BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No PF-1824/2019-DC

Mr. Shafi ullah Khan vs Dr. M. Ashraf Sheikh

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

Present:

Brig. Dr. (Retd) Ambreen Sarwar	Expert (Gynecology)
Mr. Shafiullah	Complainant
Dr. M. Ashraf Sheikh	Respondent

I. FACTUAL BACKGROUND

Complaint

1. Mr. Shaifiullah (hereinafter referred to as the "Complainant") has filed two complaints against Dr. Ashraf Sheikh (hereinafter referred to as the "Respondent"). Initial complaint was received on 13-05-2019 according to which sister of Complainant namely Yasmeen Bibi, referred as patient hereinafter, was brought to the Respondent for the treatment of backache but

Respondent suggested to carry out delivery since the patient was pregnant. After her delivery, patient remained admitted at hospital from 21-02-2019 to 24-02-2019. Thereafter the patient was discharged from the hospital but her situation kept deteriorating. Upon her situation getting worst, she was brought to DHQ hospital wherefrom she was referred to Holy Family Hospital, Rawalpindi. Complainant further states that patient was admitted to Holy family Hospital Rawalpindi and doctors after carrying out several examinations and investigations, revealed that the attending doctor who performed the delivery left the remains that have caused spread of cancer and patient is in imminent fear of death.

2. In his subsequent complaint, received on 12-6-2019 it has been added by the Complainant that after a treatment of a month and 17 days patient died due to spread of cancer at DHQ Mianwali on 20-04-2019 and has further alleged that Respondent is using 'Major' before his name on his prescription pad which is a misconduct in itself.

3. An initial inquiry has also been by District Health Authority, Mianwali in the matter who gave his findings vide its report dated 21-10-2019 as under:

"The extract from the history and the treatment record shows that the doctors did their best at every step to save the life of the patient but they could not stop the impending death due to the will of God. Dr. Arshad made the good gesture to save the pregnancy as it was FTP and save the life of new born although the mother was in a very serious condition. The Gynecologist did the best and performs her duty. The record shows that Dr. Arshad did not perform the operating procedure as a result of which the patient died. Whatever was done, it was done by the doctor with good faith and the final diagnose shows that surgical procedure by the doctor was not responsible for the CA breast being the ultimate cause of death. The applicant was not found to be satisfied with the already inquiry done by Dr. Mian Muhammad Kashif DHO (PS) who has brought each and every things on record and nothing was left behind"

"Going through history, going through record and inquiry already done by DHO (PS) Mianwali & the inquiry proceedings done by the undersigned, the committee recommend that the complaint may be filed/ disposed of, being baseless".

4. The matter was subsequently taken up by the Punjab Health Care Commission. During the proceedings, the opinion of expert in Gynecology & Obstetrics is detailed as under:

> *"Mrs. Yasmeen 30 years old P3 consulted for backache. She was advised to consult an obstetrician for delivery. Patient delivered a baby girl through Caesarean section. An uneventful surgery + recovery occurred. Later she consulted Holy Family Hospital, approximately 2-3 weeks later. After thorough evaluation a provisional diagnosis of P. Sepsis/ myoproliferative disease was made. Evacuation + curettage was done & blood clots were removed, which is understandable during puerperium. Later on MRI + CT she was diagnosed with advanced stage breast cancer. Later, she died of malignancy. No negligence of part of physician + gynecologist is observed."*

5. Based on expert opinion the Board of the Punjab Health Care Commission exonerated the Respondent.

Reply of Respondent

6. Compliant was forwarded to the Respondent for his reply who submitted response vide letter dated 18-03-2021.Respondent stated that the Complainant has filed the said complaint just to blackmail and to substantiate his assertion, annexed the report pursuant to inquiry conducted upon the complaint by the District Health Officer wherein allegations levelled against Respondent were declared baseless. Further he admitted the fact that patient was brought to his clinic which is OPD only having no admission facility but as the patient was pregnant (FTP) she was advised to get admission in Nishtar Polyclinic Mianwali and to consult gynecologist. The gynecologist advised C section after correcting anemia and successful delivery was conducted without any negligence and stated that cause of death is breast cancer stage III which could by no mean be outcome of improper C section treatment. Lastly, stated that his mention of 'Major' before his name on prescription pad is exactly in consonance with Rule of PMDC.

II. PROCEEDINGS OF DISCIPLINARY COMMITTEE OF ERSTWHILE PMDC

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

III. DISCIPLINARY COMMITTEE UNDER PAKISTANN 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. Shafiullah on 27-03-2021. On the date of hearing both parties; Complainant and Respondent were present.

10. Complainant reiterated his allegations against the Respondent and presented complete record of the patient. Complainant stated that during delivery RPOC's were retained. Responded doctor denied the allegations.

