



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-Comp-1813/2019-Legal-DC

Mr. Abdul Rasheed Vs. Dr. Samra Kashif & Dr. Malik Waqar Ahmad Awan

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

Present:

Mr. Abdul Rasheed	Complainant
Dr. Samra Kashif (27894-P)	Respondent No. 1
Dr. M Muzaffar Ud Din	On behalf of Respondent No. 2
Hearing dated	26.10.2022

I. FACTUAL BACKGROUND:

1. Mr. Abdul Rasheed (the "Complainant") filed a Complaint on 11.03.2019 against Dr. Samra Kashif (the "Respondent No. 1") and Dr. Malik Waqar Ahmad Awan (the "Respondent No. 2") working at Memon Medical Institute Hospital, Karachi (the "Hospital"). Brief facts of the complaint are that:

- a) *The Patient (Complainant's daughter) was admitted to the hospital on 16.01.2019 for the delivery of her second child. The complainant initially deposited Rs. 20,000/-, for normal delivery but re-deposited Rs. 25,000/- after being asked by the Hospital, the next day, and C-section was performed instead of normal delivery.*
- b) *Post operation, after regaining consciousness, the patient's right foot was seen to be severely burnt from knee to heel. The Complainant alleged that due to lack of interest and non-cooperation of the management and the doctor, the complainant called the police, who photographed the affected area and took complainant's statement.*
- c) *Management of the Hospital was pressurizing the complainant to discharge the patient so as to avoid any responsibility. After the discharge, the hospital management stopped treating the patient and thus the complainant has been getting treatments on his own expense.*

II. NOTICE TO RESPONDENTS

2. In view of the allegations leveled in the Complaint, Notices dated 16.04.2019 along with copy of Complainant were transmitted to the Respondent doctors and they were directed to submit their reply along with record of the patient and their PMC registration certificates.

III. REPLY OF RESPONDENT NO. 1 DR. SAMRA KASHIF

3. Dr. Samra Kashif (Respondent No. 1) submitted her reply on 29.04.2019 wherein she contended that:
 - a) *Patient was admitted in the Hospital at forty weeks of pregnancy with history of mild lower abdominal pain for three days. Her labor was expedited with tab Prostin E2 and I/v syntocinon infusion. She was given trial of labor for approx 20 hours & her emergency caesarean section was done under Spinal anesthesia on 17.01.2019 due to non-progress of labor. Surgery went well and a healthy baby girl with good Apgar score delivered. There was no intra-operative or post-operative complication seen in operation theatre, neither any event of suspicion noted by me nor informed by staff during her stay in the recovery room of the operation theatre.*
 - b) *Patient's husband visited her in the recovery room and was informed about the operation that had been performed uneventfully. Patient was shifted to Gynae ward without any complaint and fully awake. At*



2350 hours, patient complained of burning sensation in her right leg. Duty doctor attended her and found blisters on her right leg below knee till right foot. Surgery unit was involved immediately and first aid was given at night, and was subsequently attended by Dr. Aqil Shah (Consultant, Plastic Surgeon).

- c) Patient was constantly attended by Consultant, Plastic surgeon & Gynae team as well. She developed allergic reaction to different medications (silver Sulphadiazine dressing & poly fax) applied for burns. Patient was discharged from Gynae side on 5th post-operative day. No post-operative complications related to cesarean section was seen. She remained admitted in private ward under care of Plastic Surgeon. She remained hospitalized for 20 days. Her daily dressing was done.
- d) Patient was discharged from the hospital when well enough to be managed at home to avoid the risk of hospital acquired infection. Patient did not visit out-patient department of the Hospital up till now for Gynae/Obs & Plastic surgery follow up. On 04.04.2019, Complainant registered an FIR against surgeon & hospital administration after 2.5 months of surgery.

IV. REPLY OF RESPONDENT NO. 2 DR. MALIK WAQAR AHMAD AWAN

4. Dr. Malik Waqar Ahmad Awan (Respondent No. 2) submitted his reply on 29.04.2019 wherein he contended that:

- a) The patient was admitted to this hospital and was given trial for normal delivery per vaginam. However, the Respondent No. 1 deemed it appropriate to resort to emergency Lower Segment Caesarean Section (LSCS) under Spinal Anesthesia, in the evening of 17.01.2019 due to non-progress of labor.
- b) Operation was performed under Spinal Anesthesia by Respondent No. 1 and a baby girl was delivered. After having satisfied recovery protocol, the Respondent No. 1 shifted the patient to Family ward. At about 2345 hours, as per the mother of the patient, the patient complained of pain in right leg. Upon exposing the leg, multiple blisters were found ranging from right knee to right big toe. The mother called the Complainant who approached the patient's bed shortly and started shouting over the staff to hurriedly manage the case. Duty doctor examined the patient and multiple blisters were found on patient's right leg. Respondent No. 1 and Dr Nasreen Majid, Head of Department of Gynecology and Obstetrics were informed and call for Duty Surgeon was given immediately.
- c) Duty Surgeon, available in the hospital came and examined the patient, she rendered all first aid and took prompt measures to relieve the pain and sent a call for Consultant Surgeon for further consultation.



