NO. MCI-211(2)/2013-Ethics/

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

Minutes of the Meeting of Ethics Committee held under the Chairmanship of Dr. P. K. Dave on 5th September, 2013 at 12.00 A.M. in the Council Office, Sector-VIII, Pocket- 14, Dwarka, New Delhi. The Following Members attended the meeting:-

1.	Dr. P. K. Dave	Chairperson
2	Dr. B.G. Tilak	Member
3.	Dr. K. K. Aggarwal	Member
4.	Dr. G. K. Sharma	Member
5.	Dr. N. K. Mohanty	Member
6.	Dr. J. L. Gupta	Member
7.	Dr. M. S. Gupta	Member
8.	Sh. Ajay Kumar Jain, Advocate	Member
	Dr. P.Prasannaraj	Addl. Secretary, MCI

Leave of absence was received from Dr. Atul Sood, Mrs. J. Lalithambika, Dr. N. K. Sethi, Dr. Raj Kumar, Dr. Arup Das Biswas, Dr. Suranjan Bhattacharji, Dr. Sangeeta B. Desai and Dr. Rama V. Baru.

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

The Minutes of the Ethics Committee meeting held on 23rd & 24th August, 2013 were confirmed.

02. RC 10 (A) /2011 of CBI, Chennai forwarding of self contained note 131 doctors results action taken-Intimation-requested - Reg.

The Ethics Committee considered the letter dated RC 10 (A) /2011 of CBI, Chennai forwarding of self contained note on the 131 doctors for action and noted that Dean/ Principal, Vice-Chancellor, Chairman of Vinayaka Mission Medical College, Karaikal, Pondicherry did not appear today. They have sent a letter dated 03.09.2013 which was considered by the Committee in which they have requested to grant four weeks time for their presence.

The Ethics Committee considered the above requested and decided to give one more opportunity to Dean, Principal, Vice-Chancellor, Chairman of Vinayaka Mission Medical College, Karaikal, Pondicherry to appear before the Committee

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

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alongwith supportive documents in the next meeting of the Committee i.e. 27th & 27th September, 2013.

03. RC 19(A)2011 of CBI ACB Chennai against M/s Thirumurga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Educationan and Charitable Trust rep by its Secy. Prof. V.R.Rajendran. (Aarupadeiveedu Medical College, Pondicherry)

The Ethics Committee considered the RC 19(A)2011 of CBI ACB Chennai against M/s Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Educationan and Charitable Trust represented by its Secretary Prof. V.R.Rajendran. (Aarupadeiveedu Medical College, Pondicherry) and noted that Dean/ Principal, Vice-Chancellor, Chairman of M/s Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Educational and Charitable Trust , Aarupadaiveedu Medical College, Pondicherry did not appear today. They have sent a letter dated 03.09.2013 which was considered by the Committee in which they have requested to grant four weeks time for their presence.

The Ethics Committee considered the above request and decided to give one more opportunity to Dean, Principal, Vice-Chancellor, Chairman of M/s Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Educationan and Charitable Trust , Aarupadaiveedu Medical College, Pondicherry to appear before the Committee alongwith supportive documents in the next meeting of the Committee i.e. on 27th & 28th September, 2013.

04. Hospital advertisement-Reg.

The Ethics Committee considered a complaint letter dated 17.05.2013 received from Prof. Sri Ram Khanna, Deptt. Of Commerce, Delhi School of Economics, University of Delhi against advertisement given by doctors of Nova Orthopedics & Spine Hospital, Nehru Enclave., dated 15th May, 2013 in Hindustan Time. The Ethics Committee noted that Dr. Harshavardhan Hegde, Medical Director, Dr. Nitiraj Oberoi, Dr. Rakesh Mattoo, Dr. Manish Dalwani, Dr. Akshay Kumar Saxena have appeared before the Ethics Committee for hearing and submitted their written submission before the Committee. The Committee also noted that the above doctors have submitted a letter issued by Dr. Poonam Rajput of Nova Orthopaedic & Spine Hospital informing that Dr. Mandeep Singh and Dr. Alok Sharma are out of station and they are not able to attend the Ethics Committee on 05.09.2013. The Committee noted the above.

