DMC/DC/F.14/Comp.2172/2/2022/ 23rd May, 2022

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation from Police Station Kalyan Purri, forwarded by the Medical Council of India, seeking medical opinion in respect of alleged medical negligence committed in the treatment of Smt. Kiran w/o Shri Naresh r/o 425B Kalyanvas, Delhi by the doctors of Lal Bahadur Shastri Hospital.

The Order of the Disciplinary Committee dated 19th April, 2022 is reproduced herein-below :

The Disciplinary Committee of the Delhi Medical Council examined a representation from Police Station Kalyan Purri, forwarded by the Medical Council of India, seeking medical opinion in respect of alleged medical negligence committed in the treatment of Smt. Kiran (referred hereinafter as the patient) (CR No. 3189) w/o Shri Naresh r/o 425B Kalyanvas, Delhi by the doctors of Lal Bahadur Shastri Hospital (referred hereinafter as the said Hospital).

The Disciplinary Committee perused the representation from the police, written statement of Dr. Anita Saxsena, Medical Superintendent of LBS Hospital enclosing therewith written statement of Dr. Nikita, Medical Officer, of Lal Bahadur Shastri Hospital, written statement of Dr. Shivali, Ex-Senior Resident, Lal Bahadur Shastri Hospital, copy of medical records of Lal Bahadur Shastri Hospital and Lok Nayak Hospital and other document on record.

The following were heard in person :-

1. Dr. Nikita Medical Officer, Lal Bahadur Shastri

 Hospital

1. Dr. Shivali Ex S.R., Lal Bahadur Shastri Hospital
2. Dr. Soumyashree Hota Paediatrician Lal Bahadur Shastri Hospital
3. Ms. Bindu Vijay Staff Nurse, Lal Bahadur Shastri Hospital
4. Dr. Kavita Gupta HOD, Lal Bahadur Shastri Hospital
5. Dr. Sanjeev Kumar Specialist Anaesthesia, Lal Bahadur Shastri Hospital
6. Shri Sanjay Kumar Private Secretary of the Medical

Superintendent, Lal Bahadur Shastri Hospital

1. Dr. S.B. Jangpangi CMA SAG, DMS (A), Lal Bahadur Shastri

 Hospital

The Disciplinary Committee noted that the complainant Smt. Premvati failed to appear before the Disciplinary Committee, inspite of notice. The Disciplinary Committee further noted that Dr. Adit Arora did not appear before the Disciplinary Committee, but sent a representation (email) wherein he stated that he has recently started working in Dubai, UAE and unfortunately, not able to present before the Disciplinary Committee. In view of the fact that the matter has been referred by the Police; in the interest of justice, the Disciplinary Committee decided to proceed with the matter in order to determine it on merits.

It is noted that as per the police representation, it is submitted that a complaint was received at Police Station Kalyanpuri Delhi on 25.5.2017 vide DD No. 29B. In the complaint the complainant, Smt. Premvati w/o Late Shri Dataram has alleged that her daughter-in-law Smt. Kiran (the patient) w/o Shri Naresh had been admitted at Lal Bahadur Shastri Hospital, Khicharipur Delhi on 24.02.2016 on CR no. 3799 due to pregnancy. On 24.02.2016, the doctor of Lal Bahadur Shastri Hospital conducted an operation upon the patient and she gave birth to twin baby. The patient was discharged from the Lal Bahadur Shastri Hospital on 02.3.2016. After some-time, the patient felt some pain in her abdomen. In beginning, she did not bother about it. But the pain kept increasing and she went to the doctor of the Lal Bahadur Shastri Hospital who conducted the operation of the patient. The doctor assured her that everything will be ok and there was no need to worry, as the operation was successful. But she did not get rid of her abdomen pain. On 18.5.2017, the patient was admitted at LNJP (Lok Nayak Jai Prakash) Hospital, Delhi on CR No. 107820/17 where the doctors of LNJP conducted an operation of the patient and they found a piece of cloth in her abdomen measuring 5x5.2x7 cm. Now the complainant Premvati is alleging that the doctor of Lal Bahadur Shastri Hospital has conducted operation of her daughter-in-law (the patient) in negligence way and due to this act of negligence, the life of her daughter in law is in danger. It is, therefore, requested to take appropriate action on this complaint.

