



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-2014/2021-DC/PMC

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

Present:

Dr. Waheed uz Zaman Tariq	Respondent
Mr. Ali Rasheed Chughtai	Advocate
Hearing dated	10-12-2021

I. FACTUAL BACKGROUND

1. Brief facts of the matter are that Pakistan Medical Commission (the "Commission") conducted computer based Medical & Dental Admission Test (MDCAT), which was scheduled from 30.08.2021 to 30.09.2021. Over 200,000 students appeared for the said examination. Taking into account the covid-19 SOPs and to facilitate the effected students the Commission provided an option to the students to submit their Covid-19 reports via an online "covid-19 intimation form" on the official website of the Commission and request to reschedule the examination date along with positive covid-19 report from NCOC approved list of laboratories.
2. It was brought to the notice of the Disciplinary Committee that students are getting fake covid-19 positive reports from Chughtai Laboratories.

3. In one such case a student namely, Mr. Hassan Ahmed Bhatti on 14.09.2021 submitted a Covid-19 positive report issued by Chughtai Lab and requested for rescheduling of his MDCAT exams schedule for 16.09.2021.
4. In order to further investigate the matter, the student was directed through an email and helpline to take re-test for covid-19 from the assigned Laboratory of Shaukhat Khanum Memorial Cancer Hospital and Research Centre, Lahore on payment by Pakistan Medical Commission. The correspondence took on the same day i.e. 14.09.2021 and the student was informed that the laboratory report will be shared directly with PMC for investigation reasons. As suspected, the report from the designated laboratory turned out to be negative and accordingly was communicated to the student via an email.

II. SHOW CAUSE NOTICE

5. In view of the above information, a joint show cause notice was issued on 20.09.2021 to respondents; namely Dr. N.A Malik, Dr. Ayisha Imran, Prof. Dr. Waheed uz Zaman Tariq, Dr. Omar Chughtai and Dr. A.S. Chughtai mentioning following allegations:
 3. Whereas Information has been received on 14.09.2021 by the Disciplinary Committee of Pakistan Medical Commission that a report dated 13.09.2021 was issued by respondent No. 1-5 wherein Mr. Hassaan Ahmed Bhatti was detected Covid-19 positive.
 4. Whereas Mr. Hassaan Ahmed Bhatti on the basis of said report sought rescheduling of his MDCAT test which was due on 16.09.2021. in view of the request of Mr. Hassaan Ahmed Bhatti the Pakistan Medical Commission directed him to get his test of Covid-19 repeated from Shaukat Khanum Memorial Cancer Hospital & Research Center, Lahore which was conducted and as per report on 15.09.2021 issued by Shaukat Khanum Memorial Hospital, Lahore, Mr. Hassaan Ahmed bhatti was detected negative for Covid-19 test.
 5. Whereas in terms of above-mentioned information, apparently respondent Nos. 1-5 issued fake report dated 13.09.2021 for Covid-19 test.
 6. Whereas in terms of the facts mentioned above, prima facie respondent Nos. 1-5 failed to fulfill their professional responsibilities. Such conduct is a breach of code of ethics in general and specifically regulation 32 of Code of Ethics of practice for Medical and Dental Practitioners Regulations and the same amounts to professional misconduct.

III. REPLY TO SHOW CAUSE NOTICE

6. All five Respondents submitted their individual reply to the show cause notice on 21.10.2021, however, the contents of the replies are same, therefore a summary of their replies is given as below:

