

NO. MCI-211(2)/2012-Ethics/

**MEDICAL COUNCIL OF INDIA
SECTOR-VIII, POCKET- 14,
DWARKA, NEW DELHI.**

Minutes of the meeting of the Ethics Committee held on 17th April, 2012 at 10.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi.

The following members were present:-

1.	Prof. Sneha Bhargava	Chairman
2.	Dr. Arun Bal	Member
3.	Dr. Anil Dhal	Member
4.	Dr. R. B. Pawar	Member
5.	Dr. Sanjay Gupte	Member
6.	Dr. Kumudini Sharma	Member
7.	Dr. Davinder Kumar	Joint Secretary, MCI

Leave of absence were received from Dr. Atul Sood, Dr. V. Sakhuja, Dr. Y.K. Gupta & Dr. (Prof.) Chander Shekhar Shetty, Sh. Amit Bansal (Advocate), Members, Ethics Committee.

1. Minutes of the last meeting of the Ethics Committee- Confirmation of.

The Minutes of the Ethics Committee meeting held on 17th March, 2012 were confirmed.

2. Minutes of the last meeting of the Ethics Committee-Action taken there on.

The Ethics Committee noted the action taken on the minutes of the Ethics Committee held on 17.03.2012.

3. Petition for transfer of ENQ 17/2010 before Karnataka Medical Council to Medical Council of India to uphold regulation 8.4 of the IMC Act, 1956, in the interest of justice and equity. (F.No. 16/2011)

The Ethics Committee considered the petition for transfer of ENQ 17/2010 before Karnataka Medical Council to Medical Council of India to uphold regulation 8.4 of the IMC Act, 1956, in the interest of justice and equity and noted that the matter was sub-judice and the website of the Hon'ble High Court of Karnataka was accessed through Internet by the office of the Council to find the stage of the case. It was found that the matter is pending admission and therefore the Ethics Committee decided to wait for the decision of the Hon'ble High Court, and further directed to take legal opinion in the present matter from the Council advocate.

4. Appeal against order dated 22.02.2011 passed by Delhi Medical Council made by Dr. Sunil Choudhary (F.No.172/2011).

The Ethics Committee considered the appeal of Dr. Sunil Choudhary against the order dt. 22.02.2011 of Delhi Medical Council and decided to call both the parties i.e. Dr. Sunil Choudhary – Appellant, Dr. P.K. Talwar – respondent in this case for personal hearing.

Let notices be issued to complainant as well as to the treating doctor to appear before the Ethics Committee at its next meeting alongwith all the relevant/supportive documents.

5. **Appeal against order dated 14.01.2011 passed by Delhi Medical Council made by Mr. Rajinder Singh Mann. (F.No. 168/2011).**

The Ethics Committee considered the appeal of Mr. Rajinder Singh Mann against the order dated 14.01.2011 passed by the Delhi Medical Council and decided to call both the parties i.e. Mr. Rajinder Singh Mann – Appellant and the treating doctor Dr. Ajit Gaba, Dr. J.S. Lamba, Dr. Manju Goel & Dr. Paritosh Gupta in this case for personal hearing.

Let notices be issued to complainant as well as to the treating doctor to appear before the Ethics Committee at its next meeting alongwith all the relevant/supportive documents.

6. **Appeal against order dated 06.09.2011 passed by Karnataka Medical Council made by Ch. Shankaraiah against Dr. Kiran J. (F.No. 535/2011) 11:30AM**

The Ethics Committee considered the appeal of Ch.Shankaraiah against the order dated 06.09.2011 passed by the Karnataka Medical Council. The Ethics Committee heard Ms. Manjusha Wadhwa representative of Ch. Shankaraiah - appellant and she has submitted in writing that *"the complainant Dr. Shankaraiah could not attend the proceedings today due to some personal difficulty. It is therefore requested that the present case be adjourned to some other date so that he may attend the hearing personally"*.

The Ethics Committee also heard to Dr. Kiran J. through his lawyer Mr. B.R. Deepak and they filed a copy of statement of objections to the respondent's appeal before the Ethics Committee.

The Ethics Committee decided to give Ch. Shankaraiah one more last and final chance to appear before the Ethics Committee at its one of the subsequent meeting, failing which the Ethics Committee will be constrained to take ex-parte decision in this case.

8. **Appeal against order dated 07.06.2010 passed by Delhi Medical Council made by Mr. S.P.Manchanda. (F.No. 597/2010). 12:30PM**

The Ethics Committee considered the appeal of Mr.S.P. Manchanda against the order of the Delhi Medical Council dated 07.06.2010 and heard Mr. S.P. Manchanda the appellant and Mr. Sanjiv Puri, Sr. Advocate, Karan B, Advocate. Sajad Sultan, Advocate representing Dr. Alka Gupta and Mr. Anil Goel, Advocate & Mr. Shailender Chaudhory, Sr.Mgr., representing for Dr. Pooja & Dr. Vikas.

The Ethics Committee after detailed deliberation decided to obtain a legal opinion from the lawyer, in this case.

The advocate representing Max Hospital objected to the jurisdiction of the Medical Council of India to adjudicate on the grounds of jurisdiction. Further legal expertise may be sought on this issue.

9. **Appeal against order dated 18.10.2011 passed by Delhi Medical Council filed by Dr. S. Datta (F.No. 469/2011) 01:00PM**

The Ethics Committee considered the appeal of Dr. S. Datta against the order dt. 18.10.2011 passed by the Delhi Medical Council. Dr. M.C. Gupta (Advocate) appeared on behalf of Dr. S. Dutta and Smt. Anju (patient) appeared before the Ethics Committee.

