Delhi Medical Council

368, 3rd Floor, Pathology Block,
Maulana Azad Medical College,
Bahadur Shah Zafar Marg,
New Delhi-110002

DMC/14/DC/Comp.175/2/2006/27000to27005 9th December, 2006

Shri M.K. Kamod — Complainant
173, Khanna Nagar,
Loni, Ghaziabad
UP

Vs.

Dr. Praveen Garg — Respondent
Jain Charitable Hospital
2946 to 2949, Lane No. 5
Raghubar Pura No. 2, Gandhi Nagar,
Delhi – 110 031

ORDER

The Delhi Medical Council examined a complaint of Shri M.K. Kamod, alleging medical negligence in the treatment administered to complainant's wife Smt. Madhu Kamod (referred hereinafter as the patient) at Jain Charitable Hospital (referred hereinafter as the said Hospital). The Delhi Medical Council perused the complaint, reply of Dr. Praveen Garg, medical records of the said Hospital and other documents on record. The following were heard in person :-

1.	Shri M.K.Kamod	Complainant
2.	Smt. Madhu Kamod	wife of the complainant
3.	Shri Satbir Singh	Brother of the complainant
4.	Shri Himanshu Kamod	Son of the complainant
5.	Dr. Praveen Garg	Respondent
6.	Dr. P.K. Bhargawa	M.S., Jain Charitable Hospital
7.	Dr. S.Chaudhry	Dr. N.C. Joshi Memorial Hospital
8.	Dr. S.A. Parang	M.S., Dr. N.C. Joshi Memorial Hospital

Contd/-

Briefly stated the facts of the case are that the patient with history of lump in the left breast, underwent lumpectomy on 28.7.2004. The surgery was performed by the respondent. The histopathological report dated 5.8.2004 of the said Hospital of the excised tissue was suggestive of "Fibrocystic Disease with Focal Atypical Hyperplasia". A second opinion was sought from Dr. T.K. Mathur of Vishesh Diagnostics, Krishna Nagar, Delhi whose report dated 16th August, 2004 gave the finding "Fibrocystic Disease of the Breast with Foci of Duct Carcinoma in Situ (DCIS). The patient was thereafter advised by respondent to consult a Cancer Specialist at Rajiv Gandhi Cancer Hospital. The patient, however, consulted Dr. N.C. Joshi Memorial Hospital, Karol Bagh, New Delhi. It is observed that Dr. Praveen Garg did not erred in referring the patient to a cancer specialist, based on the findings of hystopatholigical reports as it was necessary to confirm the diagnosis for timely treatment.

On 20-08-04 the complainant's wife underwent FNAC at N.C.Joshi Memorial Hospital; the histopathology report of Dr. R.C. Khandpur No. 1705/04 was suggestive of "Fibriadenosis of breast with cystic change and foci of intraductal hyperplasia. No neoplastic or preneoplastic changes seen." The patient also underwent mammography; the report (screen mammography) dated 21.9.2004 of INMAS, Timarpur, found a foreign body (? D. pipe) in the retro areolar region. A foreign body removal was carried out on the patient on 21.9.2004 at N.C. Joshi Hospital by Dr. S.Chaudhry and she was advised repeat FNAC u/s guidance from INMAS, Timarpur. The foreign body produced by the patient before the Council was found to be not the part of drainage tube, which is generally used during the lumpectomy procedure as carried out by the respondent. It appeared to be a 1-2 inch plastic tube as in I.V. drip tube set with evidence of clotted blood in the walls of the tube. The records of N.C. Joshi Memorial Hospital did not give any description of the foreign body, which was removed on 21.09.04. It is noted that subsequent to lumpectomy, the patient underwent Anti Septic dressings at the said Hospital and N.C. Joshi Memorial Hospital, before the mammography test done on 21.09.04 which showed the foreign body in the retro-aerolar region.

The account of the drain as given by the respondent and the the complainant with respect to the type of drain hanging out of the body and Dr. S.Chaudhry of N.C.Joshi Memorial Hospital about the type of foreign body removed are not corroborative and are not verifiable. It was not clear whether the said foreign body was left over or implanted or presented accidentally.

Contd/-

In his reply the respondent stated that the patient did not follow up in the O.P.D. with him, however this assertion is contradicted by the O.P.D. records of the said Hospital as the patient is shown to have received treatment (antibiotics prescribed by the respondent) for the pus emanating from the site of the wound. It is observed that the respondent failed to exercise reasonable degree of skill and knowledge to determine the source/ cause of the pus. Based on preponderance of probability, there is strong likelihood of the FB (Foreign Body) being the source of the pus, which the respondent failed to identify. A warning is issued to Dr. Praveen Garg **(DMC Regn.2148)** for this lapse on his part and for poor record keeping.

Dr. S. Chaudhry **(DMC Regn. No.11982)** of Dr. N.C. Joshi Memorial Hospital is also cautioned for inadequate record keeping.

Complaint stands disposed.

By the order of and in the name of
Delhi Medical Council

(Dr. R. N. Baishya)
Secretary

Copy to :-

1) Shri M.K. Kamod, 173, Khanna Nagar, Loni, Ghaziabad, UP – 27000

2) Dr. Praveen Garg, Jain Charitable Hospital, 2946 to 2949, Lane No. 5 Raghubar Pura No. 2, Gandhi Nagar, Delhi – 110 031 – 27001

3) Medical Superintendent, Jain Charitable Hospital, 2946 to 2949, Lane No. 5 Raghubar Pura No. 2, Gandhi Nagar, Delhi – 110 031 – 27002

4) Dr. S. Chaudhary, Through Medical Superintendent, Dr. N.C. Joshi Memorial Hospital, Govt. of NCT of Delhi, Karol Bagh, New Delhi – 110005. – 27003

5) Secretary, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi – 110075 - for information and necessary action. – 27004

6) Director Health Services, Govt. of NCT of Delhi, Swasthya Sewa Nideshalay Bhawan, F-17, Karkardooma, Delhi – 110032 – for information. – 27005

(Dr. R.N. Baishya)
Secretary