BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.12-Comp-234/2018-Legal

Reference from Punjab Healthcare Commission in matter of Syed Fazal Hussain against Dr. Saima Umer (40991-P) AKA Saima Sarfraz

Prof. Dr. Naqib Ullah Achakzai	Chairman
Prof. Dr. Noshad Ahmad Shaikh	Member
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Expert of Gynaecology	

Present:

Mr. Syed Fazal Hussain	Complainant
Hearing dated	21.11.2022

I. FACTUAL BACKGROUND

1. A Complaint was filed before the Punjab Healthcare Commission against Dr. Saima Umer (the "Respondent") for her professional negligence during delivery of the Complainant's wife (the "Patient"). The Complainant had alleged that patient was taken to Zubaida Siddique Hospital (the "Hospital") for her delivery. Patient was admitted; however, the Respondent went home, leaving patient to be managed by the owner of the Hospital, nurse and dispenser. Respondent came at midnight and due to her negligence and deliberate delay, a still birth happened.

2. The Punjab Healthcare Commission decided the complaint through decision dated 03.08.2018 inter alia with the following observations.

> "...
>
> *b. The case of Dr. Saima Sarfaraz, be referred to PM&DC for:*
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> *i. Portraying herself as Radiologist whereas she is not.*
>
> *ii. for showing element of medical negligence by unduly delaying the delivery process and delay in referring the patient to THQ Hospital.*
>
> *iii. Placing the patient at the mercy of unqualified staff. ..."*

3. The Pakistan Medical Commission has also received an order of the Honorable Lahore High Court dated 13.09.2022, passed in a Writ Petition filed by the present Complainant. The Honorable Lahore High Court while disposing of Writ Petition No. 53790 of 2022 through its order dated 13.09.2022 has directed the Commission to decide the pending complaint through speaking order within 90 days, under intimation to the Lahore High Court.

II. SHOW CAUSE NOTICE TO RESPONDENT, DR. SAIMA UMER

4. In view of the received reference, Show Cause Notice dated 02.11.2022 was issued to Respondent, Dr. Saima Umer mentioning the allegations in the following terms:

> ***"... 4. WHEREAS,*** *a reference has been received at the Disciplinary Committee of the Commission (the "Complaint") from the Punjab Healthcare Commission, which is enclosed along with its annexures and shall be read as an integral part of this Notice; and*
>
> ***5. WHEREAS,*** *in terms of the reference, it has been conveyed that wife of the Complainant, Ms. Sajida Fazal (the "Patient"), was brought before you for delivery and you admitted the patient. It is alleged that you showed negligence by unduly delaying the delivery of the patient and referring her to THQ Hospital. Further, that your carelessness and callous attitude, resulted in death of the baby; and*
>
> ***6. WHEREAS,*** *in terms of the reference, it has been conveyed that you misrepresented yourself as a Radiologist, while you are not qualified as such;*
>
> ***7. Now therefore,*** *you are hereby served such Notice, explaining as to why the penalty shall not be imposed on you under the Pakistan Medical Commission Act, 2020. You are directed to submit your*

response along with complete medical record within the period of thirty (30) days. You are further directed to submit a copy of your registration certificate. …"

III. REPLY OF RESPONDENT, DR. SAIMA UMER

5. The Respondent, Dr. Saima Umer submitted her reply to the Show Cause Notice on 17.11.2022, conveying that she is MCPS (Gynecology & Obstetrics) duly registered with the Pakistan Medical Commission. Respondent stated that she advised C-section after receiving the patient, however, the Complainant and family took more than one and half hours to decide. Meanwhile, she advised the patient to be shifted to THQ Hospital or any other Hospital but the Complainant insisted on normal delivery, based on history of patient. Furthermore, the expert opinion at the PHC made no adverse opinion against her and the Report of the post-mortem of PFSA, Lahore also shows no evidence of aeration and that the new born baby was delivered as a still birth. She treated the patient appropriately as per medical practices.

IV. HEARING

6. After completion of codal formalities, the matter was fixed for hearing before the Disciplinary Committee on 21.11.2022. Notices dated 14.11.2022 were issued to the Complainant and Respondent, Dr. Saima Umer, directing them to appear before the Disciplinary Committee on 21.11.2022.

7. On the date of hearing, the Complainant appeared before the Disciplinary Committee, while the Respondent was not in attendance.

V. EXPERT OPINION

8. A Consultant Gynecologist was appointed as an Expert to assist the Disciplinary Committee in this matter. The Expert opined as under:

   i. *Patient has two normal deliveries and was presented as an un-booked case for ultrasound scan at term, i.e., 37th week in Zubaida Siddique Hospital.*

ii. *She was admitted after ultrasound which showed normal, alive fetus. Labor was induced by use of tablets and injections around 5 pm and was assured that she will deliver in 1-2 hours.*

iii. *The admitting doctor, Dr. Saima Sarfaraz MBBS, MCPS, left patient in labor under care of midwife who has no qualification. She alerted doctor that fetal heart was slow by 9.30 pm.*

iv. *There is delay of 3 hours on part of doctor to come and attend patient. At 12.30, a still-birth baby was delivered. Baby could have been saved if timely C-Section had been performed. Warning should be given to said doctor and to hospital, to show due diligence in management.*

VI. FINDINGS AND CONCLUSION

9. The Disciplinary Committee furnished an opportunity to the Complainant where the Complainant reiterated the facts of his complaint.

10. After deliberations by this Committee with assistance by the Expert, it is noted that the Nurse could not find the heartbeat of the fetus and contacted the doctor thereafter. The Complainant stated that he earlier took the patient to Civil Hospital where the doctors communicated that it is not the time for delivery, yet. However, when Complainant took the patient to the Respondent doctor for an ultrasound test, Respondent advised immediate delivery procedure to be performed.

11. The Disciplinary Committee has gone through the relevant record pertaining to this Complaint, submissions of the Complainant and considered the expert opinion and observes that the counseling provided by the Respondent, Dr. Saima Umer to the patient and her attendants was not up to the mark. The facts and evidences before us reveal that there existed a counselling lapse on part of the Respondent doctor. Additionally, the Disciplinary Committee observes that the documentation maintained were not aptly maintained by the Respondent doctor and the Hospital.

12. In view of the foregoing, the Disciplinary Committee directs the Respondent Dr. Saima Umer to improve her communication with the patients to avoid such situations. Further the Respondent is also directed to display on her prescription only those qualifications which are duly registered with the Pakistan Medical Commission.

13. The case is disposed of in the above terms.

Prof. Dr. Noshad Ahmad Sheikh	Mr. Jawad Amin Khan	Barrister Ch. Sultan Mansoor
Member	Member	Secretary

Prof. Dr. Naqib Ullah Achakzai

Chairman

21/11 ~~December~~, 2022