



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. P.F.12-Comp-161/2017-legal

Mr. Muhammad Yaqoob vs Dr. Shahid Farooq and Dr. Ghulam Murtaza

Mr. Ali Raza	Chairman
Mr. Aamir Ashraf Khawaja	Member
Dr. Asif Loya	Member

Present:

Maj Gen (R) Maqbool Ahmed	Expert (Surgery)
Mr. Muhammad Yaqoob	Complainant
Dr. Shahid Farooq	Respondent
Dr. Ghulam Murtaza	Respondent

I. FACTUAL BACKGROUND

Reference from Punjab Health Care Commission

1. The Mr. Muhammad Yaqoob (hereinafter referred to as the "Complainant") filed a complaint before the Punjab Healthcare Commission on 08-10-2015 whereby it was alleged that wife Mst. Shazia Yaqoob was taken to Rayan Hospital, Sambrial on 08-09-2015 for surgery of



tumor. Dr. Tabassam Murtaza informed that the surgery of tumor was required and she along with Dr. Shahid Farooq would do the surgery.

2. The anesthetist was not called and Dr. Ghulam Murtaza along with Dr. Shahid Farooq anesthetized the patient. During the surgery the intestine of the patient was cut and when the doctors realized that the patient was near death, they handed over the patient to the Hospital staff and left with the excuse of going to a wedding.
3. After five days in the Hospital, pus accumulated in the patient's body and her condition became critical. The doctors did not attend the patient in spite of repeated calls and the staff forced the patient out of the hospital without discharge certificate.
4. The patient was taken to CMH Sialkot where she had to be operated again. The doctors at CMH informed that the previous surgery had been negligently performed and intestine had been cut with pus accumulation in the affected parts causing threat to the life of the patient.
5. The case was taken up by Punjab Health Care Commission, whereby it was presented to the expert in the field of Gynecology & Obstetrics, who gave the following opinion on 19-02-2016:

"Infection is a known complication of surgery. Major surgery in this lady had led to post-operative infection. Patient's low immunity due to low Hemoglobin from Dysfunctional Uterine Bleeding was another risk factor."

6. Matter was referred to Pakistan Medical & Dental Council on account of followings:
 - *Dr. Shahid Farooq performing gynecologist surgery on a complicated elective case of previous C section which led to serious complications and multiple surgeries.*
 - *cancellation of his registration / affiliation with reference to the previous two complains i.e. C/2012/43 and C/2013/100.*



- *Dr. Murtaza* giving anesthesia to the patients having no qualification/ expertise for the same.

II. PROCEEDINGS OF DISCIPLINARY COMMITTEE OF ERSTWHILE PMDC

7. Matter was taken up by the Disciplinary Committee on 29-06-2019 at PC Hotel Lahore. Both parties were absent. Case was adjourned for next meeting of Disciplinary Committee.

III. 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 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 fixed the hearing in the matter on 20-03-2021. Both parties were absent.
10. In response to hearing notice the Complainant Mr. Muhammad Yaqoob Akbar informed that patch up has been made with the respondent parties. In this regard an affidavit of the complainant dated 16-03-2021 duly attested by oath Commissioner was received stating that he has withdrawn his case. Moreover, that he had provided affidavit with his will, without any pressure or threat and had forgiven the respondent in the name of Allah Almighty.
11. The Committee considered the settlement between the parties submitted through an affidavit signed by the Complainant and decided not to accede to the request to withdraw his complaint and proceed with the complaint in terms of Regulation 10 of the PMC (Enforcement)



Regulations 2021. Therefore, the Committee directed to issue notice to both respondent doctors to appear before the Committee on 27-03-2021.

Hearing on 27-03-2021

12. The Disciplinary Committee held the hearing of pending disciplinary proceedings including reference by PHCC in the matter of complaint of Mr. Khalid Mehmood on 27-03-2021. On the date of hearing both parties; Complainant and Respondent were present.
13. Dr. Shahid Farooq was asked about the procedure he conducted on the patient and its indication. He stated that he had performed Total Abdominal Hysterectomy (TAH) and indication was P/V bleeding. He further stated that the surgery was uneventful and there was no injury to the gut. After the surgery upon follow up it was observed that there is pus in pelvis and the patient was referred to CMH accordingly.
14. On inquiry of expert, the Respondent Dr. Shahid replied that there was no emergency to perform TAH as was an elective procedure performed by the Respondent. Both respondent doctors admitted during the course of hearing that they did not have the requisite qualifications for the procedure and the anesthesia as well.
15. During the hearing, it was revealed that Dr. Ghulam Murtaza and Dr. Shahid Farooq were partners at the Rayan Hospital where Dr. Shahid Farooq worked as consultant surgeon whereas Dr. Ghulam Murtaza looked after management of the hospital and practiced general medicine. Dr. Shahid is currently working in Daska as District Surgeon and does his private practice too in Daska. Dr. Ghulam Murtaza has now completed MCPS training in Anesthesia from DHQ Gujranwala, however, he has yet not taken his MCPS exam.
16. Dr. Shahid Farooq further stated that it is a standard practice that at DHQ more than 50% of the patients report for TAH and they are referred to general surgeons to perform total abdominal hysterectomies.



