



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

In the matter of

Complaint No. PF.8-2192/2022-DC/PMC

Mr. Mehmood Bangash against Dr. Humaira Mazhar (40819-P)

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 Gynecology	

Present:

Dr. Humaira Mazhar (40819-P)	Respondent
Hearing dated	12.12.2024

I. FACTUAL BACKGROUND

1. The instant complaint was lodged by Mr. Mehmood Bangash against Dr. Humaira Mazhar (the "Respondent"), working at Shifa Medical Centre and Maternity Home, Kohat (the "Hospital"). The Complainant alleged negligence and mistreatment on the part of Respondent while treating Ms. Nadia (the "Patient") for her delivery. Brief facts per complaint, are as under:

The patient was treated by the Respondent at her private Hospital where operation for delivery was performed by Respondent and one boy and one girl were born. Complainant alleges that due to negligent treatment by the Respondent, patient's condition worsened, post-procedure.



Upon patient's condition becoming critical, Respondent referred the patient to RMI, Peshawar. Patient was received at under critical condition and admitted in ICU, having developed ARDS jaundiced abdomen, among other issues.

Patient was diagnosed as being HIV positive, which was reconfirmed at the RMI, Peshawar. It is pertinent to mention here that HIV test was negative, as tested earlier by the Respondent.

II. SHOW CAUSE NOTICE ISSUED TO RESPONDENT

2. In view of the allegations leveled in the complaint; a Show Cause Notice dated 15.11.2022 was issued to the Respondent, in the following terms:

"...3. WHEREAS, a Complaint has been filed by Mr. Khurram Shahzad (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 negligently conducted operation of the patient Mst. Nadia (the "Patient") at your private clinic. Subsequently, the condition of the patient rapidly deteriorated and became critical when you referred patient to tertiary care. Further, that patient faced jaundice, renal failure & ventilator support. It is alleged that due to your negligent treatment of the patient, she has resulted HIV positive; and ..."

III. REPLY OF RESPONDENT

3. The Respondent submitted her response on 14.12.2022, wherein she stated, in terms that:

"...1. The patient (Mrs. Nadia) conceived (Twin intra-uterine pregnancy) with the fertility treatment prescribed by Dr. Humaira, after 05 years of secondary infertility

Patient was admitted for Lower Segment C-Section (LSCS) around 10:00 AM on 30-04-2022 after signing the written consent form.

Mode of the delivery was Lower Segment C-Section under Spinal Anesthesia. Twin babies (A male & female) were delivered. Attendants were asked to arrange 01 donor for Blood, as per pre-operative protocols & preparation. They (Attendants) refused to provide the fresh donor but arranged 01 pint of whole blood from a Private local blood bank (namely, Shifa Welfare Organization & Blood Transfusion services, situated at old bus stand, Kohat, & the blood was already screened by the issuing blood bank & was already crossmatched (as written on the receipt in English & Urdu that the blood is Virus-Free,

Hepatitis B, C & HIV - Negative) Annexure B. Blood was re-crossmatched at Shifa Medical Center to re-confirm the blood Group.



These Private blood banks & Transfusion Centers provide blood (collected through medical camps) to patients like thalassemic, hemophiliacs, Antenatal & Post-natal patients & to those who require blood for surgeries & are providing services in each city of Pakistan.

The attendants have the liberty to provide screened & crossmatched blood for the surgery. We have no authority to argue with the attendants & charge the amount for already screened blood but to get a written proof of the screened blood from the issuing blood bank. Provided blood was re-cross matched at our medical facility free of charge. Question arises "why did they refuse to provide a fresh donor or issue blood bag (Blood exchange policy) as the Medical facility had the blood bank services for providing blood?"

Operated at around 02 PM dated 30-04-2022 & patient was shifted to Recovery room (Annexure L). After full recovery, Blood Transfusion was started at 03:00 PM dated 30-04-2022 under the supervision of Lady Doctor (Annexure H) & she fulfilled, in true spirit, the protocols of blood transfusion.

