DMC/DC/F.14/Comp.3989/2/2024/ 18th October, 2024

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a complaint of Shri Rahul Goyal, r/o- RZ-A178, Nand Ram Park, Uttam Nagar, New Delhi-110059, alleging medical negligence on the part of Dr. K.L. Bhat and Maharaja Agrasen Hospital, Punjabi Bagh, New Delhi-110026, in the treatment of complainant’s wife Smt. Kiran Goel.

The Order of the Executive Committee dated 27th September, 2024 is reproduced herein below:-

The Executive Committee of the Delhi Medical Council examined a complaint of Shri Rahul Goyal, r/o- RZ-A178, Nand Ram Park, Uttam Nagar, New Delhi-110059, alleging medical negligence on the part of Dr. K.L. Bhat and Maharaja Agrasen Hospital, Punjabi Bagh, New Delhi-110026, in the treatment of complainant’s wife Smt. Kiran Goyal.

The Executive Committee perused the written statement of Dr. K.L. Bhat, written statement of Dr. S.S. Srivastava Joint Medical Superintendent Maharaja Agrasen Hospital enclosing therewith joint written statement of Dr.Kapil Dev Chhabra, Dr. Vimarsh Madan, Dr. Sanjay Chugh, Dr. Samrat Verma, Dr. Niranjan Mahishi, Dr. Nitish Gupta, Dr. Abhishek Garg, Dr. S.K. Sahoo, Dr. Suresh Mittal, Dr. Nitant Singhal, Dr. R.S. Raman, Dr. Neha Gupta, Dr. Anshul Kumar, Dr. Tanveer Halgale, Dr. Abhishek Juneja, Dr. Himank Goyal, Dr. Pankaj Kumar Gupta, Dr. Dinesh Jain, Dr. Rahul Sharma, written statement of Dr. Rajiv Gupta, copy of medical records of Maharaja Agrasen Hospital and other documents on record.

The following were heard in person:-

1) Shri Rahul Goyal Complainant

2) Shri Dilbagh Singh Complainant’s Bother

3) Shri Manish Sharma Complainant’s Bother

4) Dr. K.L Bhat Consultant Surgeon, Maharaja Agrasen Hospital

5) Dr. Rajiv Gupta Senior Consultant and HOD-Anesthesia, Maharaja Agrasen Hospital

6) Dr. Shubhi Philip Consultant, Maharaja Agrasen Hospital

7) Dr. Satyabrat Sahay Srivastava Addl, Medical Superintendent, Maharaja Agrasen Hospital

Complainant Shri Rahul Goyal alleged that his wife is suffering from severe pain in her left breast due to nodular since 3 months on the account of the same, he along with his wife/ patient approached the said hospital for the best treatment. During this course, he and his wife/patient fulfilled all necessary steps for check up and examination, after the check up and examination of his wife/patient by Dr. K.L Bhat; and medical officials provided the case summary to him. As per the case summary of his wife/patient the said doctor and medical officials disclosed the details of disease to him and his close relatives and clearly stated that his wife/patient is suffering from multiple infected nodular lumps in her left breast and suggested to operate the nodular from her breast, after that the medical officials took his signature on various necessary documents and also took amount sum of Rs. 47,000 from him on dated 17.10.2023. Thereafter the said doctor and medical officials admitted his wife/patient and started the procedure of operation, after operation, his wife/patient is still on ventilator due to the wrongful treatment by said doctor and medical officials. Just after the operation said doctor and medical official gave various different statement on the present plight of patient. In this way the said Medical officials and the doctor deliberately, intentionally and knowingly are giving different statements to save themselves from their negligence on duty. Till now his wife/patient is on ventilator; no proper information about her treatment and health of his wife/patient is provided to him by the said doctor and medical officials and on the other hand they took his signatures on various papers without telling him the details of that papers. Therefore, he is requesting to kindly form a committee to investigate, scrutinize the matter and punish the said doctor and medical officials to the full extent of law and do the needful as soon as possible.

