



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-1964/2021-DC/PMC

Ms. Sonia Usama Vs. Dr. Shahnaz Maqbool

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

Present:

Ms. Sonia Usama	Complainant
Dr. Shahnaz Maqbool (9770-S)	Respondent
Hearing dated	26.10.2022

I. FACTUAL BACKGROUND

1. Ms. Sonia Usama (the “Complainant”) filed a Complaint on 01.03.2021 against Dr. Shahnaz Maqbool (the “Respondent”). Brief facts of the complaint are that:

- a) *I was consulting the Respondent, Dr. Shahnaz Maqbool for her pregnancy. In 32 weeks of pregnancy after doing ultrasound, the Respondent told me that my baby's growth is 2 weeks less than her actual age. She said there will be no complication IN SHAA ALLAH and gave me medicines for baby's growth.*
- b) *On 23.01.2021, at 33 weeks pregnant, her baby bag got ruptured and we immediately rushed to the Respondent, who after checkup gave her drip and advised her to go back to home as she avoids deliveries during night time because of her comfort. She advised medicines instead of making*

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arrangements for delivery or referring to some other hospital. Next day, we again rushed to clinic because of continuous discharge and ache in lower abdomen. Respondent kept me under observation for few hours and then advised C Section. She didn't even know how to operate, for this she called a male doctor and we didn't know she has no facility of nursery or incubator. Despite no facilities and arrangements of premature baby, Respondent proceeded the operation along with another Male doctor. Baby was stuck within the body because of no water inside and they hardly got managed to take baby out I felt so much pain during this process.

- c) After delivering 33 weeks premature baby who was already under-grown, they kept the baby without any incubator or nursery and said the baby is perfectly alright, handing over baby after half an hour to the family. But slowly baby's body started changing color, turning blue.
- d) Respondent referred us to SHED Hospital with a discharge summary where even delivery of premature baby at 33 weeks was not mentioned. My husband rushed the baby in critical condition to SHED Hospital without ambulance and oxygen as we were not advised by the doctor. In such critical condition, baby couldn't survive and died after 17 hours of birth. Doctors in SHED hospital tried their best to recover baby but it was too late because of Respondent's incompetence and negligence.

II. SHOW CAUSE NOTICE TO RESPONDENT, DR. SHAHNAZ MAQBOOL

2. In view of the allegations leveled in the Complaint, Show Cause Notice dated 22.02.2022 was issued to Respondent, in the following terms:

4. "... **WHEREAS**, in terms of Complaint, it has been alleged that, Complainant was consulting you for her pregnancy and in the 32nd week of her pregnancy, you conducted Ultrasound and without providing report to the Complainant, told her that growth of the baby is two weeks less than the actual age and prescribed medication for growth of baby; and
5. **WHEREAS**, in terms of Complaint, it has been alleged that on 23rd January 2021 at around 9:00PM, the Complainant visited you again as her 'water broke and she was 33 weeks pregnant. You did checkup of the Complainant and prescribed medicines instead of making arrangements for delivery or referral to any other hospital, on the pretext that you avoid performing deliveries in night time because of discomfort; and



