

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 15th May, 2012 at 10.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi.

The following members were present:-

1.	Prof. Sneh Bhargava	Chairman
2.	Dr. Anil Dhal	Member
3.	Dr. Y. K. Gupta	Member
4.	Dr. R. B. Pawar	Member
5.	Dr. Sanjay Gupte	Member
6.	Dr. Kumudini Sharma	Member
7.	Dr. Atul Sood	Member
8.	Dr. V. Sakhuja	Member
9.	Dr. (Prof.) Chander Shekhar Shetty	Member
10.	Sh. Amit Bansal (Advocate)	Member
11.	Dr. Davinder Kumar	Joint Secretary, MCI

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

The Minutes of the Ethics Committee meeting held on 17th April, 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 17.04.2012.

3. Appeal against complaint dated 04.08.2011 filed by Sh. Ramesh Kumar Khatri, Nambardar against Saxena Multispecialty Hospital, Sonipat and Sir Gangaram Hospital, New Delhi. (F.No. 620/2011)

The Ethics Committee considered appeal against complaint dated 04.08.2011 filed by Sh. Ramesh Kumar Khatri, Nambardar against Saxena Multispecialty Hospital, Sonipat and Sir Gangaram Hospital, New Delhi and decided to call both the parties i.e. Sh. Ramesh Kumar Khatri, Appellant and the doctors of Saxena Multispecialty Hospital, Sonipat and Sir Gangaram Hospital, New Delhi – Respondent in this case for personal hearing in subsequent meeting.

Let notices be issued to both the parties to appear before the Ethics Committee at its subsequent meeting alongwith all the relevant/supportive documents. Letter also be issued to both the State Medical Councils i.e. Haryana Medical Council and Delhi Medical Council with the request to provide the complete records pertains to the case.

4. Appeal against order dated 18.11.2011 passed by Uttar Pradesh Medical Council filed by Sh. Ghulam Abbas against Dr. Aroti Ghosh (F.No.431/2011)

The Ethics Committee considered appeal filed by Sh. Ghulam Abbas against the order dated 18.11.2011 passed by Uttar Pradesh Medical Council and decided to call both the parties i.e. Sh. Ghulam Abbas, Appellant and Dr. Aroti Ghosh – Respondent in this case for personal hearing in subsequent meeting.

Let notices be issued to both the parties to appear before the Ethics Committee at its subsequent meeting alongwith all the relevant/supportive documents. Letter also be issued to the U.P. Medical Council with a request to provide the complete records pertaining to the case.

5. **Appeal against order dated 21.08.2008 passed by Karnataka Medical Council made by Dr. K.S. Nagesh. (F.No. 116/2011).**

The Ethics Committee considered appeal filed by Dr. K. S. Nagesh against the order dated 21.08.2008 passed by Karnataka Medical Council and noted that in the previous meetings, the Committee decided to obtain expert opinion from a senior Anesthetist, in this case, therefore, the matter was referred to Dr. Raktima Anand HOD of anaesthesia MAMC, New Delhi vide Council letter dated 27.02.2012 to obtain his comments/opinion.

Dr. Raktima Anand vide her letter dated 31.03.2012 has submitted the report comprised of senior experts i.e. Dr. J. S. Dalim Director Professor, Dr. Poonam Bhadoria, Director Professor and Dr. K. K. Girdhar, Consultant from department of Anesthesiology, MAMC, New Delhi.

The Report of the Board constituted by Dr. Raktima Anand was deliberated, upon and discussed in detail by the members of the Ethics Committee after going through all the pre and post operative reports and all other records including the report of the postmortem, the Committee noted the various possibilities, which were discussed in addition to the report submitted by the constituted Medical Board. The Ethics Committee concluded that there is no conclusive evidence to show that there was medical negligence on the part of the Anesthetist. Therefore, the Committee decided that Dr. K. S. Nagesh stands exonerated.

6. **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 dated Nil filed by Dr. Sunil Choudhary against the order dated 22.02.2011 passed by Delhi Medical Council and noted that Dr. Sunil Choudhary was represented by his lawyer and no one appeared on behalf of Dr. P. K. Talwar.

Dr. Sunil Choudhary's lawyer provided the evidences of his clients qualifications and experiences and his fellowship of the Royal College as, recognition to practice in Plastic Surgery from the U.K. and the European Association. According to the Gazette Notification of the Ministry of Health & Family Welfare No. 309 dated 07.03.2008, 'All Postgraduate medical qualification awarded in United Kingdom are recognized for enrolment as medical practitioner in the concerned specialties in that country are recognized by Govt. of India'. Therefore, the appeal made by Dr. Sunil Choudhary against the order of Delhi Medical Council is accepted/allowed. A copy of the decision may be communicated to Delhi Medical Council.

