



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

PF.8-1914/2021-DC/PMC

Zahid Niaz Vs. Dr. Saleem Akhtar, Dr. Irfan Ashraf and Dr. Khurram Shafiq

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

Present:

Muhammad Zahid Niaz	Complainant
Dr. Khurram Shafiq Khan (14782-P)	Respondent
Dr. Jameel	Deputy Administrator of Sheik Zayed Hospital
Dr. Kashif	Representative of principal of SZH
Hearing dated	03.06.2022

I. FACTUAL BACKGROUND

Reference from Punjab Healthcare Commission

1. The instant matter was referred by the Punjab Healthcare Commission to the Pakistan Medical Commission (hereinafter referred to as the "Commission") on 19.11.2020. Initially, Mr. Zahid Niaz (hereinafter referred to as the "Complainant") submitted a Complaint to the Punjab Healthcare Commission on 25.04.2017 against Dr. Saleem Akhtar, Dr. Irfan Ashraf and Dr. Khurram Shafiq (hereinafter referred to as the "Respondent Nos. 1,2&3 respectively) alleging their

professional negligence. The Punjab Healthcare Commission heard the complaint, where the Complainant submitted that:

- a. Dr. Saleem Akhtar and Dr. Irfan Ashraf working at Saleem Poly Clinic, Mian Chanu performed laparoscopic surgery of his father on 31.12.2016 without consent which remained un-successful.
- b. Subsequently, Respondent Dr. Irfan Ashraf shifted the patient to BVH Bahawalpur where laparotomy was performed on 04.01.2017 but the condition of the patient did not improve.
- c. Later on, the patient was shifted to Sheikh Zayed Hospital Lahore where Respondent Dr. Kurram Shafiq instead of treating the patient in the hospital advised to shift him in a private hospital where operation was performed negligently. Resultantly patient died on 04.03.2017.

Findings and Decision of Punjab Healthcare Commission

2. The Punjab Healthcare Commission conducted investigations and decided the complaint vide its decision dated 19.06.2019. The Punjab Healthcare Commission, decided *inter alia* that:

a. Case of Dr. Muhammad Saleem Akhtar and Dr. Irfan Ashraf be referred to the PMDC for appropriate legal action. The Medical Superintendent of Bahawal Victoria Hospital, Bahawalpur, be directed to caution the staff to be more vigilant in dealing with the patients. Disposed Of.”

II. SHOW CAUSE NOTICES TO RESPONDENT & THEIR REPLIES

3. In view of the contents of complaint and reference received from the Punjab Healthcare Commission, Show Cause Notices dated 17.03.2021 were issued to Respondent Nos. 1,2&3 respectively. All the Respondents filed their replies/comments in response to Show Cause Notices. The replies of the Respondents were shared with the Complainant who submitted his rejoinder.

III. HEARING BEFORE THE DISCIPLINARY COMMITTEE DATED 11.12.2021

4. After completion of codal formalities the matter was fixed for hearing before the Disciplinary Committee on 11.12.2021. The Complainant Respondent Dr. Saleem Akhtar and Respondent Dr. Irfan Ashraf appeared before the Disciplinary Committee whereas, Respondent Dr. Khurram Shafiq remained absent on the said date. The Disciplinary Committee disposed of the complaint

to the extent of Respondent Dr. Salem Akhtar and Respondent Dr. Irfan Ashraf through its decision dated 28.02.2022. However, to the extent of Respondent Dr. Khurram Shafiq the matter was adjourned due to his absence. The operative part of the decision of the Disciplinary Committee is reproduced hereunder:

“... 40. In view of foregoing Dr. Irfan Ashraf is hereby penalized for false representation as to his training and capabilities and conducting procedures without the requisite training and his license is suspended for a period of one year along with a fine of Rs. 100,000/- . He is barred from carrying out any laparoscopic procedures until such time as he acquires proper certified training.

41. No negligence was found on the part of the Respondent No. 1 Dr. Muhammad Saleem, who is however warned to ensure that he does not allow his owned facility to be used for surgical procedures which are beyond the capacity of the facility as well as consultants working at such facility. ...

43. Dr. Khurram Shafiq Khan has failed to appear despite service of notice. Therefore, proceedings against him shall continue and he is directed to appear at the next hearing failing which his license shall be suspended.”

