DMC/DC/F.14/Comp.2458/2/2022/ 18th November, 2022

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri Dinesh Kumar, House No.258, Delhi Admn. Flats, Nimri Colony, Ashok Vihar, Phase-4, New Delhi-110052, forwarded by the Public Grievance Monitoring System, Govt. of NCT of Delhi, alleging medical negligence on the part of doctors of AcharyaShree Bhikshu Govt. Hospital, Moti Nagar, Delhi-110015, in the treatment of the complainant’s wife Smt. Meenu.

The Order of the Disciplinary Committee dated 04th October, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Dinesh Kumar, House No.258, Delhi Admn. Flats, Nimri Colony, Ashok Vihar, Phase-4, New Delhi-110052 (referred hereinafter as the complainant), forwarded by the Public Grievance Monitoring System, Govt. of NCT of Delhi, alleging medical negligence on the part of doctors of AcharyaShree Bhikshu Govt. Hospital, Moti Nagar, Delhi-110015 (referred hereinafter as the said Hospital), in the treatment of the complainant’s wife Smt. Meenu (referred hereinafter as the patient).

The Disciplinary Committee perused the complaint, written statement of Dr. Bhaskar Varma, Medical Superintendent of AcharyaShree Bhikshu Govt. Hospital enclosing therewith written statement of Dr. Anju Jain, Medical Officer (RCH-II), copy of medical records of AcharyaShree Bhikshu Govt. Hospital and other documents on record.

The following were heard in person :-

1) Dr. Anju Jain Medical Officer (RCH-II), AcharyaShree Bhikshu Govt. Hospital

2) Dr. Disha Aggarwal M.O., AcharyaShree Bhikshu Govt. Hospital

The Disciplinary Committee noted that the complainant Shri Dinesh Kumar failed to appear before the Disciplinary Committee, inspite of notice.

In the interest of justice, the Disciplinary Committee decided to proceed with the matter in order to determine it on merits.

The complainant Shri Dinesh Kumar in his complaint alleged that on 20th March, 2018, the complainant’s wife Smt. Meenu (the patient) underwent MTP procedure at AcharyaShree Bhikshu Govt. Hospital, as she already had a five months baby. Subsequently, the patient suffered from pain abdomen and bouts of vomiting, thus, was again brought to AcharyaShree Bhikshu Govt. Hospital on 24th March, 2018, where she was prescribed some medications. Since, she did not get any relief, she visited AcharyaShree Bhikshu Govt. Hospital on 07th April, 2018 and again on 11th April, 2018 when she was advised USG (pelvic) examination. The USG showed cardiac activity of the fetus. On seeing the USG, the doctors of AcharyaShree Bhikshu Govt. Hospital referred the patient to the Deen Dayal Upadhyaya Hospital on 11th April, 2018. The Deen Dayal Upadhyaya Hospital refused to give any treatment, saying at this stage, nothing much could be done. It is alleged that the action of the doctors of AcharyaShree Bhikshu Govt. Hospital tantamount to medical negligence and strict action be taken in this regard.

Dr. Anju Jain, Medical Officer (RCH-II), AcharyaShree Bhikshu Govt. Hospital in her written statement averred that the patient named Smt. Meenu, wife of the complainant (Shri Dinesh Kumar), age 26 years old was referred to DDU Hospital in view of previous LSCS four months back with twin pregnancy of nine weeks (which is high risk) on 15th March, 2018. The patient again visited on 17th March, 2018 and requested persistently for MTP (Medical Termination of Pregnancy) at AcharyaShree Bhikshu Govt. Hospital only. The patient was explained verbally in detail about the risk involved in M.T.P. Despite both partners being told about the added risk verbally, they insisted for MTP. Again, the patient was verbally counselled in the OT for referral to higher centre in view of fresh scar of LSCS. Despite that, the patient insisted for MTP and agreed for DMPA, instead of CuT IUCD. MTP was done on 20th March, 2018 with CR no.2493 with due precaution in view of previous LSCS four months back, hence, very gentle suction was done; curetting was done to prevent perforation over stitch line and injection Postodin was given. Injection DMPA 150 mg was given instead of CuT for future contraception and discharged on same day with instruction for follow-up. The patient presented in the OPD (Room no.114) with complaints of acidity and weakness-symptomatic treatment was given. She revisited on 07th April, 2018 with complaint of pain abdomen and USG was advised. Alongwith USG showing twin pregnancy of twelve weeks with cardiac activity, the patient attended the OPD on 11th April, 2018. The patient was referred to DDU Hospital obst./gynae. department on the same day after consulting specialist on duty. DDU Hospital is their referred Centre where they referred the patient at appropriate time of the management. The patient visited emergency of DDU Hospital on same day at 02.024 p.m. The patient was referred to labour room for further management. The patient reported back after six days on 16th April, 2018 with the complaint that DDU Hospital refused to take case on 11th April, 2018. On 16th April, 2018, the patient was immediately referred to still higher centre LNJP Hospital for further management after counselling by the HOD and told to report back but she did not return. As per the guidelines, continuation of pregnancy after MTP procedure is a known complication, they referred the patient, as indicated for further management. Documented failure of the procedure in medical literature as per the reference book is 5% and continuation of pregnancy as per date is approx. 1 per 1000). She is working as a medical officer at AcharyaShree Bhikshu Govt. Hospital since March, 2008 and looking after the family planning department. She has done approx. 2000 MTP’s in last ten years and this is the first case of continuation of pregnancy, as the patient was high risk.

