



## BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. 12-comp-200/2018-Legal

Mr. Muhammad Afzal vs Dr. Muhammad Mumtaz Sial

Mr. Ali Raza Chairman

Mr. Aamir Ashraf Khawaja Member

Dr. Asif Loya Member

*Present:*

Brig. Dr. Ambreen Anwar Expert (Obstetrics & Gynecology)

Mr. Muhammad Afzal Complainant

Dr. Muhammad Mumtaz Sial Respondent

Dr. Aijaz Ahmed DMS, Allied Hospital, Faisalabad

### I. FACTUAL BACKGROUND

#### Reference from Punjab Health Care Commission

1. A reference was sent to Disciplinary Committee of erstwhile PMDC on 19-02-2018 by Punjab Health Care Commission in the matter of complaint by Mr. Muhammad Afzal (hereinafter referred to as the "Complainant") against Dr. Muhammad Mumtaz Sial (hereinafter referred to as the "Respondent"). Brief facts of the case are that patient Sahib Bibi W/O Muhammad Ismail (G3P2) was admitted to Saeeda Bano Clinic Jhang, for delivery. The clinic was being run by DHQ Hospital Jhang. As per the Complainant, surgery of Sahib Bibi at Saeeda Bani Clinic continued for 3-4 hours, leading to increased bleeding and deterioration of her condition. The baby expired on the same day whereas mother was taken to DHQ Jhang after 4 days of the operation.



Afterwards she was shifted to Allied Hospital, Faisalabad where she was diagnosed a case of ARF and expired on 08-11-2015.

2. Matter was taken up by the PHCC. During the proceedings it was observed that Dr. Mumtaz Khan Sial had failed to exercise with reasonable competence and skill which he professed to possess which led to delay in treatment and ultimate death of the patient. Saeeda Bano Clinic had committed malpractice and maladministration where C- section was performed in absence of appropriate arrangement that caused blood loss of the patient. The newborn could not be treated at the said clinic as no pediatrician was available and resultantly the baby expired.
3. The Board of the Public Health Care Commission in its findings referred the matter to erstwhile PMDC vide letter dated 19-02-2018 whereby it was concluded that PMDC may take action against Dr Mumtaz Khan Sial for conducting C-Section being a general surgeon at Saeeda Bano Clinic, where the facilities were inadequate to cope with the condition of new-born baby.

#### **Reply of Respondent**

4. Respondent Dr. Mumtaz Khan Sial submitted response vide letter dated 16-03-2021 It was stated that:
  - a. Being FCPS Surgeon, I am eligible/ competent in doing C-Section. Even on the basis of my MBBS Degree I have been authorized to practices in obstetrics by PMDC. Moreover, I have worked as PGR (Post Graduate Registrar) in Gynae Dept (Unit-II) of Nishtar Hospital Multan for a period of 2 Months (Copy attached) So in the light of this submission, this observation also has no footing.
  - b. All the facilities were available at Saeeda Bano Clinic for resuscitation of the new born baby including emergency medicine, baby sucker, laryngo scope, endotracheal tube, Ambu Bag, Oxygen Supply and baby warmer. It is important to note that Health care commission never visited this clinic and gave its verdict on the assumption that facilities may not be adequate. So this observation is also baseless.
  - c. In the light of above submissions, it is most humbly requested that this time barred observation may please be decided on merit and be filed.



5. Respondent Dr. Mumtaz Sial vide letter dated 16-03-2021 made following additional submissions:

- a. This matter has already been enquired by Health Care Commission Punjab and decided on 19/02/2018, Health Care Commission referred the case to PMDC on 19/02/2018 i.e. 3 Years ago. According to rule 32 (Sub Rules 3 & 6) PMC/PMDC had to issue notice within 15 days of the receipt of this complaint and decide the matter within 90 days thereafter. So to initiate process at this stage is against the rules of PMC.
- b. According to notification No. SO(H&D)1-U2006 dated. 15-01-2012 by Government of the Punjab Health Department, No Health facility is bound to preserve the clinical record beyond 3 years. So how is it possible to initiate another enquiry without relevant record.
- c. Two enquiries on the same subject with same allegations and against the same person cannot be conducted on two different forums/ departments according to rules and this case has already been inquired by Health Care Commission although in the most perfunctory manner. Now PMC has no legal provision to enquire it again.
- d. The only thing PMC/PMDC can see is whether he was validly registered with PMC at the time of incidence. Answer is yes which can be verified from record available with PMC. It is therefore requested that the matter may please be disposed of on merit.

