

NO. MCI-211(2)/2013-Ethics/

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

Minutes of the meeting of the Ethics Committee held on 22nd January, 2013 at 09.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi.

1.	Prof. Sneh Bhargava	Chairperson
2.	Dr. Y.K. Gupta	Member
3.	Dr. R. B. Panwar	Member
4.	Dr. Sanajy Gupte	Member
5.	Dr. B.G. Tilak	Member
6.	Dr. Kumudini Sharma	Member
7.	Dr. Atul Sood	Member
8.	Dr. Rama V. Baru	Member
9.	Dr. Sangeeta B. Desai	Member
10.	Dr. G.K. Sharma	Member
	Dr. P.Prasannaraj	Addl. Secretary, MCI

Leave of absence were received from Dr. V. Sakhuja and Mr. Amit Bansal.

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

The Minutes of the Ethics Committee meeting held on 20th December, 2012 were confirmed.

02. Action taken pending on the previous minutes presented before the Ethics Committee on 27.10.2012 & 20.11.2012 to be approved by the BOGs.

The Ethics Committee noted the action taken on the items of the minutes of meeting of the Ethics Committee held on 27.10.2012 & 20.11.2012.

03. Appeal against order dated 29.06.2012 passed by Delhi Medical Council made by Dr. Ms. Vanya Chugh against Dr. Tarun Mittal. (F.No. 311/2012)

The Ethics Committee considered the appeal filed by Dr. (Ms.) Vanya Chugh against the order dated 29.06.2012 passed by Delhi Medical Council and noted that DMC vide its order dated 29.06.2012 held that no medical negligence can be attributed on the part of Dr. Tarun Mittal in the treatment administered to Late Sh. Naresh Kumar Chugh at Sir Ganga Ram Hospital. After examining all the records,

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(Dr. B.G. Tilak)	(Dr. Kumudini Sharma)	(Dr. Atul Sood)
(Dr. Rama V. Baru)	(Dr. Sangeeta B. Desai)	(Dr. G.K. Sharma)

(Prof. Sneh Bhargava) – Chairperson)

the Ethics Committee decided to call both the parties i.e. Dr.(Ms.) Vanya Chugh, Appellant and Dr. Tarun Mittal, Respondent, Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and the same with all records was decided to be sent to one of the Ethics Committee Member for its presentation in the next meeting.

04. Appeal against order dated 30.08.2012 passed by Delhi Medical Council made by Sh. Shashi Kant Sharma against Dr. Ajeet Kumar of St. Stephen Hospital, Delhi (F.No. 250/2012).

The Ethics Committee considered the appeal filed by Sh. Shashi Kant Sharma against the order dated 30.08.2012 passed by Delhi Medical Council and noted that DMC vide its order dated 30.08.2012 held *“Dr. Hosefa Vaikarya was pursuing his internship at Hindu Rao Hospital and at the same time, he was working as Resident Medical Officer at Deepak Memorial Hospital, which is a professional misconduct, hence, a warning be issued to Dr. Hozefea Vaikarya.”*

Further, the Ethics Committee after examining all the records, decided to call for hearing in the subsequent meeting the following :-

- (1) Superintendent of Deepak Memorial Hospital with the instruction to provide replies to the following issues.
 - (a) What was the clinical medical diagnosis of the patient.
 - (b) Why he was referred
 - (c) Why the assignment was given to the intern and did they talk to the referred hospital for ensuring the availability of the paid or not.
- (2) Dr. Ajeet Kumar, Chief Medical Officer(CMO) St. Stephen's Hospital
- (3) Dr. Sanjay Kumar, Resident, Deepak Memorial Hospital.
- (4) Appellant Sh. Shashi Kant Sharma.

The Ethics Committee noted that this item needs detailed study and the same with all records was decided to be sent to one of the Ethics Committee Member for its presentation in the next meeting.

