BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

PF.8-1979/2021-DC/PMC

Muhammad Tahir Vs. Dr. Ayesha Khurshid

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

Present:

M. Tahir	Complainant
Dr. Ayesha Khurshid (54350-P)	Respondent
Dr. Adnan	M.S, PESS Hospital
Brig (R) Prof. Dr. Ambreen Anwar	Expert (Gynecologist)
Hearing dated	03.06.2022

I. FACTUAL BACKGROUND

Complaint

1. The instant complaint was filed by Muhammad Tahir (hereinafter referred to as the "Complainant") on 10.06.2021 against Dr. Ayesha Khurshid (AKNA Aysha Ariz Khan, hereinafter referred to as the "Respondent") working as Medical Officer at Social Security Hospital, Sialkot.

2. The Complainant in his complaint submitted that he filed a complaint against the Respondent before the Punjab Healthcare Commission, Lahore. He further submitted that the Punjab Healthcare Commission has referred the case of Dr. Ayesha Ariz Khan to the erstwhile PM&DC as she has been negligent in attending the patient. Therefore, strict action be taken against the Respondent doctor.

Reference from Punjab Healthcare Commission

3. The Punjab Healthcare Commission disposed of the complaint filed by Mr. Tahir and referred the matter of Respondent Dr. Aysha Ariz with the following observations:

"... After thorough deliberations, taking into account the evidence, available record, expert opinion and hearing the respective parties, the Board unanimously concludes that the Respondent hospital had been extremely negligent in handling the patient. As per the inspection conducted at the Respondent HCE, it scored 50% in the implementation of Minimum Service Delivery Standards. The HCE needs to improve the same.

a. In view of the negligence conducted the Board imposes a fine of Rs. 50,000/- upon the Respondent hospital which will be paid within four weeks of the receipt of this order.

b. The case of Dr. Ayesha Ariz Khan is referred to PM&DC as she has been negligent in attending the patient herself ad leaving her at the mercy of staff nurses namely Nafeesa and Misbah Naz....."

II. SHOW CAUSE NOTICE TO RESPONDENT

4. In view of the contents of the complaint Show Cause Notice dated 17.08.2021 was sent to Respondent Dr. Ayesha Ariz Khan mentioning the allegations in the following terms:

5. ***WHEREAS,*** *in terms of Complainant, it has been alleged that Complainant brought his wife to PESSI Hospital, Sialkot on 02nd March 2019 for delivery purpose where you were the doctor on duty of the unit by that time, however you were found absent from your duty. Patient was handled by nursing staff and delivery was carried out by them with severe postop complication occurred to the mother as well as the neonate, in the form of severe blood loss and others and that you were absent during the procedure and reached at the end when that patient was struggling for her life, and you referred the patient to Civil Hospital/ Mission Hospital, Sialkot for further treatment; and*

6. ***WHEREAS,*** *in terms of Complaint, and the documents placed on record Punjab Healthcare Commission after thorough investigation in the matter has given its findings that, "The case of Dr. Ayesha Ariz Khan is referred to PM&DC as she has been negligent in attending the patient herself and leaving her at the mercy of staff nurses namely Nafeesa and Misbah Naz"; and*

7. ***WHEREAS**, in terms of the facts mentioned in the Complaint and documents appended with the complaint it is failure on your part to fulfil your professional responsibilities toward your patient. Such conduct is a breach of code of ethics amounts to professional negligence/ misconduct.*

III. REPLY OF RESPONDENT DR. AYESHA ARIZ KHAN

5. In response to the Show Cause Notice dated 17.08.2021, Respondent Dr. Ayesha Ariz Khan submitted her reply on 16.09.2021, wherein she stated that:

i. *On 02.03.2019 my duty started at 02:00 pm in the evening, I came to my duty in time, which is evident from the perusal of Biometric attendance, thereafter I remained busy in discharge of my duties in ward and was attending other patient in emergency. The patient namely Saba wife of Muhammad Tahir was admitted in the hospital by morning duty doctors/ staff and was being monitored according to the advice in labor room. She got fully dilated and healthy baby boy was delivered by monitoring staff.*