The complainant called the police who went inside the ward, checked the site and photographed the affected parts of the body of the patient and went back.

- d) With the detailed response of the Respondent No. 2, he concluded that: Team of doctors of this hospital especially assigned responsibility to analyze and assess the issue could not ascertain the cause of burn.
- e) Department of Health, Government of Sindh, Inquiry Committee comprising experts also could not identify any visible cause of burn and opined to have occurred due to hypersensitivity of some drug. Therefore, they instructed the complainant to bring the patient for evidence-based hypersensitivity test with Pyodine, (the only chemical used during surgery), but he did not cooperate and declined the instructions. The inquiry committee concluded that:
- i. The incidence probably took place in the OT of Hospital & Patient noticed pain when she was out of spinal anesthesia after shifted to the ward.
 - ii. It may be the negligence in operation theatre which leads to un-intentional, accidental burn but the committee is unable to establish irresponsibility of any individual in OT whose gross negligence led to this incidence.
 - iii. The injured was not attended properly in ward when she complained about burns for which police had to be called by complainant. Later, patient was shifted in private room and attended by Plastic Surgeon who started treatment.
- f) The complainant lodged an FIR at P.S. Sachal, Karachi and was entertained even after the lapse of two and a half months of the occurrence contrary to the clear clauses of SHCC and PM&DC. Later, Complainant met the CEO of Hospital on 07.04.2019 aiming to pressure him and to fleece huge amount (Rs. 2 crores) from the Board. On refusal of CEO, Complainant threatened him of dire consequences, however, got ready to culminate the issue (after being persuaded by four of the complainant's neighbors/ supporters: Mr. Noaman, Advocate Mr. Kashif, Mr. Mumtaz Alam and Mr. Shah Alam) and an agreement was reached. Hence, Complainant assured to drop the case with Department of Health, Govt of Sindh and elsewhere and no further legal activity will be pursued. This agreement was signed by the Complainant and the CEO in presence of above-mentioned witnesses. The patient was discharged on 04.02.2019 on the request of husband of patient, instead of forcefully discharging, as the Complainant has mentioned.

V. REJOINDER OF THE COMPLAINANT





5. Reply received from the Respondents were forwarded to Complainant through a letter dated 30.04.2019 for his rejoinder. However, no rejoinder was received from the Complainant instead he submitted a request for withdrawal of his complaint.

VI. HEARING

6. 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 doctors directing them to appear before the Disciplinary Committee on 26.10.2022.
7. On the date of hearing, Dr. Samra Kashif appeared in person whereas Respondent Dr. Waqar remained absent and on his behalf one Dr. Muzaffar ud din appeared before the Disciplinary Committee. None appeared from the Complainant's side.

VII. EXPERT OPINION

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

"The case appears clear cut case of Diathermy Burns, though the respondents deny that these were Diathermy Burns.

To ensure good medical practice the respondents need to be warned to accept mistakes, counsel patients about the mishap happened to the patient. Doctors should explain situation to the patient and attendants to avoid such ugly situations in future."

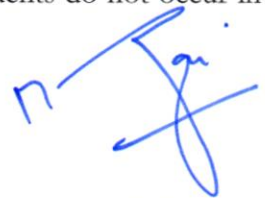
VIII. FINDINGS AND CONCLUSION

9. The Disciplinary Committee has perused the relevant record, submissions of the parties and the expert opinion in the instant Complaint.
10. The Respondent doctors submitted before the Committee that both the parties have reached a compromise, due to which the Complainant didn't appear before the Committee on the hearing dated 26.10.2022. hence, in light of compromise, the proceedings against them should be dropped.

11. The Respondents have relied on a compromise reached with the Complainant. 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....*

12. Hence, it is the prerogative of the Disciplinary Committee whether to accept the withdrawal of Complainant. Notwithstanding, the facts of this Complaint reveal that there are substantial causes and reasons before us to proceed in this Complaint, to ensure good medical practices, since PMC is the regulator of medical profession.
13. The Respondent was questioned regarding the burn caused to the patient on the right leg, to which she reiterated the earlier submitted version encapsulating her following the standard operating procedure in these cases. However, the expert gynecologist has categorically after seeing the images of burn, available on record, noted in her opinion that these burns were clear case of Diathermy Burns.
14. In view of the facts, submission of the parties and the expert opinion, the Disciplinary Committee finds Dr. Samra Kashif (27984-P) guilty of medical negligence and a fine of one lac rupees (Rs. 100,000/-) is imposed upon her. A warning is also issued to Dr. Samra Kashif (27984-S). Dr. Samra is directed to pay the amount of fine into the designated bank account 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.
15. Furthermore, the PMC recommends to SHCC to impose reasonable fine on the administration of Memon Medical Institute Hospital, Karachi and issue strict warning to administration of the Hospital to ensure safety measures in operation theatres so that such incidents do not occur in future.





Mr. Jawad Amin Khan

Member

Barrister Ch. Sultan Mansoor

Secretary

Professor Dr. Naqib Ullah Achakzai

Chairman

22nd November, 2022

Two pages of findings & conclusion have been also signed.