

FNO. 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 24th & 25th May, 2013 at 10.00 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi. The following were present:-

1.	Prof. Sneh Bhargava	Chairperson
2.	Dr. R. B. Panwar	Member
3.	Dr. Y. K. Gupta	Member
4.	Dr. Sanjay Gupte	Member
5.	Dr. B.G. Tilak	Member
6.	Dr. Kumudni Sharma	Member
7.	Dr. Sangeeta B. Desai	Member
8.	Dr. Rama V. Baru	Member
9.	Sh. Amit Bansal	Member
	Dr. P.Prasannaraj	Addl. Secretary, MCI
	Sh. V. K. Velukutty	Consultant

Leave of absence from Dr. G.K. Sharma, Dr. Vinay Sakhuja and Dr. Atul Sood was granted.

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

The Minutes of the Ethics Committee meeting held on 26th & 27th April, 2013 were confirmed.

02. Review of Action taken on Minutes of the Ethics Committee meeting held on 23rd March, 2013.

The Ethics Committee reviewed the progress of action taken by the office on various decisions taken by it as per the minutes of its meeting held on 23rd March, 2013.

NOTE:-

Agenda Item 10.

The minutes of the Ethics Committee dated 23.03.2013 was placed before the Board of Governors at its meeting held on 07.05.2013 for their approval. The Board of Governors approved the above minutes of the Ethics Committee except the decision i.e item No. 10, on which they desired to ascertain from the Ethics

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Committee whether or not they have elicited specific opinion of the expert on the subject matter.

“In reference to above, the Ethics Committee clarified that specific opinion of the experts was obtained.”

Agenda Item 14.

The Ethics Committee decide to Erase the Second Para of the Minutes, which reads as under:-

“After detailed deliberation, the Ethics Committee decided as under:”

03. Appeal dated 13.03.2013 filed by Sh. Satish Singh Bandikui, Distt. Dausa against Dr. Shipra Katta and Dr. Sunil Katta, Katta Hospital, Dausa, Rajasthan-reg.(249/2012).

The Ethics Committee considered the appeal filed by Sh. Satish Singh Bandikui, Distt. Dausa against Dr. Shipra Katta and Dr. Sunil Katta, Katta Hospital, Dausa, Rajasthan and noted that Rajasthan Medical Council vide its order dated 07.01.2013 held that *“Smt. Neeta Devi was admitted at Katta Hospital on 01.07.2012 at about 12.00 pm for delivery. During the ARM the liquor was clear and there was no foetal distress, baby cried immediately after birth and APGAR Scores and 1 to 5 minutes were normal. The delivery was conducted by Dr. Shipra Katta in presence of well trained and experience Nurses. The patient’s attendants were fully satisfied with the treatment provided at Katta Hospital.*

Dr. Sunil Katta & Dr. Shipra Katta were recorded in their statements that Padiatrician charges of Rs. 300/- was wrongly printed in the cash memo (like Baby Short/Oxygon/Warmer Machine). In fact they have not charged Paediatric charges as they have no Paediatrician.

The Penal & Ethical Committee after going through the statements and relevant documents has opined that there was type mistake, so case may be closed.”

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. Satish Singh Bandikui and Respondents, Dr. Shipra Katta and Dr. Sunil Katta, Katta Hospital, Dausa, Rajasthan through Head/MS of the Hospital, for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

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04. Appeal dated 11.03.2013 (received in the Council on 19.03.2013) filed by Sh. S.R. Aggarwal, Rohini Delhi against Order dated 09.10.2012 passed by Delhi Medical Council-reg(542/2012).

The Ethics Committee considered the appeal filed by filed by Sh. S.R. Aggarwal, Rohini Delhi against Order dated 09.10.2012 passed by Delhi Medical Council and noted that Delhi Medical Council vide its order dated 09.10.2012 held that *“ the fall of the patient from the bed was an accident and not due to any act of negligence. The subsequent treatment initiated to deal with the brain injury was as per the standard protocol in such case.*

The Disciplinary Committee is of the view that even if the surgery had been done at the earliest occasion, the outcome in this case may not have been favourable, considering the overall high risks and seriousness of the condition of the patient.”

The Disciplinary Committee dated 03.10.2012 deliberated on the decision of DMC dated 24.08.2012 and further decided as under:-

“while confirming the decision of the Disciplinary Committee, the Council observed that in the facts and circumstances of this case, Medical Superintendent, Maharaja Agrasen Hospital be issued a caution for the administrative shortcomings as highlighted in the Disciplinary Committee Order.”

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. S.R. Aggarwal and Respondents, Medical Superintendent alongwith ICU Incharge at that point of time of Maharaja Agrasen Hospital, New Delhi for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

05. Appeal dated 20.12.2012 (received in the Council on 03.01.2013) filed by Sh. Agam Sangaiah, Andhra Pradesh against Order dated 28.05.2012 passed by Andhra Pradesh Medical Council-reg.(522/2012).

The Ethics Committee considered the appeal filed by Sh. Agam Sangaiah, Andhra Pradesh against Order dated 28.05.2012 passed by Andhra Pradesh Medical Council and noted that Andhra Pradesh Medical Council vide its order dated 28.05.2012 held that *“the General Body is of the view that “there is no deliberate negligence on the part of both the doctors” and hence decided that the complaint be set aside.”*

After examining the appeal and the attached documents, the Ethics Committee noted the Clause 8.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, which reads as under:-

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“8.8 Any person aggrieved by the decision of the State Medical Council on any complaint against a delinquent physician, shall have the right to file an appeal to the MCI within a period of 60 days from the date of receipt of the order passed by the said Medical Council:

Provided that the MCI may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of 60 days, allow it to be presented within a further period of 60 days.”

