DMC/DC/F.14/Comp.2622/2/2023/ 18th January, 2023

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri Dalip Kumar Mam, r/o Flat No. 4B, Bharat Apartment, IP Extension, Patparganj, Delhi, forwarded by the Medical Council of India, alleging medical negligence on the part of doctors of Max Hospital, Patparganj, Delhi, in the treatment of complainant’s daughter in law Smt. Shilpa Mam, resulting in her death on 20.07.2018.

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

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri Dalip Kumar Mam, r/o Flat No. 4B, Bharat Apartment, IP Extension, Patparganj (referred hereinafter as the complainant), Delhi forwarded by the Medical Council of India, alleging medical negligence on the part of doctors of Max Hospital, Patparganj, Delhi (referred hereinafter as the said Hospital), in the treatment of complainant’s daughter in law Smt. Shilpa Mam (referred hereinafter as the patient), resulting in her death on 20.07.2018.

The Disciplinary Committee perused the complaint, joint written statement of Dr. Aman Rohatgi, Dr. Deepak Lahoti and Dr. Nidhi Saxena, Medical Superintendent, Max Hospital, copy of medical records of Max Super Speciality Hospital, Virmani Hospital and other documents on record.

The following were heard in person :-

1) Dr. Aman Rohtagi Consultant Medicine, Max Hospital

2) Dr. Deepak Lahoti Consultant Gastroenterology, Max

Hospital

3) Shri Vishat Ahlawat Manager (Administration), Max Hospital

4) Dr. Gaurav Mittal AMS, Max Hospital

4) Dr. Nidhi Saxena Medical Superintendent, Max Hospital

The Disciplinary Committee noted that the complainant Shri Dalip Kumar Mam 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 Dalip Kumar Mam in his complaint alleged that he is a victim of an incident of gross medical negligence on the part of the said hospital which claims to be immensely reputed and of the doctors as well as the staff responsible for the ill treatment of Late Smt. Shilpa Mam. He lost his beloved daughter in law on 20.7.2018. She was under the treatment of the said hospital and did not wake up alive on the saddest eventful day. Late Smt. Shilpa Mam was suffering from various kinds of medical issues which majorly included hypothyroidism, migraine, hypertension, abdominal pain, anxiety, recurrent episodes of LOC, and more. She was being treated in the said hospital for a long period of time, just because of the hospital through its various advertisements made their trust upon its world class facilities and renowned patient care services. Until few days back, he had put blind faith in the said hospital, however, when he started researching for the line of treatment that his daughter in law went through, he was in utter shock- especially reading about the amount of dangerous outcomes the prescribed line of treatment and medicines showed in various studies. The medicinal drugs prescribed to his daughter in law had exceedingly dangerous consequences and could lead to start of a chain of events which have a very high probability of causing death. After reading and researching over the line of treatment and medicines prescribed, he hasten to say that any prudent doctor would not recommend the following line of treatment to any patient he/she cares about. Out of all the medicines prescribed, Tryptomer (Amitryptyline) was the one that concerned him the most as he could find numerous cases on the internet where this drug proved to be excessively fatal and had become the cause of sudden death and other psychologically depressing syndromes in the past. She was prescribed medicines like Betacap-TR and Rizact MD along with Tryptomer. After realizing that Tryptomer (Amitryptyline) can easily interact with the abovementioned medicines and can lead to fatal outcomes, he was quite sure that this was a callous act. Medicine is a noble profession and should stay the same way, however, in today’s evolving scenario, often do they come across the cases of medical negligence which have catastrophic consequences on the lives of the patients involved and their respective families. He knows his loss is irreversible; however, he would want to ensure that nobody else faces the same just because of the negligence of doctors and hospitals.

