DMC/DC/F.14/Comp.2532/2/2023/ 18th January, 2023

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri Kishore Kumar, R/O- House No. 439, B-4, Block, Bhalswa Dairy, Bhalswa, North West Delhi-110033, forwarded by the Medical Council of India, alleging medical negligence on the part of the doctors of Kapil Multispecialty Hospital, A-1, Shastri Park, Near Joseph & Mary Public Hospital, Nathupura Mor, Burari, Delhi-110084 (referred hereinafter as the said Hospital), in the treatment administered to the complainant at Kapil Multispecialty Hospital.

The Order of the Disciplinary Committee dated 22nd November, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Kishore Kumar, R/O- House No. 439, B-4, Block, Bhalswa Dairy, Bhalswa, North West Delhi-110033 (referred hereinafter as the complainant), forwarded by the Medical Council of India, alleging medical negligence on the part of the doctors of Kapil Multispecialty Hospital, A-1, Shastri Park, Near Joseph & Mary Public Hospital, Nathupura Mor, Burari, Delhi-110084, in the treatment administered to the complainant at Kapil Multispecialty Hospital (referred hereinafter as the complainant).

The Disciplinary Committee perused the complaint, written statement of Dr. Bhaskar, Director, Kapil Multispeciality Hospital enclosing therewith written statement of Dr. V.P. Singh, Surgeon, copy of medical records of Kapil Multispeciality Hospital and other documents on record.

The following were heard in person :-

1. Shri Kishore Kumar Complainant
2. Shri Vivek Brother of the complainant
3. Dr. V.P. Singh Surgeon, Kapil Multispecialty Hospital
4. Dr. Bhaskar Medical Superintendent, Kapil Multispecialty

Hospital

The complainant Shri Kishore Kumar alleged that he was facing pain in the abdomen and when he went to the doctor, Dr. Deeraj Kaushik prescribed for CECT, after undergoing the CECT, he came to know about the stone in his left kidney. On 29th April, 2018, he moved Kapil Multispeciality Hospital, where Dr. Bhaskar had prescribed for the operation and when he enquired about any other way part of operation then Dr. Bhaskar told that there was only one option i.e. operation and he also informed about his profession. It is relevant to mention that Dr. Bhaskar had informed him (the complainant) that two doctors would be there at the time of the operation there would be minor cut, and he could resume his work within fifteen days. After trusting the words of Kapil Multispecialty Hospital and Dr. Bhaskar, he agreed to under the operation. On the assurance of Dr. Bhaskar on 30th April, 2018, his operation took place. It is submitted that the operation had been done by Dr. Bhaskar and the hospital. It is further submitted that they showed positive response regarding the operation conducted by them successfully by showing fake stone. They discharged him (the complainant) on 04th May, 2018 and after getting such big stitches, he suffered a lot and has not been able to work till date. He got taken aback when the pain again started in his left abdomen within fifteen days of discharge. He went to the doctor, Dr. Deeraj Kaushik and he referred for CT scan, he (the complainant) underwent the CT scan on 23rd May, 2018 and the stone was found in his left kidney. When he showed his report to Dr. Bhaskar, he got nonplussed when they asked for the operation by saying that there was a stone in his(complainant) left kidney and he needed to undergo operation, again. It is relevant to mention here that the report dated 23rd May, 2018, reveals that the doctor and hospital had not operated properly and put six stitches on the left abdomen and did not remove the stone rather showed something different to him. The doctor and hospital acted in negligent manner and cheating him. Appropriate legal action must be taken against the doctor and the hospital.

