DMC/DC/F.14/Comp.4007/2/2023/ 19th March, 2024

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a suo moto notice of a prescription dated 13th September, 2023 of Dr. Gopal Bhagat, Bhagat Clinic & Hospital, for issuing the medical certificate to one Shri Akshay.

The Order of the Disciplinary Committee dated 13th February, 2024 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a suo moto notice of a prescription dated 13th September, 2023 of Dr. Gopal Bhagat, Bhagat Clinic & Hospital, for issuing the medical certificate to one Shri Akshay.

The Disciplinary Committee perused a suo moto notice, written statement of Dr. Gopal Bhagat and other documents on record.

Disciplinary Committee noted that as per the medical certificate of fitness dated 13.09.2023 issued by Dr. Bhagat to one Shri Akshay a 32 year old male, it is certified that Shri Akshay s/o late Shri Rajendra r/o Dakshinpuri, New Delhi had been treated for manic depressive psychosis from 16.01.2023 to 12.09.2023. He was advised bed rest during this period examined in OPD and was declared fit to join duty from 13th September, 2023.

Dr. Gopal Bhagat in his written statement averred that he has been running Bhagat Clinic & Hospital for the last 15 years after his retirement. A patient named Shri Akshay, gender male, aged 32 years old, consulted his clinic vide serial no. 20 and complained about feeling devoid of any inclination to engage in work and a profound disengagement from the joys of living. He also complained about loss of sleep and appetite. The patient in question had exhibited a tendency towards suicidal behavior, as reported by family members. In fact, he has made three suicide attempts at his residence by hanging. The patient was brought to his clinic by family members, and upon assessment, he was diagnosed with acute manic-depressive psychosis. He suggested anti depressive drugs like Prodep 20MG BD Depsonil pm at night along with medicine for loss of sleep and appetite. He recommended a 15-day rest period, emphasizing positive thinking and embracing a joyful lifestyle. He was instructed to undergo follow-up treatment, with a request to his family members to avoid leaving him alone and to remain vigilant regarding his behavior. Throughout his treatment, he suggested at multiple times to consult a psychiatrist at either a government or private hospital. However, the patient consistently declined, asserting that he was finding relief from the current course of treatment. Therefore, his follow up treatment continued upto 12th September, 2023. Furthermore, it was reported that the patient exhibited significant improvement following the prescribed treatment. Both the patient and his family were notified that the patient could resume his professional duties. Consequently, a medical fitness certificate dated 13.09.2023 was issued with serial no. 20. He further stated that he had undergone 6 weeks syncretic training during his M.B.B.S. Course in Mental Hospital, Ranchi, Furthermore, he had participated in specialized syncretic training at G.B. Hospital in Delhi during the period of 1983-1984. Additionally, he dedicated nine months to service in the department at Hindu Rao Hospital.

On enquiry by the Disciplinary Committee, Dr. Gopal Bhagat stated that since the patient had exhibited suicidal tendency he had advised him to consult a specialist (psychiatry) however, he did not documented this advice. He had only given verbal instruction. The Disciplinary Committee directed Dr. Gopal Bhagat to submit the documents/certificate in support of his claim that he can practice in the field of psychiatry.

In view of the above, Disciplinary Committee makes the following observations :-

1. Dr. Gopal Bhagat is registered in Delhi Medical council under DMC No. 108238 dated 18th May, 2023 with qualification of M.B.B.S. only. Inspite of given adequate opportunity Dr. Gopal Bhagat did not produce any documents in support of his claim that he can practice in the field of psychiatry which is a specialist field of medicine, for practicing in which, a person is required to have minimum qualification of post graduate degree in psychiatry. In the present case, Dr. Gopal Bhagat after making an initial diagnosis of the patient suffering from manic depressive psychosis which is a serious medical condition, and more so since as per Dr. Gopal Bhagat’s written statement the patient had exhibited suicidal behavior and had made three suicide attempts, it was incumbent upon Dr. Gopal Bhagat to refer the patient to a specialist that is psychiatrist for necessary appropriate treatment.
2. As per the certificate, it is noted that it has been given for a very inordinately long period of almost nine months, which is in contravention of guidelines laid down by Delhi Medical Council, as reiterated hereinbelow :-
   1. Medical certificates are legal documents. Medical practitioners who deliberately issue a false, misleading or inaccurate certificate could face disciplinary action under the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002. Medical practitioners may also expose themselves to civil or criminal legal action. Medical practitioners can assist their patients by displaying a notice to this effect in their waiting rooms.

It is, therefore, a misnomer to state that medical certificate is “not valid for legal or Court purposes”, and should be avoided. Registered medical practitioners are legally responsible for their statements and signing a false certificate may result in a registered medical practitioner facing a charge of negligence or fraud.

