

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

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

Minutes of the Meeting of Ethics Committee held under the Chairmanship of Dr. P. K. Dave on 27th & 28th September, 2013 at 10.00 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi. The Following Members attended the meeting:-

1.	Dr. B.G. Tilak	Member
2.	Dr. K. K. Aggarwal	Member
3.	Dr. Rama V. Baru	Member
4.	Dr. G. K. Sharma	Member
5.	Dr. N. K. Mohanty	Member
6.	Dr. Raj Kumar	Member
7.	Dr. J. L. Gupta	Member
8.	Dr. M. S. Gupta	Member
9.	Sh. Ajay Kumar Jain, Advocate	Member

Dr. P. Prasannaraj

Addl. Secretary, MCI

Leave of absence was received from Dr. Atul Sood, Mrs. J. Lalithambika, Dr. N. K. Sethi, Dr. Arup Das Biswas, Dr. Suranjan Bhattacharji and Dr. Sangeeta B. Desai.

Note:

Dr. K. K. Aggarwal made a request to the Chairman for the copy of Constitutions of each State for reference while considering the appeal against the decisions of State Council's. He also requested to convene a special meeting of the Ethics Committee to discuss about the guiding principles to be adopted by the Ethics Committee in making the decisions consistent.

The Ethics Committee discussed the issue of implants and appliances used on the patients and decided that a uniform policy be framed in order to address the ethical issues related to this. It was also decided to get the matter examined by a Sub-Committee comprising of the following members:-

- (1) Dr. K. K. Aggarwal (Convenor), (2) Dr. B. G. Tilak (3) Dr. Arup Das Biswas & (4) Dr. Raj Kumar

(Dr. B.G. Tilak)

Rama V. Baru

(Dr. Rama V. Baru)

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(Dr. M. S. Gupta)

Aggarwal

(Dr. K. K. Aggarwal)

G. K. Sharma

(Dr. G. K. Sharma)

N. K. Mohanty

(Dr. N. K. Mohanty)

P. K. Dave

(Dr. P. K. Dave – Chairperson)

Prasannaraj

(Dr. P. Prasannaraj)

J. L. Gupta

(Dr. J. L. Gupta)

Raj Kumar

(Dr. Raj Kumar)

Ajay Kumar Jain

(Sh. Ajay Kumar Jain)

Dr. Rama V. Baru suggested that the Ethical dimension of commercialization of appliances be examined to prevent unethical practices by medical professionals. It is decided to convene a meeting of the Sub Committee in MCI and the Convenor may finalize the date, venue of the meeting as per the convenience of the members.

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

The Minutes of the Ethics Committee meeting held on 23rd & 24th August, 2013 & 05.09.2013 were confirmed.

02. Review of Action taken on Minutes of the Ethics Committee meeting held on 24th & 25th May, 2013.

Action taken Report of Ethics Committee meeting held on, 2013 was placed before the Committee and it was noted by the Committee.

03. Appeal dated 16.05.2013 filed by Dr. Rajiv Lochan against order dated 12.03.2013 passed by U. P. Medical Council - Reg

The Ethics Committee considered the appeal dated 16.05.2013 filed by Dr. Rajiv Lochan against Order dated 12.03.2013 passed by U.P. Medical Council. The summary of complaint reads as under:-

"patient Mrs. Shanti Devi was admitted in Aashirwad Nursing Home, Aligarh due to stomach pain on 17.04.2012 under the treatment of Dr. Rajeev Lochan. After various investigation, Dr. Lochan informed Sh. Veer Singh that the right side kidney of his mother is damaged and to save the life of the patient, he has to perform an operation to remove the kidney. Sh. Veer Singh admitted the patient on 06.05.2012 and the same day surgery of right kidney was done by Dr. Rajeev Lochan. But after the operation when the patient did not get any relief, Dr. Lochan sent her to Varun Heart Center for Dialysis where she had continued under dialysis from 07.05.2012 to 20.05.2012. Then, attendants came to know that Dr. Lochan removed the left side kidney instead of right side damaged kidney."

(Dr. B.G. Tilak)

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The U. P. Medical Council vide its order dated 12.03.2013 held that :-

"..... Ethics Committee and later Governing Body of U.P. Medical Council have approved the leveled charges of submitting forged case sheet and careless /negligent performance of surgery and removal of patient's left normal kidney instead of right kidney which was non functional. Presently patient is having right non functional kidney and is on continuous dialysis programme.

Both Ethics Committee and Governing Body of U.P. Medical Council are of opinion that Dr/ Rajiv Lochan should have differentiated between normal and abnormal kidney and confirmed it at the time of surgery before removing the normal kidney.

Governing Body of U.P. Medical Council, keeping in mind, Professional conduct, Etiquette and Ethics Regulations-2002 has pronounced the suspension of medical registration for 2 (Two) years from 15.03.2013 to 14.03.2015, and his name to be struck off from the register of U.P. Medical Council. He will not be authorized to work as surgeon/physician/clinician during this period."

The Ethics Committee noted that on 27.09.2013, Dr. Rajiv Lochan alongwith his Counsel Mr. Ram Babu Sharma, appeared before the Ethics Committee and made their submissions.

Sh. Veer Singh, the Complainant had also appeared before the Ethics Committee and narrated the sequence of events leading to the removal of normal kidney of his mother instead of the deceased kidney, as a result of which her mother has been undergoing dialysis since 07.05.2012 and is in a very debilitating condition and Dr. Rajiv Lochan did not turn up to take post operative care at the dialysis centre.

diseased
Ram Babu
16/1/14

Dr. Rajiv Lochan and his Counsel during their submissions admitted that the left kidney has been removed although the Surgeon, Dr. Rajiv Lochan approached from the right side through right sub-costal incisor. After taking into the account, the submissions of both the parties, the Ethics Committee observed that Dr. Rajiv Lochan has failed to take due care during the operation and also did not maintain proper case record pertaining to pre-operative and post-operative notes.

Therefore, the Ethics Committee directed Dr. Rajiv Lochan to appear before the Committee on 28.09.2013 with other doctors who were associated during the operation and post operative periods and the pathologist, who performed the biopsy. Mr. Veer Singh was directed to bring the CT Scan Report and photograph of his mother with the incision visible. Dr. Rajiv Lochan appeared before the Committee and informed the Committee that Dr. Tanuj Giri, the other Anesthetist will not be able to appear before the Ethics Committee because his father has

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expired. Dr. Pawan Rajput, Anesthetist, Dr. Sunil Gupta, Surgeon and Dr. Sanjay Aggarwal, Pathologist have appeared before the Committee for hearing on 28.09.2013. Mr. Veer Singh with his mother Smt. Shanti Devi, who had undergone operation by Dr. Rajiv Lochan appeared before the Ethics Committee with all relevant papers and CT Scan Report.

After deliberation, on 28.09.2013, the Committee observed that :-

"Dr. Rajiv Lochan has admitted that there was hydronephrotic changes in right kidney and the left kidney was normal as per the ultrasound report. Post operative CT scan has shown that right kidney is present in normal position and Dr. Rajiv Lochan while operating, did not exercise clinical judgement in differentiating the right kidney which was hydronephrotic and the normal left kidney. His submission that this could be a case of floating kidney did not convince the Ethics Committee as Dr. Rajiv Lochan could not explain the features of floating kidney when asked by the members."

The Ethics Committee deliberating the matter at length and was of the opinion that there has been medical negligence on the part of the treating doctor i.e. Dr. Rajiv Lochan.

The Ethics Committee discussed whether to uphold the decision of U.P. Medical Council or enhance the suspension to five years as opined by some of the members. It was decided by majority to uphold the decision of U.P. Medical Council.

The Ethics Committee has observed that Dr. Sanjay Aggarwal, Pathologist has given a false and fabricated report for which, a warning be issued to him.

The Ethics Committee also observed that proper precautions were not taken by the Anesthetist at the time of administering anesthesia by Dr. Pawan Rajput, Anesthetist, therefore, the Ethics Committee decided to issue a Warning to him for taking proper precautions and pre-operative assessment.

Accordingly, both the appeals are disposed off.

04. Appeal dated 27.05.2013 filed by Sh. Veer Singh against order dated 12.03.2013 passed by U.P. Medical Council-Reg

As the matter pertains to the agenda item no. 3, therefore, is clubbed together and the matter stand disposed.

(Dr. B.G. Tilak)

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The number of those for and against should be recorded and therefore this is not acceptable with me.
Rama Baru
16/1/14

05. RC 10 (A) /2011 of CBI, Chennai forwarding of self contained note 131 doctors results action taken-Intimation-requested - Req.