Dr. V.P. Singh, Surgeon, Kapil Multispeciality Hospital in his written statement averred that the complainant Shri Kishor Kumar was admitted in Kapil Multispeciality Hospital on 30th April, 2018 with intractable Lt. sided abdominal pain not relived by the medicines for last few days. The complainant’s C.T. abdomen which was done before admission in this hospital on advice of some private practitioner showed left lower ureteric stone with proximal hydronephrosis and hydroureter. The complainant was explained about the surgical/endoscopic procedures and told that they could only offer open ureterolithotomy because they did not have endoscopic URS facility in their hospital. The complainant agreed for open ureterolithotomy surgery. The complainant was operated on 30th April, 2018. Small stone impacted in lower ureter which was taken out after breaking in piecemeal. Ureter was flushed and normal saline. Urinary bladder was opened to see any piece of broken stone which was not found, left ureter was flushed retrogradly from bladder and wound closed after putting drain. Post-operative, the complainant recovered uneventfully. The complainant was advised antibiotics, analgesics and tab urimax keeping in view that any retained small broken piece of stone would be expelled with this. The surgical wound healed normally and stitches were taken out after one week. There was no suprapubic leakage of urine/pus etc. which would not be possible, if there was a stone causing obstruction in lower ureter. As per the statement of the complainant, the complainant had pain after two days and got his (the complainant) CT abdomen done which was suggestive of small stone at U.V. junction. The complainant was advised to continue with medicine management, failing which, they promised to arrange urological opinion/management at their own cost but the complainant did not turn-up for further follow-up. They would like to know as to what treatment the complainant took afterwards and whether the complainant was operated again or relived by the conservative management.

Dr. Bhaskar, Director, Kapil Multispeciality Hospital in his written statement averred that the complainant Shri Kishore Kumar Kohli, 31 years/male visited Kapil Multispeciality Hospital in the OPD and was examined by Dr. V.P. Singh and was admitted under the supervision of Dr. V.P. Singh in Kapil Multispeciality Hospital at 10.30 a.m. on 30th April, 2018 with complaint of left sided abdominal pain for last few days, not relived by the medicines. The complainant was prescribed various tests/investigations. CECT abdomen revealed a stone of 9.5 mm x 6.55 stone, 3 mm stone was on the right side also. The complainant was diagnosed as a case of left lower ureteric stone and was advised open left ureterolithotomy. The complainant did not give any significant medical/surgical past history. The complainant’s GC (General Condition) was fair, oral hygience-good, blood-pressure was 110/70 mmHg, pulse was 90/min and the complainant was afebrile. Nothing adverse was noticed in his (the complainant) systemic examinations. Prior to taking the complainant for proposed surgery, the complainant’s requisite consent was taken for the surgery and the complainant was subjected to PAC by him, a qualified anaesthetist. The surgery was performed after usual clearance and discussing with the complainant all pros and cons, risks and complications associated with the surgery and doing the x-ray. The surgery was performed at 01.30 p.m. on 30th April, 2018 under spinal anaesthesia. During the surgery, it was found that the stone was impacted in the ureter and so it could not be taken out and has to be broken to be taken out by flushing the ureter. The bladder was opened and flushed to remove the stone. The surgery went uneventfully and the post-operative medication and instructions were given as mentioned in documents. The complainant had good recovery and after recovery, the complainant was discharged in satisfactory condition on 04th May, 2018 at 11.15 a.m. and his catheter was removed after ten days and stitches were removed. There were no problems in the follow-up. On discharge, the complainant was advised antibiotics, analgesics and tablet Unimax, keeping in view that some small retained broken piece of stone would be expelled with this. After about a month, the complainant came with a new report of CECT abdomen which was suggestive of small calculus. The complainant was offered to under ureteroscopy to ascertain/find out about the stone, for which, the complainant refused. The complainant was advised to continue with the medical management, failing which, the complainant was advised that they would arrange a surgical opinion/management at their own cost. But the complainant did not turn up for further follow-up. Thereafter, the complainant did not turn up and never informed if the complainant recovered with the conservative management or small surgical intervention was required for removal of the alleged small stone. The contentions of the complainant are absolutely incorrect and devoid of any substance. The complainant had recovered and went in stable condition from the hospital. Even if some small piece of broken stone (which was impacted inside the ureter) was retained despite all efforts to flush the broken pieces of stone, the same cannot be termed as negligence by any stretch of imagination. The complainant has concealed the entire facts regarding his (the complainant) health after the alleged CECT report dated 23rd May, 2018 of piece of small stone and the complainant has not given any details regarding his (complainant) present health-whether the complainant recovered or not? If the complainant recovered, was it through the conservative management with drugs/medicines as had been advised by him (Dr. Bhaskar), or some surgical intervention was done without going through the conservative management? The complainant is totally silent on this issue, which amounts to concealment of facts and renders the complainant liable to be dismissed by this Hon’ble Council. The complainant refused to get the uretrectomy done to find the stone after the report dated 23rd May, 2018 gave a suggestive finding for the same, and went away, despite advice by the doctors that the retained stone piece, if any would be removed/flushed out with conservation treatment and if not, surgical opinion or intervention would be resorted to. But the complainant did not follow the advice of the doctor and went away. In view of the facts and circumstances enumerated hereinabove, it is most humbly prayed that this Hon’ble Council may graciously be pleased to reject and close the complaint, in the interest of justice.