- a. The specimen in this case was neither collected by Chughtai Lab, nor in the presence of any person employed by our organization, but instead brought to us in a tube and submitted to us.
- b. Our organization serves as a reference lab for several hospitals and labs, and as such many samples are sent to us by referring hospitals/ labs, or brought to our lab. However, in all such cases our policy is to mention the same on the lab reports(s). This comment is also present within the lab report in question
- c. Eighty percent errors occur during pre-analytical phase, which often occur due to various factors, including proper patient preparation, proper collection of laboratory specimens (patient and specimen identification, appropriate sample collection containers), and proper preparation of these samples (transportation, handling, accession). Therefore, we cannot take the responsibility about the sample's true identity and origin.
- d. Our controls have passed the quality standards, including (i) N Gene 27.1 cycles, and (ii) ORF Gene 25.4, while internal Control (IC) has worked and the positive and negative controls have worked.
- e. Similarly, as per academic research on Covid-PCR diagnostic testing, research has shown that a person may be symptom free in 80 percent of the cases, during the infection. Therefore, a positive test result is specific and positive, and a subsequent negative result may be a false negative.
- f. The prudence dictates that a single case must be dealt at one place and if needed the lab authorities may seek help from peers. Therefore, the insinuations that prima facie the respondents, authored a 'fake report; engaged in 'a breach of code of ethics' committed 'professional misconduct ' is absolutely unwarranted and unsupported.
- g. As per Section 32 (3) of the PMC Act, only the Commission is empowered to author a show cause notice, subsequent to which under Section 32 (4) of the Act, the Council is required to form a disciplinary committee. Here, the Disciplinary Committee has been prematurely formed in abeyance of the law and has authored the notice, whereas it is not mandated by the law to do so.
- h. Additionally, the notice is marred with biases, ambiguities, premature conclusions, and lack of depth/clarity, which cumulatively make it unclear whether the language authored is the language of the complainant, or the (unlawfully authoring) Disciplinary Committee.
- i. The Notice is severely defective for want of knowledge and details; therefore the proceedings tantamount to negation of a fair trial as enumerated in Article 10-A of the Constitution. The notice in its entirety is consequently liable to be set aside on this ground alone.

IV. HEARING

7. The matter was fixed for hearing before the Disciplinary Committee on 10.12.2021. Notices dated 29.11.2021 were issued to all five Respondents directing them to appear before the Disciplinary Committee on 10.12.2021.
8. On the date of hearing Respondent Professor Dr. Waheed uz Zaman Tariq appeared before the Disciplinary Committee whereas other four Respondent were represented by legal counsel, advocate Ali Rasheed.

9. The Committee asked the representatives of the Respondents that there are five names of doctors written on the lower end of the report dated 13th September 2021, however there is no mention of the person who prepared/signed the said report. Dr. Waheed uz Zaman Tariq responded that he is the professor of Virology and is taking care of the Virology Dept. of Chughtai lab. The Respondent doctor further stated that all Virology reports of the Chughtai lab are reviewed by him, therefore he takes the responsibility of the veracity of report in question. He further clarified that Dr. A.S. Chughtai, Dr. N.A Malik, Dr. Aiysha Imran, and Dr. Omar Rasheed Chughtai, neither prepared nor reviewed or approved this report and that it was done only by him.
10. The Committee further enquired as to why is it not mentioned on report that who prepared, reviewed and verified the report. Respondent Dr. Waheed uz Zaman Tariq replied that it is a practice of Chughtai's lab since he has joined this lab that in case of a hematology report it has to be reviewed by Dr. N.A Malik and Dr. Ayisha Imran as a virologist he reviews the virology reports, however, these reports do not carry our signatures.
11. The Committee inquired that how many of corporate units of Chughtai lab are working at this time, to which the legal counsel responded that there are 200 units throughout the country and Professor Dr. Waheed uz Zaman is the only Virologist at the Chughtai lab. The Committee enquired if it is humanly possible to review the virology reports from all 200 units across the country by one Virologist personally. Respondent doctor replied that he reviews the reports online however, he could not give any satisfactory answer to query raised by Committee as to the verification of Virology reports prepared by all 200 units of the Chughtai lab. He reiterated that this particular test was done at the center where the Respondent doctor was available, therefore, he has reviewed the report in question.
12. The Committee inquired that from where this specific sample came and who brought it, further on what name was the sample registered. The Respondent doctor replied that a total of 53 samples were received on that day and this sample was the only sample which was brought to the lab. The sample was registered by Mr. Murtaza (receptionist of lab) and the Respondent personally interrogated Mr. Murtaza, whereby he stated that the sample was brought from outside. There was no name mentioned when it was brought to the lab.
13. The Committee asked the Respondent to provide the report of investigation referred to by the Respondent doctor and also the name of the technical staff who carried out the test to

which the Respondent doctor submitted that after the hearing formal report in this regard will be submitted to the Committee.

