DMC/DC/F.14/Comp.2956/2/2021/ 15th December, 2021

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a complaint of Smt. Sushma Malik, 13/9, West Patel Nagar, New Delhi-110008, alleging professional misconduct on the part of Dr. Vinod Mittal of Delhi Heart and Lung Institute, 3 MM-II, Punchkuian Road, New Delhi-110055.

The Order of the Executive Committee dated 28th October, 2021 is reproduced herein below:-

“The Executive Committee of the Delhi Medical Council examined a complaint of Smt. Sushma Malik, 13/9, West Patel Nagar, New Delhi-110008, (referred hereinafter as the complainant) alleging professional misconduct on the part of Dr. Vinod Mittal of Delhi Heart and Lung Institute, 3 MM-II, Punchkuian Road, New Delhi-110055.

The Executive Committee perused the complaint, written statement of Dr. Vinod Mittal and other documents on record.

The following were heard in person:-

1. Smt. Sushma Malik Complainant
2. Shri Arjun Malik Complainant’s son
3. Dr. Vinod Mittal Consultant Physician & Diabetologist

Complainant Smt. Sushma Malik stated that she visited Delhi Heart and Lung Institute on 28th October 2019 for consultation with Dr. Vinod Mittal Consultant Diabetologist Delhi Heart & Lung. He misbehaved with her as she was a DGHES card holder. Dr. Vinod Mittal categorically told that since she did not pay him the fee, therefore her treatment, time and manner will not be the same, as he gives to his other private patients. The same is in violation to the Delhi Government Guidelines. He is utter disregard to the medical ethics click photos of every prescription and advise made and is immediately sent to medical companies and its representatives. Dr. Vinod Mittal was inconsiderate and had no empathy towards his personal state of affairs. He was rude and inhuman during the said consultation which was unbecoming of a physician as per the Medical Ethics. He refused to give appointment seeing his unavailability for the coming weeks for the reason that DGHES patients according to him could not be given preference over other private patients. Dr. Vinod Mittal referred to previous prescription which at that point was not available with her and nor was she asked to carry the same on any of the previous consultation. To which Dr. Vinod Mittal got furious and refused to look into the yellow sheets of previous records with him as maintained by the hospital and Dr. himself. Whereas as per the Indian Medical Council Regulation, 2002 every physician shall maintain the medical records pertaining to his/her patients. If any request is made for medical records either by the patients/authorized attendant of legal authorities involved, the same may be duly acknowledged and documents shall be issued. Dr. Vinod Mittal got agitated when one out of his three phones, rang just when she was putting the last phone into silent. On her asking accompanying attendant to put the same on silent mode, Dr. Mittal in the most rude and arrogant manner asked her clients and his attendant to shut up and not to utter even a word when he is in consultation with other patients. Dr. Vinod Mittal asked his attendant to get out of the room. As per the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 the prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who-so-ever chooses this profession, assumes the obligation to conduct him in accordance with its ideals. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life. He is impatient and has utter disregard to the time of his patients, for he makes every patient wait for at least two hours before he turns up to the hospital for consultation. During the consultation he makes two patients wait and sit in the same consultation room, while he attends to another third patient. This clearly shows his demeanor and disregard towards time and patience of others who are his patients. Dr. Vinod Mittal while making his patients wait in the same room when he is discussing every patients personal information not only make it public, but treat his patients as slaves as they are prohibited to utter a word during their waiting time before him. Whereas Dr. Vinod Mittal is liable for violating the India Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 as regards not maintaining privacy of patient’s secrets, for the makes three four patients sit at the same time in his room. As per the said regulations, the registered medical practitioner shall not disclose the secrets of a patient that have been learnt in the exercise of his/her profession except

1. In a court of law under orders of the presiding Judge.
2. In circumstances where there is an serious and identified risk to a specific person and /or community; and
3. Notified diseases.

