



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

In the matter of

Complaint No P.F-987/2013-Legal

Mr. Faisal Mumtaz and Mehmood Ahmad Awan Vs Dr. Nasir ud din Khokhar

Mr. Ali Raza	Chairman
Mr. Aamir Ashraf Khawaja	Member
Dr. Asif Loya	Member
Professor Dr. Shajee Siddiqui,	Expert (Medicine)

I. FACTUAL BACKGROUND

Complaint

1. Two separate complaints were filed on 15-02-2013 and 24-02-2013 before the Disciplinary Committee by Mr. Faisal Mumtaz, nephew and Mr. Mehmood Ahmad Awan, friend of patient Mr. Sikander Mehmood (hereinafter referred to as the "Complainants") against Dr. Nasiruddin Khokhar (hereinafter referred to as the "Respondent").
2. According to the Complainants, Mr. Sikandar Mehmood was admitted in the Al Shifa International hospital on 03-09-2012. Patient was diagnosed with Hepatitis B and was discharged after a week discharged against the instructions of family of the patient. Condition of patient deteriorated and again admitted in the hospital. On 30-09-2012 the Respondent told the attendants that he cannot do anything as it's the last stage. Neither family of patient was informed about such condition of the patient earlier nor the patient was referred to some other



concerned doctor. As the patient was not being taken care of by the Respondent and said staff of the hospital, family shifted him to the room (F04) where the patient was given fresh frozen plasma which was ought to have been given earlier.

3. On the night of 01-10-2012 patient was shifted to ICU after requests made by the attendants where Dr. Sharjeel attended the patient and was amazed to find that patient was not tested for his creatinine level which had gone worst and diagnosed the patient with level 4 liver disorder which consequently resulted in the death of patient due to cardiac arrest on 02-10-2012.
4. The Complainants alleged that the Respondent had assured the attendants that patient can live for three to four years without liver transplant. Patient died due to the bad advice and treatment provided by the Respondent and even failed to consider the advice of Dr. Faisal Saud Dar who recommended transplant after perusing the reports of the patient.

Reply of Respondent

5. Complaint was forwarded to the Respondent who replied vide letter dated 20-03-2013 and submitted that the patient being 51 years old was suffering from the chronic hepatitis B, acute flair of hepatitis and had also developed chronic liver disease and physical examination further evinced moderate ascites and poor response whereby after a proper treatment his condition improved and became stable and the patient was discharged accordingly.
6. Patient was again seen on 11th September and complained fatigue, constipation and swelling. After treatment plausibly his condition improved. On 21-09-2012, due to decomposition of liver he continued to have abdominal ascites and on 25-09-2012 he developed black stools and was thought to have gastrointestinal bleeding and further complications as well. Therapeutic paracentesis was performed on 30-09-2012 and other treatments as required but his condition deteriorated. Patient was shifted to ICU but due to his chronic liver disease and other multiple complications could not survive and died. He stated that patient's treatment was exactly according to the standard of care what is expected for these patients.



II. PROCEEDINGS OF DISCIPLINARY COMMITTEE OF ERSTWHILE PMDC

7. Previously this compliant did not come up for hearing by the Disciplinary Committee of erstwhile PMDC.

III. ORDER OF ISLAMABAD HIGH COURT ISLAMABAD DATED 10-03-2021

8. Mst. Shaukat Parveen, sister of the Patient filed a writ petition (WP No. 3582/2013) before the Islamabad High Court raising the issue of professional negligence of the Respondent and the pendency of compliant before the Disciplinary Committee of PMDC. The Hon'ble High court vide order dated 10-03-2021 directed that:

*“In the light of the above, request of the learned counsel for the petitioner seems to be justified, therefore, the petitioner is directed to appear before respondent No.1 after receiving the attested copy of this order, who is directed to decide the complaint submitted by the petitioner, if any pending preferably within a period of two months in accordance with the law.
In view of above direction, instant writ petition stands disposed of.”*

IV. DISCIPLINARY COMMITTEE UNDER PAKISTAN MEDICAL COMMISSION ACT 2020

9. Pakistan Medical and Dental Council was dissolved on promulgation of Pakistan Medical Commission Act on 23 September 2020 which repealed Pakistan Medical and Dental Council Ordinance, 1962. Section 32 of the Pakistan and Medical Commission Act, 2020 empowers the Disciplinary Committee consisting of Council Members to initiate disciplinary proceedings on the complaint of any person or on its own motion or on information received against any full license holder in case of professional negligence or misconduct. The Disciplinary Committee shall hear and decide each such complaint and impose the penalties commensurate with each category of offence.

