DMC/DC/F.14/Comp.2724/2/2023/ 12th September, 2023

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation form Police Station, Shakarpur, Delhi, seeking medical opinion on a complaint of Smt. Neha Kapooriya, D-28, Gali No.01, Laxmi Nagar, Delhi-110092, alleging medical negligence on the part of the doctors of Walia Nursing Home, Laxmi Nagar, Delhi-110092 and Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase II, Mayur Vihar, Delhi, 110091, in the treatment administered of complainant’shusband Shri Uttam Kumar, resulting in his death on 18.10.2017.

The Order of the Disciplinary Committee dated 08thAugust, 2023 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a representation form Police Station, Shakarpur, Delhi, seeking medical opinion on a complaint of Smt. Neha Kapooriya, D-28, Gali No.01, Laxmi Nagar, Delhi-110092 (referred hereinafter as the complainant), alleging medical negligence on the part of the doctors of Walia Nursing Home, Laxmi Nagar, Delhi-110092 and Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase II, Mayur Vihar, Delhi, 110091, in the treatment administered of complainant’shusband Shri Uttam Kumar(referred hereinafter as the patient), resulting in his death on 18.10.2017.

The Disciplinary Committee perused the representation from Police, copy of complaint of Smt. Neha Kapooriya, written statement of Dr. Amita Saxena, Medical Superintendent, Lal Bahadur Shastri Hospital enclosing therewith written statement of Dr. Aarti Yadav, Dr. Shailesh Kumar, written statement of Dr. Shailesh Kumar, Dr. Shefalika Sharma and Dr. Sachin Bhardwaj, post mortem report No. 512/17, medical records of Lal Bahadur Shastri Hospital and other documents on record.

The following were heard in person :-

1. Smt. Neha Kapooriya Complainant
2. Ms. Kavita Kapooriya Sister-in-law of the complainant

3) Smt. Hemlata Mother-in-law of the complainant

4) Shri Satish Bhatt Authorized Person, Walia Nursing &

Maternity Home

5) Dr. Arti Yadav S.M.O., Lal Bahadur Shastri Hospital

6) Dr. Shailesh Kumar Senior Resident, Lal Bahadur Shastri Hospital

7) Dr. Sachin Junior Resident, Lal Bahadur Shastri Hospital

8) Dr. Shefalika Junior Resident, Lal Bahadur Shastri Hospital

9) Dr. Yogesh D.M.S., Lal Bahadur Shastri Hospital

The complainant Smt. Neha Kapooriyaalleged that on 18th October, 2017, her husband Shri Uttam Kumar (the patient) met with an accident. He was initially taken to Walia Nursing Home where he was not given any treatment and then to Lal BahadurShastri Hospital. On reaching Lal Bahadur Shastri Hospital, it was noticed that Dr. Aarti Yadav was examining her husband. Thereafter, the patient was administered stitches and injections. Subsequently, it was noted that her husband was not speaking anything. The doctor on enquiry informed that he was resting and that he may be taken back home and administered the medicines which have been prescribed to him and thereafter review after three days. Soon the patient’s body started turning cold. On this, it was informed that the same was due to air conditioning and they asked that the patient be removed from the room. The patient was then discharged by Dr. Shailesh and brought back to their residence. Since the patient’s hand and feet were not moving and the local doctor was called, who pronounced him dead. The patient then then first taken to Walia Nursing Home and then Makkar Hospital who also declared him brought dead. The post-mortem report gave time of death to be between 06.30-7.30, whereas thedoctor of Lal Bahadur Shastri Hospital had discharged him at 08.00 after prescribing three days medication and to come for review. The post-mortem also gave finding of internal injury, whereas, the doctor only treated him for external injuries. The patient had suffered internal injuries, brain hemorrhage, injuries to ribs, but the doctors only administered stitches and injection and discharge him. It is alleged that the patient died because of negligence of Walia Nursing Home, Dr. Arti Yadav and Dr. Shailesh of Lal Bahadur Shastri Hospital.