One of the primary duties of any physician to their patient as per India Medical Council (professional Conduct, Etiquette and Ethics) Regulations, 2002 is of patience, delicacy and secrecy. Patience and delicacy should characterize the physician. Confidences concerning individual or domestic life entrusted by patients to a physician and defects in the disposition or character of patients observed during medical attendance should never be revealed unless their revelation is required by the laws of the state. The bias attitude toward her is clearly reflected from the prescription slip, wherein Dr. Vinod Mittal had commented about the conduct and behavior of his client’s accompanying attendant. The same clearly reflects that he on that date had committed some serious misconduct and apprehending action, made the same observation as a defense to be used later. The same in no way was related to the prescription or advise sought by her nor is a field related to his specialization, if any. On asking the need for such observation Dr. Vinod Mittal stated that since they were not respecting him, they could never respect their patients. Seeing Dr. Vinod Mittal’s behavior and conduct, she made a complaint legal notice in the register maintained at the hospital basement reception. In response to the same she was asked by the Medical Superintendent and COO to visit the hospital and resolve the issues amicably with Dr. Vinod Mittal as per the desire of Chariman of the Hospital who according to them had been informed of the same. On visiting the Delhi Heart and Lung Institute Hospital on 31st October, 2019, the same conduct and attitude of Dr. Vinod Mittal continued. She and her attendant was surrounded by guards in uniform and threatened them. That Dr. Vinod Mittal boasted of his connection in society and personal equations with the management of the hospital for he happened to be junior of the chairman of the hospital in medical college. In utter disregard Dr. Vinod Mittal offended her once again and seeing his conduct while maintaining their dignity and respect, they walked out of the hospital premises. Seeing this the COO and the said Medical Superintendent kept on calling her and her attendant for a settlement to which they declined. To the same she has evidence and shall provide the same in the court of law as and when required. She has also sent Dr. Vinod Mittal and chairman of the Delhi Heart and Lung Institute of legal notice on 5th November for the same. Dr. Vinod Mittal is liable to tender an unconditional written apology for his medical negligence and misconduct and violation of Ethics.