05. Appeal made by Sh. Lalit Ratanlal Adtani against order dated 22.02.2012 passed by Gujarat Medical Council. (F.No. 204/2012)

The Ethics Committee considered the appeal filed by Sh. Lalit Ratanlal Adtani against the order dated 22.02.2012 passed by Gujarat Medical Council and after considering all the facts, the Ethics Committee decided to call Sh. Lalit Ratanlal Adtani for personal hearing to explain his complaint in detail in the subsequent meeting.

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The Ethics Committee noted that this item needs detailed study and the same with all records was decided to be sent to one of the Ethics Committee Member for its presentation in the next meeting.

06. Appeal against order dated 30.08.2012 passed by Delhi Medical Council made by Dr. Praphul Misra. (F.No. 251/2012)

The Ethics Committee considered the appeal filed by Dr. Praphul Misra against the order dated 30.08.2012 passed by Delhi Medical Council and after considering all the facts, the Ethics Committee decided to call Dr. Praphul Misra, Appellant for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and the same with all records was decided to be sent to one of the Ethics Committee Member for its presentation in the next meeting.

07. Appeal against order dated 30.08.2012 passed by Delhi Medical Council made by Sh. K.L. Kumar against Dr. S.K. Sogani. (F.No. 248/2012)

The Ethics Committee considered the appeal filed by Sh. K. L. Kumar against the order dated 30.08.2012 passed by Delhi Medical Council and noted that DMC vide its order dated 30.08.2012 held that no case of medical negligence is made out in the treatment administered to late Mrs. Savita Kumar at Indraprastha Apollo Hospital. The patient died due to the known complications associated with surgery of such nature, which inspite of being treated as per standard protocol, have grave prognosis/outcome.

After examining the appeal with all the attached documents, the Ethics Committee decided to call both the parties i.e. Sh. K. L. Kumar, Appellant and Dr. S. K. Sogani, Respondent, Indraprastha Apollo Hospital, New Delhi for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and the same with all records was decided to be sent to one of the Ethics Committee Member for its presentation in the next meeting.

08. Appeal against order dated 08.03.2012 passed by Karnataka Medical Council made by Dr. Giridhar Patil. (F.No. 94/2012)

The Ethics Committee considered the appeal filed by Dr. Giridhar Patil against the order dated 08.03.2012 passed by Karnataka Medical Council and noted that KMC vide its order dated 08.03.2012 held that Dr. Giridhar Patil has

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violated the Code of Medical Ethics and he is administered a "Warning" under the provisions of the KMC Act & rules. After examining all the records, the Ethics Committee decided to call both the parties i.e. Dr. Giridhar Patil, Appellant and Sh. Anthony R. Rodrigues, Respondent for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

The Ethics Committee noted that this item needs detailed study and the same with all records was decided to be sent to one of the Ethics Committee Member for its presentation in the next meeting.

09. Appeal against order dated 09.04.2012 passed by Rajasthan Medical Council made by Dr. Inaam Babu Khan. (F.No. 105/2012)

The Ethics Committee considered the appeal filed by Dr. Inaam Babu Khan against the order dated 09.04.2012 passed by Rajasthan Medical Council and noted that Rajasthan Medical Council order dated 09.04.2012 held that Dr. I.B. Khan has violated the Medical Ethical Codes of Good Medical Practice. He was not authorized by Govt. to issue a Disability Certificate hence his Medical Registration may be suspended for at least one year.

The Ethics Committee examined the entire record and the submission made by both the parties and concluded that there was no violation of Code of Medical Ethics on part of Dr. Innam Babu Khan. In view of the above, the Ethics Committee waived off the punishment given by the Rajasthan Medical Council.

10. RC 34(A)/2010 of CBI, ACB, Chennai – MCI case – Charge sheet (against Shri M.K. Rajagopalan, Chairman, Sri Balaji Educational & Charitable Public Trust, Chennai and Dr. D.R. Gunasekaran, Vice Chancellor, Sri Balaji Vidyapeeth, Deemed University, Pondicherry.

The Ethics Committee deferred the matter for the next meeting because of want of time..

