



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-1764/2018-DC/PMC

Khan Muhammad vs Dr. Faiqa Filza & Dr. Zia (CEO, North West General Hospital,
Peshawar)

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

Present:

Dr. Anjum Habib Vohra	Expert (Neuro Surgeon)
Dr. Faiqa Filza (7831-N)	Respondent No. 1
Dr. Zia (CEO) (2616-N)	Respondent No. 2
Hearing dated	11.12.2021

I. FACTUAL BACKGROUND

Complaint

1. The instant complaint was submitted in the Honorable Peshawar High Court, Peshawar by Mr. Khan Muhammad (hereinafter referred to as the "Complainant") against Dr. Faiqa Filza, (hereinafter referred to as the Respondent no. 1) who is working as consultant Neuro Surgeon at



North West General Hospital (NWGH), Peshawar and Dr. Zia, Chief Executive Officer, NWGH (hereinafter referred to as the Respondent no. 2).

2. Director Human Right Cell, Peshawar High Court on 19.10.2018, forwarded the complaint to the erstwhile PM&DC for necessary action under the law. The Complainant also submitted a formal complaint and relevant record before erstwhile PM&DC on 26.10.2018. Brief facts of the complaint are as under:

- a. Mrs. Gull Mahira wife of Complainant had brain tumor and after different lab investigations like CT Scan, MRI, X-rays etc. doctors advised her surgery.
- b. The patient consulted Respondent no. 1 who advised to get admitted on 01.03.2018 for surgery at North West General Hospital, Peshawar. It has been alleged that at the time of discharge on 08.03.2018, the Complainant was informed that surgery had been conducted successfully.
- c. It has been further alleged that the patient did not improve after the said surgery, resultantly, different lab tests/investigations were repeated again and it revealed that size of the tumor had not decreased after the surgery. It has been further alleged that surgery of the patient was not performed by Respondent no. 1, instead only sample was collected for laboratory examination.
- d. After that patient was admitted in Lady Reading Hospital (LRH), Peshawar where surgery was performed for brain tumor.
- e. It has been further alleged that Dr. Faiqa Filza (Respondent no. 1) and Dr. Zia (Respondent no. 2) fraudulently charged the Complainant Rs. 300,000/- on account of surgery from Sehat Card. Furthermore, due to negligence of Respondent doctor the Complainant had to spent hefty amount on treatment of patient.

II. NOTICE TO RESPONDENTS

3. In view of the allegations leveled in the complaint, Notices dated 02.01.2019 along with copy of complaint were sent to Dr. Faiqa Filza (Respondent No. 1) & Dr. Zia (Respondent No. 2) and they were directed to submit their reply.

III. REPLY OF RESPONDENTS

4. In response to the notice, the Respondent no. 1 (Dr. Faiqa Filza) submitted her reply/comments on 14.01.2019 wherein she stated that:-

- a. A thirty-five years old patient Gul Mahira w/o Khan Muhammad was admitted to neurosurgery ward of NWGH, Peshawar as a case of brain tumor (Lt CP angle mass).

The patient was examined in OPD and was admitted for surgery under Sehat Card on 01.03.2018.

- b. Upon admission routine blood tests were carried out. MRI/CT scan prior to the operation of the patient was not carried out at NWGH as she had brought MRI with her, which was done outside. As per the said MRI report there was Acoustic neuroma/Schwannoma in left CP angle measuring 4.4x4.6x5.0 cm.
 - c. Surgery was duly performed under microscope through retro-sigmoid approach on 02.03.2018, and maximum possible debulking was carried out without damage to any vital structures. Biopsy sample was divided into two parts and were sent to pathology department of the NWGH (sample size mentioned is 2x1.5x1 cm) and Agha Khan Laboratory. The Patient was kept in the ICU and later shifted to the ward. Upon full recovery, she had no neurological deficit and was discharged from NWGH on 08.03.2018 in a stable clinical status.
 - d. A copy of the discharge clearance invoice is attached which shows that whole treatment was done under Sehat Card, thus the Complainant's claim of spending money from his pocket is baseless.
 - e. The patient was reviewed in clinic for her post op follow up. She had minor complaints (some irrelevant), but she was generally doing well, she could walk, talk and was eating normally. There was no complaint of headache or tinnitus. A follow up CT scan was carried out and the report showed a size of 36x45 mm (3.6x4.5 cm). This result reflects the reduction of the size of the tumor. This report and sample size of two biopsies confirm a very good removal of major part, the rest was to be taken care of by radiotherapy which was advised accordingly.
5. Respondent No. 2, Dr. Zia (CEO, NWGH) did not submit any reply to notice.

