



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. 8-1795/2019-Legal-DC

Mr. Zafar Iqbal vs Prof. Dr. Muhammad Ali Tirmizey and Dr. Syeda Jamila Ali Tirmizey

Mr. Ali Raza	Chairman
Mr. Aamir Ashraf Khawaja	Member
Dr. Asif Loya	Member

Present:

Maj Gen (R) Maqbool Ahmed	Expert (Surgery)
Dr. Muhammad Ali Tirmizey and	Respondent
Dr. Syeda Jamila Ali Tirmizey	Respondent

I. FACTUAL BACKGROUND

Complaint

1. Mr. Zafar Iqbal (hereinafter referred to as the “Complainant”) filed a complaint on 11-02-2019 before Disciplinary Committee against Dr. Muhammad Ali Tirmizey (hereinafter referred to as the Respondent”).



2. It was alleged in the complaint that Mrs Talat Zafar, wife of the Complainant had some nasal allergy with sinusitis and polypi so they approached the Respondent for treatment on 12-06-2018. The Respondents suggested surgery and same was performed on 01-09-2018 at Prime Care Hospital Madina Town Faisalabad. Thereafter patient visited Respondent several times after the surgery till 07-01-2019 but the problem was not solved as the patient was still suffering from filthy smell from nose and unrest. Being unsatisfied they got checkup done from Dr. Qazi Ahsan Azeem Consultant E.N.T surgeon at Ittefaq Hospital Model Town Lahore on 18-01-2019. While examining the patient the said doctor found foreign body (Piece of cotton) on the left side of the nose which was left by Respondent while performing surgery. The Complainant alleged that the surgery has caused the Complainant and his wife mental agony and they have incur many expenses as well and requested for termination of licenses of Respondent for professional negligence.

Reply of Respondent

3. Complaint was forwarded to the Respondent who submitted his reply vide letter dated 04-03-2019 wherein he stated that patient visited him firstly on 12-6-2018 complaining nasal allergy with sinusitis. He advised CT scan and to report after fortnight. Patient visited again on 27-6-2018 and was advised to continue treatment for 2 months. After lapse of 2 months patient visited on 30-8-2018 with persistence of the same disease for which surgery was performed after completion of all codal formalities. ESS surgery was performed under GA and disease from ethmoid and maxillary sinuses was cleared and packing was inserted as usual in nasal cavities. Patient was discharged on 02-09-2018 and the pack was removed on 03-09-2018.
4. Further stated that patient had numerous visits and each time examination was made using telescopes with video attachments so the attendants of the patient may see the interior of nasal cavities themselves and there was no evidence of any foreign body but there was crusting and polypoidal mucosa seen in the nasal cavities which is otherwise not unusual in such cases.
5. Further he refuted the allegations levelled by the Complainant categorically by stating that presence of foreign body (cotton wool) is wrong as nose was packed with ribbon gauze soaked with antiseptic solution and the same was removed either after 48 hours and states further that



as the said pack is strong and continuous so there is a little chance of any piece being left behind, hence there is no negligence on his part.

6. Moreover, Respondent in his reply stated that his daughter and being 4th year PG attended his clinic just for the training and she had no active role in any sort of diagnosis, treatment, and surgery of any patient. She had never examined the said patient independently.

II. PROCEEDINGS OF DISCIPLINARY COMMITTEE OF ERSTWHILE PMDC

7. Previously this compliant did not come up for hearing before the Disciplinary Committee of erstwhile PMDC.

III. DISCIPLINARY COMMITTEE UNDER PAKISTAN MEDICAL COMMISSION ACT 2020

8. Pakistan Medical and Dental Council was dissolved on promulgation of Pakistan Medical Commission Act on 23 September 2020 which repealed Pakistan Medical and Dental Council Ordinance, 1962. Section 32 of the Pakistan and Medical Commission Act, 2020 empowers the Disciplinary Committee consisting of Council Members to initiate disciplinary proceedings on the complaint of any person or on its own motion or on information received against any full license holder in case of professional negligence or misconduct. The Disciplinary Committee shall hear and decide each such complaint and impose the penalties commensurate with each category of offence.

Hearing on 27-03-2021

9. The Disciplinary Committee held the hearing of pending disciplinary proceedings including complaint of Mr. Zafar Iqbal on 27-03-2021.
10. On the date of hearing Complainant did not appear, however, both respondents Dr. Dr. Muhammad Ali Trimizey and Dr. Jamila Ali Tirmizey are present.



