BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-1919/2021-DC/PMC

Dr. Muhammad Ishtiaq Shaikh Vs. Dr. Anisuddin Bhatti and Dr. Abdul Basit

Mr. Muhammad Ali Raza	Chairman
Dr. Anis-ur- Rehman	Member
Dr. Asif Loya	Member

Present:

Dr. Anisuddin Bhatti (6280-S)	Respondent No.1
Dr. Abdul Basit (71881-S)	Respondent No.2 (on Zoom)
Dr. Rashid Saeed	Expert (Orthopedic Surgeon)
Hearing dated	04.06.2022

I. FACTUAL BACKGROUND

1. Dr. Muhammad Ishtiaq Shaikh (hereinafter referred to as the "Complainant") filed a complaint on 29.03.2021, against Dr. Anis uddin Bhatti (hereinafter referred to as the "Respondent No.1) and Dr. Basit (hereinafter referred to as the "Respondent No. 2") working at Ziauddin Hospital Clifton Campus, Karachi.

2. The Complainant submitted that his 07-month-old daughter had congenital foot deformity and was treated by Respondent No.1 who put serial reverse ponseti casting on the foot of the baby. On 26.03.2021, they visited Ziauddin Hospital Clifton campus for removal of casting where

Respondent No. 2 started the removal procedure with a cast-saw and started to cut the cast. The Complainant alleged that upon removal of casts the exposed legs of the baby had multiple deep 2nd degree burns. The injuries occurred due to the callous negligence of the doctor. The Complainant requested to take a strict action against the Respondents.

II. SHOW CAUSE NOTICES

3. In view of allegation leveled in the Complaint, a Show Cause Notice was issued to Respondent No. 1 Dr. Anisuddin Bhatti on 30.03.2021 mentioning allegations in the following terms:

4. ***WHEREAS,*** *in terms of Complaint, it has been alleged that on Friday 26.03.2021 Complainant had an appointment with you for his 07 months old baby Mariyah Shaikh (hereinafter referred to as the "Patient") who had congenital foot deformity for which you put serial reverse ponseti casting whereby complainant took the patient for said cast removal. Upon arrival Dr. Basit (your resident) under your supervision started the procedure with a cast-saw and started to cut the cast while complainant was present inside minor OT on the 2nd floor along with his wife; and*

5. ***WHEREAS,*** *in terms of the Complaint it has been alleged that Dr. Basit, being your resident, started cutting the cast and he was getting too deep. Despite insistence of the complainant he continued and when the cast was removed there were multiple deep second degree burns on both legs of the patient; and*

6. ***WHEREAS,*** *in terms of the Complaint the Complainant approached you to complain on Dr. Basit's competency and informed about the condition of the patient which you completely ignored and showed a casual attitude by saying that "aisa ho jata hay" and also suggested to put another cast on her severely burned legs; and*

7. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint, such conduct is a breach of code of ethics and service discipline and amounts to professional negligence/ misconduct.*

4. In view of allegation leveled in the Complaint, a separate Show Cause Notice was also issued to Respondent No. 2, Dr. Abdul Basit on 30.03.2021 mentioning allegations in the following terms:

5. ***WHEREAS,*** *in terms of Complaint, it has been alleged that on Friday 26.03.2021 Complainant had an appointment with Dr. Anisuddin Bhatti for his 07 months old baby, Mariyah Shaikh (hereinafter referred to as the "Patient") who had congenital foot deformity for which Dr. Anisuddin put serial reverse ponseti casting and Complainant took his baby for cast removal. Upon arrival you being resident under supervision of Dr. Anisuddin started the procedure with a cast-saw and started to cut the cast while Complainant was present inside minor OT on the 2nd floor along with his wife (who is also a Nephrology final year resident waiting for the exit exam; and*

6. ***WHEREAS,*** *in terms of the Complaint it has been alleged that you started cutting the cast and was getting too deep. Despite insistence of the Complainant you continued and when the cast was removed there were multiple deep 2nd degree burns on both legs of the patient; and*

7. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint, such conduct is a breach of code of ethics and service discipline and amounts to professional negligence/ misconduct.*