Dr. K.L Bhat, Senior Emeritus Consultant Surgeon, Maharaja Agrasen Hospital in his written statement averred that the patient Smt Kiran Goyal (IP. No. 2339583) came to his OPD in the hospital on 13th October,2023 at around 12:55pm. The patient was examined by him. The patient had a history of pain in her left breast for about 3 months and was treated by LMO with medication. There was no nipple discharge observed. The patient is a married woman with a child of about 3 years. Clinical examination of the patient revealed the following: Patient Generally well, Both breasts pendulous. Right Breast no definite nodule. Generally fatty+ Nodular breast. Right Nipple normal, Left side pendulous. There are discrete nodules are about three in number, No discharge on pressing, Left nipple retracted. The patient had done USG privately on 06.08.2023 and 08.08.2023. The patient had previously also done an FNAC on her lump. In his considered professional opinion, based on all medical parameters, clinical examination, the FNAC and the USG reports it was expedient to operate on the patient and remove the lumps in her left breast. The patient was advised to get the PAC package tests done before surgery. The patient Smt Kiran Goyal (IP. No. 2339583) was thereafter admitted to the hospital on 17th October 2023 for surgery. Accordingly, surgery was planned, proper consent was taken for operation and also informed consent was taken for surgery on the left breast. It is a matter of record that prior to surgery, the patient was explained all the risks related to the surgery. The patient and her family gave their unequivocal consent to the surgery. The patient was operated on 17.10.2023 at around 11:10 AM and the operation was completed by 1:10 PM. The surgery was uneventful. All medical protocols were followed to the best of his skill, knowledge, and experience. There is nothing that has been done by him which is below the standards of a reasonably competent surgeon. The excised lumps were sent for histopathology and the pus swab taken from the left breast of the patient was also sent for culture and sensitivity. On recovery of the patient from anaesthesia, the attending consultant Anaesthetist sent the patient to the Post Operation recovery ward for further observation. He, along with the theatre sister, informed the relatives of the patient that the operation was successful. The patient's family was explained that after about 1-2 hours, the patient would be shifted to the ward. The husband of the patient was thereafter shown the lump that had been removed/ excised. The husband was explained that the operation had been successfully conducted and the patient would be transferred to the ward in a couple of hours. The Patient's husband's signature acknowledging the same. Around 2:30 PM he got a call from the sister in-charge of the theatre informing that the patient Mrs Kiran Goyal had become critical in the post operation Recovery ward. He rushed to the post operation Recovery ward and found that the patient was being attended by a team of Anaesthetists, who informed him that the patient had a sudden cardiac arrest and they had revived her and put her on an ventilator. The patient was then shifted to the ICU by the team of the attending Anaesthetists, where critical care Consultants took over her management. In the ICU, the patient is being treated by the ICU consultants, cardiologist, neurologist, endocrinologist, physician and chest physicians etc as per the routine protocol in such matters. On the advice of the neurologist, the patient had Brain MRI done on 26th October, 2024. The MRI revealed Hypoxic-Ischemic Encephalopathy. Tracheostomy was performed by the ENT Surgeon on 23rd October 2023.The patient has been off the ventilator since 2nd November, 2023.Currently the patient is being managed by the team of critical care consultants in the ICU, neurologist, physician, endocrinologist and chest physician. The complete medical record is with the Hospital. He has been following the progress of the patient regularly from the medical team treating her. The operated left breast has completely healed. She does not need any further surgical follow up.

Dr. Rajiv Gupta, Sr Consultant and HOD Anesthesia, Maharaja Agrasen Hospital in his written statement averred that Smt Kiran Goyal, 31 years/female, IP No.- 2339583 was operated for left breast lump on 17.11.2023 by Dr. KL Bhatt under GA. Case started at 11:05 am by Dr. Shubha Philip and patient remained stable throughout the surgery. After completion of surgery, patient was reversed from anesthesia and vital functions were stable following which patient was shifted to post-operative room. In post-operative room, Dr. Shubha visited the patient and found patient stable. Patient was conscious, responding to command and moving limbs. After 10-15 minutes patient became restless and sister on duty noticed sudden bradycardia and loss of consciousness. All the staff in post-operative started helping to manage the patient and one of them came and informed. He immediately attended the call and intubated the patient and started the CPR as per ACLS protocol, Dr. Vijay Khurana and Dr. Arun Bhargava also joined and helped in this resuscitation process. They could revive the patient's heart within 3-5 minutes and shifted the patient to OT for ventilatory support. Once the bed was arranged the patient was shifted to ICU on ventilator with supportive iv infusions and monitors for further management in supervision of anesthetist. There was no delay in resuscitation procedure once it was diagnosed and informed to the anesthesia team present in the OT.

