



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

PF.8-1962/2021-DC/PMC

Kajal Vs. Dr. Moni

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

Present:

Dr. Moni (26913-S)	Respondent
Dr. Nasrullah (22160-S)	M.S GMMMC, Hospital Sukkur
Brig (R) Prof. Dr. Ambreen Anwar	Expert (Gynecologist)
Hearing dated	03.06.2022

I. FACTUAL BACKGROUND

1. The instant Complaint was lodged by Mrs. Kajal (hereinafter referred to as the “Complainant”) on 08.07.2021 against Dr. Moni (hereinafter referred to as the “Respondent) working at Ghulam Muhammad Mahar Medical College Hospital (GMMMCH), Sukkur alleging professional negligence and misconduct.
2. The Complainant submitted that she was admitted at Civil Hospital, Sukkur where initially normal delivery was suggested by the Respondent doctor but hours later C-section was performed. After the surgery she was discharged however her condition was unsatisfactory. She later visited Allied

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Hospital, Faisalabad, where laparotomy was performed and retained foreign object were removed from her abdomen. The Complainant alleged that Respondent Dr. Moni negligently conducted her C-section and left foreign body in her abdomen.

Enquiry by the Medical Superintendent GMMMC, Hospital Sukkur

3. An enquiry into the matter was also conducted in the subject case by the office of the Medical Superintendent, Ghulam Muhammad Mahar Medical College Hospital, Sukkur and it was observed that sponge/guaze piece was removed from abdominal cavity of the patient which was probably left in previous C-section at the hospital.

II. SHOW CAUSE NOTICE TO RESPONDENT DR. MONI

4. In view of the allegations levelled in the Complaint, Show Cause Notice dated 19.07.2021 was issued to the Respondent Dr. Moni (AKNA, Dr. Monika) in the following terms:
 5. **WHEREAS**, in terms of the complaint, it has been alleged that on 12.12.2020 the patient was admitted at Civil hospital, Sukkur to undergo delivery, under your supervision. That the patient requested for a normal delivery which was initially agreed but resulting in C-section later hours. C-section was performed by you and your team at Civil Hospital, Sukkur; and
 6. **WHEREAS**, in terms of the facts mentioned and the documents appended with the complaint it is alleged that the condition of the patient was not satisfactory at the time of discharge and next day after discharge the patient was carried to Allied Hospital, Faisalabad where the patient was examined, investigations were done and it was diagnosed that a towel was left inside the abdomen during the C-section done by you. Furthermore, emergency laparotomy was performed which confirmed the presence of retained foreign object (RFO) inside the patient's abdomen; and
 7. **WHEREAS**, in terms of the facts mentioned and documents appended with the complaint it is evident from the documents that a three-member inquiry committee was constituted in the subject case by the office of the Medical Superintendent, Ghulam Muhammad Mahar Medical College Hospital, Sukkur and it was observed that sponge/guaze piece was removed from abdominal cavity of the patient which was probably left in previous C-section at Sukkur; and
 8. **WHEREAS**, in terms of the facts mentioned in the Complaint, it is a failure on your part to fulfill your professional responsibilities towards your patient. Such conduct is breach of code of ethics and amounts to professional negligence/misconduct.

III. REPLY OF RESPONDENT DR. MONI

5. In response to the Show Cause Notice, Respondent Dr. Monika submitted her reply on 16.08.2021, wherein she stated that:

- i. The patient was admitted on 12.12.2020 by the consultants in Gynea Unit-II OPD at GMMMCH, Sukkur for delivery and base-line investigations were done in evening shift and patient was prepared for C-section by the evening shift doctor.
- ii. I was on night shift duty on 12.12.2020 and I along with the OT team did the C-Section and after that I was off from duty on 13.12.2020.
- iii. GMMMCH is a teaching hospital and daily round performed by Head of Department Gynea Unit-II and their consultants (Dr. Sabahat Shah, Dr. Samina Memon, Dr. Mahjabeen Khokhar, Dr. Farzana Mughal, and Dr. Marvi Bozdar) and they ran their treatment from 13th to 16th December 2020 during admission of the patient. They advised/done necessary base-line investigations and after their satisfaction discharged the patient in the morning of 17th December 2020.
- iv. It is clarified that till discharge of patient she did not complain regarding any pain or anything else to on ground Consultants of Gynae Unit-II of GMMMCH. She was feeling well and satisfactorily discharged by the Consultant Gynea Unit-II. Since discharge neither she contacted me nor disclosed any complain about her condition.
- v. The Complainant has not shown any report of Allied Hospital or Sukkur Blood bank hospital which could show any weight to the false allegations levelled by her.
- vi. The Complainant has not submitted any proof except of an order of the Honorable Court in which the application of the registration of FIR has been dismissed by the honorable District and Sessions Judge, Sukkur and the enquiry reports.

IV. REJOINDER

6. The reply submitted by the Respondent doctor was forwarded to the Complainant for rejoinder. The Complainant filed her rejoinder on 07.09.2021, wherein she conveyed that she isn't satisfied with the Respondent doctor's reply and requested action as per law.

V. HEARING DATED 03.06.2022



7. 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 directing them to appear before the Disciplinary Committee on 03.06.2022.
8. The Complainant was absent, However, Respondent Dr. Moni along with Dr. Nasrullah, M.S GMMMC Hospital Sukkur appeared before the Disciplinary Committee on 03.06.2022.
9. The Disciplinary Committee asked Respondent Dr. Moni to briefly explain the whole event to which she stated that the said patient was admitted through morning OPD and procedure was performed at 08:30 pm. Respondent stated that it was not an emergency case and the patient was not willing for C-section. Responding to a question put by the Committee, the Respondent stated that the surgery was performed by her.
10. The Committee asked the Respondent about the guaze piece / sponge left inside the patient's body to which she stated that she has no clue about the guaze piece how it remained inside. Responding to question put by the Expert that whether there is any white board present in OT to counter check all the tools / guaze piece used during the surgery, the Respondent stated that there is no such counter check board in the OT, rather it is manually counted.
11. The Committee enquired M.S. of the hospital that as to how many are the gynecology consultants at the GMMMC hospital. M.S responded that GMMMH Hospital is a teaching hospital and it has a whole team from professor to senior registrar. There is a total of 10 consultants working at the hospital. The Disciplinary Committee further asked whether there was any consultant (gynecologist) at the time of surgery to which he responded that gynecologist is always 2nd on call doctor.
12. The Disciplinary Committee asked the M.S of the hospital that how can they allow Dr. Monika to do specialized procedures independently as she is simple MBBS and does not have any specialized qualification registered. M.S. responded that Medical Officer carry out procedures under the supervision of consultant, however he clarified that they only call consultant when they feel need or if there is any complication in the case.

13. The Disciplinary Committee further enquired from M.S. of the hospital that who grants the privileges to a doctor to perform any procedure, to which he responded that privileges are granted by head of gynae department and not by us. The M.S also stated that they had held a meeting two days ago in this regard and informed all consultants that no procedure is to be performed by medical officer independently.
14. The Disciplinary Committee enquired the Respondent Dr. Moni as to why she performed the procedure when she was not qualified for the same, she responded that whenever they call the on-call consultant for surgery, they always scold them and give directions to perform surgery on their own.
15. The Committee enquired the Respondent doctor about her involvement in doing specialized procedure (C-section) most recently to which she responded that she has stopped doing the same since one and a half year.
16. The Committee enquired about any disciplinary proceedings by hospital in the subject matter, to which the M.S responded that inquiry was held under the supervision of Head of Gyne department and the OT nurse was found guilty and a warning was issued to her.

VI. EXPERT OPINION BY BRIG (R) PROF. DR. AMBREEN ANWAR

17. Brig (R) Prof. Dr. Ambreen Anwar (Gynecologist) was appointed as an Expert to assist the Disciplinary Committee. The expert opinion is as under:
 1. "Dr. Moni does not remember the incident but apologizes.
 2. The fault does not lie with the individual, it lies with the system.
 3. MS, Hospital, OT in charge and OT assistant on the trolley are all responsible for, not establishing a swab count SOP in the said Operation Theater.
 4. The Hospital is advised to update their operation theater SOPs, specially swab count which is very basic to OT and patient safety.
 5. Surgeries should be only performed by qualified surgeons in operation theater responsibility of MS and OT in charge."

