DMC/DC/F.14/Comp. 2431/2/2023/ 16thMay, 2023

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a suo moto notice of a news item published in the The Indian Express dated 05th April, 2018, alleging medical negligence on the part of the doctors of All India Institute of Medical Sciences,for performing wrong surgery on a patient.

The Order of the Disciplinary Committee dated 02nd May, 2023 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a suo moto notice of a news item published in the The Indian Express dated 05th April, 2018, alleging medical negligence on the part of the doctors of All India Institute of Medical Sciences,for performing wrong surgery on a patient.

The Disciplinary Committee perused news item published in the The Indian Express dated 05th April, 2018, written statement of Medical Superintendent of All India Institute of Medical Sciences enclosing therewith written statement of Dr. Manjunath M. Pol, Dr. Manjunath Bale, Dr.Simranjeet Singh, Dr.GurpremjitSingh, Dr. Raghavendra Y.S; written statement of Dr. Sunil Chumber and other documents on record.

The following were heard in person :-

1) Dr. Manjunath M. Pol Additional Professor, All India Institute of Medical Sciences`

2) Dr. Manjunath Bale Junior Resident, All India Institute of Medical Sciences

3) Dr.Gurpremjit Singh Junior Resident, All India Institute of Medical Sciences

4) Dr. Raghavendra Y.S. Senior Resident, All India Institute of Medical Sciences

5) Dr.Simranjeet Singh Senior Resident, Department of Neurosurgery, All India Institute of Medical Sciences

6) Dr. Sunil Chumber Head, Department of Surgery, All India Institute of Medical Sciences

7) Shri Sandeep M. Singh M.R.O., All India Institute of Medical Sciences

7) Dr. Kanika Jain Assistant Professor, Hospital Administration, All India Institute of Medical Sciences

It is noted that as per the news item published in the Indian Express dated 05th April, 2018, it is reported that on 07th February, 2018, the sources said that the patient was taken to the minor operation theatre for an abdominal examination under the local anaesthesia. The doctor was told that the patient had complained of abdominal pain. It was only later that he realized a wrong surgery had taken place, a source alleged. In a purported case of medical negligence, a doctor at All India Institute of Medical Sciences allegedly performed a process required for dialysis treatment on a 30 years woman who had come to the hospital after a complication caused by an abdominal surgery at her hometown. The officials said the doctor, an assistant professor at the department of surgery, allegedly attempted to cover his tracks by changing the documents. A Committee was formed to probe the incident, which took place in February, under the chairmanship of Dean Dr. Y.K. Gupta, on the directions of the Director, All India Institute of Medical Sciences. The sources said an inquiry had been ordered by the head of the related unit in the department, and that the Medical Superintendent has already indicted the doctor. On 07th February, the sources said the patient was taken to the minor operation theatre for an abdominal examination under the local anaesthesia. The doctor was told that the patient had complained of abdominal plain. It was only later that he realized a wrong surgery had place, a source alleged. The doctors said that, although, the woman had no history of kidney disease, the doctor treating her allegedly artificially created an arteriovenous(AV) fistula, an abnormal connection between an artery and a vein surgically created by the doctors for use in dialysis in people with severe kidney disease. The sources said that a conversation with the patient made the doctor realize that she did not suffer from any kidney ailment. A source claimed, it was after the procedure took place and the doctor was talking to the patient about her medical history, that the doctor appears to have realized there had been a mistake. The patient and the attendants were counselled regarding the adverse event and a corrective procedure was carried out the next day. A wrong surgery has been performed on the patient, which has not been documented in the patient records but was mentioned in the nursing book; the preliminary inquiry report said. The incident was reported to the Unit Head, Dr. Sunil Chumber, who initiated an inquiry into the matter. It was found that the doctor had performed a wrong surgery and had tried to cover up by changing the documents, the source claimed. The findings were submitted to the Director. Another inquiry ordered by the Medical Superintendent, Dr. D.K. Sharma also indicted the doctor and suggested withdrawing the assistant professor from all clinical work, as per the source.