IV. SHOW CAUSE NOTICE TO RESPONDENT DR. KHURRAM SHAFIQ

5. Respondent Dr. Khurram Shafiq was issued Show Cause Notice on 17.03.2021 mentioning the allegations in the following terms:

4. WHEREAS, in terms of complaint it has been alleged that the complainant took his father to Shaikh Zayed Hospital, Lahore and approached you for repairing of damaged hepatic veins and instead of admitting him in liver transplant Unit at the said Hospital, you referred him for private treatment at Lahore Medical Complex, where you work as private consultant and performed Embolization of the patient.

5. *WHEREAS, in terms of complaint it has been alleged that you performed the said operation at your private hospital instead of well-equipped tertiary care public sector hospital that failed miserably and the patient's condition deteriorated with the passage of time, resultantly the patient could not survive and passed away on 04.03.2017.*
6. *WHEREAS, in terms of facts mentioned in the complaint such conduct is a breach of code of ethics and service discipline and amounts to misconduct.*
7. *WHEREAS, in terms of the facts mentioned in the complaint it is failure on your part to fulfill your professional responsibilities towards your patient such conduct is a breach of code of ethics and service discipline and amounts to professional negligence and misconduct.”*

V. REPLY OF RESPONDENT DR KHURRAM SHAFIQ KHAN

6. In response to Show Cause Notice, Respondent Dr. Khurram Shafiq submitted his reply on 13.04.2021 wherein he contended that:
 - a) Two charges have been leveled against me in this complaint; 1. Procedure done outside of Shaikh Zayed Hospital (SZH). 2. Unsuccessful procedure. A detailed inquiry in this regard had been conducted by Punjab Healthcare Commission.
 - b) Patient Mr. Niaz Ahmad had previous two surgeries and had been bleeding from an injury to his Right Hepatic Artery which was evident from his CT angiography performed at Shaikh Zayed Hospital, Lahore. I was contacted with CTA images on 14.02.2017 to discuss the possibility of embolization of the injured artery. Because of the Government and Hospital Administration instructions, no vendors were allowed on the premises of Angio Labs of Government Hospital and also no inventory was allowed to be kept in Angio suites in those days. So I was not able to perform the procedure at SZH.
 - c) I was leaving on the same night for USA. The attendants of the patient contacted me and requested to do procedure where ever it was possible. I explained them that even if I do the procedure outside Shaikh Zayed hospital, I would not be able to keep patient there overnight as I was going abroad. It was then decided that patient will be transferred back to Shaikh Zayed hospital few hours after the procedure. So they brought the patient to Lahore Medical Complex without getting discharged from Shaikh Zayed hospital and he was transported back to Shaikh Zayed hospital at night, after a successful procedure on 14.02.2017.
 - d) The patient had two prior surgeries and one major surgery after my procedure. I was asked to do the embolization of Right Hepatic Artery which was bleeding profusely with a large pseudoaneurysm formation. The Right Hepatic Artery was replaced to Superior Mesenteric Artery (SMA) which was approached with the help of Cobra C2 catheter. The bleeding was stopped according to standard guidelines of the embolization procedure. First the lesion was crossed to occlude the part of the artery distal to lesion so that it does not keep on bleeding through retro filling by collaterals. Then the aneurysmal sac was packed, followed by embolization of proximal portion of artery and consequently bleeding was stopped.

- e) After that the patient, was shifted back to Shaikh Zayed hospital. The stable condition of patient can be verified from the receiving notes of the resident doctor at Shaikh Zayed hospital. According to the SZH record, after observation for a couple more days, patient was discharged as being stable and not bleeding on 18.02.2017.
- f) When patient came back to hospital in sick state on 22.02.2017, his CT Angio was repeated which showed perfectly closed artery by my procedure. The Liver Transplant Unit (LTU) decided to perform Right Hemi hepatectomy which is a major surgery with a high mortality rate. The patient expired few days after the surgery with multiple comorbidities on 04.03.2017.
- g) On my return, when I saw repeated CT Angio it showed perfectly closed vessel by my procedure and there was no recurrence or any short coming in my procedure. I must clarify here that embolization procedure was to stop the bleeding, which it did. I neither treated the already damaged liver or the ongoing infective processes due to large blood collections or any other dysfunctions, nor is it the scope of my specialty to deal with those things.