III. REPLIES TO SHOW CAUSE NOTICE

5. Dr. Anis uddin Bhatti submitted reply to Show Cause Notice on 15.04.2021, wherein he contended as follows:

a) *Baby Mariyah Shaikh aged 07 months was getting treatment by me with Reverse Ponseti serial casting (Gypsona material) for Congenital Vertical Talus. This is a standard method of treatment. She had 4 serial cast and her treatment started on 29.01.2021.*

b) *During application of 1st and 2nd cast, I explained to the family of the baby and advised removal of cast at home by soak, soften, droll and remove. I have explained & convinced the family of baby that removal of cast with machine may result friction burn (superficial) cuts & machine voice cause mental irritation of baby as well.*

c) *The baby was not responding to serial cast, confirmed on radiographic findings as well, she was advised (on 3rd & 4th cast assessment) a Minimal Invasive Surgical (Dobb's) procedure under General Anesthesia. The family of this patient however avoided to have that mini invasive surgical option and opted to continue serial casting option, despite explanation given to them that serial casting is meant only, to stretch tight lateral structure of the feet, Mini invasive or open surgical option is needed as per protocol of treatment for the Vertical talus.*

d) *On 13th March (application of 5th serial cast), on detailed exploration, why baby was not responding to casting, the parents told that baby breaks Plaster & makes it soft at heel & toes. Hence, parents were advised for application of 1-2 layer of Fiber cast over the Gypsona (as per standard protocol), that give stability to cast, and cast shall be removed with a Machine and they agreed.*

e) *On 26th March 2021 plaster was removed as per practice, by the second year MS Orthopaedic Surgery Trainee (on 3 months' rotation to me) and regular staff at Minor Operation. The patient/ baby due to her age was shaking her body continuously (as usual), despite holding & pacifying by her parents and this fact was also disclosed to the parents. During the removing of plaster baby received an un-intentional friction burn and said burn was not deliberate nor intentional. I informed this to her parents and immediately attended the baby at minor OT, examining her, cleaned and washed legs and applied Polyfax and at that time friction burns were not deep.*

f) *I pacified the parents by explaining incidences of friction burn and discussed for next application of cast or mini-invasive surgery option. They opted for serial casting, that I advised after few days till friction burn settle and advised Panadol drops, 2-3 times, apply of polyfax and Ceclor drops. Due to this, they left the minor OT at ease. The parents did not receive the prescription from Dr. Basit, which is sole negligence of the parents of baby patient.*

a) *On the same evening, I called Complainant but he did not respond to my call. My behavior with parents / patient prior to that day and on faithful day as well was absolutely polite / pacifying and does not fall in any breach of code of ethics.*

6. Dr. Basit submitted reply to Show Cause Notice on 08.07.2021 wherein he contended as follows:

a) *I started the procedure with a POP cutter and started to cut the cast as instructed by Respondent No.1. The baby was screaming even prior to the procedure. However, POP cutter usually does not cut the skin, but the cast was doubly applied (i.e. Dynacast over POP cast) which was done because of the irritability of the child as she broke the cast always on the first day (as described by her mother) for that reason I had to go slight deep.*

b) *The baby was so irritable and moving her legs that POP cutter blade got twisted. Respondent No. 1 entered in minor OT and watched the procedure and was satisfied. He examined the minor cuts and advised to apply polyfax and xylocaine which was done.*

c) *Respondent No. 1 described this complication to the parents on the first casting but parents of the patient took their child in anger without taking prescription. I tried to apologize them over there. I would like to express my sorrow about this unfortunate happening and accept my mistake which was actually a mechanical fault.*

d) *I will surely change my working strategy and will take the necessary precautions to make sure this kind of incident does not happen again.*

IV. REJOINDER

7. Reply received from the Respondent doctors were forwarded to Complainant for his rejoinder. The Complainant did not submit his rejoinder. The Complainant later on informed through email that the Respondents have apologized regarding the incident and he does not want to pursue his complaint.

V. HEARING

8. After completion of codal formalities, the matter was fixed for hearing before the Disciplinary Committee on 04.06.2022. Notices dated 18.05.2022 were issued to the Complainant and Respondents directing them to appear before the Disciplinary Committee on 04.06.2022.

9. Respondent No.1 Dr. Aneesuddin Bhatti appeared in person whereas Respondent No. 2 attended the hearing through zoom, the Complainant remained absent on the said date of hearing.