The Ethics Committee considered the letter No. RC 10 (A) /2011 of CBI, Chennai forwarding a self contained note on 131 doctors for taking action against them. After detailed deliberation, the Ethics Committee decided to give final opportunity to the Dean, Principal, Vice-Chancellor alongwith the authorized person who has signed the Declaration Forms of the Vinayaka Mission Medical College, Karaikal, Pondicherry to present themselves before the Committee in the subsequent meeting, failing which an ex-parte decision will be taken on the basis of available records and material and their college will be recommended for de-recognition to the Council as per Regulations of the MCI.

06. RC 19(A)2011 of CBI ACB Chennai against M/s Thirumurga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Education and Charitable Trust rep by its Secy. Prof. V.R.Rajendran. (Aarupadeiveedu Medical College, Pondicherry)

The Ethics Committee considered the letter No. RC 19(A)2011 of CBI ACB Chennai against M/s ThirumurUga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Education and Charitable Trust represented by its Secretary, Prof. V.R.Rajendran. (Aarupadeiveedu Medical College, Pondicherry). After detailed deliberation, the Ethics Committee decided to give final opportunity to the Dean, Principal, Vice-Chancellor alongwith the authorized person who has signed the Declaration Forms of the M/s Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Education and Charitable Trust, Aarupadeiveedu Medical College, Pondicherry to present themselves before the Committee in the subsequent meeting, failing which an ex-parte decision will be taken on the basis of available records and material and their college will be recommended for de-recognition to the Council as per Regulations of the MCI.

07. Hospital advertisement-Req.

The Ethics Committee considered a complaint letter dated 17.05.2013 received from Prof. Sri Ram Khanna, Deptt. Of Commerce, Delhi School of Economics, University of Delhi against advertisement given by doctors of Nova Orthopedics & Spine Hospital, Nehru Enclave., dated 15th May, 2013 in Hindustan Time. The Ethics Committee noted that Dr. Harshavardhan Hegde, Medical

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Director, Dr. Nitiraj Oberoi, Dr. Rakesh Mattoo, Dr. Manish Dalwani, Dr. Akshay Kumar Saxena had appeared before the Ethics Committee in the earlier meeting and had submitted their deposition before the Committee.

As per the direction of the Ethics Committee, Mr. Suresh Soni, Chairman and Medical Superintendent of Nova Orthopaedic & Spine Hospital, Nehru Enclave had appeared before the Committee for hearing.

Mr. Suresh Soni submitted that being the Chairman of the hospital, he accepts all the responsibility related to the advertisement which is ethically wrong. He tendered unconditional apology for the same and stated before the Committee that they will be putting an advertisement to the Newspaper for withdrawal of the advertisement. The Ethics Committee desired to have copy of their SOPs of their hospital within a week alongwith proof of withdrawal of advertisement published in the newspaper. The same was accepted under Clause 8.2 of Ethics Regulations. They also gave an undertaking that the public apology will be published in the same newspaper also withdrawing the previous advertisement.

Accordingly, the matter is disposed off.

8. Hospital Advertisement in Times of India on 23.08.2013 - Reg.

The Ethics Committee considered a Newspaper Clipping published in the Times of India dated 23.08.2013 with regard to Saket City Hospital, New Delhi. The Ethics Committee noted that Dr. Prashant Saxena, Dr. Sanjay Sharma, Dr. R. K. Mani, Dr. Ritesh Aggarwal, Dr. Gargi Maitra, Dr. Leelawati Thakur alongwith Dr. Manoj Malik (Medical Superintendent) and Mr. Mahipal Singh Bhanaut (General Manager, Administration) had appeared before the Ethics Committee in the earlier meeting and submitted their deposition before the Committee.

The Ethics Committee noted that Dr. Rakesh Kumar Mathur, Medical Director of Saket City Hospital, Saket, New Delhi have appeared before the Committee for hearing on behalf of Chairman, Sh. B. K. Modi. Dr. Mathur informed the Committee that Sh. Modi could not attend the meeting of the Committee today as he is out of India. He apologized for the advertisement given in the newspaper. The same was accepted under Clause 8.2 of Ethics Regulations. They also gave an undertaking that the public apology will be published in the same newspaper also withdrawing the previous advertisement.

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The Ethics Committee directed the Medical Director to issue a fresh advertisement in the newspaper with the direction of MCI for withdrawal of advertisement and he accepted the directives of MCI for compliance.

Accordingly, the matter is disposed off.

9. Regarding the publicity of secrecy in the Newspaper without consent-req.

The Ethics Committee considered a letter received from Sh. Jamuna Singh, Udaipur regarding the publicity of secrecy in the newspaper without the consent of the complainant.

The Ethics Committee noted that Dr. Tarun Aggarwal of R. K. Hospital and Test Tube Baby Centre, Udaipur has appeared before the Committee for hearing and noted that the Council Office has failed to contact the complainant, Smt. Jamuna Sharma as no address has been given by Complainant in the complaint except the telephone number appearing in the advertisement.

Dr. Tarun Aggarwal made written submission and submitted the affidavit stating that Sh. Jamuna Singh has not lodged the complaint and the advertisement was given in the Newspaper with the consent of Smt. Jamuna Sharma. The Ethics Committee deliberated on the issue and decided to call the complainant Smt. Jamuna Sharma in the subsequent meeting of the Committee and directed Dr. Tarun Aggarwal to ensure the presence of the Complainant Smt. Jamuna Sharma who has sent the affidavit through him.

10. Appeal against the Order dated 30.06.2004 passed by the Bihar Medical Council on the complaint made by Mr. Kailash Prasad Singh against Dr. V.R.Sinha. (F.No. 162/2006)

The Ethics Committee considered the Order passed by Hon'ble High Court of Patna in CWJC No. 8049/2007 with regard to Appeal against the Order dated 30.06.2004 passed by the Bihar Medical Council on the complaint made by Mr. Kailash Prasad Singh against Dr. V.R.Sinha.

The Ethics Committee noted that Dr. V. R. Sinha appeared before the Committee alongwith their Counsel. Sh. Kailash Prasad, Complainant also appeared before the Committee and submitted his written submission that he was free from any abdominal ailment prior to the operation done on 26.03.1999 for

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repair of incisional Hernia by Dr. V. R. Sinha. Sh. Kailash Prasad showed two ultrasound report one dated 19.02.99 and second dated 25.03.99. Second was done by Dr. V. R. Sinha and they showed that there was nothing wrong with Sh. Kailash Prasad. The Counsel for Dr. V. R. Sinha submitted that Sh. Kailash Prasad Singh had undergone three surgeries on 21.02.1995 for gallbladder, second 26.03.99 for incisional hernia and third surgery on 05.08.99 for intestinal obstruction. He mentioned that there was no complication of the surgery on 21.02.1995 and 26.03.1999 and there was no evidence to show that forceps were taken out during the operation on 05.08.1999. The Ethics Committee asked Dr. V. R. Sinha to explain what type of surgery was performed on 05.08.1999. Dr. V. R. Sinha replied that he had performed resection and anastomosis after obtaining the consent of the patient before the operation in the nursing home.

The Ethics Committee deliberated on the issue and directed the complainant Sh. Kailash Prasad to come in the next meeting alongwith X-Rays and other relevant medical records. The Committee also directed both the parties to write to the Hon'ble High Court to grant more time from the Hon'ble Court for disposal of the matter.

11. Appeal dated 07.06.2013 filed by Sh. Krishna Bihari Upadhyay against Order dated 02.05.2013 passed by U.P. Medical Council-Reg.

The Ethics Committee considered the appeal dated 07.06.2013 filed by Sh. Krishna Bihari Upadhyay against Order dated 02.05.2013 passed by U.P. Medical Council. The summary of complaint reads as under:-

"complainant has invited the attention that Dr. D. K. Raj, has unethically and illegally performed hysterectomies in M. Kanshiram Sanyukt Chikitsalaya(Male), Lalitpur only for making money. Dr. Raj is only a General Surgeon and he has performed approx. 400 to 500 hysterectomies every year since 2003 onwards without any investigations. His wife Dr. Jayshree Raj is doing private practice and the illiterate ladies of rural areas, who came to her for their general problems, she misguided them and advised them for hysterectomy to be performed by her husband Dr. D. K. Raj.

Complainant has obtained informations/detail of hysterectomy cases in RTI from various departments as well as PGI, Lucknow and stated the ratio of hysterectomies of other hospitals was very low."

The U. P. Medical Council vide its order dated 02.05.2013 held that :-

(Dr. B.G. Tilak)

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".....The Ethical Committee is of the opinion that Dr. D. K. Raj is doing his professional duties without any unethical motive. Hence, Dr. D. K. Raj cannot be held guilty of medical negligence."

