



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint no. PF.8-1169/2014-DC

**Barrister Jehanzaib Rahim Vs. Dr. Kamran Rashid**

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

*Present*

Brig. Dr. Riaz Ahmed	Expert
Mr. Barrister Jehanzaib Rahim	Complainant
Mr. Shahbaz Yaqoob	Legal Manager, Shifa International Hospital Islamabad.

**Factual Background**

1. Barrister Jahanzeb Rahim filed a complaint on 30-10-2014 against Dr. Kamran Rashid, Dr. Mahmud Shah and Administrator of Shifa International Hospital, Islamabad for their professional negligence. Salient features of the complaint are as under:
  - i. He has stated that on 16-08-2013, he visited Dr. Mahmud Shah, who is specialist of Infectious Diseases in M/S Shifa International Hospital Islamabad for the treatment of mild temperature and sore throat. The said doctor, after physical examination, found swollen lymph nodes in the region of neck, under the armpits and in the lines



of groin and thus advised CT scan and biopsy of lymph nodes. While acting on the advice of Dr. Mahmud Shah CT scan was done on the same day. The said doctor, after going through the images of CT scan diagnosed lymphoma (cancer). His analysis was based on physical examination and images of CT scan only. Dr. Mahmud Shah thereafter referred him to Dr. Kamran Rashid, Oncologist / Hematologist at Shifa International Hospital.

- ii. Dr. Kamran Rashid visited him in the hospital room with an arrogant temper and without touching him or having his physical examination, further advised for the biopsy of bone marrow. Accordingly, the same was also done on 20-08-2013 through a lengthy and painful procedure. Biopsy reports on 26-08-2013 were sent to Board of Oncologist of the Hospital, who through Dr. Kamran Rashid disclosed him in the same arrogant manner that he was suffering from Angio Immunoblastic T-Cell Lymphoma with further clarification that the disease is at stage-4, very aggressive and he should immediately approach Dr. Muzaffer A. Qazilbash at MD Anderson Cancer Centre Houston, Texas, USA for treatment and he further provided his US mobile number / e-mail address. He then, without uttering further word, left the consultation room, leaving him and his family members in a state of shock.
- iii. It is pertinent to mention that no Oncologist (Member of the Board of Oncologist), including Dr. Kamran Rashid, has ever examined him physically or conducted any clinical test or bothered to collect further evidence, in order to confirm the initial diagnosis/biopsy reports.

### **Reply of Respondent Dr. Kamran Rashid**

2. The respondent Dr. Kamran Rashid filed reply on behalf all respondents i.e Dr. Mehmud Shah, Dr. Kamran and Shifa International Hospital Islamabad, vide letter dated 26-01-2015 wherein he stated that:
  - i. Dr. Mahmud Shah saw the complainant on 16-08-2013 when he was presented with fever of unknown origin, sore throat, he had similar febrile illness in 2012 for which



his work done in Agha Khan Hospital with no specific diagnosis made at that time but they were considering T-cell lymph-proliferative disorder.

- ii. On examination the important findings were lymphadenopathy for which he underwent biopsy of axillary lymph node, no other abnormal findings observed on examination. The biopsy result of complainant was suggestive of lymphoma. No evidence of infection was found clinically or with available tissue histology and cultures. Since fever can be reflecting symptoms of lymphoma and the previous report for Aga Khan Hospital was indicative of T-cell lymph proliferative disorder so in absence of any identifying infection it seemed appropriate to refer the complainant to be further evaluated by the oncologist/hematologist therefore, Dr. Mahmud Shah referred the complainant to him.

#### **Reply of Respondent Dr. Mahmud Shah**

3. Respondent Dr. Mahmud Shah did not send his independent reply to complaint or participated in the proceedings before the Disciplinary Committee.

#### **Letter from Shifa International Hospital Islamabad**

4. Mr. Muhammad Naeem, Company Secretary of Shifa International Hospital, Islamabad submitted on 12-07-2017 that Dr. Mahmud Shah had already left the Hospital in February 2014.