7. **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 made by Mr. Rajinder Singh Mann against the order dated 18.04.2011 passed by Delhi Medical Council. The Committee heard the appellant Mr. Rajinder Singh Mann and the Respondent Doctors of Aakash Hospital, New Delhi i.e. Dr. J. S. Lamba, Consultant Physician, Dr. Paritosh Gupta, Sr. Consultant, Surgery, who attended to Mr. Mann and who appeared before the Ethics Committee.

After hearing both the parties i.e. appellant and respondent doctors in person, the Ethics Committee noted that the patient had sustained injuries after an accident and he was taken to the Aakash Hospital complaining of a wound on the head which was stitched and patient discharged. He was advised to follow up after a week for removal of the stitches for which he attended the hospital after a week later. Three months subsequent to this event, he reported at the same hospital with gangrene of the 5th toe, Diabetic Mellitus type-2 uncontrolled and septicemia was diagnosed as shown in the records. After investigations, confirming diabetes, hypertension, septicemia and gangrene of the 5th toe, amputation of the toe was advised

Informed consent for amputation was given by his wife. The consent was written in Hindi and explained to her and him. Debridement of right great toe gangrene and amputations of 4th and 5th toes was performed. Patient was discharged in stable condition with advice to report to a higher centre for further management of his diabetes. There is no evidence which reveals medical negligence on the part of the treating doctors. There was lack of awareness by the patient and family of the serious complications of diabetes mellitus, therefore, the Ethics Committee counseled the family and decided that the appeal stands disposed off.

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

The Ethics Committee considered the appeal dated 30.12.2011 against the order dated 06.09.2011 passed by Karnataka Medical Council. The Ethics Committee heard the Appellant Ch. Shankaraiah, AVP Claims, Bajaj Allianz General Insurance Co. Ltd. alongwith his Counsel Ms. Manjusha and Respondent Dr. Kiran J. who also came with his Counsel Mr. B. R. Deepak. Counsel of Dr. Kiran J. submitted the certified copy of the Judgement of the motor accident claims tribunal dated 17.10.2011. The appellant requested for grant of two weeks time for submission of more documents. The Committee decided that after receipt of the documents, final decision will be taken in the next meeting of the Ethics Committee.

The committee also decided that after receiving the written submission, the same will be placed before the Council Advocate, Mr. Amit Bansal, for his opinion. All available records were handed over to Mr. Amit Bansal for necessary action.

9. **Appeal against order dated 12.09.2011 passed by Uttarakhand Medical Council filed by Sh. Bhavar Singh Bhati (F.No. 492/2010)**

The Ethics Committee considered the appeal filed by Sh. Bhavar Singh Bhati against the order dated 12.09.2011 passed by Uttarakhand Medical Council. The Ethics Committee heard Sh. Rajesh Sharma representing the Appellant and the doctors of HMG Hospital who appeared before the Ethics Committee.

The following points of appeal were deliberated upon by the Ethics Committee:-

1. The x-ray was not done but the certificate mentioned the number of pellets and wounds said the appellant.
2. The doctors produced documents which showed report of x-ray indicating the number of pellets and depth of wounds.

However, the x-ray was not produced, hence, verification could not be done. Surprisingly, the x-rays of this medico-legal case were handed over to the patient. The doctors mentioned that even in medico-legal case (MLC) such practice of giving x-rays to the victims had been prevalent in Uttarakhand and therefore, they had done accordingly.

The Ethics Committee decided that the doctors must provide necessary documents authenticated by their Administration to confirm such a practice exists in medico-legal cases with their approval.

The appellant also complained that the Bed Head Ticket has been manipulated to show a false admission. He was advised to submit documentary evidence to prove such manipulation.

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

The Ethics Committee considered the appeal made by Mr. S. P. Manchanda against the order dated 07.06.2010 passed by Delhi Medical Council and the Committee noted the following three issues:-

1. Whether the Ethics Committee has the jurisdiction to deliberate on this issue.
2. Whether there is any distinction between a representation and a complaint.
3. Whether the representation/complaint of the father is tenable.

Based on the powers vested in the Ethics Committee by the Code of Medical Ethics (Clause-8 of the Ethics Regulations namely the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002) and the discussion in the meeting with the Law Officer, the Ethics Committee concluded the following:

- i) It has the jurisdiction to hear the case.
- ii) For the consideration of the Ethics Committee, there is no distinction between the representation and complaint.
- iii) For the purposes of the Ethics Committee, any representation/complaint filed by the father or any member of the public is adequate for consideration.
- iv) The Ethics Committee unanimously decided that notices be sent to all the concerned parties to be present in its next meeting, so that the matter can be addressed expeditiously.

(Dr. P. Prasannaraj)
Additional Secretary

(PROF. SNEH BHARGAVA)
C H A I R M A N

Dr. Y. K. Gupta
(Member)

Dr. S. C. Shetty
(Member)

Dr. V. Sakhuja
(Member)

Prof. Kumudini Sharma
(Member)

Dr. Anil Dhal
(Member)

Dr. R. B. Pawar
(Member)

Dr. Atul Sood
(Member)

Dr. Sanjay Gupte
(Member)

New Delhi, approved on: 19.06.2012