The Ethics Committee noted that both the parties i.e. Sh. Krishna Bihari Upadhyay and Dr. D. K. Raj have appeared before the Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail. Dr. D. K. Raj stated that M. Kanshiram Sanyukt Chikitsalaya (Male) is a 180 bedded hospital. The Ethics Committee directed Dr. D. K. Raj to provide the following details pertaining to all the hysterectomy's done by him in the last 10 years:-

1. Age of the patient with address.
2. Referral status including the name & address of doctor who examined initially and referred them for hysterectomy.
3. Investigation reports.
4. Indication for surgery.
5. Surgical notes and biopsy report.
6. No. of hysterectomies done for the purposes of sterilization.
7. Number of hysterectomies done in the age group of 20-30 years and 30 - 40 years.

12. Appeal dated 13.07.2013 filed by Sh. Padamsingh Gehlot, Jodhpur, Rajasthan against order dated 10.06.2013 passed by Rajasthan Medical Council-Reg.

The Ethics Committee considered the appeal dated 13.07.2013 filed by Sh. Padamsingh Gehlot, Jodhpur against Order dated 10.06.2013 passed by Rajasthan Medical Council. The summary of complaint reads as under:-

"complainant Sh. Padamsingh Gehlot met with a road accident on 04.10.2010. He has been admitted in Mathuradas Mathur Hospital, Jodhpur under the care of Dr. Kapoor Choudhary. Patient diagnosed after thorough investigations. Patient has got injuries in Urine Tube. A CT Scan report done by Manidhari Hospital & Maloo Neuro Centre shown "D/O laceration (45 mm deep) in right lobe of Liver (Segment VI) with sub capsular hematoma (CT Grade III)". But Dr. Pramod Sharma, Urologist of Mathuradas Mathur Hospital examined the report and said it was normal. After discharged from the hospital he felt sever pain in abdomen. He has further contacted with Dr. Kapoor for treatment but he has not satisfied with the treatment given by Dr. Kapoor.

On 26.10.2010, he has been admitted in Mulji Bhai Patel Hospital, Nadiad, Gujarat where doctors had done surgery and remove one Kidney of patient due to "Right Ureteric Injury

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with Uninoma". Patient informed that due to delay and medical negligence in treatment provided by Dr. Kapoor and Dr. Pramod Sharma, he has lost his one kidney. He claimed a sum of Rs. 10,00,000/- for physical loss, mental agony and economically loss beared by him due to their negligence."

The Rajasthan Medical Council vide its order dated 10.06.2013 held that :-

".....The matter has been examined by the Penal & Ethical Committee in its meeting held on dated 31.05.2012 and opined that "we have examined above matter, there was no negligence on the part of treating doctor. Treatment was carried out as per medical norms. This fact has also been stated by the Medical Board of the experts constituted by the Principal & Controller, Medical College, Jodhpur.

The council agreed with the decision of Penal & Ethical Committee, so the case may be closed."

The Ethics Committee noted that Appellant, Sh. Padamsingh Gehlot have appeared before the Committee for hearing but Respondent, Dr. Kapoor Choudhary (Surgery Unit Head) and Dr. Pramod Sharma(Urology Department of Mathuradas Mathur Hospital, Jodhpur) did not appear before the Committee.

The Ethics Committee heard the deposition of Sh. Padamsingh Gehlot in detail. The Ethics Committee deliberated on the issue and decided to give final opportunity to Respondent, Dr. Kapoor Choudhary (Surgery Unit Head) and Dr. Pramod Sharma(Urology Department of Mathuradas Mathur Hospital, Jodhpur) to be present before the Committee in the subsequent meeting, failing which an ex-parte decision will be taken on the basis of available records and material.

13. Appeal dated 21.06.2013 filed by Dr. Poonam Khera, Tirath Ram Shah Charitable Hospital, Delhi against Order dated 10.06.2013 passed by Delhi Medical Council-Req.

The Ethics Committee considered the appeal dated 21.06.2013 filed by Dr. Poonam Khera, Tirath Ram Shah Charitable Hospital, Delhi against Order dated 10.06.2013 passed by Delhi Medical Council. The summary of complaint reads as under:-

"Smt. Shubhra Subhashini was admitted in Teerath Ram Sah Charitable Hospital on 05.08.2011 due to labour pain. Doctor advised her for cesarean which was conducted by Dr. Poonam Khera and she delivered a male child. Patient discharged on 09.08.2011. Since discharge patient complaining pain in the left lower abdominal and visited hospital many times but Dr. Khera did not bother and not done investigations to find out the reason of abdominal pain. Patient remained visited till 29.08.2011. Pus started oozing from the stitches for more than 25 days. After that she had undergone pus culture test on

(Dr. B.G. Tilak)

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29.08.2011. Dr. Khera informed her that due to the surgery the pain may persist for several months and it will go gradually.

On 12.06.2012, patient felt serious abdominal pain and visited to the St. Stephens Hospital wherein she had been examined by Dr. Asha Sharma. After various investigations, Dr. Rakesh Vakil advised for CT Scan. In CT Scan Report she found evidence of a large rounded lesion measuring 8x7x6 cms in the left iliac fossa. In their report, Deewan Chand Aggarwal Imaging & Research Center concluded as under:-

**"Focal rounded area of soft tissues attenuation at the ileocaecal junction would require clinical-ileocolonoscopy correlation.
Large rounded intra-abdominal lesion in the left fossa with curvilinear hyperdense focus would require correlation with clinical-operative history to rule out the possibility of retained foreign body."**

On 24.06.2012 after having severe pain, patient has been admitted to Apollo Hospital in emergency and doctor operated the patient on 25.06.2012 and found some foreign body(sponge) lying inside the abdomen. In spite of request of complainant, police officials were not informed by Apollo hospital administration. The said foreign body is preserved in Apollo Hospital."

The Delhi Medical Council vide its order dated 10.06.2013 held that :-

"..... In the light of the observations made, it is the decision of the Disciplinary Committee that Dr. Poonam Khera failed to exercise reasonable degree of skill, knowledge and care which is expected of an ordinary prudent doctor, in the treatment of the complainant's wife Smt. Shubhara Subhashini. The Disciplinary Committee, therefore, recommends that the name of Dr. Poonam Khera be removed from State Medical Register of DMC for a period of one month.

The Disciplinary Committee, however, clarifies that the acts or omissions on the part of Poonam Khera in the management of this patient were not reckless or patently wanton to invite criminal liability."

The Ethics Committee noted that Appellant, Dr. Poonam Khera alongwith her Counsel and Respondent Smt. Shubhara Subhashini both have appeared before the Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail and found that Dr. Poonam Khera failed to bring on record documents to support standard operating procedures for prevention of leaving a swab during surgery were followed.

The Ethics Committee deliberated on the issue and decided to uphold the decision of Delhi Medical Council. Accordingly, appeal is disposed off.

(Dr. B.G. Tilak)

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Ajay Kumar Jain
(Sh. Ajay Kumar Jain)

14. Appeal dated 12.10.2012 filed by Sh. Kalulal Suman against order dated 25.06.2012 passed by Rajasthan Medical Council-Reg.

The Ethics Committee considered the appeal dated 12.10.2012 filed by Sh. Kalulal Suman against Order dated 25.06.2012 passed by Rajasthan Medical Council and noted that Rajasthan Medical Council vide its order dated 25.06.2012 held that :-

".. The complaint and reply of Dr. Shiv Kumar was examined by the Penal & Ethical Committee which decided that the expert opinion of Oncologist ENT surgeon may be obtained for final opinion. Thereafter, the expert opinion of Dr. Pawan Singhal, Associate Professor ENT Deptt., SMS Hospital, Jaipur was obtained and he has opined that Dr. Shiv Kumar, HOD ENT Surgeon has followed the basic standards of oncology and has done appropriate treatment in favour of the patient.

The Penal & Ethical Committee in its meeting has also opined that there was no negligence on part of the treating doctor.

The Council agreed with the decision of Penal & Ethical Committee, the case may be closed."

The Ethics Committee noted that Appellant, Sh. Kalulal Suman and Respondent Dr. Shiv Kumar both have appeared before the Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail. The Counsel of Sh. Kalulal stated that Dr. Shiv Kumar informed him that it was a primary stage of cancer and it can be treated only with the help of Radiotherapy. The Ethics Committee observed that the treating doctor Dr. Shiv Kumar has explained in details to the patients about the complications and outcome of the treatment and also had obtained the informed consent prior to treatment.

The Ethics Committee deliberated on the issue and found no medical negligence on the part of treating doctor i.e. Dr. Shiv Kumar and upheld the decision of Rajasthan Medical Council.

15. Appeal dated 25.06.2013 filed by Sh. N.K. Narang, Lucknow against order dated 13.02.2013 passed by U.P. Medical Council-Reg.