#### **Reply filed by Allied Hospital**

6. Response of Dr. Aijaz Ahmad, DMS Allied Hospital, Faisalabad dated 8-01-2016 in the subject matter is reproduced as under:

“This patient was received in medical emergency on 04-11-15 at 5:30 pm & H/o ARF due to PPH. History mentioned in the chart showed that her C Section was 10 days prior to admission in a private hospital. Patient was evaluated by the resident and urgent hemodialysis decision was made (due to the critical condition). Her dialysis was conducted from 9:15 pm -12 am on 4-11-2015. Second session of dialysis was conducted next day i.e. 05-11-2015 from 10 pm – 1:00am



while she was admitted in our unit on 7-11-2015 request was sent to the gynae department for evaluation. Patient remained critical and died on 08-11-15 at 10:30 pm.”

### **PROCEEDINGS OF DISCIPLINARY COMMITTEE OF ERSTWHILE PMC**

7. Matter was taken up the Disciplinary Committee in its meeting held on 28-06- 2019. Complainant appeared however Respondent was absent. The case was adjourned.

### **DISCIPLINARY COMMITTEE UNDER PAKISTAN MEDICAL COMMISSION ACT 2020**

8. Pakistan Medical and Dental Council was dissolved on promulgation of Pakistan Medical Commission Act on 23<sup>rd</sup> 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 20-03-2021**

9. The Disciplinary Committee held the hearing of pending disciplinary proceedings including complaint of Mr. Muhammad Afzal on 20-03-2021. On the date of hearing both parties; Complainant and Respondent were present. Dr. Aijaz Ahmad (DMS), Allied Hospital Faisalabad was present on behalf of MS, Allied Hospital Faisalabad along with relevant record of the patient.
10. Complainant reiterated his allegations against Dr. Mumtaz Sial. Respondent doctor was inquired about indication of the surgery. He responded that previously the patient had C-Section. On examination, fetal heart sounds were decreased. In view of fetal distress consent for the C-Section was sought in the best interest of the baby. APGAR score of the baby was 5-6 at birth and therefore baby was referred to DHQ Jhang (nearest facility) as there was no neonatologist present at the facility.



11. The Committee asked specific question from the Respondent regarding his qualification and expertise in performing C-Sections to which he stated that he is performing C-Section on the basis of his M.B.B.S degree and that he has performed multiple C-Sections.
12. On enquiry regarding general condition of the patient, Dr. Muhammad Mumtaz Sial explained patient was hypertensive. Surgery was uneventful. Post operatively there was no bleeding / infection during the stay with him. Patient was transfused 2 pints of blood which according to the respondent doctor was done because patient was anemic. Her BP however was towards upper limit of normal.
13. He further contends that patient left against medical advice. The complainant however negated the stance of the Respondent doctor and stated that patient's attendants were told to leave.
14. Regarding possible reason of deterioration of the patient, the respondent submitted that there could be possibility of acute on chronic renal failure. Regarding choice and administration of anesthesia the respondent doctor could not provide a satisfactory answer.

**Expert Opinion by Brig. (Retd) Dr. Ambreen Sarwar:**

15. Brig. (Retd) Dr. Ambreen Sarwar was appointed as an expert to assist the Disciplinary Committee in the matter. she has opined that:

*"G3 P2 in SB clinic Jhang for delivery 19/10/2015 Surgery continued for 3-4 hours. Patient received 2 units of RCC postop. Baby girl A? S 5/10 shifted to DHQ expired same day. After 4 days shifted from home (was discharged by the C) to DHQ. Shifted to Allied Hospital, Faisalabad. Dx as ARF. Expired on 8/11/15.*

*Evidence: Dr. Sial said she was operated on the indication of i) previous CS Scar tenderness-the complainant (husband) negated and told the committee both were normal home deliveries ii) Fetal distress. Dr Sial said 1 hour. Upon enquiry Dr Sial said Hb% post op was 10 g/dl – then why 3 to 4 units transfused. LAMA as per R 22/2/2021.*

*Expert opinion: . Clear negligence i)Dr Sial being a general surgeon performed CS ii) based on a false indication iii) Not skilled in Neonatal Resuscitation himself and has no staff available for it iv) Failed to call for help when patient bled intra op v) Suboptimal care post op care, that deteriorated her ARF secondary to Hemorrhage and finally culminated in patient's death. High risk hypertensive patient.*



*Patient's contribution: Unbooked, brought in emergency first time, with no antenatal care. In the best of facilities, care would have remained compromised."*