Dr. Aman Rohatgi, Dr. Deepak Lahoti and Dr. Nidhi Saxena, Medical Superintendent, Max Hospital in their joint written statement averred that the patient Smt. Shilpa Mam, 35 years old female came in the OPD of Dr. Aman Rohatgi-Internal Medicine of their hospital on 12th December, 2017 at 06.25 p.m. The patient complained of intermittent fever since one month associated with abdominal pain and multiple episodes of loose motions associated with recurrent vomiting. The patient was advised admission and was admitted on the same day. As per medical requirement of the patient and established treatment norms, the patient was started on intravenous Ceftriaxone and Metrolgyl alongwith Pantocid + Emset alongwith intravenous fluids. An abdominal CECT was also conducted which showed mild ileocecal thickening with small mesenteric lymph nodes. The abdominal pain of the patient got settled down and she was afebrile. Thereafter, the patient was discharged on her own request on the 14th September, 2017 and was advised to visit the OPD for follow-up. The patient again visited the OPD of Dr. Aman Rohatgi on 18th September, 2017. Oral antibiotics were prescribed and she was referred to the gastroenterologist for follow-up. The patient was also seen by the gastroenterologist (Dr. Deepak Lahoti) on 20th September, 2017 and was advised a colonoscopy. The patient agreed to the same and underwent a colonoscopy on 28th September, 2022 which was suggestive of ceacal ulcers. A biopsy to rule out additional infections or active conditions was performed, which was suggestive of active colitis with no evidence of tuberculosis. She was advised supportive treatment with antibiotics and follow-up visit was advised. The patient also came in the OPD of Dr. Aman Rohatgi on 09th October, 2017 and 26th October, 2017 and was advised to follow-up with gastroenterologist. The patient again came in the OPD of Dr. Aman Rohatgi on 08th November, 2017 and complained of insomnia. After examinations, it was found that she had Hypovitaminosis B 12, for which, she was prescribed parenteral B12. Since, she required medications for the insomnia issue, she was prescribed Zolfresh 10 mg after it was confirmed that she did not have any fever or abdominal pain. She was also advised a follow-up with the gastroenterologist for the same. The patient again presented in the OPD of Dr. Rohagi on 07th May, 2018 and complained of severe insomnia associated with headache, which were imgrainous on clinical diagnosis. The patient was prescribed prophylactic treatment with Sibelium, Na valproate + sedative for her insomnia. The patient was advised to come back for a follow-up visit. The patient was subsequently seen in the OPD on 29th June, 2018 by Dr. Aman Rohatgi when she had a recurrence of the patient’s epigastric pain with nausea and vomiting. She was prescribed Pantocid + Mucain Gel, and Tryptomer 10mg and was asked to come back for an opinion from the gastroenterologist. It is pertinent to mention herein that the patient did not follow-up, as advised and did not report back of any follow-up with the physician subsequent to the consultation to the consultation on 29th June, 2018. All the proper and established clinical and scientific methods and the treatment procedures applicable to and to treat the symptoms and conditions(s) present were follow at all times. No treatment protocol outside established treatment protocols was followed. No medical negligence or errors have been done in the treatment protocols. It pertinent to mention that the patient did not follow advice given in that she failed to follow-up, as advised. Tryptomer(amitriptyline) 10 mg is one of the most commonly prescribed medications the world over for neuropathic pain, migraine, cyclic vomiting syndrome, fibromyalgia and tension headaches. Amitriptyline is also prescribed synergistically with b. blockers/Betacap TR commonly. It is also important to note that there is no mention of any cause of death or any postmortem report/toxicology report to substantiate any claims, as made in the complaint. Absent any conclusive report, the allegations and claims, as made are unfounded and cannot be treated, as valid. The treatment administered to the patient while admission during their hospital, was in line with set medical practice in India or globally under the facts and circumstances and conditions of the patient, there is no question of negligence attributed to the hospital and treating team of the doctors of whatsoever nature. In view of above submissions, they out-rightly deny all allegations of mismanagement, medical negligence and any kind of malpractice or wrong doing by the hospital, doctors or any staff of the hospital in toto, further, no action lies against the hospital or its doctors, the present complaint is devoid of merit and should be dismissed.

In view of the above, the Disciplinary Committee observes that the patient Smt. Shilpa Mam, a 35 years old female was a case of hypothyroytism/migraine/hypovitaminosis D and B12, caecal ulcers(?eiology) with headache and insomnia. The patient was receiving Ativan 2 mg OD once daily and Zolfresh 10 mg OD on 07th May, 2018, and was shifted to tryptomer 25 mg OD and Betacap TR 40 mg OD on 26th May, 2018 and subsequently shifted to Tryptomer 10 mg OD and Zapiz (Clonazepam) 0.25 mg HS. On 29th June, 2018, the patient was seen in the O.P.D. by Dr. Aman Rohatgi for complaints of epigastric pain with nausea and vomiting. She was prescribed Pantocid, Mucain Gel and Tryptomer 10 mg and to seek opinion from gastroenterologist. The death occurred at home in July, 2018 about three weeks later, during which period, the patient had not followed up with the hospital. In view of low prescribed doses and reducing dose, it appears unlikely that the drug/s prescribed or drug-drug interaction, are any way contributory to death in the present 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 doctors of Max Hospital, Patparganj, Delhi, in the treatment of complainant’s daughter in law Smt. Shilpa Mam.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Anupam Prakash)

Chairman, Delhi Medical Association Expert Member

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 13th December, 2022 was confirmed by the Delhi Medical Council in its meeting held on 21st December, 2022.

By the Order & in the name of

Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to :-

1. Shri Dalip Kumar Mam, r/o Flat No.4B, Bharat Apartment, IP Extension, Patparganj, Delhi-110092.
2. Dr. Deepak Lahoti, Through Medical Superintendent, Max Super Specialty Hospital, 108A, Indraprastha Extension, Patparganj, Delhi-110092.
3. Dr. Aman Rohtagi, Through Medical Superintendent, Max Super Specialty Hospital, 108A, Indraprastha Extension, Patparganj, Delhi-110092.
4. Medical Superintendent, Max Super Specialty Hospital, 108 A, Indraprastha Extension, Patparganj, Delhi-110092.
5. National Medical Council of India, Pocket-14, Sector-8, Phase-1, Dwarka, New Delhi-110077-w.r.t. erstwhile Medical Council of India’s letter No.MCI 211(2)(Gen.)/2018-Ethics.145748 dated 13.11.2018-**for information.**

(Dr. Girish Tyagi)

Secretary