**BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION**

In the matter of

PF.8-1907/2021-DC/PMC

Mizar Khan Vs. Dr. Saima Shaheen & Dr. Shehzad Ahmed

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| Mr. Muhammad Ali Raza | Chairman |
| Dr. Anis-ur- Rehman | Member |
| Dr. Asif Loya | Member |

*Present*:

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| Dr. Shehzad Ahmed (51603-P) | Respondent |
| Maj. Gen. (R) Dr. Shahab Naqvi | Expert (Anesthesia) |
| Hearing dated | 03.06.2022 |

## I. FACTUAL BACKGROUND

### Complaint

1. The instant Complaint was lodged by Mr. Mizar Khan (hereinafter referred to as the "Complainant") on 25.11.2020 against Dr. Saima Shaheen (hereinafter referred to as the "Respondent No. 1) and Dr. Shehzad Ahmed (hereinafter referred to as the "Respondent No. 2) alleging professional negligence and misconduct. The Complainant submitted that he took his wife (Mst. Fareeda) to Jacobabad Institute of Medical Sciences on 11.05.2020 for delivery, where Dr. Saima Shaheen and Dr. Shehzad Mangi performed surgery negligently and inflicted ureteric injury. The Complainant requested for strict action against the Respondents.

**Enquiry conducted at JIMS, Jacobabad**

2. An enquiry into the matter was also conducted by a three-member enquiry team at Jacobabad Institute of Medical Sciences, Jacobabad (hereinafter referred to as "JIMS"). The Enquiry Committee concluded as under:

   i. During removal of uterus in emergency cases; ureter ligation is a well-known complication, which happened mistakenly by the surgeon.

   ii. Unfortunately, the patient had a single kidney as other kidney was not functioning, therefore; the patient went into acute renal failure. The patient was referred to SIUT Sukkur where her urine diversion was done, afterwards; complete procedure i.e. repair of ureter was conducted on August 12, 2020.

   iii. SIUT provides all services free of cost i.e. lab investigations, radiological investigation, surgical procedure as well as medication.

   iv. As per physical examination of patient by the Committee on 21.10.2020, the patient is fine, her wound has healed and her urine output is normal.

## II. SHOW CAUSE NOTICE TO RESPONDENTS

3. In view of the allegations levelled in the Complaint, Show Cause Notice dated 17.03.2021 was issued to Respondent No. 1, Dr. Samina mentioning the allegation in the following terms:

> 4. ***WHEREAS,*** *in terms of the Complaint it has been alleged that the Complainant took his wife (Mst. Fareeda) to your hospital on 11.05.2020 for delivery of their child, whereupon during the C-Section and hysterectomy of the patient her condition got deteriorated, subsequent to which a referral was made to SIUT, Sukkur. After investigation at SIUT the doctors revealed that ureteric injury has been inflicted at the time of C-Section/ hysterectomy performed by you which led to acute renal failure of the patient; and*
>
> 5. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint, such conduct is a breach of code of ethics and service discipline and amounts to professional negligence / misconduct."*

4. In view of the allegations levelled in the Complaint a separate Show Cause Notice was issued to Respondent No.2 Dr. Shehzad Ahmad mentioning the allegation in the following terms:

> 4. ***WHEREAS,*** *in terms of the Complaint it has been alleged that the Complainant took his wife (Mst. Fareeda) to your hospital on 11.05.2020 for delivery of their child, whereupon during the C-Section*

*and hysterectomy of the patient her condition got deteriorated, subsequent to which a referral was made to SIUT, Sukkur. After investigation at SIUT the doctors revealed that ureteric injury has been inflicted at the time of C-Section/ hysterectomy assisted by you which led to acute renal failure of the patient; and*

5. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint, such conduct is a breach of code of ethics and service discipline and amounts to professional negligence / misconduct."*

## III. REPLY OF RESPONDENT DR. SAIMA SHAHEEN & DR. SHAHZAD AHMAD

5. Dr. Abdul Wahid Tagar, Director JIMS, Jacobabad vide letter dated 25.03.2021 informed that Respondent No. 1, Dr. Saima Shaheen, who was working as Gynecologist at JIMS, Jacobabad passed away in a road accident on 16.01.2021.

