DMC/DC/F.14/Comp.2662/2/2022/ 14th March, 2022

**O R D E R**

The Delhi Medical Council through it Disciplinary Committee examined a representation from Police Station, Civil Lines, Delhi, seeking medical opinion on a complaint of Shri Vinod Kumar Jain, r/o- D-61, Sector-55, Noida, alleging medical negligence on the part of Dr. Tara Chand Sharma, Sant Parmanand Hospital, Civil Lines Delhi, in the treatment administered of the complainant.

The Order of the Disciplinary Committee dated 18th February, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a representation form Police Station, Civil Lines, Delhi, seeking medical opinion on a complaint of Shri Vinod Kumar Jain, r/o- D-61, Sector-55, Noida (referred hereinafter as the complainant), alleging medical negligence on the part of Dr. Tara Chand Sharma, Sant Parmanand Hospital, Civil Lines Delhi (referred hereinafter as the said Hospital), in the treatment administered of the complainant.

The Disciplinary Committee perused the representation from Police, copy of complaint of Shri Vinod Kumar Jain, written statement Dr. Tara Chand Sharma, copy of medical records of Sant Parmanand Hospital and other documents on record.

The following were heard :-

1) Shri Vinod Kumar Jain Complainant

2) Dr.Tara Chand Consultant Urologist, Sant Parmanand Hospital

3) Dr. Sushil Tyagi AMS, Sant Parmanand Hospital,

It is noted that as per police representation, it is averred that a complaint in respect of Sh. Vinod Kumar Jain, r/o- D-61, Sector 55, Noida, U.P. against Dr. Tara Chand Sharma, Sant Parmanand Hospital, Civil Lines, Delhi has been received in Police Station, Civil Lines, Vide Dy. No. CB-635/SHO-CL, dated 14.11.2018 in which complainant stated that, on 23.10.2018 he went to Sant Parmanand Hospital, Civil Lines, Delhi for treatment and Dr. Tara Chand Sharma has diagnosed 12.5 mm Kidney stone after ultrasound checkup. As per the directions of Dr. Tara Chand Sharma, the complainant was admitted on 24.10.2018 at Sant Parmanand Hospital, Civil Lines and operation for stone removal from kidney has been conducted on 25.10.2018. Further the complainant stated that, he was discharged from hospital with the report that operation has been successfully completed. Complainant further stated that on 27.10.2018 the complainant has again suffered from acute pain and went to Kailash Hospital & Heart Institute, Sector 27, Noida immediately, where he explained to doctor about the treatment of Sant Parmanand Hospital, Civil Lines, Delhi. After thorough examination, doctor of Kailash Hospital advised for CT scan and ultrasound in which it has been found that the kidney stone is still present in same size and no operation has been conducted at Sant Parmanand Hospital to remove the stone from kidney but some pipe has been inserted to his stomach which has caused high infection in his body. The complainant has submitted medical papers/report of both hospital alongwith his complaint. Further, complainant has requested to collect the video recording of the operation and take suitable legal action against Dr. Tara Chad Sharma, Sant Parmanand Hospital, Civil Lines, Delhi. In this regard, it is submitted that being allegations related to medical check-up and not provided the proper treatment to the complainant, Delhi Medical Council is hereby requested to provide an opinion as to whether any negligency on treatment given by the said doctor or otherwise.

The complainant Shri Vinod Kumar Jain alleged that on 23.10.2018, he went to Sant Parmanand Hospital, Civil Lines, Delhi for treatment and Dr. Tara Chand Sharma diagnosed 12.5 mm kidney stone after ultrasound checkup. As per the directions of Dr. Tara Chand Sharma, he was admitted on 24.10.2018 at Sant Parmanand Hospital and operation for stone removal from kidney was conducted on 25.10.2018. Further, he stated that he was discharged from hospital with the report that operation was successfully completed. On 27.10.2018, he was again suffered from acute pain and went to Kailash Hospital & Heart Institute, Sector 27, Noida immediately, where he explained to doctor about the treatment of Sant Parmanand Hospital. After thorough examination, the doctor of Kailash Hospital advised for CT scan and ultrasound, in which, it has been found that the kidney stone was still present in same size and no operation was conducted at Sant Parmanand Hospital to remove the stone from kidney but some pipe was inserted to his stomach which caused high infection in his body. He requests to collect the video recording of the operation and take suitable legal action against Dr. Tara Chad Sharma, Sant Parmanand Hospital, Civil Lines, Delhi.

