



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint no.: PF.8-1781/2019-Legal
Dr. Talal Khurshid Vs. Dr. Tariq Sohail

Mr. Ali Raza Chairman

Mr. Aamir Ashraf Khawaja Member

Dr. Asif Loya Member

Present:

Maj Gen Dr. Sohail Hafeez Expert

Dr. Talal Khurshid Complainant

Dr Tariq Sohail Respondent

Dr Shahid Razzaq MS, Doctors Hospital Lahore

Factual Background

1. Dr. Talal Khurshid filed a compliant on 22-04-2019 against Dr. Tairq Sohail. It was stated that on 03-06-2018, the complainant was traveling back from his place of posting (THQ Hospital Lalamusa) to his home town Gujrat when he had a major accident. He suffered from multiple face injuries and his left humerus was fractured. He was immediately taken to Aziz Bhatti Shaheed Hospital Gujrat where he was managed in emergency and was retained in ward. Due to unavailability of maxillofacial and orthopedic surgeon he was referred to Lahore.
2. At Doctor's Hospital, Lahore he was operated on 05-06-2018 by Dr. Tariq Sohail who is an Orthopedic Surgeon, however he did a defective and wrong surgery and plating was not done



properly, resultantly muscles of his left shoulder were damaged during surgery. When plates were removed after six weeks, he found that there was no movement in his left shoulder.

3. Several consultations were made in this regard. Afterwards, no orthopedic surgeon was ready to operate him due to extent of damage done by Dr. Tariq Sohail. At last, Dr. Kamran operated his left humerus on 12-09-2018, however he couldn't achieve the desired result due to damage already done by Dr. Tariq Sohail. The complainant cannot move, stretch or rotate his left arm and this has made his life miserable. He has requested that he may be compensated by the respondent doctor in order to get further treatment and surgeries.

Reply of Respondent Dr Tariq Sohail

4. Complaint filed by Dr. Talal was forwarded to Dr. Tariq Sohail for his response which was received vide letter dated 13-06-2019. He stated that as per hospital record or his memory Dr. Talal Khurshid was operated for multiple facial injuries and dislocation of head of left humerus. The record shows that after surgery he had no interaction or consultation with him. The Complainant has already lodged complaint at Punjab Healthcare Commission, therefore this case may be dropped.

Rejoinder by Complainant

5. Rejoinder was received from the complainant on 06-08-2019 wherein he stated that he is not satisfied with the response of the respondent doctor and requested to place his case before the Disciplinary Committee for justice.

Proceedings of Disciplinary Committee of Erstwhile PMDC

6. First meeting of the Disciplinary Committee in the matter was held on 10-06-2020. The matter was adjourned with the direction to the complainant to provide his latest MRI and X-rays.
7. Second meeting of the Disciplinary Committee in the matter was held on 23-07-2020 at Islamabad. Both parties were present. The complainant reiterated his stance and requested the Disciplinary Committee for separate specialist board with at least three experts. He also



requested that the experts may be appointed from province other than the province of incidence which is Punjab.

8. The respondent doctor stated that the outcome of such surgeries is primarily dependent on the magnitude of the trauma much more than the surgery itself. He added that there had been multiple applications filed by the complainant before different forums including Supreme Court, Punjab Health Care Commission. Writ petition has also been filed by the complainant before Lahore High Court. The complainant stated that there are no restraining orders from any court of law and PMDC is not even a party in the case sub-judice in courts. Further, he completely believes in the authority of PMDC and also believes that this is the only platform which can evaluate the matter from technical grounds.
9. Brig. Professor Sohail Amin, expert appointed to assist the Disciplinary Committee was of the view that the complainant should submit an affidavit to prove his confidence in PMDC and withdrawal of his letter dated 22-07-2020.
10. The Disciplinary Committee after hearing the parties, decided to constitute a board of experts from provinces excluding Punjab being the province of incidence, with at least one expert of sub-specialty of shoulder. The complainant was directed to submit a statement on affidavit that he will withdraw all petitions sub-judice at other courts of law, stating his confidence and willingness to pursue the case at one platform that is PMDC, to avoid probability of varying decisions at different courts of law.
11. Afterwards, the complainant submitted an affidavit to state that he has trust in Disciplinary Committee of PMDC and withdrew his earlier comments. Also, board of experts was constituted, case brief was shared with them, however no further proceedings were done by the board of experts.

Disciplinary Committee under Pakistan Medical Commission Act 2020.



12. 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 30-01-2021

13. The Disciplinary Committee held the hearing of pending disciplinary proceedings including complaint of Dr. Talal Khursheed, on 30-01-2021.
14. Both parties were present. Complainant, Dr. Talal Khurshid reiterated his allegations against Dr. Tariq Sohail. Dr. Tariq Sohail denied all the contents of complaint and stated that he has been maligned on electronic media and different forums and complainant has still not submitted the undertaking that he has withdrawn all petitions.
15. Further, he submitted that he had seen the complainant only once after surgery. Further, he did not remove K-wires after surgery, therefore it is assumed that K-wires could have been removed by some other outside doctor. It is not known when they were pulled out as they could have been pulled out very easily. Medical Superintendent present in the hearing also supported his contention by stating that there is no record of such procedure of the patient at their hospital. However, the complainant submitted that K-wires were removed by Dr. Tariq after one week of surgery. After removal of K-wires, he again visited Dr. Tariq.
16. When complainant was inquired by the expert that whether exercises and physiotherapy was advised by the respondent doctor, the complainant response was in affirmative. However, he did not pursue physiotherapy as he was told that it will be settled by itself. Further, on inquiring by expert that why didn't he follow up with the respondent doctor after surgery, even if he was dissatisfied. He responded that that he had lost complete trust in the doctor.



