



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 12-Comp-241/2019-DC/PMC

Reference from Sindh Healthcare Commission Vs. Dr. Shuaib Kausar & Dr. Samia Shuaib

Professor Dr. Naqib Ullah Achakzai	Chairman
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Expert of Gynecology	

Present:

Dr. Shuaib Kausar (7359-P)	Respondent No. 1
Dr. Samia Shuaib (10681-S)	Respondent No. 2
Hearing dated	26.10.2022

I. FACTUAL BACKGROUND

1. Information was received from Sindh Healthcare Commission on 03.06.2019 regarding a Complaint filed by Mr. Tanveer (the "Complainant") against Dr. Shuaib Kausar (the "Respondent No. 1") and Dr. Samia Shuaib (the "Respondent No. 2") working at Al Hadeed Medical Center Karachi (the "Hospital"). Brief facts of the complaint are that:

a) *The Patient (Complainant's wife) was admitted at the Hospital for a normal delivery however C-section was un-necessarily performed at the 36th week of pregnancy. A child was born and the patient and child both were healthy, apparently; and Post operation, the patient was shifted to the ward. The next day, owed*

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to the pain and distention complained by the patient, and the worsened condition, doctors administered tranquilizer to relieve pain however, after a few hours, patient complained of unbearable pain, which lasted till the next morning.

- b) On 16th February 2019, Doctor Shuaib examined the patient, diagnosed her as pale and advised the Complainant to arrange three pints of blood for the second operation, which appeared necessary to the doctor to identify the cause of severe pain and distension. Complainant refused and didn't provide his consent to perform a second operation and subsequently, shifted the patient to Liaquat National Hospital (LNH).
- c) At LNH, a CT scan was immediately conducted; revealing accumulated fluid in the abdominal cavity. Doctor Haleema Hashmi along with Dr. Sheraz ur Rahman decided to re-operate. After surgery, the patient was shifted to ICU, put on the ventilator for 6 days. However, the patient remained unconscious and her health was deteriorating with each day. She could not survive and expired.

2. Decision of Sindh Healthcare Commission (SHCC) regarding the said case is as under:

- a) "SHCC Enquiry Panel unanimously decided that there was grave medical negligence on part of Dr. Shuaib and Dr. Samia who misrepresented as Consultant and deceiving the public at large. In reality they were not, as they hold MBBS degrees only and have no postgraduate qualification. They were working ultra vires i.e. beyond their powers. They were not authorized to perform any Caesarean section or any surgery.
- b) There was no need of a Caesarean section in the first place they unnecessarily intervened. There was no sign of fetal distress, or oligohydramnios etc. or any indication or report found which lead to this conclusion. There was delay in proper diagnosis after post-operative surgery complications and they didn't refer the patient in time and there was 36 hours' delay. If proper diagnosis and timely efforts were made young woman life could be saved. She died due to incompetence, substandard care, insufficient staff, poor referral policy/ service by Al Hadeed Hospital.
- c) SHCC imposes a penalty under section 28 (1) of Sindh Health Commission Act (2013) of four hundred thousand rupees on the Dr. Shuaib and his wife Dr. Samia.

This case is referred to PMDC to take stern action against Dr. Shuaib and Dr Samia to cancel their licenses".

II. SHOW CAUSE NOTICE TO RESPONDENTS



3. In view of the allegations levelled in the complaint, Notices dated 25th July 2019 were issued to the Respondent doctors, directing them to convey their comments, record of patient along with the copy of their registration certificate, to the Disciplinary Cell.

III. REPLY OF RESPONDENT NO. 1, DR. SHUAIB KAUSAR

4. Dr. Shuaib Kausar (Respondent No. 1) submitted his reply to Show Cause Notice on 19.08.2019 wherein he contended that:

- a) *The Respondent has already submitted objections along with annexure on the decision / inquiry report of SHCC before honorable High Court Sindh on 07.08.2019, copy of objections and annexures are attached for perusal of this honorable council.*
- b) *Preliminary objections against the inquiry of SHCC have been stated as under:*
- i. *The decision of inquiry report is in contradiction to the facts/ circumstances of the case, are not based on reality and are liable to keep out of deliberation.*
 - ii. *That it had been falsely stated in the inquiry that Al-Hadeed Medical Centre is not registered with SHCC, whereas, Al-Hadeed Medical Centre is an SHCC registered HCE.*
 - iii. *That the decision of special medical board addressed that there wasn't any problem with emergency cesarean section performed at Al-Hadeed Medical Centre on 14/02/2019.*
 - iv. *The Doctors of Liaquat National Hospital (Dr. Haleema Hashmi & Dr. Sheraz ur Rehman) also recorded their statements before special medical board and inquiry committee of SHCC that during exploratory laparotomy uterus was found normal and duodenal perforation found.*
 - v. *That as per the death report and case summary of Liaquat National Hospital Karachi, patient suffered, later on, from another disease i.e. duodenal perforation, which has been stated as the cause of death.*