Dr. Tara Chand Sharma Consultant Urologist, Sant Parmanand Hospital in his written statement averred that on 24th October, 2018, the complainant Shri Vinod Jain was admitted at Sant Parmanand Hospital with a 12.5 mm size right sided renal stone. The complainant was also seen and evaluated at Kailash Hospital, Noida and was advised surgery for removal of stone. The complainant and family decided to get operated at their hospital. In outpatient department, the complainant and family were explained that either PCNL or RIRS will be performed once intra-operative findings are clear, as stone was seen at PUJ junction. In such cases, the stones tend to migrate down to ureter or may move up back to renal calyces. Pre-operative consent was taken and was duly signed by complainant himself and by the relatives. Intra-operatively, he found that the stone was impacted at PUJ and clearly visualized with URS. It was not moving back into the kidney. With guide wire in place, he decided to proceed with RIRS. Stone was fragmented in to small particles and fewer larger ones were removed, to be given to the relatives. Complete fragmentation was done to his satisfaction until no larger fragments were seen on C-ARM. A complete intra-operative stone fragmentation was achieved and DJ sent was introduced. The complainant who was conscious under spinal anaesthesia and his son, both were told about the surgery that RIRS was performed to remove the stone, which is a better for the complainant associated with less morbidity, less/no bleeding, no chances of damage to surrounding organs, faster recovery and can help the complainant join back his work early. His junior colleague had written operation notes for PCNL. He was busy completing notes of previous patient; it was due to the non-communication between them this error had occurred inadvertently which is highly regretted. The complainant had satisfactory stone fragmentation and was advised to come back for DJ stent removal later on. He deeply regrets and feel sorry for this important documentation error done by him and his team. They all will be more careful in future and ensure that such a mistake is not repeated again in future.

On enquiry by the Disciplinary Committee, Dr. Tara Chand stated that RRS procedure was not performed; mini PCNL procedure was performed.

In light of the above, the Disciplinary Committee makes the following observations.

1. It is noted that the complainant, a 55 years old male who was reported to be suffering from hydronephrosis on right side with pelviureteric junction, calculus about 12.5 mm as per ultrasound dated 19.10.2018 done at Kailash Hospital, was admitted in the said Hospital on 24.10.2018 with complaint of pain right flank since 14 days. He was diagnosed as a case of Right PUJ stone and underwent Right PCNL and DJ stenting on 25.10.2018, with consent. The operation was performed by Dr. Tara Chand Sharma. In the finding of the operation, it is mentioned that a single stone of 10-11 mm in PUJ was removed in pieces and DJ stenting was done. The complainant thereafter was discharged on 26.10.2018 with advice to review for DJ stenting removal after 6-8 weeks. Subsequently, the complainant apparently suffered from acute pain and on advice of doctor of Kailash Hospital again underwent ultrasound on 29.10.2018 at Kailash Hospital which reported Right Kidney measured 9.6 x 4.5 cm and showed calculi at lower calyx measuring approx 9.2 mm & 4.3 mm. Right distal ureter showed multiple hyperechoic foci, largest measured 5.3 mm just proximal to vesicoureteric junction. Left kidney was normal in size, shape and echopattern. Cortico-medullary differentiation and parenchymal thickness was well maintained. No evidence of any pelvicalyceal separation was seen. Left kidney measured 9.0 x 4.9 cm and showed calculi at mid calyx measuring approx. 5.4 mm & 4.8 mm.
2. As per record of the said Hospital, it is noted that the admission page mentions of PCNL and DJ Stenting. Discharge Summary also mentions PCNL was done. In final bill, however, it is mentioned that the complainant was charged for PCNL and DJ Stenting. Prescription Slip dated 23rd October, 2018 mentions that plan was for PCNL and DJ stenting and clinical notes also mention plan for PCNL and DJ stenting on many instances.
3. It is observed that consent was taken for right PCNL alongwith Double JJ stenting whereas he stated in his submission that he has done a mini-PCNL/RIRS. Whereas, as per the record, the Discharge Summary mentioned right PCNL with Double JJ stenting and the hospital operating record mentioned right ureteroscopy. During the hearing before the Disciplinary Committee, the complainant alleged that there is no sign of surgery and PCNL was never performed on him.
4. The operating surgeon (Dr. Tara Chand) has also admitted a documentary error on his part which he highly regretted. The operating surgeon and his team has also felt apology for this important documentation error done by him and his team.
5. It is also noted that in the written statement of Dr. Tara Chand made to the Delhi Medical Council dated 10th February, 2019, he claimed to have done RIRS and deeply regretted the documentation error done by him and his team for mentioning PCNL in Discharge Summary. Later, in the online hearing before the Disciplinary Committee, he admitted to have done mini PCNL. Further, in his written submissions made to the Delhi Medical Council dated 27th January, 2022, he claimed to have done PCNL combined with RIRS.
6. Dr. Tara Chand has made contradictory statements, about the procedure done on the complainant.

