



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL & DENTAL
COUNCIL

In the matter of

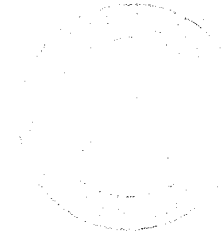
Complaint No. PF. 8-2134/2022-DC/PMC

Mr. Ghulam Shabbir Mallah against Dr. Fouzia Unar (35727-S)

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

Present:

Mr. Ghulam Shabbir Mallah	Complainant
Dr. Fouzia Unar (35727-S) (online)	Respondent
Hearing dated	05.07.2024



I. FACTUAL BACKGROUND

1. Mr. Ghulam Shabbir Mallah (the "Complainant") filed a Complaint on 15.07.2022 against Dr. Fouzia Unar (the "Respondent") working at Madina Medical Centre Civil Hospital Khairpur Mir (the "Hospital"). The Complaint also conveyed a copy of the complaint from the Secretariat of the Provincial Ombudsman (Mohtasib), Sindh. The gist of the Complaint is:

Complainant's wife Mrs. Nusrat (the "Patient") visited the Respondent who advised her Total Abdominal Hysterectomy (TAH). TAH was performed on 10.03.2022 and the patient was discharged on 12.03.2022.



Complainant alleges that the Respondent negligently performed patient's surgery, and severed the veins of ureter of patient leading to urinary incontinence & serious complications. The patient visited the Respondent multiple times and was later referred to the Kohi Goth Hospital, Karachi where she was diagnosed with Vesicovaginal fistula, and had to undergo necessary corrective treatment.

The patient suffered due to the negligence of the Respondent and the Complainant prays for strict action against the Respondent.

II. SHOW CAUSE NOTICE ISSUED TO RESPONDENT

2. In view of the allegations leveled in the Complaint, a Show Cause Notice dated 03.08.2022 was issued to the Respondent doctor, in the following terms:

... 3. WHEREAS, a Complaint has been filed by Mr. Ghulam Shabir, (hereinafter referred to as the "Complainant") on 15th July, 2022 before Pakistan Medical Commission (hereinafter referred to as the "Complaint") which is attached as Annex I and shall be read as an integral part of this notice; and

4. WHEREAS, in terms of Complaint, it has been alleged that the Complainant's wife Mrs. Nusrat (38 years) visited Madina Medical Centre Civil Hospital Road Khairpur Mir's, on 10.03.2022, where you were the treating doctor. After examination you advised Total Abdominal Hysterectomy (TAH); and

5. WHEREAS, in terms of Complaint and record attached therewith it has been alleged that, Total Abdominal Hysterectomy was performed by you at Madina Medical Centre Civil Hospital Road Khairpur Mir's on 10.03.2022 and patient was discharged on 12.03.2022; and

6. WHEREAS, in terms of Complaint and record attached therewith it has been alleged that during the surgery you inflicted injury to the patient which resulted in urinary incontinence and serious complications. Further the patient visited you after the surgery on 20.3.2022, 28.3.2022, 17.4.2022, 18.4.2022 where you advised medicine but her condition remained the same; and

7. WHEREAS, in terms of Complaint and record attached therewith, subsequently on 16.5.2022, you referred the patient to Kohi Goth Hospital Karachi for further management. The patient was admitted in Kohi Goth Hospital on 28.5.2022, with presenting complaint of incontinence of urine



after TAH. The patient was diagnosed of Vesicovaginal fistula (VVF) and underwent Vesicovaginal fistula repair. She was discharged on 08.6.2022; and

8. **WHEREAS**, in terms of the facts mentioned above, it is failure on your part to fulfill your professional responsibilities towards your patient. Such conduct is, prima facie, in violation of the Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011 in general and Regulations 4, 21 (1), 49 (a) and 50 in particular, and ...”

III. REPLY OF RESPONDENT

3. The Respondent submitted his response on 01.09.2022, wherein she stated, in terms, as under:

“... That patient Nusrat w/o Ghulam shabir Mallah 38 years old admitted at Medina Medical centre dated 10-03-2022 for the management. Patient was obese, her abdomen was distended, after History, Examination and investigation patient diagnosed as large leomyoma of uterus (Fibroid uterus). It is benign tumor of uterus, Advised for total abdominal hysterectomy.

I had counseled verbally and took informed written consent about the risk of anesthesia related as well as operated related complication. After consent her operation total abdominal hysterectomy done dates 10-03-2022. It was difficult surgery, large uterine fibroid sent for histopathology. (histopath report copy of written consent attached).

Patient recovered and discharged from hospital after 2 days of hospital stay. Next visited of patient after 7th postoperative, patient was stable, her stitches were removed, and that time patient was not complaining of urinary leakage.

In 2nd visited of patient, at 14th postoperative day, patient complained of urinary leakage after 14th postoperative day of operation, I examined the patient with proper exposure of light, did 3 swab tests, that was positive.

I called, patient husband (MR: Ghulam shabir Mallah) and other relative who with the patient, sat in my office, discuss the issue of patient is that vasicovaginal fistula it is one of the complications of total abdominal hysterectomy. (5%).