VI. REJOINDER

- 7. Reply submitted by Respondent Dr. Khurram Shafiq was shared with the Complainant for his rejoinder. The Complainant submitted his rejoinder on 10.06.2021 wherein he reiterated his allegations and requested that action be taken against the Respondents.

VII. HEARING DATED 03.06.2022

- 8. Since the matter to the extent of Respondent Dr. Khurram Sahfiq could not be heard on previous hearing dated 11.12.2021 due to absence of the said Respondent therefore it was again fixed for hearing before the Disciplinary Committee on 03.06.2022. Notices dated 16.05.2022 were issued to Respondent Dr. Khurram Shafiq and the Complainant directing them to appear before the Disciplinary Committee on 03.06.2022.
- 9. On the date of hearing the Complainant as well as Respondent Dr. Khurram Shafiq appeared before the Disciplinary Committee.



10. The Disciplinary asked the Complainant if he wants to add anything to his complaint submitted to the Committee to which he stated that his written complaint and documents submitted with it may be treated his grievance and stance before this Committee for the purpose of this hearing
11. The Disciplinary Committee asked the Respondent to briefly state the events of the case to which he stated that there are two allegations against him first that procedure was done outside of Shaikh Zayed Hospital (SZH) and second that the procedure was not correct or successful. He stated that in those days no private vendors were allowed to premises of Angio Labs of Government Hospital and also no inventory was allowed to be kept in Angio suites in those days, so he was not able to perform the procedure at SZH. In this regard he referred to the hospital office order dated 17.01.2017, placed on record.
12. The Disciplinary Committee asked the Respondent whether the procedure of embolism was banned in the hospital in those days. He stated that since inventory was not allowed to be kept in the hospital and vendors were also not allowed therefore practically these procedures were banned in those days.
13. The Committee asked the representative of SZH that when the office order dated 17.01.2017 was recalled, he stated that he does not remember the date but now these procedures are allowed.
14. The Committee further enquired the Respondent regarding the procedure of patient he carried out. The Respondent doctor stated that he performed the embolization of right hepatic artery which was bleeding with a big size pseudoaneurysm. The right hepatic artery was replaced to superior mesenteric artery which was approached with the help of Cobra C2 catheter and the bleeding was stopped on 14.02.2017 after successful procedure. He further stated that no complication of embolization had occurred in this patient.
15. The Committee enquired the Respondent as to the standard time to keep such patients of embolization under observation. He submitted that the standard time for post procedure observation is four to six hours. He added that from 15.02.2017 he was on ex-Pakistan leave as he had to go to USA.

16. The Committee further asked the Respondent doctor about treatment of the patient after the procedure to which he stated that it was told to the Complainant that after the procedure the patient will be transferred to SZH and accordingly patient was shifted there.
17. The Committee further asked whether any interventional radiologist was available to receive this patient at Sheikh Zayed Hospital. The Respondent stated that the patient was shifted to the Ward where he was admitted and there was no complication occurred during the procedure of embolization.
18. The Committee further asked why the patient was re-operated at SZH. The Respondent stated that the liver of the patient was already compromised. The surgery conducted at SZH was not to correct the procedure done by him but that was a completely different procedure i.e. Right Hepatectomy. He further stated that his scope of treatment was to save the patient from eminent death due to a bleeding vessel which he successfully did and bleeding was stopped.
19. The Disciplinary Committee enquired the representative of SZH as to how a patient admitted at a public sector hospital was allowed to go to a private set up and get the procedure done without being discharged from their hospital. The representative of hospital submitted that this was done to save the life of the patient. The Disciplinary Committee asked the representative of SZH whether any enquiry of this event was conducted, he replied in negative.
20. The Disciplinary Committee enquired Respondent Dr. Khurram Shafiq that who asked him to perform procedure outside SZH. He stated that the patient was admitted in Gastroenterology Ward of SZH and he was bleeding. The attendants of the patient approached him and requested for procedure. He further submitted that Head of Department of Gastroenterology Prof. Altaf Alam also asked him to do the procedure to save the life of the patient. He further added that admittedly the patient was bleeding and the proper course of treatment was to immediately stop the bleeding through embolization of artery, since the inventory was not available at SZH and vendors were also not allowed at SZH therefore in order to preserve the life of the patient it was decided to do procedure at a private facility. The Committee further asked whether this was documented and discussed with administration of SZH, the Respondent replied yes.