10. The Committee inquired from Respondent Dr. Abdul Basit to briefly explain the facts of the event. The Respondent Dr. Abdul Basir stated he was on routine duty that day when the patient was brought for cast removal. He examined the patient and shifted her to minor OT for cutting of cast. The patient was irritable and both the parents were also inside the minor OT. He proceeded for cutting the cast of the irritable patient. After the cutting was completed there were minor cuts on the skin of the patient for which he apologized from the patient's attendants. The next day he again apologized if the parents feel him responsible for the cuts occurred on the skin of the patient during cast cutting.

11. The Committee inquired from the Respondent Dr. Abdul Basit whether he made an apology in writing or if it was a verbal apology, to which he responded that it was a verbal apology and not a written apology.

12. The Committee inquired from Respondent Dr. Anisuddin Bhatti about brief facts of the case to which he responded that patient baby Mariyah Shaikh aged 07 months was getting treatment by him with reverse ponseti serial casting for Congenital Vertical Talus. This is a standard method of treatment. She had 4 serial cast and her treatment started on 29.01.2021. On 13.03.2021 (application of 5th serial cast), on detailed exploration, he inquired from parents that why baby was not responding to casting, to which they answered that baby breaks Plaster & makes it soft at heel & toes. Hence, parents were advised for application of 1-2 layer of Fiber cast over the gypsona, that gives stability to cast and cast shall be removed with a machine and they agreed.

13. Respondent Dr. Anisuddin Bhatti further stated that on 26.03.2021 plaster was removed as per practice by MS Orthopedic surgery trainee and regular staff at Minor Operation Theater. The patient due to her age was shaking her body continuously, despite holding & pacifying by her parents. During the removing of plaster baby received an un-intentional friction burn and said burn was not deliberate nor intentional. He informed this to her parents and immediately attended the baby at minor OT. The parents were briefed about incident of friction burn and discussed for next application of cast or mini-invasive surgery option. Parents opted for serial casting and the same was scheduled to be done after few days till friction burns settle. Patient was advised Panadol drops, 2-3 times, application of polyfax and Ceclor drops. On 3rd day the parents took the patient to burn unit where wound was washed and parents took some photographs as well. The incident

was reported the incident to MS Ziauddin Hospital. Respondent Dr. Anisuddin Bhatti further submitted that the matter was investigated by hospital as well and he submitted his written statement to Hospital. Respondent Dr. Anisuddin Bhatti further added that on the same evening, he called Complainant to ask about his kid as they are colleagues and working in the same hospital but he did not respond to call and then he send a courtesy email.

14. The Expert asked Respondent Dr. Anisuddin Bhatti if he examined the patient after this injury, and that how deep was the wound, to which he responded that he immediately examined the patient, washed the bruised area and applied polyfax himself. Furthermore, the wound was not at all bleeding and it was looking like dust.

15. The Expert asked Respondent Dr. Anisuddin Bhatti if he applied any stitch to the wound to which he responded that as the wound was not bleeding and it was only superficial bruise so there was no reason to stitch it.

VI. EXPERT OPINION

16. Professor Dr. Rashid Saeed was appointed as Expert to assist the Disciplinary Committee in the instant matter. The opinion of the expert is reproduced hereunder.

> "Dr. Anis Ud Din Bhatti applied a foot cast on the baby and the cast was removed by Dr. Abdul Basit on 2 6/3/2021. Unfortunately, while removing pop cast the baby had multiple abrasions caused by the pop cutter. After questioning to Dr. Anis Ud din Bhatti & Dr. Abul Basit it was concluded that the abrasions were minor which were caused by the continuous movements of the baby. Since these abrasions were of minor nature and healed well within a few days. Minor abrasions can occur in babies who move continuously during the procedure as the noise of the cutter babies sounds scary to them.
>
> In my opinion there was no negligence committed by Dr. Anis Ud din Bhatti & Dr Abdul Basit in this case."

VII. FINDINGS AND CONCLUSION

17. At the outset the Disciplinary Committee would like to address the application of the Complainant for withdrawal of complaint as submitted by the Complainant through his email dated 07.04.2021. The Committee has considered the application of the Complainant and decided to proceed with the complaint in terms of Regulation 10 of the PMC (Enforcement) Regulations 2021. Regulation 10 provides that the Disciplinary Committee may refuse withdrawal of complaint and proceed with the complaint in the absence of the complainant. It is clarified that such requests for withdrawal are not binding on the Disciplinary Committee of Pakistan Medical Commission and being regulator of medical/dental practitioners, the Commission is fully mandated to look into any reported incident of medical negligence or misconduct, irrespective of any financial or compensatory settlement between the parties.