Dr. Disha Aggarwal, M.O., AcharyaShree Bhikshu Govt. Hospital stated that she has been authorized by the Medical Superintendent, AcharyaShree Bhikshu Govt. Hospital to appear before the Disciplinary Committee on behalf of the Medical Superintendent, AcharyaShree Bhikshu Govt. Hospital.

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

1. It is noted that the patient Smt. Meenu, 26 years female with diagnosis of G2P1L1 with twin gestation of nine weeks, went for medical termination of pregnancy (M.T.P.), admitted in the said Hospital on 19th May, 2018. The patient had history of having undergone L.S.C.S. four months back in view of breech pregnancy. She underwent medical termination of pregnancy under general anaesthesia after obtaining consent on 30th March, 2018. Injection DMPA was administered after the procedure. MTP was conducted by Dr. Anju Jain. The patient was discharged on the same day. The patient followed-up in the said hospital on O.P.D. basis on 24th March, 2018, 07th April, 2018, 11th April, 2018 when her ultrasound of Orbit Imaging PathLab was suggestive of twin pregnancy of twelve weeks with cardiac activity. The patient was referred to higher centre. The patient apparently visited Deen Dayal Upadhayay Hospital on 11th April, 2018 and thereafter, apparently followed-up in Lok Nayak Hospital. No record pertaining to the treatment of patient’s subsequent to treatment at AcharyaShree Bhikshu Govt. Hospital, have been made available to the Delhi Medical Council, inspite of notice to the complainant.
2. It would have been prudent on the part of the treating doctor to counsel the women against the MTP due to high risk involved in this case. The doctor would have been within her right to refuse the procedure and or refer the patient to higher centre in the beginning only.
3. The M.T.P. procedure in the present case has been done under consent as per the standard operating practice.
4. It is a well known fact that pregnancy can continue after the procedure if amniotic sac has not been ruptured, as has happened in this case.

In light of the observations made herein-above, it is the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of the doctors of AcharyaShree Bhikshu Govt. Hospital, in the treatment of the complainant’s wife Smt. Meenu.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Vijay Zutshi)

Chairman, Delhi Medical Association Expert Member

Disciplinary Committee Member, Disciplinary Committee

 Disciplinary Committee

The Order of the Disciplinary Committee dated 4th October, 2022 was confirmed by the Delhi Medical Council in its meeting held on 19th October, 2022.

 By the Order & in the name of

 Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to :-

1. Shri Dinesh Kumar, House No.258, Delhi Admn. Flats, Nimri Colony, Ashok Vihar, Phase-4, New Delhi-110052.
2. Dr. Anju Jain, Through Medical Superintendent, AcharyaShree Bhikshu Govt. Hospital, Moti Nagar, Delhi-110015.
3. Medical Superintendent, AcharyaShree Bhikshu Govt. Hospital, Moti Nagar, Delhi-110015.
4. Chairperson, Delhi Commission for Women, C-Block, IInd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002-w.r.t. D.O.No. DCW/971/FM/2018 dated 08.05.2018-**for information.**
5. Public Grievance Monitoring System, Govt. of NCT of Delhi, Office of the Hon’ble Chief Minister, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002-w.r.t. Grievance No.2018044641**-for information.**

 (Dr. Girish Tyagi)

 Secretary