Dr. Manjunath M. Pol, Additional Professor, All India Institute of Medical Sciences in his written statement averred that on 07th February, 2018 around 04.30 to 05.00 p.m., the Junior Resident, Dr.Simranjeet Singh and the Nurse Ms. Wonrinchan were present in OT 3. He went to the lift area and saw the patient posted for AVF surgery. He asked Dr.Simranjeet Singh to take the AVF patient for AVF into the OT. When he came into the OT, the patient was already draped and her face was partly covered and he could not see the face. He explained the patient about local anaesthesia and started the procedure. He was assisted in the surgery by Dr.Simranjeet Singh. The procedure took more time than usual, as it look longer than usual to find the vein. Both arteries and veins were dissected properly and taken under consent (signed). Venotomy performed and vascular connection passed to check patency. In the middle of the procedure, the circulating nurse informed that procedure mentioned in the Consent Form stated exploration under LA, not for AVF. However, he confirmed about the same from the patient by enquiring, if she was undergoing dialysis and or suffering from any kidney ailment. After this, he realized that AVF was not needed in this patient and he abandoned the procedure. Then, he repaired the vein and closed the wound. He explained to the patient about the error in the procedure while she was in OT 3 but could not appreciate her response(whether she understood or not). He informed that there was miscommunication by the Resident regarding the procedure documented on the Consent Form. Therefore, a wrong procedure was performed. At 09.30 p.m., he received a call from the Resident asking for the details of the procedure. He explained the procedure that had been performed and asked him to inform the relatives that AV fistula was not made. AT 10.30 p.m., he again received a call from the Resident, saying that Discharge Summary was not proper. He told that a wrong Discharge Summary was given by the ward Resident, which is given in cases of AV fistula. He informed that the Resident to ask the patient to get admitted. But the Resident informed him that the patient is not willing for admission. He informed that he asked the Resident to get a new Consent Form filled for counselling the patient about the procedure (venotomy and closure performed. This consent for the procedure performed that day was taken at 10.30 p.m. He, then, advised the Resident to call the patient the next day in the morning. At 11.30 p.m., he was informed that the patient was calm and had left. The next day morning, the patient had reported to AB7 ward. The patient and her family were informed about the wrong procedure. The patient and her family affirmed that they knew about the incident. He assured them that there was no kidney problem. He enquired about the pain abdomen and they said that they wanted the treatment for the same. He sent her for an ultrasound and they came back at 12.30 noon with report showing cholelithiasis and normal sized kidney. After going through her blood report, the patient was again counselled normal kidneys. He was advised them to admit the patient but they were not willing. Her family had informed him that they would comeback for the treatment. He advised for suture removal after seven days. The family informed that they would not be able to come back for suture removal due to a family function. He stated that on the insistence of the family, he had changed the sutures from non-absorbable to absorbable under LA in the ward. He told that consent was taken for the procedure. He was assisted by Dr.Simranjeet in the procedure. On being asked, whether he had checked the Consent Form or file before taking up the patient for procedure, he told the Committee that he had not checked the Consent Form/file before placing incision but only asked the Resident, Dr.Samranjeet whether he had checked or not.

He further averred that there was a medical error but occurred accidentally while he was performing a minor surgery alongwith his surgical team on the patient’s forearm. This was immediately detected by the team, and all the corrective measures were immediately implemented. The patient was evaluated further with the necessary tests and was given adequate care and the treatment. The patient was informed about the error immediately after the procedure, and they apologized to the patient. As a consequence of this surgery, there was no physical or functional morbidity for the patient. The patient, following surgery, was comfortable and able to perform all her routine activities as before without any discomfort. The patient did not file a complaint. The entire sequences of events were communicated to the unit’s head, the department’s head, the Medical Superintendent and the Director. An inquiry was conducted, and documents pertaining to the case were submitted to the Fact-Finding Committee. The subsequent actions taken by the Institute have been submitted. Furthermore, action has already been taken against him in this regard, and the matter has been closed.

