DMC/DC/F.14/Comp.2038/2/2021/ 11th October, 2021

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Smt. Archana, House No.3011, Gali No.2, Dharampura, Delhi, forwarded by the Public Grievance Monitoring System, Govt. of NCT of Delhi, alleging medical negligence on the part of Dr. Vinay Gupta and Dr. Meenakshi of Singhal Nursing Home, IX/3, Main Road, Kailash Nagar, Delhi-110031, in the preparation/conduct of USG scan report dated 13.02.2017.

The Order of the Disciplinary Committee dated 27th July, 2021 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Smt. Archana, House No.3011, Gali No.2, Dharampura, Delhi (referred hereinafter as the complainant), forwarded by the Public Grievance Monitoring System, Govt. of NCT of Delhi, alleging medical negligence on the part of Dr. Vinay Gupta and Dr. Meenakshi of Singhal Nursing Home, IX/3, Main Road, Kailash Nagar, Delhi-110031, in the preparation/conduct of USG scan report dated 13.02.2017.

The Disciplinary Committee perused the complaint, written statement of Dr. Vinay Gupta and Dr. Meenakshi of Singhal Nursing Home and other documents on record.

The following were heard in person :-

1. Shri Sunil Pal Husband of the complainant
2. Dr. Vinay Gupta Medical Superintendent, Singhal Nursing Home

The Disciplinary Committee noted that the complainant Smt. Archana did not appear before the Disciplinary Committee, but her husband Shri Sunil Pal appeared before the Disciplinary Committee, on her behalf.

The Disciplinary Committee further noted that Dr. Meenakshi did not appear before the Disciplinary Committee, inspite of notice.

It is noted that as per the complaint it is alleged that on 13th February, 2017, the complainant Smt. Archana underwent ante-natal USG scan at Singhal Nursing Home which wrongly reported missed abortion, as a subsequent USG done on 13th February, 2017 itself at P.D. Gupta Centre reported live fetus.

Dr. Vinay Gupta in his written statement averred that he has not given missed abortion but he gave ? Missed Abortion. This is because the complainant Smt. Archna had not come with full bladder. He told her wait and make the full bladder but the complainant did not want to wait. He gave report to the complainant and the complainant went without saying anything. As the complainant gave false allegation about the USG which he had done on 12th July, 2016 and said that this time too he gave missed abortion. In this case, he states that on 12th July, 2016, he had not done anti-natal USG but he had done only USG pelvis. The complainant submitted a torn report which does not show any conclusion. As the complainant said that they had done MTP on 13th July, 2016; no such procedure had been done at that time and this time also. He had submitted his MTP resister, and PNDT obs. register of July Month. This is totally a false allegation on him and Dr. Meenakshi Saklani (M.B.B.S., M.D. Gynae.).

On enquiry by the Disciplinary Committee as to why his stamp pad carries the impression of M.D. (Med.) or in the letter head of Singhal Nursing Home, he has suffixed M.D. to his name, similarly, at one place he has suffixed M.D. (ultrasonologist) to his name; even though he is registered with the Delhi Medical Council with the qualification of M.D. Physician, Kuban State Medical Academy, 1999, only; no satisfactory explanation was forthcoming from Dr. Vinay Gupta.

Dr. Meenakshi in her written statement averred that the patient Smt. Archana 20 years old wife of Shri Sunil came to OPD of Singhal Nursing Home on 11th February, 2017. The patient was case of primi with gravida amenorrhea of two months and bleeding per vaginum. She advised the patient Obst. USG for viability of foetus, alongwith hormonal treatment for two days. She advised the patient to come to OPD with USG report but the patient did not turn up for follow-up