6. **WHEREAS**, in terms of Complaint, it has been alleged that next day on 24th January 2021 Complainant visited you in severe distress and pain and you then advised C-section. You conducted C-Section for 33 weeks' pregnancy at 02:35pm on 24th January 2021, while there was no nursery, incubator facilities, blood arrangement and ambulance services available at the hospital; and
7. **WHEREAS**, in terms of Complaint, it has been alleged that the condition of the baby deteriorated and you referred the Complainant to SHED Hospital, Karachi, without mentioning the birth of baby being premature. Complainant was urgently shifted to SHED Hospital, Karachi but the premature baby expired on 25th January 2021 due to cardio respiratory failure; and
8. **WHEREAS**, you are registered with Pakistan Medical Commission under Registration No. 9770-S, whereby you have got the degree of Basic Medical Qualification (MBBS) only; and
9. **WHEREAS**, as per the record attached with the Complaint, on your prescription pad you represent yourself as MBBS, DGO; and
10. **WHEREAS**, a general practitioner cannot practice in the field of specialty without requisite qualification duly recognized by the Commission and represent as having acquired or seek to practice a specialty unless same is recognized by the Commission. You performed gynecological procedure without requisite qualification. Therefore, your conduct of practicing as Gynae-specialist is in violation of Section 29 (2), (8) & (10) of the Act, read with Regulation 8(2) of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011; and
11. **WHEREAS**, in term of Complaint, it has been alleged that, due to your medical negligence and misconduct the Complainant's premature delivered baby expired. Complainant herself went through severe physical agony due to your incompetent and unprofessional practice. Such conduct is, prima facie, violation of the Code of Ethics of Practice for Medical and Dental Practitioners' Regulations of 2011, in general and Regulations 3(b), 21(1), 49(a) and 50, in particular.; and
12. **WHEREAS**, it is observed that your current registration status as per the record of the Commission is inactive and your registration has been expired since 31 December 1989, but you have continued to practice without renewing your license; and
13. **WHEREAS**, every licensed practitioner is responsible to maintain his license as valid and in good order. A practitioner shall not be permitted to practice in the absence of a valid license issued by the Commission. Your conduct to continue practice in absence of a valid license is in violation of Section 29(7) of the Act, read with Regulations 7(2) of the Code of Ethics of Practice for Medical and Dental Practitioners" Regulations 2011;



III. REPLY TO SHOW CAUSE NOTICE BY RESPONDENT DR. SHAHNAZ MAQBOOL

3. Respondent, Dr. Shahnaz Maqbool submitted her reply to Show Cause Notice on 28.03.2022, through counsel, wherein she stated that:

- a. *The complainant filed alleged complaint after 36 days of incident and Commission failed to fulfill legal requirement mentioned in Section 9 (2) and Section 32 (3) that "a show cause notice shall be issued within fifteen days of receipt of the complaint to the person stating the allegations and providing a period of at least thirty (30) days to respond and a right to be heard before the Disciplinary Committee ". Hence, rules mention the word "SHALL" to issue show cause within specified period of time, whereas in the present case, the show cause notice was issued to his client after passing of around one (1) year, which is also making this exercise doubtful, illegal and against the provision of Act as described in relevant provision of law. Hence this show cause notice contravenes the provision of said Act and regulation, is discriminatory under Article 25 of the Constitution of Pakistan; is arbitrary & violative of several fundamental constitutional rights of his client under Article 4, 10-A, 18 and 25 of the Constitution.*
- b. *The contents of complaint are self-narrations of Complainant, failing to mention any negligence of my client, as on her first visit only routine checkup was carried out by the complaint and no ultrasound was conducted. Further, that Complainant is regular patient of the Respondent, having previously delivered a baby in Respondent's clinic quite satisfactorily, hence she visited second time as satisfied with the facilities provided by the Respondent.*
- c. *After the checkup of Complainant, Respondent advised her bed rest at the clinic in observation but complainant herself opted and insisted to go home with the reason that her other baby is at home, and she will visit my client on next day for further medication or test etc. Complainant was verbally informed about consequences of premature delivery.*
- d. *As per record, complainant paid many visits to Respondent's clinic and knew about available facilities. The husband of the complainant signed the consent form without coercion, so in case of unsatisfactory treatment they can shift patient any time at their convenient and shifting of patient or baby, being their sole responsibility. Complainant chose the Respondent for help, who provided every possible facility to the Complainant. As the birth of baby of Complainant was premature, she was advised to visit childcare center which is also mentioned in consent form and referral letter was also given.*



- e. Respondent has a degree of MBBS and is in medical practice since more than 35 years, having training in Obs & Gynecology as well; however, the prescription pads were provided by company as a promotional material, erroneously showing DGO. It is clear that the stamp embossed on other prescription pads attached by the Complainant show no such thing and the same pads are not in use of Respondent, since long.
- f. That complaint failed to point out any negligence on part of the Respondent, emphasizing on available facilities, about which Complainant was well aware, being a regular patient.