Dr. Harshavardhan Hegde, Medical Director and other doctors informed that they were unaware about the MCI Regulations that publishing of photograph by a registered medical practitioner, is prohibited and tendered unconditional apology. The same was accepted under Clause 8.2 of Ethics Regulations. They

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

(Dr. N. K. Mohanty) (Dr. J. L. Gupta) (Dr. M. S. Gupta)

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also gave an undertaking that the public apology will be published in the same newspaper also withdrawing the previous advertisement.

After hearing the submissions of doctors, the Ethics Committee decided to call Mr. Suresh Soni, Chairman and Medical Superintendent of Nova Orthopaedic & Spine Hospital, Nehru Enclave in the subsequent meeting of the Committee alongwith supportive documents.

05. Hospital Advertisement in Times of India on 23.08.2013 – Reg.

The Ethics Committee considered a Newspaper Clipping published in the Times of India dated 23.08.2013 with regard to Saket City Hospital, New Delhi. The Ethics Committee noted that Dr. Prashant Saxena, Dr. Sanjay Sharma, Dr. R. K. Mani, Dr. Ritesh Aggarwal, Dr. Gargi Maitra, Dr. Leelawati Thakur alongwith Dr. Manoj Malik (Medical Superintendent) and Mr. Mahipal Singh Bhanaut (General Manager, Administration) have appeared before the Ethics Committee for hearing and submitted their written submission before the Committee.

They submitted that they were unaware about the MCI Regulations that publishing of photograph by a registered medical practitioner, is prohibited and tendered unconditional apology. The same was accepted under Clause 8.2 of Ethics Regulations. They also gave an undertaking that the public apology will be published in the same newspaper also withdrawing the previous advertisement.

After detailed deliberation on the submissions of doctors, the Ethics Committee decided to call Chairman of Saket City Hospital, Saket, New Delhi in the subsequent meeting of the Committee alongwith supportive documents.

06. Regarding the publicity of secrecy in the Newspaper without consent-reg.

The Ethics Committee considered the complaint received from Sh. Jamuna Singh, Udaipur against Dr. Tarun Aggarwal and noted that Dr. Tarun Aggarwal did not appear before the Committee for hearing.

The Ethics Committee decided to grant one more opportunity to Dr. Tarun Aggarwal of R. K. Hospital and Test Tube Baby Centre, Udaipur alongwith Complainant, Sh. Jamuna Singh to appear before the Committee for hearing in the subsequent meeting with the supportive documents.

07. Appeal against the Order dated 30.06.2004 passed by the Bihar Medical Council on the complaint made by Mr. Kailash Prasad Singh against Dr. V.R.Sinha. (F.No. 162/2006)

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

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The Ethics Committee considered the Order dated 26.07.2013 passed by Hon'ble High Court of Patna in CWJC No. 8049/2007 with regard to Appeal against the Order dated 30.06.2004 passed by the Bihar Medical Council on the complaint made by Mr. Kailash Prasad Singh against Dr. V.R.Sinha. The Ethics Committee noted that both the parties i.e. appellant, Mr. Kailash Prasad Singh and Respondent, Dr. V. R. Sinha did not appear before the Committee for hearing.

In the light of the Court Order dated 26.07.2013 passed by Hon'ble High Court of Patna in CWJC No. 8049/2007, a new Sub-Committee has been constituted, consisting of following members to look into the matter afresh and give its findings in the next meeting of the Committee:-

1. Dr. M. C. Mishra (Professor & Head of Surgery, AIIMS)
2. Dr. Shivanand, (Professor of Radiology, AIIMS)
3. Dr. Sunil Jain (Professor of Surgery, VMMC & Safdarjung Hospital)
4. Dr. Thukral (Professor of Radiology, VMMC & Safdarjung Hospital)

The Ethics Committee further decided to grant one more opportunity to both the parties i.e. Appellant, Mr. Kailash Prasad Singh and Respondent, Dr. V. R. Sinha to appear before the Committee for hearing.