#### **Rejoinder of the Complainant**

5. Barrister Jahanzeb filed rejoinder on 24-07-2017 wherein he stated that he is not satisfied with the comments of the respondent doctor. He requested that the complaint may kindly be decided on merit, an appropriate action may be taken against the hospital and the accused doctors and he may be allowed to sue them in the competent court of law.



### **Proceedings of Disciplinary Committee of Erstwhile PMDC**

6. The Disciplinary Committee considered the complaint of Barrister Jahanzeb in its meeting held on 27-04-2019. The Disciplinary Committee observed that the patient was not only facilitated but exemplary professional conduct was set. The patient was handled correctly and professionally. Hence, the complaint is dismissed.

### **Writ Petition Before the Peshawar High Court**

7. Barrister Jahanzeb filed a writ petition vide No. 3250/2019 before the Peshawar High Court, Peshawar titled as Barrister Jahanzeb Rahim Vs. GoP and others. Hon'ble High Court passed an order dated 20-02-2020 whereby it was directed that:

*“Matter is remitted back to the inquiry committee, to be constituted by the respondent no.2/ Chairman, PMDC for conducting fresh inquiry by calling the complainant as well as respondents no. 4 to 6, within a period of 60 days.”*

8. Disciplinary Committee of erstwhile PMDC took up the matter in its meeting held on 23-07-2020 at Islamabad. Dr Kamran Rashid was present. However, the daughter of complainant joined the meeting on skype and requested that the case may kindly be adjourned as the complainant is suffering from corona.

### **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 licence 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 30-01-2021

10. The Disciplinary Committee held the hearing of pending disciplinary proceedings including the matter of Barrister Jahanzeb, on 30-01-2021.
11. Barrister Jahanzeb was present. Legal Manager, Shifa International Hospital appeared along with written request on behalf of Dr. Kamran to seek exemption of appearance in hearing as he had mild symptoms of corona.
12. The complainant stated that Dr. Mahmud Shah, specialist of Infectious Diseases at Shifa International Hospital, Islamabad after physical examination advised him CT scan and biopsy of lymph nodes on 16-08-2013. CT scan was done as prescribed by the doctor. After going through the images of CT scan he diagnosed lymphoma (cancer). His analysis was based on physical examination and images of CT scan. He also submitted that earlier he was admitted in Aga Khan Hospital where he was admitted and treated in 2012 for similar problem of having sore throat and temperature. He was discharged after ten days and was given Panadol. They didn't diagnose anything serious. Agha Khan Hospital's reports were shared with doctors at Shifa Hospital. However, they formed the opinion on the basis of CT Scan and diagnosed that he was suffering from T Cell Lymphoma.
13. They also took samples of Lymph nodes and for that he was sent to operation theatre. He had very bad sore throat. It was agreed with the surgeon that they will not give him full anesthesia but local anesthesia. However, they gave him full anesthesia which further aggravated his sore throat. After taking sample he was sent back to room, however, none of the staff came to see him before discharge. Next day he was referred to Dr. Kamran Rashid, Oncologist. He told



him that biopsy of his bone marrow will be done and that was done the same day with the aim to judge the stage of the disease and not for any other purpose.

