DMC/DC/F.14/Comp.2489/2/2023/ 30th January, 2023

**O R D E R**

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Nand Kishore s/o Late Chiranjivi Lal r/o F-46-B Ground Floor, Gali No. 12, Mangal Bazar, Lakshmi Nagar, Delhi-110092, alleging medical negligence, in the treatment administered to the complainant’s wife Smt. Manju Rani at Makkar Multi Speciality Hospital A-1 & 2, Priyadarshini Vihar, Delhi-110092.

The Order of the Disciplinary Committee dated 06th October, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Nand Kishore s/o Late Chiranjivi Lal r/o F-46-B Ground Floor, Gali No. 12, Mangal Bazar, Lakshmi Nagar, Delhi-110092 (referred hereinafter as the said complainant), alleging medical negligence, in the treatment administered to the complainant’s wife Smt. Manju Rani(referred hereinafter as the patient) at Makkar Multi Speciality Hospital A-1 & 2, Priyadarshini Vihar, Delhi-110092 (referred hereinafter as the said Hospital), resulting in her death.

The Disciplinary Committee perused the complaint, written statement of Dr. Bharat Bhushan Kathuria, Shri Praveen Dialysis Technician, Dr. Ajeet Kumar Roy Medical Superintendent of Makkar Multispeciality Hospital, copy of medical records of Makkar Multispeciality Hospital and other documents on record.

The following were heard in person :-

1) Dr. Bharat Bhushan Kathuria Consultant Physician, Makkar Multi Speciality Hospital

2) Shri Praveen Singh Dialysis Technician, O.T., Makkar Multi Speciality Hospital

3) Dr. Ajeet Kumar Roy Medical Superintendent, Makkar Multi Speciality Hospital

The Disciplinary Committee noted that two notices sent to the complainant Shri Nand Kishore for today’s hearing, returned undelivered in the office of the Delhi Medical Council with noting from the postal-department ‘left’ and ‘no such person’, respectively.

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 complaint, the complainant’s wife Smt. Manju who was under treatment at Lok Nayak Hospital for past one year was advised dialysis treatment. On 10.1.2018 the patient consulted Makkar Hospital and underwent dialysis and thereafter every week. On 3.3.2018, the patient reported for dialysis at Makkar Hospital. Her dialysis was started around 8am. Around 9.15 a.m. the technician Shri Praveen Sigh asked the complainant to fetch tea and biscuits for the patient. However, after 8 to 10 minutes he received a call from the technician, that the patient condition had deteriorated and he should immediately return. On his return he found that the dialysis had already stopped, the centre line has been removed and the patient was dead. The patient however, was transferred to a ventilator support and after sometime they were handed over the dead body. Neither satisfactory explanation was given regarding the cause of death nor any documents were made available. It is alleged that the patient died because of medical negligence of doctor and staff of Makkar Hospital and thus, strict action be taken against them.

Dr. Ajeet Kumar Roy, Medical Superintendent, Makkar Hospital in his written statement avered that on 31.3.2018, when he was in his cabin, he was called by Shri Praveen Singh who is working as the technician in their dialysis unit; when he reached the dialysis unit, he saw that Smt. Manju Rani gasping and in a critical stage. The moment he tried to respond, the patient immediately got a cardiac arrest. Under these circumstances he intubated the patient and started CPR and also gave medical treatment. Thereafter, the patient was revived and Shri Nand Kishore was shown that the patient had revived. After that Shri Nand Kishore was told about the critical condition of the patient and it was also told that the patient will now be shifted to ICU and they will put the patient on ventilator support. After getting consent of Shri Nand Kishore and his son, the patient was shifted to ICU and was put on ventilator support. Thereafter, the condition of the patient was communicated to Dr. Bharat Bhushan(Physician). Then Dr. Bharat Bhushan opinion was sought and he advised accordingly and thereafter, the condition of the patient was explained to Shri Nand Kishore and their relatives by Dr. Bharat Bhushan. At 12.20 pm the patient again got a cardiac arrest, from which the patient could not survive, they tried their level best to revive the patient, but the patient never responded and the pateint was declared dead at 1.06pm and the same was communicated to Shri Nand Kishore and other relatives of the patient. However, after completion of the procedure adopted by the hospital, the body was handed over to the complainant along with the all relevant documents.