21. The Disciplinary Committee further asked whether there was an option to refer the patient to some other hospital for embolization. The Respondent stated that at that time no such facility was available at public sector hospital.
22. The Disciplinary Committee further asked that if the purpose was to save the life of the patient why the SZH did not give you an exception to buy inventory for this patient and carry on procedure at SZH instead of a private hospital. The Respondent stated that in such procedure it cannot be predicted how many coils will be required during the procedure. Further at public sector hospital it is duty of attendants to arrange inventory which in most of cases is not possible as they do not know the right vendors. He further added that since he was leaving for USA very next day and at Lahore Medical Complex, they had a reasonable stock of inventory therefore keeping in view the ease and convenience and to save the life of the patient it was decided to carry out procedure at SZH without wasting time.
23. The Disciplinary Committee further enquired the Respondent that the patient was charged for the procedure at Lahore Medical Complex, to which he stated that inventory required for such procedures is very expensive and in most of the cases practitioner even pay from their own pocket. He further stated that the procedure was not done at private hospital for monetary benefits but due to restriction imposed by the government there was no other option then to take patient to a private hospital and perform the procedure there.

VIII. FINDINGS AND CONCLUSION

24. Perusal of the record reveals that the instant complaint was filed by Mr. Zahid Niaz against Dr. Saleem Akhtar, Dr. Irfan Ashraf and Dr. Khurram Shafiq. The matter was previously fixed for hearing on 11.12.2021 where the Respondent Dr. Saleem Akhtar, Respondent Dr. Irfan Ashraf and the Complainant appeared before the Committee and vide order dated 28.02.2022 the complaint was disposed of to the extent of Respondent Dr. Saleem Akhtar and Respondent Dr. Irfan Ashraf. However due to absence of Dr. Khurram Shafiq the case was adjourned and fixed for re hearing on 03-06-2022.

25. After hearing the Complainant, Respondent Dr. Kurram Shafiq and perusing the record the Disciplinary Committee has noted that patient Niaz Ahmad, 56 years of age, underwent laparoscopic cholecystectomy at Saleem Poly Clinic Mian Chanu on 31.12.2016. During the surgery Common Bile Duct injury occurred and he was shifted to Bahawal Victoria Hospital where another surgery was performed and he was discharged. The patient reported to Bahawal Victoria Hospital again with complaint of per rectum bleeding. Necessary management was done and he was again discharged.
26. Subsequently, the attendants of the patient took him to SZH. Record reveals initial visit of the hospital on 27.01.2017. On 28.01.2017 EGD and other investigations were performed. On the same day GI Endoscopy was also performed and in Endoscopy Report dated 28.01.2017 urgent CT Angiogram was advised.
27. The patient was admitted in Gastroenterology Ward of SZH under care of Prof. Altaf Alam on 11.02.2017. CT Angiogram was performed the same day i.e. on 11.02.2017 which revealed
- Aneurysmal dilatation measuring 4cmm involving the distal part of replaced hepatic artery with surrounding loculated fluid collection is also seen which may suggest perianeurysmal leak. Note is made of mild dilatation of intrahepatic biliary channels with pneumobilia along with cystic lesion in right lobe. Right vein is thrombosed.*
28. The final diagnosis on the said discharge summary dated 18.02.2017 was Upper GE bleed. On the basis of findings of CT Angiogram Embolization + coil insertion into hepatic artery was suggested.
29. The Right Hepatic Artery Embolization of the patient was later carried out at Lahore Medical Complex on 14.02.2017 by Respondent Dr. Khurram Shafiq and the patient was discharged after the procedure and shifted back to Sheikh Zayed Hospital. as per notes of duty doctor

“Discussed by Dr. Khurram with Dr. Kamran (SR) liver transplant unit (Sheikh Zayed Hospital) and he agreed to take the patient so patient discharged and shifted to Sheikh Zayed Hospital for further management.”