11. Appeals by Sh. Ramesh Kumar Khatri Numbardar against(1) Order dated 30.12.2011 passed by Delhi Medical Council (DMC) (2) Order passed by Haryana State Medical and Dental Council (HSMDC) dated 12.10.2011 and against (3) DMC for referring the complaint to HSMDC and no action by both Councils.

The Ethics Committee considered the appeal filed by Sh. Ramesh Kumar Khatri, Numbardar against order dated 30.12.2011 passed by Delhi Medical Council and noted that Sh. Ramesh Kumar Khatri, Appellant and Dr. Akhil Saxena, Dr. Anupama Sethi, MBBS, DGO, (Gynaecologist) Sethi Hospital, Sonipat, Dr. D. K. Shrivastava, Anesthetist (DA), Dr. Garima Sharma, MD, Anesthesia, Dr. Dviya Saxena, Physician, MD(Med.) and Dr. Anurag Arora, Physician, MD(Med.), Respondents, both have appeared before the Committee.

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The Ethics Committee heard the deposition of both the parties in detail and after going through & reviewing all the relevant records & documents (including documents submitted on 24.01.2013 by Dr. Akhil Saxena & Dr. Anupama Sethi Arora, Saxena Multispeciality Hospital, Pvt. Ltd. Sonapat (Haryana) were considered while minutes were confirmed), it was noted that:-

1. The concerned doctors by publishing their names & photos in newspapers advertisement; have transgressed the medical Code of Ethics.
2. Standard treatment and check up protocols for pre-operative assessment and post operative care were not adhered to.
3. The documents on record are incomplete, inconsistent and not in sequential order and appeared to be tampered.
4. The consent for HIV testing was not taken and consent for operation was also not in proper format.
5. The case records were not provided as requested by the patient's relatives within the 72 hours period prescribed in the Code of Medical Ethics.
6. The treating doctors did not follow the standard protocol for mobilizing the patient during post operative period.
7. None of the treating doctors accompanied the patient when she was serious and being transferred to Sir Ganga Ram Hospital, New Delhi.

After considering all these facts, the Committee is of the opinion that the following doctors whose Photo's and Names appeared in the advertisement have violated provisions (clause 7.11 which reads as under :- *A physician should not contribute to the lay press articles and give interviews regarding diseases and treatments which may have the effect of advertising himself or soliciting practices; but is open to write to the lay press under his own name on matters of public health, hygienic living or to deliver public lectures, give talks on the radio/TV/internet chat for the same purpose and send announcement of the same to lay press.*) of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

The Ethics Committee decided to remove the following Names/Registration of the doctors, whose name mentioned in the advertisement of Saxena Hospital, Sonipat, from the Indian Medical Register/State Medical Register for a period of 15 days: -

1. Dr.(Mrs.) Divya, Consultant Physician
2. Dr. Rakesh Chanda, ENT, Head & Neck Surgery
3. Dr. Prashant Tyagi, Consultant Burns, Plastic, Cosmetic, Reconstructive, Maxillofacial, Microvascular, Hand & Laser Surgeon.
4. Dr. Sanjeev Jain
5. Dr. D. K. Shrivastava
6. Dr. Garima
7. Dr. Seema Chanda
8. Dr. Anurag Arora
9. Dr. Anshuman Kumar

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10. Dr. Jagjit Singh

The treating doctors namely Dr. Anupama Sethi and Dr. Akhil Saxena have been found to be negligent in their care provided to late Mrs. Anita and the Ethics Committee recommended for removal of their name from the Indian Medical Register/ concerned State Medical Register for a period of One Month.

12. Appeal against order dated 04.06.2012 passed by Delhi Medical Council made by Mr. Suneel Kumar against Dr. C. M. Bhagat & Dr. Ahmed Raza. F.No. 205/2012

The Ethics Committee considered the appeal filed by Sh. Suneel Kumar against order dated 04.06.2012 passed by Delhi Medical Council and noted that the Committee has called both the parties for personal hearing and both Dr. C.M. Bhagat and Dr. Ahmed Raza, Respondents have appeared before the Committee.

