



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

In the matter of

Complaint No. PF. 8-1910/2021-DC/PMC

Mr. Muhammad Akram Vs. Dr. Muhammad Saleem & Dr. Nafisa Zaman (15212-P)

Professor Dr. Naqib Ullah Achakzai	Chairman
Professor Dr. Noshad Ahmad Shaikh	Member
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Expert of Gynecology	

*Present:*

Mr. Muhammad Akram	Complainant
Dr. Muhammad Saleem (13331-P)	Respondent No. 1
Hearing dated	21.11.2022

**I. FACTUAL BACKGROUND**

1. Mr. Muhammad Akram (the “Complainant”) filed a complaint on 25.11.2020 against Dr. Muhammad Saleem (the “Respondent No.1) and Dr. Nafisa Zaman (the “Respondent 2”) working at Gulzar Hospital & Maternity Home, Multan (the “Hospital”). Brief facts of the complaint are that:

- a) *The Complainant's wife (the "Patient") was admitted at the Hospital for the treatment of Abdominal tumor. Total Abdominal Hysterectomy of the patient was conducted on 04.02.2019 (regardless of the restraining order passed by Punjab Healthcare Commission against the conduction of any operation at the Hospital). Owed to the professional negligence and incompetence of the Respondent doctors, post-operation, the condition of the patient deteriorated and she later died at Nishtar Hospital, Multan.*
  - b) *The Complainant also mentioned that the Respondent No. 1 had been found negligent by the Punjab Healthcare Commission and the matter was directed to be forwarded to the PMC for further action.*
  - c) *He additionally alleged that the Respondent No. 1 is engaged in private practice while he has been taking Non-practice allowance from the government of Pakistan, which had been proved via an enquiry conducted at Nishtar Hospital and Medical College Multan.*
  - d) *The Complainant requested to take stern action against the Respondent doctors.*
2. The Complainant also filed a complaint of similar nature against the Hospital at Punjab Healthcare Commission, wherein he alleged that Respondent No. 1 & 2 negligently conducted the operation of the patient (Total Abdominal Hysterectomy) on 04.02.2019, and that both the Respondent doctors do not possess any requisite qualification in anesthesia or surgery. The Punjab Healthcare Commission conducted investigation and vide decision dated 08.10.2020 decided as under:

*"...19. After careful perusal of the record, thorough deliberations, considering the oral as well as documentary evidence, the expert's opinion and providing the parties opportunity of being heard, the Board of Commissioners has noted that it is absolutely clear that Respondent HCE was not at all competent to conduct the operation which was conducted and as a result of which the patient expired. The operation was conducted in spite of restraining order of Punjab Healthcare Commission dated 02/02/2019. It is also on record that Respondent HCE's score on the scale of Minimum Service Delivery Standards (MSDS) stands on 12%.*

*a. We proceed to impose a Fine of Rs. 500,000/- upon the Respondent HCE. 20% of the Fine when recovered shall be paid to the complainant*

*b. We also direct that the case of Dr. Muhammad Saleem be sent to the PMC&DC for action in accordance with law. ..."*

## II. SHOW CAUSE NOTICE TO RESPONDENT, DR. MUHAMMAD SALEEM

3. In view of the allegations leveled in the Complaint, Show Cause Notice dated 18.03.2021 was issued to Respondent No. 1, in the following terms:

“...