Dr. Vinod Mittal stated that on 28th October, 2019 Smt. Sushma Malik visited him alongwith her son Shri Arjun Malik at Delhi Heart and Lung Institute New Delhi regarding her treatment for diabetes. Smt. Sushma Malik has been consulting him for last 3 years and she is very satisfied with her treatment as her diabetes is well under control. Smt. Malik continued the treatment with him last 3years despite having a close relative as endocrinologist. This is totally a false allegation as there is never any discrimination in the treatment between a panel and a self pay patient. The fact that the Smt. Sushma Malik has been undergoing his treatment for last three years, itself belies such false allegations. It is again a false allegation as per Delhi Medical Council a record is required to keep by the treating physician and the same are duly maintained with the patients as well. The picture is taken only to keep the records as some times patients call in the evening to ask query relating to their medication and it is not possible at that time to access the hospital records. It is unfortunate that the steps taken for providing relief to patients so that their queries can be answered even after the consultancy is over and the consultant is not handicapped for ready availability of the prescription, the same is being twisted by a false allegation. No such prescriptions are ever sent to Pharma companies. He has always been very empathetic with all his patients and never been rude to any patient in 30 years of his medical practice. He was very empathetic, not at all inconsiderate or rude to Smt. Sushma Malik. It is in fact a defamatory remark and has caused distress to him. This is totally a false allegation as he has already mentioned that there is never any discrimination and/or preferences amongst patients. He wrote the prescription after changing one medication as Smt. Sushma Malik’s blood sugar was little high and also told her to report back after two weeks with the fresh blood sugar reports, but the patient asked him to prescribe medication for four months and she was going to USA. Smt. Malik also stated that she would send for reports on whatsapp so that he could change the medications accordingly. This is not considered appropriate and/or permitted as per DMC. Smt. Malik has been very demanding and has a complaining attitude right from beginning for last 3years. The fact of the matter is that at every visit, a prescription is given to every patient and is required to be kept safely. Every patient is advised to bring the prescription on the next visit; while the record is also maintained with the hospital for future reference, if required. If a patient looses a prescription then a written request is made to the Medical Superintendent of the Hospital for the same. Smt. Sushma Malik has always been advised to bring her prescription on the next visit. While the patient herself did not bring her previous prescriptions. Thus it is again a false allegation. Inside the consultancy chamber, it is always requested to keep the mobile phones on silent mode as it distracts and disturbs the doctor, and the same causes interference in the treatment of the patient. Smt. Sushma Malik had already been requested in the last 4-5 visits to keep her mobile phone in the silent mode, but unless requested repeatedly, she would not do so even during the process of consultation and the treatment. Even on 28.10.2019 there were three phone calls and the bell kept ringing and Smt. Malik did not switch it to a silent mode. He again requested and reminded her to keep the mobile on silent mode. In response Shri Arjun Malik (son of the patient) unnecessarily got agitated and started shouting in a threatening tone by repeatedly claiming to be lawyer and extended threats by telling him that “he is a lawyer and he know people in the Ministry as well as the united nation. He will ruin him and teach him a lesson”. He was totally taken aback by Shri Arjun Malik’s immature and irrational behavior and reaction. Being a senior doctor, he did not intend getting into any argument with him. While Shri Arjun Malik continues to create unnecessary and unpleasant atmosphere, out of distress he had to write on the prescription that the patient’s attendant was very arrogant. He was not at all rude or arrogant, and not even asked the attendant to get out of the room. Later Shri Arjun Malik also shouted on Smt. Ritu at the reception in a threatening manner to her with finger pointing at her by shouting “panga mat lo with people in black coat”. He is in medical practice for last 30 years and very well known the duties of a doctor. That is why Smt. Malik has been visiting him regarding her treatment for last 3 years which itself a testament of conducting his duties as per the standards of medical ethics and etiquettes expected of a doctor. The problem was created by her son who visited along with her mother for the first time in last 3 years. It is really unbecoming of the noble profession that Dr. Arjun Malik pretended to be. Any professional is respected for his knowledge and behavior and not just the fact he dawns a black coat. The complaint has false, baseless and defamatory remarks. He has never been impatient nor have any disregard for the time of his patients. It is stated that sometimes due to heavy rush, there is waiting period and the patients may have to wait for their turn to come. On 28.10.2019 Smt. Sushma Malik alongwith her son entered the consultation room without her turn, while she was already giving advice to one patient and one other patient was leaving the room after consultation. At times some patients do enter only to enquire information related to treatment/lab reports etc. thus at times it becomes very