11. Respondent doctor Muhammad Ali Trimizey stated that he is the senior most professor Punjab. He has served as Dean of CPSP Karachi and Dean Faisalabad Medical University. Patient was diagnosed with nasal allergy and polyp and standard protocol was followed and polyp was removed surgically. On 2nd visit, after one month, improvement was seen in symptoms and therefore same conservative treatment was given. On last visit patient complained of purulent discharge and foul smell and treatment was advised accordingly. The patient did not come for follow up for 3-4 months. Later, he received the complaint.
12. During the course of hearing the Complainant was asked that a foreign body/ cotton swab was removed from nose of the patient as reflected in the prescription of Ittefaq Hospital. The Respondent explained that he had examined the patient on endoscopy and a foreign body if present could not be missed on endoscope. The doctor at Ittefaq Hospital had examined the patient with naked eye and removed a swab meaning thereby that it was placed afterwards. Further the same was removed without anesthesia which is unusual as a foreign body present for 3-4 months gets impacted and can only be removed with anesthesia and therefore only surgical removal is done in such cases.
13. The Committee inquired from the Respondent about video record of Endoscopic procedure that he undertook on the patient. The Responded stated that the record is not available and that the films are not kept for long at his clinic.

Expert Opinion of Maj. Gen (R) Dr. Maqbool Ahmed

14. Maj. General (R) Dr. Maqbool Ahmed was appointed as an expert for assistance of the Committee who opined that:

“Zafar Iqbal (Complainant) vs. Dr. Mohammad Ali Tirmizi and Dr. Syed Jamila Ali Tirmizi. Wife of complainant was operated by Dr. Mohammad Ali Tirmizi ENT Specialist for nasal allergy/ polyps at Prime Care Hospital Madina Town Faisalabad. The nose was packed with gauze after operation which was removed after sometimes as per statement of doctor Tirmizi.

She visited operating doctor multiple times post operatively as problem persisted. Then he consulted another doctor, Qazi Ahsen Azeem Consultant ENT Specialist at Ittefaq Hospital Model Town Lahore who removed a foreign body (piece of cotton) from left side of the nose.



The case was discussed in the Disciplinary Committee and was advised to keep a record (soft and hard copies) of all the procedures in which these packings are involved and is hereby warned to be careful in future.”

IV. FINDINGS/CONCLUSION OF THE DISCIPLINARY COMMITTEE

15. The Committee has perused the relevant record, submissions of the parties and the expert opinion in the matter. It is observed that the Complainant has alleged that the Respondent left a foreign body (cotton swab) in nasal cavity during the surgery. Respondent claims that he performed the surgery to clear the sinus and the packing that was inserted in nasal cavity was ribbon gauze and not the cotton swab. He also claims that gauze was soaked with antiseptic solution and the same was removed after 48 hours and said pack is strong and continuous as compared to cotton swab which may have chances of any piece being left behind. He further explained that the patient had numerous visits and each time examination was made using telescopes with video attachments so the attendants of the patient may see the interior of nasal cavities themselves and there was no evidence of any foreign body.
16. The Respondent also clarified that the patient did not come for follow up for 3-4 months before filing the complaint. The doctor at Ittefaq Hospital examined the patient with naked eye and removed a cotton swab meaning thereby that it was placed afterwards. Further the same was removed without anesthesia which is unusual as a foreign body present for 3-4 months gets impacted and can only be removed with anesthesia through surgical procedure.
17. The Disciplinary Committee after considering all facts and documents available on record and the expert opinion is of the considered view that it is not established that the Respondent left the foreign body (cotton swab) in the nose of the patient while conducting surgery, hence there exists no negligence on that account. However, practice of the Respondent in terms of not maintaining record of his patients at his private clinic is in breach of patient management protocol. Endoscopy recording is a critical evidence of the procedure done by the doctor and also patient has the right to ask for such evidence. Therefore, a penalty of PKR 100,000 (One Hundred Thousand Rupees) is imposed on the Respondent Dr. Muhammad Ali Trimzey and



he is directed to retain in future the complete record of each patient at his private clinic at least for ten years. Accordingly, the Respondent Doctor is directed to pay the fine amount in the designated bank of the Commission within fourteen (14) days from the issuance of this decision and forward a copy of the paid instrument to the office of the Secretary to the Disciplinary Committee, failing which license of the Respondent doctor shall be deemed suspended and shall remain suspended until such time the fine is paid.

18. Dr. Syed Jamila Ali Tirmizey has no involvement in the matter and is therefore exonerated from all the charges levelled against her.

19. The subject proceedings stand disposed of in terms of above directions.

Mr. Aamir Ashraf Khawaja
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman



31st May, 2021