IV. REPLY OF RESPONDENT NO. 2, DR. SAMIA SHUAIB

5. Respondent No. 2, Dr. Saima Shuaib submitted her reply to Show Cause Notice on 19.08.2019, wherein she contended that:

- a) *As a Medical practitioner, she conducts OPD and neither performs operation independently nor is responsible for any surgery, as there are surgeons on contract with the hospital for the said purpose.*

- b) *The Respondent further submitted that she was not present in the hospital at the time of patient's operation, therefore requested to overlook the inquiry report/ decision of SHCC stating that it is based on malafide intention and worth not any substance and reality.*
- c) *She addressed that she has not committed any negligence or misconduct in performing professional duties. The Respondent stated that she is rendering her professional services since last 34 Years without any complaint against her. Thus presented that the decision of SHCC may kindly be overlooked and recall the penalty imposed by the SHCC as the same is against the ground reality.*

V. REJOINDER OF THE COMPLAINANT

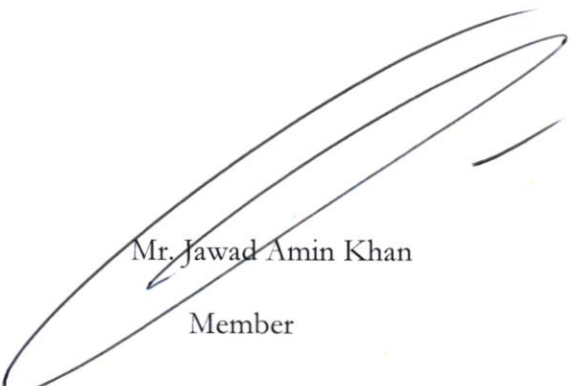
6. Joint reply received from the Respondents was forwarded to Complainant through a letter dated 30.12.2021 for his rejoinder., however, no rejoinder has been received by the Commission till date.

VI. HEARING

7. The matter was fixed for hearing before the Disciplinary Committee on 26.10.2022. Notices dated 24.10.2022 were issued to the Complainant and Respondents, Dr. Shuaib Kausar and Dr. Saima Shuaib, directing them to appear before the Disciplinary Committee on 26.10.2022.
8. On the date of hearing both the Respondents appeared before the Committee however, the Complainant remained absent.
9. We have heard the Respondents and made necessary queries. It has transpired through the statements of the Respondents that a Dr. Zalma Majid had performed the surgery under present review and Dr. Shuaib Kausar had assisted her in the surgery. Further, it is submitted that the patient was under the direct care of the Dr. Zalma Majid.
10. In view of the foregoing and the facts revealed before the hearing of this Disciplinary Committee, we consider that Dr. Zalma Majid is a necessary party to the present Complaint. We believe that Dr. Zalma Majid was the primary doctor providing treatment to the patient and we can proceed further in the instant Complaint, after hearing her views.



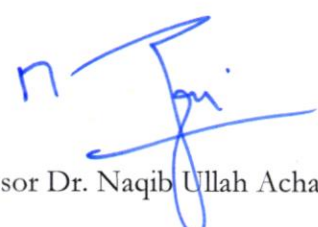
11. Accordingly, it is directed that Show Cause Notice be issued to Dr. Zalma Majid of Al-Hadeed Medical Centre, Karachi. Dr. Zalma Majid shall submit her response to the Disciplinary Committee. The matter shall be fixed before the Committee once pleadings are completed. All the Respondents shall be issued fresh notices for appearance. Also, a representative of the Sindh Healthcare Commission, well versed with the instant case, shall be requested to appear at the next hearing of this case.
12. The case is accordingly adjourned.



Mr. Jawad Amin Khan
Member



Barrister Ch. Sultan Mansoor
Secretary



Professor Dr. Naqib Ullah Achakzai
Chairman

22nd November, 2022