ii. *In the meanwhile, I entered the labor room and took over the delivery of placenta and membranes when uterus got inverted. I tried my best to manually revert the uterus but it was not successful as it has to be explored under anesthesia in Operation Theater. Due to non-availability of Gynecologist, Anesthetist and functional operation theater all complicated cases are referred to the tertiary care, as per hospital protocols, during evening and night shift. Therefore, after the above-mentioned complication and in the best interest of the patient I had no option except to refer the case to DHQ Sialkot. I informed the head of gynae department Dr. Mubarika Hameed and acting MS Dr. Afshan Javed, both of them also advised me to refer the patient to DHQ Sialkot to avoid any serious complication of PPH.*

iii. *That another fact which is very relevant to the situation is that when I referred the patient, she was alive fully conscious and vitally stable and new born baby was also in healthy condition. That before reference, I explained whole scenario to the attendants regarding her condition and need of exploration under anesthesia and they were satisfied, they were also advised to go to DHQ Sialkot for better treatment, the management of the hospital also provided the ambulance.*

iv. *The patient was referred to DHQ Sialkot but I am astonished to know that the Complainant went to Mission Hospital (Christian memorial hospital) thereafter, they went to CMH hospital and Imran Idress hospital, which was not recommended. They have themselves made their case more complicated due to delay in treatment.*

v. *It is submitted that the complainant had approached Punjab Health Care Commission, who initiated inquiry about the matter the above said commission sought "EXPERT OPINION date July 7th, 2020" bearing reference no. C/2019/120. According to the report of the expert no negligence of mismanagement was apparently evident.*

vi. *During the delivery of the above said patient "Uterine Inversion" occurred and the same does not happen due any treatment or mistreatment rather it is a medical emergency and is rare obstetrical complication.*

vii. *It is submitted the complainant had filed a petition under section 22A/ 22B Code of criminal procedure in the court of worthy sessions judge Sialkot/ Justice of Peace, Sialkot. It is submitted that after inquiry the SP investigation Sialkot held me innocent and submitted the report to the above said court and the worthy court after satisfaction held me innocent and also dismissed the petition of the complainant on merits and the complainant did not challenge that order of the worthy court to any higher forum. Therefore, as per settled principle of law no subsequent inquiry can be held about the same allegations.*

viii. *Decision/ observation of the worthy Punjab Healthcare Commission is also against the law and facts of the case and the same is passed without summoning me and without providing me any opportunity of hearing. It is worth mentioning here that the worthy commission in its first inquiry held me innocent and no negligence was proved, but all of sudden the worthy commission referred my case to PMC.*

ix. *There was no delay in attending the patient, because I was present in the hospital as per bio-metric attendance, and I have no prior enmity with the patient or complainant.*

IV. REJOINDER

6. The reply submitted by the Respondent doctor was forwarded to the Complainant for rejoinder on 27.09.2021. The Complainant submitted his rejoinder on 17.11.2021, wherein he reiterated his earlier stance and allegations, denying the comments of the Respondent Doctor and requested to process his case further for necessary action.

V. HEARING

7. After completion of pleadings the matter was fixed for hearing before the Disciplinary Committee on 03.06.2022. Notices dated 16.05.2022 were issued to Muhammad Tahir (Complainant) and Respondent Dr. Ayesha Ariz Khan, directing them to appear before the Disciplinary Committee on 03.06.2022.

8. On the date of hearing the Complainant along with patient and Respondent doctor appeared before the Disciplinary Committee. The Medical Superintendent of Social Security Hospital, Sialkot also appeared before the Disciplinary Committee.

9. The Committee asked the Respondent doctor about brief facts of the case to which she stated that she is working as women medical officer and was on evening duty (2 pm to 8 pm) on 02.03.2019. As per protocol she did the round of the patients. There is no house officer in the said

hospital and that she is the only doctor who is taking care of 3 wards, in addition to patients in emergency. The said patient was admitted by morning duty doctor at 01:30 pm as full-term labor with 3cm OS. Respondent doctor further stated that upon receiving a call from the staff of labor room, when she entered the labor room the baby boy was already delivered but the placenta was not yet removed. She took the charge from staff and started removal of placenta. When half of the placenta was removed and another half was yet to be removed the uterine inversion took place. After confirmation of uterine inversion, she tried manual uterine re-inversion with fist and immediately took all the possible measures to secure the patient health including maintaining IV line, Haemocoel infusion and directed the staff to check blood pressure of the patient. However, even after performing manual maneuvers she was not confirmed as if the uterus was reverted back to normal or not.