14. On 26-08-2013 they allegedly declared that he was suffering from Angioimmunoblastic T-Cell lymphoma (AITCL) and referred him to Dr Muzaffar A. Qazalbash at M.D. Anderson, a cancer hospital in Huston USA. Dr. Kamran Sadiq provided him mobile number and email address of Dr. Muzaffar and without uttering any word he left the consultation room.
15. The doctors diagnosed the disease but neither Dr. Kamran Rashid and nor the board of oncologist physically examined him. Further, no further investigation was done in order to confirm this serious disease. He took samples of lymph nodes as well as bone marrow to Shaukat Khanum Hospital. He was referred by Dr. Kamran to Dr. Sara Hassan who works at Shifa International Hospital, Islamabad for chemotherapy which was also started. Meanwhile report from Shaukat Khanum came which showed that there is no lymphoma, keeping in view the report Dr. Sara stopped giving him Chemo, and advised him to have second review from Aga Khan.
16. Despite Dr. Sara Hassan's advice his wife again approached Dr. Kamran Rashid on 17-09-2013 and told him about the result of report of Shaukat Khanum. She also told him that they are doubting the credibility of Shifa Hospital's report. She asked him that whether they should go to MD Anderson USA or go for to Agha Khan for second review. Dr. Kamran replied that they should not waste time in second review as his disease is at stage and this is very aggressive and malignant, therefore, go to MD Anderson.
17. On 20-09-2013, they reached MD Anderson USA and met Dr. Muzaffar A. Qazalbash who physically examined him and conducted blood tests and confirmed him that there is here is no lymphoma or any other associated disease and it was just infection. Reports of MD Anderson have been provided to Disciplinary Committee.
18. Disciplinary Committee directed the legal Manager Shifa International Hospital to produce the medical record of the complainant including reports from Agha Khan hospital and Shaukat Khanum hospital on 02-02-2021, for examination of the Disciplinary Committee.



### **Expert Opinion of Brig. Dr. Riaz Ahmed**

19. Brig. Dr. Riaz Ahmed was appointed as an expert to assist the Disciplinary Committee. His expert opinion in the matter is that Mr. Jehanzaib Rahim presented with two months history of fever, sore throat and generalize lymphadenopathy to Dr. Mehmud Shah, infectious disease specialist at Shifa International Hospital on 16th March, 2013. He had a similar episode in 2012, presented at Aga Khan Hospital, where a lymph node biopsy revealed suspicion of T-Cell Lymphoma proliferative disorder. Biopsy of axillary lymph node at Shifa revealed Angio-immune blastic T-Cell lymphoma on morphology and Immunohistochemistry. Bone marrow biopsy also confirmed the same disease. The review of same biopsy at Shaukat Khanum Lab read as low grade B-Cell Follicular Lymphoma. The conflicting lab reports alarmed and raised a diagnostic dilemma. To diagnose and reach conclusion in T-Cell disorders. TCR (T-Cell receptor Gene) rearrangement modality is required, which is not available in Pakistan. At MD Anderson, the histopathology reports were reviewed with serological blood test, confirmed to be EBV- induced chronic infection. This issue might have been investigated by infectious disease specialist prior to referral to oncologist in collaboration with laboratory tests. In the light of above oncologist suggested a second opinion to resolve the diagnostic dilemma, which reflect no professional negligence. Rather it needs to check the credibility of laboratory facilities in this regard to impose future outcomes.

### **Findings and Conclusion**

20. Disciplinary Committee has considered the submissions of parties, expert opinion and the documents placed on record. It is observed that the complainant was diagnosed with Angioimmunoblastic T-Cell lymphoma (AITCL) by both Dr. Mahmud, infectious disease specialist and Dr. Kamran, oncologist whereas the real issue found at the MD Anderson USA was chronic infection.



21. Despite Agha Khan hospital's reports related to similar issue of complainant which did not substantiate anything serious, Dr. Mahmud Shah failed to investigate the issue of complainant properly and based on mere CT scan gave diagnosis of T Cell lymphoma. Dr. Kamran Rashid did not examine the complainant or considered the reports of Agha Khan Hospital or even the second review from Shaukat Khanum which was in conflict with the diagnosis/findings of the Dr. Kamran Rashid and lab reports of Shifa Hospital. Disciplinary Committee has seen the reports of Shaukat Khanum Hospital. Findings given in the Shaukat Khanum Hospital reports are as follows:

A Bone Marrow Report dated 10<sup>th</sup> September, 2013 bearing Department Ref # BMR-13-001750, reveals as under:

Note: Para trabecular lymphoid aggregates with increased B-cells is suggestive of involvement by low grade B-cell non-Hodgkin's lymphoma. Follicular lymphoma is in the differential diagnosis.