There was no immediate blood transfusion reaction. Patient was shifted to the private room V-01 at 03:45 PM dated 30-04-2022 & she was stable. Lady Doctor personally visited, attended & examined the patient in private room no. V-01 at 05:30 PM dated 30-04-2022 before leaving the medical facility & patient was stable till that time because it was a Holy month of Ramaḡan (Annexure L). As per instructions & Post-op Protocols, around 08:00 PM dated 30-04-2022, nursing staff called doctor Humaira for examining the patient.

On personal medical examination around 08:30 PM dated 30-04-2022, the patient had following symptoms like Breathlessness, Mild pedal edema (Grade II) & Oliguria.

Laboratory investigations such as Blood CP, serum electrolytes, serum urea & creatinine were advised which were within normal limits & also proved normal by the RMI laboratory reports dated 1st & 2nd May 2022. Oxygen inhalation & required parenteral treatment was advised before referral.

The patient was absolutely stable after surgery. However, it was found that the referral is essential to get the advice of Nephrologist or Cardiologist to avoid complications of suspected acute blood transfusion reaction.

Doctor Humaira doesn't gain any benefit from referring the patient to a private medical facility, instead for the management of the patient's condition in-time. The patient & her family (Attendants) were not bound to go to RMI, Peshawar.

2. Dr. Humaira contacted telephonically Dr. Asia Habib, Gynecologist, RMI (who received the patient on dated 30-04-2022) & Surgeon Dr. Jameel Ahmed, RMI (who attended the patient on dated 03-05-2022) & Dr. Humaira discussed the case. She (Dr. Humaira) got the laboratory reports of the patient from RMI, on daily basis, shows the knowledge, responsibility & competency of Dr. Humaira.

3. Laparotomy was performed by Dr. Jamil Ahmed (General Surgeon, RMI, Peshawar) on 4th Post-op Day who has mentioned in his post-op surgical notes that there was general oozing from muscles & tissues, & Not from the Surgical Scar or Uterus. So only clots removed & drain Kept

Dr. Asia (Gynecologist, RMI, Peshawar) also mentioned that "No Retained Products of Conception (RPOC)"

4. Surgeon Dr. Jamil Ahmed issued a letter on the request of patient's attendant on dated 30-05-2022 (02 weeks after the discharge), in which he used the word "Apparently" (Annexure N) which means "Not Certain" (Annexure P). So, it doesn't show the final diagnosis that the blood was mismatched, although the transfused blood was crossmatched twice. ...



7. It is Absolutely wrong that the Lady Doctor is responsible for transmitting HIV because the source of transmission is still un-known. Source of transmission could be: -

- a. The screened & crossmatched blood they themselves provided.
- b. Patient got multiple whole blood & platelet transfusions before tested HIV positive in RMI as mentioned in the letter issued by Surgeon Dr. Jameel Ahmed
- c. Laparotomy at RMI.

8. Shifa Medical center & Maternity home is a private medical facility, so, patient willingly took treatment for secondary infertility & then visited for antenatal check-ups. 50,000/ PKR (as a whole) were charged for:

- a) Pre-op Medicines & Preparation,
- b) Operative services & medicines (Including OT Charges),
- c) Surgical items used during surgery,
- d) Post-op Medicines &
- e) Hospital stays.

The Fee/ charges for providing medical services in a private medical facility are same as in the area (Kohat city), so mentioning in the complaint that the patient belongs to a poor family or the fee charged (50,000/ PKR as a whole) is irrelevant, although, medical facility has 30 employees' (from Nursing staff to sweepers) performing their duties in different shifts, expenses of utility bills & different taxes that have to be paid by the owner.

9. In District Kohat (Kohat City), we don't have single Medical Facility for such cases who need intensive care. That's why a timely referral was made for the benefit of the patient. ...