Dr. Shivali, Ex-Senior Resident, Lal Bahadur Shastri Hospital in her written statement averred that the patient Smt. Kiran presented in Gynae Emergency in serious condition with severe pain abdomen and scar tenderness (pain and stretch over previous cesarean scar) suggesting? Scar dehiscence (risk of scar rupture) clinically, history of previous caesarean section with labour pains, pallor suggesting anaemia and history of prior blood transfusion in antenatal period on 11.2.2016 at Lal Bahadur Shastri Hospital. On 24.2.2016, she was posted in Gynae. Emergency/labour room complex and the patient was admitted to the hospital in serious condition. She informed seriousness of this case to her senior, consultant on duty, Dr. Nikita, who ordered to get all her (the patient) investigations done and prepare her (the patient) for emergency caesarean section. In the meanwhile, she (Dr. Nikita) ordered her to come to operation theatre and assist her (Dr. Nikita) in OT. She had to quickly manage other patient in casualty and rush to operation theatre. Dr. Nikita ordered her to quickly take this concerned patient to the operation table, prepare the patient, and to start with. As it was a high risk case in view of anaemia and there being high suspicion of scar dehiscence and /or dense adhesions with bowel/bladder owing to previous surgery, Dr. Nikita soon got scrubbed and joined her (Dr. Shivali). The patient bled profusely intra-operatively, losing nearly 500 ml blood over and above the expected loss for a caesarean section. The senior doctor, Dr. Nikita was handling the case and managed to control the blood loss and she (Dr. Shivali) assisted her (Dr. Nikita). After the baby was out, Dr. Nikita ordered her to get de-washed and sent her (Dr. Shivali) to complete the paper work and rush back to manage the gynaecology casualty/labour room. The baby was out at 2:57 p.m. and she started paper work after de-washing at around 3:00 p.m. and left the operation theatre. As such, she was not scrubbed on operation table during abdomen closure. After de-washing and putting OT notes in file of the patient, she was sent to gynae. emergency and labour room complex, as it was getting busy and there were many new patients presenting in serious condition to attend to, so, in a hurry, due to some inadvertence, she could not mention everything and all entries into OT register. As directed by the senior Dr. Nikita, as she (Dr. Shivali) had started the case, her name was written as surgeon. It is mentioned that in normal practice also, names of juniors is mentioned as a gesture of encouragement and for credit. She humbly, needs to state that this difficult surgery could not have been left to her alone at this level, as it needed senior expertise and experience. The patient has to be transfused one unit of blood in post-operative period to compensate for excessive blood loss during the surgery. The patient remained in hospital from 24.2.2016 to 2.3.2016 and was discharged on 2.3.2016 after stitch removal in satisfactory condition by the concerned doctor, on ward duty that day. The inquiry into this case at hospital level was conducted by Lal Bahadur Shastri Hospital and she was called for to, get her statement recorded vide letter No.15(12)Estt/Grievance/LBSH/2017/ 3528 issued by the respected Medical Superintendent, Lal Bahadur Shastri Hospital dated 06th September 2017. As she was called by the hospital authorities, she went to the hospital on 13.9.2017 and filed her reply with hospital authorities; after that there was no further reply from the hospital, presuming it to be satisfactory. Every surgery is a team work and not a work of a single person. As in any other surgery, in this case also, meticulous care was taken by each member of the operating team and the same was done diligently, nor any negligence in the performance of the surgery or surgical skill is alleged against the doctors. No negligence is alleged on part of the surgeons over their surgical skills like surgical steps, delivery of the baby safely, control of bleeding sites, etc. nor the same is alleged against her. The rest was to be done by the operation theatre nursing staff. The mop and instrument count is always confirmed before and after the surgery by the staff nurse assisting the surgery. As such, no question of finding such alleged piece of cloth on MRI/repeat surgery can be attributed to the caesarean section on 24.2.2016. In the letter to the Medical Council of India by the patient’s relative, it is alleged that the patient came on follow-up visit in OPD after discharge to the surgeons performing her operation. With regard to this, she has to state that, she never saw this patient on any alleged follow-up. It may be brought to the Delhi Medical Council’s kind notice that after 2.3.2016, she resigned from Lal Bahadur Shastri Hospital owing to her family problem within a short time span of around 45 days and during this span also, she was on casual leave for one week from 9.3.2016 to 14.3.2016. Also, she was normally posted in labur room/ gynae. Emergency duties and OPD is managed mainly by the Consultants and not by First Year Senior Residents. Also in the letter to the Medical Council of India, it is alleged that a small piece of cloth has been recovered from the patient’s abdomen. She humbly needs to say that the standard mop size in this government hospital is approximately 20 x 20 cm. It is to be brought to the kind notice of the Delhi Medical Council that there is grave discrepancy in the statement made by the relatives regarding size of alleged retained cloth. Whereas, in the letter to the Medical Council of India, it is alleged that a small piece of cloth recovered, however, in the legal notice issued by the Advocate Harsh Kumar dated 22.6.2017, it is alleged that a large piece of towel has been recovered from the patient’s abdomen. There was change in the statement made by the relatives which reflects their ulterior motive. Also it is brought in the kind notice of the Delhi Medical Council that the date of caesarean section mentioned on MCI letter as well as legal notice is 24.2.2017. She humbly needs to mention that she had already resigned from this hospital on 18.4.2016. The hospital records, however, falsifies this and show the surgery was conducted on 24.2.2016. Also in letter to the Medical Council of India, it is alleged that the patient delivered twin baby by caesarean. However, the hospital records falsify this, as the patient delivered a single male baby. So the grave discrepancy between the hospital records and the statements made in letter to the Medical Council of India and Legal Notice with context to date of surgery, size of retained piece, outcome of LSCS positively show the ulterior motive behind the scene, created by the party. The surgery in question was done on 24.2.2016 and it is alleged that a piece of cloth found on MRI on 18.5.2017, it is prudent to rule out any other invasive procedure /surgery the patient might have undergone, elsewhere, over the site of same scar, in this long time span. She needs to mention that all operations are performed by the team doctors, following the standard protocol, with meticulous care being taken by entire team at every step; such an incidence is highly unlikely.

