

**MEDICAL COUNCIL OF INDIA
SECTOR-VIII, POCKET- 14,
DWARKA, NEW DELHI**

Minutes of the meeting of the Ethics Committee held on 14th February, 2012 at 10.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi.

1.	Prof. Sneh Bhargava	Chairman
2.	Dr. Arun Bal	Convener
3.	Dr. Anil Dhal	Member
4.	Dr. Atul Sood	Member
5.	Dr. (Prof.) Chander Shekhar Shetty	Member
6.	Dr. R. B. Pawar	Member
7.	Dr. Sanjay Gupte	Member
8.	Dr. V. Sakhuja	Member
9.	Dr. Davinder Kumar	Joint Secretary, MCI

01. Minutes of the last meeting of the Ethics Committee- Confirmation of.

The Minutes of the Ethics Committee meeting held on 10th January, 2012 were confirmed.

02. Minutes of the last meeting of the Ethics Committee-Action taken there on.

The Ethics Committee noted the action taken on the items of the minutes of meeting of the Ethics Committee held on 1st December, 2011.

03. Appeal against order dated 02.01.2012 passed by Delhi Medical Council filed by Dr.(Mrs.) Raj Kohli.(F.No. 541/2011)

The Ethics Committee considered the appeal filed by Dr.(Mrs.) Raj Kohli against the Order dated 02.01.2012 passed by Delhi Medical Council and decided to call both the parties i.e. Appellant Dr. (Mrs.) Raj Kohli as well as the respondent Mrs. Sonika Kapoor for personal hearing.

Let notices be issued to complainant as well as to the respondent to appear before the Ethics Committee on next date for hearing on 17.03.2012 alongwith all the relevant/ supportive documents.

04. Appeal against order dated 06.04.2010 passed by Rajasthan Medical Council filed by Mr. Ajeet Singh Singhvi.(F.No. 522/2010)

The Ethics Committee considered the appeal dated 02.06.2010 filed by Mr. Ajeet Singh Singhvi against the Order dated 06.04.2010 passed by Rajasthan Medical Council and decided that the matter be sent to one of the Ethics Committee Members for his expert comments/opinion.

(Dr. Arun Bal)

05. Petition for transfer of ENQ 17/2010 before Karnataka Medical Council to Medical Council of India to uphold regulation 8.4 of the IMC Act, 1956, in the interest of justice and equity. (F.No. 16/2011)

The Ethics Committee considered the complaint received from Mr. Parikshit Dalal against Dr. Anil Kumar, Sakalecha, Santosh Hospital, Bangalore and noted that the MCI

has received a letter dated 13.01.2012 from the Registrar, Karnataka Medical Council, wherein KMC has informed that they have received a Memo from the complainant's Counsel stating whereby Hon'ble High Court of Karnataka in W.P. No. 1336-1337/2012 (GM-RES) has stayed further proceedings of the aforesaid enquiry till 31.03.2012.

In view of above, the Ethics Committee decided to review the same in the month of April, after the time given by the Hon'ble High Court of Karnataka.

06. Appeal against order dated 27.07.2011 passed by Delhi Medical Council made by Dr. Bhupendra Nath Singh (F.No. 407/2011).

The Ethics Committee considered the appeal dated 06.09.2011 filed by Dr. Bhupendra Nath Singh against the Order dated 27.07.2011 passed by Delhi Medical Council and decided that the matter be sent to one of the Ethics Committee Members for his expert comments/opinion.

(Dr. V. Sakhuja / Dr. R. B. Pawar)

07. Appeal against order dated 21.07.2011 passed by U.P. Medical Council made by Mrs. Chanchal Chaurasia. (F.No.439/2011).

The Ethics Committee considered the appeal dated 08.09.2011 filed by Mrs. Chanchal Chaurasia against the Order dated 21.07.2011 passed by U. P. Medical Council and decided that the matter be sent to one of the Ethics Committee Members for his expert comments/opinion.

(Dr. Arun Bal)

08. Appeal against order dated 20.04.2010 passed by Delhi Medical Council made by Sh. Virendra Kumar Bhardwaj. (114/2011)

The Ethics Committee considered the appeal dated 24.02.2011 filed by Sh. Virendra Kumar Bhardwaj against the order dated 20.04.2010 passed by Delhi Medical Council and noted that Sh. Virendra Kumar Bhardwaj, Appellant and Dr. Paras Gangwal, Respondent, appeared before the Ethics Committee.

The Ethics Committee heard the deposition of both the parties i.e. Sh. Virendra Kumar Bhardwaj, Appellant and Dr. Paras Gangwal, Respondent and after gone through/reviewed all the relevant records/documents, the Committee observed that Dr. Paras Gangwal had not maintained the OPD records and had been casually issuing certificates which was not in the proper format. The Ethics Committee strongly advised Dr. Gangwal to be more careful in future and to follow the MCI guidelines as per keeping the records and issue of certificates as per Clause 1.3.3. of the MCI Regulations.

09. Appeal against order dated 29.03.2011 passed by Maharashtra Medical Council filed by Sh. Pramod P.K. (357/2011)

The Ethics Committee considered the appeal dated 22.05.2011 filed by Mr. Pramod P. K. against the order dated 29.03.2011 passed by Maharashtra Medical Council and noted that the Complainant Mr. Pramod P. K., Respondent Dr. Rohit G. Suchak, Company's Doctor and Mr. Naveen Prakash, Counsel on behalf of Dr. Dilip D. Shah, Respondent have appeared before the Ethics Committee.