As mentioned above, the patient is perfectly healthy as far as her treatment is concerned & unfortunately is suspected to have fallen victim of infection (Source?) which could be traced.

I, Dr. Humaira, understand that for the patient & relatives these intricate medical therapeutic issues are hard to understand and hope that the proof provided will help.

There was no negligence or bad intension. Allah (SWT) be the witness.

In the light of medical facts & findings as explained, the allegations based on assumptions against Dr. Humaira are completely false & fake, it is, therefore, prayed that the complaint may please be rejected.

IV. REJOINDER OF COMPLAINANT

4. A letter for rejoinder was sent to the Complainant on 23.12.2022 enclosing the comments received from the Respondent doctor, directing him to submit his response. Nonetheless, no rejoinder has been received from the Complainant, till date.

V. IMMEDIATE PAST HEARING

5. Earlier, the matter was fixed for hearing before the Disciplinary Committee for 03.05.2024. On the date of hearing, the Respondent was present before the Disciplinary Committee, in



person, however, the Complainant did not appear before the Disciplinary Committee, despite service of notice.

6. The matter was then adjourned, providing a final opportunity to the Complainant to appear and pursue his complaint against the Respondent, before this forum. It was clarified that in case of his non-appearance, the instant complaint may be decided ex-parte, in light of available record.

VI. PRESENT HEARING

7. The matter was fixed for hearing before the Disciplinary Committee for 12.12.2024. Notices dated 04.12.2024 were issued to the Complainant and the Respondent doctors directing them to appear before the Disciplinary Committee on 12.12.2024.
8. On the date of hearing, the Respondent was present, however, the Complainant, did not appear before the Disciplinary Committee, again, despite service of notice. She submitted before the Disciplinary Committee that the instant complaint has also been settled with the Complainant. Further, she submitted that the Complainant does not appear at any hearings of the Disciplinary Committee, so the instant complaint may be closed.

VII. PRESENT HEARING

9. The Disciplinary Committee has gone through the entire record of the instant complaint. It is noted with concern that the Complainant, Mr. Mehmood Bangash has, yet again, not appeared before this Committee, despite the service of written notice of hearing and telephonic intimation.

10. The pursuit of a complaint by a complainant at a national medical forum i.e. the Disciplinary Committee of the Pakistan Medical and Dental Council (PM&DC) is a critical step in ensuring accountability and justice in the healthcare system. By actively engaging with the forum, the complainant enables the transparent examination of alleged professional misconduct or malpractice.

11. In the instant complaint, the Complainant has repeatedly failed to avail opportunities to represent his case, and has remained absent during scheduled hearings and not provided any information at all. Such absences hinder the progress of the inquiry and demonstrate a lack of



interest or commitment to the resolution of the grievance. The forum, in exercising its mandate, must allocate its limited resources effectively, and complaints that are not actively pursued cannot justify continued attention.

12. It is pertinent to mention here that section 44 of the Pakistan Medical and Dental Council Act 2023 mandates the statutory jurisdiction of this Committee, that:

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

Hence, the claim or allegation of medical negligence or misconduct has to be initially brought before this Disciplinary Committee, before any other forum, if at all. Further, it is important to observe here that non-prosecution causes procedural inefficiency and adds delays in addressing other cases that require adjudication.

13. Be that as it may, the previous order of the Disciplinary Committee was also duly conveyed in writing to the present Complainant observing his absence at that hearing of his complaint. Further, he was informed about the possibility of ex-parte decision in case he continues to remain absent from pursuing his complaint, which is pending since 2022.
14. In view of foregoing, the Disciplinary Committee is of the unanimous view that the instant complaint be dismissed, for non-prosecution by the Complainant. Accordingly, the proceedings against Dr. Humaira Mazhar (40819-P) are closed.
15. The instant complaint is therefore, disposed of.

Prof. Dr. Muhammad Zubair Khan
Chairman

____ January, 2025