DMC/DC/F.14/Comp.2952/2/2021/ 14th January, 2021

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a complaint of Shri. Tarun Sharma, r/o- O-35, Near MCD Primary School, Block-O, Krishna Vihar, Delhi, forwarded by the Medical Council of India alleging medical negligence on the part of Dr. V.K. Aggarwal of Dr. Vikas Hospital, E-253B, Krishan Vihar (Near Laxmi Dairy), Delhi-110086, in the treatment of complainant.

The Order of the Executive Committee dated 11th November, 2020 is reproduced herein below:-

The Executive Committee of the Delhi Medical Council examined a complaint of Shri Tarun Sharma, r/o- O-35, Near MCD Primary School, Block-O, Krishna Vihar, Delhi (referred hereinafter as the complainant), forwarded by the Medical Council of India, alleging medical negligence on the part of Dr. V.K. Aggarwal of Dr. Vikas Hospital, E-253B, Krishan Vihar (Near Laxmi Dairy), Delhi-110086 (referred hereinafter as the said Hospital), in the treatment of complainant.

The Executive Committee perused the complaint, written statement of Dr. V.K. Aggarwal Medical Superintendent of Dr. Vikas Hospital and other documents on record.

It is noted that as per the complainant of Shri Tarun Sharma, it is alleged that the complainant in April, 2018 was diagnosed with tuberculosis, for which, he initially consulted Baba Saheb Ambedkar Hospital, Rohini, then Bhagwan Mahavir Hospital, and finally referred to Kingsway Camp Hospital. As there was not much improvement in his condition, he consulted Dr. V.K. Aggarwal on 19th April, 2018. Dr. V.K. Aggarwal put him on medication, because of which, he experienced diminishing of his eye sight. On being told about the same, Dr. V.K. Aggarwal assured him that it will resolve in ten to fifteen days. Since there was no improvement in his eye sight, he consulted Guru Nanak Eye Centre where he was told that because of high doses of medicines prescribed by Dr. V.K. Aggarwal, he has lost his eye sight. It is, therefore, requested that strict action be taken against Dr. V.K. Aggarwal.

Dr. V.K. Aggarwal, Medical Superintendent/Consultant, Dr. Vikas Hospital in his written statement averred that the complainant Shri Tarun Sharma was suffering from the tuberculosis in April, 2018. As per the complainant’s version, the complainant was taken to Baba Saheb Ambedkar Hospital, Rohini and then to Bhagwan Mahavir Hospital and referred to Tb Hospital at Kingsway Camp. There was lack of facilities at camp hospital and complainant was not improving. The complainant was treated mainly on OPD basis, so all prescriptions were with the complainant or his (the complainant) attendant. He (Dr. V.K. Aggarwal) is stating these events on the basis of memory of recall. He strongly refutes that he met Smt. Pusha Sharma at Shastri Nagar and persuaded her to admit the complainant in his hospital. Rather, the complainant was never admitted in Dr. Vikas Hospital under his supervision. He refute that he gave assurance or guarantee of complete cure in two-three months even at his clinic. He strongly denies complainant’s allegation that he tortured his mother, as he (Dr. V.K. Aggarwal) again says that he never met Smt. Pushpa Sharma at Shastri Nagar and Shri Tarun Sharma (the complainant) was never admitted in his hospital. The malicious intentions can be seen from the statement that he said his fees is exorbitant while his fee is just normal i.e. Rs.150/- per visit even in present scenario. The complainant came of his own for the treatment on the OPD basis. He started the treatment on 19th April, 2018, as the complainant was suffering from tuberculosis, he continued with ATT after registering with NIKSHAY. The regimen and doses of ATT were prescribed according to RNTCP guidelines. The complainant alleged that after starting treatment, the complainant had complaint of decrease in vision and burning sensation in eyes and the doctor told the complainant not to be afraid and continue with the treatment and again complained after 10-15 days and the doctor said these are his certified medicine. He strongly refutes all the allegations. The complainant consulted him on OPD basis on 19th April, 2018, than again on 20th April, 2018, 23rd April, 2018, 09th May, 2018, 10th May, 2018, 14th May, 2018, 18th May, 2018, 27th May, 2018 and 30th May, 2018 for wound dressing and 08th June, 2018, 11th June, 2018, 12th June, 2018, 25th June, 2018, 25th July, 2018 and also on 14th August, 2018. The complainant came to see him on 19th April, 2018 after having the treatment from Bhagwan Mahavir Hospital, Delhi Govt. for pneumothorax with ICD in situ, he got a repeat chest x-ray on 19th April, 2018, after which, he continued the ATT started by Bhagwan Mahavir Hospital, after that the complainant came to his OPD several times alongwith his (the complainant) mother or any attendant. After the removal of ID from Bhagwan Mahavir Hospital, the complainant developed ICD insertion site wound infection alongwith the surgical emphysema, which was conservatively managed on outdoor patient basis. When the complaint complained of difficulty in vision for the very first time, he referred the complainant to ophthalmologist for eye check-up and the complainant was diagnosed with colour vision defect. After reviewing eye check-up report, he advised the complainant to stop Ethambutol, and after that, the complainant never followed-up with him in person but he remembers that the complainant’s mother coming for his advice for further management and even his (the complainant) sister came to ask for referral to AIIMS for further treatment which he gave to her. The allegation that drugs are certified by him is strongly denied, he never claimed that these medicines are certified by him, he simply followed the RNTCP guidelines, and he prescribed the dose of Ethambuton as per RNTCP guidelines. Loss of colour vision is a known side/toxic effect of Ethambuton. The complainant was referred to eye specialist on very first complaint of vision difficulties and was advised to stop tablet Ethambuton when there was diagnosis of colour vision loss but the complainant never came for follow-up. The statement by the complainant that Guru Nanak Hospital had said that vision loss is because of over dose of the drugs is a wrong statement and without any basis; the drugs doses and duration of intake are prescribed according to RNTCP guideline. The complainant came to him on his own will and was treated by him for pulmonary tuberculosis on OPD basis as per the RNTCP guideline for the tuberculosis. On very first complain of vision difficulties, the complainant was referred to eye specialist and on diagnosis of colour vision loss, tablet Ethambuton was stopped. He sympathizes with the complainant for suffering but he followed the standard protocol for the tuberculosis treatment. He, therefore, requests the Delhi Medical Council to consider the above truthfully stated facts and dismiss the complaint ab initio.