As per above Clause of Regulation, a candidate can apply within 60 days from the date of Order of the State Medical Council or in special cases it would be maximum 120 days.

As it is a time barred case in terms of Clause 8.8. of the Ethics Regulations, therefore, the Ethics Committee decided not to maintain the appeal at this stage. The draft sent by the Appellant with regard to fee, may be returned in original.

Accordingly, appeal is disposed of.

06. Order dated 13.03.2012 passed by Redressal Forum (East) in the case No. 522/09 filed by Mrs. Neeta Kapoor V/s Pushpanjali Medical Centre & Anr.

The Ethics Committee considered a letter dated 08.04.2013 received from Sh. Dhruv Chakravarty, Under Secretary to the Govt. of India, Ministry of Health & Family Welfare, New Delhi whereby they have enclosed an order dated 13.03.2013 issued by Distt. Consumer Disputes Redressal Forum (East), Govt. of NCT of Delhi in the matter of Mrs. Neeta Kapoor Vs. Pushpanjali Medical Centre and Dr. Mukesh Koshal.

After detailed deliberation and examining the above order, the Ethics Committee decided to call both the parties i.e. Complainant, Mrs. Neeta Kapoor and Respondents, Dr. Mukesh Koshal, Ultrasonologist of Arun Imaging Centre and Dr. Rekha Sareen, Gynaecologist of Pushpanjali Medical Centre for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the above order to the respondent before the subsequent meeting.

07. Submission of report by Vigilance Division in respect of complaints of Sh. Mahander Gaur, Jaipur-Regarding.

The Ethics Committee considered a letter dated 26.04.2013 received from the Vigilance Section, Medical Council of India alongwith the report on the

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complaints of Sh. Mahender Gaur, Jaipur dated 25th & 27th March, 2011 wherein the Vigilance Section has suggested action against the following faculty for simultaneously work at more than one medical college:-

S.No.	Name of Faculty	Name of the college	Date of Joining	Date of Assesment	Remarks/observation of vig.Divisio
1	Dr. Geeta . A	Bangalore Medical College, Bangalore Raichur Instt. of Medical Scineces, Raichur	19.08.2008 19.02.2010	21.2.2011 16.06.2010	It is clear that Dr. Geetha A has worked at more than one medical College simultaneously at the same point of time.
Both the declaration forms marked as 1A & 1B submitted by the college authorities in respect of Dr. Geetha A is enclosed herewith.					
2	Dr. H.Chandra Shekar	Raichur Instt. of Medical Scineces, Raichur Bangalore Medical College, Bangalore	05.02.2010 16.05.2008	16.06.2010 21.02.2011	It is clear that Dr. H.Chandra Shekar has worked at more than one medical college simultaneously at the same point of time.
Both the declaration forms mrked as 2A & 2B submiited by the college authorities in respect of Dr,H. Chandra Shekar is enclosed herewith.					
3	Dr. N. Rachegowda	Govt. Medical College, Mysore Bidar Instt. of Medical Sciences, Bidar	14.11.2005 17.03.2010	05.04.2011 11.06.2010	It is clear that Dr. N. Rachegowda hs worked at more than One medical college simultaneously at the same point of time.
Both the declaration forms marked as 3A & 3B submitted by the college authorities in respect of Dr. H. Chandra Shekar is enclosed herewith.					

After detailed deliberation, the Ethics Committee decided to call Dr. Geeta . A, Dr. H.Chandra Shekar and Dr. N. Rachegowda and Director, Medical Education Karnataka and Director, Medical Education, Rajasthan for personal hearing with all

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the records and supportive documents available with them in the subsequent meeting.

08. Appeal dated 02.03.2013 filed by Md. Shahjahan Ali Talukdar against Dr. T. Raja, Dr. Gunavathi K.N. and Dr. Sangita – reg.(F.No. 311/2011)

The Ethics Committee considered the appeal filed by Md. Shahjahan Ali Talukdar against Dr. T. Raja, Dr. Gunavathi K.N. and Dr. Sangita and noted that the Registrar, Tamilnadu Medical Council vide their letter dated 07.06.2011 informed him that *“they are not empowered to take action against the above doctors based on his allegation and the complaint does not come under the purview of the TN Medical Council.”* The Council Office has also sent a reminder dated to the Registrar, Tamilnadu Medical Council to provide the present status of the case vide letter dated 17.10.2012 but they have failed to provide any information.

The Ethics Committee noted that Appellant, Md. Shahjahan Ali Talukdar and Respondents, Dr. Gunavathi K. N. (Jr. Consultant) and Dr. Sangita(Jr. Consultant) of Apollo Speciality Hospital, Chennai did not appear before the Ethics Committee for hearing.

The Ethics Committee also observed letter dated 20.05.2013 received from Dr. T. Raja requesting for 6 weeks time to attend before the Committee and the Committee considered their request and decided to call them for the next hearing alongwith other Respondent doctors as well as Appellant Md. Shahjahan Ali Talukdar.