#### **IV. FINDINGS/ CONCLUSION OF THE DISCIPLINARY COMMITTEE**

16. The Committee has perused the relevant record, submissions of the parties and the expert opinion in the matter. According to allegation raised by the Complainant the patient was admitted to Saeeda Bano Clinic, on 19-10-2015 and C- Section was done on the same day under spinal anesthesia by Dr. Mumtaz Sial himself. The baby expired on the same day whereas mother died after two and half weeks at DHQ Jhang.
17. From available record and facts of the case it is established that a high-risk patient was operated at Saeeda Bano Clinic in the absence of qualified gynecologist, anesthetist and pediatrician. Since the baby was in distress presence of a qualified neonatologist/ pediatrician was essential.
18. The Respondent was asked specific question regarding bleeding and blood transfusion during the hearing which replied that there was no bleeding/infection during the stay at the Saeeda Bano clinic. He took the stance that the patient was transfused 2 pints of blood which according to the respondent doctor was done because patient was anemic. Such stance of the Respondent is in conflict with his own statement that Hb% post op was 10 g/dl. with such value of HB, blood transfusion of 3 to 4 units is not justified. The blood transfusion at Saeeda Bano Clinic is suggestive that bleeding did occur at some point.
19. During the hearing the Respondent doctor made another statement which is not supported by any evidence and goes against the facts. Respondent stated that patient was operated on the indication of previous CS Scar tenderness-the Complainant who is husband of the patient negated and told the committee that their both children were delivered normally at home.
20. It is observed that the patient was sent home after surgery while she was in critical condition. Respondent doctor during the hearing contended that the patient left against medical advice. The Complainant however negated the stance of the Respondent doctor and stated that patient's attendants were told to leave. The Committee however observed that there are no discharge notes present in the record to support the claim of the Respondent. Moreover, when the Respondent was enquired regarding choice and administration of anesthesia, the Respondent doctor could not provide a satisfactory answer to experts during the hearing.



21. Dr. Mumtaz Sial not just gave the patient spinal anesthesia for which he was not qualified, but also performed C-Section on a high-risk patient and was unable to manage the complications. Respondent doctor who is a general surgeon having no expertise of gynecology performed C-Section based on a false indication. He was not skilled in neonatal resuscitation himself and has no staff available for it. Also, failed to call for help when patient bled intra operation. Mismanagement during the surgery and suboptimal post op care deteriorated her ARF secondary to Hemorrhage and finally culminated in her death.
22. Moreover, the Disciplinary Committee has observed that Dr. Mumtaz Sial is misleading the patients by misrepresenting himself as a gynecologist whereas he holds a qualification in Surgery and not Gynecology.
23. It is clarified that in terms of Section 29(2) of the Pakistan Medical Commission Act, 2020 a general practitioner may treat all ordinarily recognized common medical ailments and shall not practice in fields or specialties, as recognized by the Commission for which formal training is required subject to any restrictions prescribed by the Council. Similarly, no medical practitioner shall represent himself as a specialist or practice as a specialist, without having appropriate qualifications, recognized and duly registered by the Commission. Section 29 is reproduced in relevant parts as under:

#### **Section 29 - Licensing**

- (2) A general practitioner may treat all ordinarily recognized common medical or dental ailments and shall not practice in fields or specialties, as recognized by the Commission for which formal training is required subject to any restrictions prescribed by the Council. In life saving emergencies treatment may be provided until ordinarily recognized specialist services can be obtained or a safe referral can be ensured. No practitioner shall represent himself as a specialist or practice as a specialist, without having appropriate qualifications, recognized and duly registered by the Commission.
24. In view of above, the Disciplinary Committee is of the view that Dr. Mumtaz Sial not just gave the patient spinal anesthesia for which he was not qualified, but also performed C-Section on a high-risk patient and was unable to manage the complications. Respondent doctor who is a general surgeon having no expertise of gynecology performed C- Section based on a false indication. He



was not skilled in neonatal resuscitation himself and has no staff available for it. Further, the Respondent doctor Mumtaz Sial is found to have been engaged in deceptive practices by misrepresenting himself as a gynecologist and is also carrying out surgery for which he is not qualified and registered by the Commission. Keeping in view the gross misconduct and professional negligence of the Respondent as established in the instant case through documentary record and for the reasons recorded above, the license issued to the Respondent Dr. Mumtaz Sial to practice medicine is hereby permanently cancelled.

25. The subject proceedings stand disposed of in terms of above directions.

**Mr. Aamir Ashraf Khawaja**  
Member

**Dr. Asif Loya**  
Member

**M. Ali Raza**  
Chairman



**31<sup>st</sup>** May, 2021