Dr.Simranjeet Singh, Senior Resident, Department of Neurosurgery, All India Institute of Medical Sciences in his written statement averred that he stands by all the facts mentioned by him in the detailed incident report that was prepared by the Institutional Enquiry Committee. Enquiry Committee took action for the aforementioned incident after the report which he respectfully accepted. A huge life lesson was, thus, learnt, at a stage of his career at which he just started his surgical residency (2nd month) and being at the junior most strata. He was suspended for one month and the tenure was also extended for the same period. However, he followed-up the patient for six months just to be sure that she is clinically not having any post-operative issues and doing well.

He further averred that Dr.Manjurnath Pol had identified the patient near the lift, handed over the case sheet to him and asked him to take the patient to the OT for AVF. He checked the Consent Form and the consent was obtained for AVF under LA. He was there throughout the procedure. He prepared the Discharge Summary and handed it over to the nurse. On being asked, if Dr. Manjunath mentioned to him that the procedure was being abandoned, he said this was not done.

Dr. Manjunath Bale, Junior Resident, All India Institute of Medical Sciences in written statement averred that he only point of contact with the patient when he saw the patient in the OPD. The patient came from Bihar; she had a suture granuloma, for which, the local exploration of wound was advised by him.

Dr.Gurpremjit Singh, Junior Resident, All India Institute of Medical Sciences in his written statement averred that he signed on the Discharge Summary of the patient. The printed format of summary was brought to him by someone in another operation theatre and he signed on it. He was not present in the operation theatre, in which, this surgery was performed. He ensures that he will not sign such documents without confirming the findings in future.

Dr. Sunil Chumber, Head, Department of Surgery, All India Institute of Medical Sciences in his written statement averred that the patient Smt. Rekha Devi was operated in Surgery Unit-II when he was the Head of this Unit. He is currently Head of Department. Most of the records that he had pertaining to this event were destroyed in the fire that engulfed their department on 19th August, 2019. Whatever, he could obtain from call records and whatsapp, he defers before the Council. He did investigate the event, questioned the resident doctors and all other personnel and submitted a note the Director, All India Institute of Medical Sciences (now not available). He also reached out to the patient and spoke to the husband of the patient, sent letters to her of assurance of good care and follow-up at a later event. Her husband informed of some difficulties about medicines. In the unit, they started a drive to collect some money for this (Rs.1,000/-each) and later dispatched more that forth thousands, by money order. On telephonic follow-up, the patient was well and after 2019, he was not in touch with the patient. After a separate enquiry, the Director, All India Institute of Medical Sciences had suggested restriction of clinical duties as action against the surgeon, which he has done with great effort and to the satisfaction of all. He was permitted to start all clinical duties after that. His work has been excellent since then. He has since improved his rank as well (Additional Professor) and is now a leading renal transplant surgeon now. The resident doctors, were reprimanded and over time monitored and successfully passed the examinations and have moved out. He humbly appeal that as everything about this episode has been satisfactorily settled and everyone has gone through the punitive measures was advised and have gone on to become better and successful person, and that the patient was supported during the turmoil of error and was well at last contact, to let this matter now rest, and permit all person to move on beyond this even.

Dr. Raghavendra Y.S., Senior Resident, Department of Neurosurgery, All India Institute of Medical Sciences in his written statement averred that the nursing officer from AB8 ICU/Recovery had given him a call on the night of 07th February, 2018 regarding a discrepancy of procedure carried out on a patient named Smt. Rekha Devi. He stated that when he reached there and counter-checked the documents with the patient history, he realized that the procedure carried out was not consistent with the complaints of the patient mentioned in the OPD card and the Consent Form. He, then, called Dr. Manjunath Pol for advice. Dr. Manjunath Pol told him to counsel the patient and that he would speak to the patient next morning. He said that he was told by Dr. Manjunath Pol to remove the AVF Discharge Summary from the patient’s records and admit the patient. However, when he communicated about the non-availability of beds to Dr. Manjunath, Dr. Manjunath instructed him to discharge the patient and gave a Discharge Summary of pain abdomen. He further stated that he had had handed over a new discharge slip to the patient on Dr. Manjunath Pol’s instructions. He informed the Committee that he handed over the old AVF Discharge Summary to Dr.Manjunath Pol the next day. In the Discharge Slip, he stated that he had written Augmentin, Pantop and PCM.