09. Appeal against the order dated 14.01.2013 passed by West Bengal Medical Council made by Syamal Bose against Dr. P.K. Pujari, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra and Complaint dated 14.02.2013 held by Syamal Bose against Dr. S.S. Das –reg. (F.No. 601/2011)

The Ethics Committee considered the appeal filed by Sh. Syamal Bose against Order dated 14.01.2013 passed by West Bengal Medical Council and noted that West Bengal Medical Council vide its order dated 14.01.2013 held that *“the statement of complainant, Sri S. Bose that he has no complaint about management of patient of the three doctors viz. Dr. P. K. Pujari, Orthopaedic Surgeon, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra. His only complaint is that before operation, if Dr. R. Bhattacharyya informed him about the risk of the patient who was suffering from high Blood Sugar and leucocytosis, he would not choose the patient for operation.*

He has also complained about Dr. S. S. Das, Critical Care Specialist in this case, that he did not opt for blood culture and sensitivity test to modify or change antibiotics accordingly as is done in a case of leucocytosis with septicemia.

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In view of all the depositions made before the Penal & Ethical Cases Committee, the Committee is of the opinion that the case may be disposed of against all three doctors who is registered with WBMC after issuing "Warning".

Penal & Ethical Cases Committee desires that Registrar, West Bengal Medical Council to follow up the matter with MCI."

The Ethics Committee noted that both the parties i.e. Appellant, Sh. Syamal Bose and Respondents, Dr. P. K. Pujari, Orthopaedic Surgeon, Dr. Ranjan Bhattacharjee, Dr. Shyam Sunder Das and Dr. Asis Kumar Patra, of Paramount Nursing Home, Kolkata did not appear before the Ethics Committee for hearing.

The Ethics Committee also observed letter dated 21.05.2013 received from Dr. Shyam Sunder Das and four others requesting for 30 more days time to attend before the Committee and the Committee considered their request and decided to call them for the next hearing alongwith other Respondent doctors as well as Appellant Sh. Syamal Bose.

10. Appeal dated 09.04.2013 filed by Sh. Suman Chadha against Dr. A. S. Soin and other team of doctors of Medanta Medicity Hospital, Gurgaon, Haryana - reg.

The Ethics Committee considered the appeal dated 09.04.2013 filed by Sh. Suman Chadha against Dr. A. S. Soin and other team of doctors of Medanta, the Medcity, Gurgaon, Haryana and noted that Haryana Medical Council failed to conclude the matter within the stipulated time period.

The Ethics Committee further noted that both the parties i.e. Appellant, Sh. Suman Chadha alongwith Mrs. Diksha Chadha and Respondent, Dr. A. S. Soin, Liver Transplant Surgeon, MS, Dr. Dubey and Dr. Ravi, Liver Transplant Surgeon of Medanta Hospital have appeared before the Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail and after going through all the relevant records & documents, the Committee found that there was no medical negligence as the doctors have followed all the protocols. The complainant had some grievances of not having been communicated about the entire procedure properly. It was also noted that the doctors have sincerely done their best to do operation successfully but it was unfortunate that the patient died due to multiple organ failure. The records show that team of doctors of Medanta Hospital have counseled the complainant on three occasions as per their standard protocol. It is advisable that the hospital should make suitable amendments and detailed clarifications in their protocol of pre-transplant counseling of donors and recipients. The Counseling process should be recorded (preferably Audio-Visual) and this kind of miscommunication perceived by the patients family is avoided.

Accordingly, the appeal is disposed off.

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11. Appeal dated 15.10.2012 filed by Sh. Vikas Thakran against Order dated 01.08.2012 passed by U.P. Medical Council against Dr. Rakesh Chandra-reg. (F.No. 421/2012).

The Ethics Committee considered the appeal filed by Sh. Vikas Thakran against Order dated 01.08.2012 passed by U.P. Medical Council and noted that U.P. Medical Council vide its order dated 01.08.2012 held that *“Dr. Rakesh Chandra cannot be held guilty of misconduct, medical negligence or making fraudulent medico legal report as original records appears to be authentic.”*

The Ethics Committee noted that Appellant, Sh. Vikas Thakran and Respondent Mrs. Upasana have appeared today before the Committee and submitted their statements.

After hearing the deposition of both the parties in detail, the Ethics Committee observed that Dr. Rakesh Chandra did not follow the standard protocol for handling Medico Legal Cases, such as :-

- 1) Standard Format for Medico Legal Case prescribed by the Government has not been used. The Medical Legal Report has been written only on a plain paper.
- 2) There is no Medico Legal Number documented.
- 3) The Medico Legal Report has not been forwarded to the police which is an important mandatory step in such cases.
- 4) The clinical examination was performed on the patient, who is a young lady without the presence of a Female attendant.
- 5) The consent was not taken or documented from the authorized person i.e. husband of the lady or the concerned lady herself.
- 6) The record maintained in the Casualty is not in the standard Medico Legal Format.

All the above, constitute a major lapse of not following standard procedure on the part of Dr. Rakesh Chandra, therefore, the Ethics Committee decided to remove the name of Dr. Rakesh Chandra for a period of **SIX MONTHS** from the Indian Medical Register/State Medical Register from the date of issue of the order of punishment by concerned Council.

Accordingly, the appeal is disposed off.

12. Appeal dated 24.12.2012 filed Sh. Sudhansu Shekhar Mohanty, Bangalore against Dr. K.G. Kallur, Bangalore-reg.(F.No. 314/2012).

The Ethics Committee considered the appeal filed by Sh. Sudhansu Shekhar Mohanty against Order dated 19.07.2012 passed by Karnataka Medical Council and noted that in the previous meeting of the Ethics Committee on 26th & 27th April, 2013, Respondent, Dr. K. G. Kallur had appeared before the Ethics

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Committee for hearing and submitted his statement. Sh. Sudhansu Shekhar Mohanty did not appear.