10. The Committee asked the Respondent doctor that how did she diagnose the uterine inversion to which she replied that she has seen and assisted many cases of uterine inversion so she spot diagnosed the uterine inversion. She further stated that she also presumed it to be succenturiate lobe of placenta, but after vaginal and abdominal examination she confirmed uterine inversion.

11. The Committee inquired the Respondent doctor about the BP and pulse of the patient to which she responded that the initial BP of the patient was 140/80. She immediately did packing and called HOD to inform her about the situation. The HOD was informed about the condition of the patient and her vitals and HOD directed to refer the patient. The whole procedure up till referral of the patient was done in half an hour. The Respondent doctor further stated that she arranged the ambulance and sent the patient to civil hospital (tertiary care hospital).

12. The Committee inquired the Respondent doctor that whether she liaison with any doctor at civil hospital to inform about the condition of the patient and treatment provided to which she responded that they do not have such communication system, however, she had written the case summary on the referral form for better understanding. The Respondent further stated that the patient instead of reporting to civil hospital reached Mission Hospital but the Mission Hospital didn't admit the patient. Later after delay of 3 to 4 hours the patient visited Idrees Hospital where hysterectomy was performed.

13. The Committee inquired the Respondent doctor about the HOD and that if there is any regular gynecologist at the said hospital to which she responded that HOD is Assistant Professor, Women Medical Officer as the most senior women medical officer and at that time there was no gynecologist at Social Security Hospital.

14. The Committee inquired from the Medical Superintendent (MS) of Social Security Hospital, if they have consultant gynecologist. He responded that he joined as MS two months ago and they have consultant gynecologist now but when this incident took place there was no gynecologist. He added that they give full facilitation to the referred patients and also remain in thorough consultation with civil hospital for facilitation of referred patients.

15. The Committee asked the patient to state her version to which she responded that the Respondent doctor referred her with a delay as the baby was delivered at 03:00 pm but she was referred in the evening in conscious state. The patient further stated that they initially visited Mission hospital but were refused admission. Thereafter, they visited CMH and again they were not entertained. Lastly, they visited Idrees Hospital around 08:00 pm where hysterectomy was performed within one hour. 07 to 08 blood packs were transfused at Idrees hospital. After hysterectomy she was shifted to ICU where she remained for 2 days. Then she was shifted to Ward where she remained for 2 more days and then discharged on 4th Post-op day.

16. The Committee asked the patient as to why have they not visited Civil hospital and rather went to other hospitals to which she responded that they didn't visit civil hospital because they have heard from many patients that there in no proper patient care in the Civil hospital.

17. The Committee asked the Complainant to clearly state their prayers/relief that they seek from this Commission to which the counsel of the Complainant responded that a fine of PKR- 250,000/- be imposed on the Respondent and awarded to the patient.

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

18. Brig (R) Prof. Dr. Ambreen Anwar (Gynecologist) was appointed as an Expert to assist the Disciplinary Committee. The salient points of the Expert opinion are as under:

"Evidence

1. Patient was Gravida 3 Para 2 who underwent normal delivery followed by inversion of uterus.
2. This is an uncommon condition and difficult to diagnose and correct, even in expert hands. Dr. Ayesha made a prompt diagnosis and made full arrangements for immediate transfer and care of patient. She followed all principles of Emergency Obstetric care correctly.
3. Though Social Security Hospital at the time of complaint was not equipped with a qualified gynecologist and operation theater (as now), but had an established referral chain to DHQ Sialkot.

Expert Opinion:

1. Good medical practice points performed by Dr. Ayesha Ariz Khan.
2. No clinical negligence found.

VII. FINDINGS AND CONCLUSION

19. After perusal of the record and statements of the parties the Disciplinary Committee observes that Complainant, Mr. Tahir brought his wife (Saba Tahir), to the Punjab Employees Social Security Hospital, Sialkot for delivery on 02.03.2019 at 01:30 pm, where she was admitted for delivery by morning staff.