In light of the observation made hereinabove, the Disciplinary Committee recommends that name of Dr. Tara Chand (Delhi Medical Council Registration No.12887) be removed from the State Medical Register of the Delhi Medical Council for a period of 07 days. Further, a copy of this Order be also sent to the Directorate General of Health Services, Govt. of NCT of Delhi for taking appropriate action.

Matter stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. G.S. Grewal) (Shri Bharat Gupta)

Chairman, Delhi Medical Association, Legal Expert,

Disciplinary Committee Member Member,

Disciplinary Committee Disciplinary Committee

Sd/:

(Dr. Iqbal Singh)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 18th February, 2022 was taken up for confirmation before the Delhi Medical Council in its meeting held on 24th February, 2022 wherein “*whilst confirming the Order of the Disciplinary Committee, the Council observed that the punishment of removal of name awarded by the Disciplinary Committee to Dr. Tara Chand (Delhi Medical Council Registration No.12887) for a period of 07 days from the State Medical Register will not serve the interest of justice, as he has been indulged in unethical practice of doing one procedure (RIRS) but claiming to have done some another procedure(PCNL) for extraneous purposes; which is unbecoming of a medical professional, hence, the Council directs that punishment of removal of name Dr. Tara Chand for a period of 07 days from the State Medical Register be enhanced and his name (Dr Tara Chand, Delhi Medical Council Registration No.12887) be removed from the State Medical Register of the Delhi Medical Council for a period of 60 days.*

*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 30 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 Vinod Kumar Jain, r/o- D-61, Sector-55, Noida.
2. Dr. Tara Chand, Through Medical Superintendent, Sant Parmanand Hospital, 18, Sham Nath Marg, Civil Lines, New Delhi-110054.
3. Medical Superintendent, Sant Parmanand Hospital, 18, Sham Nath Marg, Civil Lines, New Delhi-110054.
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(2)(Gen.)/2019-Ethics./185781 dated 03.03.2019-**for information and also for necessary action.**
5. Station House Officer, Police Station Civil Line, Delhi-110054-w.r.t. letter No.4150/SHO/Civil Lines, Delhi, the, dated 11/12/18-for information.
6. Registrar, Tamil Nadu Medical Council, 914, Poonamalle High Road, Arumbakkam, Chennai, Tamil Nadu 600106 (**Dr. Tara Chand is also registered with Tamil Nadu Medical Council under registration No.-53585 dated 17.01.1994)-for information & necessary action.**
7. The Directorate General of Health Services, Govt. of NCT of Delhi, Swasthya Sewa Nideshalaya Bhawan, F-17, Karkardooma, Delhi-110032-for information & necessary action.

(Dr. Girish Tyagi)

Secretary