08. <u>Appeal dated 07.06.2013 filed by Sh. Krishna Bihari Upadhyay against Order dated 02.05.2013 passed by U.P. Medical Council-Reg.</u>

The Ethics Committee considered the appeal dated 07.06.2013 filed by Sh. Krishna Bihari Upadhyay against Order dated 02.05.2013 passed by U.P. Medical Council. The summary of complaint reads as under:-

"compleinant has invited the attention that Dr. D. K. Raj, has unethically and illegally performed hysterectomies in M. Kenshiram Sanyukt Chikitsalaya(Male), Lalitpur only for meking money. Dr. Raj is only a General Surgeon and he has performed approx. 400 to 500 hysterectomies every year since 2003 onwards without any investigations. His wife Dr. Jeyshree Rej is doing private practice and. The illiterate ladies of rural areas, who came with her for their generel problems, she misguide that ladies and advised her for hysterectomy for the sake of life end referred their cases to her husband Dr. D. K. Raj.

Compleinant hes obtained informetions/detaisl of hysterectomy cases in RTI from various depertments es well as PGI. Lucknow and the ratio of hysterectomies of other hospitals was very low."

The U. P. Medical Council vide its order dated 02.05.2013 held that :-

".....The Ethical Committee is of the opinion that Dr. D. K. Raj is doing his professional duties without any unethical motive. Hence, Dr. D. K. Raj cannot be held guilty of medical negligence."
"

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

(Dr. N. K. Mohanty) (Dr. J. L. Gupta) (Dr. M. S. Gupta)

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After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Sh. Krishna Bihari Upadhyay and Dr. D. K. Raj for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

09. <u>Appeal dated 13.07.2013 filed by Sh. Padamsingh Gehlot, Jodhpur, Rajasthan against order dated 10.06.2013 passed by Rajasthan Medical Council-Reg.</u>

The Ethics Committee considered the appeal dated 13.07.2013 filed by Sh. Padamsingh Gehlot, Jodhpur against Order dated 10.06.2013 passed by Rajasthan Medical Council. The summary of complaint reads as under:-

"complainant Sh. Padamsingh Gehlot met with a road accident on 04.10.2010. He has been admitted in Mathuradas Mathur Hospital, Jodhpur under the care of Dr. Kapoor Choudhary. Patient diagnosed after thorough investigations. Patient has got injuries in Urine Tube. A CT Scan report done by Manidhari Hosptial & Maloo Neuro Centre shown "D/O laceration (45 mm deep) in right lobe of Liver (Segment VI) with sub capsular hematoma (CT Grade III)" but the Dr. Pramod Sharma, Urologist of Mathuradas Mathur Hospital examined the report and said it was normal. After discharged from the hospital he felt sever pain in abdomen. He has further contacted with Dr. Kapoor for treatment but he has not satisfied with the treatment given by Dr. Kapoor.

On 26.10.2010, he has been admitted in Mulji Bhai Patel Hospital, Nadiad, Gujarat where doctors had done surgery and remove one Kidney of patient due to "Right Ureteric Injury with Urinoma". Patient informed that due to delay and medical negligence in treatment provided by Dr. Kapoor and Dr. Pramod Sharma, he has lost his one kidney. He claimed a sum of Rs. 10,00,000/- for physical loss, mental agony and economically loss beared by him due to their negligence."

The Rajasthan Medical Council vide its order dated 10.06.2013 held that :-

".....The matter has been examined by the Penal & Ethical Committee in its meeting held on dated 31.05.2012 and opined that "we have examined above matter, there was no negligence on the part of treating doctor. Treatment was carried out as per medical norms. This fact has also been stated by the Medical Board of the experts constituted by the Principal & Controller, Medical College, Jodhpur.

The council agreed with the decision of Penal & Ethical Committee, so the case may be closed."