Dr. Nikita, Medical Officer of Lal Bahadur Shastri Hospital in her written statement averred that she was not scrubbed in the surgery performed on the patient Kiran on 24.2.2016 with CR No.3799. Therefore, she did not know as to what transpired before, during and after the surgery. She had seen the patient in post-operative ward as part of her usual professional routine and found the patient to be in satisfactory state till discharge. She did not recall any follow-up of this patient.

Dr. Soumyashree Hota, Paediatrician, Lal Bahadur Shastri Hospital stated that she was the paediatrician involved in this case, however, she does not remember the gynaecologist who had done the LSCS procedure on the patient Smt. Kiran.

Ms. Bindu, Staff Nurse, Lal Bahadur Shastri Hospital stated that she was the staff nurse who assisted in the LSCS procedure done on the patient Smt. Kiran on 24th February, 2016. She further stated that she alongwith Dr. Shivali, Senior Resident, Dr. Nikita, consultant were part of the operating team. Further, after the completion of the LSCS procedure, she had diligently taken the count of all the instruments, etc.

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

1. It is observed that the patient Smt. Kiran 22 years old female with provisional diagnosis of G2P1Lo 37+6 weeks and previous LSCS underwent emergency LSCS under spinal anaesthesia on 24th February, 2016at the said Hospital and delivered a male baby at 2.57 p.m. (24.2.2016). As per the OT notes of the said hospital, it is mentioned S 1 (scrubbed)-Dr. Shivali, S 2 (scrubbed)-Dr. Nikita; (Anaesthetist)-Dr. Adit;, S/N (staff nurse)-Sister Bindu; Paediatrician- Dr. Saumya. The patient was discharged on 02nd March, 2016. Apparently, the patient then presented to Lok Nayak Jaiprakash Hospital, where she was admitted on 17th May, 2017, with generalized pain abdomen with high grade fever since one year. The pain was insidious in onset and gradually progressive but non-radiating. Fever was with chills and rigors and undocumented. There was history of C-Section one year ago in a private clinic. LMP was on 15th May, 2017, G3P3L3A1 last 3 children through C-Section. She was a known case of bronchial asthma on SOS medication for last three years. No co-morbidities or other previous surgery. She was examined and investigated. Per abdomen findings were guarding and tenderness in umbilical, hypo-gastric and left iliac fossa. An ill-defined smooth lump present 5 x 5 cm in RIF (Right Iliac Fossa), firm and tender. No free fluid. Bowel sound present. The CECT abdomen/pelvis done on 18th May, 2017 (CRNo.-107820) revealed a well defined intra-peritoneal encapsulated lesion showing heterogeneous attenuation in the left lumbar region showing a hyper-dense linear metallic attenuation structure within. The patient underwent diagnostic laparoscopy followed by exploratory laparotomy and gossypiboma removal under GA on 25th May, 2017. Intra-operative findings :- adhesions between omentum and anterior abdominal wall, two scar marks of previous LSCS was seen in lower abdomen (transverse), gossypibioma was present in left iliac fossa with jejenal loops, sigmoid colon, omentum, ovaries and fallopian tubes, pus was present between omentum and gossypibioma. The patient was discharged on 13th June, 2017. The biopsy report (Lab ref no.S-7424/17) of Department of Pathology of Maulana Azad Medical College & Lok Nayak Hospital in regards to CR No.107820 of Smt. Kiran was “a mop measuring 4x3.3x1.1 cm which is exudates covered. Section show foreign body giant cell reaction along with focal area of necrosis and moderate chronic inflammation”.
2. It is evident from the OT notes and written statement of Staff Nurse Ms. Bindu that the LSCS (Lower Segment Caesarean Section) procedure upon the patient Smt. Kiran was conducted by Dr. Shivali and Dr. Nikita. Further, the denial of Dr. Nikita in being part of the operating time, flies in the face of the fact that she being the senior doctor will permit a Senior Resident to manage this difficult case(the patient having history of LSCS with anaemia) on her own without supervision, in violation of LSCS protocols being prevalent in Lal Bahadur Shastri Hospital, which mandates that ‘during the day time (09.00 a.m. to 04.00 p.m.), all caesarean section will be done by Senior Residents under Consultant cover, and also that no unsupervised operation deliveries will be conducted by the Junior Senior Residents’. If, Dr. Nikita’s argument is to be accepted than Dr. Nikita is guilty of dereliction of duty of a consultant.
3. Based on the preponderance of probability, there is very likelihood that the mop recovered from the patient’s body during exploratory laparotomy performed on 25th May, 2017 at Lok Nayak Hospital was the same mop which must have been left during the LSCS performed on 24th February, 2016. It is not unusual that such a foreign body can become troublesome, after lying dormant for some period and removal of the same to, alleviate the medical condition of the patient, necessitates a surgical procedure, which was undertaken in the present case.