The Ethics Committee considered the appeal dated 25.06.2013 filed by Sh. N.K. Narang, Lucknow against order dated 13.02.2013 passed by U.P. Medical Council. The summary of complaint reads as under:-

(Dr. B.G. Tilak)

(Dr. Rama V. Baru)

(Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)

(Dr. G. K. Sharma)

(Dr. N. K. Mohanty)

(Dr. P. K. Dave - Chairperson)

(Dr. P. Prasannaraj)

(Dr. J. L. Gupta)

(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

"wife of complainant Smt. Uma Narang was suffering with pain in knees and facing difficulty in climbing stairs. He contacted Dr. Sanjay Kumar Srivastava of Mayo Medical Centre, who examined the patient and advised for knee replacement surgery and assured the patient that it was a simple surgery. He had done certain tests and x-ray and fixed the date for surgery. First he planned the surgery of both knees at the same time but when the complainant informed that BP of the patient was fluctuating, therefore, surgery on one knee was performed. After surgery patient having sever pain. Surgery on second knee was done by Dr. Sanjay Kumar Srivastava on 19.10.2011. After the surgery, Dr. Sanjay Kumar Srivastava and other junior doctors left the hospital. Immediate after the surgery, several complication occurred high blood pressure, shivering with temperature, pain in her stomach. Doctors informed him that gangrene developed in the intestine. An emergency operation was conducted to remove the affected part of the intestine. The Condition of the patient worsened at that stage. They have referred the patient to PGI where she died due to multi-organ failure on 21.11.2011. The complainant alleged that Dr. Sanjay Kumar Srivastava insisted for the surgery on second knee only for the money."

The U. P. Medical Council vide its order dated 10.06.2013 held that :-

"..... The Ethical committee has concluded that Dr. Sanjay Kumar Srivastava has done his best according to medical ethics. Patient developed intestinal obstruction and ischemic intestinal gangrene which was not related with Knee Replacement Surgery. Both knee replacement has been performed by Dr. Sanjay Kumar Srivastava within the gap of one week with patient and attendant's consent of the same hospital.

The Ethics Committee is of the opinion that Dr. Sanjay Kumar Srivastava cannot be held guilty of medical negligence."

The Ethics Committee noted that Respondent, Dr. Sanjay Kumar Srivastava have appeared before the Committee for hearing. He has also submitted his written statement before the Committee. The Appellant, Sh. N.K. Narang did not appear before the Committee nor submitted any letter for grant of time.

The Ethics Committee heard the deposition of Dr. Sanjay Kumar Srivastava in detail. He stated that Surgery was done after the consent of patient and attendants and after discussing the pros and cons in detail. He further stated that he was never on leave and patient was being taken care by team of qualified senior specialist doctors and patient had no complications related to total knee replacement.

The Ethics Committee deliberated on the issue and decided to uphold the decision of U. P. Medical Council. Accordingly, appeal is disposed off.

(Dr. B.G. Tilak)

(Dr. Rama V. Baru)

(Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)

(Dr. G. K. Sharma)

(Dr. N. K. Mohanty)

(Dr. P. K. Dave - Chairperson)

(Dr. P. Prasannaraj)

(Dr. J. L. Gupta)

(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

16. Appeal dated 10.05.2013 (received in the Council on 22.05.2013) filed by Dr. (Mrs.) Srimani Rajagopalan against order dated 04.04.2013 passed by Karnataka Medical Council-Reg.

The Ethics Committee considered the appeal dated 10.05.2013 filed by Dr. (Mrs.) Srimani Rajagopalan against order dated 04.04.2013 passed by Karnataka Medical Council. The summary of complaint reads as under:-

"Late Smt. Shubha W/o complainant aged about 33 years, an ex-employee of Bangalore Hospital contacted Dr. Shrimani Rajagopalan on 24.06.2010 with abdominal pain. After seeing the report of ultrasound scan, Dr. Shrimani Rajagopalan advised her for laparoscopic surgery as patient had a problem in her uterus. After a week, patient admitted in Bangalore Hospital for laparoscopic surgery. On 01.07.2010, around 8.30 am patient was taken at OT and at 12.15 pm complainant had been informed that surgery was unsuccessful and as a result of laparoscopic surgery, there was heavy bleeding and doctors still operating the patient to save her life. At 3.30 pm, Dr. Shrimani Rajagopalan came out from the OT and informed that she removed the uterus of the patient and now she was fine but the ventilator was not removed till 02.07.2010. At 11.30 pm, ICU doctor told them to arrange blood and plasma for limb operation as the limb was cold.

On 03.07.2010 at 7.30 am, patient was taken to OT for undergoing vascular surgery which was necessitated by the failure of the laparoscopic surgery. On the same day at 3.00 pm patient was shifted to ICU again under ventilator and kept there for observation for 48 hours. There was no movement in the patient's body. Patient had been unconscious, high pulse rate and having fever since the third day of the operation. On 13.07.2010, patient would be shifted out of the ICU to the special ward but at 2.30 pm again shifted to OT for operation because of collection of pus in the patients abdomen. At 5.00 pm patient was brought out from the OT and shifted to ICU under ventilator support and had been informed that there had been damaged to the intestine and collection of pus in the abdomen of the patient and hence colostomy has been performed on the patient.

On 14.07.2010 patient developed low BP and became unconscious. On 15.07.2010 complainant informed that kidney had been damaged and hence the patient was advised to be put under dialysis. But due to low BP, dialysis was deferred. On 16.07.2010 at 12.45 am, complainants informed that patient was died."

The Karnataka Medical Council vide its order dated 10.06.2013 held that :-

".....Karnataka Medical Council under Section 15 of K.M.C. Act of 1961, unanimously decided to remove the name of R(1) Dr. Srimani Rajagopalan bearing K.M.C. Reg. No. 7500 for a period of Six Months w.e.f. 04.04.2013. R(2) has been exonerated."

The Ethics Committee noted that Appellant, Dr. (Mrs.) Srimani Rajagopalan alongwith a representative and the Counsel Ms. Sheela/Joolie on behalf of Respondent, Mr. Shashidhar B. Bankar have appeared before the Committee for hearing.

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(Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)

(Dr. G. K. Sharma)

(Dr. N. K. Mohanty)

(Dr. P. K. Dave - Chairperson)

(Dr. P. Prasannaraj)

(Dr. J. L. Gupta)

(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

The Appellant, Dr. (Mrs.) Srimani Rajagopalan submitted that the patient had adenexal mass for which laproscopic surgery was indicated and because of endometriosis there was heavy bleeding. She also submitted that all the necessary investigations for DIC, PT were carried out before the operation. Patient was healthy but heavy bleeding occurred after removal of the mass. D-dimer test was done which was showing high rise. The Ethics Committee found that during endoscopic surgery, there has been massive bleeding and the gravity of the situation was not realized properly by the doctor. The clinical investigations and the metabolic parameters related with consumption coagulopathy, were though altered, these were not properly evaluated by the treating team. It was also observed by the Committee that Dr. (Mrs.) Srimani Rajagopalan did not monitor the condition of the patient while she was in ICU.

The Ethics Committee deliberated on the issue and decided to uphold the decision of Karnataka Medical Council. Accordingly, appeal is disposed off.

17. Appeal to blacklist Dr. Kalbe Jawad from teacher's profile panel.

The Ethics Committee considered the Complaint letter dated Nil received from Sh. Naval Kishore Yadav against Dr. Kalbe Jawad that he has submitted fraud and fake information to MCI in Declaration Form of 2011-12.

The Ethics Committee noted that Respondent, Dr. Kalbe Jawad have appeared before the Committee for hearing but Dr. R. K. Singh, who issued the experience certificate to Dr. Kalbe Jawad, Dean of U. P. Rural Institute of Medical Sciences & Research, Etawah and complainant Sh. Naval Kishore Yadav did not appear before the Committee.

The Ethics Committee heard the deposition of Dr. Kalbe Jawad in detail. Few questions were asked by the Committee:-

- Q1. Were you awarded M.Sc(Medical Biochemistry) or M.Sc.(Biochemistry)?
 A. I have done M.Sc in 1984 at that time medical biochemistry was not existing.
- Q.2. Ph.D. work was done in medical college?
 A. I did my Ph.D. under Dr. R. K. Singh, Professor of Biochemistry, CDRI and K.D. Medical College, Lucknow.

The Ethics Committee deliberated on the issue and decided to grant one final opportunity to Dr. R. K. Singh, who issued the experience certificate to Dr. Kalbe Jawad, Dean of U. P. Rural Institute of Medical Sciences & Research,

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P. K. Dave
 (Dr. P. K. Dave – Chairperson)

Prasannaraj
 (Dr. P. Prasannaraj)

J. L. Gupta
 (Dr. J. L. Gupta)

Raj Kumar
 (Dr. Raj Kumar)

Ajay Kumar Jain
 (Sh. Ajay Kumar Jain)

Etawah to present themselves before the Committee in the subsequent meeting, failing which an ex-parte decision will be taken on the basis of available records and material.