Shri Satish Bhatt, Authorized Person, Walia Nursing & Maternity Home stated that that Walia Nursing Home was being run by late Dr. Ashok Kumar Walia, Ex-Minister of Finance & Health, Government of NCT of Delhi and during the lockdown, Dr. Ashok Kumar Walia closed the said Nursing Home and had surrendered the license and had settled with all the employees by July, 2020 and the nursing home is lying closed since. Unfortunately, Dr. Ashok Kumar Walia also died on 22nd April, 2021. Apart from the fact that the nursing homeis lying closed, the elder brother of Dr. Ashok Kumar Walia has also filed a suit of partition in respect of the estate of Dr. Ashok Kumar Walia where Dr. Ashok Kumar Walia executed a legal valid Will. The suit is still pending before the Hon’ble High Court of Delhi. Since the premises are lying locked and efforts have been made to search the records relating to the period 2017. However, they have not been able find the name of Shri Uttam Kumar in search of OPD Book for the relevant period. He may also like to inform the Delhi Medical Council that as per the records, since, no treatment has been given to the patient, the question of any negligence by the doctors does not arise. He may also like to inform the Delhi Medical Council that the averments made in the complaint purportedly sent to the Police in 2018 seem to be also not correct, as Walia Nursing Home was being run by a respectable Minister of NCT of Delhi and Dr. Ashok Kumar Walia during his life time, was doing lot of charitable work in the area. Walia Nursing Home itself was doing free for the poor people and no patient has ever been refused any treatment. So, all these stories as levied by the patient against the Walia Nursing Home do not seem to be correct. They also made inquiries from the employees then working in Walia Nursing Home and none of the employees presently available remember any such incident. He will also like to inform the Delhi Medical Council that Walia Nursing Home was not equipped for any major surgery and, therefore, used to refer serious accidental cases after first aid to major hospitals. The complaint, therefore, is motivated and has no truth in it. Since, the nursing home stands closed and the patient was never admitted in the nursing home, the question of submission of any record does not arise.

Dr. Arti Yadav, S.M.O., Lal Bahadur Shastri Hospitalin her written statement averred that she was on night duty on 17th October, 2017 between 08.00 p.m. to 08.00 a.m. alongwith the Junior Residence Dr. Sachin Bhardwaj and Dr. Sudesh Kumar. As per records (MLC No.0152/17 and treatment papers), the patient Uttam Kumar aged 28 years old male with alleged history of RTA(Road Traffic Accident), was attended and treated by Dr. Sachin. The MLC and the treatment papers were prepared by Dr. Sachin Bhardwaj at 05.05 a.m., which are (MLC & treatment papers) in his handwriting and bearing his signature. After primary treatment, the patient was referred to the surgery emergency for detailed examination and further management as per protocol of hospital on 18th October, 2017 at 05.05 a.m. The patient was not attended by her.

Dr. Sachin Bhardwaj, Junior Resident, Lal Bahadur Shastri Hospital in his written statement averred that he was on night duty on 17th October, 2017(08.00 p.m. to 08.00 a.m.) with Dr.Sudesh Kumar, Junior Resident and the CMO Dr. Arti Yadav. As per the records MLC No.-015241/17, the patient Uttam Kumar, 28 years old male with A/H/O RTA (Road Traffic Accident) was attended, examined and treated by him in the casualty at 05.05 a.m. At the time of the examination, the patient was conscious and oriented. The vital was stable and the patient was drunk with smell of alcohol. After giving primary treatment in the casualty, he referred the patient to the surgical emergency for expert opinion, management and treatment.

Dr. Shefalika Sharma, Junior Resident, Lal Bahadur Shastri Hospital in her written statement averred that she was on night duty on 17th October, 2017 inDepartment of General Surgery alongwith the Senior Resident Dr. Shailesh. She received the concerned patient Shri Uttam Kumar from the casualty for the surgical opinion. She noted the vitals, injuries and informed the Senior Resident Dr. Shailesh, who was in O.T. at that time. He examined the patient and advised the treatment. The treatment was given, suturing was done ↓LA and oral medicines were given. Dr. Shailesh assessed the patient again; after which, he (the patient) was advised to follow-up in the surgery OPD.