6. In response to the Show Cause Notice dated 17.03.2021, Respondent No. 2 Dr. Shahzad Ahmad submitted his reply on 12.04.2021, wherein he stated that:

*i. He has been working in anesthesia department, Jacobabad Institute of Medical Sciences (JIMS), Jacobabad. In compliance to the order dated 26.09.2020 passed by the Honorable District and Sessions Judge/Ex-Officio Justice of Peace, Jacobabad; the enquiry committee duly constituted by the Director Jacobabad Institute of Medical Sciences (JIMS) Jacobabad, conducted enquiry in the instant matter and the enquiry report concluded that "During removal of uterus in emergency cases; it is well known and one of the complications of "ureter ligation" which happened mistakenly by the surgeon i.e. Dr. Saima Shaheen (copy of enquiry report is enclosed.*

*ii. Furthermore, Urologist of SIUT Sukkur has given opinion in his statement that there was ureter injury due to ureter ligation, during the hysterectomy by the surgeon which has nothing to do with anesthesia procedure.*

*iii. Hence, it was surgical complication and there was no anesthesia related complication noticed during or after spinal anesthesia. The patient was vitally stable during procedure, post procedure and even while being referred to SIUT Sukkur. The patient after being kept at ward was referred to SIUT Sukkur on third day as advised by Surgeon Dr. Saima Shaheen. After procedure at SIUT Sukkur, the patient is leading her normal life.*

*iv. Keeping above facts in view, it is humbly requested to dispose off the complaint.*

## IV. REJOINDER

7. The reply submitted by the Respondent No. 2 was forwarded to the Complainant for rejoinder. The Complainant filed his rejoinder on 01.06.2021, wherein he informed that he does not want to pursue his complaint anymore, as he has forgiven the Respondent.

## V. HEARING DATED 03.06.2022

8. After completion of codal formalities the matter was fixed for hearing before the Disciplinary Committee on 03.06.2022. Notices dated 16.05.2022 were issued to the Complainant as well as Respondent No. 2 directing them to appear before the Disciplinary Committee on 03.06.2022.

9. The Complainant Mr. Mizar Khan was absent, whereas, Respondent No.2 Dr. Shehzad Ahmed appeared before the Disciplinary Committee on 03.06.2022.

10. The Disciplinary Committee enquired the Respondent Dr. Shehzad about his current working place and if he administered anesthesia in the subject case. He responded that he is currently working as Medical Officer in anesthesia department at Jacobabad Institute of Medical Sciences. Respondent further stated that he administered spinal anesthesia in this particular case.

11. The Disciplinary Committee further asked the Respondent about any training which he has received in anesthesia, to which he responded that he got training of Diploma in Anesthesia from Department of Anesthesia, Lahore General Hospital, Lahore, under the supervision of Prof. Khalid Bashir. However Respondent doctor stated that he has not qualified the final exam.

12. The Committee asked the Respondent if he has any letter / authorization to practice anesthesia to which he produced a post-graduate anesthesia training letter of the year 2015-2016. Respondent further stated that during the exams his mother and elder brother passed away and since then he couldn't pass the exam. Later on, he got job as Medical Officer in JIMS hospital. Keeping in view the training in anesthesia the hospital offered him to work in department of anesthesia.

13. The Committee asked the Respondent if he attempted the exit exam or not from 2017 up to 2022, to which he responded that he attempted twice but failed.

14. The Committee asked the Respondent if he was aware that the said patient has single kidney due to which patient could have more severe complications. The Respondent stated that though the patient was with single kidney but it was functioning normally.

15. The Committee inquired the Respondent about the pre-op assessment of the patient to which the Respondent stated that he has performed pre-op assessment of the said patient and serum urea of the patient was within normal range. Respondent further added that the patient came in emergency and this was a case of obstructed labor with pain so the doctor on duty called for emergency C-section.

