DMC/DC/F.14/Comp.2383/2/2022/ 27th May, 2022

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri. Himanshu Sehgal, alleging negligence in the preparation of blood test report by Dr. Nitin Agarwal, One Plus Ultrasound Lab, 47, Harsh Vihar, Pitampura, Delhi-110034, of the complainant wife Smt. Sakshi Sehgal.

The Order of the Disciplinary Committee dated 08th March, 2022 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri. Himanshu Sehgal (referred hereinafter as the complainant) alleging negligence in the preparation of blood test report by Dr. Nitin Agarwal, One Plus Ultrasound Lab, 47, Harsh Vihar, Pitampura, Delhi-110034, of the complainant wife Smt. Sakshi Sehgal (referred hereinafter as the patient).

The Disciplinary Committee perused the complaint, written statement of Dr. Nitin Agarwal, Consultant Pathologist, One Plus Ultrasound Lab and other documents on record.

The following were heard in person:-

1) Shri Himanshu Sehgal Complainant

2) Smt. Sakshi Sehgal Wife of the complainant

3) Dr. Nitin Agarwal Pathologist, One Plus Ultrasound Lab

It is noted that as per the complaint, it is alleged that complainant’s wife Smt. Sakshi Sehgal underwent one test from One Plus Ultrasound Lab, Harsh Vihar, Pitam Pura, Delhi. The nature of test was HBA1C. The results showed that his wife is diabetic and results show 11.3 %. It was shocking to see the result that how could it be possible. He went to another Lab for the same test. He was shocked to see the result of new report. It showed that his wife is perfectly fine with no presence of glucose in blood. The new report shows the figure of 5.5 %. This is all because of the negligence of Dr. Nitin Aggarwal.

Dr. Nitin Agarwal, Consultant Pathologist, One Plus Ultrasound Lab in his written statement averred that the patient Smt. Sakshi Sehgal, wife of the complainant came to his lab on 05th February, 2018 and got multiple blood tests done including HbA1c. The test were performed using fully automated, state of the art machines following all protocols for quality control and the controls were run for the same as well. All the controls were within range and so the tests were run and reported as given out by the machines. For HbA1c they are using the gold standard machine i.e. the D-10 Hemoglobin testing system which uses the high performance liquid chromatography method. As per the machine her HbA1c result was 11.3%. Nearly 20 days later her husband Mr. Himanshu Sehgal contacted him claiming that they had given him a false result. He said that he had got the test repeated at some other Lab where the result for HbA1c was 5.5%. The complainant was informed that all the appropriate quality controls were used in the reporting of the results, yet sometimes, possibility of system’s giving erroneous results cannot be ruled out in toto, which is technically denoted as a random error which is a remote possibility, and since it had already been nearly 20 days they did not have the samples with them to troubleshoot the test results since they store the samples only for a period of 48 hours. He was asked orally to get it tested again in their laboratory free of cost, but he declined. He was offered even refund of the charges for the test, but he declined to take, rather he threatened to teach him a lesson. The complainant has been constantly harassing him by calling up the police (at No.100) to make complaints and regularly sending him whatsapp messages and making slanderous posts on social media like facebook. It is respectfully submitted that the tests were performed using fully automated, state of the art machines following all protocols for quality control and the controls were run for the same as well. All the controls were within range and so the tests were run and reported as given out by the machines. Whatever was indicated by the machine was mentioned in the report. The allegations levelled by the complainant regarding his alleged behaviour with him when he met him after about 20 days after he got the repeat test done from some other laboratory, is patently wrong and false and he deny the same. Yes, he did try to explain technical aspects and the performance of the machine and the software and the remote possibility of system’s giving abnormal results, but he was not willing to listen, due to obvious reason saying that the treating doctor could have given his wife insulin unwarrantedly. All efforts to convince him that the treating doctor does correlate the test reports with clinical findings, before starting any specific treatment, did not pacify him. He started threatening him reiterating that he would be teaching him a lesson. It is most humbly submitted that despite precautions, sometimes the system gives false positive or negative results and the software also may lead to erroneous results due to technical limitations. He had therefore, asked the complainant to get the test done afresh free of cost at his lab, but he did not agree. They did the HbA1c test of the complainant’s wife as per standard protocols, using requisite knowledge, skills and expertise with due care, and gave him inferences as per the observations. Thus no negligence or deficiency in service can be attributed to him for the high values of the said test in the report which was given with due care and caution and bonafidely, based on observations made on the automated machine, after duly checking the machine’s performance on standard sample.

In view of the facts and circumstances enumerated hereinabove, it is most humbly prayed that this Hon’ble Delhi Medical Council may graciously be pleased to reject and dismiss the complaint in the interest of justice.

In light of the above, the Disciplinary Committee makes the following observations.

1. It is noted that complainant’s wife Smt. Sakshi Sehgal who had undergone HbA1c (Glycosylated haemoglobin) test on 05.02.2018 at One Plus Ultrasound Lab was reported to have result of 11.30% by Dr. Nitin Agarwal, whereas the reference range was(Non-diabetic/Excellent control 4-6%, Good Control 6-7%, unsatisfactory control 7-8% , Poor control >8%). The referring Dr. Anita Bansal as per her prescription dated 16th February, 2018 took cognizance of HbA1c test report and advised endocrinologist consultation. The complainant being apprehensive of the test report, again underwent HbA1c test on 23rd February, 2018 at Prime Diagnostic which reported the same as 5.5%.
2. The finding of 11.30% was very alarming; the concerned doctor should have repeated the test for re-confirmation. For future, Dr. Nitin Agarwal is advised to exercise due diligence in such case.

Complaint stands disposed.

Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. Anil Kumar Yadav)

Chairman, Eminent Publicman

Disciplinary Committee Member,

 Disciplinary Committee

Sd/: Sd/:

(Dr. G.S. Grewal) (Dr. Vaishali Suri)

Delhi Medical Association, Expert Member

Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 08th March, 2022 was confirmed by the Delhi Medical Council in its meeting held on 29th April, 2022.

 By the Order & in the name of

 Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to :-

1. Shri Himanshu Sehgal, A-39, Rishi Nagar, Rani Bagh, Shakur Basti, Delhi-110034.
2. Dr. Nitin Agarwal, OnePlus Ultrasound Lab, 47, Harsh Vihar, Pitampura, Delhi-110034.

 (Dr. Girish Tyagi)

 Secretary