DMC/DC/F.14/Comp.2798//2/2023/ 05th December, 2023

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Smt. Madhulika Pandey, r/o- A-2/53, Hastsaal road, Uttam Nagar, New Delhi-110059, alleging medical negligence on the part of the doctors of Mata Roop Rani Maggo Hospital, Uttam Nagar, New Delhi, in the treatment administered to the complainant’s husband Shri Gaurav Pandey, resulting in his death on 02.05.2019 at Akash Healthcare Super Speciality Hospital, Dwarka, where he subsequently received treatment.

The Order of the Disciplinary Committee dated 31st October, 2023 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Smt. Madhulika Pandey, r/o- A-2/53, Hastsaal road, Uttam Nagar, New Delhi-110059 (referred hereinafter as the complainant), alleging medical negligence on the part of the doctors of Mata Roop Rani Maggo Hospital, Uttam Nagar, New Delhi (referred hereinafter as the said Hospital), in the treatment administered to the complainant’s husband Shri Gaurav Pandey (referred hereinafter as the patient), resulting in his death on 02.05.2019 at Akash Healthcare Super Speciality Hospital, Dwarka, where he subsequently received treatment.

The Disciplinary Committee perused complaint, joint written statement of Dr. Amit Gaurav, Dr. Aman Maggo of Mata Roop Rani Magoo Hospital, copy of medical records of Mata Roop Rani Maggo Hospital, copy of medical records of Akash Healthcare Super Speciality Hospital and other documents on record.

The following were heard in person :-

1) Smt. Seema Sharma Patient’s sister

2) Shri Vaibhav Sharma Brother-in-law of the patient

3) Dr. Amit Gaurav Consultant Medicine, Mata Roop Rani Maggo Hospital

4) Dr. Aman Magoo Medical Superintendent, Mata Roop Rani Maggo Hospital

Smt. Seema Sharma presented before the Disciplinary Committee along-with her husband Shri Vaibhav Sharma and stated that she is the real sister of the deceased (the patient) Shri Gaurav Pandey. Further, she stated that the complainant Smt. Madhulika Pandey, who is the wife of the deceased, is in Lucknow; hence, unable to join Disciplinary Committee proceedings. She and her husband were by the side of the patient/deceased during his admission at Mata Roop Rani Maggo Hospital and she be allowed to make verbal submission to this matter. In the interest of justice, the Disciplinary Committee allowed her to present her complaint.

It is noted that as per the complaint, it is alleged that the patient Shri Gaurav Pandey was admitted in Mata Roop Rani Maggo Hospital on 19th April, 2019. The patient was initially in General Ward; however, the doctors informed that since the patient’s saturation was low, he was to be shifted in the ICU for the treatment. On 22nd April, 2019, it was informed that the patient had tested positive for H1N1; however, inspite of that, he was not kept in the isolated ICU. Further, no proper protocol was followed in the in the ICU. Even though, the patient’s condition deteriorated day by day and he was developing ARDS, the doctor kept on assuring them that there was improvement in his condition. They also did not give proper prognosis. Similarly, even though, the consent for ventilator had been taken at the time of the admission, the patient was never put on ventilatory support. On 28th April, 2019, the patient in his own handwriting narrated his ordeal that he was not being provided any water for drinking and the behaviour of the staff was not good. The doctors were giving wrong treatment. On 29th April, 2019, the family, thus, decided to shift the patient to Aakash Hospital where after few hours of admission, the patient was put on ventilator. Inspite of all efforts of Aakash Hospital, the patient could not be saved and declared dead on 02nd May, 2019. It is requested that strict action be taken against the doctors of Mata Roop Rani Maggo Hospital for acts of medical negligence, committed in the treatment of the patient at Mata Roop Rani Maggo Hospital.

Smt. Seema Sharma, the patient’s sister reiterated the assertions made in the complaint.