18. Order dated 02.05.2013 passed by the Hon'ble State Commission, Delhi in Complaint No.149/2007 - Shri Naveen Prashar - Vs. - K.C. Sharma Poly Clinic & Ors. - reg.

The Ethics Committee considered the Order dated 02.05.2013 passed by the Hon'ble State Commission, Delhi in Complaint No.149/2007 - Shri Naveen Prashar - Vs. - K.C. Sharma Poly Clinic & Ors.

The Ethics Committee noted that the Complainant, Shri Naveen Prashar and Respondent Dr. Ankur Mittal, Paediatrician and Dr. Anand Sharma of K.C. Sharma Poly Clinic alongwith his counsel Sh. P. N. Tiwari appeared before the Committee for hearing. Dr. M. C. Sharma, Manager of Dr. K. C. Sharma Memorial Polyclinic sent a letter dated 27.09.2013 wherein he was requested to grant him 4 weeks time to present himself before the Committee as he is suffering with heart problem and his doctor advised him for rest. The letter was considered by the Ethics Committee and decided to grant him time. Dr. Anshula Mittal, Gynaecologist did not appear before the Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail. Dr. Anand Sharma informed that they have challenged the Order of Hon'ble State Commission in National Commission and the National Commission granted them stay on that.

The Ethics Committee directed both the parties as the matter is pending/subjudice in the National Commission, the MCI cannot take any action on the order of Hon'ble State Commission. As and when, the decision of National Commission will come, the MCI will be able to take further action in this matter. Dr. Ankur Mittal submitted a copy of the Order of Delhi Medical Council dated 16.07.2010 which has been stayed by the Hon'ble National Commission.

The Ethics Committee further noted that there is no appeal pending before the Committee by the Complainant Shri Naveen Prashar against the order of DMCC dated 16.07.2010.

The complainant was asked whether he has filed any appeal against the Order of Delhi Medical Council on which he replied that he did not know about the MCI Regulations about filing the appeal against the Order of DMCC and he had not filed any appeal in MCI. The Committee members asked the doctors that what

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(Dr. P. K. Dave - Chairperson)

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(Dr. J. L. Gupta)

Raj Kumar
(Dr. Raj Kumar)

Ajay Kumar Jain
(Sh. Ajay Kumar Jain)

has happened to Dr. Anshula Mittal, he replied that she is suffering from fever and Jaundice. Dr. Ankur Mittal informed the Committee members that Dr. Anshula Mittal already banned for three months and also attended the 12 hours CME classes as directed by Delhi Medical Council. The Committee advised him to submit the compliance report with CME attendance.

19. Submission of report of the Vigilance Division on the complaint against Dr. Yatish Kumar Sanadhya working as Asst. Prof. in deptt. of Medicine at Jhalawar Hospital & Med. College, Jhalawar, Rajasthan.

The Ethics Committee considered the report of the Vigilance Division on the complaint against Dr. Yatish Kumar Sanadhya working as Asst. Prof. in Deptt. of Medicine at Jhalawar Hospital & Med. College, Jhalawar, Rajasthan.

The Committee noted that Dr. Yatish Kumar Sanadhya and Dr. P. K. Gupta, Dean of Jhalawar Hospital & Med. College, Jhalawar, Rajasthan have appeared before the Ethics Committee for hearing. Dr. Yatish Kumar Sanadhya submitted that he was seriously ill and his period of Residency was extended.

The Ethics Committee heard the deposition of both Dr. Yatish Kumar Sanadhya and Dr. P. K. Gupta, Dean and after deliberation on the issue, decided to issue warning to Dr. Yatish Kumar Sanadhya and adjust five months period from the experience of Associate Professor towards that of Asstt. Professor which was short by Five months.

20. Appeal dated 06.05.2013 filed by Dr. Tripti Das against Dr. Phani Bhushan Mandal, Divine Nursing Home, Kolkata-reg.(594/2011).

The Ethics Committee considered the appeal filed by Dr. Tripti Das against Dr. Phani Bhushan Mandal, Divine Nursing Home, Kolkata. The summary of the complaint are as under:-

"Brother of Dr. Tripti Das suffered head injury on the early morning of 19.04.2011. He contacted with Dr. Phani Bhushan Mandal of North City Hospital and Neuro Institute Pvt. Ltd. Dr. Phani Bhushan Mandal attended the patient at 2.00 am but did not perform any specific treatment. Patient was in altered conscious level. The said nursing home did not have facility of CT Scan. Dr. Mandal later in the morning of 19.04.2011 advised the patient to be transferred to Divine Nursing Home Pvt. Ltd. and a CT Scan of brain was done around 8.30 am which revealed Acute Sub-Dural Haematoma over left fronto-parieto-temporal region and inter hemispheric fissure causing compression of adjacent cortex Left Sylvian fissure, third and left lateral ventricle with a midline shift of 13 mm to right. Patient was also having slurring speech, disorientation and right sided weakness etc. Despite critical condition of the patient, Dr. Phani Bhushan Mandal performed surgery in the evening of

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(Dr. P. Prasannaraj)

(Dr. J. L. Gupta)

(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

19.04.2011 at 6.00 pm. Patient was shifted back to the ICU following the surgery in unconscious and extremely critical condition and declared dead at 10.30 pm."

The Ethics Committee noted that the Appellant, Dr. Tripti Das have appeared in the earlier meeting of the Committee. But Dr. Phani Bhushan Mandal neither appeared today nor submitted any representation to condone his absence.

The Ethics Committee deliberated on the issue and decided to give last opportunity to respondent Dr. Phani Bhushan Mandal to present himself before the Committee in the subsequent meeting, failing which it will be presumed that he has nothing to say in this matter and decision will be taken as deemed fit. The Ethics Committee directed the MCI to also issue a letter through the Head of the Institution i.e. North City Hospital and Neuro Institute Pvt. Ltd., Kolkata.

21. Appeal against order dated 17.11.2012 passed by A.P. Medical Council made by Mrs. Sreevani @ Vani against Dr. G. Surendar & A.P. Medical Council.(519/2012).

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The Ethics Committee considered the appeal filed by Mrs. Sreevani @ Vani against Dr. G. Surendar & A.P. Medical Council and noted that A.P. Medical Council vide its order dated 17.11.2012 held that :-

".....The Executive Committee noted that the respondent Dr. G. Surender Reddy has also stated that he has not issued any fake or false certificate and it is as per the standard text books of Forensic Medicine and he has requested that the matter be discussed in the Council and Justice be done to him.

The Executive Committee noted that the Ethics Committee in its meeting held on 28.09.2012 has considered this item together with the material placed before it by Dr. G. Surender Reddy on 28.09.2012 and made necessary observations/recommendations. The Executive Committee has gone through the observation/recommendations of the Ethics Committee. The Executive Committee observed that for the last 30 years Potency Certificates are issued by the Forensic Sciences Department, Osmania General Hospital and Gandhi Hospital, which are the biggest hospital and Dr. G. Surender Reddy, Head of the Forensic Sciences Department has observed the proto-cols.

Taking into consideration of your Application together with the detailed observations/recommendations of the Ethics Committee, the Executive Committee decided that issuing Potency Certificate by the Forensic Medicine Department is accepted by convention. Hence, the original "Warning" be withdrawn.

In view of the decision taken by the Executive Committee in its meeting held on 09.10.2012, I am directed to inform that the original "Warning" communicated to you through this office letter No.AMC/DC/015/Case No.27/2011 dated 07.02.2012 is hereby withdrawn"

(Dr. B.G. Tilak)

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(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

The Ethics Committee noted that the Counsel, Sh. Rakesh Sanghi of Appellant, Mrs. Sreevani @ Vani had appeared before the earlier meeting of the Committee for hearing. The Respondents, Dr. G. Surender Reddy neither appeared today nor submitted any representation to condone his absence.

The Ethics Committee deliberated on the issue and decided to give one more final opportunity to Dr. G. Surender Reddy to appear before the Ethics Committee alongwith all the medical records and investigations report in support of Potency Test and other relevant document (Page – 5 of the Affidavit dated 07.03.2013 in the Court of Judge, Additional Family Court, Hyderabad, on the basis of which, Certificate was issued), in the subsequent meeting, failing which an ex-parte decision will be taken on the basis of available records and material. The Committee also directed the MCI to take up the matter with Andhra Pradesh Medical Council for clarification on the rule position regarding reviewing their own decision.