20. The patient delivered a male baby through Spontaneous Vaginal Delivery (SVD) in the afternoon. Respondent Dr. Ayesha Ariz Khan assessed the patient in 3rd stage of labour and found the uterus inverted. After confirmation of uterine inversion, the Respondent doctor tried manual uterine re-inversion with fist, and immediately took all the possible measures including blood pressure monitoring to secure the patient health. The Complainant was counselled by Dr. Ayesha regarding the critical condition of the patient and an ambulance was arranged to shift the patient to Civil hospital, Sialkot. A detailed referral note was given to the Complainant which the Complainant has attached with his complaint.

21. After referral from Social Security Hospital the attendants took the patient to Mission hospital Sialkot where she was not admitted due to unavailability of bed. Then the patient was moved to CMH Sialkot but on reaching there they were informed that due to some emergency situation CMH is not accepting patients. The patient was then brought to Idress hospital Sialkot, where

hysterectomy was performed on 02.032019 at 8:00 pm after taking high risk consent. The patient was discharged from Idress hospital on 05.03.2019.

22. The Committee has noted that the main concern of the Complainant is that there was bleeding due to which hysterectomy had to be performed and that the patient was referred with a delay. As far as first concern of the Complainant is concerned, the referral note of Respondent doctor clearly mentions uterus inversion as the reason for referral and there were no findings of PPH. The diagnosis of Respondent was further confirmed at Idrees Hospital where the doctor after examining the patient under anesthesia at 08:15 pm on 02.03.2019 confirmed that *"uterus was inverted."* Regarding the second allegation that the patient was referred with a delay, the record submitted by the Complainant reveals that as per referral note dated 02.03.2019 the patient *"delivered a baby boy at 03:35 pm"* and the patient was referred at 04:30 pm, as per the time mentioned on the referral note produced by the Complainant.

23. The Committee further observes that uterine inversion is a serious complication but the patient was very well managed by the Respondent doctor in respect of timely diagnosis, along with timely management and her referral to tertiary care hospital without any delay.

24. The Expert gynecologist who was appointed to assist the Disciplinary Committee also opined that no evidence of clinical negligence has been found in this case. Relevant portion of the Expert opinion is reproduced hereunder:

> 1. *Patient was Gravida 3 Para 2 who underwent normal delivery followed by inversion of uterus.*
> 2. *This is an uncommon condition and difficult to diagnose and correct, even in expert hands. Dr. Ayesha made a prompt diagnosis and made full arrangements for immediate transfer and care of patient. She followed all principles of Emergency Obstetric care correctly.*
> 3. *Though Social Security Hospital at the time of complaint was not equipped with a qualified gynecologist and operation theater (as now), but had an established referral chain to DHQ Sialkot.*
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> .....
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> 1. *Good medical practice points performed by Dr. Ayesha Ariz Khan.*
> 2. *No clinical negligence found.*

25. In view of the above discussion and keeping in view the available record as well as opinion of the Expert in gynae, the Disciplinary Committee concludes that no evidence of clinical negligence has been found in this case. However, the Committee observes with concern that there was no

gynecologist was available at the hospital and Dr. Ayesha Khurshid who holds simple MBBS qualification had to handle a gynecological case. This aspect has been confirmed by the Medical Superintendent (MS) of Social Security Hospital. He has informed the Committee that they have consultant gynecologist now but when this incident took place there was no gynecologist.

26. The Committee is mindful of the fact that in the instant case was handled by Dr. Ayesha as a matter of policy of the hospital. However, it was responsibility of Dr. Ayesha to refuse and stop doing such procedures for which she is not qualified. No one can force a doctor to do an illegal practice, as the ultimate consequences has to be faced by the patient. The Committee directs Respondent Dr. Ayesha to be careful in future and not to perform procedure for which she is not qualified/trained and authorized. A warning is issued to Dr. Ayesha in the matter. The Committee also directs the M.S of Social Security Hospital Sialkot to take responsibility and take up the matter with concerned authorities to ensure presence of consultants for specialized procedures at all times.

27. 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