In view of the above, the Executive Committee noted that the complainant Shri Tarun Sharma, a 32 years old male, who was a known case of hydro-pneumothorax on ATT started in Bhagwan Mahavir Hospital since 16th April, 2018. The prescription was as per protocol and included Ethambutol. Patient consulted Dr. V.K. Aggarwal in April, 2018 with ICD in situ. Dr. V.K. Aggarwal continued the ATT as per protocol. The complainant subsequently developed blurred vision in both the eyes, for, which, on 08th September, 2018, Guru Nanak Eye Hospital advised discontinuing Ethambutol which was done. Thereafter, Dr. V.K. Aggarwal referred him to AIIMS ophthalmology department for further management, as per his desire.

In light of the observations made hereinabove, it is observed that tablet Ethambutol is a medicine prescribed as part of ATT protocol as per RNTCP guidelines; the drug, however, in certain cases is known to cause optic neuropathy, which the complainant unfortunately suffered. It cannot be predicted or pre-empted. Therefore, the decision of the Executive Committee is that prima-facie no case of medical negligence is made out on the part of Dr. V.K. Aggarwal of Dr. Vikas Hospital, in the treatment of complainant.

Complaint stands disposed.

 Sd/: Sd/: Sd/:

(Dr. Arun Kumar Gupta) (Dr. Raghav Aggarwal) (Dr. Saudan Singh)

Chairman, Member, Member,

Executive Committee Executive Committee Executive Committee

 Sd/: Sd/: Sd/:

(Dr. Ashwini Dalmiya) (Dr. Vandana Roy) (Dr. Atul Goel)

Member, Member, Expert Member

Executive Committee Executive Committee Executive Committee

The Order of the Executive Committee dated 11th November, 2020 was confirmed by the Delhi Medical Council in its meeting held on 06th January, 2021.

By the Order & in the name of Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

 Copy to:-

1. Shri Tarun Sharma, r/o- O-35, Near MCD Primary School, Block-O, Krishna Vihar, Delhi.
2. Dr. V.K. Aggarwal, Through Medical Superintendent Dr. Vikas Hospital, E-253B, Krishan Vihar (Near Laxmi Dairy), Delhi-110086.
3. Medical Superintendent Dr. Vikas Hospital, E-253B, Krishan Vihar (Near Laxmi Dairy), Delhi-110086.
4. National Medical Commission, Pocket 14, Sector 8, Dwarka, New Delhi-110075.

 (Dr. Girish Tyagi)

 Secretary