22. Appeal dated 02.03.2013 filed by Md. Shahjahan Ali Talukdar against Dr. T. Raja, Dr. Gunavathi K.N. and Dr. Sangita-reg. (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. The summary of complaint reads as under:-

"Son of Sh. Md. Shahjahan Ali Talukdar suffering from Acute Lymphoblastic Leukemia and admitted in January-2002 in Apollo Hospital, Chennai. After a long treatment of two years he discharged in 2004 and from 2004 to 2009 he regularly visited the Apollo Hospital, Chennai for check up once in three months. He was normal and fit at that period. He again visited the hospital in June 2009 for regular check up. He was again admitted in the hospital on 22.10.2009. After a blood examination doctors prescribed him "Omecetaxine Mepesuccinate 5 mg" tab and from 1.12.2009 he had administered injection Omecetaxine 2.5 mg twice in a day and because of that the patient situation became deteriorated. Father of patient asked many times from the doctors but they did not given the sufficient reply. After administered the injection, patient occurred multiple problems and again admitted on 14.12.2009 in the Emergency ward of the hospital. He said that on 31.12.2009, nurse gave transfusion on a very high temperature and because of that patient started shivering and difficulty in breathing. Dr. Sangita shifted the patient in CCU. On 01.01.2010, Dr. T. Raja came to see the patient. After that doctor informed him that patient had a lung infection and they performed dialysis on the patient. On 06.01.2010 at around 8 pm doctor informed that again dialysis would have to be done. And around 9.00 pm they informed that patient had expired."

The Ethics Committee noted that Dr. T. Raja, DM(Oncology) alongwith other doctor i.e. Dr. Gunavathi K. N. (Jr. Consultant) have appeared before the

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(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

Committee for hearing but Dr. Sangita(Jr. Consultant) of Apollo Specialty Hospital, Chennai did not appear before the Committee for hearing.

Dr. T. Raja submitted that the son of the complainant was suffering from Acute Lymphoblastic Leukemia and was on maintenance chemotherapies for four years. Initially he was treated with Imartine which was responding well. But after four years, the patient developed blastic crisis for which he was given omecetaxine as per standard treatment protocol and the treatment was given after obtaining informed consent.

The Ethics Committee heard the deposition of Dr. T. Raja in detail and found no medical negligence on the part of treating doctors Dr. T. Raja, Dr. Gunavathi K. N. (Jr. Consultant) and Dr. Sangita(Jr. Consultant), therefore, Committee is of the opinion to exonerate the above doctors. Accordingly, appeal is disposed off.

23. RC 34(A)/2010 of CBI, ACB, Chennai-Medical Council of India-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 some doctors had appeared before the Ethics Committee in the earlier meeting and some have appeared today for hearing and the Committee heard the deposition of following doctors:-

1. Dr. Vinay Tulsiram Jadhav

Dr. Vinay Tulsiram Jadhav appeared before the Ethics Committee and made his submission that he was a full time Professor of Radiology in Shri Sathya Sai Medical College and Research Institute under Balaji Trust. He had completed my MBBS in 1983 and MD in 1988. He joined the the Balaji on 01.11.2008 and he was relieved from 31.03 .2011.

He also showed the appointment letter of Balaji Educational Trust. He stated that he was HOD of the department of Radiology and he was operating with four machines and he had only routine ultrasound at Shri Sathya Sai Medical College and Research Institute.

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(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

Now, he has left the profession of Radiology and doing business of e-commerce. He was staying at Chennai for three years and have a radiology clinic at Aurangabad. He admitted that he had attended the MCI inspection for 2009-2010 and was HOD at that time.

The Committee members asked about how many staff members available at the time of inspection on which he replied that he does not remember. The Committee also asked him whether he was received salary through cheque or cash on which he replied that he received salary by both the modes (cheque/cash).

Dr. Vinay stated that the statement submitted by CBI has not been signed by him. He further said that he has not given any statement before CBI.

The Committee directed to submit Form 16 for the same on which he promised to submit Form 16 as early as possible. He accepts that during the employment in Balaji, he had not joined any other institute.

2. Dr. Ajeet Gopchade

Dr. Ajeet Gopchade appeared before the Ethics Committee and stated that he has not got any summon from CBI. At present he is not a faculty of that college and stated that he had present there during two MCI inspections of Sathya Sai Medical College & Research Centre. He was doing practice in Maharashtra prior to joining the college. He stated that he was getting salary through cash (Rs. 45,000/- per month) from the institute and he was staying at Chennai from 2008-2009 and 2009-2012. He denied that he has attended any CBI enquiry. He did not have Form - 16 with him.

The Committee directed to submit Form 16.

3. Dr. M. Raj Kumar

Dr. M. Raj Kumar appeared before the Ethics Committee and made his submission that he was working as a Assistant Professor during the period 2009-2010 and was getting salary of Rs. 45000/- per month through cash.

The Committee desired to know whether he has deposit the amount in Bank on which replied that he has not deposited the salary in Bank. He further stated that he has filed ITR.

(Dr. B.G. Tilak)

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(Dr. M. S. Gupta)

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(Dr. J. L. Gupta)

(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

The Committee directed him to submit a copy of ITR and also proof that during that period he had no other employment and no other source of income. Dr. Raj Kumar said that he does not have Form 16 and the Committee directed to submit the copy of Form 16, ITR, Salary certificate, appointment letter etc. He requested for two weeks time to submit the documents.

Dr. Raj Kumar stated that he has never been summoned by CBI to attend the enquiry committee.

4. Dr. S. Vasanth

Dr. S. Vasanth appeared before the Ethics Committee and made his submission that he was working as a Assistant Professor in the Department of Paediatrics. After completing MD-Paediatric in 2009 he had joined Shri Sathya Sai Medical College and Research Institute in December 2009 and was relieved w.e.f. November 2011.

He stated that he has never given any statement before the CBI and never received any summon from CBI. He further stated that he was getting salary of Rs. 40,000/- per month (20,000/- cash and 20,000/- through cheque). He accepted that he attended only one MCI inspection. He stated that he was a regular faculty of Shri Sathya Sai Medical College and Research Institute and stayed in the campus but other faculty of his department did not stay in the campus.

The Committee directed him to submit Form 16, ITR, Salary certificate, appointment letter etc. He requested for two weeks time to submit the documents.

5. Dr. K. V. Nagarajan

Dr. K.-V. Nagarajan appeared before the Ethics Committee and made his submission that he was working as a Full time faculty of Paediatric (Assistant Professor) in Shri Sathya Sai Medical College and Research Institute. Now he is doing private practice. He stated that he had done his MBBS from Raja Muthaiya Medical College from 1998-2004 and MD from the same college from 2006-2009 and he was getting cash salary of Rs. 40,000/- per month.

(Dr. B.G. Tilak)

(Dr. Rama V. Baru)

(Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)

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(Dr. N. K. Mohanty)

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(Dr. P. Prasannaraj)

(Dr. J. L. Gupta)

(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

He had received summon from CBI and CBI called him for fake/forged certificate as mentioned in CBI summon. Dr Nagarajan accepted that he has given the said statement before the CBI. He said that that he has not filed the ITR. He was a regular employee of that college. He accepted that he attended the MCI inspection and has signed the declaration form. He did not pay income tax. He was working there for only 6 months.

The Committee directed him to submit Form 16, ITR, Salary certificate, appointment letter etc. He promised to submit the relevant documents.

6. Dr. S. Arun Kumar

Dr. S. Arun Kumar appeared before the Ethics Committee and made his submission that he has joined Shri Sathya Sai Medical College and Research Institute on 03.11.2009 as Assistant Professor in the department of Radiology and was relieved on 31.12.2011. He stated that he was a regular full time faculty and did not work elsewhere during that period. He was attended the college all the days except eligible leaves. He was taking classes regularly but could not remember the number of classes he has taken.

He admitted that he had attended MCI inspection since he was regular full time faculty. He also submitted that he was staying in the staff quarter from the date of joining to relieving date. He was asked to submit the IT Return and other supportive documents for which he sought three weeks time.

He also stated that he had attended CBI enquiry but not given any statement before CBI on 29.11.2011 or any other date as referred in the letter of MCI.

7. Dr. Jayshree Tulsiram Jadhav

Dr. Jayshree Tulshiram Jadhav appeared before the Ethics Committee and made his submission that she had joined the college on 01.06.2009 as Assistant Professor in the department of OBG and was worked as Associate Professor from 17.12.2009 to 30.10.2011. She was relieved from service w.e.f. 30.10.2011. She was on regular appointment and she did not work nowhere else during 2009-2010. She stated that she had attended the college 270 to 280 days per year and she was taking two lectures and two clinics per week. She did not attend any MCI inspection in

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2009 but had attended the MCI inspection on 2010. She was staying in the college campus and she had received Rs. 2,86,667 in 2010-2011 and has submitted Form-16. She also further stated that she did not appear before CBI, however, she had a conversation on telephone. She stated that she furnish ITR shortly.

The Committee directed her to submit Form 16, ITR and other relevant documents and she promised to submit the same as early as possible.