Dr. Amit Gaurav and Dr. Aman Maggo of Mata Roop Rani Magoo Hospital in their joint written statement averred that the patient Shri Gaurav Pandey was admitted in their hospital on 20th April, 2019 at 12:18 a.m. with complains of severe breathlessness, cough, high grade fever and poor intake since four to five days. The patient’s SPO2 at the time of admission was 60%, pulse rate was 116/min, temperature was 103o F, blood pressure was 120/80 mmHg, respiratory rate > 28 min and was taking treatment from a local doctor, who got his x-ray chest done one day prior to hospitalization, in which, it was clearly mentioned opacities in (Rt) upper zone/ para-cardiac region. The patient’s attendants were immediately informed when the patient was brought to their hospital that the patient’s oxygen saturation was very low and the patient’s condition was sick and his (the patient) attendants were advised to admit the patient in the ICU. On the basis of suspicion, according to the history that the patient developed these symptoms in four to five days, the patient H1N1 was advised on 20th April, 2019. The report confirmed that H1N1 was positive. The patient was then immediately shifted to isolation room in ICU. Their hospital is having five isolations rooms, one on each floor and one in ICU respectively. Their hospital is a 93 bedded multispecialty setup, having cath lab, level III NICU, haemodialysis, CT scan, etc. Since the patient was not co-operative in the isolation room, the patient was again shifted to the ICU, so that he could co-operate with the treatment but the patient had uncooperative behavior towards the treatment. The patient even threw his BiPap mask and refused to take any treatment. The patient did not even want to stay in the hospital but the patient was kept in the ICU by taking proper precautions and measures for H1N1 positive patients for example keeping bed at more than five feet away from other beds, using dedicated instruments, etc. The patient’s psychiatric counseling was also done in the frontof patient’s family members where, one of the patient’s family members revealed history of alcohol intake in harmful pattern and about his anger outbursts. Even the attendants of regular patients entered the ICU after wearing mask and cap and they were told and explained everything about the precautions and measures to be taken for H1N1 patient. They used to enter the ICU after wearing mask and cap every time they visited the patient. They have already mentioned the reasons of changing his (the patient) bed in ICU, as the patient did not agree to stay in isolation room, the patient was kept at least five feet away from another bed. Starting from admission (from the casualty), the patient’s condition was fully explained to his attendants and even written consents were taken (signed by his wife), explaining the risks and complications and threat to life and then daily prognosis were explained to the attendants. They were even told to shift to higher centre if they wanted. They were also given case summary and other reports to take second opinion. A patient whose oxygen saturation was 60% on admission cannot be kept without respiratory support. Initially, he was kept on BiPap. Later on, the patient was kept on Non-Invasive Ventilation (NIV) with mechanical ventilator, so the ventilator charges were charged for six days. They were also explained about invasive ventilation that intubation may be required at any time. On 29th April, 2019, when the patient was shifted to other hospital, the patient was fully conscious, the vitals were stable (without inotropes). Now they would like to share the reasons of this complaint. As already mentioned, the patient’s attendant took the patient to Aakash Hospital on 29th April, 2019 and unfortunately, the patient expired there on 02nd May, 2019. On 03rd May, 2019, Shri Raman Maggo (one of the director of hospital) received some calls from unknown person regarding this case and they threatened him taking names of media/social media and then, a person named Shri Sumit Kumar claiming to be an advocate and media person called Shri Raman Maggo through one of his colleagues to his office(A-2/27, 40 Feet Road, Hastal Road, Uttam Nagar). The details of the office address were shared via whatsapp. He called Shri Raman Maggo many times to visit his office. When Shri Raman reached there, four to five other people were also present there. They misbehaved with Shri Raman and his father and demanded a sum of Rupees 4.5 lacs (their total hospital bill was Rupees 1 Lac 46 thousand including all the expenses, which was settled by his insurance company/cashless) and they threatened Shri Raman that if he will not pay the amount, he will have to face the consequences. Shri Raman refused to pay the amount and said that hospital has not done anything wrong. A complaint regarding this whole blackmailing/extortion incidence was filed on the same day i.e. 03rd May, 2019 in Uttam Nagar Police Station, and as a cross complaint they filed this complaint on 04th March, 2019. There are certain deadly diseases and their complications and results, which are above the control of medical science. Whenever a precious life is lost, the doctor is equally disturbed. Although, in this case, the patient died after three days of discharge from their hospital. The patient’s diagnosis was immediately made without wasting any time. The best possible treatment was given as per the protocols. It is really disgraceful to face such baseless allegations, which are forcefully imposed by the people, who did not even once visit the patient during his tenure of hospitalization and then misguide the attendants for their personal interest.

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

1. It is noted that the patient Shri Gaurav Pandey, 35 years old male, was admitted in the said Hospital on 20th April, 2019, with breathing difficulty with high grade fever with cough with DOE(Dyspnea on Exertion) for four to five days. There was no past medical history at the time of the admission. The patient’s vitals were : blood pressure-120/80mmHg, pulse rate-118/minute, respiratory rate-28/minute, SPO2-60% and temperature-103 degree F. The patient was admitted in the ICU. The patient was examined and investigated. The patient was reported to be H1N1 positive. A diagnosis of swine flu with LRTI with bilateral pneumonitis with ARDS was made and he was treated with BiPaP support/IV Meropenem/IV Targocid/tablet Temiflu/IV Pan/IV Emeset SOS/nebulizer and other supportive drugs. The patient was kept on non-invasive ventilation, as without NIV saturation, the saturation fell to 20-40%. As the attendant wanted to take the patient to higher centre for further management, the patient was discharged on 29th April, 2019 with referral summary.

