DMC/DC/F.14/Comp.3920/2/2024/ 14th October, 2024

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a complaint of Shri Yogender Kumar, r/o- 1-H, Pocket –A-3, Mayur Vihar, Phase 3, Delhi-110096 , alleging medical negligence on the part of doctors of Max Super Specialty Hospital, Vaishali, Ghaziabad, Uttar Pradesh, in the treatment administered to complainant’s father Shri Sukhdev Singh, resulting in his death on 17th July, 2023.

The Order of the Executive Committee dated 17th September, 2024 is reproduced herein below:-

“The Executive Committee of the Delhi Medical Council examined a complaint of Shri Yogender Kumar, r/o- 1-H, Pocket –A-3, Mayur Vihar, Phase 3, Delhi-110096 , alleging medical negligence on the part of doctors of Max Super Specialty Hospital, Vaishali, Ghaziabad, Uttar Pradesh, in the treatment administered to complainant’s father Shri Sukhdev Singh, resulting in his death on 17th July, 2023.

The Executive Committee perused the complaint, joint written statement of Dr. Sunil Dhar, Dr. Devesh Loshali, Dr. Ruchi Ranawat, Medical Superintendent, Max Super Specialty Hospital, copy of medical records of Max Super Specialty Hospital and other documents on record.

The following were heard in person:-

1) Shri Yogender Kumar Complainant

2) Smt Manoj Devi Complainant’s mother

3) Dr. Devesh Loshali Senior Consultant, General Anesthesia, Max Super Specialty Hospital

4) Dr. Sunil Dhar Senior Director & HOD, Department of General Surgery, Max Super Specialty Hospital