Dr. Shubha Philip, MD, Maharaja Agrasen Hospital in her written statement averred that she did the pre-operative evaluation; consent was taken, and thereafter after informing the HOD; she took the case to OT. That the patient’s pre op ECG, chest x-ray and pre-op vitals were normal and pre-op Lab reports such as Hemogram, urine, BT, CT,PT, INR, HbsAg, HIV, Blood sugar, Blood urea and urine were within normal limits. Patient was NPO. The patient was a young female without any comorbidites. Accepted for anesthesia under ASA1. Case was performed under general anesthesia. There was no preoperative, intra-operative or immediate postoperative problem with the patient and the patient was out of anesthesia before shifting to the recovery room. While she was attending the patient in the operation theater during the postoperative period, the surgeons had informed the relatives that surgery was successful, the patient was out of anesthesia and was shifted to the recovery room for monitoring and observation. There was no relatives with patients in the recovery room as recovery room is inside the OT complex and since the patient needs to be monitored. In Maharaja Agrasen Hospital it is being done by the nursing staff. After shifting and handing over the patient to the staff nurse in PACU, she was instructed to take over the next case, so she had a quick lunch and went over to discuss the case with the HOD. 20 minutes after shifting; she was informed that the patient had some problem. So, she and Dr. Rajeev Gupta, HOD rushed to the recovery room without any delay, intubated and resuscitated the patient and shifter her to the OT for quick access to a ventilator. As an anesthesiologist for this patient, she responsibly shifted the patient out of the OT to the recovery room in a stable condition, where patients are subsequently to be monitored by nursing staff. However, as soon as she came to know that there was some problem with the patient, she rushed to the recovery room, tried to revive the patient to the best of her abilities as per standard protocols. They were able to revive the patient and ROSC was achieved with their joint team efforts within 10 minutes. Thereafter, the patient was shifted to ICU for further recovery and management. At the moment; she can only say that it was a sudden, unintended and unfortunate event of cardiac arrest and their team gave their best, thereby reviving the patient successfully. Immediately, she was shifted to the OT for ventilatory support, and then the patient was shifted to ICU for further management under care of intensivists.

Dr.Kapil Dev Chhabra, Dr. Vimarsh Madan, Dr. Sanjay Chugh, Dr. Samrat Verma, Dr. Niranjan Mahishi, Dr. Nitish Gupta, Dr. Abhishek Garg, Dr. S.K. Sahoo, Dr. Suresh Mittal, Dr. Nitant Singhal, Dr. R.S. Raman, Dr. Neha Gupta, Dr. Anshul Kumar, Dr. Tanveer Halgale, Dr. Abhishek Juneja, Dr. Himank Goyal, Dr. Pankaj Kumar Gupta, Dr. Dinesh Jain, Dr. Rahul Sharma of Maharaja Agrasen Hospital in their joint written statement averred that Patient Smt Kiran Goyal, 31 years old female was shifted to Intensive Care Unit (ICU) from operation theatre (OT) on 17th October, 2023 as a post operative case of left breast lump excision under general anaesthesia. She sustained cardiac arrest in post operative area and was resuscitated and intubated there and then shifted to ICU. On arrival to ICU her vitas were-unconscious, E1VtM1, pupils reactive, Doll’s eye present, planters mute. PR 81/min, BP 115/84mmHg on Naoradreneline infusion, Endotracheal tube in situ, on ventilator with FiO2 100%. Patient is admitted under Dr. K.L. Bhatt since 17th October, 2023 till date. Since then she is being managed medically under his supervision by doctors from various specialists. Tracheostomy was done on 23rd October, 2023. On 26th October, 2023, MRI brain was done which was suggestive of altered signals in cerebral cortex, deep grey matter including perirolandic cortex and cerebellum suggesting hypoxic ischemic encephalopathy. Since 2nd November, 2023, she is off ventilator and is breathing spontaneously with tracheostomy tube. Her present status is-Neurologically non-purposeful spontaneous eye opening present without eye contact, pupils-bilateral semi-dilated and reacting to light, no significant vocal or motor response to verbal or painful stimuli. PR 100/min. BP 1110/76 (87)mmHg, no inotropes/vasopressors, SPO2 96% on room air with tracheostomy tube (TT) in situ. urine output-adequate.