The patient, thereafter, was admitted in Aakash Hospital on 29th April, 2019. The patient’s general condition was sick. His blood pressure-130/80mmHg, pulse-120/minute, respiratory rate-36/minute, chest-B/L scattered crepts +. ABG showed severe hypoxemia. All necessary invetigations were done. CBC : Hb was 11.20, TLC was 18.28, PC was 02.57, KFT was within normal limit, LFT was within normal. Febrile aggultinins panel-S. Typhi “O”/H-negative. Urine R/M-pus cell/Epi Cell-1-2/HPF. ET C/S was done. Gram stain-3-4 neutrophils/oil immersion field was seen. No gram-positive or gram-negative bacteria was seen. Chest x-ray showed inhomogeneous opacities in bilateral lung fields. Pulmonary vascular were prominent. 2D echo was done. The chest specialist reference was taken and advice was followed. The patient was intubated and put on ventilatory support. On day four of admission at 10.00 a.m., the condition of the patient deteriorated further and the patient developed cardiac respiratory arrest. All resuscitative measures initiated; however, inspite of all measures, the patient could not be revived and was declared dead at 11.19 a.m. on 02nd May, 2019.

1. It is noted that as per the joint reply of Dr. Amit Gaurav, Dr. Aman Maggo of Mata Roop Rani Magoo Hospital, the patient on being confirmed H1N1 positive, was shifted to an isolation room in the ICU. As per them, the hospital has five isolation room, one on each floor and one in the ICU, respectively. However, since, the patient was not cooperative in the isolation room, he was again shifted to the ICU, so he could cooperate with the treatment, but the patient remained uncooperative and the same was informed to the attendant. Further, the patient did not even want to stay in the hospital but the patient was kept in the ICU by taking proper precautions and measures for H1N1 positive patients for example keeping bed at more than five feet away from other beds, using dedicated instruments, etc. The patient’s psychiatric counseling was also done in the form of his (the patient) family members where one of the patient’s family members revealed history of alcohol intake in harmful pattern and about his anger outbursts.
2. It is noted that as per the medical records of Mata Roop Rani Magoo Hospital, the poor prognosis of the patient had been explained repeatedly during his admission i.e. 23rd April, 2019, 24th April, 2019, 26th April, 2019, 27th April, 2019 and 29th April, 2019.
3. The explanation given by Dr. Amit Gaurav, Dr. Aman Maggo in response to the various queries, raised by the complainant, are found to be reasonable and satisfactory.
4. It is observed that the patient was examined, investigated and treated as per accepted professional practices in such cases. He died due to his underlying condition, which carried a poor prognosis, inspite of adequate treatment.

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 the doctors of Mata Roop Rani Maggo Hospital, in the treatment administered to the complainant’s husband Shri Gaurav Pandey.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Satish Tyagi) (Dr. Ashwani Khanna) Chairman, Delhi Medical Association Expert Member,

Disciplinary Committee Member Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 31st October, 2023 was confirmed by the Delhi Medical Council in its meeting held on 06th November, 2023.

By the Order & in the name of

Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to :-

1. Smt. Madhulika Pandey,r/o- A-2/53, Hastsaal road, Uttam Nagar,New Delhi-110059.
2. Dr. Amit Gaurav, Through Medical Superintendent,Mata Roop Rani MaggoHospital,C-8& 9, Om Vihar, Phase-I, Uttam Nagar, Metro Pillar No. 709, New Delhi-110059.
3. Dr. Aman Maggo, Through Medical Superintendent,Mata Roop Rani MaggoHospital,C-8& 9, Om Vihar, Phase-I, Uttam Nagar, Metro Pillar No. 709, New Delhi-110059.
4. Medical Superintendent,Mata Roop Rani MaggoHospital,C-8& 9, Om Vihar, Phase-I, Uttam Nagar, Metro Pillar No. 709, New Delhi-110059.
5. Station House Officer, Police Station Uttam Nagar, New Delhi-110059-w.r.t. leter No.996 R-SHO/Uttam Nagar, dated New Delhi the 01.07.2019-**for information.**

(Dr. Girish Tyagi)

Secretary