7



I empathized with patient and her relative, yes realized it is embarrassing condition for patient as well as her relatives. apologized and discussed about next surgery for vesicovaginal repair, is that it is possible after 2 to 3 month of complication, that surgery will be totally free of cost.

Last visited of patient with me, dated 16-05-2022, I made referral later to VVF repairing Centre Kobi Gboth Malir, Karachi with contact numbers, where they reached and Albamdulillah her surgery was done and she recovered.

After receiving referral letter, patient husband and members of patient entered in my office and started to misbehaving talk with me, demand of compensation, they threaten me when I refused for compensation and they tried to harassing me and my family by in unknown numbers. later they returned all hospital charges.

I am senior Gynecologist, I have professional degrees, and registered in PMC. No one doctor deliberately do the complication, if complication done try to treat the complication or guide proper way where that complication is treating. Professional doctor not leaving their patients till complete recovery. ...”

IV. REJOINDER OF COMPLAINANT

4. A letter dated 05.09.2022 was written to the Complainant enclosing the comments received from the Respondent, directing him to submit his rejoinder.
5. Rejoinder was received from the Complainant on 14.10.2022, wherein he reaffirmed negligence on the part of the present Respondent and further conveying that she had acted unprofessionally, not with them but is habitual with other patients, boasting of her high connections and immunity.

V. HEARING

6. The matter was fixed for hearing before the Disciplinary Committee for 05.07.2024. Notices dated 27.06.2024 were issued to the Complainant, Mr. Ghulam Shabir and Respondent, Dr. Fouzia Unar directing them to appear before the Disciplinary Committee on 05.07.2024.
7. On the date of hearing, the Complainant was present in person and the Respondent doctor was present through online mode before the Disciplinary Committee.



8. The Complainant was asked to present his complaint where he narrated the facts of his complaint, in terms, that Complainant's wife Mrs. Nusrat (the "Patient") visited the Respondent who advised her Total Abdominal Hysterectomy (TAH), which was performed on 10.03.2022 and the patient was discharged on 12.03.2022. Complainant alleges that the Respondent negligently performed patient's surgery, and severed the veins of ureter of patient leading to urinary incontinence & serious complications. The patient visited the Respondent multiple times and was later referred to the Kohi Ghoth Hospital, Karachi where she was diagnosed with Vesicovaginal fistula, and had to undergo necessary corrective treatment. So, the patient suffered due to the negligence of the Respondent and the Complainant prays for strict action against the Respondent.
9. The Respondent was asked to present his version, where she stated that patient Nusrut w/o present complainant, 38 years old admitted at Medina Medical center dated 10-03-2022 for the management. Patient was obese, her abdomen was distended, after History, Examination and investigation patient diagnosed as large leomyoma of uterus (Fibroid uterus), which is benign tumor of uterus and I advised for total abdominal hysterectomy. I had counseled verbally and took informed written consent about the risk of anesthesia related as well as operated related complication. After consent her operation total abdominal hysterectomy done on 10.03.2022. It was complicated procedure; however, patient recovered and was discharged from Hospital after 02-day stay at the Hospital. 1st visit after seven days had no complaints and stiches removed but on 2nd visit after 14 days post-op, patient complained of urinary leakage. After medicine and observation, 'vesicovaginal fistula' was diagnosed, a known complication of TAH and referred the patient for VVF repairing center Malir, Karachi, where the patient was ultimately taken, her surgery performed and she recovered. However, the complainant and attendants alleged my negligence and remained threatening towards me.

VI. EXPERT OPINION

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

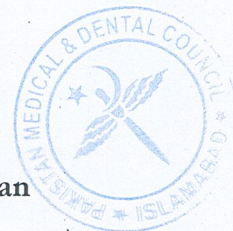
“She's a qualified doctor MCPS, FCPS. No negligence found in the case ...”

VII. FINDINGS AND CONCLUSION



11. 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.
12. It is observed from the medical record available that the patient was obese and had fibroids, due to which the procedure (TAH) was sensitive in nature, however, it was performed uneventfully. The 'vesicovaginal fistula' (VVF) is a known complication which can occur in obese patients and the respondent doctor handled the condition of the same patient satisfactorily. It is further observed that the Respondent took consent before commencing the procedure, which was written in the local language for ease of understanding of the patients.
13. This Committee also takes into view the statements of the Respondent, wherefrom it is clarified that the Complainant had earlier demanded that the charges incurred by him for the treatment of the patient at the respondent's clinic be returned. The said amount of Rs. 35,000/- was returned to the Complainant by the Respondent and this Committee wishes to observe that the above-mentioned charges of the Respondent were very reasonable, even in the first instance.
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. Fozia Unar (35727-S) was not negligent while treating the patient/ Complainant. Accordingly, the Disciplinary Committee recommends to exonerate Dr. Fozia Unar (35727-S) in the instant complaint. The Disciplinary Committee appreciates the compassionate services of the Respondent doctor in a remote area and charging very reasonable fees for her services. Further, the Respondent deserves to and may wish to re-claim the returned amount of charges for her procedure of the patient, at her sole discretion and will.
15. This instant Complaint is disposed of in the above terms.

Prof. Dr. Muhammad Zubair Khan
Chairman



11 September, 2024