The Ethics Committee decided to grant a final opportunity to the Appellant, Sh. Sudhansu Shekhar Mohanty to present himself before the Committee, failing which, the decision will be taken ex-parte as per available records/material.

13. Appeal dated 17.07.2012 filed Mr. Rishi Sabharwal against the letter dated 20.06.2012 of Delhi Medical Council - reg.(F.No. 245/2012)

The Ethics Committee considered the appeal filed by Mr. Rishi Sabharwal against the letter dated 20.06.2012 issued by Delhi Medical Council and noted that in the previous meeting the Ethics Committee on 26th & 27th April, 2013, the Committee decided to call once again both the parties i.e. Appellant, Sh. Rishi Sabharwal and the Respondents, officials of Fortis (list as provided during hearing) i.e. Dr. Pushkar, Dr. Atul Prasad, Dr. Amit Srivastava, Dr. Pinak Shrikhande, Dr. Sanchayan Roy, Dr. Sunita Kaul, Dr. Rajneesh, Dr. Abhijit Singh and Dr. Anupam Basumatary alongwith the doctor – incharge of Mahajan Imaging Center, Hauz Khas for hearing. Only Dr. Amit Shrivastava and Dr. Amrita Gope Roy were claimed to be represented through their Counsel Sh. Rohit Puri in the last meeting.

The Ethics Committee noted that Respondent Dr. Pushkar Nanadan Singh (who is stated to have left the employment of the hospital and is currently in US) and Dr. Anupam Basumatary and also the Appellant Sh. Rishi Sabharwal did not appear nor any representation for absence has been provided.

Dr. Amit Shrivastava, Neurologist in-charge has submitted his written statement which was reviewed by the Committee.

The Ethics Committee heard the deposition of all the doctors in detail and after going through the relevant records & documents, the Committee observed that whatever decision taken by the Neurologist to send the patient for MRI was not justified.

The accompanying doctor, Dr. Pushkar Nandan Singh did not appear before the Committee today, so it is decided to send him a letter by the Hospital authorities with intimation to this Council, to appear before the Committee for his statements, as he was the person who accompanied the patient as well as was witness to the cardiac arrest, its management and its after effects.

Simultaneously, it was decided that MS of the Fortis Hospital should submit all the records in original related to this patient as well as she should submit to MCI the correct address, qualification certificates and contact details of Dr. Pushkar Nandan Singh.

Dr. Mahajan of Mahajan Imaging Center, in his written statement submitted that the MRI Scan was completed and further clarified in his oral statement that the films have been handed over to the patient's relative. The Ethics Committee

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asked him to provide the records of the investigation done in his Diagnostic Center, for which he agreed to provide the available records. If, they were still preserved in the archives.

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

The Ethics Committee considered the matter with regard to Ms. Bindu M. V. and noted that Dr. K. V. Babu has personally appeared in the previous meeting of the Committee.

Now, the Council has received an e-mail dated 21.05.2013 from Dr. K. V. Babu whereby he has shown his inability to attend the Ethics Committee Meeting dated 24th & 25th May, 2013. He has requested that if his personal appearance is essential, he will appear on a future date.

The Ethics Committee decided to give one more opportunity to Dr. K. V. Babu and Dr. J. Rajagopalan Nair to appear before the Ethics Committee for hearing in the subsequent meeting.

15. Appeal dated 28.12.2012 filed by Sh. Sunil Kumar against Dr. Ramesh Kumar Kamra and Dr. Urmil Dhatarwal-Reg (F.No.01/2012).

The Ethics Committee considered the appeal dated 28.12.2012 filed by Sh. Sunil Kumar against Dr. Ramesh Kumar Kamra and Dr. Urmil Dhatarwal and after considering all the records, the Committee noted that Dr. Ramesh Kumar Kamra has already appeared before the Ethics Committee on 23.03.2013 and submitted his deposition.

The Ethics Committee noted that inspite of repeated request Dr. Urmil Dhatarwal has not appeared before the Committee for hearing. After detailed deliberation, the Ethics Committee decided to grant a final opportunity to Dr. Urmil Dhatarwal, Respondent to present himself before the Committee, failing which, the decision will be taken ex-parte as per available records/material.

16. Appeal dated 20.02.2013 filed by Sh. Amir Hussain against Dr. Brijeshwar Singh-reg.(F.No.143/2012).

The Ethics Committee considered the appeal dated 20.02.2013 filed by Sh. Amir Hussain against Dr. Brijeswar Singh and noted that UP Medical Council vide its order dated 07.11.2012 held that *“as far as treatment is concerned Dr. Brijeshwar Singh treated the patient without committing any negligence, even in Malignancy this treatment is indicated. However, Dr. Brijeshwar Singh did not suspect the presence of malignancy therefore he did not take Bone Biopsy. The report of MRI is also shows Osteomyelitis. AIIMS report also shows query mark against the diagnosis.*

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The Ethical Committee is the opinion that Dr. Brijeshwar Singh cannot be held guilty of medical negligence. Dr. Brijeshwar Singh get strict warning to should be maintain proper case sheet, record keeping and should be comprehensive treat the patients."

The Ethics Committee further noted that Respondent Dr. Brijeshwar Singh appeared before the Committee for hearing.

The Ethics Committee heard the deposition of Respondent Dr. Brijeshwar Singh in detail and after going through all the relevant records & documents including appellants statements, the Committee observed that the patient was in continuous follow up with Dr. Brijeshwar Singh for 6 months, who had got an MRI done on the patient wherein the Radiological descriptive report was suggestive of malignancy and documented osteomyelitis. Dr. Brijeshwar Singh thereafter failed to take a biopsy inspite of having done an interventional procedure. He, therefore, missed the diagnosis of malignancy. Six months later, she presented at AIIMS where a diagnosis of metastatic disease/ multiple myeloma was suspected on the basis of the skeletal survey. The patient missed the opportunity of having been correctly diagnosed and treated because of the absence of histological proof of malignancy which the biopsy would have revealed.