5) Dr. Ruchi Ranawat `Medical Superintendent, Max Super Specialty Hospital

It is noted that as per the complaint, it is alleged that his father, late Shri sukhdev Singh, was about 67 years of age but healthy and hearty. He was not suffering from any kind of ailment which may cause untimely death to him. His father had been suffering from prostate and had been operated twice for the same in All India Institute of Medical Sciences in New Delhi. Prostate is a very normal problem for the person who is above 45 years of age but as per doctors the prostate is not an aliment which is fatal for the life. Since his father had been operated twice in AIIMS and there was a small leakage of urine in under garments, hence he was suggested by doctors of Max Hospital to be medicated there. On 2nd April, 2023 his father was to be third time operated for the prostate. It was assured to be a successful operation. His gullible father was made to believe that everything would be alright, he would be fully cured. Moreover since he had been undergone various medical test and all medical tests was showing him healthy and hearty, he was not suffering from any problem which a person of 67 years of age may be suffering. They have a history of long longevity of\_ life. His father was not having any kind of bad habits which would reduce the life span, he was non-smoker, non-alcholic or any kind of drugs by which the life can be reduced from normal death and with grace of God he would have a long life with them, if delinquent doctors of Max wouldn't have taken his life. This misfortune started on 08th July, 2023 as his father had gone to Max Super Speciality Hospital of Vaishali, Ghaziabad, UP; for normal consultation. He met Dr. Vimal Dassi, who after talking to him, suggested him to meet Dr. Sunil Dhar who is the Director/HOD of Department of General, Minimal Access Metabolic and Bariatric Surgery. On the same day, i.e. 8th July, 2023, his father met Dr. Sunil Dhar who suggested for Laparoscopic Cholecystectomy which is suggested to be a very minor operation, needs only one day hospitalization and not at all fatal in any case. His father was a person of very calculative mind before taking any decision, he used to be doubly sure and in order to ensure the same he had asked Dr. Sunil Dhar the chances of success of operation and Dr. Sunil Dhar not only ensure but also almost gave a guarantee that his father would be fully cured, He and his younger brother Neeraj Kumar was always with his father and whatever has been narrated/guaranteed/ensured was in their presence. His father used to insist to go to hospital alone, but there was no occasion when they have permitted him to go alone in the hospital. Every time he or his younger brothers, Neeraj Kumar and Kishore Kumar had accompanied him. As per surety of Dr. Sunil Dhar, his father went to Max Super Speciality Hospital of Vaishali, Ghaziabad, UP on 15th July 2023 for Gall Bladder operation. When his father was being taken to operation theatre he was having a smiley face, he had asked him not to worry and he is coming out of the operation theatre as early as possible and asked to stand outside the operation theatre. When his father was taken to operation theatre, he along with few ladies who had come with other patients were standing outside the operation theatre. On the Same day. i.e. 15th July 2023, at about 08:00 am, his father was taken Inside the operation theatre, he was informed that anaesthesia was to be administered by Dr. Devesh Loshali, As his father was administered anaesthesia he has been informed by the medical staff itself that his health condition started deteriorating, he had been given overdose of anaesthesia moreover, the guidelines issued by medica1 fraternity was not at all adhered. His condition further deteriorated due to wrong anaesthesia, the hospital ought to have mechanism of coming out of wrong anaesthesia, but the hospital was not having any mechanism. For almost two hours, the doctors of the Max Hospital were silent spectators and did nothing to recover his father and after two hours Dr. Devesh Loshali and team along with certain body guards/security staff of the Max Hospital came to him and informed him that due to some negligence during anaesthesia, his father had developed cardiac arrest and shifted to lCU. Further, since, it was difficult for the doctors to give him any help, and so they have punctured his neck for oxygen supply and his condition is serious. As he was in a great shock/ trauma so he went outside the room in the lobby and made certain calls to his family members informing them about his health condition, also the lady who was standing with him in front of operation theatre thereafter inform him that the doctors have taken the body to surgical ICU. She informed him that the body had become pale. Prima facie, any one could have seen that his father had already died but the doctor, in order to cover up their gross negligence, had taken him to surgical ICU so that they may fabricate certain documents to save themselves from their misdeed. In order to save themselves from their legal consequences, they dump the body on the ventilation and thereafter whenever they ask the health condition of their father, different stories which do not match the health condition of his father were being narrated. Sometime, the doctors stated that his organs are not working/failure, sometime urinary problem, sometime kidney problem, sometime breathing problem, sometime the brain is dying. Every time he and his family members were asked to sign certain documents so that they will save themselves from the legal consequences. When he and his family members wanted to bring some other specialist from other hospital the access was denied. They wanted to shift him from the hospital to Apollo Hospital, but doctors openly threatened in case they insisted transferring him from Max Super Specialty Hospital of Vaishali, Ghaziabad, Uttar Pradesh to any other hospital. His father would be no more finally on 17th July, 2023. He may state that death of his father was not only medical negligence but a murder as the doctors knowing very well that non-augumenting of measures which may occur during anaesthesia which may lead to death were not available to the hospital dearly shows Murder. Though he cannot recover his father but for Justice of departed soul, request your good self to please register FIR against the Max Super Speciality Hospital as well as on the doctors who are/were involved in death of his father and further action against them staff as well as doctors for fabricating number of documents and forcing him to sign them so that their misdeed/negligence/criminal liability/civil liability can be avoided. He hope Delhi Medical Council would take prompt legal action on his complaint so that though he cannot get his father back but number of other people who have been visiting this hospital could be saved.

Dr. Sunil Dhar, Senior Director-General Surgery, Dr. Devesh Loshali, Senior Consultant, Dr. Ruchi Rawat, Medical Superintendent, Max Super Specialty Hospital in their joint written statement averred that the patient Shri Sukhdev Singh's medical history included a previous Transurethral Resection of the Prostate (TURP) procedure in 2019, followed by a Bladder Neck Incision (BNI) performed in April 2023. Subsequently, during one of his routine follow-up visits, it was discovered that he had gallstones, prompting a referral to Dr. Sunil Dhar for further evaluation. After a thorough examination and a review of patient medical reports, it was determined that a Laparoscopic Cholecystectomy was necessary. On 15th July 2023, patient was admitted for the planned surgery. The anaesthesia team conducted a pre-operative assessment of his fitness for the procedure. Unfortunately, during the induction of anaesthesia, an unforeseen and rare complication occurred, leading to cardiac arrest due to intubation failure. Their medical team, consisting of anaesthetists and thoracic surgeons, responded swiftly to the situation, initiating Cardio-Pulmonary Resuscitation (CPR) in an effort to revive patient. To facilitate ventilation, an emergency tracheostomy was performed, and he was promptly transferred from Operation Theatre (OT) to their Intensive Care Unit (ICU) by abandoning the surgery. Comprehensive counselling was provided to the family regarding the unexpected complication and the immediate measures taken to stabilize patient condition. Regrettably, the family declined to sign the counselling record. A multidisciplinary team of critical care specialists, nephrologists, pulmonologists, cardiologists, and other relevant specialists collaborated to provide extensive care to patient during his time in the ICU. He was initiated on Continuous Renal Replacement Therapy (CRRT)due to Acute Kidney Injury (AKI). Throughout his stay in the ICU, the patient remained in critical condition, and daily counselling sessions were conducted with the family. A case summary was also shared with the family for the purpose of obtaining a second opinion or further discussion. Tragically, on 17th July 2023, patient experienced a sudden cardiac arrest. Despite the administration of high-quality CPR, they were unable to revive him, and he was pronounced deceased on the same day. Neither their hospital facility nor their esteemed Clinicians done any negligence on their part rather they have taken due care to treat the patient as per his medical condition. Moreover, they have extended as well as provided all possible support and prudence to revive the patient as saving the patient's life was of optimum importance. They extend their deepest condolences to patient's family and loved ones during this profoundly challenging time. Please be assured that their hospital adheres to stringent clinical protocols and guidelines to ensure the highest standards of patient care.