On enquiry by the Disciplinary Committee, Dr. Ajeet Kumar Roy stated that dialysis is being done at Makkar Multi Speciality Hospital on OPD basis and the patients, who undergo dialysis, are not admitted at Hospital.

Dr. Bharat Bhushan Kathuria, Consultant Physician, Makkar Multi Speciality Hospital in his written statement averred that he is a visiting consultant physician at Makkar Multispeciality Hospital. He is not concerned with the working of dialysis unit of Makkar Multispeciality Hospital. On 03.03.2018 when he had come to visit his patient, he received an urgent call from Dr. Ajeet Kumar Roy for opinion on an emergency patient Smt. Manju Rani in ICU as he was the only consultant physician available at that time. He accepted the call on emergency basis. The patient Smt. Manju Rani had suffered a cardiac arrest during dialysis and shifted to ICU after CPR. When he visited the patient he found that patient was having recurrent cardiac arrest. He explained fatal prognosis to the patient’s son Shri Gaurav who was available there. On collecting the investigation report, he found that the patient was also having Hypocalcaemia which was treated accordingly and asked for nephrologists & cardiologist opinion. Meanwhile Dr. Ajeet Roy was treating the patient actively. He advised on Smt. Manju Rani during emergency, when she had already suffered cardiac arrest, due to his professional duty without any bias. The patient’s husband Shri Nand Kishore was not available at the time he visited the patient in ICU. Since death of Smt. Manju Rani, Shri Nand Kishore is continuously harassing him and the hospital by repeatedly filing court case, police complaint and complaint to the Delhi Medical Council regarding medical negligence on the false belief that his patient died during dialysis. He did his work without any prejudice.

Shri Praveen, Dialysis Technician Makkar Multi Speciality Hospital in his written statemnt averred that on 03.03.2018, he gave call to the complainant Shri Nand Kishore, as he was having a prior appointment for dialysis for her wife Smt. Manju Rani. Smt. Manju Rani used to come to the Hospital before also for dialysis but on irregular basis. The patient along with complainant visited the Hosptial around 9.00am, thereafter, he started dialysis. Everthing was going well till 9.50am, as after that the patient starting gasping. As the patient was looking in a serious condition, so he call Dr. Ajeet to attend the patient. When Dr. Ajeet came in the dialysis unit, the patient had a cardiac arrest, than Dr. Ajeet started doing CPR. Thereafter, the patient was revived and the same was told to the complainant and the patient was transferred to ICU.

On enquiry by the Disciplinary Committee, Shri Praveen stated that in the present case, no doctor had seen the patient in the pre-dialysis or post dialysis period.

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

1. The patient Smt. Manju Rani, 55 years old female, a diagnosed case of chronic kidney disease on dialysis. On 03rd March, 2018, she was taken up for hemodialysis at the said Hospital by the technician Shri Praveen at 09.00 a.m. Apparently, whilst underoing hemodialysis, she suffered cardiac arrest (at 09.45 a.m. blood-pressure was not traceable). Thereafter, Dr. Ajeet Kumar Roy attended to the patient, intubated her and initiated resuscitative measures. She was shifted to ICU and put on ventilator support IPPV mode. The patient succumbed and declared dead at 01.06 p.m. on 03rd March, 2018.
2. The patient was taken up for dialysis by the technician but there was no qualified doctor present to supervise the same. Dr Ajeet Kumar Roy, who also works as the Medical supreindentent of the hospital was called only in emergency. No medical records were provided by the hospital regarding the pre-dialysis status and dialysis procedure of the patient on that particular day.
3. Dr. Ajeet Kumar Roy who is hoder of M.D. “Physician” from Volgograd Medical Academy, which is equivalent to ‘M.B.B.S’ qualification in India, is neither qualified nor trained to undertake the responsibilities of an intensivist, or manage an ICU independently.

In light of the observations made herein-above, the Disciplinary Committee recommends that a warning be issued to Dr. Ajeet Kumar Roy (Delhi Medical Council Registration No.20138). Futher, a copy of this Order be also sent to the Directorate General of Health of Services, Govt. of NCT of Delhi to look into shortcomings highlighted hereinabove and take necessary action against Makkar Multi Speciality Hospital under the Delhi Nursing Home Registration Act.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Sandeep Mahajan)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee Disciplinary Committee

The Order of the Disciplinary Committee dated 06th October, 2022 was taken up for confirmation before the Delhi Medical Council in its meeting held on 19th October, 2022 wherein “*the Council observed that the matter be referred back to the Disciplinary Committee for re-consideration on the following issues -:*