IV. REJOINDER OF THE COMPLAINANT

4. Reply received from the Respondent doctor was forwarded to Complainant through a letter dated 29.03.2022 for her rejoinder.
5. The Complainant has submitted no response to the letter for Rejoinder, till date.

V. HEARING

6. After completion of pleadings, 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 Respondent Dr. Raheel Hussain directing them to appear before the Disciplinary Committee on 26.10.2022.
7. On the date of hearing, the Complainant did not appear before the Disciplinary Committee, however the Respondent appeared in person at the date of hearing. Regarding the instant Complainant, the Respondent relied on her reply already submitted to this Committee. The Respondent on a query of the Committee stated that her license expired on 31.12.1989 and she could not renew it thereafter. She further stated that she was practicing during this period. On query of the Committee regarding mentioning herself as DGO on her prescription pad she could not give a satisfactory answer.

VI. EXPERT OPINION

8. A consultant gynecologist was appointed as expert to assist the Disciplinary Committee in this matter. The Expert opined as under:

"It was found during inquiry that doctor Shahnaz was practicing without medical license. She is also not authorized to perform LSCS. She used to call rental doctors to perform surgery.

She performed surgery on Pre-term baby without appropriate precautions. Later baby was shifted to another hospital where baby died.

Dr. Shahnaz was found guilty of gross negligence of performing surgery without authority to perform. Her clinic was also not fit to perform surgery. Furthermore, her license was expired and she was not authorized to practice."

VII. FINDINGS AND CONCLUSION

9. The Disciplinary Committee has perused the relevant record and the submissions of the Respondent in the instant Complaint. It is observed in this case that the Complainant has apparently reached a compromise with the Respondent. We wish to highlight, the relevant regulation of the PMC (Enforcement) Regulations 2021, which mentions that:

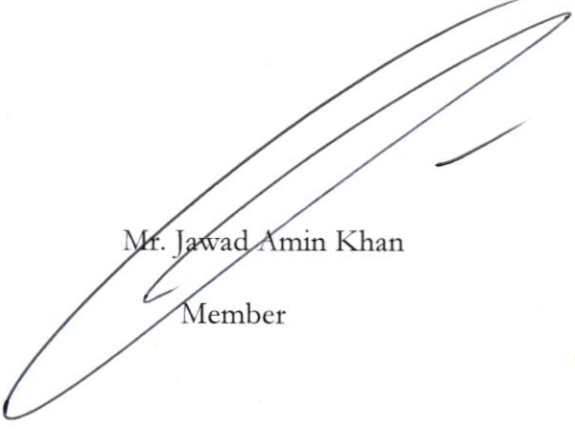
"... 10. Withdrawal of Complaint. - The Disciplinary Committee may permit the withdrawal of a complaint at any stage of the proceeding or may for reasons to be recorded refuse a withdrawal and proceed with the complaint in the absence of the complainant...."

Thus, it is the discretion of the Disciplinary Committee whether to accept the withdrawal of Complaint. Notwithstanding, the facts of this Complaint reveal that PMC being the regulator of medical profession, there are substantial causes and reasons before us to proceed in this Complaint, to ensure good medical practices. Respondent has also admitted before us during the hearing today, that her registration with the Commission had expired in the year 1989 and she has not renewed her registration, since then, despite she continued practicing during this duration.

10. The Respondent also conveyed on our query that she was using the title of DGO, which has never been registered with the Commission. The prescription letter of Respondent Dr. Shahnaz

clearly mentions her qualification as DGO, which is not registered in the record of this Commission.


11. Keeping in view the facts, records, pleadings and opinion of the expert, this Committee directs that the license of the Respondent Doctor Shahnaz Maqbool (9770-S) is suspended for a period of five (05) years. A fine of Rupees five hundred thousand (PKR 500,000/-) is also imposed upon the Respondent Doctor Shahnaz Maqbool (9770-S). The Respondent is directed to pay the amount of fine in the designated bank of the Commission within 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.
12. The instant Complaint is disposed off in the above terms.



Mr. Jawad Amin Khan
Member



Barrister Ch. Sultan Mansoor
Secretary



Professor Dr. Naqib Ullah Achakzai
Chairman

22nd November, 2022