



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-1912/2021-DC/PMC

Dr. Neelma Vs Dr. Rizwan Ahmad

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

Present:

Dr. Rizwan Ahmad (31812-P)	Respondent
Brig (R) Dr. Shakil Ur Rehman	M.S Heart & Medical Center, Lahore
Date of Hearing	10.12.2021

I. FACTUAL BACKGROUND

Complaint

1. Dr. Neelma (hereinafter referred to as the “Complainant”) filed a complaint before Pakistan Medical Commission on 14.01.2021 against Dr. Rizwan (hereinafter referred to as the “Respondent”). The Complainant alleged that Dr. Rizwan harassed her multiple times between 30.10.2020 to 17.11.2020 and tried to force her for accepting a proposal for marriage with his brother, while she was performing her duties at Heart & Medical Center, Lahore as a medical officer. She further alleged that on 17.11.2020, Dr. Rizwan came to ER and started shouting on her. He was not maintaining a safe distance so she left the ER. He was shouting continuously and followed me while I was going out from the hospital premises at 01:00 am in the night. Later

on, Dr. Aden Alvi came down from ICU and she told him that she was unable to perform her duties under such circumstances.

II. SHOW CAUSE NOTICE

2. In view of the allegations leveled in the complaint, a show cause notice was issued to Respondent on 17.03.2021 mentioning allegations in the following terms:

4. *In terms of complaint, it has been alleged against you that on 30th of October 2020 you (Dr. Rizwan Ahmed) forced the complainant to consider marriage with your brother and afterwards you continued to telephone her every day, multiple times a day explaining how your brother got married to a woman of questionable character; and*
5. *In terms of the complaint It has been alleged against you that you continued to ask the complainant to refer patients of other specialties to you and after refusing this request you went to the Emergency room and wrote a statement on the complainant's prescription letter, advising medicine without the consent of the complainant; and*
6. *In terms of complaint it has been alleged against you that you continued to harass and bother the complainant by calling her and speaking to her inappropriately while she constantly refused to talk to you and upon her rejection of marriage proposal of your brother, you entered her room one late night and started yelling at her repeated the same thing on 17.11.2020 after which the complainant told to Dr. Aden Alvi who works in the ICU that she is unable to work in such circumstances; and*
7. *In terms of the facts mentioned in the complaint, such conduct of harassment of female colleague at workplace is a breach of code of ethics and service discipline and amounts to misconduct.*
8. *Now therefore, you are hereby served such notice, explaining as to why the penalty shall not impose on you under the Pakistan Medical Commission Act, 2020. You are directed to submit your response within the period of thirty (30) days.*

III. REPLY OF RESPONDENT

3. In response to show cause notice issued by the Disciplinary Committee, the Respondent submitted his reply vide letter dated 15.02.2021 as under:

- a. *It is incorrect that I forced complainant for marriage with my brother. Though it is true that a marriage proposal was considered for my brother and Dr. Neelma. There were whatsapp messages in which on her request I sent my brother's picture and she also sent her own picture.*

- b. Later on, a meeting was arranged with her consent at Heart & Medical Center (HMC). The purpose of meeting was that both Dr. Neelma and my brother could see each other. Dr. Neelma could have refused to attend the meeting. Later on, I came to know that the complainant was already married and she had kids therefore my family stepped back from the proposal.*
- c. There is no prescription pad in the name of complainant and this can be verified from MS of HMC. It is absolutely incorrect that I have misused or altered her prescription pad.*
- d. Dr. Neelma was a medical officer without any postgraduate training in general medicine. Whereas I completed my PG training and had cleared written examination. It was decided by hospital management that I would be referred the medicine patients from 09:00 pm to 4:00 am of which I would be given a certain share of fee by the hospital.*
- e. Dr. Neelma became vindictive, she started making fun and insulting me by making sketches and cartoons of me on HMC writing pad. She continued her vindictiveness by referring the patients during my late night allotted hours to other senior doctors of morning time.*
- f. Regarding the incident of 17th November 2020, the police investigated the staff that was on duty on that particular night i.e. between 17th and 18th November, 2020, namely Ward Master Nazir Ahmed, (OT) Muhammad Bilal and (Staff Nurse) Javeria Mukhtar. The police found that only exchange of hot words took place which didn't consist of any threat or abuse.*
- g. Furthermore, police investigation also endorsed that allegations leveled by Dr. Neelma were not correct. Moreover, Dr. Neelma has failed to present a single piece of evidence in support of her allegations.*