VII. FINDINGS AND CONCLUSION

18. At the very outset the Disciplinary Committee has taken note of withdrawal application submitted by the husband of the Complainant wherein he has stated that he has entered into a compromise with Respondent Dr. Moni and does not want to pursue the complaint.
19. The Committee has considered the application of husband 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 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. 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 mandated to regulate and control medical profession. Section 32 of the PMC Act explicitly empowers Disciplinary Committee to look into any incident of medical negligence or misconduct, irrespective of any financial or compensatory settlement between the parties. Therefore, the Committee is fully competent to proceed with complaint even in case of application filed by the husband of the Complainant to withdraw the Complaint.
20. Perusal of record and statement of parties reveal that wife of the Complainant, Mst. Kajal 26 years of age, G3 P2+O reported to emergency of Civil Hospital, Sukkur on 12.12.2020 with labor pains. She was admitted and base line investigations were ordered. As per reports her HB was 11.2 g/dl, creatinine 0.7 mg/dl (normal range 0.6-1.2) and Glucose Random 105.
21. Labor was induced at 11:30 am. The record further reveals that the patient was on labor trial and at 05:30 pm attendants were advised for C-Section, however they showed reluctance. At 07:45 pm the attendants gave consent for C-Section and emergency LSCS was performed by Respondent Dr. Moni at 08:30 pm.

22. Post-surgery the patient remained admitted at the hospital for next 4 days. On 16.12.2020, she was attended by Dr. Mahjabeen, ultrasound abdomen was also performed. The patient was mobilized and encouraged oral intake. She was discharged on 17.12.2020.

23. On 18.12.2020, the patient visited another facility i.e. Sukkur Hospital with complaints of abdominal distention, constipation and vomiting. She was admitted and investigations were ordered. The patient was diagnosed with gut obstruction. She was advised injection R/L, injection flagyll, injection toradol 30 mg, injection onset and injection Risek 40mg +100 ml N/S. The patient was also advised for NPO (nothing per oral) and NG Tube however as per record she refused NG tube insertion. The patient remained admitted for three days and on 21.12.2020, she was discharged on request.

24. On 23.12.2020, the patient reported to Allied Hospital, Faisalabad where she was admitted. She was diagnosed of intestinal obstruction and was initially managed conservatively. After conducting investigation and performing ultrasound, she was planned for exploratory laparotomy for gossypiboma removal and primary repair of ileum. Surgery was performed on 26.12.2020. Operation findings were:

- “Greater Omentum covering gossypibioma in the pelvis
- Small and large gut adherent to it
- 0.5x0.5 cm perforation in terminal ilium about 2 feet from ICJ.”

The patient was discharged from Allied Hospital, Faisalabad on 31.12.2020 after a successful surgery.

25. As far as the stance of Respondent Dr. Moni that no report/findings of any doctor are available to establish the fact that foreign body was removed from the abdomen of the patient is concerned, the Disciplinary Committee has noted that record of Allied Hospital is very clear on that and the operating surgeon of Allied Hospital Faisalabad in his operation notes mention the removal of gossypiboma (foreign body).

26. The Disciplinary Committee has further noted that an enquiry into the matter was also conducted in the subject case on 08.02.2021 by the office of the Medical Superintendent, Ghulam Muhammad Mahar Medical College Hospital, Sukkur. Finding of the enquiry are as under;

“After listening from complainer, verbal and written statement of Dr. Monika, Dr. Hafeezullah, Dr. Sabhat shah, Dr. Mahjabeen and staff nurse Nazi the Chairperson and the members of enquiry committee unanimously opinion that there is negligence but human error from the side of Dr. Monika and Staff Nurse / O.T Assistant Nazi”.