4. **WHEREAS**, in terms of the Complaint it has been alleged that Punjab Healthcare Commission vide findings dated 02.12.2019 had earlier suspended surgical services at your private Hospital i.e. (Gulzar Hospital & Maternity Home) due to non-availability of trained staff and lack of optimal facilities like surgical equipment but you (Dr. Muhammad Saleem) along with your wife (Dr. Nafisa Zaman) still continued with the surgery of the patient; and
5. **WHEREAS**, in terms of the Complaint the Complainant's wife was admitted at your hospital for the surgery of abdominal tumor but due to lack of facilities at hospital and unsuccessful operation and your professional negligence the patient subsequently died; and
6. **WHEREAS**, in terms of the Complaint it has been alleged that you have been collecting non-practicing allowance as a government employee and you claim to have denied doing any private practice and that you have been proven guilty by the inquiry Committee formed in the matter (chaired by the Vice Chancellor Nishtar Hospital and Medical College, Multan) vide its findings dated 17.10.2019; and
7. **WHEREAS**, in terms of the facts mentioned in the Complaint it is failure on your part to fulfill your Professional responsibilities towards your Patient and also breach of employment term and condition to continue private practice being a government employee and receiving non practicing allowance. Such conduct is highly unprofessional and is severe breach of code of ethics and amounts to professional negligence and misconduct. ...”

## III. SHOW CAUSE NOTICE TO RESPONDENT DR. NAFISA ZAMAN

4. In view of the allegations leveled in the Complaint, Show Cause Notice dated 18.03.2021 was issued to Respondent No. 2, in the following terms:

“...

4. **WHEREAS**, in terms of the Complaint it has been alleged that Punjab Healthcare Commission vide findings dated 02.12.2019 had earlier suspended surgical services at your private Hospital i.e. (Gulzar Hospital & Maternity Home) due to non-availability of trained staff and lack of optimal facilities like surgical equipment but you (Dr. Nafisa Zaman) along with your husband (Dr. Muhammad Saleem) still continued with the surgery of the patient; and
5. **WHEREAS**, in terms of the Complaint the Complainant's wife was admitted at your hospital for the surgery of abdominal tumor but due to lack of facilities at hospital and unsuccessful operation and your professional negligence the patient subsequently died; and
6. **WHEREAS**, in terms of the facts mentioned in the Complain it is failure on your part to fulfill your professional responsibilities towards your Patient. Such conduct is highly unprofessional and a sever breach of code of ethics and amounts to professional negligence and misconduct. ...”

#### IV. REPLY TO SHOWCAUSE NOTICE BY RESPONDENTS, DR. MUHAMMAD SALEEM & DR. NAFISA ZAMAN

5. In response to respective Show Cause Notice(s), Respondent No. 1 on 27.04.2021 and Respondent No. 2 on 06.04.2021 submitted identical, separate responses with objection that the decision of the Punjab Healthcare Commission has been challenged in Court of District Judge, Multan. Further, the Court has suspended the operation of the decision dated 08.10.2020.

#### V. REJOINDER OF THE COMPLAINANT

6. Replies received from the Respondent doctors were forwarded to Complainant through a letter dated 13.09.2021 for his rejoinder. The Complainant submitted his rejoinder on 04.10.2021 and subsequently on 01.03.2022, wherein he reiterated his allegations. Summarily, the Complainant stated in addition to his complaint that the Respondent, with malice, has put blame of conducting surgery on another doctor, intending to save his skin. Further, that the District Judge, Multan has already vacated the injunction order and dismissed the appeal, *in toto*, being relied on by the Respondents.

#### VI. HEARING

7. After completion of codal formalities, the matter was fixed for hearing before the Disciplinary Committee on 21.11.2022. Notices dated 14.11.2022 were issued to the Complainant and Respondents, Dr. Muhammad Saleem & Dr. Nafisa Zaman directing them to appear before the Disciplinary Committee on 21.11.2022.
8. On the date of hearing, the Complainant and the Respondent No.1 attended the hearing in person, however, Respondent No.2 didn't appear before the Disciplinary Committee.
9. The Complainant reiterated the facts of his complaint stating that he was unaware of the suspension of services at the Hospital by Punjab Healthcare Commission and had he known that the Respondents do not possess the appropriate qualification, he wouldn't have taken the patient for treatment to the Hospital, opting to treat the patient at their establishment.
10. The Disciplinary Committee enquired Respondent Dr. Muhammad Saleem about his qualification to which he stated that he possesses MBBS only. He further stated that he administered anesthesia to the patient. The Committee asked the Respondent Dr. Muhammad Saleem whether he possess any post graduate qualification in anesthesia to which he replied in negative.