difficult to restrict the entry of patients due to heavy rush. So there is a possibility of two patient being present in the room at the same time while only one is being attended for consultancy. Almost all patients visiting him are having diabetes, thus every patients knows that every other patient is undergoing treatment for diabetes. If there is anything personal then even relatives of the patients are asked to wait outside to maintain patient’s secrecy. No personal information of the patient is ever disclosed to any other patient. Smt. Sushma Malik has been under his treatment for last three years without any complaint. it is very strange that after three years and that too on a day when her son visited alongwith her for the first time, he perceived any biased attitude. In fact patient’s son who visited for the first time, was very arrogant and rude. Right from the beginning he did not maintain the decorum of a consultancy chamber. He also claimed of having connections with and ministry of health and UN. It was unbecoming of a lawer and definitely a breach in the code of conduct. Considering his rude behavior, arrogant attitude and misconduct out of distress he had to write on the prescription that the patient’s attendant was very arrogant. Shri Arjun Malik while extending threats and misbehaving with him as explained hereinabove, went out of the chamber and shouted at Ms. Ritu (official at the reception) to give the complaint register. While Ms. Ritu was taking out the said register, she asked Shri Arjun Malik to calm down not to shout and also told him that he could also speak to the Medical Superintendent. At this Shri Arjun Malik in a threatening tone shouted with finger pointing towards Ms. Rity and threatened that “Panga Mat lo with people in black coat”. On being provided with the complaint register Shri Arjun Malik himself made the complaint with false allegations. On 31.10.2019, a meeting was called on by the Chief Operating Officer (COO) and the Medical Superintendent of the hospital which was also attended by him, Smt. Sushma Malik and her son(Shri Arjun Malik). He stated that in the last 30 years of his practice he could never imagine nor ever intended tto be disrespectful in any manner to any patient, and had never come across with such reaction and/ or complaint. Also tried to make Shri Arjun Malik understand that there was no reason to get agitated on merely requesting Smt. Sushma Malik to keep her mobile phone in silent mode. But Shri Arjun Malik was in no mood to listen to any rational and /or balanced view but kept on insisting that he should give an unconditional written apology as he could not treat a lawyer and his mother like this. He started shouting at him. Dr. Sujita Singh had to intervene to tell Shri Arjun to behave properly. Shri Arjun Malik got up and again shouted at him and threatened him. In response to legal notice sent by Smt. Sushma Malik, a befitting reply has already been sent to both Smt. Sushma Malik and Shri Arjun Malik. It has been clearly mentioned that there is not even an iota of truth and /or rational or justification for any such frivolous and absurd demands made by the complainant. It so appears that their intentions are merely to harass and create issues when there exist none and for unjustified monetary gains. In the light of the above, they are hereby called upon to withdraw the notice under reply immediately forthwith. As a professional doctor committed to serving the patients, Dr. Mittal is concerned about the treatment of Smt. Sushma Malik and it is hoped that good sense shall prevail upon Shri Arjun Malik would take a rational and calm view and understand that their reaction/behavior was/is misplaced and uncalled for. They have already sent the reply as, since the conduct of Shri Arjun Malik, highlighted herein before, both in action and by words is defamatory and further he has resorted to intimidatory tactics, all of which has caused mental stress and agony to Dr. Vinod Mittal, Dr. Arjun Mittal are hereby called upon to tender unconditional written apology to Dr. Vinod Mittal immediately forthwith. This is without prejudice to the rights of Dr. Vinod Mittal to take appropriate legal remedies for defamation intimidation and mental harassment caused by them the addressees. Furthermore, Dr. Vinod Mittal reserves his right to report for necessary disciplinary/legal action against their misconduct before the concerned Governing/Regulatory/Disciplinary Authorities.

In view of the above, the Executive Committee observes that this complaint is prime example of the fact that doctor patient relationship which used to be sacrosanct has become brittle and fragile and any single moment of social indiscretion can lead to the breakdown of this relationship. There are allegations and counter allegations of misbehavior. In absence of any evidence we can only hope that both parties will introspect and reconcile. We expect both parties to behave in more dignified and professional manner.

Complaint stands disposed. “

 Sd/: Sd/: Sd/:

(Dr. Arun Kumar Gupta) (Dr. Saudan Singh) (Dr. Ashwini Dalmiya)

Chairman, Member, Member,

Executive Committee Executive Committee Executive Committee

 Sd/: Sd/:

(Dr. Raghav Aggarwal) (Dr. M.K. Daga) Member Expert Member

Executive Committee Executive Committee

The Order of the Executive Committee dated 28th October, 2021 was confirmed by the Delhi Medical Council in its meeting held on 02nd November, 2021.

By the Order & in the name of Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

 Copy to:

1. Smt. Sushma Malik, 13/9, West Patel Nagar, New Delhi-110008.
2. Dr. Vinod Mittal of Delhi Heart and Lung Institute, 3 MM-II, Punchkuian Road, New Delhi-110055.

 (Dr. Girish Tyagi)

 Secretary