24. Order dt. 25.03.2013 passed by Hon'ble High Court of Andhra Pradesh in W.P. No. 16305/2007 filed by Dr. L. Sudhakar -Vs.- Medical Council of India & Others - Reconsider the appeal against the order passed by the Andhra Pradesh Medical Council on the complaint made by Dr. K. Srikar Reddy, Third Secretary in Embassy of India, Berlin with regard to death of Mrs. Srilatha Reddy- reg.(F.No. 133/2004)

The Ethics Committee considered the Order dt. 25.03.2013 passed by Hon'ble High Court of Andhra Pradesh in W.P. No. 16305/2007 filed by Dr. L. Sudhakar -Vs.- Medical Council of India & Others - Reconsider the appeal against the order passed by the Andhra Pradesh Medical Council on the complaint made by Dr. K. Srikar Reddy, Third Secretary in Embassy of India, Berlin with regard to death of Mrs. Srilatha Reddy. The Ethics Committee noted that Dr. K. Srikar Reddy appeared before the Ethics Committee alongwith his Counsel. Dr. L. Sudhakar did not appear before the Committee for hearing.

The Ethics Committee heard the deposition of Dr. K. Srikar Reddy in detail. The Committee decided to call Dr. L. Sudhakar with all the medical records pertaining to this case in the subsequent meeting of the Committee.

25. Appeal dated 01.11.2012 filed by Sh. Sudhir Kumar Shrivastava against the order dated 03.08.2011 of U.P. Medical Council - reg.(F.No.272/2011).

The Ethics Committee considered the appeal filed by Sh. Sudhir Kumar Shrivastav dated 01.11.2012 against Order dated 03.08.2011 passed by UP Medical Council and noted that both the parties i.e. Appellant, Sh. Sudhir Kumar Shrivastav and Respondent, Dr. Vipul Shah have appeared before the Ethics Committee for hearing.

Regarding objection of Dr. Vipul Shah, the committee replied that under section 8.2 of the Ethics Regulations, the Council has power to take up appeal under reference. Dr. Vipul Shah stated that he does not agree with the MCI Ethics

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Committee decision for calling him for hearing. He wants to take his legal advise from his lawyer before appearing the Ethics Committee next time and he further requested to grant him time for consultation with his lawyer. The Ethics Committee accepted the request of Dr. Vipul Shah and granted him three weeks time. The Ethics Committee informed both the parties that if they failed to appear before the Committee next date of hearing, an ex-parte decision will be taken on the basis of the available record and material.

26. Appeal dated 28.06.2013 filed by Dr. Ivan Martin Rocha against Order dated 25.04.2013 passed by Maharashtra Medical Council - req.

The Ethics Committee considered the appeal dated 28.06.2013 filed by Dr. Ivan Martin Rocha against Order dated 25.04.2013 passed by Maharashtra Medical Council and noted that the Maharashtra Medical Council received a copy of the Charges framed on 06.06.2012 in Criminal Case No. 4200129/SW/2011 by the Metropolitan Magistrate, Dadar, Mumbai for violation various provisions of PCPNDT Act. The Executive Committee of the Maharashtra Medical Council vide its Order dated 25.04.2013 held that:-

"..... It is noted that the charges have been framed against you in Criminal Case No. RCC4200129/SW/2011 on 06.06.2012 for contravening the provisions of Sec. 23 r/w 3A & 6 PCPNDT Act, Sec. 4 & breach of various rules under Rules 9 (i), (ii), (iii), (iv) x (i), (i-A), 17(i), 18(1)(3)(5) of PCPNDT Rules etc. of PCPNDT Act.

It has been resolved by the Council on 20.04.2013 that there are sufficient materials/allegations against you to suspend your Registration under Section 23(2) of PCPNDT Act, 2003 as amended up to date and thus your Registration No. 73083 with the Maharashtra Medical Council is hereby suspended for the period of five years from 20.04.2013 and or till the final decision of the said Criminal Case whichever is earlier and you are refrained from Medical practice and / or profession of any nature during the period of suspension. If you do any kind of medical practice during the suspension period further suitable action will be taken against you as per law."

The Ethics Committee noted that the Appellant, Dr. Ivan Martin Rocha have appeared before the Ethics Committee for hearing with all the medical records.

The Ethics Committee heard the deposition of Dr. Ivan Martin Rocha in detail. He stated that without giving proper hearing by Maharashtra Medical Council, charges were framed against him. The State Medical Council has not granted any opportunity to defend himself. The Committee was of the opinion that this allegation needs to be verified from the records.

Dr. Martin had requested in his appeal for a stay of Order issued by Maharashtra Medical Council on 25.04.2013. Some of the members of the Ethics

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Committee were of the opinion that stay of the order appealed against during the pendency of the appeal should be granted. However, other members were of the opinion that there is no precedent for giving a stay during the pendency of the appeal.

The Ethics Committee decided to refer the matter at the earliest to Retainer Advocate of the Council with the approval of Board of Governors for obtaining the legal opinion whether there is any provision for grant of Stay in cases of punishment awarded by State Medical Councils under Ethics Regulations-2002.

In view of statement recorded above, the Ethics Committee deliberated on the issue and decided to call the records from Maharashtra Medical Council.

27. Appeal dated 23.04.2013 filed by Smt. Usri Roy against Dr. Sanmoy Ganguly, Kolkata - reg.

The Ethics Committee considered the appeal dated 23.04.2013 filed by Smt. Usri Roy against Dr. Sanmoy Ganguly, Kolkata. The summary of the complaint are as under:-

"Father of Smt. Usri Roy was suffering with CA Prostate and Bone Metastasis and initially treated by Dr. Bibaswan Ghosh in October 2009 and then he was shifted under the care of Oncologist Dr. Sanmoy Ganguly in November 2009. Dr. Sanmoy Ganguly initially administered 20 rays in his spinal cord and because of that PSA level of patient decreased from 837 to 21.09. He has administered 35 more rays directly to prostate bed from 08.02.2010 to 06.04.2010 and after that patient started suffering from bleeding, anemia and sever pain. After that Dr. Sanmoy Ganguly diagnosed Hormone Refactory and prescribed chemotherapy. At that time PSA of patient was 62 and he was suffering from severe back ache and neck pain. Dr. Sanmoy Ganguly administered again 10 rays to his neck and after that started chemotherapy. Then he prescribed 6 courses of Dositecil. After that PSA count was 19.48 on 27.06.2011. Then he started oral chemotherapy from September to October- 2011. During that period patient often complained of pain in stomach. After four course, PSA Count dropped to 3.95.

In January 2012 he again prescribed two courses of combination of chemo in same dosage. In March, Dr. Sanmoy Ganguly referred the patient to Northland Nursing Home and admitted there for 11 days. During this period Dr. Sanmoy Ganguly sought opinion from other oncologist. After discharge from Nursing Home, the condition of patient deteriorated. Dr. Sanmoy Ganguly referred the patient to Dr. Sameer Bhattacharya, Surgeon, at Thakurpukur Cancer Hospital. He advised there for surgery. Attendants consulted for other doctors and they opined that the obstruction were caused by the 35 additional and absolutely superfluous raditions that were administered to the prostate bed. On 12.06.2012 patient died. Unnecessary radiation administered by Dr. Sanmay Ganguly to prostate bed damaged various sensitive organs and finally patient died due to multi organ failure."

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The Ethics Committee noted that the Appellant, Smt. Usri Roy and Respondent, Dr. Sanmoy Ganguly both have appeared before the Ethics Committee for hearing with all the medical records.

The Ethics Committee heard the deposition of both the parties in detail and deliberated on the issue and found that Mr. Arvind Kumar Singh, father of Smt. Usri Roy was diagnosed as a case of Cancer of Prostate with metastases to bones and high PSA. The treatment given by Dr. Sanmoy Ganguly to Mr. Arvind Kumar Singh was found to be correct and as per the standard treatment protocol in such cases of cancer. The Ethics Committee is of the opinion that there is no negligence on the part of the treating doctor i.e. Dr. Sanmoy Ganguly, while treating Mr. Arvind Kumar Singh. However, Dr. Sanmoy Ganguly in future should take patients relatives into confidence and tell the stage of complications, side effects and the prognosis of such patient in future. Accordingly, appeal is disposed off.

28. Appeal dated 01.03.2013 filed by Sh. Anthony R. Rodrigues against Order 08.03.2012 passed by Karnataka Medical Council - reg.

The Ethics Committee considered the appeal dated 01.03.2013 filed by Sh. Anthony R. Rodrigues against Order 08.03.2012 passed by Karnataka Medical Council and noted that both the parties i.e. Appellant, Mr. Rodrigues and Respondent Dr. Giridhar Patil alongwith did not appear today before the Committee for personal hearing.