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

1. It is noted that the patient Smt. Rekha Devi was seen in the surgery OPD of All India Institute of Medical Sciences on 06th February, 2018. She had reported with complaints of WDPV (White Discharge Per Vagina), pain abdomen. After examination, the Senior Resident Surgery advised exploration.

On 07th February, 2018 after completion of the general anaesthesia cases in OT3, the patients posted for the surgery under local anaesthesia were seen by Dr. Manjunath Pol (Senior Resident at the time of the incident) in the area outside the lift. He asked the Junior Resident, Dr. Simranjeet Singh to take the patient for AV fistula formation in to the O.T. Dr. Simranjeet Singh took the patient Smt. Rekha Devi into the OT without verifying if she needed this surgery or not. Dr. Manjunath Pol did not check the diagnosis or indication of the surgery of the patient being operated upon. The surgery for AV fistula was completed by Dr. Manjunath Pol with the assistance of Dr. Simranjeet Singh.

The Discharge Summary for an AV fistula was given to the patient by Dr. Gurpremjit Singh. The error was identified in the recovery room when the nurse discharging the patient discussed renal failure with her. Thereafter, she called the Resident on duty, Dr. Raghavendra who came to the recovery room, realized the error, and contacted Dr. Manjunath Pol. Dr. Manjunath Pol asked for all papers of the patient to be kept back but the nursing officer refused to do so. He then, advised the Junior Resident to hold back the original Discharge Summary and issue a new Discharge Summary without any mention of the AV fistula and call the patient back the next day.

The next day, Dr. Manjunath Pol with help of Dr. Simranjeet Singh re- explored the wound and performed some procedure to close the AV fistula, possibly by ligating the vein. Dr. Manjunath Pol also arranged for an ultrasound abdomen of the patient which revealed gallstones but no further treatment was advised to the patient who was then discharged.

1. It is observed that a wrong procedure was performed, as due process of the patient identification, which is required as per the W.H.O. check list, was not followed, which remind the surgical team of important items to be performed before and after the surgical process in order to reduce to adverse events. The wrong procedure come to the notice in the Recovery room by the nursing officer while discharging the patient.
2. It is noted that the patient was seen in surgery OPD on 06th February, 2018 by Dr. Manjunath Bale. He advised exploration without mentioning the physical findings, indication for the surgery, nature of surgery and failed to document any diagnosis (provisional diagnosis/differentiate diagnose).
3. The Consent Form for the surgical procedure does not mention any diagnosis, any doctor’s signature and name of the surgery to be performed. The consent for exploration was taken and without checking the consent, AV fistula was performed.

1. Neither Dr. Simranjeet Singh nor Dr. Manjunath M. Pol did attempt to check the patient’s identity before the surgery and thereafter went to perform a wrong procedure. To cover up the mistake, Dr. Manjunath M. Pol made the Residents tamper the documents. The surgery for AV fistula was completed by Dr. Manjunath M. Pol with assistance of Dr. Simranjeet Singh.
2. It is noted that Dr. Gurpremjit Singh signed the Discharge Summary of the patient without confirming the details about procedure performed.
3. Dr. Raghavendra Y.S prepared the fake Discharge Summary of pain abdomen which was handed over to the patient and Discharge Summary of AV fistula was handed over to Dr. Manjunath M Pol next morning as per his statement.
4. There were manipulation in the records including the O.T. records. In O.T. Register, venous cutdown was mentioned against the name of the patient.

In light of the observations made herein-above, the Disciplinary Committee recommends that the name of Dr. Manjunath Bale (Delhi Medical Council Registration No.73193), Dr. Simranjeet Singh (Delhi Medical Council Registration No.DMC/R/13915) and Dr. Raghavendra Y.S. (Delhi Medical Council Registration No.95511) be removed from the State Medical Register of the Delhi Medical Council for a period of 07 days. Similarly, the name of Dr. Manjunath M Pol (Delhi Medical Council Registration No.67630) be removed from the State Medical Register of the Delhi Medical Council for a period 30 days.

Matter stands disposed.