11. Respondent doctor was asked about indication of the surgery to which he responded that it was low biophysical profile. The patient was full term, baby was oligohydramnios. She had backache for last 15-20 days. C-Section was done at Ishaq hospital where 02 pints of blood were transfused first. According to Dr. Arshad both patient and the baby were fine on discharge.

Expert opinion by Brig. Dr. (Rtd) Ambreen Sarwar

12. Brig. Dr. (Rtd) Ambreen Sarwar was appointed as an expert to assist the Disciplinary Committee in the matter. She has opined that:

"G3 P2 backache at term was brought to R1, who advised delivery before pt could be evaluated and treated for backache. CS was done by gynecologist and patient discharged (24/02/2019). But her condition kept on

deteriorating at home and she was brought to Holy family Hospital Rwp where ERPOC and muscle biopsy and MRI was carried out Metastatic Ca with Primary Ca Breast was diagnosed. ERPOC and HPE revealed only clots and no chorionic villi. Patient expired on 20-4- 2019 at DHQ Mianwali. No negligence found. ERPOC negative. Correct decision to deliver before treatment of backache."

IV. FINDINGS/ CONCLUSION OF THE DISCIPLINARY COMMITTEE

13. The Committee has perused the relevant record, submissions of the parties and the expert opinion in the matter. It has been alleged by the Complainant that patient was brought to the Respondent for the treatment of backache but Respondent suggested to carry out delivery since the patient was pregnant. It has been further alleged that during delivery RPOC were left that caused spread of cancer and later on patient expired.

14. The Committee has also gone through the findings of the Punjab Health Care Commission and the District Health Officer who have already conducted proceedings in the matter under their respective jurisdiction.

Punjab Health Care Commission's findings

"An uneventful surgery + recovery occurred. Later she consulted Holy Family Hospital, approximately 2-3 weeks later. After thorough evaluation a provisional diagnosis of P. Sepsis/ myoproliferative disease was made. Evacuation + curettage was done & blood clots were removed, which is understandable during puerperium. Later on MRI + CT she was diagnosed with advanced stage breast cancer. Later, she died of malignancy. No negligence of part of physician + gynecologist is observed".

District Health Officer's findings

"The record shows that Dr. Arshad did not perform the operating procedure as a result of which the patient died. Whatever was done, it was done by the doctor with good faith and the final diagnose shows that surgical procedure by the doctor was not responsible for the CA breast being the ultimate cause of death".

15. The Committee has also considered the opinion of expert appointed to assess the complaint and assist the Disciplinary Committee that "*she was brought to Holy family Hospital Rwp where ERPOC and muscle biopsy and MRI was carried out Metastatic Ca with Primary Ca Breast was diagnosed. ERPOC and HPE revealed only clots and no chorionic villi. Patient expired on 20-4- 2019 at DHQ Mianwali. No negligence found. ERPOC negative. Correct decision to deliver before treatment of backache.*"

16. It is observed that it was a correct decision on the part the Respondent to deliver before treatment of backache. Further, considering the condition of the patient and her previous underlying disease she might not have been able to deliver normally and therefore the choice C-Section being the procedure was rightly done.

17. It was an established fact that unfortunately her cancer was diagnosed at a very late stage as she had no cyst formation or family history with which it could have been diagnosed earlier therefore the said complications were due to malignancy and not due to RPOC left during the C-Section as alleged in the complaint. In view of foregoing, the Committee decides that no professional negligence on part of the Respondent is found.

18. However, the Committee observes that the Respondent on his prescription pad (Al-Rahim Clinic) has added titles such as R.M.P which clearly is a misrepresentation. It is clarified that in terms of Section 29(2) of the Pakistan Medial Commission Act, 2020 no practitioner shall represent himself as a specialist or practice as a specialist, without having appropriate qualifications, recognized and duly registered by the Commission. Section 29 is reproduced in relevant parts as under:

Section 29 - Licensing

(2) A general practitioner may treat all ordinarily recognized common medical or dental ailments and shall not practice in fields or specialties, as recognized by the Commission for which formal training is required subject to any restrictions prescribed by the Council. In life saving emergencies treatment may be provided until ordinarily recognized specialist services can be obtained or a safe referral can be ensured. No practitioner shall represent himself as a specialist or practice as a specialist, without

having appropriate qualifications, recognized and duly registered by the Commission.

19. In view of above, the Disciplinary Committee decides to impose a penalty of PKR 25,000 (Twenty Five Thousand Rupees) on the Respondent doctor for using deceptive titles which may mislead the public as to a qualifications or specialty. In future he will not write such tiles on his prescriptions. 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.

20. 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