27. The Expert gynecologist appointed to assist the Disciplinary Committee in the instant complaint, in her opinion has also highlighted the shortcomings in the following terms:

1. *“Dr. Moni does not remember the incident but apologizes.*
2. *The fault does not lie with the individual, it lies with the system.*
3. *MS, Hospital, OT incharge and OT assistant on the trolley are all responsible for, not establishing a swab count SOP in the said Operation Theater.*
4. *The Hospital is advised to upto date their operation theater SOPs, specially swab count which is very basic to OT and patient safety.*
5. *Surgeries should be only performed by qualified surgeons in operation theater responsibility of MS and OT incharge.”*

28. For such incident of leaving foreign body in the abdomen of the patient during the surgery, the fault does not lie with the individual, rather it shows that there is no proper system/procedure developed at the hospital. It is responsibility of MS, Hospital to have established SoPs for swab count in the operation theatre and the OT in charge and OT assistant on the trolley should make sure that swab count has been made and inform the doctor accordingly to complete the surgery. In view of foregoing, no professional negligence is established against the Respondent doctor. Disciplinary Committee directs M.S of hospital to revise the operative protocols and dedicate staff/nurses for counting of all instruments with counter check.

29. The Disciplinary Committee has noted with concern that Ghulam Muhammad Mahar Medical College Hospital, Sukkur (also known as Civil Hospital Sukkur) is a teaching hospital, however,

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the surgery in this case was performed by Respondent Dr. Moni who holds simple MBBS qualification. There is no record to establish that there was any kind of supervision by a consultant gynecologist. When Dr. Moni was asked specific question about performing surgery without supervision, she stated that whenever they call the on-call consultant for surgery, the on call consultant always scold them and directs them to do surgery on their own. The Disciplinary Committee has further noted that when the MS of the of the Hospital was asked about the availability of consultant, he stated that gynecologist is always 2nd on call doctor. The MS further stated that medical officers always do procedures under the supervision of consultant, further, they only call consultant when they feel need or if there is any complication in the case. He further stated that they had held a meeting two days ago in this regard and informed all consultants that no procedure is to be performed by medical officer independently.

30. The Disciplinary Committee has noted that state of affairs at GMMMC Hospital Sukkur regarding specialized procedure as per evidence of the MS himself are not only unacceptable they amount to criminal negligence on the part of the hospital management. From the statement of Respondent Dr. Moni and MS of the Hospital it is clear that C-Section of the patient was not even supervised by the consultant gynecologist. The assertion of the MS that consultants are 2nd on call is an issue which needs to be addressed immediately. It is important to note here that medical officers are not authorized to conduct C-Section which is a major procedure. The only circumstances where a medical officer is allowed to perform such procedure is when such medical officer is undergoing training as a resident of CPSP program and that too under supervision of a consultant and not otherwise.
31. The Committee is mindful of the fact that in the instant case surgery was performed by Dr. Moni on direction of her seniors and as a matter of policy of the Hospital. However, it was responsibility of Respondent Dr. Moni to refuse and stop doing such procedures for which she was not qualified. No one can force other doctors to do illegal practice, as the ultimate consequences has to be faced by the patient. The Committee therefore, issued a warning to Respondent Dr. Moni and directs her to immediately stop performing procedure for which she is not trained and authorized.

32. The Committee also directs the M.S of GMMMC Hospital Sukkur to change the policy of granting privileges and allowing performing of surgeries by Medical Officers and ensure supervision by 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 the Commission. The Disciplinary Committee further directs the M.S to take responsibility and take up the matter with concerned authorities to ensure presence of consultants for specialized procedures.
33. The Committee further advises the Member Education to take notice of this lack of supervision by consultants at the teaching hospital which represents a lack of proper teaching as well if consultants are not performing their primary obligations. It is recommended that a surprise spot inspection be carried out of the teaching hospital and if such lapses exist then appropriate action may be initiated against the teaching hospital viz its accreditation as a teaching hospital.
34. In view of above the subject proceedings stand disposed of.

Dr. Asif ur-Rehman
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman

20th July, 2022