After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Appellant Sh. Padamsingh Gehlot and Respondent, Dr. Kapoor Choudhary (Surgery Unit Head) and Dr. Pramod Sharma(Urology Department of Mathuradas Mathur Hospital,

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Jodhpur) for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

10. <u>Appeal dated 21.06.2013 filed by Dr. Poonam Khera, Tirath Ram Shah Charitable Hospital, Delhi against Order dated 10.06.2013 passed by Delhi Medical Council-Reg.</u>

The Ethics Committee considered the appeal dated 21.06.2013 filed by Dr. Poonam Khera, Tirath Ram Shah Charitable Hospital, Delhi against Order dated 10.06.2013 passed by Delhi Medical Council. The summary of complaint reads as under:-

"Smt. Shubhra Subhashini was admitted in Teerath Ram Sah Charitable Hospital on 05.08.2011 due to labour pain. Doctor advised her for ceasarean which was conducted by Dr. Poonam Khera and she delivered a male child. Patient discharged on 09.08.2011. Since discharge patient complaining pain in the left lower abdominal and visted hospital many times but Dr. Khera did not bother and not done investigations to find out the reason of abdominal pain. Patiemt remained visited till 29.08.2011. Pus sfarted ozzing from the stitches more than 25 days. After that she had undergone pus culture test on 29.08.2011. Dr. Khera informed her that due to the surgery the pain may persist for several months and it will go gradually.

On 12.06.2012, patient felt serious abdominal pain and visited to the St. Stephends Hospital wherein she had been examined by Dr. Asha Sharma. After various investigations, Dr. Rakesh Vakil advised for CT Scan. In CT Scan Report found evidence of a large rounder lesion measureing 8x7x6 cms in the left iliac fossa. Deewan Chand Aggarwal Imaging & Research Center concluded as under:-

> *"Focal rounded area of soft tissues attenuation at the ileocaecal junction would require clinical-ileocolonoscopy correlation.*
> *Large rounded intra-abdominal lesion in the left fossa with curvellinear hyperdense focus would require correlation with clinical-operative history to rule out the possibility of retained foreign body."*

On 24.06.2012 after having severe pain, patient has been admitted to Apollo Hopstial in emergency and doctor operated the patient on 25.06.2012 and found some foreign body(sponge) lying inside the abdomen. Inspite of request of complainant, police officials were not informed by Apollo hospital administration The said body is preserved in Apollo Hospital."

The Delhi Medical Council vide its order dated 10.06.2013 held that :-

"..... In the light of the observations made, it is the decision of the Disciplinary Committee that Dr. Poonam Khera failed to exercise reasonable degree of skill, knowledge and care which is expected of an ordinary prudent doctor, in the treatment of the complainant's wife Smt. Shubhara Subhashini. The Disciplinary Committee, therefore,

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recommends that the name of Dr. Poonam Khera be removed from State Medical Register of DMC for a period of one month.

The Disciplinary Committee, however. clarifies that the acts or omissions on the part of Poonam Khera in the management of this patient were not reckless or patently wanton to invite criminal liability. "

After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Appellant, Dr. Poonam Khera and Respondent Smt. Shubhra Subhashini for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

11. <u>Appeal dated 12.10.2012 field by Sh. Kalulal Suman against order dated 25.06.2012 passed by Rajasthan Medical Council-Reg.</u>

The Ethics Committee considered the appeal dated 12.10.2012 filed by Sh. Kalulal Suman against Order dated 25.06.2012 passed by Rajasthan Medical Council and noted that Rajasthan Medical Council vide its order dated 25.06.2012 held that :-

".. .... The complaint and reply of Dr. Shiv Kumar was examined by the Penal & Ethical Committee which decided that the expert opinion of Oncologist ENT surgeon may be obtained for final opinion. Thereafter, the expert opinion of Dr. Pawan Singhal, Associate Professor ENT Deptt., SMS Hospital, Jaipur was obtained and he has opined that Dr. Shiv Kumar, HOD ENT Surgeon has followed the basic standards of oncology and has done appropriate treatment in favour of the patient.

The Penal & Ethical Committee in its meeting has also opined that there was no negligence on part of the treating doctor.

The Council agreed with the decision of Penal & Ethical Committee, the case may be closed."