Dr. Shailesh Kumar, Senior Resident, Lal Bahadur Shastri Hospital in his written statement averred that he was the Senior Resident on duty at that time. When the patient Shri Uttam Kumar was received from the Casualty Department for the surgical opinion, he was in the O.T. for the surgery of another patient, having iatrogenic bladder injury. Subsequently, he was informed by Dr.Shefalika Sharma, Junior Resident on duty about this patient and he attend to the patient and noted that the patient was conscious and well oriented CGS-15/15. The patient sustained injury over right side face, back of right arm and left lower leg, as mentioned in MLC note. The patient did not have the injuries over chest, abdomen, ENT bleed or abnormal pupil and vomiting. He examined the chest. The abdomen was not distended and tender. He instructed Dr.Shefalika for the concerned treatment. She didsuturing and kept in the emergency ward for the sufficient time before discharge. During the discharge, the vitals were stable and the patient was able to stand and walk; hence, was advised to review in OPD for further treatment.

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

1. It is observed that the patient Shri Uttam Kumar, 28 years old male, brought to the casualty of Lal Bahadur Shastri Hospital at 05.05 a.m. with alleged history of RTA (Road Traffic Accident). The patient was examined by Dr. Sachin, ACMO on duty and the M.L.C. was initiated. There was no history of loss of consciousness, vomiting, seizure and E.N.T. bleed. On examination, the patient was found to be conscious, oriented with breath alcohol. The patient’s vitals were:- blood-pressure was 180/70 mmHg, pulse rate was 80/minute, respiratory rate was 16/minute, SPO2 was 90%. Dr. Sachin noted the injuries in the form of lacerated wound right eye, right elbow, right wrist, left leg, right arm. He (Dr. Sachin) prescribed injection T.T. and injection Voveran and referred the patient for surgical emergency.

In the surgical emergency, the patient was initially seen by the Junior Resident on duty Dr. Shefalika Sharma and thereafter, by Dr. Shailesh Kumar, Senior Resident Surgery. The surgical notes recorded-G.C. fair, afebrile, vital stable, GC-15/15, local examination, it was noted multiple lacerations over right side face, back of right arm, CLW over left lower leg-3 x 0.5 cm, no active bleed, CVS, respiratory system, P/A abdomen were NAD. Suturing under local anaesthesia with anticeptic dressing was done. Medication in the form of tablet Ciprofloxacin, tablet Diclofenac and table Ranitidine were prescribed for three days and the patient was asked to review in the surgical OPD. The patient, thereafter, was taken home. Subsequently, the patient was brought dead at 02.30 p.m. in Lal Bahadur Shastri Hospital on 18th July, 2017. The dead body was subjected to the postmortem.

As per the opinion of the post-mortem report No.512/17 dated 18th October, 2017, the cause of death washaemorrhagic shock consequent upon blunt force/surface impact to chest and abdomen. All injuries are antemortemin nature and fresh induration and could be possible to occur by manner as alleged.

1. It is noted that the post-mortem report in addition to listing twenty- four external injuries which included lacerated wounds and reddish-brown abrasion all over the body; makes mentions of internal injury. Fracture of rib, right rib, 2,3,4,5 on post aspect of paravertebral region associated with lacerations at middle lobe right lung, blood with clots in chest cavity-one litre. Blood with clots in abdominal cavity 1.2 litre, etc.

It is, thus, apparent that the doctors of Lal Bahadur Shastri Hospital did not carry out thorough examination of the patient through physical, clinically, radiologically investigation and thereby missed many external as well internal injuries; hence, did not provide the requisite treatment, which was required.

1. It is alleged by the complainant that after the R.T.A., the patient was initially taken to Walia Nursing Home, where the patient was refused the treatment. A copy of the receipt of Rs.500/-for ambulance of Walia Nursing Homewas submitted on her behalf on 27th July, 2023 by Shri Rahul Kumar to substantiate her allegation. However, Shri Satish Bhatt, Authorized Person, Walia Nursing & Maternity Home informed that since July, 2020, Walia Nursing Home has been closedand property litigation is pending in Court. Hence, no records can be traced now to verify the record and her allegation.
2. The patient Shri Uttam Kumar was taken to Lal Bahadur Shastri Hospital on 18th July, 2017 following road traffic injury, which is considered dangerous mechanism of injury. As per the M.L.C. records, the patient was under the influence of alcohol. The patient was seen by Dr. Sachin, Junior Resident on duty and referred to Senior Resident Surgery for further management. The Junior Resident and the Senior Resident examined the patient. The patient was not evaluated as per the trauma protocol, such as primary survey and secondary survey, were not done. Adjuncts, such as x-ray chest and pelvis, F.A.S.Texamination (ultrasound examination), were not done to rule out internal injuries. It appears from the records that there were no SOPs regarding the management of trauma patient in Lal Bahadur Shastri Hospital. It is a system failure.