* 1. The certificate should be legible, written on the doctor’s letterhead and should not contain abbreviations or medical jargon. The certificate should be based on facts known to the doctor. The certificate may include information provided by the patient but any medical statements must be based upon the doctor’s own observations or must indicate the factual basis of those statements. The Certificate should only be issued in respect of an illness or injury observed by the doctor or reported by the patient and deemed to be true by the doctor.

The certificate should :-

* + - 1. indicate the date on which the examination took place
      2. indicate the degree of incapacity of the patient as appropriate
      3. indicate the date on which the doctor considers the patient is likely to be able to return to work
      4. be addressed to the party requiring the certificate as evidence of illness e.g. employer, insurer, magistrate
      5. indicate the date the Certificate was written and signed.
      6. Name, signature, qualifications and registered number of the consulting Registered Medical Practitioner.
      7. The nature and probable duration of the illness should also be specified. This certificate must be accompanied by a brief resume of the case giving the nature of the illness, its symptoms, causes and duration.

When issuing a sickness certificate, doctors should consider whether or not an injured or partially incapacitated patient could return to work with altered duties.

* 1. The medical certificate under normal circumstances, as a rule, should be prospective in nature i.e. it may specify the anticipated period of absence from duty necessitated because of the ailment of the patient. However, there may be medical conditions which enable the medical practitioner to certify that a period of illness occurred prior to the date of examination. Medical practitioners need to give careful consideration to the circumstances before issuing a certificate certifying a period of illness prior to the date of examination, particularly in relation to patients with a minor short illness which is not demonstrable on the day of examination and should add supplementary remarks, where appropriate, to explain the circumstances which warranted the issuances of certificate retrospective in nature.
  2. It is further observed that under no circumstances, a medical certificate should certify period of absence from duty, for a duration of more than 15 days. In case the medical condition of the patient is of such a nature that it may require further absence from duty, then in such case a fresh medical certificate may be issued.

* 1. Record of issuing medical certificate - Documentation should include:
     1. Patient to put signature / thumb impression on the medical certificate Identification marks to be mentioned on medical certificate
     2. that a medical certificate has been issued
     3. the date / time range covered by the medical certificate
     4. the level of incapacity (i.e. unfit for work, light duties, etc within scope of practice)
     5. signature / thumb impression of patient

An official serially numbered certificate should be utilized. The original medical certificate is given to the patient to provide the documentary evidence for the employer. The duplicate copy will remain in the Medical Certificate book for records. The records of medical certificate are to be retained with the doctor for a period of 3 years from the date of issue.

1. It is further observed that Dr. Gopal Bhagat as per the records and his statement did not advise any investigation before prescribing anti psychiotic medication.
2. It is also observed that Dr. Gopal Bhagat suffixes M.B.B.S., A.M.C. (EX) to his name, which is in violation of the Regulation 1.4.2 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002 which mandates that “*physicians shall display as suffix to their names only recognized medical degrees or such certificates/diplomas and memberships/honours which confer professional knowledge or recognizes any exemplary qualification/achievements.”*

In light of the observations made herein-above, the Disciplinary Committee recommends that name of Dr. Gopal Bhagat (Delhi Medical Council Registration No. 108238) be removed from the State Medical Register of the Delhi Medical Council for a period of 90 days.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Sunil Kumar Satrawal)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

Sd/:

(Dr. Nimesh Desai)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 13th February, 2024 was taken up for confirmation before the Delhi Medical Council in its meeting held on 21st February, 2024 wherein “*whilst confirming the decision of the Disciplinary Committee, the Council observed that in facts and circumstances of this case, the punishment of removal of name of Dr. Gopal Bhagat for a period of 90 days from the State Medical Register of the Delhi Medical Council, will not serve the interest of justice; hence, the Council directs that punishment awarded to Dr. Gopal Bhagat be enhanced and the name of Dr. Gopal Bhagat(Delhi Medical Council Registration No. 108238) is removed for a period of 180 days from the State Medical Register of the Delhi Medical Council.*

*The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 60 days from the date of the Order.*

*This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed”.*

By the Order & in the name of

Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to :-

1. Dr. Gopal Bhagat, Bhagat Clinic & Hospital, 281, P-15, Ward No. 2, Mehrauli, New Delhi-110030.
2. Registrar, Bihar Council of Medical Registration, Road No. 11-D, Rajendra, Nagar, Patna–800016, Bihar **(Dr. Gopal Bhagat is also registered with Bihar Council of Medial Registration under registration No-9229 dated 12.04.1969)-for information necessary action.**
3. National Medical Commission, Pocket-14, Phase-1, Dwarka, Sector-8, Dwarka, New Delhi-110077-**for information & necessary action**.

(Dr. Girish Tyagi)

Secretary