The Ethics Committee is of the view that the diagnosis had been missed because of negligence to get a histological proof inspite of intervention. Therefore, the Ethics Committee decided to remove the name of Dr. Brijeshwar Singh (Registration No. 37405, U. P. Medical Council) from the Indian Medical Register for a period of **SIX MONTHS** and he must update his knowledge by attending CME during this period at reputed Centre for Orthopaedics.

17. Appeal against order dated 24.4.2012 passed by Delhi Medical Council made by Sh. Jai Kishan against Dr Sudhir Joseph, Dr. Farhat & Dr. Susan Kadumplavil Sebastian of St. Stephen's Hospital. Delhi.(F.No. 92/2012)

The Ethics Committee considered the appeal filed by Sh. Jai Kishan against order dated 24.4.2012 passed by Delhi Medical Council in respect of Dr Sudhir Joseph, Dr. Farhat & Dr. Susan Kadumplavil Sebastian of Stephen's Hospital. Delhi and noted that Delhi Medical Council vide its order dated 24.04.2012 held that *"... the patient was induced with thiopentone, propofol, fentanyl and suxamethonium and was maintained with halothane. As per records, the anesthetist noticed jaw stiffness and tachycardia. However, ETCO2 subscript and temperature were not recorded. That means, the patient showed signs of malignant hyperpyrexia at the time of anaesthesia induction. There appears to be a lack of awareness regarding this extremely rare entity and subsequent management. Halothane could have been avoided. The post operative management for the condition was as per the standard protocol. But unfortunately Dantrolene which is the drug of choice and most effective therapy, is not available in India.*

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It is, therefore, the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of doctors of St. Stephen's Hospital in the treatment administered to the complainant's son. Late Sandeep Kumar at St. Stephen's Hospital. The Disciplinary Committee, however, advises Dr. Farhat consultant Anesthesiologist to keep her knowledge updated in the subject of Anesthesiology. Complaint stand disposed."

The Ethics Committee observed that that the Appellant, Sh. Jai kishan and Respondent Dr. Susan Kadumplavil Sebastian, ENT Surgeon, Dr. Sudhir Joseph have appeared before the Committee for hearing on 26.04.2013.

The Ethics Committee further noted that Dr. Farhat has appeared today before the Committee for hearing.

After hearing both the parties in detail and going through all the relevant records, the Ethics Committee observed that the patient was examined thoroughly during the pre-anesthetic check up and found fit for general anesthesia. The patient was administered thiopentone, propofol, fentanyl and suxamethonium and was maintained with halothane throughout the procedure. The patient developed malignant hyperthermia during reversal. This is a very rare(< 1 in 50,000) complication. The team of doctors tried to manage the patient with all available drugs and modalities to address the hyperthermic complication. However, the patient could not be revived.

The Ethics Committee decided to uphold the decision of Delhi Medical Council.

Accordingly, the appeal is disposed off.

18. Appeal against order dated 21.12.2010 passed by Tamilnadu Medical Council made by Mr. R. Rajendran (F.No.141/2011).

The Ethics Committee considered the appeal filed by Mr. R. Rajendran against Order dated 21.12.2010 passed by Tamilnadu Medical Council and noted that Mr. R. Rajendran has already appeared and submitted his statement before the Committee.

Dr. Somnath Chakrabarti (Co-Investigator) of Aravind Eye Hospital has appeared before the Ethics Committee for hearing. Other doctors i.e. Dr. Kim Ramaswamy (Principal Investigator), Dr. S. R. Ratinam(Member Secretary, Ethics Committee) and Dr. P. Namperumal Swami, Chairman of the Hospital were represented through their Counsel's namely Sh. M. Senthil Kumar and Sh. T. R. B. Siva Kumar .

The Ethics Committee heard the deposition Dr. Somnath Chakrabarti (Co-Investigator) of Aravind Eye Hospital. It was noted that he has entered the clinical trial without proper training. It was informed by Dr. Somnath Chakrabarti and the

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legal Counsel representing others that the DCGI Office is investigating the trial related complaint and they are already at the site today as the part of the investigation.

The Ethics Committee, therefore, decided that the matter may be reviewed at a later date after obtaining (a) DCGI Inspection/Audit Report of the trial, (b) Insurance Policy applicable to the trial participant and (c) informed consent document in English.

19. Representation received from Shri. Dhruba Bora, Gauhati - Unethical practice of a physician (Dr. Dhani Ram Baruah) - reg.(F.No. 701/2011).

The Ethics Committee considered the representation received from Sh. Dhruba Bora against unethical practice of a Physician Dr. Dhani Ram Baruah and noted that both the parties i.e. Appellant, Sh. Dhruba Bora and Respondents doctors Dr. Dhani Ram Baruah did not appear before the Committee for hearing.

The Ethics Committee considered the letter dated 21.05.2013 received from Dr. Dhani Ram Baruah by which he has expressed his inability to attend the meeting and requested the Council to grant him another date after two months.

After detailed deliberation, the Ethics Committee decided to grant final opportunity to the Respondent, Dr. Dhani Ram Baruah as well as Appellant, Sh. Dhruba Bora to present themselves before the Committee after a gap of Two months, failing which, the decision will be taken ex-parte as per available records/material.