16. The Disciplinary Committee further asked the Respondent doctor that he was not qualified to practice as anesthesia specialist then why did he administer anesthesia for a major operation. The only justification the Respondent doctor had was that he did it because he is serving in rural area of Jacobabad. The Respondent doctor admitted that he was not qualified to administer anesthesia in absence of proper qualification. He further stated that he should not practice as anesthetist until and unless he acquires the requisite qualification.

17. The Committee asked the Respondent if he has ever refused to do the procedures or highlighted the issue of non-availability of consultants to hospital administration. The Respondent stated that he had complained to the hospital administration multiple time for hiring of consultants, however, no steps have been initiated in this regard. Respondent also added that three consultants were hired for general surgery but they left within a time period of one month due to non-availability of facilities at the hospital.

18. Respondent stated that he only performs cases of ASA 1 and ASA 2 and the rest of the cases he refers to tertiary care hospital. The Respondent assured the Committee that onward this date, he will not perform any such specialized procedure and will only do the general OPD as per his qualification.

19. The Committee asked about the M.S of the hospital to which the Respondent stated that Dr. Ghulam Hussain is the Executive Director of hospital who look after all the affairs.

## VI. EXPERT OPINION BY MAJOR GEN. (R) DR. SHAHAB NAQVI (ANESTHETIST)

20. Major Gen. (R) Dr. Shahab Naqvi was appointed as expert to assist the Disciplinary Committee in this matter. The expert opined as under:

> "...I am of the opinion that there was no negligence on part of Dr. Shehzad Mangi, and/or anesthesia related complication during the preoperative, perioperative or postoperative anesthetic management of the case under discussion. My opinion is based on the following points:
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> 1. Emergency lower segment cesarean section (LSCS) and hysterectomy was performed by Dr Saima Shaheenon 11.05.2020 at 1230 hrs. Spinal anaesthesia was given by Dr Shehzad Mangi. Anaesthesia procedure was effective because the surgeon has not mentioned any problem during surgery in her operation notes.
> 2. Vital signs including blood pressure, heart rate and respiratory rate remained stable as mentioned in the receiving notes by the ward staff. Her blood pressure at arrival in ward was 130/90 mmHg, heart rate was 90/min, temp 98 F, and respiratory rate l8 per minute. Urine output at the time of arrival of patient in ward was '100 ml in urine bag.
> 3. On first postoperative day also, patient remained fully awake and hemodynamically stable having blood pressure 130/90 mmHg, heart rate 84/min, temperature 98 F. Urine output was just 300 ml during 24 hours despite diuretics.
> 4. Urine output declined to nil on second postoperative day onwards and the patient was referred to SIUT Sukkur on 14.05. 2020 for further management. ln SIUT patient was found to have single functioning kidney whose ureter was accidentally ligated by the surgeon during the emergency procedure. Patient was operated in SIUT, ureter was re-implanted and later on she was discharged fit, from the hospital on 19.05.2020.
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> Though there was no anesthesia related complication during or after the a/m surgery performed at Jacobabad Institute of Medical Sciences, it is recommended that concerned authorities should take notice and ensure that only qualified anesthesiologists supervise surgical procedures performed under all types of anesthesia. Even during local anesthesia, monitored anesthesia care should be

provided by a qualified anesthesiologist. The practice of surgeries being performed under anesthesia trained medical officers who do not have any registered post-graduate qualification, not only increases the risk of complications to the patients but also encourages malpractice. Many a times medical officers with some training in anesthesiology are put under lots of moral pressure to perform the procedure as the only available saviors of patients' life. This might increase the risk further and end up with complications that may lead to medico legal implications."