After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Appellant, Sh. Kalulal Suman and Respondent Dr. Shiv Kumar for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

(Dr. N. K. Mohanty) (Dr. J. L. Gupta) (Dr. M. S. Gupta)

(Sh. Ajay Kumar Jain)

(Dr. P. K. Dave – Chairperson)

12. Appeal dated 25.06.2013 filed by Sh. N.K. Narang, Lucknow against order dated 13.02.2013 passed by U.P. Medical Council-Reg.

The Ethics Committee considered the appeal dated 25.06.2013 filed by Sh. N.K. Narang, Lucknow against order dated 13.02.2013 passed by U.P. Medical Council. The summary of complaint reads as under:-

"wife of complainant Smt. Uma Narang was suffering with pain in knees and facing difficulty in climbing stairs. He contacted with Dr. Sanjay Kumar Srivastava of Mayo Medical Centre. Doctor examined the patient and advised for knee replacement surgery and assured the patient that it was a simple surgery. He had done certain tests and x-ray and fixed the date for surgery. First he planned the surgery of both knees at the same time but when the complainant informed that BP of the patient was fluctuating, therefore, surgery on one knee was performed. After surgery petient having sever pain. Surgery on second knee was done by Dr. Sanjay Kumar Srivastava on 19.10.2011. After the surgery, Dr. Sanjay Kumar Srivastava and other junior doctors left the hospital. Immediate after the surgery, several complication occurred high blood pressure, shivering with temperature, pain in her stomach. Doctors informed him that developed gangrene in the part of intestine. An emergency operation was conducted to remove the affected part of the intestine. The Condition of the patient worsened at that stage. They have referred the patient to PGI where she died due to multi-organ failure on 21.11.2011. the complainant requested that Dr. Sanjai Kumar Srivastava insisted for the surgery on second knee only for the money."

The U. P. Medical Council vide its order dated 10.06.2013 held that :-

"..... The Ethical committee has concluded that Dr. Sanjay Kumar Srivastava has done his best according to medical ethics. Patient developed intestinal obstruction and ischemic intestinel gangrene which was not related with Knee Replacement Surgery. Both knee replacement has been performed by Dr. Sanjay Kumar Srivastava within the gap of one week with patient and attendant's consent of the same hospital.

The Ethics Committee is of the opinion that Dr. Sanjay Kumar Srivastava cannot be held guilty of medical negligence."

After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Appellant, Sh. N.K. Narang and Respondent Dr. Sanjay Kumar Srivastava of Mayo Medical Centre for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

13. Appeal dated 10.05.2013 (received in the Council on 22.05.2013) filed by Dr. (Mrs.) Srimani Rajagopalan against order dated 04.04.2013 passed by Karnataka Medical Council-Reg.

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

(Dr. N. K. Mohanty) (Dr. J. L. Gupta) (Dr. M. S. Gupta)

(Sh. Ajay Kumar Jain)

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The Ethics Committee considered the appeal dated 10.05.2013 filed by Dr. (Mrs.) Srimani Rajagopalan against order dated 04.04.2013 passed by Karnataka Medical Council. The summary of complaint reads as under:-

"Late Smt. Shubha W/o complainant aged about 33 years, an ex-employee of Bangalore Hospital contacted to Dr. Shrimani Rajgopalan on 24.06.2010 having abdominal pain. After seeing the verification report of ultrasound scan, Dr. Shrimani Rajgopalan advised her for laparoscopic surgery as patient had a problem in her uterus. After a week, patient admitted in Bangalore Hospital for laparoscopic surgery. On 01.07.2010, around 8.30 am patient was taken at OT and at 12.15 pm complainant had been informed that surgery was unsuccessful and as a result of laparoscopic surgery, there was heavy bleeding and doctors still operating the patient to save her life. At 3.30 pm, Dr. Shrimani Rajgopalan came out from the OT and informed that she removed the uterus of the patient and now she was fine but the ventilator was not removed till 02.07.2010. At. 11.30 pm, ICU doctor told them to arrange blood and plasma for limb operation as the limb was cold.

