



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL & DENTAL
COUNCIL

In the matter of

Complaint No. PF. 8-1982/2021-DC/PMC

Dr. Tabinda Hussain against Dr. Sadiqa Bano Haider (35299-S)

Prof. Dr. Muhammad Zubair Khan	Chairman
Barrister Ch. Sultan Mansoor	Secretary
Prof. Dr. Mahmud Aurangzeb	Member
Mr. Jawad Amin Khan	Member

Present:

Dr. Tabinda Hasan	Complainant
Dr. Sadiqa Banu (35299-S)	Respondent
Hearing dated	05.07.2024

I. FACTUAL BACKGROUND

1. Dr. Tabinda Hassan (the "Complainant" & "Patient") filed a Complaint on 09.02.2022 against Dr. Sadiqa Banu, General Surgeon (the "Respondent") working at Fatimiyah Hospital, Soldier Bazar No. 3, Karachi (the "Hospital"). The gist of the Complaint is:

The Respondent performed Laparoscopic Cholecystectomy of the patient at the Hospital on 05.06.2021. Within 24 hours of the procedure, the patient developed Jaundice; her CBC and LFT were deranged. Complainant consulted Gastroentologist at Liaquat National Hospital, Karachi who advised MRCP (this showed iatrogenic injury and clipping at common hepatic duct) and the patient's condition deteriorated.



Patient was shifted to Agha Khan University Hospital in special care unit and it was informed that patient is critical as bile is accumulated and reaching the pelvis region. Percutaneous transhepatic drain was performed, removing the bile. The drain would be kept for 6 weeks and later an open abdomen surgery i.e Hepaticojejunostomy Anostomosis would be performed.

Complainant alleges that the Respondent negligently performed patient's surgery, causing severe physical and financial loss and burden to the Complainant and her husband, Dr. Zeeshan Dewan, could not perform their professional duties. Complainant approached the Respondent to address her aforementioned concerns, however; the Respondent showed brute and insensitive attitude, instead blaming the Hospital management.

II. SHOW CAUSE NOTICE ISSUED TO RESPONDENT

2. In view of the allegations leveled in the Complaint, a Show Cause Notice dated 10.08.2022 was issued to the Respondent doctor, in the following terms:

“... ”

4. **WHEREAS**, in terms of Complaint, it has been alleged that, the Complainant visited you at Fatimiyah Hospital Karachi on 05.06.2021, where after examination you advised and performed Laparoscopic Cholecystectomy on 05.06.2021; and
5. **WHEREAS**, in terms of Complaint, it has been alleged that, after 24 hours of the operation the patient developed jaundice and investigation (CBC & LFT's) performed on 07.06.2021 were markedly elevated as compared to pre-op investigations. The patient was discharged from Fatimiyah Hospital on 07.06.2021; however, no necessary measures were taken for management of jaundice and elevated CBC and LFT's; and
6. **WHEREAS**, in terms of Complaint, it has been alleged that due to deteriorating condition, the patient was admitted in Agha Khan University Hospital (AKUH) Karachi, on 14.06.2021 for further management. Patient got admitted in AKUH on 14.06.2021, with diagnosis of obstructive jaundice secondary to iatrogenic injury to Common Hepatic Duct, post Laparoscopic Cholecystectomy. CT scan performed on 14.06.2021 at AKUH revealed "secondary iatrogenic injury resulting from clipping of Common Hepatic Duct which is resulting in mild to moderate intrahepatic biliary dilatation". The patient



remained under treatment at AKUH and underwent "Ultrasound an fluoro guided biliary drain placement" procedure. Patient was discharged on 17.6.2021 after being vitally stable; and

7. **WHEREAS**, in terms of the facts mentioned above, it is failure on your part to fulfill professional responsibilities towards your patient. Such conduct is a breach of the Code of Eth of Practice for medical and dental practitioners, Regulations, 2011 in general and Regulation 4 (1) 49 (a) and 50 in particular, and ...”

III. REPLY OF RESPONDENT

3. The Respondent submitted his response on 09.09.2022, wherein she stated as under:

“... That I had received the above Show Cause Notice along-with copy of complaint for mal-practice, my response to Show Cause as well as Complaint is as under: -

1. That the Disciplinary Committee was pleased to issue the Show Cause Notice to the undersigned on the instigation of complainant but the Committee didn't see the following error in the complaint, which are as under: -

i. That the complainant is not the aggrieved person by any means which is necessary for initiating any disciplinary action.

ii. That the complainant is trying to blackmail the undersigned for the reason best known to him.

iii. That the Show Cause Notice issued U/S 49-A, which gives the definition of professional misconduct and the undersigned did not do any action which comes cognizable under Section 49-A.

iv. That the complainant did not reveal the true facts before this Hon'ble Committee.

v. That the complainant has received an amount of Rs.700,000 as compensation from Fatimiyah Hospital/ Management, so once a person settles his dispute in shape of money then he could not raise any other objection.

vi. That the prime point of score of the complainant is that the undersigned should / could not practice at Fatimiyah Hospital and the undersigned has also left the hospital and no any surgery / OPDS is being done by the undersigned, so this score of complaint is also settled.