## VII. FINDINGS AND CONCLUSION

21. At the outset the Disciplinary Committee would like to address the application of the Complainant for withdrawal of complaint as submitted by the Complainant through his letter dated 01.06.2021. The Committee has considered the application of the Complainant and decided to proceed with the complaint in terms of Regulation 10 of the PMC (Enforcement) Regulations 2021. Regulation 10 provides that the Disciplinary Committee may refuse withdrawal of complaint and proceed with the complaint in the absence of the complainant. It is clarified that such requests for withdrawal are not binding on the Disciplinary Committee of Pakistan Medical Commission and being regulator of medical/dental practitioners, the Commission is fully mandated to look into any reported incident of medical negligence or misconduct on its own.

22. Perusal of record and statements of the Respondent reveals that the Complainant brought his wife Fareeda (38 years, un-booked patient), G9 P8+1, to JIMS on 11.5.2020, where she was admitted for progress of labor. At the time of admission, she was hypertensive BP 150/130 mm/hg and anemic HB 8.1. She was kept under observation for normal labor progress but later due to obstructed labor, C-Section was performed the same day to conduct the delivery. At the time of closing the uterus the uterine segment got injured which caused profuse bleeding. Resultantly, emergency hysterectomy was conducted.

23. The Committee has noted that spinal anesthesia was administered by Respondent No. 2 Dr. Shehzad Ahmad whereas, the C-Section and hysterectomy was performed by Respondent No. 1 Dr. Saima Shaheen. On first postoperative day urine output was noted as 300 ml. On second post-op day i.e. on 13.05.2020 at 04:00 am urine output was noted as 50 ml. Due to low urine output

her ultrasound abdomen and other investigations were performed on 14.05.2020 and keeping in view the results of investigations she was referred to tertiary care hospital for further management.

24. The patient was taken to Sindh Institute of Urology (SIUT) on 14.5.2020 for further management where she was admitted. She was diagnosed of Acute Renal Failure due to LSCS. The patient's Right PCN was done. After the procedure her urine output improved substantially and it was recorded as 2000ml/24 hrs. Resultantly, patient's S/Creatinine decreased up to 1.4mg. She was discharged after 5 days of her operation, on 19.05.2020. Subsequently patient's RT: Ureteric re-implantation and DJ stenting was also done on 12.08.2020 at SIUT.As per report submitted by In-charge SIUT, Sukkur.

> *"Mrs. Fareeda W/o Mazar Khan Resident of Jacobabad, referred from Jims Jacobabad with history of LSCS, after Surgery she became Anuric since 3 days. Her renal functions deranged. Blood urea was 168 mg%, S/Creatinine was 8.9 her electrolyte was normal, HB 9.5, TLC 18000. U/S showing Lt: Kidney was small 7.3cm. Rt. Kidney Mild Hydronephrosis hydro cuter with internal echoes, RT: PCN was done having good urine output from PCN about 2000 ml/24 hrs. Her S/Creatinine decreased up to 1.4 mg%. HB 10.8 TLC 9300 Ptt 355000. RT: Ureteric re implantation + DJ Stenting done 12/08/20. After, 5th day of operation she was discharged with all goes well…"*

25. The Committee has noted that Respondent No. 1, Dr. Saima Shaheen, who had performed the C-section of the patient, has passed away. Dr. Abdul Wahid Tagar, Director JIMS, Jacobabad vide letter dated 25.03.2021 informed that Respondent No. 1, Dr. Saima Shaheen, who was working as Gynecologist at JIMS, Jacobabad passed away in a road accident on 16.01.2021. Accordingly, Show Cause Notice issued to Respondent No. 1 Dr. Saima Shaheen is disposed of without any further proceedings.

26. The Committee has further noted that as per record Respondent No. 2, Dr. Shehzad Ahmad had administered spinal anesthesia to the patient at the JIMS, Jacobabad. Respondent No. 2 has admitted that he had administered the spinal anesthesia to the patient. It is a matter of record that Respondent No. 2 Dr. Shehzad is registered with the Commission having got the degree of Basic Medical Qualification (MBBS) only and he is currently working in JIMS, Jacobabad as a Medical Officer. No postgraduate/additional or alternate qualification is registered against his name in the

record of Pakistan Medical Commission and as such he is not authorized to practice anesthesia which is a specialized field.