On 03.07.2010 at 7.30 am, patient was taken to OT for undergoing vascular surgery which was necessitated by the failure of the laparoscopic surgery. On the same day at 3.00 pm patient was shifted to ICU again under ventilator and kept there for observation for 48 hours. There was no movement in the patient's body. Patient had been unconscious, high pulse rate and having fever since the third day of the operation. On 13.07.2010, patient would be shifted out of the ICU to the special ward but at 2.30 pm against shifted to OT for operation because of collection of pus in the patients abdomen. At 5.00 pm patient was brought out from the OT and shifted to ICU under ventilator support and had been informed that there had been damaged to the intestine and collection of stones in the abdomen of the patient and hence colostomy has been performed on the patient.

On 14.07.2010 patient developed low BP and became unconscious. On 15.07.2010 complainant informed that kidney had been damaged and hence the patient was advised to be put under dialysis. But due to low BP, dialysis was deferred. On 16.07.2010 at 12.45 am, complainants informed that patient was died."

The Karnataka Medical Council vide its order dated 10.06.2013 held that :-

".....Karnataka Medical Council under Section 15 of K.M.C. Act of 1961, unanimously decided to remove the name of R(1) Dr. Srimani Rajagopalan bearing K.M.C. Reg. No. 7500 for a period of Six Months w.e.f. 04.04.2013. R(2) has been exonerated."

After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Appellant, Dr. (Mrs.) Srimani Rajagopalan and Respondent Mr. Shashidhar B. Bankar for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

14. <u>Appeal to blacklist Dr. Kalbe Jawad from teacher's profile panel.</u>

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

(Dr. N. K. Mohanty) (Dr. J. L. Gupta) (Dr. M. S. Gupta)

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The Ethics Committee considered the Complaint letter dated Nil received from Sh. Naval Kishore Yadav against Dr. Kalbe Jawad that he has submitted fraud and fake information to MCI in Declaration Form of 2011-12.

The Ethics Committee after due deliberation decided to call both the parties i.e. complainant Sh. Naval Kishore Yadav and Respondent, Dr. Kalbe Jawad alongwith all the relevant documents in their support in the subsequent meeting. The Ethics Committee also decided to call Dr. R. K. Singh, who issued the experience certificate to Dr. Kalbe Jawad and the Dean of U. P. Rural Institute of Medical Sciences & Research, Etawah to appear before the Ethics Committee.

Notices be sent to both the parties along with a copy of the complaint to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

15. Order dated 02.05.2013 passed by the Hon'ble State Commission, Delhi in Complaint No.149/2007 - Shri Naveen Prashar – Vs. - K.C. Sharma Poly Clinic & Ors. - reg.

The Ethics Committee considered the Order dated 02.05.2013 passed by the Hon'ble State Commission, Delhi in Complaint No.149/2007 - Shri Naveen Prashar – Vs. - K.C. Sharma Poly Clinic & Ors.

After detailed deliberation, the Ethics Committee decided to call both the parites Dr. Anshula Mittal, Dr. Ankur Mittal and Dr. Anand Sharma of K.C. Sharma Poly Clinic alongwith Administrator/Incharge of and Sh. Naveen Parashar alongwith all the relevant documents related to the case in the subsequent meeting of the Ethics Committee.

Notices be sent to both the parties along with a copy of the Court order to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

16. Queries regarding Code of Conduct for Doctors/Medical Professional association of Doctors/Medical Professional with Pharmaceutical or allied industry in the health care sector under the 'Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations Act,2009(Amended).

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G.K. Sharma)

(Dr. N. K. Mohanty) (Dr. J. L. Gupta) (Dr. M. S. Gupta)

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The Ethics Committee considered a letter dated 10.05.2013 from Sh. K. Muthuswamy, Trustee for Sri Kanchi Sankara Health and Educational Foundation & Sri Sankaradeva Nethralaya, Guwahati, Assam with regard to queries regarding Code of Conduct for Doctors/Medical Professional association of Doctors/Medical Professional with Pharmaceutical or allied industry in the health care sector under the 'Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations Act,2009(Amended).

