



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-1998/2021-DC/PMC

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

Present:

Dr. Asad Fayyaz (44094-P)	Respondent
Hearing dated	04.06.2022

I. FACTUAL BACKGROUND

1. Dr. Asad Fayyaz (Reg. No. 44094-P) is practicing at Khawaja Clinic, Kot Kamboh Manawan, G.T Road, Lahore. An information was received at the Disciplinary Cell, Pakistan Medical Commission (the Commission) on 31.08.2021 against Dr. Asad Fayyaz that he has imprinted unregistered degree(s)/qualifications on his letterhead as FCPS (1), I.M.M (MED). As per registration record of the Commission Respondent Dr. Asad Fayyaz has got only basic medical qualification registered with the Commission under registration No. 44094-P and no post-graduate/additional/alternate qualification is registered against his name.

II. SHOW CAUSE NOTICE

2. In view of the information, a Show Cause Notice was issued to Respondent Dr. Asad Fayyaz on 01.09.2021 mentioning allegations in the following terms:

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“... ”

3. **WHEREAS**, Section 29 (2) & (8) of Pakistan Medical Commission Act 2020, clearly states that a general practitioner shall not practice in fields or specialties, as recognized by the Commission for which formal training is required. No practitioner shall represent himself as a specialist or practice as a specialist, without having appropriate qualification, recognized and duly registered by the Commission. Further, no medical practitioner shall be permitted to represent in Pakistan as having acquired or seek to practice a specialty unless the same is duly registered on his license by the Authority; and
4. **WHEREAS**, information has been received, on 31st August 2021 by the Disciplinary Committee of Pakistan Medical Commission (PMC) (hereinafter referred to as the “Information”) which is attached as Annex I and shall be read as an integral part of this notice; and
5. **WHEREAS**, in terms of information, it is observed that, you are practicing at Khawaja Clinic, Kot Kambob Manawan, G.T Road Lahore and are registered with Pakistan Medical Commission under Registration No. 44094-P, whereby you have got the degree of Basic Medical Qualification only; and
6. **WHEREAS**, in terms of information, it is observed that, other qualification(s) imprinted on your stamp/prescription are FCPS (I), I.M.M (MED), which are not registered by PMC, on your license; and
7. **WHEREAS**, in terms of Section 29 (2) & (8) of PMC Act, 2020, you are not permitted to represent in Pakistan as having acquired or seek to practice a specialty unless the same is duly registered by PMC on your license; and
8. **WHEREAS**, in terms of the facts mentioned in the information, it is failure on your part to fulfill your professional responsibilities. Such conduct is a breach of code of ethics and amounts to professional negligence/misconduct.....”

III. REPLY TO SHOW CAUSE NOTICE

3. Dr. Asad Fayyaz submitted his reply to Show Cause Notice on 23.09.2021 wherein he contended that:
 - a. After having learnt about the law regarding titles used by doctors, I have changed my clinic board, stationery and stamp. The clinic staff inadvertently stamped the prescription with an old stamp which they had forgotten to discard.
 - b. I never had any intention of violating any laws and take an oath to be more vigilant in the future.
 - c. I therefore implore the Pakistan Medical Commission to graciously grant me a pardon on this matter.

IV. HEARING

4. After completion of codal formalities, the matter was fixed for hearing before the Disciplinary Committee on 04.06.2022. Notice dated 18.05.2022 was issued to Respondent doctor directing

him to appear before the Disciplinary Committee on 04.06.2022. The Respondent doctor appeared before the Disciplinary Committee on the said date.

5. The Disciplinary Committee inquired from the Respondent doctor about Khawaja Clinic and misrepresenting himself as a specialist to the general public, to which the Respondent doctor stated that he has not written specialist on the prescription pad rather written FCPS part I and IMM which he passed and written the same on his stamp. The Respondent further stated that about 2 years ago he had attended workshop of Punjab Healthcare Commission and after that he had removed all such terminologies which incorrectly refer to him as specialist.
6. The Disciplinary Committee confronted the Respondent that his prescription issued in month of August 2021, where logo of Shaukat Khnum Hospital has also been copied and contains misrepresentation as house surgeon, and FCPS I and IMM was also mentioned. The Respondent doctor replied that house surgeon refers to his house job done at Ghurki Hospital. He further submitted that he had rectified his prescription pad and sign board since then but failed to do the same on the stamp due to mistake of one of his clinic staff.
7. Responding to another question put by the Disciplinary Committee Respondent doctor stated that he has gone through the provisions of the PMC Act 2020 and is aware that he cannot use such titles with his name. The Respondent doctor accepted his mistake and stated that he will ensure strict compliance of code of ethics and provisions of law in future.