27. During the hearing when Respondent was asked that he was not qualified to practice as anesthesia specialist then why did he administer anesthesia for a major operation. The only justification the Respondent doctor had was that he did it because he is serving in rural area of Jacobabad. The Respondent doctor admitted that he was not qualified to administer anesthesia in absence of proper qualification. He stated that he had complained to the hospital administration multiple time for hiring of consultants, however, no steps have been initiated in this regard. The Respondent doctor committed that in future he shall not practice as anesthetist until and unless he acquires the requisite qualification.

28. The Committee intends to clarify that the license to practice medicine does not confer an absolute right to a medical practitioner to carry out any procedure and specialty rather it is a privilege given to practitioner to perform the procedure and treat patient within the domain of qualification they have attained. It needs to be reiterated here that to practice a specialty, the medical practitioner has to get further post-graduate qualifications in that particular field, duly recognized by this Commission and only then is he/she eligible to practice as a specialist or a consultant in that field. In this regard, Section 29 of the PMC Act explicitly prohibits that

***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.*

29. The Committee has noted that the present case hails from a remote, rural area of interior Sindh which faces an ever-present acute shortage of medical specialists, including anesthetics, procurement of which falls under the authority of the Medical Superintendent and concerned provincial govt. The Committee has further noted with concern that no one has put appearance on behalf of Jaccobabad Institute of Medical Sciences despite serving them notice.

30. Be that as it may, the record reveals that there have been no complications to the patient in this case, due to the unwarranted action of the Respondent No. 2. This fact has also been confirmed

by the Expert Anesthetist who reviewed the entire record of this case and further gave his valuable opinion. The Expert also highlighted that it is the responsibility of the individual practitioners to categorically deny any such policy of hospital or instructions from seniors which dictates them to go beyond the bounds of their license to practice. The hospital authorities are responsible to ensure that only appropriately qualified practitioners are engaged for the job. The relevant part of opinion of Expert is reproduced hereunder:

> *"Though there was no anesthesia related complication during or after the a/m surgery performed at Jacobabad Institute of Medical Sciences, it is recommended that concerned authorities should take notice and ensure that only qualified anesthesiologists supervise surgical procedures performed under all types of anesthesia. Even during local anesthesia, monitored anesthesia care should be provided by a qualified anesthesiologist. The practice of surgeries being performed under anesthesia trained medical officers who do not have any registered post-graduate qualification, not only increases the risk of complications to the patients but also encourages malpractice. Many a times medical officers with some training in anesthesiology are put under lots of moral pressure to perform the procedure as the only available saviors of patients' life. This might increase the risk further and end up with complications that may lead to medico legal implications."*

31. The Committee further emphasizes and highlights that an anesthetist plays a major role in any surgery and any single mistake can lead to major complication. We remain mindful of the fact that the anesthesia was given by the Respondent No. 2 on direction of his seniors and as a matter of policy of the Hospital. However, it was the responsibility of Respondent Dr. Shehzad to refuse to perform any procedures for which he was not qualified. No one can force a medical practitioner to do illegal practice as the ultimate consequences has to be faced by the patient. The Committee warns Respondent Dr. Shehzad Ahmed to be careful in future and directs him to immediately stop performing procedure for which he is not trained and authorized.

32. The Committee also directs the M.S/Executive Director of JIMS to change the policy of performing specialized procedure by Medical Officers immediately and ensure availability of consultants in all future cases. Further, if any doctor who is not qualified/authorized to perform specialized procedure is found involved in performing such specialized procedure in future strict disciplinary action will be initiated by this Commission. The Disciplinary Committee further directs the M.S/Executive Director to take responsibility and take up the matter with concerned authorities to ensure presence of consultants for specialized procedures.

33. In view of above the subject proceedings stand disposed of.

Dr. Anis-ur-Rehman
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman

20th July, 2022