After scrutinizing the records submitted by Dr. Dilip D. Shah in digital form, listening the statement of Dr. Rohit G. Suchak, Company's Doctor and the statement of appellant Mr. Pramod P. K., the Ethics Committee observed that the medical certificate clearly mentioned that the patient was fit only for light duty work as on 20.04.2010 and needed further re-assessment for full fitness. Unfortunately, the patient did not report

back to the treating surgeon and chosen to go under the care of another surgeon. It has also been observed that latest x-ray of the patient shows the bone to have united in good position resulting in reasonably good functioning/recovery. In the light of the above observation, there seems to have been no medical negligence on the part of the treating team. Therefore, the appeal stands dismissed.

10. Appeal against order dated 16.04.2011 passed by Maharashtra Medical Council filed by Mr. Raghavendra Rao through Dr. M.C. Gupta, Advocate (303/2011)

The Ethics Committee considered the appeal dated 02.05.2011 filed by Mr. Raghavendra Rao against the order dated 16.04.2011 passed by Maharashtra Medical Council and noted that Mr. Raghavendra Rao, Appellant has appeared before the Ethics Committee along with his counsel Dr. M. C. Gupta. The respondent Dr. Hemant Lahoti, Junior Resident has also appeared before the Ethics Committee.

Dr. Hemant Lahoti, then Junior Resident stated that he was only involved in the care of the patient not part of the surgical team. Dr. Lahoti further stated that informed consent from the patient was taken and the same was on record. He also stated that there was no evidence to show that surgery on the bladder would possibly increase neurological deficit which had been presence since birth and might have deteriorated over a period of time as part of the natural process of the disease. The Committee is of the opinion that this also corroborates the deposition by Dr. Santosh Karmakar, who appeared before the Ethics Committee at its last meeting held on 10.01.2012.

After going through all the material/documents available, the Ethics Committee recommended that there is no detailed pre operative Neurological Assessment on record. Surgery was done on the urinary bladder and the comprehensive findings attribute that the alleged post operative neurological deterioration could not be attributed to the surgical process.

Though, there seems to be no medical negligence on the part of the treating team, however, they are advised to ensure proper recording of the pre-operative physical findings including neurological status in such cases in future.

11. Appeal against order dated 21.08.2008 passed by Karnataka Medical Council made by Dr. K.S.Nagesh. (116/2011)

The Ethics Committee considered the Order dated 21.12.2010 passed by Hon'ble Karnataka High Court in W.P. No. 16709/2009 in the matter of Dr. K.S. Nagesh Vs. Karnataka Medical Council & Ors. and noted that in the previous meeting of the Ethics Committee directed to obtain all the relevant records from the Appellant as well as from the complainant and as per above directions, the Karnataka Medical Council vide letter dated 06.01.2012 has submitted all the relevant records.

The Council Office vide letter dated 25.01.2012 has also directed both the parties to appear before the Ethics Committee for personal hearing.

The Counsel Mr.A.K.Srivastava appeared before the Ethics Committee on 14.01.2012 on behalf of Dr. K. S. Nagesh but failed to defend Dr. K.S. Nagesh. Therefore, the Ethics Committee decided to take an Expert opinion from an Anesthetist. The matter may be referred to Expert Opinion to Dr.(Prof.) Raktima Anand, Professor, Anesthesia, Maulana Azad Medical College, New Delhi to set up a medical board to investigate the cause of death of late Smt. S. Savitha.

Further action will be taken after the receipt of the Expert opinion by Dr.(Prof.)Raktima Anand.

12. **Violation of “Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002” – Reg. (Smt. Brinda Karat, Member, Polit Bureau, CPI(M), Former Member, Rajya Sabha)**

The Ethics Committee considered the letter dated 10.01.2012 received from Smt. Brinda Karat, Member, Polit Bureau, CPI(M), Former Member, Rajya Sabha and decided that a letter be sent to the Madhya Pradesh Medical Council enclosing therewith a copy of Smt. Brinda Karat’s letter with the request that the MCI would like to know what action was taken on the said matter. A separate letter should also be sent to Principal Secretary of DGCI and ICMR to know the outcome of their enquiries.

13. **PMO ID No. 16/3/2011-PMP3/330212, dated 02.11.2011 – representation of Shri B.M Fedrick, Secretary United Church of Northern India, Punjab.**

This item has reference to Medical Education therefore Secretary, Medical Council of India may kindly clarify and appraise the Ethical problem/issue arising from this case that the Ethics Committee needs to address.

14. **Review/Revision of the IMC (Professional Conduct, Etiquette and Ethics) Regulation, 2002 –reg.**

The Ethics Committee considered the matter regarding review/revision of the IMC (Professional Conduct, Etiquette and Ethics) Regulation, 2002 and noted that the Ethics Committee in their meeting dated 27.09.2011 decided to take Legal Opinion but the same is still pending.

After discussion with the Law Officer, the Ethics Committee directed him to take the Legal opinion as soon as possible and the matter will be placed along with the legal opinion before the Ethics Committee at its next meeting on 17.03.2012.

(Dr. Davinder Kumar)
Joint Secretary

APPROVED BY

(Prof. Sneh Bhargava)
Chairman

Dr. Arun Bal
(Convener)

Dr. R. B. Pawar
(Member)

Dr. Anil Dhal
(Member)

Dr. Sanjay Gupte
(Member)

Dr. (Prof.) Chander Shekhar Shetty
(Member)

Dr. V. Sakhuja
(Member)

Dr. Atul Sood
(Member)

New Delhi,
14th February, 2012.