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

1. The complainant Shri Kishor Kumar, 31 years old male who was reported as per CECT Abdomen report dated 16th April, 2018 of Dr. Madhu MRI Path Lab to be having left lower ureteric calculus with proximal hydronephrosis and small non-obstructing concretion in right kidney, was admitted in the said Hospital on 30th April, 2018. He underwent open left uretero-lithotomy surgery on 30th April, 2018, which was performed by the surgeon Dr. V.P. Singh. The surgery was uneventful and the patient was discharged on 04th May, 2018. Apparently, the complainant underwent NCCT-KUB region at Shivam Diagnostics & Cancer Research Institute on 23rd May, 2018 which reported Radio Opaque focus in left vesico ureteric junction, suggestive of calculus and Grade II hydronephrosis on left side with dilated left ureter.
2. On comparing of the CECT dated 16th April, 2018 prior to surgery and the NCCT dated 23rd May, 2018, it is observed that both revealed the similar size and position of the calculus in the left ureter, which is evident of the fact that during the surgery done on 30th April, 2018, the surgeon was unable to remove the calculus. It was, thus, incumbent upon him to make a mention of this fact in his OT notes as well as in the Discharge Summary and further to have advised the complainant, regarding future course of action to be followed; which, Dr. V.P. Singh failed to do. Infact, in the Discharge Summary only the fact that lithotomy was done is mentioned. There is no note regarding the operation details, the size or particular of the calculus removed.

In light of the observations made herein-above, it is the decision of the Disciplinary Committee that Dr. V.P. Singh, Surgeon failed to exercise reasonable degree of skill, care and knowledge in the treatment administered by him to the complainant, hence, it is recommended that the name of Dr. V.P. Singh (Dr. Virendra Pal Singh, Delhi Medical Council, Delhi Medical Council Registration No. 11628) be removed from the State Medical Register of the Delhi Medical Council for a period of 07 days with a direction that he shall undergo 20 hours of C.M.E.(Continuing Medical Education) on the subject “urology” during the period of suspension. Further, he is directed that he should be prudent in proper documentation including discharge summary.

Complaint stands disposed.

Sd/: Sd/: Sd/:

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

Chairman, Eminent Publicman Delhi Medical Association

Disciplinary Committee Member, Member,

Disciplinary Committee Disciplinary Committee

Sd/: Sd/:

(Amit Gupta) (Dr. Abhinav Jain)

Expert Member, Expert Member,

Disciplinary Committee Disciplinary Committee

The Order of the Disciplinary Committee dated 22nd November, 2022 was confirmed by the Delhi Medical Council in its meeting held on 21st December, 2022.

The Council also confirmed the punishment of removal of name of Dr. V.P. Singh (Dr. Virendra Pal Singh, Delhi Medical Council Registration No. 11628) for a period of 07 days awarded by the Disciplinary Committee with a direction that he shall undergo 20 hours of C.M.E.(Continuing Medical Education) on the subject “urology” during the period of suspension.

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. Shri Kishore Kumar, R/O- House No. 439, B-4, Block, Bhalswa Dairy, Bhalswa, North West Delhi-110033.
2. Dr. Bhaskar, Director/Medical Superintendent, Kapil Multispecialty Hospital, A-1, Shastri Park, Near Joseph & Mary Public Hospital, Nathupura Mor, Burari, Delhi-110084.
3. Registrar, Uttar Pradesh Medical Council, 5, Sarvapally Mall Avenue Road, Lucknow-226001, Uttar Pradesh (**Dr. Virendra Pal Singh is also registered with the Uttar Pradesh Medical Council under registration No-20121 dated 17.07.1976**)-**for information & necessary action**.
4. National Medical Commission, Pocket-14, Phase-1, Sector-8 Dwarka, New Delhi-110077-w.r.t. erstwhile Medical Council of India’s letter No.MCI-211(Gen.)/2018-Ethics/1256600 dated 02.08.2018-**for information & necessary action.**

(Dr. Girish Tyagi)

Secretary