1. *Which records required to be maintained during the dialysis, be specified, which were not kept in the present case?*
2. *Whether Dr. Ajeet Kumar Roy had adequate training to manage ICU independently, be looked into by the Disciplinary Committee.*

*Once the Disciplinary Committee has determined the aforementioned issues, the matter be placed before the Council for consideration/confirmation.”*

The Order of the Disciplinary Committee dated 06th October, 2022 in complaint No.2489 was taken up for re-consideration before the Disciplinary Committee of the Delhi Medical Council in its meeting held on 13th December, 2022 in terms of the Council minutes dated 19th October, 2022.

The Order of the Disciplinary Committee dated 13th December, 2022 is reproduced herein-below-:

The Order of the Disciplinary Committee of the Delhi Medical Council dated 06th October, 2022 in complaint No.2489 of Shri Nand Kishore s/o Late Chiranjivi Lal r/o F-46-B Ground Floor, Gali No. 12, Mangal Bazar, Lakshmi Nagar, Delhi-110092, alleging medical negligence, in the treatment administered to complainant’s wife Smt. Manju Rani at Makkar Multi Speciality Hospital A-1 & 2, Priyadarshini Vihar, Delhi-110092, resulting in her death, was taken up for re-consideration in terms of the Council minutes dated 19th October, 2022 wherein the Council observed that the matter be referred back to the Disciplinary Committee for re-consideration on the following issues -:

1. Which records required to be maintained during the dialysis, be specified, which were not kept in the present case?
2. Whether Dr. Ajeet Kumar Roy had adequate training to manage ICU independently, be looked into by the Disciplinary Committee.

On re-consideration, the Disciplinary Committee make the following observations :-

1. As per standard medical practice, every patient initiated on hemodialysis needs to have following records.
   1. Pre-dialysis weight (if possible considering the physical condition of the patient), and vitals
   2. The duration of hemodialysis, ultrafiltration and dose of anticoagulation being planned.
   3. Pulse and BP recording at least every 30 minutes.
   4. Dose of anticoagulation given.
   5. Any significant events during hemodialysis and its management.
   6. Post-dialysis weight and vitals.

These records are to be signed by the medical practitioner and kept sequentially in the patient file and updated after every dialysis session.

It is observed that the aforementioned documents were not maintained in the present case.

(b) It is observed that Dr. Ajeet Kumar Roy is not trained to undertake the responsibilities of an intensivist, or manage an ICU independently.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Sandeep Mahajan)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee Disciplinary Committee

The Orders dated 06th October, 2022 and 13th December, 2022 of the Disciplinary Committee, were placed before the Council in its meeting held on 21st December, 2022 for confirmation.

The Council after due deliberations, confirmed the Orders dated 06th October, 2022 and 13th December, 2022 of the Disciplinary Committee.

The Council further confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Ajeet Kumar Roy (Delhi Medical Council Registration No.20138) as a Medical Superintendent of Makkar Multi Speciality Hospital

The Council further observed that the Order directing the issuance of warning 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. Shri Nand Kishore s/o Late Chiranjivi Lal r/o F-46-B Ground Floor, Gali No. 12, Mangal Bazar, Lakshmi Nagar, Delhi-110092.
2. Dr. Bharat Bhushan Kathuria, Through Medical Superintendent, Makkar Multi Speciality Hospital A-1 & 2, Priyadarshini Vihar, Delhi-110092.
3. Shri Praveen, Dialysis Technician, Through Medical Superintendent, Makkar Multi Speciality Hospital A-1 & 2, Priyadarshini Vihar, Delhi-110092.
4. Dr. Ajeet Kumar Roy, Medical Superintendent, Medical Superintendent, Makkar Multi Speciality Hospital A-1 & 2, Priyadarshini Vihar, Delhi-110092.
5. Director General of Health Services, Govt. of NCT of Delhi, Swasthya Sewa Nideshalaya Bhawan, F-17, Karkardooma, Delhi-110032-**for information & necessary action.**
6. National Medical Commission, Pocket-14, Sector-8, Phase-1, Dwarka, New Delhi-110077 (***Dr. Ajeet Kumar Roy is also registered with the erstwhile Medical Council of India under registration No.18989 dated 23.04.1999)-*for information & necessary.**

(Dr. Girish Tyagi)

Secretary