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

1. The complainant Shri Sukhdev Singh 67 years old male with diagnosis of cholelithiasis was admitted in Max Super Specialist Hospital on 15 July, 2023. He underwent pre anaesthesia checkup. He was taken up for Laparoscopic Cholecystectomy under General Anesthesia on 15.07.2023 under consent. During Anaesthesia induction, patient could not be intubated and could not be ventilated hence emergency tracheostomy was done in OT. Patient had episode of cardiopulmonary arrest. Patient was resuscitated for 10 minutes. ROSC achieved after high quality CPR. Patient shifted to intensive care unit for elective ventilation and further management.

Multidisciplinary team (Cardiology pulmonary neurology nephrology critical care) advice was taken and followed. In view of reduced urine output and high inotropic support, nephrology opinion was taken, who advised for CRRT (Continuous renal replacement therapy) and CRRT was done after written and informed consent from the attendant. Patient remained critical throughout, on high inotropic support with reduced urine output and attendants were briefed about patient’s condition. Patient had sudden cardiac arre st. CPR was started as per ACLS protocol. Despite efforts patient could not be revived and declared dead at 09:56 pm on 17.07.2023. The cause of death as per death summary of the said Hospital was ARDS/AKI/Shock/Metabolic Acidosis/MODS.

1. At the time of induction of anaesthesia, patient was found to have an unanticipated difficult airway. The anaesthesiologist managed the situation as was required to the best of his ability and competence. Unfortunately patient could not be saved inspite all efforts. However there is no apparent negligence on the part of the attending doctor.

In light of the observations made herein-above, it is the decision of the Executive Committee that no medical negligence can be attributed on the part of doctors of Max Super Specialty Hospital, in the treatment administered to complainant’s father Shri Sukhdev Singh.

Complaint stands disposed.”

Sd/: Sd/: Sd/:

(Dr. Arun Kumar Gupta) (Dr. Ashwini Dalmiya) (Dr. Raghav Aggarwal)

Chairman, Member, Member,

Executive Committee Executive Committee Executive Committee

Sd/: Sd/: Sd/:

(Dr. Sunita Kalra) (Dr. Rajdeep) (DR. Munisha Agarwal)

Member, Expert Member Expert Member

Executive Committee Executive Committee Executive Committee

The Order of the Executive Committee dated 17th September, 2024 was confirmed by the Delhi Medical Council in its meeting held on 03rd October, 2024.

By the Order & in the name of Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:

1. Shri Yogender Kumar, r/o- 1-H, Pocket –A-3, Mayur Vihar, Phase 3, Delhi-110096.
2. Dr. Devesh Loshali, Through Medical Superintendent, Max Super Specialty Hospital, Vaishali, Ghaziabad, Uttar Pradesh 201012.
3. Dr. Sunil Dhar, Through Medical Superintendent, Max Super Specialty Hospital, Vaishali, Ghaziabad, Uttar Pradesh 201012.
4. Medical Superintendent, Max Super Specialty Hospital, Vaishali, Ghaziabad, Uttar Pradesh 201012.

(Dr. Girish Tyagi)

Secretary