Expert Opinion by Maj Gen (R) Maqbool Ahmed

17. Maj Gen (R) Dr. Maqbool Ahmad who was appointed as an expert to assist the Disciplinary Committee in the matter. He has opined that:

“The complainant's wife underwent hysterectomy by Dr Shahid Farooq FCPS (Gen Surgery), at a private hospital (Rayan Hospital Sambrial District Sialkot) under spinal anesthesia. This resulted in gut injury which was missed and this resulted in intra-abdominal abscess. On deterioration of her condition, she was admitted in CMH Sialkot and re-operated which revealed gut injury for which ileostomy/ colostomy was made.

In my opinion this is a case of professional negligence. The surgeon who was inexperienced should not have operated on a gynecological case that too having previous C section without the presence of Gynecologist. There was injury to the gut which was missed as he did not saw the patient post operatively. Moreover, he compelled his colleague Dr Ghulam Murtaza to admit that spinal anesthesia was given by him whereas spinal anesthesia was given by himself.

This is a clear-cut case of professional neglect. Dr. Shahid Farooq should not be allowed to do gynecological surgery and should be warned to be careful in future for neglect in post-operative care and administering spinal anesthesia for which he is not qualified.

Dr. Ghulam Murtaza should also be warned for telling a lie as he first admitted that he has given spinal anesthesia and later disclosed that he did not administer the anesthesia and told a lie on pressure from Dr. Shahid Farooq.”

IV. FINDINGS/CONCLUSION OF THE DISCIPLINARY COMMITTEE

18. The Committee has perused the relevant record, submissions of the parties and the expert opinion in the matter. It is observed that patient was brought to the Rayan Hospital Sambrial which was run by both Respondents on partnership basis. Her total abdominal hysterectomy was performed by Respondent Dr. Shahid Farooq and spinal anesthesia was administered by Respondent Dr. Ghulam Murtaza. During the surgery the intestine of the patient was cut and patient was handed over to the attendants when her condition deteriorated to take her to DHQ and discharged the patient without any discharge certificate.



19. The Committee observes that there was no emergency to perform total abdominal hysterectomy. It was an elective procedure performed by the Respondent Dr. Shahid. Major surgery was performed which led to post-operative infection. He was well aware of the fact before the surgery regarding patient's low immunity due to low hemoglobin from dysfunctional uterine bleeding as a risk factor and was unable to manage the complication.
20. Respondent Dr. Shahid Farooq is a general surgeon, he was inexperienced to have operated on a gynecological case that too having previous C section without the presence of Gynecologist. There was injury to the gut which was missed as he did not see the patient post operatively. Total abdominal hysterectomy performed by the Respondent Dr. Shahid is a case of professional negligence.
21. Mere fact that it has become a standard practice for a general surgeon to perform TAH is not a justified reason to carry out serious and risky surgeries without requisite qualification. Respondent Dr. Shahid is done only MMBS. He has no relevant qualification to carry out such surgeries. Respondent Dr. Shahid Farooq himself has admitted during the hearing that he committed mistake by performing a surgery for which was not qualified. In view of facts and circumstances and the admission on part of Respondent for performing total abdominal hysterectomy without requisite qualifications, the Disciplinary Committee decides to suspend the license of Respondent Dr. Shahid Farooq for two (02) years and he is directed to file a formal request for restoration of his license on completion of suspension period.
22. During the hearing, Respondent Dr. Ghulam Murtaza informed the Committee that he looked after management of their private hospital and he practiced general medicine. Dr. Ghulam Murtaza administered spinal anesthesia to the patient whereas he was not a qualified for it. He has informed the Committee that he has recently completed training in anesthesia from DHQ Gujranwala, however, he has yet not taken his MCPS exam. In view of facts and circumstances and the admission on part of the Respondent Dr. Ghulam Murtaza that he administered anesthesia and practiced skills on the patient for which he did not have the requisite qualification, the Disciplinary Committee decides to suspend the license of Dr. Ghulam



Murtaza for one year (01 year). Dr. Ghulam Murtaza is directed to file a formal request for restoration of his license on completion of suspension period.

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

Mr. Aamir Ashraf Khawaja
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman



31st May, 2021