After due deliberation, the Ethics Committee noted Clause 6.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, which are as under:-

"6.8 Code of conduct for doctors and professional association of doctors in their relationship with pharmaceutical and allied health sector industry.

6.8.1 In dealing with Pharmaceutical and allied health sector industry, a medical practitioner shall follow and adhere to the stipulations given below:-

a) Gifts: A medical practitioner shall not receive any gift from any pharmaceutical or allied health care industry and their sales people or representatives.

b) Travel facilities: A medical practitioner shall not accept any travel facility inside the country or outside, including rail, air, ship , cruise tickets, paid vacations etc. from any pharmaceutical or allied healthcare industry or their representatives for self and family members for vacation or for attending conferences, seminars, workshops, CME programme etc as a delegate.

c) Hospitality: A medical practitioner shall not accept individually any hospitality like hotel accommodation for self and family members under any pretext.

d) Cash or monetary grants: A medical practitioner shall not receive any cash or monetary grants from any pharmaceutical and allied healthcare industry for individual purpose in individual capacity under any pretext. Funding for medical research, study etc. can only be received through approved institutions by modalities laid down by law / rules / guidelines adopted by such approved institutions, in a transparent manner. It shall always be fully disclosed.

e) Medical Research: A medical practitioner may carry out, participate in, work in research projects funded by pharmaceutical and allied healthcare industries. A medical practitioner is obliged to know that the fulfillment of the following items (i) to (vii) will be an imperative for undertaking any research assignment / project funded by industry – for being proper and ethical. Thus, in accepting such a position a medical practitioner shall:-

(i) Ensure that the particular research proposal(s) has the due permission from the competent concerned authorities.

(ii) Ensure that such a research project(s) has the clearance of national/ state / institutional ethics committees / bodies.

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(iii) Ensure that it fulfils all the legal requirements prescribed for medical research.

(iv) Ensure that the source and amount of funding is publicly disclosed at the beginning itself.

(v) Ensure that proper care and facilities are provided to human volunteers, if they are necessary for the research project(s).

(vi) Ensure that undue animal experimentations are not done and when these are necessary they are done in a scientific and a humane way.

(vii) Ensure that while accepting such an assignment a medical practitioner shall have the freedom to publish the results of the research in the greater interest of the society by inserting such a clause in the MoU or any other document / agreement for any such assignment.

f) Maintaining Professional Autonomy: In dealing with pharmaceutical and allied healthcare industry a medical practitioner shall always ensure that there shall never be any compromise either with his / her own professional autonomy and / or with the autonomy and freedom of the medical institution.

g) Affiliation: A medical practitioner may work for pharmaceutical and allied healthcare industries in advisory capacities, as consultants, as researchers, as treating doctors or in any other professional capacity. In doing so, a medical practitioner shall always:

(i) Ensure that his professional integrity and freedom are maintained.
(ii) Ensure that patients interest are not compromised in any way.
(iii) Ensure that such affiliations are within the law.
(iv) Ensure that such affiliations / employments are fully transparent and disclosed.

h) Endorsement: A medical practitioner shall not endorse any drug or product of the industry publically. Any study conducted on the efficacy or otherwise of such products shall be presented to and / or through appropriate scientific bodies or published in appropriate scientific journals in a proper way".

The Ethics Committee further decided to convey the above Clause 6.8 of Ethics Regulations to Sh. K. Muthuswamy, Trustee for Sri Kanchi Sankara Health and Educational Foundation & Sri Sankaradeva Nethralaya, Guwahati, Assam for their information.

The Meeting ended with a Vote of Thanks to the Chair.

New Delhi, 23rd & 24th August, 2013.

(Dr. B.G. Tilak) (Dr. K. K. Aggarwal) (Dr. G. K. Sharma)

(Dr. N. K. Mohanty) (Dr. J. L. Gupta) (Dr. M. S. Gupta)

(Sh. Ajay Kumar Jain)

(Dr. P. K. Dave – Chairperson)