Hearing on 27-03-2021

10. The Disciplinary Committee held the hearing of pending disciplinary proceedings including complaint of Mr. Faisal Mumtaz on 27-03-2021. On the date of hearing both parties;



Complainant and Respondent were not present. The Committee decided to proceed with the matter.

V. FINDINGS/CONCLUSION OF THE DISCIPLINARY COMMITTEE

11. The Disciplinary Committee observed that in an earlier complaint filed by Mr. Nadeem Akhtar against the Respondent, the Committee has already given its decision in the following terms:

“The Disciplinary Committee has perused the record available with the Pakistan Medical Commission and it is observed that the qualifications of the respondent registered with the Commission; Diplomate of American Board (Internal Medicine) and Diplomate of American Board (Tropical Medicine). The respondent’s claim is that he has been granted privilege by Shifa International Hospital to work as a gastroenterologist on the basis of experience. There exist no additional qualifications obtained by the respondent in the field of gastroenterology registered with the Pakistan Medical Commission. Therefore, while the hospital based on verifiable experience can grant privileges to practice to a consultant in a specific sub specialty, the liability of grant of such privileges rests with the hospital who would therefore, be jointly and severally liable with the consultant in the case of negligence if a patient seeks civil remedy of damages.

The record shows that the respondent doctor’s qualifications noted on the letterhead of Shifa International Hospital include;

- a. MBBS, MD (USA), FACP (USA), FACG (USA), FACTM 9USA), FACIP (USA).
- b. Professor of Medicine.
- c. Practice limited to Gastroenterology and Herpetology.
- d. Diplomate, American Board of International Medicine.
- e. Diplomate, American Board of Tropical Medicine.
- f. Diplomate, American Board of Quality Medicine.
- g. Fellow, American College of Gastroenterology.

Other than two, the remaining qualifications are not registered with the commission and there exists no evidence that the same have been even acquired by the respondent doctor. Placing them on the prescription letterhead of the hospital represents misrepresentation by the



respondent doctor and the hospital both as the same is patently illegal and can only be with the intent to mislead a patient into being induced to be treated by the respondent doctor. The offence on the part of the respondent doctor is actionable by the Pakistan Medical Commission and in respect of which the Disciplinary Committee has jurisdiction. On the culpability of Shifa International Hospital who have allowed the said qualification to be placed on their letterhead without having properly verified the same from the Commission, the matter falls under the jurisdiction of Islamabad Health Regulatory Authority.

The said act amounts to misconduct on part of the respondent to misrepresent his qualifications which is not registered with the Pakistan Medical Commission.”

12. Keeping in view the gross misconduct of the Respondent as established in the previous case the license issued to the Respondent to practice medicine has already been permanently cancelled.
13. Further, the Disciplinary Committee observed that offences provided under Section 34 of the Pakistan Medical Commission Act, particularly section 34(4) clearly spell out that misrepresentation using a title or works or letters not registered with the Commission is as an offence which is triable by Medical Tribunal. Relevant part of Section 34 is reproduced as under:

(4) “Whoever falsely pretends to be registered under this Act as a medical practitioner or dentist and uses with his name any title or works or letters representing that he is so registered with the Authority or uses the word “doctor” or any other nomenclature or designation without legal basis, irrespective of whether any person is actually deceived by such pretence or representation or not, shall be guilty of an offence punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten million rupees but shall not be less than one million rupees or with both.”

14. Moreover, the Disciplinary Committee in previous complaint filed by Mr. Nadeem Akhtar has taken an appropriate action in terms of the criminal acts of the Respondent pursuant to the



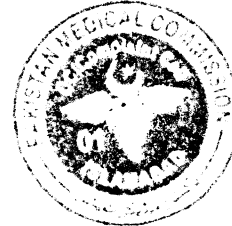
relevant provisions of Pakistan Medical Commission Act 2020, and a separate reference has been decided to be submitted to Medical Tribunal for trial.

15. The Committee also considered the compliance report submitted by the Al-Shifa International Hospital on 26-03-2021 vide letter no. PF-8-778/2011-legal/ DC-ISB-2021. According to the response submitted by Administrator, Shifa International Hospital, privileges of Dr. Nasir Khokhar have been permanently suspended at Shifa International Hospital.
16. In view of above, the Committee decides that appropriate decision in terms of license cancellation and reference to Medical Tribunal has already been taken and communicated to relevant forums. Therefore, no further action is required.
17. The subject proceedings stand disposed of accordingly.

Mr. Aamir Ashraf Khawaja
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman



28th April, 2021