After hearing both the representative of appellant and the respondent, the Ethics Committee deliberated upon the matter and unanimously felt that in this case a warning with the direction to attend CME would have been sufficient.

This may be communicated to the Delhi Medical Council as well as all concerned. The appeal is accordingly filed.

10. Appeal against order dated 06.04.2010 passed by Rajasthan Medical Council filed by Mr. Ajeet Singh Singhvi.(F.No. 522/2010) 02:30PM

The Ethics Committee considered the appeal of Mr. Ajeet Singh Singhvi against order dt. 06.04.2010 passed by the Rajasthan Medical Council. Appellant Mr. Ajeet Singh Singhvi and the respondent Dr. Pramod Narang alongwith his lawyer Mr. M.C. Gupta appeared before the Ethics Committee. On going through the statements of both the parties as well as records of the patient it was observed that the patient was admitted on 6.5.2007 in ICU with terminal metastatic breast cancer with severe ascitis & respiratory distress and generalize anasarca and she died on 9.5.2007, patient was kept under observation and was not given any symptomatic treatment, patients attendant were asked to purchase medicine/equipments which were not utilized. The appellant produced receipt for the purchase of drugs/equipments as well as professional fee paid by him for treatment of his daughter whereas the respondent produced documents showing that the said expenses incurred by the appellant has been reimbursed by the hospital.

The committee feels that the admission of a terminally ill patient to the ICU was in order. Therefore, the punitive action on the part of the State Medical Council is not justified. Hence, the appeal stands rejected.

11. Appeal against the activities and order dated 26.10.2007 passed by Rajasthan Medical Council made by Sh. Ajeet Singh Singhvi, IAS (Retd.)- Review of recommendations of Ethics Committee of Medical Council of India. (F.No. 277/2007). 02:30PM

The Ethics Committee considered the appeal of Sh. Ajeet Singh Singhvi, IAS (Retd.) against the activities and order dated 26.10.2007 passed by Rajasthan Medical Council. The Ethics Committee heard the appellant Sh. Ajeet Singh Singhvi and respondent Dr. T.C. Sadasukhi, Dr. D.S. Mathur appeared before the Ethics Committee.

Appellant apprised the Committee about the sequence of events that his mother Mrs. Jetin Kanwar, aged 85 years had H/T with an asymptomatic swelling in right flank which was unnecessarily aspirated and incised under local anesthesia without taking consent which lead to complication and ultimately resulted in Death of his mother. Appellant also commented upon the letters communicating the decision of Ethics Committee which was later on recalled.

Copy of appeal was handed over to Dr. T.C. Sadasukhi and Dr. D.S. Mathur as well as to the appellant for filing the response against the appeal. Dr. Jindal be called for hearing in one of the subsequent meeting.

12. Appeal against order dated 02.06.2011 passed by Karnataka Medical Council filed by Sh. Pankaj Rai.(F.No. 102/2011) 03:00PM

The Ethics Committee considered the appeal of Sh. Pankaj Rai against the order dated 02.06.2011 passed by the Karnataka Medical Council. Following the deposition of Maj. Pankaj Rai, the Ethics Committee also heard Dr. Ranjana Sreedhara, Consultant Nephrologist and Dr. Ram Charan Thiagarajan, Surgeon with Mr. Sanjeev Puri, Sr. Advocate, Mr. Sajad Sultant, Advocate who appeared before the Ethics Committee. The issues relating to the Informed Consent and the authorization of the Fortis Hospital to perform Pancreatic Transplant were raised by the Committee members in response to which the respondent presented documents from the

competent authority proving the authorization of the Fortis Hospital to perform Pancreatic Transplant. The informed consent was also presented for examination by the Ethics Committee. The respondent also presented the opinion of the National Law School regarding the consent being in order. Dr. Ram Charan Thiagaraja, Surgeon was further advised to submit proof of his competency for performing Pancreatic Transplant, prior performance of similar cases, to which he readily agreed. The respondents were also advised to submit the copies of the document mentioned above to the Ethics Committee. The documents when received from the respondents to be communicated to Mr. Pankaj Rai and seek his response.

13. Appeal against order dated 21.07.2011 passed by U.P. Medical Council made by Mrs. Chanchal Chaurasia. (F.No.439/2011). 03:30PM

The Ethics Committee considered the appeal of Mrs. Chanchal Chaurasia against the order dt. 21.07.2011 passed by the Uttar Pradesh Medical Council. The appellant Mrs. Chanchal Chaurasia and the respondent Dr. Rohit Gupta both appeared before the Ethics Committee and narrated the sequence of events following the laparoscopic cholecystectomy performed on 16th October, 2008. On going through the available records and the verbal statement of both the parties, it appeared that the patient developed infection following endoscopic surgery. The surgeon performed I & D procedure and supportive antibiotic therapy was also instituted. The patient however continued to have fever and at later stage decided to Leave Against Medical Advise (LAMA) under the care of another doctor. The sequence of events at the best involved an error of judgment not amounting to medical negligence. The Ethics Committee upholds the decision of the Uttar Pradesh Medical Council and dismissed the appeal. The decision of the Ethics Committee may be communicated to all the parties.

New Delhi, the dated: 17.04.2012

(Dr. Davinder Kumar)
Joint Secretary

(PROF. SNEH BHARGAVA)
CHAIRMAN

Dr. Arun Bal
(Member)

Prof. Kumudini Sharma
(Member)

Dr. Anil Dhal
(Member)

Dr. R. B. Pawar
(Member)

Dr. Sanjay Gupte
(Member)