IV. REJOINDER OF COMPLAINANT

4. Reply submitted by respondent was forwarded to the Complainant, Dr. Neelma, for rejoinder. She submitted her rejoinder on 09.06.2021, wherein she denied the assertions of Respondent raised in his reply, she reiterated the allegations leveled in the complaint. She further submitted that Dr. Rizwan claims that he got FCPS training in General Medicine and has passed his written examination but he was working as consultant in HMC hospital and was looking for job on a social media website in 2013 claiming himself FCPS, MCPS medicine. Kindly verify his qualifications.

V. HEARING

5. After completion of codal formalities the matter was fixed for hearing and notices dated 29.11.2021 were issued to the Complainant and Respondent directing them to appear before the



Disciplinary Committee on 10.12.2021. The Medical Superintendent of the Heart & Medical Center, Lahore was also directed to appear before the Disciplinary Committee on the said date.

6. Respondent, Dr. Rizwan Ahmed and Dr. Shakil Ur Rehman (Medical Superintendent) of HMC appeared before the Disciplinary Committee on 10.12.2021 whereas the Complainant remained absent.
7. The Committee enquired from Dr. Rizwan whether he is practicing, he replied that he is not practicing now a days, he left Heart & Medical Center a year ago. He further stated that he will resume his practice soon. The Respondent was asked as to why he has not renewed his license to practice which expired in 2011. The Respondent, however, could not give a satisfactory reply.
8. The Committee also enquired from the Medical Superintendent of Heart and Medical Center as to whether the administration of HMC asked Dr. Rizwan to provide his valid/renewed license issued by Pakistan Medical Commission to which the Medical Superintendent stated that they had verbally asked him on different occasions but there is no evidence in writing in this regard.
9. The Committee further asked from the Medical Superintendent that whether the privileges of Dr. Rizwan were withdrawn by the hospital administration due to non-provision of renewed license. The Medical Superintendent replied in negative and further stated that Dr. Rizwan continued his practice at HMC despite his invalid license.
10. The Committee referred to the reply to the show cause notice filed by the Respondent Dr. Rizwan that "Dr. Neelma was a medical officer without any postgraduate training in general medicine. Whereas I completed my PG training and had cleared written examination". He was specifically enquired from about his post graduate qualification. He replied that he has done his post graduate training from Nishter Hospital in general medicine. Later, during the course of hearing he retracted from his statement and stated that he has passed first year exam and has not qualified FCPS yet. The Committee further asked Dr. Rizwan as to when did he enroll with CPSP and appear in exam, however he could not tell the year of enrollment.

11. The Committee enquired from Dr. Rizwan regarding his duties at Heart and Medical Center as in his reply he stated that *"It was decided by hospital management that I would be referred the medicine patients from 09:00 pm to 4:00 am of which I would be given a certain share of fee by the hospital. Respondent Dr. Rizwan* replied he was working as registrar at the hospital. The Committee asked MS of Heart and Medical Center regarding the duties of Dr. Rizwan at the Hospital. He replied that Dr. Rizwan was working as on call for medicine patients from 09:00pm to 04:00am.

VI. FINDINGS AND CONCLUSION

12. The Committee observed that Dr. Neelma (complainant) had remained absent despite receipt of notice. Moreover there is nothing on record to substantiate allegations of harassment against Dr. Rizwan Ahmed. If anything it appears to be a personal matter relating to a marriage proposal, in respect of which Dr. Rizwan Ahmed has presented the whatsapp messages exchanged with Dr. Neelma including exchange of pictures and setting up of a meeting for Dr. Neelma and Dr. Rizwan Ahmed's brother. It is unfortunate that Dr. Neelma has elected to use a complaint as a leverage to resolve a personal dispute. This is not a practice which is to be taken lightly and, in the future, such frivolous complaints shall consequence in a penalty to be imposed upon the complainant. The complaint to the extent of harassment does not merit consideration and is hereby dismissed.