2. That the undersigned narrated the entire episode as under: -

Decision of the Disciplinary Committee in the matter of Complaint No. PF.8-1982/2021-DC/PMC



- a. That the complainant's wife Dr. Tabinda Hussain w/o. Dr. Zeeshan Farooq visited the undersigned at Fatimiyah Hospital at OPD with all her lab reports and ultrasound, the undersigned duly examined her and diagnosed 2. Pathologies. (Cholilithiasis and 4-degree haemorrhoids).
- b. The Dr. Tabinda insist to perform both the surgeries on the same date as she was financed of her surgery from Insurance Company, the surgical process / procedure was conducted on 5th June, 2021 at Fatimiyah Hospital.
- c. Postoperatively she was fine and was allowed orally, the very next day on the 7th of June. I visited her she was only complaining of pain at the operative site, IV Medications were continued and I advised her CBC, LFTs and Ultrasound abdomen. At that time, I wanted to extend the period of hospital stay but due to her insurance cover the family refused so I had to discharge her on patient request and advised follow up in the OPD/Emergency. The patient never visited for follow-up. Instead, the patient shared abuse language on phone and said that we will go to AKU. For further treatment.
- d. After one week they called me at MS office of Fatimiyah Hospital and was accompanied by other people and started shouting at me and given threats also insisted the hospital management to terminate me from the hospital.
3. That the complainant has filed complaint at Sindh Health Care Commission and also filed Suit bearing No.2103/2021 for Declaration, Compensation and Permanent Injunction before the Hon'ble High Court of Sindh at Karachi, hence the under-reply complaint should be dismissed forthwith.
4. That the undersigned has successfully done more than 2000 surgeries and in any surgery, any human error can be occurred which is beyond capacity of any surgeon.

Hence in the light of above submissions, the under-reply Show Cause Notice may be withdrawn forthwith.

...”

IV. REJOINDER OF COMPLAINANT

4. A letter dated 14.09.2022 was written to the Complainant enclosing the comments received from the Respondent, directing him to submit his rejoinder. However, no rejoinder/response from the Complainant has been received, till date.



V. HEARING

5. The matter was fixed for hearing before the Disciplinary Committee for 05.07.2024. Notices dated 27.06.2024 were issued to the Complainant, Dr. Tabinda Hussain and Respondent, Dr. Sadiqa Bano Haider directing them to appear before the Disciplinary Committee on 05.07.2024.
6. On the date of hearing, both the Complainant and the Respondent were present before the Disciplinary Committee, in person.
7. The Complainant was asked to present her complaint, where she reiterated her complaint in terms that the Respondent performed her Laparoscopic Cholecystectomy, however, post-operatively she developed jaundice and her CBC and LFT were deranged. The Respondent was contacted and informed of her condition by her husband, however, it was conveyed that such situation is normal and there is nothing to worry. Later, Complainant consulted gastroenterologist at Liaquat National Hospital, Karachi who advised MRCP, which meant iatrogenic injury and clipping at common hepatic duct, which caused patient's condition to further deteriorate. She was shifted to Agha Khan University Hospital in special care unit, where percutaneous transhepatic drain was performed, removing the bile and later Hepaticojejunostomy Anostomosis would be performed.
8. The Respondent submitted before the Disciplinary Committee that she performed the Laparoscopic Cholecystectomy surgery and hemorrhoidectomy of the patient and it was uneventful. Post-operatively, patient complained of pain at operative site, where IV and medicines were continued. She tried to convince the patient and her husband to visit her for any corrective procedures, that may be required by the patient including Hepaticojejunostomy. However, the Complainant and her husband did not remain in contact, but after some days they visited the Hospital and raised hue and cry including giving me threats. Respondent stated that there may have been a clipping issue, for which she apologizes, stating that it is a known complication of the laparoscopic procedure.

VI. EXPERT OPINION



9. An Expert of Surgery was appointed to assist the Disciplinary Committee in this matter. The Expert opined as under:

“This is not medical negligence. This is a known complication of Laparoscopic Cholecystectomy.”

VII. FINDINGS AND CONCLUSION

10. The Disciplinary Committee has perused the relevant record, heard the submissions of the parties at length and considered the expert opinion in the instant Complaint.
11. Keeping in view the statement of the parties and the available record, it is observed that the Complainant underwent two planned surgeries (Laparoscopic Cholecystectomy and Hemorrhoidectomy) operated by the Respondent doctor. The procedures went uneventful, however, post-operatively the patient suffered from deranged lab reports including LFTs. The Respondent suggested to retain the patient for an extended period, however, patient was discharged on her request, citing health insurance issues.
12. The Disciplinary Committee notes that the patient underwent Laparoscopic Cholecystectomy and suffered due to a known complication of such procedure. Further, that the Respondent offered the patient to perform the corrective procedure (Hepaticojejunostomy) which was denied by the patient and her husband.
13. It is pertinent to note here that the Complainant has received money from her health insurance for the treatments that she has undergone and that she had earlier submitted a complaint against the Hospital at the Sindh Healthcare Commission, which awarded her damages amounting to Rs. 700,000/- paid by the Hospital to the Complainant. Notwithstanding, this Committee aims to clarify that the Pakistan Medical and Dental Council Act 2022 (the ‘PM&DC Act 2022’) enshrines that the PM&DC shall have jurisdiction to hear and decide complaints related to medical negligence against medical or dental practitioners. The relevant section of the PM&DC Act 2022 is reproduced as under:



“44(4) The claim of professional negligence shall initially be established before the disciplinary committee of the Council before any other proceedings.”

14. This Committee has kept in view the entire facts of the case, the statements made by both the parties and especially the opinion of the Expert in the instant matter. Therefore, the Disciplinary Committee finds that the Respondent, Dr. Sadiqa Bano Haider (35299-S) was not negligent while treating the patient/ Complainant. Accordingly, the Disciplinary Committee recommends to exonerate Dr. Sadiqa Bano Haider (35299-S) in the instant complaint.
15. This instant Complaint is disposed of in the above terms.

Prof. Dr. Muhammad Zubair Khan
Chairman

11 September, 2024