20. Appeal dated 12.03.2013 (received in the Council on 19.03.2013) filed by Sh. B. P. Suresh Kumar, Bangalore against Order dated 17.01.2013 passed by Karnataka Medical Council - reg.

This item will be taken up alongwith similar Item No. 27 in the Agenda.

21. Appeal dated 23.05.2012 (received in the Council on 07.06.2012) filed by Mrs. Reeta Gupta, Distt. Kasganj, U.P. against order dated 14.12.2011 passed by U.P. Medical Council-Reg.

The Ethics Committee considered the appeal filed by Mrs. Reeta Gupta against Order dated 14.12.2011 passed by U. P. Medical Council and noted that UP Medical Council vide its order dated 14.12.2011 held that *"Dr. P. Kumar performed surgery on the patient. Fifth post operative day the condition of the patient was stable indicating that the patient was being well managed by Dr. P. Kumar. Hence, Dr. P. Kumar cannot be held guilty of medical negligence and inadequate treatment."*

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The Ethics Committee further noted that both the parties i.e. Appellant, Mrs. Reeta Gupta and Respondent, Dr. P. Kumar have appeared before the Committee for personal hearing.

The Ethics Committee heard the deposition of both the parties in detail and after going through all the relevant records & documents, the Committee observed that concerned surgeon Dr. P. Kumar depended only on the investigation report and did not intervene since ultrasound report was found to be normal. Therefore, the Ethics Committee is of the opinion Dr. P. Kumar should not have depended only on the report of the ultrasound but he should have considered the complaints of the patient and clinical findings and he should have further investigated particularly CT Scan Abdomen to exclude any leakage that could happen post operatively from the bile duct. The Ethics Committee decided to issue a warning letter to Dr. P. Kumar so that he is more careful in the future. He is advised to improve his skills in Laproscopic Surgery at an appropriate centre.

Accordingly, appeal is disposed off.

22. Complaint dated 28.01.2013 made by Sh. Vimal Mehta against Dr. Raj Kumar Batra.

The Ethics Committee considered the complaint filed by Sh. Vimal Mehta against Dr. Raj Kumar Batra and after examining the complaint and the attached documents, the Ethics Committee noted that Mr. Shubham Batra, Son of Dr. Raj Kumar Batra appeared before the Ethics Committee and requested to grant another date as his father is indisposed and could not attend in the hearing.

Therefore, the Ethics Committee decided to give another opportunity as well as the complainant Sh. Vimal Mehta to appear before the Committee in the next meeting.

23. Violation of MCI's Code of Ethics by the Indian Academy of Pediatrics (IAP)-Reg

The Ethics Committee considered the matter with regard to violation of MCI's Code of Ethics by the Indian Academy of Paediatrics and noted that the Current Regulation 6.4.1. of the Ethics Regulations which reads as under:-

"A physician shall not give, solicit, or receive nor shall he offer to give solicit or receive, any gift, gratuity, commission or bonus in consideration of or return for the referring, recommending or procuring of any patient for medical, surgical or other treatment. A physician shall not directly or indirectly, participate in or be a party to act of division, transference, assignment, subordination, rebating, splitting or refunding of any fee for medical, surgical or other treatment."

Above regulation only refers to the role of individual physicians and does not include Professional Associations.

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Regarding the funds received by the Professional Association, the Regulation is silent. The Indian Association of Paediatrics has claimed that the entire amount received from the companies was utilized for scientific interaction and deliberation for upgradation of knowledge of physicians. This has been displayed on their website.

The Ethics Committee feels that since there are no regulation for receipt of funds from the industry by Professional Associations/Bodies, this needs to be addressed by formulating standard guidelines for the receipt, utilization, declaration of conflict of interest, if any, and accountability by appropriate bodies.

In view of above, the Board of Governors may make suitable amendments in the existing regulations.

24. W.P. (C) No. 3425/2008 titled as Ram Kumar Gupta Vs. Dr. S.S. Saha & Ors., before Hon'ble Delhi High Court (File No. 246/2007).

The Ethics Committee considered the W.P. (C) No. 3425/2008 titled as Ram Kumar Gupta Vs. Dr. S.S. Saha & Ors., before Hon'ble Delhi High Court and after detailed deliberation the Ethics Committee decided to call Complainant, Sh. Ram Kumar Gupta and Respondents, Director Medical, Sir Ganga Ram Hospital, Dr. Rajesh Khullar and Dr. S. S. Saha through Medical Superintendent, Sir Ganga Ram Hospital for personal hearing with all the records and supportive documents available with them in the subsequent meeting, failing which, the decision will be taken ex-parte as per available records/material.

25. 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 considered the 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 and noted that the Board of Governors at its meeting held on 22.04.2013 and decided to take action as had been taken on similar cases by MCI in the past.

After detailed deliberation, the Ethics Committee decided to call the concerned doctors, Sh. M. K. Rajagopalan, Chairman, Sri Balaji Educational & Charitable Public Trust, Chennai and Dr. D.R. Gunasekaran, Vice Chancellor, Sri Balaji Vidyapeeth, Deemed University, Pondicherry and the Dean to appear before the Ethics Committee alongwith all the supportive documents.

Notices be sent to all the above mentioned persons alongwith a copy of chargesheet and other documents available with the Council, so that the concerned persons may file a suitable reply before the subsequent meeting.

