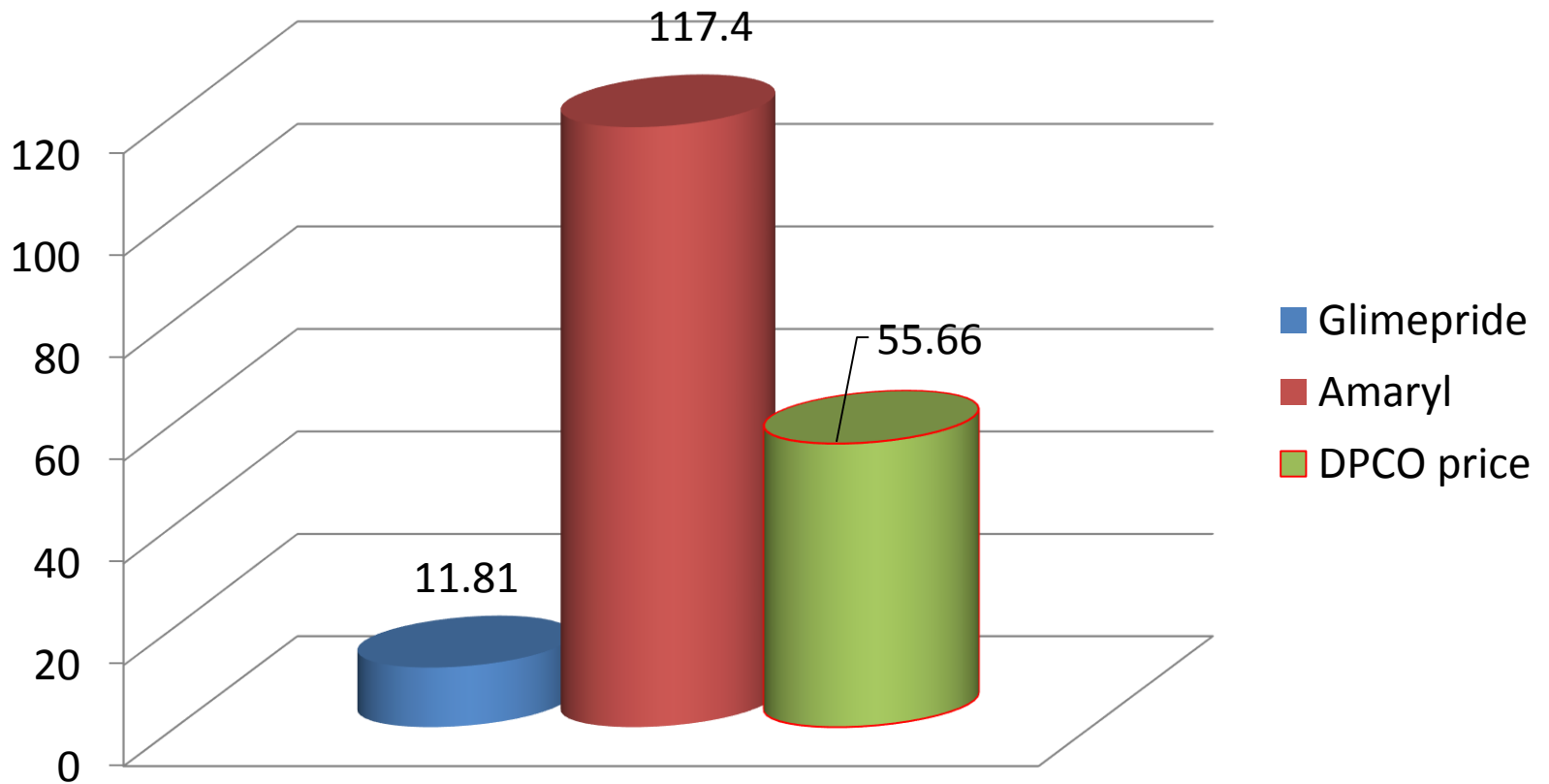
Noble goals crying for noble action

**‘Making essential drugs accessible at affordable prices to the common masses’-Draft
Pharmaceutical Policy-2017**

‘Universal access to good quality health care services without anyone having to face financial hardship’- National Health Policy-2017

‘Ensure healthy lives and promote well-being for all at all ages-Goal 3 of SDGs-UN

Glimepride (Diabetes) -2mg, 10 tab v/s Amaryl (Sanofi Aventis)



Where does this money go?

From Manufacturer to

Central Warehouse to

**Clearing & Forwarding Agents/
super-stockists to**

Distributers/Stockists to

Chemists

**++ Cost of Promotion & Expenditure on
Doctors**

Doctor is the “Customer”

- For Medical devices, as also for drugs, the decision to buy is NOT taken by the person who pays but by a third party i.e. prescribing doctor.
- Therefore for Manufacturing Companies doctor is the principal customer.

Findings of a Recent Study by Consumers India

- For same condition – Expenditure range is from INR 200 to 2000 per month!
- Ignorance and negligence - detection of diseases like diabetes after 3-4 years.
- 40% NOT PERFORMED any kind of exercise in the past week.
- Most people not covered by any medical insurance facility.

Consumers India's Appeal to Authorities

- Don't pay lip service to the poor
- **It is time to ACT!**
- Have specific goals in the policy like **'by the end of year 2018 it will be ensured that at least 75% drugs are sold by generic names'** and likewise and then work in reverse gear

Introduce Audit of Private Hospitals

- **'55% of heart surgeries or stenting procedures are unnecessary'** – Revealed a survey of 20,000 patients in Navi Mumbai.
- **Audit required to determine how many cases of Surgeries, Implants and high cost drugs were actually required**

Ensure better enforcement by NPPA, MCI and DCGI

- Improve **enforcement**, along with transparency in operations
- **Regulate the Regulators!!**
- Subject them to a rigorous **'Consumer Satisfaction Test'**

Success of our Efforts with United Nations

Specific target regarding **'Access to Affordable Drugs and Vaccines'** has now become part of Goal 3 of '2030 Agenda for Sustainable Development'.

Appeal to All

Demonstrate that you care by your

- thoughts,
- words and
- action

After all we are

‘Consumers First’!



Thanks