13. Notwithstanding the dismissal of the accusation of harassment, from the perusal of contents of reply submitted by Dr. Rizwan and his statement before the Disciplinary Committee it is manifest that he had been in active practice till late 2020. At the time of incident, i.e. on 17.11.2020 he was working at Heart and Medical Center, whereas admittedly his license expired back in 2011. Therefore, Dr Rizwan has for over 9 years been practicing medicine with an expired license.

14. The Committee observed that in his reply Dr. Rizwan stated that he has passed his examination and completed his postgraduate training. He during the course of hearing later retracted from his statement and stated that he has passed first year exam and has not qualified FCPS yet. Dr. Rizwan Ahmed even could not tell about the year of enrollment with College of Physician and



Surgeons of Pakistan. Dr. Rizwan's conduct in alluding to have done his postgraduate qualification in his reply and actively working as a medical practitioner for 9 long years without a valid license points to not only his lackadaisical attitude towards his professional obligations but also his disinterest in conducting himself as a professional.

15. It is important to note here that as per sub-section (2) of 32 of Pakistan Medical Commission Act, 2020 the license of a practitioner which has expired or who has not successfully re-validated within the time prescribed shall be deemed to be suspended until such time as it is revalidated in the prescribed manner. The said provision is reproduced below for reference.

Section 32 (2) – PMC Act

The license of a practitioner which has expired or who has not successfully re-validated within the time prescribed shall be deemed to be suspended until such time as it is revalidated in the prescribed manner

16. Furthermore, section 29 (7) of the PMC Act, 2020 provides that every licensed practitioner shall be responsible to maintain his license as valid and in good order. A practitioner shall not be permitted to practice in the absence of a valid license issued by the authority. The said provision is reproduced hereunder:

Section 29 (7) – PMC Act

Every licensed practitioner shall be responsible to maintain his license as valid and in good order. A practitioner shall not be permitted to practice in the absence of a valid license issued by the authority.

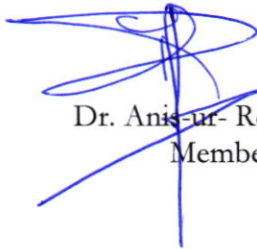
17. From the available record and statement of Dr. Rizwan and MS, Heart and Medical Centre, it is established beyond any doubt that Dr. Rizwan failed to validate his license as required and continued his practice without a valid license and therefore, has violated abovementioned provisions of the PMC Act 2020.

18. In view of foregoing, the Disciplinary Committee has decided to impose a penalty of PKR 200,000/ (Two Hundred Thousand Rupees) on Respondent Dr. Rizwan for practicing medicine for 9 years without a valid license. Aforementioned penalty shall be in addition to late payment charges imposed in the normal course for delayed renewal license. Dr. Rizwan Ahmed is directed


Decision of the Disciplinary Committee in the mater of Complaint No. PF. 8-1912/2021-DC/PMC

to pay the amount of the penalty in the designated bank of the Commission within fourteen (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, failing which license of the Respondent doctor shall be deemed to be suspended and shall remain suspended until such time the fine is paid, irrespective of the same having been renewed during this period by Dr. Rizwan.

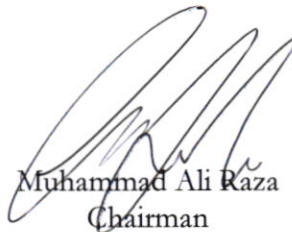
19. The administration of Heart & Medical Centre allowed Dr. Rizwan to continue medical practice despite having knowledge that his license was not valid/renewed. As per the statement of M.S of Heart & Medical Center, Lahore, Dr. Rizwan Ahmed was on call from 09:00pm to 04:00am. and the statement of the Dr. Rizwan that *"It was decided by hospital management that "I would be referred the medicine patients from 09:00 pm to 4:00 am of which I would be given a certain share of fee by the hospital"*. Despite the fact that Dr. Rizwan did not hold any post graduate qualification, he was given the deemed privileges of a consultant. The Heart & Medical Centre it appears has failed to maintain any proper mechanism for grant of privileges to medical practitioners that commensurate their qualifications, as is evident in this case. Further, the duty roaster at the Heart & Medical Centre does not comply with what a healthcare facility is expected to have. In view of foregoing, the Authority is directed to refer the case of Heart & Medical Center, Lahore to the Punjab Healthcare Commission for further necessary action against the health care facility in accordance with applicable laws.



Dr. Anis-ur-Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

26 January, 2022