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26. **(1) Complaint against Dr. O.P. Murthy for plagiarism of Scientific papers and other Fraud and Cheating at A.I.I.M.S.**
- (2) **Complaint against Criminal nexus of Dr. O P Murthy additional professor forensic medicine AIIMS and Dr. Ketan Desai former MCI President and others for monetary gain, extortion of money by blackmail, forgery and fudging the inspection report for the various medical colleges by impersonation and other criminal activities with regard to grant of permission/recognition of various medical colleges in the country.**

The Ethics Committee considered the request of Dr. O. P. Murthy additional professor forensic medicine AIIMS, for removal of Censure from the MCI website. After deliberation, the Committee noted that as far as MCI is concerned, the matter stands disposed off.

27. **Appeal dated 31.01.2013 filed by Dr. Jeevan Pereira against Order dated 17.01.2013 passed by Karnataka Medical Council - reg.**

The Ethics Committee considered the appeal filed by Dr. Jeevan Pereira against Order dated 17.01.2013 passed by Karnataka Medical Council and noted that Karnataka Medical Council vide its order dated 17.01.2013 held that *"Karnataka Medical Council unanimously decided to exonerate Dr. Sanjay Pai, Consultant Orthopaedic Surgeon, Dr. Rajani Bhat, Consultant Pulmonologist, Dr. Ravindran, Assistant Surgeon, Dr. Deepak, Anaesthetist and Administrator of Fortis Hospital, Bangalore. Dr. Jeevan Pereira has been punished by removing his name from KMC Register for a period of six months w.e.f. 17th January-2013 under the provisions of Karnataka Medical Registration Act No. 34 of 1961"*

The Ethics Committee noted that both the parties i.e. Appellant, Dr. Jeevan Pereira, and Respondents, Dr. Sanjay Pai, Consultant Orthopaedic Surgeon, Dr. Rajani Bhat, Consultant Pulmonologist, Dr. Ravindran, Assistant Surgeon, and Administrator of Fortis Hospital, Bangalore were represented through their Counsel Sh. Rohit Puri. He, on behalf of his clients requested for more time to submit written statement on the appeal received.

Dr. Jeevan Pereira also requested for more time for his Counsel to represent him and Mr. Rohit Puri, Counsel for Dr. Sanjay Pai & others also requested for more time for submission of his arguments. Mr. B. P. Suresh Kumar appeared for himself and submitted his arguments. The Ethics Committee agreed for the time requested by Dr. Jeevan Pereira and Sh. Rohit Puri, Counsel on the assurance that the Fortis Hospital would pay for the Air Fare of Mr. B. P. Suresh Kumar, when the next hearing is scheduled.

Sh. Rohit Puri, Counsel assured the presence of all concerned doctors in the next hearing.

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28. Complaint dated 06.06.2012 received from Sh. Sudhir Kumar Thakur against Dr. Suresh Ramasubban, Kolkata Apollo Gleneagle Hospital, Kolkata- reg.

The Ethics Committee considered the complaint dated 06.06.2012 filed by Sh. Sudhir Kumar Thakur against Dr. Suresh Ramasubban, Kolkata Apollo Gleneagle Hospital, Kolkata and decided to call both the parties i.e. Sh. Sudhir Kumar Thakur, Complainant and Dr. Suresh Ramasubban, Respondent for hearing in the subsequent meeting of the Ethics Committee.

29. Appeal dated 05.03.2013 (received in the Council on 18.03.2013) filed by Ms. Ela Tiwari, Lucknow against Dr. Vivek Agarwal, Lucknow - reg.

The Ethics Committee considered the appeal dated 05.03.2013 filed by Ms. Ela Tiwari, Lucknow against Dr. Vivek Agarwal, Lucknow and noted that this matter does not come under the purview of the Ethics Committee as it is a criminal matter and there is no professional negligence.

30. Appeal dated 08.04.2013 filed by Sh. Vamsidhar Peta, Andhra Pradesh against decision of Andhra Pradesh Medical Council dated 28.06.2012 - reg.

The Ethics Committee considered the appeal dated 08.04.2013 filed by Sh. Vamsidhar Peta, Andhra Pradesh against decision of Andhra Pradesh Medical Council dated 28.06.2012.

After examining the appeal and the attached documents, the Ethics Committee noted that the Andhra Pradesh Medical Council had passed its order in June-2012 and the appellant submitted his appeal in the Council Office on 08.04.2013 almost after a gap of 10 months. The Committee feels that there is an inordinate delay in filing the appeal before the Medical Council of India and as per Clause 8.8. of the Regulations namely "Indian Medical Council(Professional Conduct, Etiquette and Ethics) Regulations, 2002", *"Any person aggrieved by the decision of the State Medical Council on any complaint against a delinquent physician, shall have the right to file an appeal to the MCI within a period of 60 days from the date of receipt of the order passed by the said Medical Council:*

Provided that the MCI may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of 60 days, allow it to be presented within a further period of 60 days"

In view of above mentioned facts, the Committee decided that as the matter is time barred and therefore, **the said appeal is not maintainable at this stage and is dismissed.**

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(Prof. Sneh Bhargava) – Chairperson)

31. Appeal dated 02.05.2013 filed by Dr. Shoma Munshi & Poroma Rebello, Delhi against decision of Delhi Medical Council dated 05.03.2013 - req.