17. Expert further asked questions to Dr. Tariq Sohail about the surgery and treatment of complainant and requested the Disciplinary Committee to examine the complainant at his clinic and go through his medical record. Medical Superintendent Doctors Hospital handed over the record of the complainant to expert.
18. Physical examination of complainant by the expert was carried out on Tuesday, 02-02-2021. Based on the physical examinations and perusal of medical record, the expert submitted his detailed expert opinion on the issue.

Expert Opinion of Maj Gen Dr. Sohail Hafeez

19. To decide the case, one has to consider two points. One, whether there is any negligence in the surgery performed by Prof. Tariq Sohail; second what is present disability of the patient and any contribution by primary surgeon in this disability.
 - a. Dr. Talal Khurshid sustained Neer IV fracture dislocation of left proximal humerus which was treated by open reduction & internal fixation by K wires & PHILOS by Prof Tariq Sohail. Although the fixation was sub-optimal, but some surgeons suggest minimal dissection to prevent further injury to soft tissues and to preserve blood supply of the head, a course probably followed by Prof. Tariq Sohail. Absence of avascular necrosis of head of humerus in this case may support this approach. There is no evidence of negligence or lack of expertise to perform the index surgery on the part of Prof. Tariq Sohail.
 - b. At present Dr. Talal has 24% disability of left upper limb as per AMA guidelines. The reason of impaired motion could be injury itself, repeated surgeries, proud IM nail leading to rotator cuff injury and lack of adequate post-operative exercises/physiotherapy. Prof. Tariq Sohail did advise him exercises in his post op visit but Dr. Talal admits that he could not carry out exercises due to pain and lack of awareness. Lack of exercises is the primary reason of post-operative stiffness especially in the shoulder region. There is no evidence to suggest that surgery done by Prof Tariq Sohail contributed to his present disability.



Findings/Conclusion of the Disciplinary Committee

20. At the outset we would like to clarify on the contention raised by the respondent doctor Tariq Sohail that he had been maligned and on electronic media and different forums by the complainant and complainant has still not submitted the undertaking that he has withdrawn all petitions. The committee is of the view that the complainant has the right to file a court case or lodge complaint to any competent forum for redressal of his grievance and no such order can be passed by the Disciplinary Committee to restrict the complainant from exercising his right.
21. The Committee has perused the relevant record, submissions of the parties and the expert opinion in the matter with respect to the issue raised by the complainant regarding professional negligence by Dr. Tariq Sohail. It is observed that complainant's assertion is that Dr. Tariq Sohail who is an Orthopedic Surgeon, did a defective and wrong surgery and plating was not done properly, resultantly muscles of his left shoulder were damaged during surgery. Due to professional negligence of Dr. Tariq he could never recover completely and has reduced range of movement at shoulder joint. On the other hand, the Respondent Dr. Tariq Sohail's stance is that outcome of such surgery is primarily dependent on the magnitude of the trauma much more than the surgery itself. Further, he claimed that he had seen the complainant only once after surgery. He did not even remove K-wires after surgery and there is no record of such procedure at the hospital as well. However, the complainant has disputed this fact and submitted that K-wires were removed by Dr. Tariq after one week of surgery.
22. Expert has perused the medical record provided by the complainant and the Doctors Hospital Lahore with respect to surgeries and treatment of complainant. He also carried out physical examination of complainant. Based on the record and examination he is of the view that:
- Dr. Talal Khurshid sustained Neer IV fracture dislocation of left proximal humerus which was treated by Open reduction & internal fixation by K wires & PHILOS by Prof Tariq Sohail. Although the fixation was sub-optimal, but some surgeons suggest minimal dissection to prevent further injury to soft tissues and to preserve blood supply of the



head, a course probably followed by Prof. Tariq Sohail. Absence of avascular necrosis of head of humerus in this case may support this approach. There is no evidence of negligence or lack of expertise to perform the index surgery on the part of Prof. Tariq Sohail.

- At present Dr. Talal has 24% disability of left upper limb as per AMA guidelines. The reason of impaired motion could be injury itself, repeated surgeries, proud IM nail leading to rotator cuff injury and lack of adequate post-operative exercises/physiotherapy. Prof. Tariq Sohail did advise him exercises in his post op visit but Dr. Talal admits that he could not carry out exercises due to pain and lack of awareness. Lack of exercises is the primary reason of post-operative stiffness especially in the shoulder region. There is no evidence to suggest that surgery done by Prof Tariq Sohail contributed to his present disability.

23. Considering the facts of the case, documents available on record and the expert opinion, the Disciplinary Committee is constrained to believe that is no such evidence available showing professional negligence on the part of Prof. Tariq Sohail in performing the surgery of complaint.

24. The subject proceedings stand disposed of accordingly.

Aamir Ashraf Khawaja
Member

Dr. Asif Loya
Member

Ali Raza
Chairman

23rd
February, 2021