In light of the observations made herein-above, it is the decision of the Disciplinary Committee that a warning be issued toDr. Shailesh Kumar(Delhi Medical Council Registration No.DMC/R/08510), Dr.ShefalikaSharma (DelhiMedical Council Registration No.DMC/R/17114)and Dr.Sachin Bhardwaj(Delhi Medical Council Registration No.71603) with a direction that they should undergo six hours of Continuing Medical Education (C.M.E.) on the subject related to ‘Initial Assessment and Management of Trauma Patient’ and submit a compliance report to this effect to the Delhi Medical Council. However, since the name of Dr.Shailesh Kumar (Delhi Medical Council Registration No.DMC/R/08510) already stood deleted w.e.f. 24th July, 2022 from the State Medical Register of the Delhi Medical Council on account of non-renewal of registration with the Delhi Medical Council; a copy of this Order be sent to the National Medical Commission with a request to take cognizance of this Order and take necessary action against Dr. Shailesh Kumar. Further, the authorities of Lal Bahadur Shastri Hospital are directed to prepare SOPOs regarding the management of such trauma patient.

Matter stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Subodh Kumar)

Chairman, Delhi Medical Association, Expert Member,

Disciplinary Committee Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 08th August, 2023 was confirmed by the Delhi Medical Council in its meeting held on 21st August, 2023.

The Council also confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Shailesh Kumar (Delhi Medical Council Registration No.DMC/R/08510), Dr. Shefalika Sharma (Delhi Medical Council Registration No.DMC/R/17114)and Dr. Sachin Bhardwaj (Delhi Medical Council Registration No.71603) with a direction that they should undergo six hours of Continuing Medical Education (C.M.E.) on the subject related to ‘Initial Assessment and Management of Trauma Patient’, within a period of three months from the date of the Order and submit a compliance report to this effect to the Delhi Medical Council. However, since the name of Dr. Shailesh Kumar (Delhi Medical Council Registration No.DMC/R/08510) already stood deleted w.e.f. 24th July, 2022 from the State Medical Register of the Delhi Medical Council on account of non-renewal of registration with the Delhi Medical Council; a copy of this Order be sent to the National Medical Commission with a request to take cognizance of this Order and take necessary action against Dr. Shailesh Kumar

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. Smt. Neha Kapooriya, D-28, Gali No.01, Laxmi Nagar, Delhi-110092.
2. Medical Superintendent, Walia Nursing & Maternity Home, G-60, Vikas Marg, Laxmi Nagar, Delhi-110092.
3. Dr. Arti Yadav, 39-C, Pocket-B, Mayur Vihar, Phase-2, Delhi-110091
4. Dr. Shailesh Kumar, Through Medical Superintendent, Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase II, Delhi, 110091.
5. Dr. Shefalika Sharma, 21-A, Highway Apartments, Gazipur, New Delhi-110096.
6. Dr. Sachin Bhardwaj, BH- 53, SECTOR - 70, NOIDA, G.B. NAGAR, Uttar Pradesh-201301
7. Medical Superintendent, Lal Bahadur Shastri Hospital, Near Kalyanvas Colony, Mayur Vihar Phase II, Delhi, 110091.
8. S.H.O., Police Station Shakapur, Delhi-110092-w.r.t. letter Ref No.2875 dated 27.08.18 SHO/Shakapur, Delhi and 3176 Dated 12-09-2018 SHO/Shakarpur, Delhi-**for information.**
9. Registrar, Uttar Pradesh Medical Council, 5, Sarvapally Mall Avenue Road, Lucknow-226001, Uttar Pradesh (**Dr. Sachin Bhardwaj is also registered with the Uttar Pradesh Medical Council under registration No.70850 dated 09.04.2015**)-**for information & necessary action**
10. National Medical Commission, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi-110077-**for information & necessary action.**

(Dr. Girish Tyagi)

Secretary