The Ethics Committee decided to provide one last and final opportunity to both the parties to appear before the Ethics Committee for hearing in the next meeting of the Committee failing which decision will be taken ex-parte on the basis of available records and material.

29. Complaint against use of fake and frivolous qualification and Degrees by Dr. Narendra Vikramaditya Yadav - reg

The Ethics Committee considered a letter dated 16.07.2013 received from Sh. Sandeep S. Duggal, Gr. Dy. General Manager Human Resources, Kailash Hospital & Heart Institute, Noida wherein he has Complaint against use of fake and frivolous qualification and Degrees by Dr. Narendra Vikramaditya Yadav.

The Ethics Committee noted that Dr. Narendra Vikramaditya Yadav did not appear today before the Committee for personal hearing.

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The Ethics Committee decided to provide the last and final opportunity to Dr. Narendra Vikramaditya Yadav to appear before the Ethics Committee for hearing in the next meeting of the Committee failing which decision will be taken ex-parte on the basis of available records and material.

30. Appeal dated 16.07.2013 filed by Dr. Rakesh Kumar Bhatnagar against Order dated 17.05.2013 passed by Delhi Medical Council - req

The Ethics Committee considered the appeal dated 16.07.2013 filed by Dr. Rakesh Kumar Bhatnagar Das against Order dated 17.05.2013 passed by Delhi Medical Council and noted that Disciplinary Committee of Delhi Medical Council examined Inspection Report forwarded by the Office of the Chief Distt. Medical Officer, North West District, Directorate of Health Services, Govt. of NCT of Delhi in respect of Partha Medical Centre, Balaswa Dairy, Delhi wherein Dr. Rakesh Kumar Bhatnagar has been associating with unqualified medical practitioner and carrying out his professional practice. After deliberation, the DMC passed its order dated 17.05.2013, which reads as under:-

"..... The Disciplinary Committee perused the inspection report of the office of the Chief District Medical Officer, North West Distt. Alongwith documents attached therewith and other documents on record.

Dr. Rakesh Kumar Bhatnagar presented himself before the Disciplinary Committee. Dr. Rakesh Kumar Bhatnagar stated that he is holder of MBBS and MD(Pathology) qualification and is also practicing some part of Biochemistry and microbiology also. He further stated that he is practicing as pathologist in twenty to twenty five labs but visiting only those labs which are very far from his house in that case he sees slides on internet and give report on telephone.

The Disciplinary Committee noted that he does not visit labs and prepare the pathology report without visiting the lab.

The Disciplinary Committee further noted that Dr. Rakesh Kumar Bhatnagar did not submit the following documents, inspite of directions.

1. A copy of FIR against those individuals who have been using his name without his consent.
2. List of labs/clinic/NGOs with complete address and contact number where he had been visiting for the last three months.
3. A copy of agreement with terms and conditions between him and labs/clinics/NGOs for the last three months.
4. Receipts of amount which he has received from the labs/clinics/NGOs for the last three months.

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5. Details of salary which he received from Saraswati Medical College and appointment letter issued where he is working.
6. List of all the institution wherein he has worked till now including medical colleges and duration of work alongwith details of salary.

In light of the above, the Disciplinary Committee observed that the aforementioned action of Dr. Rakesh Kumar Bhatnagar are highly unprofessional and reflects his causal attitude, hence, the Disciplinary Committee recommends that name of Dr. Rakesh Kumar Bhatnagar be removed from the State Medical Register of the Delhi Medical Council for a period of sixty days and directs that he should refrain from such unethical practices, in future."

The Ethics Committee noted that Appellant, Dr. Rakesh Kumar Bhatnagar alongwith his Counsel have appeared today for hearing before the Ethics Committee. Dr. Rakesh Kumar Bhatnagar stated before the Committee that he had filed the Appeal inadvertently and now, he wants to withdraw his Appeal. He has also submitted the letter to withdrawal the appeal before the Committee. The Ethics Committee unanimously approved his request for withdrawal of Appeal. Accordingly, the appeal is disposed off.

31. Appeal dated 13.06.2013 filed by Sh. Tola Ram against Dr. Rajan Atreja - reg.

The Ethics Committee considered the appeal dated 13.06.2013 filed by Sh. Tola Ram against Dr. Rajan Atreja and letter dated 15.04.2013 issued by Delhi Medical Council. The summary of the complaint are as under:-

"Mrs. Manisha, sister of complainant got married with Mr. Harish Kumar in 2001. On 05.05.2003 she died in Sanjay Gandhi Hospital due to 100% burn injuries all over her body. Complainant lodged an FIR No. 240/03U/S 304-B/498-A/34 IPC in Police Station, Rohini.

Complainant highlighted the following:-

1. Patient was brought to the hospital at 3.10 am and declared fit to give statement at 3.15 am by Dr. Rajan Atreja.
2. Hospital informed the police at 3.45 am.
3. At 4.00 am her statement was recorded in which Mrs. Manisha accepted that she has attempted suicide.

Complainant said that distance between the PS Rohini and S.G.M. Hospital is about 4 km. ASI, Shs. Kishan Lal received information from hospital at about 3.45 am and it was not possible for him to reach hospital at 4.00 am and record statement of deceased prior to 4.00 am.

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He further stated that patient was 100% burnt and was in deep pain. She had received deep burns on all over her body as per MLC Report and not in a position to narrate anything."

The said matter was also considered by Delhi Medical Council and they have issued a letter dated 15.04.2013 wherein they informed that:-

"..... on perusal of the complaint and documents submitted therewith, the Delhi Medical Council has observed that since the subject matter of complaint pertains to issue which falls within the purview of criminal justice system and unless the investigating agencies or court of law give any adverse finding against a registered medical practitioner, it will not be appropriate for the Council to examine this matter."

The Ethics Committee noted that Appellant, Sh. Tola Ram have appeared before the Committee for hearing but Respondent, Dr. Rajan Atreja did not appear.

The Ethics Committee heard the deposition of Appellant, Sh. Tola Ram in detail and deliberated on the issue. The Committee is of the opinion that the case is of Criminal nature and does not come under the purview of the Medical Council of India, therefore, the Committee is of the opinion to uphold the decision of Delhi Medical Council.

Supplementary Agenda

32. Violation of "Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002" – Reg. (Sh. Brinda Karat, Member, Polit Bureau, CPI(M), Former Member, Rajya Sabha) F. No. 615/2011.
33. Appeal against order dated 21.12.2010 passed by Tamilnadu Medical Council made by Mr. R. Rajendran(F. No. 141/2011).
34. Appeal dated 14.02.2013 filed by Sh. Syamal Bose against Dr. P. K. Pujari, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra - reg(F. No. 601/2011).

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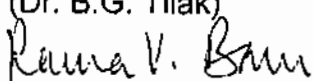
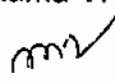
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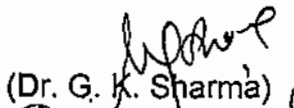
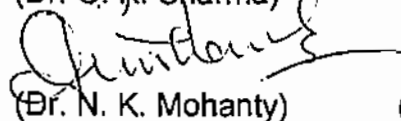
35. Appeal dated 22.08.2013 filed by Sh. O. P. Sharma, Delhi against Order dated 10.07.2013 passed by Delhi Medical Council - req.
36. Appeal dated 05.08.2013 filed by Sh. Shishir Chand, Delhi against Dr. Atul Chhabra of Tata Main Hospital, Jamshedpur - req.
37. Complaint/intimation received of Sh. Surender Ram – Req.
38. Demand to investigate the Pharma company sponsored Foreign visit by Medical Doctors of Madhya Pradesh.(F. No. 78/2012)
39. Appeal dated 30.07.2013 filed by Sh. Lalit Mohan Bhattee, Mumbai against Dr. B. R. Rao, Dr. Mrs. Alka Rao and Dr. Ketan Bhatt of Shree Samasta Parajiya Suvarna General Hospital, Borivali, Mumbai - req.
40. Appeal dated 22.07.2013 filed by Sh. Rabindra Prasad Sah, Tripura against Dr. Poonam Banka & Dr. Bindu Kedia of Apollo Gleneagle Hospital Kolkata - req.
41. Appeal dated 06.03.2013 filed by Mrs. Anitha Jayadevan against Order dated 22.12.2012 passed by Travancore Cochin Medical Council & Ors. - req.

Agenda Item No. 32 to 41 has been deferred for the subsequent meeting of the Ethics Committee due to paucity of time.

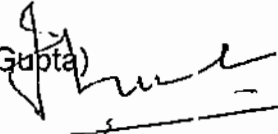
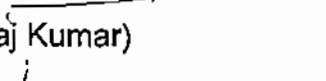
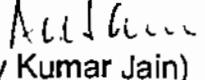
The Meeting ended with a Vote of Thanks to the Chair.

New Delhi, 27th & 28th September, 2013.

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