5. After perusal of the record and statements of the Respondent the Disciplinary Committee has noted that patient Mariyah Shaikh (daughter of the Complainant) 07-month-old had congenital foot deformity and was treated by Respondent No.1 who put serial reverse ponseti casting on her feet. She had 4 serial cast and her treatment started on 29.01.2021. On 13.03.2021, 5th serial cast was applied however due to poor response to casting the Respondent advised the parents for application of 1-2 layer of Fiber cast over the Gypsona, to ensure stability of cast.

6. On 26.03.2021, the Complainant brought the patient to Ziauddin Hospital Clifton campus for removal of casting, where Respondent No. 2, Dr. Abdul Basit, started the removal procedure with a cast-saw and started to cut the cast. During the removal of cast some burns occurred at the legs of the patient.

7. As far as the allegation of the Complainant regarding deep burns is concerned, there is no such evidence provided by the Complainant to establish this allegation. Furthermore, to investigate the burn/wound the Expert during the hearing specifically enquired the Respondent Dr. Anisuddin Bhatti who responded that he immediately examined the patient, washed the bruised area and applied polyfax. The wound was not at all bleeding and it was looking like dust. The expert further asked the Respondent Dr. Anis if he applied any stitches to the wound to which he stated that the wound was not bleeding and it was only superficial bruise so there was no reason to stitch it.

8. The Expert during the hearing clarified that such superficial burns do occur especially in cases of young age patients like the Complainant's daughter in this case. The children often become irritated due to sound of the cutter and as a result small/superficial burns do occur. The written opinion of Expert in this regard is reproduced hereunder:

"The findings were that Dr. Anis Ud Din Bhatti applied a foot cast on the baby and the cast was removed by Dr. Abdul Basit on 2 6/3/2021. Unfortunately, while removing pop cast the baby had multiple abrasions caused by the pop cutter. After questioning to Dr. Anis Ud din Bhatti & Dr. Abul Basit it was concluded that the abrasions were minor which were caused by the continuous movements of the baby. Since these abrasions were of minor nature and healed well within a few days. Minor abrasions can occur in babies who move continuously during the procedure as the noise of the cutter babies sounds scary to them.

In my opinion there was no negligence committed by Dr. Anis Ud din Bhatti & Dr Abdul Basit in this case."

9. The Disciplinary Committee has further noted that after the incident Respondent Dr. Anisuddin Bhatti handled the situation professionally as he himself examined the patient and advised future course of treatment. He also appropriately counselled the parents. His subsequent email to the Complainant explaining the incident shows that he had made all efforts to console and clarify the Complainant regarding the incident. The Respondent Dr. Anisuddin has placed on record emails exchanged with the Complainant after the incident. An email dated 01.04.2021 was written by Respondent Dr. Anisuddin to the Complainant stating

"I do understand the mental agony you, your family are going through and physical ailment the baby Maria is having. I tried many times to contact you since that unfortunate day, but not attended from your side……however, I submit my apologies without arguments for what happened for your mental agony and baby os suffering from. Moreover, orthopedic department is also holding a morbidity meeting very soon to fix the responsibility to take our disciplinary action and facilitate trainees and staff to avoid such incidents to happen again."

Further Respondent Dr. Anisuddin sent another email to the Complainant on 02.04.2021

"…..inshallah it shall never happen to any baby or adult as well. We are taking protecting measures for that"

10. It would be relevant to note here that the Council's expectations from the medical and dental practitioners are that they perform their duty towards their patient with honesty and empathy. Counselling of the patient or attendants is a basic right of all patients. In this case approach of Dr. Anisuddin Bhatti after the incident is commendable keeping in view that it was a minor known complication of the procedure.

11. Further, Respondent No.2 Dr. Abdul Basit had also after the incident apologized the parents and this fact was also verified by the Complainant in his application for withdrawal submitted to Disciplinary Committee.

12. In view of above deliberations and after considering the statements of the Respondents and documents available on record and the Expert opinion, the Disciplinary Committee is of the view that no medical negligence has been proved in this case. Accordingly, the complaint is disposed of.

Dr. Anis-ur-Rehman
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman

20th July, 2022