14. He further submitted that a sample when brought to the lab cannot have a computerized entry rather has manual entry. He stated that Chughtai lab entertain every sample brought to the lab only in the best interest of the patient.
15. The Respondent doctor further stated that due to the Covid pandemic all the laid down SOPs are not followed at times, and benefit of doubt is given to the person who is giving the sample. If there is anything where the system has been exploited by someone, he on behalf of his colleagues apologized, as they never tried to do anything wrong and maintained the absolute integrity and honesty. The Respondent assured that they will follow all the direction of the Pakistan Medical Commission and will upgrade their system according to the international standards.

V. FINDINGS AND CONCLUSION

16. The Committee would like to refer to the legal objections raised by the counsel of the Respondents that the show cause notice is premature. Only the Commission is empowered under section 32(3) of the PMC Act to author a show cause notice, subsequent to which under Section 32 (4) of the Act, the Council is required to form a disciplinary committee. The said objection of the counsel is based on mis construction of Section 32 of the Pakistan Medical Commission Act.
17. It is clarified that under section 3 of the PMC Act, the Pakistan Medical Commission has been established and it functions through its constituent organs; the Medical and Dental Council, National Medical and Dental Academic Board, and the National Medical Authority. Section 32(3) of the PMC Act refers to the inherent powers of the Commission to initiate disciplinary actions against the medical practitioners in case of professional negligence and misconduct. Such powers are exercised through the Disciplinary Committee constituted under section 32 (4) of the Act which is comprised of the members of the Medical and Dental Council. Therefore, the argument that show cause notice is issued by a separate body; the Commission is misplaced and has no legal reasoning. Further, the PMC Enforcement Regulations 2021 provide an elaborated legal framework as to the initiation of the disciplinary action and

issuance of the show cause notice by the disciplinary committee which the legal counsel has completely ignored.

18. During the course of hearing the Respondent Dr. Waheed uz Zaman Tariq has submitted that he is the professor of Virology and is taking care of the Virology Dept. of Chughtai lab. All Virology reports of Chughtai lab are reviewed by him. He took the responsibility of the veracity of report in question and clarified that Dr. A.S. Chughtai, Dr. N.A Malik, Dr. Aiysha Imran, and Dr. Omar Rasheed Chughtai, neither prepared nor reviewed or approved this report and that it was done by him.
19. Considering the statement made by the Respondent Dr. Waheed uz Zaman that only he is responsible for review and verification of the report in question, the Show Cause Notices to the extent of Dr. A.S. Chughtai, Dr. N.A Malik, Dr. Ayisha Imran, and Dr. Omar Rasheed Chughtai stand disposed of.
20. The Committee observes that the report in question has surfaced an underlying problem and question of the authenticity of the reports of the entire laboratory system of Chughtai Lab throughout the country. There is no mechanism explained by the Respondent and the legal counsel as to the review and verification of reports prepared at Chughtai lab. Statement of the Respondent that he is only virologist at the lab and he reviews all the virology report of Chughtai lab is beyond human undersigning and raises a serious question as to the authenticity of the reports.
21. A high risk/contaminated sample brought to the lab with wrong name and without proper identification/registration and report being issued in respect of the same may have serious repercussion. The Respondent and the legal counsel have failed to demonstrate any procedure for proper identification/registration of sample and the person bringing such sample and check and balance system in place to avoid any exploitation. Mere the statement that the sample brought to the lab cannot have a computerized entry rather has manual entry and that Chughtai lab entertain every sample brought to the lab only in the best interest of the patient shows the weak control and management of testing system in place at Chughtai lab.
22. The Committee observes with concern that report does not mention the person who prepared and verified the report. The Respondent made statement before the Committee that currently

at Chughtai lab there is no such practice of signing or mentioning the name of the person who prepares the report. Best practices followed all over the world show that lab reports are e-signed by the medical practitioner(s) who examine the sample. The reports are prepared in a transparent manner to show conspicuously the sample types in terms of sample brought to the lab or sample taken at the lab and proper identification of the person who is giving the sample.