30. The Disciplinary Committee has noted that there are two allegations against Respondent Dr. Khurram Shafiq firstly; that the Respondent took the patient to a private facility for operation instead of doing it at Sheikh Zayed Hospital and secondly; the procedure was incorrect due to which repeat surgery was done at Sheikh Zayed Hospital subsequently. The Committee has heard the submissions of the Respondent Dr. Khurram Shafiq thoroughly and gone through the medical record. It is noted that the procedure was advised by the parent ward i.e. Gastroenterology ward where patient was admitted under care Prof. Dr. Altaf Alam. It was during his admission at Gastroenterology Ward that different investigations were conducted including GI Endoscopy and based on findings of Endoscopy urgent CT Angiogram was advised which was conducted on 11.02.2017. After receiving CT Angiogram Report the procedure of Embolization + coil insertion into hepatic artery was suggested. Diagnosis was made by the parent ward i.e. Gastroenterology ward and based on the diagnosis Respondent Dr. Khurram Shafiq was requested to do the requisite procedure.

31. As far as first allegation of the Complainant that the Respondent Dr. Khurram Shafiq conducted procedure at a private facility instead of Sheikh Zayed Hospital is concerned, the Disciplinary Committee has noted that during that period the hospital administration had issued an office order dated 17.01.2017 through which private vendors were restrained at the premises of public sector hospital. The said office order states that:

“As per existing policy of Hospital, it is reiterated that the entry of vendor selling stents and other disposable in particulars any other vendors in general in the Hospital is strictly forbidden. There should not be any vendor in the hospital selling stents ad other items.

Strict compliance is required.”

32. The Disciplinary Committee during the hearing put specific question to Respondent Dr. Khurram Shafiq regarding conducting procedure at a private facility to which he stated that the attendants of the patient approached him and requested for procedure. He further submitted that Head of Department of Gastroenterology Prof. Altaf Alam also asked him to do the procedure to save the life of the patient. He further added that admittedly the patient was bleeding and the proper course of treatment was to immediately stop the bleeding through embolization of artery, since

the inventory was not available at SZH and vendors were also not allowed at SZH, therefore in order to preserve the life of the patient it was decided to do procedure at a private facility.

33. The Disciplinary Committee has further noted that unfortunately the facility of embolization was not available at public sector hospitals in those days. The Disciplinary Committee has further noted that keeping in view the prevailing circumstance at that time there were two options, either to go for the procedure at private facility or to leave the patient bleeding without any treatment. It is also relevant to mention here that the Complainant signed consent form of Lahore Medical Complex and during the whole events he was involved. So considering the minimal options available the choice made after the consent of the Complainant was to perform procedure at a private facility.
34. Regarding the second allegation of the Complainant to the extent that the procedure conducted by Respondent Dr. Khurram Shafiq was incorrect, the Disciplinary Committee has noted that the Complainant raised this allegation on the basis of the fact that after procedure of Embolization conducted by Respondent the patient underwent Right Hepatectomy at SZH on 22.02.2017. It is clarified that procedure performed by Respondent Dr. Khurram Shafiq was Embolization of Right Hepatic Artery and sole purpose of the said procedure was to close a bleeding artery which was done accordingly. Patient's CT Angio conducted on 22.02.2022 shows perfectly closed artery by procedure done by Respondent doctor. Subsequently, the Liver Transplant Unit decided to perform Right Hemi hepatectomy of patient which is a well-standardized procedure consisting of resection of liver. Therefore, the patient had to undergo a surgery for Right Hepatectomy to address his liver damage which is a major surgery with a high mortality rate. The patient expired after few days of surgery with multiple comorbidities on 04.03.2017.
35. The Disciplinary Committee after considering all the available medical record statement of parties concludes that no medical negligence was found on part of Respondent Dr. Khurram Shafiq and death of patient has no nexus with the earlier procedure done by Respondent Dr. Khurram Shafiq. Therefore, the complaint against him is disposed of accordingly. However, the Committee observes with concern that there is no proper procedure and mechanism placed on record to deal with such cases where patient is to be taken out of the hospitals to carry out procedure at a private

facility and taken back to the hospital. There is no proper documentation in this regard available with respect to the hospital administration and as well as concerned doctors involved in the treatment of patient. The whole episode of shifting patient to private facility and back to hospital though was done with bona fide intention to save human life but the process has been carried out in a reckless manner. Proper SOPs are required to be developed to lay down mechanism/procedure to handle such situation so that complete process is recorded including need to shift patient to other facility, decision making of doctors involved in the patient treatment and involvement of hospital administration in such decision making, to safeguard the interest of patient and everyone involved.

Dr. Anis-ur-Rehman
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman

20th July, 2022