## VII. EXPERT OPINION

11. Consultant gynecologist was appointed as an Expert to assist the Disciplinary Committee in this matter. The Expert opined as under:
  - (i) *Patient Safooran Bibi/ deceased presented with fibroid uterus & heavy mensural bleeding. This is not a condition which requires emergency surgery (it is an elective procedure).*
  - (ii) *It is important to note that the alleged hospital surgical services had been suspended by the Healthcare Commission on 02.02.2019, due to sub-standard service delivery.*
  - (iii) *Despite this patient was admitted on 04.02.2019 and was operated by Dr. Nafisa Zaman who is MBBS and not qualified to perform complicated gynecological surgery.*
  - (iv) *Anesthesia was administered by Dr. Muhammad Saleem MBBS who is also not qualified to give anesthesia.*

- (v) *Patient was not able to recover from anesthesia/ surgery and was shifted on ambu bag to Nishtar Hospital, Multan where she died on 5.2.2019.*
- (vi) *Gross negligence is evident in this case.*

## VIII. FINDINGS AND CONCLUSION

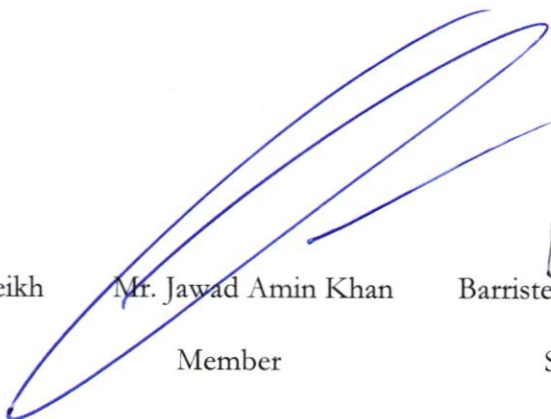
12. The Disciplinary Committee has perused the relevant record, submissions of the parties and the expert opinion in the instant complaint, and noted that both the Respondent doctors possess MBBS qualification only and were not authorized to conduct surgery of the patient or practice in the specialized field without acquiring the pre-requisite qualification, registered with Pakistan Medical Commission, as well, violative of the statutory and regulatory provisions of law. Moreover, at the time of incident there was an order of the Punjab Healthcare Commission which clearly restrained the administration of the Hospital i.e. the Respondents from carrying out any surgical procedure at their hospital.
13. The Disciplinary Committee further notes with grave concern that the Respondent No. 1 has confessed before the Committee that he administered Anesthesia to the patient, while being unqualified to perform such procedure. The Disciplinary Committee has further noted that both the Respondents have avoided to submit reply on merits of the case. Furthermore, Respondent No.2 Dr. Nafisa has failed to appear before the Disciplinary Committee despite receipt of Notice.
14. In light of the fore-going, the Disciplinary Committee concludes that both the Respondent doctors are found negligent. The Committee decides to permanently cancel the license of Respondent No.1, Dr. Muhammad Saleem (13331-P) & Respondent No. 2, Dr. Nafisa Zaman (15212-P). The Disciplinary Committee also imposes a fine of Rs. 10,00,000/- (Rupees one million only) on each Respondent separately, who are directed to pay the amount of fine in the designated bank account of the Pakistan Medical Commission within 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. The Committee further directs that copy of this decision be provided to the CEO of the Punjab Healthcare Commission.

15. This complaint is disposed of in the above terms.



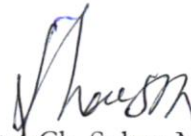
Prof. Dr. Noshad Ahmad Sheikh

Member



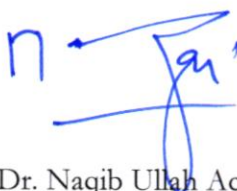
Mr. Jawad Amin Khan

Member



Barrister Ch. Sultan Mansoor

Secretary



Prof. Dr. Naqib Ullah Achakzai

Chairman

21/11 December, 2022