IV. REJOINDER

6. The Complainant filed his rejoinder on 14.03.2019 wherein he stated that he was not satisfied with the comments of the Respondent doctor. He further stated that he has spent rupees nine lac (Rs. 900,000/-) on the operation and the patient is still under treatment. He requested to proceed with his case accordingly.

V. DISCIPLINARY COMMITTEE UNDER PAKISTAN MEDICAL COMMISSION ACT 2020

7. Pakistan Medical & Dental Council was dissolved on promulgation of Pakistan Medical Commission Act on 23rd September 2020 which repealed Pakistan Medical and Dental Council Ordinance, 1962. Section 32 of the Pakistan 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.

VI. HEARING

8. The Disciplinary Committee of PMC decided to hear the pending complaints filed before the Disciplinary Committee of erstwhile PM&DC and the instant complaint was therefore fixed for hearing on 11.12.2021. Notices dated 29.11.2021 were issued to the Complainant and Respondents; Dr. Faiqa Filza Khan and Dr. Zia, directing them to appear before the Disciplinary Committee on 11.12.2021.
9. On the date of hearing Respondent no.1 and Respondent no. 2 put up appearance before the Disciplinary Committee whereas the Complainant remained absent despite service of Notice. The Committee decided to proceed based on the available record.
10. The Committee inquired from Dr. Faiqa Filza about the case whereby she stated that the patient came to her with CP angle tumor and she did internal decompression on 02.03.2018. Medical notes which are already in the system as on that date, and which are not editable, show that the tumor was highly vascular and adherent to the surrounding structure. She did the procedure of internal debulking according to best healthcare practices and did not go for complete excision to avoid any further morbidity. Patient visited for follow up and was prescribed proper medications accordingly and referred to oncologist for radiation therapy.
11. The patient didn't visit oncologist rather visited doctors (Dr. Mumtaz & Dr. Farooq Azam) at Lady Reading Hospital (LRH), Peshawar who verbally told her that the mass is still present. The patient had another surgery from another doctor who repeated the same procedure. Mass was removed and patient had all the complication which were apprehended after removal of mass, which include damage to trigeminal and cranial nerve. The patient landed on nasogastric feed and ultimately tracheostomy had to be performed on her.

12. With respect of expenses born by the patient, both Respondent doctors clarified that the treatment of the said patient was entirely done on Sehat Card. The record in this respect is maintained by the system automatically which is not editable and is further monitored by the Sehat Card team sitting in the hospital premises.
13. The Respondent doctor further stated that one of the allegations of the Complainant is that the patient had only biopsy and no other procedure. Record/procedure notes of craniotomy / decompression is available and according to the notes of ICU the patient remained in ICU for 2-3 days after surgery. After stabilizing the patient was shifted to the ward where she stayed for 2-3 days, from where she was discharged with a proper discharge slip. The Respondent further stated that in case of biopsy, the patient is shifted directly from operation theatre to ward and does not need to be shifted to the ICU.
14. The Respondent Dr. Faiqa further stated that she sent the biopsy report to Agha Khan hospital mentioning vestibular schwannoma. It is mentioned in the follow-up prescriptions that it was residual tumor and referred for radiotherapy. The patient had a follow up CT scan after 3 months which showed decrease in size.
15. Respondent Dr. Faiqa further informed the Disciplinary Committee that the Complainant also lodged a complaint against her before FIA. Inquiry was also conducted by three senior professors of Hayatabad Medical Complex Peshawar, who after inquiring into the matter didn't find any negligence on her part. The Inquiry report concluded that the standard course of treatment was followed in the case.