V. FINDINGS AND CONCLUSION

8. After hearing the Respondent in person and perusing the record the Disciplinary Committee has noted that information in the form of prescription pad of Respondent Dr. Asad Fayyaz was received at the Pakistan Medical Commission whereby the Respondent Dr. Asad Fayyaz has been practicing at Khawaja Clinic, Kot Kamboh Manawan, G.T Road, Lahore and has represented himself as under:

Stamp of Respondent doctor affixed on the prescription reflects:



Doctor Asad Fayyaz
M.D. FCPS (I), I.M.M. (Med)

Also, that the Prescription pad of the Respondent refers to his qualifications and experience as:

Ex- Registrar, Gulab Devi Hospital, Labroe
Ex-Registrar, Fatima Memorial Hospital
Ex House Surgeon, Ghurki Trust Hospital
Ex House Officer, Services Hospital, Lahore

Doctor Asad Fayyaz
M.D. (Dominican Republic)
General Physician
PMDC Reg. No. 44094-P

9. The Committee notes that in September 2021, the Pakistan Medical Commission widely circulated through public notice on its website and newspapers and warned all medical practitioners against using misleading titles with their names which cause misrepresentation to the general public and patients as to their qualifications and skills. It was made abundantly clear in the public notice that such misrepresentation as to specialized medical and dental practice is in violation of the Code of Ethics and tantamount to misconduct. In addition, such act is in gross violation of the PMC Act 2020 and mandates a disciplinary action against medical and dental practitioners involved in such deceptive practices.
10. The Respondent doctor during the hearing when confronted with his prescription pad stated that he had rectified his prescription pad and sign board but failed to do the same on the stamp due to mistake of one of his clinic staff. The Respondent doctor accepted his mistake and stated that he will ensure strict compliance of code of ethics and provisions of law in future.
11. It is a matter of record that the Respondent doctor is registered with the Pakistan Medical Commission under registration number (44094-P) and he holds MBBS degree only. There is no post graduate degree/qualification registered in his name with the Pakistan Medical Commission.
12. The practice of medicine and its embodiment in the clinical interactions between a patient and a medical practitioner, is fundamentally a moral activity that arises from the obligation to care for patients. This relationship between a patient and a medical practitioner is based on integrity and principles of trust and honesty, which gives rise to a duty of care and the medical practitioners' ethical responsibility to place patients' welfare above the physician's own self-interest. Medical practitioner should not falsify, misrepresent or exaggerate their qualifications or experience which amounts to fraudulently inducing the patient to agree to be treated for his/her ailment or

procedure. Medical practitioners are mandatorily required to be honest about their qualifications and skills in their area of expertise when representing the same to a patient. When a medical practitioner is not truthful about his capability and qualification and rather uses innuendos to lure patients to his practice, this constitutes a clear breach of the duty of care of the doctor to the patient and such actions fall in the definition of a legally recognized offence of misrepresentation. Such behavior of practitioner is unacceptable and strictly prohibited under PMC Act 2020.

13. It is important to mention here that in terms of provisions of the PMC Act 2020, a medical or dental practitioner can represent and practice only a specialty which is duly recognized and consequently registered on their license by the PMC. Medical practitioners who have been granted license to practice basic medicine or dentistry as a general practitioner cannot practice a specialty or use specialization or consultant titles with their names as it amounts to deceiving the general public. Section 29 of the Pakistan Medical Commission Act 2020 explicitly prohibits in this regard as under:

Section 29. Licensing

“(2) A general practitioner may treat all ordinarily recognized common medical or dental ailments and shall not practice in fields or specialties, as recognized by the Commission for which formal training is required No practitioner shall represent himself as a specialist or practice as a specialist without having appropriate qualifications, recognized and duly registered by the Commission.”

Sub-section (8) provides:

“(8) No medical or dental practitioner shall be permitted to represent in Pakistan as having acquired or seek to practice a specialty unless the same is duly registered on his license by the Authority. ...”

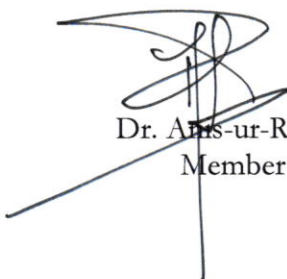
Furthermore, Sub-section (13) provides:

No registered licensee shall use or publish in any manner whatsoever any title, description or symbol indicating or intended to lead persons to infer that he possesses any additional or other professional qualification unless the same has been duly recognized and registered on his license by the Commission.

14. Furthermore, to highlight the intention of the Commission to subvert such deceptive conduct of medical and dental practitioners, the PMC Enforcement Regulations, 2021 categorize the false representation of qualifications as a major offence. The regulation 13, is reproduced as under:

13. (1) a) Major offence to includes offences of false representation of qualifications, gross negligence ...”

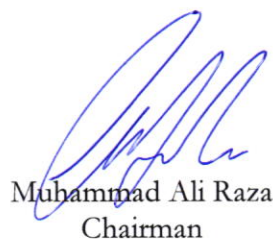
15. Disciplinary Committee aims to emphasize herein that when a medical practitioner misleads patients or the public by professing himself to be more qualified or experienced, such conduct falls under the definition of deception and misrepresentation. By acting in this manner, the medical practitioner compromises the relationship with the patient, which is built on trust and transparency. The misrepresentation of qualifications by medical practitioners carries civil as well as criminal repercussions. Such behavior is treated severely because when a medical practitioner lies about his credentials to his patients or to the public, he effectively destroys the privileged 'doctor-patient' relationship based on trust.
16. In view of above discussion and taking into consideration that the Respondent admitted his mistake and has undertaken to ensure it is not repeated, the Disciplinary Committee decides to impose a penalty of PKR 50,000/- (Fifty thousand rupees only) on the Respondent doctor Asad Fayyaz and directs him to refrain from such violation in future. Dr. Asad Fayyaz is directed to pay the amount of fine in the designated bank of the Commission within fourteen (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, failing which license of the Respondent doctor shall be deemed to be suspended and shall remain suspended until such time the fine is paid.
17. The subject proceedings stand disposed of accordingly.



Dr. Anis-ur-Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

20th July, 2022