The Ethics Committee considered the appeal dated 02.05.2013 filed by Dr. Shoma Munshi & Poroma Rebello, Delhi against decision of Delhi Medical Council dated 05.03.2013 and noted that Delhi Medical Council vide its order dated 05.03.2013 held that ““ the Executive Committee makes the following observations:-

1. *The complainant had questioned every drug and every modality of treatment which was given to the patient by various treating physicians at different institutions.*
2. *The treatment provided to the patient by various consultants at Sita Ram Bhartiya Instt. Of Science & Research and Indraprastha Apollo Hospital was as per the standard guidelines and protocols, taking into account the severity of the disease and the pre-existing co-morbid conditions.*

In the light of the observations, made hereinabove, it is the decision of the Executive Committee that prima facie no case of medical negligence is made out on the part of doctors of Sitaram Bharatiya Instt. of Science & Research and Indraprastha Apollo Hospital, in the treatment administered to the complainants father late Wg. Cdr. Anil Chandra Munshi.

Complaint stands disposed.”

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Dr. Shoma Munshi & Poroma Rebello and Respondent doctors of Sitaram Bharatiya Instt. of Science & Research and Indraprastha Apollo Hospital through Head/MS of the Hospital for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

32. Appeal dated 21.03.2013 filed by Sh. Sunil Kumar Chaurasia, Varanasi, UP against Order dated 21.01.2013 passed by U.P. Medical Council - req.

The Ethics Committee considered the appeal dated 21.03.2013 filed by Sh. Sunil Kumar Chaurasia, Varanasi, UP against Order dated 21.01.2013 passed by U.P. Medical Council and noted that U. P. Medical Council vide its order dated 21.01.2013 held that “*the Ethical Committee observed that the Normally Cerebral Palsy is not related to Perinatal Asphyxia & Most Perinatal Asphyxia does not cause Cerebral Palsy.*

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The Ethical Committee is of the opinion that Dr. Kaveri Gupta cannot be held guilty of medical negligence.”

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. Sunil Kumar Chaurasia and Respondent, Dr. Kaveri Gupta, Ashirvad Hospital & Research Centre for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

33. Appeal dated 18.03.2013 filed by Sh. Ajay Kaushik, President, Men's Right Protection Forum against Dr. R. P. Khanduri, Health Centre, Sahaspur – reg.

The Ethics Committee considered the appeal dated 18.03.2013 Sh. Ajay Kaushik, President, Men's Right Protection Forum against Dr. R. P. Khanduri, Health Centre, Sahaspur and noted that Uttarakhand Medical Council failed to conclude the matter within the stipulated time period of Six months prescribed by the MCI.

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. Ajay Kaushik, President, Men's Right Protection Forum and Respondent, Dr. R. P. Khanduri, Health Centre, Sahaspur for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

34. Appeal dated 05.04.2013 filed by Sh. Mohan Lal Sain against Tongia Heart & General Hospital, Jaipur - reg.

The Ethics Committee considered the appeal dated 05.04.2013 filed by Sh. Mohan Lal Sain against Order dated 07.01.2013 passed by Rajasthan Medical Council and decided to condone the delay, as the applicant applied within 120 days from the date of issue of Order of State Medical Council.

After examining the appeal and the attached documents, the Ethics Committee further directed to obtain the fee and prescribed format. Appeal will be taken up for consideration only after receipt of the above documents.

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After receipt of the above documents, both the parties i.e. Appellant, Sh. Mohan Lal Sain and Respondents, Dr. Prakash Chandwani, Dr. Vikram Goyal, Dr. Alok Mathur and Dr. Rakesh Chitora of Tongia Heart & General Hospital, Jaipur be called for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

35. Appeal dated 20.04.2013 filed by Sh. K. V. Jayant, Mysore against Order dated 30.11.2012 passed by Tamilnadu Medical Council – reg

The Ethics Committee considered the appeal dated 20.04.2013 filed by Sh. K. V. Jayant, Mysore against Order dated 30.11.2012 passed by Tamilnadu Medical Council and noted that Tamilnadu Medical Council vide its order dated 30.11.2012 held that “ *The Council decided to drop further action against Dr. N. S. Nagamani, as the explanation of the above doctor found satisfactory.*”

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. K. V. Jayant and Respondent Dr. N. S. Nagamani, Christian Medical College, Vellore for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

36. Appeal against order dated 09.04.2012 passed by Rajasthan Medical Council made by Dr. Inaam Babu Khan.

The Ethics Committee considered its Order dated 22.01.2013 passed in the Appeal against Order dated 09.04.2012 passed by Rajasthan Medical Council made by Dr. Inaam Babu Khan for necessary correction in the date of order of Rajasthan Medical Council.

The Order of the MCI dated 22.01.2013 reads as under:-

“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.”

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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. “

In the above order the Council Office has inadvertently mentioned **“Order dated 09.04.2012 of Rajasthan Medical Council in place of 17.07.2012”**.

In view of above, the Ethics Committee agreed to issue a corrigendum in the above order and the date of Rajasthan Medical Council may be read as **“17.07.2012 in place of 09.04.2012.”**

Other item placed with the permission of Chair

37. 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 Dr. Ajeet Kumar, St. Stephen's Hospital informed that he has not received any communication from the MCI.

The Ethics Committee decided to call once again to Dr. Ajeet Kumar through Medical Superintendent of St. Stephen's Hospital. The letter should be addressed to the Superintendent of the hospital with the advise to ensure that the communication of MCI for attending the meeting is delivered to Dr. Ajeet Kumar with a copy marked by MCI to the said doctor.

NOTE:

The Ethics Committee requested the Ethics Section of the MCI to present the details of Work accomplished in the preceding two years :-

- a. Number of cases deliberated
- b. Number of case in which decisions taken and disposed off
- c. Number of cases pending

The Meeting ended with a Vote of Thanks to the Chair.

New Delhi, 24th & 25rd May, 2013.

(Dr. R. B. Panwar)

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