In light of the above the Executive Committee makes the following observations:

1. Patient Smt Kiran Goyal, 31 years old female with diagnosis of multiple infected Nodular Lump in left Breast underwent the surgical procedure of wide local excision of lumps for multiple nodular lumps in left breast under general anesthesia on 17.10.2023 under consent at the said Hospital. The surgery was performed by Dr. K. Bhat and anaesthesia was administered by Dr. Shubhi Philip. The patient was extubated and was observed in recovery room. She suffered sudden cardiac arrest in post operative recovery ward, CPR was initiated and patient was revived. Thereafter the patient was shifted to ICU and subsequently on investigation diagnosed with HIE (Hypoxic Ischemic Encephalopathy). It has been brought to the notice of Executive Committee that even presently the patient is still in coma and under treatment at Maharaja Agrasen Hospital.
2. It is observed that the patient Smt Kiran Goyal underwent multiple nodular lump in the left breast excision under general anesthesia with LMA Airway management. After operation, reversal from the anaesthesia was adequate, she was conscious, responding to the verbal commands. She was shifted to the recovery room. After 15-20 minutes she developed bradycardia, became drowsy and had cardiac arrest. The event was diagnosed immediately and CPR was performed as per the guidelines and she was revived, However, secondary to the cardiac arrest she developed hypoxic-brain damage. It is a very well known and fatal complication of the cardiac arrest. The brady cardia after GA or spinal anesthesia is also a known complication and the casue may be sudden and irreversible.

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 Maharaja Agrasen Hospital, in the treatment of complainant’s wife Smt. Kiran Goyal.

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. Ratna Chopra) (Dr. Vishnu Datt) (Dr. R.K. Dhamija)

Expert Member, Expert Member, Expert Member,

Executive Committee Executive Committee Executive Committee

The Order of the Executive Committee dated 27th 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 Rahul Goyal, r/o- RZ-A178, Nand Ram Park, Uttam Nagar, New Delhi-110059.
2. Dr. K.L. Bhat, Through Medical Superintendent, Maharaja Agrasen Hospital, Punjabi Bagh, New Delhi-110026.
3. Dr. Rajiv Gupta, Through Medical Superintendent, Maharaja Agrasen Hospital, Punjabi Bagh, New Delhi-110026.
4. Medical Superintendent, Maharaja Agrasen Hospital, Punjabi Bagh, New Delhi-110026.
5. Medical Superintendent Nursing Homes, Directorate General of Health Services, Govt. of NCT of Delhi, Nursing Home Cell, 3rd Floor, S-1, School Block, Shakarpur, Delhi-110092 (w.r.t. F.23/Comp./326/WD/DGHS/NHC/2024/252 dated 29.01.2024)- for information.
6. Neetu Gahlaut, Section Officer, National Medical Commission Ethics & Medical Registration Board, Pocket-14, Sector-8, Dwarka, Phase-1, New Delhi-110077 (w.r.t. F.No.R-16018/86/2023/Ethics/000894 dated 05.01.2024)- for information.
7. Shri Vichitra Veer (IPS) Dy. Commissioner of Police Office of the DCP, West District, DCP Office Complex, Janakpuri, New Delhi-110058 (w.r.t. No. 3297/SO/DCP/WEST (R-1), Delhi dated 03.04.2024)- for information.

 (Dr. Girish Tyagi)

 Secretary