



**BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL & DENTAL  
COUNCIL**

In the matter of

Complaint No. PF.8-1988/2021-DC/PMC

Mrs. Tahira Umer against Dr. Khushnood Ali Baaz (2129-N)

Prof. Dr. Muhammad Zubair Khan	Chairman
Barrister Ch. Sultan Mansoor	Secretary
Prof. Dr. Mahmud Aurangzeb	Member (online)
Mr. Jawad Amin Khan	Member (online)
Expert of Orthopedic Surgery	

*Present:*

Mrs. Tahira Umer	Complainant
Dr. Khushnood Ali Baaz (2129-N)	Respondent
Hearing dated	12.12.2024

**I. FACTUAL BACKGROUND**

1. Mrs. Tahira Umer (the “Complainant” & the “Patient”) submitted a complaint dated 17.08.2021 against Dr. Khushnood Ali Baaz (the “Respondent”) working at North West Hospital, Hayatabad, Peshawar (the “Hospital”). The gist of the complaint is that:

*a. Complainant is a widow aged about 72 years and got admitted through OPD of the Hospital on 10.11.2018 due to a fall on the ground. After investigation at the hospital, patient was diagnosed with left distal humerus fracture, was admitted under care of Respondent and was operated upon by him, as advised by him on 11 November 2018. Patient was discharged on 13.11.2018, being told procedure was successful and prescribing medications.*



- b. *After discharge, when the plaster dressing/ stitches were removed after about two weeks of the said surgery, patient experienced abnormal swelling in the left distal humerus with extreme pain. Upon consultation with another consultant, it transpired that due to improper surgical procedure the fracture did not heal and improper plat was implanted which resulted in patient being practically incapacitated.*
- c. *Further, that the patient cannot even undergo corrective procedure due to her age and medical health.*

## II. SHOW CAUSE NOTICE ISSUED TO RESPONDENT

2. In view of the allegations leveled in the complaint; a Show Cause Notice dated 24.10.2022 was issued to the Respondent in the following terms:

“... ”

3. **WHEREAS**, a Complaint has been filed by Mrs. Tabira Umer (the "Complainant") before the Disciplinary Committee of the Commission (the "Complaint") which is enclosed along with its annexures and shall be read as an integral part of this notice; and
4. **WHEREAS**, in terms of the Complaint, it has been alleged that you conducted the operation of the patient for her diagnosed Left Distal Humerus Fracture, negligently. Due to your negligence and carelessness, you implanted improper plat causing the condition of patient to deteriorate further; and
5. **WHEREAS**, you are hereby served such Notice, explaining as to why the penalty shall not be imposed on you under the Pakistan Medical Commission Act, 2020. You are directed to submit your response along with complete medical record within the period of thirty (30) days. You are further directed to submit a copy of your registration... ..”

## III. REPLY OF RESPONDENT

6. The Respondent submitted his response on 21.11.2022, wherein she stated as under:

“... a. The Complainant was brought to the Northwest General Hospital (NWGH), Peshawar after falling on the ground as an emergency patient on the 10.11.2018. She was admitted in the NWGH. After investigation it was found that the Complainant had an oblique fracture of the left distal Humerus. Accordingly, the surgery of the Complainant was planned and performed by me on 11.11.2018 in a very professional manner and under best medical conditions. A proper plate engaging a minimum of at least 4 cortices, supplemented by a cerclage wire was applied. Needless to mention that the Complainant was discharged from the NWGH on 13.11.2018. It is also pertinent to mention that fracture of Humerus is not a life-threatening injury.



b. All risks and complications of the operations and anesthesia were discussed with the patient and her attendants. The best suitable procedure to be performed under unforeseen circumstances was also discussed.

c. Thereafter, the Complainant was informed that her surgery was successful and her condition was stable and she had post operation x-rays taken and was discharged from the NWGH. It is reiterated that the surgery of the Complainant was carried in a very professional manner and under best medical conditions. The said fact is evident from the x-rays of the Complainant taken after the surgery. (Annex 2) The Complainant was advised to remove the sutures after two weeks and visit for a follow up of the surgery after one month. It is also very necessary to mention that the Complainant even failed to visit the NWGH for post operation follow-up as advised. Complainant never consulted the undersigned nor visited the NWGH to inform us about any alleged swelling of the left distal Humerus referred to in the complaint. Furthermore, it is an absolute must that any patient has to go to the hospital where he/she has had surgery done, in case of any post-operative complications. The Complainant should have visited the hospital if she noticed anything abnormal in the post-operative period. The Complainant was lost to follow up and in such cases the patient is responsible for any complications that might have developed.

d. The Complainant at the time of surgery was informed that her bones were very osteoporotic and she was advised Zoledronic acid for strengthening of her bones. However, she refused to do so. The said fact is mentioned in the discharge summary and post op orders of the Complainant.

e. The allegations of criminal negligence levelled against the undersigned are also baseless and unfounded. It is important to note that the surgery of the Complainant was performed by the undersigned on 11.11.2018, whereas her second alleged surgery was done in September, 2019 by some other doctor/s. The Complainant has failed to mention about her condition in the intervening period.

f. Moreover, the Complainant has not provided any authentic medical report about her present medical condition. No x-rays and functional outcomes of the Complainant's second surgery have been provided.

g. In the light of the above detailed submissions, it is requested that the Show Cause Notice under reply may kindly be withdrawn and the complaint may kindly be dismissed. ...”