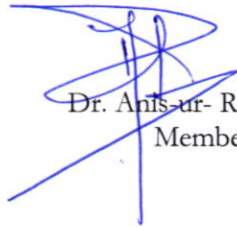
23. During the course of hearing the Respondent Dr. Waheed uz Zaman Tariq has submitted that he is heading the Virology Dept. of Chughtai lab. All Virology reports of the Chughtai lab are reviewed by him. He made the statement before the Committee that he takes the responsibility for all lapses and shortcomings as to the veracity of report in question. Respondent Dr. Waheed uz Zaman has submitted vide letter dated 13.12.2021 an enquiry report and actions taken by the Chughtai Lab for misconduct of the employees due to mismanagement of Covid testing reports. The enquiry report submitted by the Respondent Dr. Waheed uz Zaman pertains to Covid 19 test of thirteen passengers of PIA and is not relevant to the proceedings before the Committee. During the hearing the Respondent Dr. Waheed uz Zaman submitted that the sample was registered by Mr. Murtaza (receptionist of lab) who was interrogated by the Respondent and report in this regard will be submitted to the Disciplinary Committee. Further, he has also failed to provide the name of the technician who carried out the test which he undertook during the hearing. The Disciplinary Committee shows displeasure over the conduct of the Respondent and failure to honor the commitments made before the Disciplinary Committee. Therefore, the Respondent Dr. Waheed uz Zaman is warned against his conduct.
24. The Disciplinary Committee is conscious of the fact that the laboratories have certainly a role and a responsibility in providing clinicians with adequate information that can assist them in the correct interpretation of the data and further diagnosis. An ever increasing number of laboratory tests suggest importance of laboratories for the clinicians in patient care. Even more important is the high level of confidence the clinicians place on laboratory data. Therefore, the pathologist, virologist hematologist and other specialist of diagnostic/investigative medical sciences being the principal person(s) verifying and approving lab reports are under an obligation to exercise their utmost care while issuing reports.

25. Similarly, lab reports are scientific piece of evidence and there are cases when lab reports are presented before different administrative, judicial and quasai judicial forums. A wrong report can lead to multiple legal as well as factual controversies. The pandemic of Covid 19 has brought to the light this aspect of use of lab reports, when different states declared it mandatory to have Covid 19 test detected negative before travelling to such states. Carelessness in issuing reports in such case seriously jeopardize the health and safety of others.
26. The Committee is of the considered view that it is imperative for patient care and safety that all clinical laboratory tests are conducted and reports are prepared with utmost care and caution after adopting all the precautionary measures and international best practices.
27. The Committee has taken into account the undertaking submitted by the Respondent Dr. Waheed uz Zaman vide letter dated 13.12.2021 whereby it has been submitted that:

“Please note that as per the observations and directions of the Disciplinary Committee at the Hearing, combined with my statements before the Disciplinary Committee, we have swiftly engaged in a thorough revamp of our diagnostic operations at the Lab, which will include, as per directions of the Committee, building a prospective mechanism whereby each Lab report is e-signed by the medical practitioner(s) who examined the specified diagnostic sample, along with ensuring that each sample that comes to the lab has more conspicuous and elaborate text for transparency purposes (e.g., in situations whereby samples are received by the Lab, the identity of the person sending/receiving the said sample, along with further disclaimers in relation to such receipt of samples, are highlighted)”.

28. In view of abovementioned commitments put forth by the Respondent on behalf of Chughtai Lab, the Committee emphasizes that there must be signatures of the medical practitioner(s) doctor on the test reports who prepare/review/approve the test. To be able to regulate the medical practitioner it must be indicated by whom the report has been prepared, which should be mandatory on all the reports issued. All the possible factors/disclaimers which may affect the efficacy or authenticity of the report must be clearly mentioned on the report and that there must be clear identification of person who bring the sample to the lab.

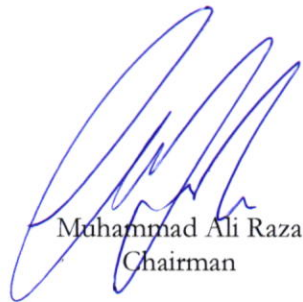
29. Further to ensure the quality and the authenticity of the tests and the reports of the laboratories, the Committee is also conscious of the fact that proper credentialing of the personnel working at the lab is required to be carried out. A pathologist undertakes research and testing of medical specimens for the purpose of preparing findings based on analytical data of a particular specimen. The role of M.Phil. Pathologist is limited to performance of any lab investigation while the final report must be verified and approved by a Clinical Pathologist only. It is mandatory that an MBBS doctor having M.Phil. Pathology must work under the supervision of Clinical Pathologist duly registered by Pakistan Medical Commission.



Dr. Anis-ur-Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

31st January, 2022