The Ethics Committee heard the deposition of Dr. C. M. Bhagat in detail and after going through/review all the relevant records/documents, it has been noted by the Committee that:-

1. No doctor was available or appointed in the casualty/medical duties, when the father of Sh. Sunil Kumar has been admitted in the casualty and therefore no treatment was given.
2. Death Certificate was signed by an unauthorized person Mr. Ahmed Raza on the instruction of Dr. C.M.Bhagat.
3. Dr. C.M. Bhagat the only doctor on the premises reached the casualty after the death of the patient.

All the above evidence shows that there was medical negligence on the part of Dr. C.M. Bhagat.

Keeping this in view, the Ethics Committee considered that the name of Dr. C.M. Bhagat may be struck off from the Indian Medical Register for a period of One Year.

13. Appeal against order dated 11.07.2012 passed by Rajasthan Medical Council made by Dr. Iqbal Khan (F.No. 203/2012)

The Ethics Committee considered the appeal filed by Dr. Iqbal Khan against order dated 11.07.2012 passed by Rajasthan Medical Council and noted that the Committee has called both the parties for personal hearing. The Ethics Committee heard the deposition of Sri Siraj Mohyd. Mansuri and Dr. Iqbal Khan. Dr. Khan in his written statement requested the Committee for withdrawal of his appeal and clarification regarding issues raised in the appeal including the permission for MBBS Graduate to conduct operation of hysterectomy and similar such operation. The Ethics Committee accepted the request of Dr. Iqbal Khan for withdrawal of his appeal and the Ethics Committee noted that as the queries raised by Dr. Iqbal Khan are Administrative in nature and same may be referred to Secretary, Medical Council of India.

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14. Appeal made by Dr. Arvind Poswal against Dr. Charu Sharma (F.No. 37/2012)

The Ethics Committee considered the appeal filed by Dr. Arvind Poswal against Dr. Charu Sharma and noted that the Committee has called both the parties for personal hearing on 22.01.2013. The Counsel of Dr. Arvind Poswal, Appellant appeared on behalf of his client and presented the case. The Respondent Dr. Charu Sharma also appeared before the Committee.

The Ethics Committee discussed the matter in detail and felt that despite repeated notices sent to Dr. Arvind Poswal asking him to appear for hearing but he has not been appeared before the Ethics Committee and has been postponing the matter deliberately. On the request of the representative of Dr. Poswal, the Ethics Committee waited specifically to hear Dr. Poswal's point of view for substantial period of time, during the last meeting on 20.12.2012. His representative had promised to the Committee that in the next hearing, his client personally wants to appear before the Ethics Committee for hearing.

In today's hearing, the Counsel of Dr. Poswal (duly authorized), Ms. Neha Kapur, the Ethics Committee duly submitted/informed that the written reply of Dr. Poswal to the Ethics Committee may be considered as the final reply to the issues being deliberated by the Ethics Committee.

The Ethics Committee took serious note of his continued and deliberated absence and is now of the view that more than adequate opportunities had been given to Dr. Poswal to present his point of view, but it appears that he is deliberately unwilling to cooperate with the proceedings of the Ethics Committee in the said matter.

In the light of above and on the basis on the documentary evidences submitted by Dr. Poswal and statement of Dr. Charu along with written statement, the Ethics Committee decided to issue notice to Dr. Arvind Poswal that why action should not be taken against him for not appearing before the Ethics Committee despite repeated notices having been issued to him to appear. He is called upon to appear before the Ethics Committee on next meeting alongwith all records pertaining to his qualification.

15. Complaint against various doctors of Melmaruvathur Adiparasakthi Institute of Medical Sciences, Melmaruvathur, Tamil Nadu giving false and misleading information regarding their working as full time faculty as alleged by CBI Case in RC.25(A)/2010 of ACB, Chennai.

The Ethics Committee deferred the matter for the next meeting.

16. Clarification as requested by Ms. Bindu M.V (F.No. 216/2008)

The Ethics Committee deferred the matter for the next meeting.

New Delhi, 22nd January, 2013.

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