VII. EXPERT OPINION BY DR. ANJUM HABIB VOHRA

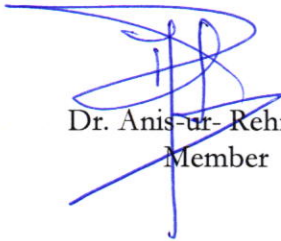
16. Dr. Anjum Habib Vohra, neuro surgeon, was appointed as an expert to assist the Disciplinary Committee in the matter. He has opined that:

“In my opinion the defendant Dr. Faiqa Filza had done appropriate procedure for the CP angle Tumor. The patient remained neurologically intact post operatively. Reviewing the provided notes and listening to Dr. Faiqa Filza I have not found any negligence at her part.”

VIII. FINDINGS AND CONCLUSION

17. Perusal of the record reveals that the Complainant’s wife reported to North West General Hospital, Peshawar on 01.03.2018, as a case of CP angle tumor. She was examined in OPD and was admitted for Craniotomy. Routine investigations were performed before the procedure. MRI was not performed as the patient already had an MRI scan dated 05.01.2018. As per MRI report, the patient had acoustic neuroma/Schwannoma in left CP angle measuring 4.4x4.6x5.0 cm.
18. The Respondent Dr. Faiqa performed internal decompression under microscope through retro-sigmoid approach on 02.03.2018. The mass removed and sent to Agha Khan University Hospital for Biopsy. The patient was kept in the ICU and later shifted to the ward. She was later on discharged from the hospital (NWGH) on 08.03.2018 in a stable clinical status.
19. It is observed that as per the Performa attached with the sample which was sent for the biopsy the size of the sample mentioned is 2 x 1.5 x 1 cm which reflects the size of the actual physical sample. The expert clarified during the hearing that while performing such procedures surgeon diathermies and suction also continues at the same time therefore, size of the actual sample is smaller as some portion of sample is lost due to diathermisation and suction. The expert further opined that mass had been removed as per standard procedure by the Respondent doctor.
20. It is further observed that follow up CT scan was carried out on 05.06.2018 and the report showed size of tumor as 3.6x4.5 cm. Comparison of the first MRI, sample sent for Biopsy and the follow up CT scan report clearly show that tumor was infact removed and there was substantial reduction in the size of the original tumor. Therefore, the allegation of the Complainant that no surgery to remove tumor was carried out by the Respondent doctor is not substantiated as per the medical record of the patient.

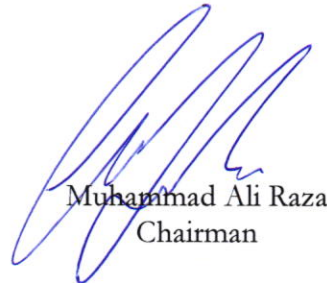
21. Based on the expert's opinion, the medical record of the patient and submissions of the parties, it is held that the surgery was undertaken by the Respondent doctor as per the laid down protocols. Further, the complete procedure was well documented and the patient management was carried out with due care and diligence by the Respondent doctor. Moreover, the discharge clearance invoice of the patient provided by the Respondent No. 2 clearly establishes that the complete payment of the procedure was made through Sehat card, therefore, the allegation of the Complainant that both Respondents have fraudulently charged him for the surgery is negated by the evidence/documents available on record. Therefore, the Complaint is dismissed as against both Dr. Faiqa Filza and Dr. Zia being without any merit. .
22. In view of the Complainant having made a patently false statement regarding the charging of fee for the operation and withholding relevant information in the Complaint, the Complainant is directed to pay costs to the Respondents No.1 and No.2 that they have been put to in defending these proceedings to the sum of Rs.10,000 to each of the Respondents.



Dr. Anis-ur-Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

31st January, 2022