Sd/: Sd/:

(Dr. Satish Tyagi), (Dr. Anil Kumar Yadav)

Delhi Medical Association, Eminent Publicman,

Member, Member,

Disciplinary Committee Disciplinary Committee

Sd/:

(Dr. Manoj Andley)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 02nd May, 2023 was taken up for confirmation before the Delhi Medical Council in its meeting held on 11th May, 2023 wherein “*whilst confirming the Order of the Disciplinary Committee, the Council observed that the punishment of removal of name of Dr. Simranjeet Singh (Delhi Medical Council Registration No.DMC/R/13915)and Dr. Raghavendra Y.S. (Delhi Medical Council Registration No.95511) for a period of 07 days awarded by the Disciplinary Committee; similarly, the punishment of removal of name of Dr. Manjunath M. Pol (Delhi Medical Council Registration No.67630) for a period of 30 days awarded by the Disciplinary Committee, is highly inadequate, as the lapses highlighted are very serious in nature viz.- doing unwarranted surgical procedure and tampering with the records to cover-up the act. The Council, therefore, directs that name of Dr. Simranjeet Singh (Delhi Medical Council Registration No.DMC/R/13915) and Dr. Raghavendra Y.S. (Delhi Medical Council Registration No.95511) be removed from the State Medical Register of the Delhi Medical Council for a period of 30 days; similarly, the name of Dr. Manjunath M. Pol (Delhi Medical Council Registration No.67630) be removed from the State Medical Register of the Delhi Medical Council for a period of 180 days.*

*The Council further observed that in the facts and circumstances of this case, the punishment of removal of name of Dr. Manjunath Bale (Delhi Medical Council Registration No.73193) for a period of 07 days awarded by the Disciplinary Committee was not warranted; however, a warning be issued to Dr. Manjunath Bale(Delhi Medical Council Registration No.73193) for the shortcomings, in not properly recording his notes in OPD consultation; however, since, Dr. Manjunath Bale is currently not registered with the Delhi Medical Council (his registration expired on 08th October, 2020) but registered with the Karnataka Medical Council under registration No.87631 dated 27th March, 2010; a copy of this Order be sent to the Karnataka Medical Council with a request to take cognizance of this Order and take necessary action against Dr. Manjunath Bale.*

*The Council further observed that the Order directing the removal of name of Dr.Simranjeet Singh (Delhi Medical Council Registration No.DMC/R/13915), Dr. Raghavendra Y.S. (Delhi Medical Council Registration No.95511) and Dr. Manjunath M. Pol (Delhi Medical Council Registration No.67630) 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. Simranjeet Singh, Senior Resident, Department of Neurosurgery, Through Director, All India Institute of Medical Sciences, Ansari Nagar, New Delhi-110029.
2. Dr. Raghavendra Y.S., #1039, Ground Floor,13th Cross, 1st Stage, 3rd Block,HBR Layout, Kalayan Nagar,Karnataka-560043.
3. Dr. Gurpremjit Singh,Through Director, All India Institute of Medical Sciences,Virbhadra Road Shivaji Nagar,near Barrage, Sturida Colony, Rishikesh, Uttarakhand 249203.
4. Dr. Manjunath Bale, Additional Professor, Department of Surgical Disciplines, Through Director, All India Institute of Medial Sciences, Ansari Nagar, Delhi-110029
5. Dr. Manjunath M. Pol, Through Director, All India Institute of Medical Sciences, Ansari Nagar, New Delhi-110029.
6. Dr. Sunil Chumber, HOD, Department of Surgery, Through Director, All India Institute of Medical Sciences, New Delhi-110029.
7. Director, All India Institute of Medical Sciences, Ansari Nagar, New Delhi-110029.
8. Registrar, Karnataka Medical Council, 16/6, Miller Tank Bed Area, Vasanth Nagar, Bangluru, Karnataka-560052 (***Dr. Manjunath Bale, Dr. Raghavendra Y.S. and Dr. Manjunath M. Pol are also registered with the Karnataka Medical Council under Registration No.87631 dated 27.03.2010, No.115478 dated 30.05.2016 and No.71291 dated 19.05.2005, respectively***)-**for information & necessary action.**
9. National Medical Commission, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi-110077-**for information & necessary action.**

 (Dr. Girish Tyagi)

 Secretary