



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-2046/2021-DC/PMC

Referred from PM Portal (PU031021-89157489) against Dr. Muhammad Tahir Nouman (52038-P)

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

Present:

Dr. Muhammad Tahir Nouman (52038-P)	Respondent
Hearing dated	04.06.2022

I. FACTUAL BACKGROUND

1. Information was received through PMDU Portal on 14.10.2021 against Dr. Tahir Nouman (Reg. No. 52038-P) working at DHQ Hospital Layyah as EMO and also practicing at two other places/clinics. In the information, it has been revealed that the said doctor has imprinted unregistered degree(s) and shown experience on his letterhead/signboard as MS (Neuro Surgery); Ex-Senior Registrar, Neuro Surgery Department Nishtar Hospital Multan; EMO Specialist Neuro Surgeon, DHQ Layyah; Head of Emergency Department DHQ Layyah.

2. It is pertinent to mention here that the said doctor has got only basic medical qualification (MD-Semepalatinsk State MED Academy Kazakhstan-2006) registered with PMC under registration number 52038-P.

II. SHOW CAUSE NOTICE

3. In view of information, a Show Cause Notice was issued to Dr. Muhammad Tahir Nouman on 12.01.2022 mentioning allegations in the following terms:

“... ”

4. **WHEREAS**, in terms of Complaint, it is observed that, you are practicing at (1) Dona Medical Service Multan Road Chowk Azam, Layyah, (2) Sabib Khatoon Brain & Spine Surgery Centre Link Road near DHQ, Layyah and (3) Sabib Khatoon EEG Center Layyah; and
5. **WHEREAS**, in terms of Complaint, you are carrying out practice of neurosurgery and qualification(s) imprinted on your prescription pad/signboard at “Sabib Khatoon Brain & Spine Surgery Centre Link Road near DHQ, Layyah & Dona Medical Service Multan Road Chowk Azam, Layyah” are as follows;
Neuro Surgeon, MBBS, M.D, MS (Neuro Surgery), Ex-Senior Registrar Neuro Surgery Department Nishtar Hospital Multan, EMO Specialist Neuro Surgeon DHQ Layyah, Head of Emergency Department DHQ Layyah; and
6. **WHEREAS**, in terms of Complaint, you are carrying out EEG at Sabib Khatoon EEG Center Layyah and qualification(s) imprinted on your prescription pad at “Sabib Khatoon EEG Center Layyah” are as follow;
MBBS, M.D, MS (Neuro Surgery), Head of Emergency Department DHQ Layyah; and
7. **WHEREAS**, you are registered with Pakistan Medical Commission under Registration No. 52038-P, whereby you have got the degree of Basic Medical Qualification (M.D) only; and
8. **WHEREAS**, a general practitioner cannot practice in the field of specialty without requisite qualification duly recognized by the Commission and represent as having acquired or seek to practice a specialty unless same is recognized by the Commission. Therefore, in view of facts mentioned in Complaint your conduct of representing yourself as a specialist is in violation of Section 29 (2), (8) & (10) of the Act, read with Regulation 8(2) of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011.

III. REPLY TO SHOW CAUSE NOTICE

4. Dr. Muhammad Tahir Nouman submitted reply to Show Cause Notice on 14.02.2022 wherein he contended that:

- a. *I have completed my house job and then I started my Postgraduate training in MS Neurosurgery on 23.03.2009 and completed it on 22.03.2014 in Neurosurgery department of Nishter Hospital Multan.*
- b. *I am working in DHQ Hospital Layyah as EMO since 2017 with charge of Head of Emergency Department & Deputy Medical Superintendent. My selection as EMO was due to Neurosurgery training to facilitate the patients of Head, Spine and other Neurosurgical emergencies.*
- c. *Afterwards, I was appointed as Head of Emergency Department DHQ Hospital Layyah. When I started my practice as general practitioner in Layyah. I came to know that patients are traveling long for Neurosurgical test like EEG. I started EEG center by signing an MOU with Pakistan Diagnostic Center Nishter Road, Multan for betterment of patients and to provide facility at door step.*
- d. *EEG is performed by a qualified person and reporting is being done by Neurological team of Pakistan Diagnostic Center Nishter Road, Multan.*
- e. *I am not doing any malpractice. I have received multiple appreciation certificate by Health Department and Deputy Commissioner Layyah. I also got best treating doctor certificate in Covid-19*

IV. HEARING

5. After receipt of written reply of the Respondent the matter was fixed for hearing before the Disciplinary Committee on 04.06.2022. Notice dated 18.05.2022 was issued to Respondent Dr. Tahir Nouman directing him to appear before the Disciplinary Committee on 04.06.2022. Respondent appeared before the Disciplinary Committee on the said date of hearing.
6. The Disciplinary Committee inquired from the Respondent doctor about when and where he completed his studies and training in neurosurgery. The Respondent replied that he has done his MS neurosurgery training from 2008 up to 2014 from Nishter Hospital Multan. He further stated that he has just appeared in exit exam in March 2022 because his dissertation got approved very late.