In light of the observations made hereinabove, the Disciplinary Committee recommends that name of Dr. Nikita (Delhi Medical Council Registration No.49297) and Dr. Shivali be removed from the State Medical Register for a period of 30 days, respectively; however, since, Dr. Shivali is currently not registered with the Delhi Medical Council but registered with Punjab Medical Council; a copy of this Order be sent to Punjab Medical Council with a request to take cognizance of this Order and take necessary action against Dr. Shivali. Further, a copy of this Order be sent to Delhi Nursing Council for taking action against Staff Nurse Ms. Bindu, who was also guilty of dereliction of her duties.

Matter stands disposed.

Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Anil Kumar Yadav)

Chairman, Eminent Publicman

Disciplinary Committee Member,

 Disciplinary Committee

 Sd/: Sd/:

(Dr. Satish Tyagi) (Dr. J.B. Sharma)

Delhi Medical Association, Expert Member

Member, Disciplinary Committee

Disciplinary Committee

Sd/:

(Dr. Abhinav Jain)

Expert Member

Disciplinary Committee

The Order of the Disciplinary Committee dated 19th April, 2022 was confirmed by the Delhi Medical Council in its meeting held on 29th April, 2022.

The Council also confirmed the punishment of removal of name of Dr. Nikita (Delhi Medical Council Registration No.49297)from the State Medical Register of the Delhi Medical Council for period of 30 days awarded by the Disciplinary Committee.

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 30 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. Smt. Prevati, C/o Shri Naresh, r/o 425B, Kalyanvas, Delhi-110091.
2. Dr. Nikita, Medical Officer, Through Medical Superintendent, Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase-II, Khichripur, Delhi-110091.
3. Dr. Shivali, H.No.189, S.No.1, Guru Nanak Colony, Faridkot-151203, Punjab.
4. Dr. Adit Arora, Through Medical Superintendent, Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase-II, Khichripur, Delhi-110091.
5. Dr. Soumyashree Hota, 226-C, Pocket-A, Mayur Vihar Phase-II, Delhi-110091.
6. Staff Nurse Ms. Bindu, Through Medical Superintendent, Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase-II, Khichripur, Delhi-110091.
7. Medical Superintendent, Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase-II, Khichripur, Delhi-110091.
8. Station House Officer, Police Station Kalyanpuri, Delhi-110091 (**Ref No.1199/R. S.H.O. K, Puri dated 05.07.2017-for information**.
9. Registrar, Punjab Medical Council, Medical Education Bhawan, Second Floor, Sector-69, SAS Nagar, Mohali, Punjab **(Dr. Shivali is also registered with Punjab Medical Council)**- **for information & necessary action.**
10. Registrar, Delhi Nursing Council, A. B. College of Nursing Building, L.N. Hospital, Mirdard Marg, LNJP Colony, New Delhi, Delhi 110002-**for information and necessary action**
11. National Medical Commission, Pocket-14, Sector-8, Dwarka, Phase-1, New Delhi-110077-w.r.t erstwhile Medical Council of India’s letter No.MCI-211(2)(Gen.)/2017-Ethics./129279 dated 03.08.2017-**for information & necessary action**.
12. Registrar, Assam Medical Council, Baista Road, H. No.1, Banphol Nagar Path, Dispur-6, (Near Housefed), Guwhati(Gauhati)(District Guwahati (Gauhati), Assam, India (**Dr. Nikita is also registered with Assam Medical Council under Registration No.17472 dated 28.11.2005)** -**for information and necessary action.**
13. Registrar, Bihar Council of Medical Registration, Road No. 11/D, Rajendra Nagar, Patna-800016, Bihar (**Dr. Nikita is also registered with the Bihar Council of Medical Registration under registration No.38572 dated 16th October, 2009)–for information & necessary action.**

 (Dr. Girish Tyagi)

 Secretary