A Histopathology Report dated 11<sup>th</sup> September, 2013, bearing Department Ref #HIS-13-047832, reveals as under:

Diagnosis: lymph node, referred blocks: a typical lymphoid infiltrate.

Note: Sections show lymph node with residual reactive follicles and interfollicular / paracortical expansion and shows infiltration into perinodal fat. This infiltrate is composed of small lymphocytes with admixed plasma cells, eosinophils and some large immunoblastic cells. CD4 and CD8 immunotoxins show a mixed population of helper and suppressor T-cells. Absence of CD10 expression and lack of expanded CD21 positive follicular dendritic cell meshwork in interfollicular T cell proliferation make angioimmunoblastic T-cell lymphoma unlikely.

22. The above findings of Shaukat Khanum Hospital were enough to raise suspicion on the earlier findings of pathologists at Shifa Hospitals. Instead, Dr. Kamran was persistent on his





diagnosis of Angioimmunoblastic T-Cell lymphoma (AITCL) which he mentioned was at stage 4 and was aggressive and malignant. The Disciplinary Committee is of the view that the issue of complainant should have been investigated and resolved by infection specialist or oncologist in collaboration with laboratory tests which both failed despite the availability of earlier reports of Agha Khan Hospital reports and second review from Shaukat Khanum Hospital.

23. The Disciplinary Committee further observes that the protocol for patient care and handling as followed in complainant's case was not entirely desirable. It is further observed that no proper counseling of complainant was done in view of the diagnosis. The diagnosis being of such serious and critical nature solely based on the reports obtained from Shifa Hospital a second set of tests should have been advised to confirm the initial diagnosis. Dr. Kamran should have shown empathy while informing the patient regarding stage four cancer instead of creating panic in the patient and insisting on his diagnosis when patient himself asked for second opinion or review of findings/diagnosis by doctors at Shifa Hospital.
24. For reasons stated and admitted facts it is determined that Dr. Kamran is not guilty of any negligence in this case and nor was any physical harm caused to the patient by the diagnosis or the partial treatment initiated on the basis of such diagnosis. To such extent the complaint against Dr. Kamran is discharged. However, the Disciplinary Committee has found that the actions of the Respondent doctor in terms of his management of the patient and after his initial diagnosis were less than desirable and on such account the Respondent doctor is issued a warning for ensuring due care and empathy viz patients specially where oncology represents a field which creates serious concerns in a patient and their family even prior to any definitive diagnosis. Notwithstanding the finding above, the Petitioner's right to claim monetary compensation from the Respondent doctor or others on account of the costs incurred by the Respondent doctor as a direct consequence of the diagnosis of the Respondent doctor, which was later shown to be wholly incorrect, remains intact if the Petitioner elects to pursue the same in accordance with law before the appropriate forum being the Medical Tribunal.



25. Further, it is clear from the facts and documents available on record that Shifa hospital's lab did not have the modality to establish monoclonality/oncogenic nature of these lymphomas. The pathologists, prima facie, did not have the ability, resources and methodologies available to arrive at the diagnosis and confirm the malignant nature of lymph node. Despite their constraints, they gave findings of Angioimmunoblastic T-Cell lymphoma (AITCL) which led to ultimate incorrect diagnosis by Dr. Kamran. In view of foregoing, matter is referred to Islamabad Health Regulatory Authority to take appropriate action against Shifa International Hospital Islamabad in accordance with law on the basis of independent evidence without being prejudiced by the findings of the Disciplinary Committee.

26. The subject proceedings stand disposed of in terms of the above directions.

Aamir Ashraf Khawaja  
Member

Dr. Asif Loya  
Member

Ali Raza  
Chairman

23<sup>rd</sup> February, 2021