#### IV. REJOINDER OF COMPLAINANT

7. A letter for rejoinder was sent to the Complainant on 24.11.2022 asking her to submit her response. The complainant submitted her Rejoinder on 09.12.2022 wherein she rejected the response of the Respondent doctor, while reiterating her stance of being treated negligently.



## V. HEARING

8. The matter was fixed again for hearing before the Disciplinary Committee on 12.12.2024. Notices dated 04.12.2024 were issued to the Complainant and Respondent doctors directing them to appear before the Disciplinary Committee on 12.12.2024.
9. On the date of hearing, the Respondent was present before the Disciplinary Committee, in person. However, the Complainant did not appear before this Committee, instead her daughter Ms. Saliha Umar appeared on behalf of her mother (the Complainant).
10. The representative of the complainant was provided an opportunity to present her case, where she narrated at the outset that her mother is the Complainant and the patient in the instant matter. But due to her old age and illness, she cannot travel to Islamabad due to her critical health and hence, she being her daughter is here before this Committee. She stated that her mother got admitted through OPD of the Hospital on 10.11.2018 due to fall on the ground. After investigation at the hospital, patient was diagnosed with left distal humerus fracture, admitted under care of Respondent and was advised and operated upon by him, on 11.11.2018. Patient was discharged on 13.11.2018, being told procedure was successful and prescribing medications.
11. After discharge, when the plaster dressing/ stiches were removed after about two weeks of the said surgery, patient experienced abnormal swelling in left distal humerus with extreme pain. Upon consultation with another consultant, it transpired that due to improper surgical procedure the fracture did not heal and improper plate was implanted which resulted into patient being practically incapacitated. Her mother had to undergo such trauma at her age and underwent corrective procedure at CMH, Peshawar and is now without any pain.
12. The Respondent was provided an opportunity to provide his version and he submitted before the Disciplinary Committee that the Complainant had an oblique fracture of the left distal Humerus. All risks and complications of the operations and anaesthesia were discussed with the patient and her attendants. Accordingly, the surgery of the Complainant was planned and performed by me on 11.11.2018 in a very professional manner and under best medical conditions. A proper plate engaging a minimum of at least 4 cortices, supplemented by a cerclage wire was applied, she had post operation x-rays taken and discharged from the



Hospital. The Complainant, at the time of surgery, was informed that her bones were very osteoporotic and she was advised Zoledronic acid for strengthening of her bones, which she refused to do. Further, the patient was advised to remove the sutures after two weeks and visit for a follow up of the surgery after one month but the Complainant even failed to visit the NWGH for post operation follow-up as advised. Complainant never consulted the undersigned nor visited the NWGH to inform us about any alleged swelling of the left distal Humerus referred to in the complaint.

## VI. EXPERT OPINION

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

*"... since the patient developed a known complication of operative treatment of fracture, it cannot be pronounced as "professional negligence". Moreover, as the primary surgeon was never consulted for any problem cropping up in post-operative period, he cannot be held responsible for any subsequent untoward event."*

## VII. FINDINGS AND CONCLUSION

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13. The Disciplinary Committee has perused the relevant record, heard the submissions of the parties at length and considered the opinion of the specialty expert.
14. The Disciplinary Committee notes that patient was an old lady aged 72 years suffering from fracture of lower left humerous and the X-rays available in the medical record also show osteoporotic bone. Patient was operated ORIF with 4.5m T-plate and encilage wire was done. However, in 05-06 months' time, the implant sustained fatigue fracture. Later, the patient was taken to another setup and underwent re-operation with ORIF, however, the respondent doctor was neither consulted for any problem nor visited by the patient for follow-up.
15. It is observable from the statements of the parties and the medical record before this Committee that the implant was used to create union of the fractured humerous. Despite this fact, it is beyond comprehension that the pre-existing condition of osteoporosis of bones was improperly operated and joined through T-plate by the Respondent.



16. This Committee is of the considered view that the occurrence of known complications following the operative treatment of humerus fractures does not inherently constitute professional negligence by a doctor. Medical procedures, especially those involving fractures, carry inherent risks, and complications such as infection, nerve damage, or delayed union are recognized possibilities despite adherence to standard care protocols. Professional negligence arises only when there is a clear deviation from the accepted standard of care, such as failing to obtain informed consent, improper surgical technique, or inadequate postoperative management. If the doctor acted in accordance with established medical guidelines and exercised reasonable skill and diligence, the development of known complications is typically regarded as an unfortunate outcome rather than malpractice.
17. For what has been said above, the Disciplinary Committee is of the unanimous view that the instant complaint does not constitute medical negligence on the part of the Respondent while treating the patient. The Respondent, Dr. Khushnood Ali (2129-N) was not negligent and complied with expected standards of practice in the instant facts and complaint. Accordingly, Dr. Khushnood li Baaz (2129-N) is recommended by the Disciplinary Committee to be exonerated in the instant complaint.
18. This instant Complaint is disposed of in the above terms.

*Zubair*

**Prof. Dr. Muhammad Zubair Khan**  
Chairman

\_\_\_\_ January, 2025