7. The Disciplinary Committee further inquired from the Respondent about his current working place and how he was selected as specialist neurosurgeon in DHQ Hospital Layyah. The Respondent stated that on the basis of his training he was selected as EMO in DHQ Hospital Layyah and after completing 2 years as EMO he was promoted as head of emergency department. He further added that he is seeing the patients of neurosurgery with mild to moderate head injury and refers those patients who need surgical intervention.
8. Responding to another question he stated that he is also running his private clinic in Layyah to provide OPD services and he is not doing any surgical procedures at his private clinic.
9. The Disciplinary Committee inquired from the Respondent about Sahib Khatoon Brain and Spine Surgery Center to which he responded that name of this clinic is Sahib Khatoon Clinic, Respondent submitted a letter head which shows name of the clinic as 'Sahib Khatoon Clinic'. The Committee confronted the Respondent with the letter head which was received along with the complaint from PMDU Portal which contains following information "Sahib Khatoon EEG Center Layyah, Dr. Muhammad Tahir MBBS, M.D, MS (Neuro Surgery), Head of Emergency Department DHQ Layyah, to which the Respondent could not give any satisfactory answer.
10. The Disciplinary Committee inquired from the Respondent about Dona Medical Centre Multan to which he also could not give a satisfactory answer and stated that this is his home address and he is not operating Dona Medical Centre any longer.
11. The Disciplinary Committee inquired from the Respondent about mis-representation and impersonating as specialist to which the Respondent stated that he did that on the basis of his residency / training and presumed that he can write MS and represent as a specialist on his prescription pad. He admitted his mistake and further submitted his apology trying to convey that he was uninformed and will not engage in such practices.

V. FINDINGS AND CONCLUSION

12. After perusal of the record and hearing the Respondent in person the Disciplinary Committee has noted that Information was received through PMDU Portal on 14.10.2021 against Dr. Tahir Nouman (Reg. No. 52038-P) working at DHQ Hospital Layyah and also practicing at two other places/clinics and has represented himself on his letterhead and clinic signboard as specialist (Neuro Surgery).
13. The Committee takes note while perusing the record that the Respondent is promoting his qualifications on his stamp as:

*Doctor Malik Muhammad Tahir Numan Douna
Mbbs, M.D.
M.S. (Neurosurgery)
Ex- Senior Registrar, Nishtar Hospital, Multan
E.M.O. Specialist Neurosurgeon D.H.Q. Layyah
Head Of Emergency Department D.H.Q. Layyah*

14. It is pertinent to mention here that the said doctor has got only basic medical qualification (MD-Semepalatinsk State MED Academy Kazakhstan). Per the records of this Commission, the Respondent is registered as a medical practitioner having the degree of Basic Medical Qualification only and was proclaiming himself as a specialist in Neurosurgery. The Respondent doctor has submitted that he has done his MS neurosurgery training from 2008 up to 2014 from Nishtar Hospital Multan. It is clarified that undergoing a training program for a masters program does not entitle the practitioner to write MS (Neuro Surgery) unless he clears the exit exam and completes his program. The Respondent doctor himself has stated during the hearing that he appeared in exit exam in March 2022, albeit 8 years after having completed his training.
15. 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.

16. During the course of hearing, the Respondent doctor admitted his misrepresentation and impersonating himself as a 'specialist'. He submitted that he presumed that on the basis of his residency / training he can write MS Neuro surgery and represent himself as a specialist on his prescription pad and sign board of his private clinic. He further submitted his apology trying to convey that he was uninformed and will not engage in such practices.
17. 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.
18. 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 as a specialist only upon having obtained the post graduate qualification 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 as a specialist 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.

19. Furthermore, to highlight the intention to restrain 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:

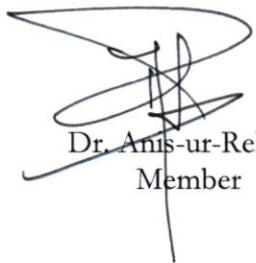
13. (1) a) Major offence to includes offences of false representation of qualifications, gross negligence ...”

20. Disciplinary Committee aims to emphasize herein that when a medical practitioner misleads a patient or the public by professing himself to be more qualified or experienced, such conduct fall sunder the definition of deception and misrepresentation. By acting in this manner, the medical practitioner compromises the relationship with the patient, which is based primarily on trust and transparency. The misrepresentation of qualifications by medical practitioners carries civil as well as criminal repercussions. Such behavior is treated seriously 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.

21. In view of above discussion, the Disciplinary Committee decides to impose a penalty of PKR 50,000/- (Fifty thousand rupees only) on the Respondent doctor Tahir Nouman and directs him

to refrain from such violation in future. Dr. Tahir Nouman 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.

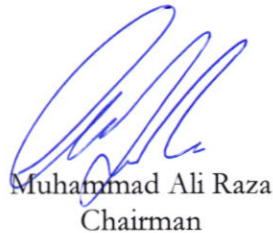
22. The subject proceedings stand disposed of accordingly.



Dr. Anis-ur-Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

20th July, 2022