In view of the above, the Disciplinary Committee observes that on going through the records of all ultrasound reports, it is found that the first ultrasound examination conducted at Singhal Nursing Home on 13.02.2017 showed a single ­­­­ gestation with no fetal node. Therefore, a possibility of Query missed abortion was given. However, a second ultrasound conducted on the same day i.e. 13.02.2017 at P.D. Gupta Mediscan Centre showed a single gestation sac with live fetus of 6 weeks 3 days. Subsequently a normal pregnancy continued. There seems to be no negligence or fault on the part of Dr. Vinay Gupta of Singhal Nursing Home, as he had reported doubt of missed abortion based on the finding of the scan, which is also possible. However, it is noted on perusal of the written statement of Dr. Vinay Gupta that his stamp pad carries the impression of M.D. (Med.). Further, in the letter head of Singhal Nursing Home, he has suffixed M.D. to his name, similarly, at one place he has suffixed M.D. (ultrasonologist) to his name, which is total misrepresentation of his qualification M.D. ‘Physician’ with which he is registered with the Delhi Medical Council. He is not a holder of post-graduate qualification in medicine, hence, is not entitled to suffix M.D. (Med.)/M.D. to his name.

In light of the observations made herein-above, it is the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of Dr. Vinay Gupta and Dr. Meenakshi of Singhal Nursing Home, in the preparation/conduct of USG scan report dated 13.02.2017. However, Dr. Vinay Gupta has acted in violation of the Regulation 1.4.2 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002 which mandates that “*physicians shall display as suffix to their names only recognized medical degrees or such certificates/diplomas and memberships/honours which confer professional knowledge or recognizes any exemplary qualification/achievements”* and Regulation 7.20 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002 which mandates that “*a physician shall not claim to be specialist unless he has a special qualification in that branch”.* The Disciplinary Committee, therefore, recommends that a warning be issued to Dr. Vinay Gupta (Delhi Medical Council Registration No.21327) with a direction to adhere to the Regulation 1.4.2 and 7.20 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002 in future. It is further reiterated that holders of M.D. (Physician) qualification awarded by various medical universities/institutes outside India should mention in their letter head prescription, certificates, money receipts given to patients, clinic boards, etc.:-‘M.D. (physician) equivalent to M.B.B.S’.

Complaint stand 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. Sunil Kumar Puri)

Delhi Medical Association, Expert Member,

Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 27th July, 2021 was taken up for confirmation before the Delhi Medical Council in its meeting held on 23rd September, 2021 wherein “*whilst confirming the Order of the Disciplinary Committee, the Council observed that since Dr. Vinay Gupta has been misrepresenting his qualifications; the punishment of warning awarded by the Disciplinary Committee to Dr. Vinay Gupta will not serve the interest of justice, hence, the Council directs that punishment awarded to Dr. Vinay Gupta be enhanced and the name of Dr. Vinay Gupta (Delhi Medical Council Registration No.21327) be removed from the State Medical Register of the Delhi Medical Council for a period of 30 days.*

*The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.*

*This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed”*

By the Order & in the name of

Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to :-

1. Smt. Archana, w/o Shri Sunil Pal, 2149, Gali No.10, Kailash Nagar, Gandhi Nagar, Delhi-110031.
2. Dr. Vinay Gupta, Through Medical Superintendent, Singhal Nursing Home, IX/3, Main Road, Kailash Nagar, Delhi-110031.
3. Dr. Meenakshi, Through Medical Superintendent, Singhal Nursing Home, IX/3, Main Road, Kailash Nagar, Delhi-110031.
4. Medical Superintendent, Singhal Nursing Home, IX/3, Main Road, Kailash Nagar, Delhi-110031.
5. Delhi Commission for Women, C- Block, IInd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002-w.r.t. D.O. No.DCW/993/S/2017 dated 11.7.2017-**for information**.
6. National Medical Commission, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi-110077-w.r.t. letter No.MCI-211(2)(Gen.)/2017-Ethics./102249 dated 13.04.2017 (***Dr. Vinay Gupta is also registered with the Medical Council of India under Registration No.22206 dated 19.06.2021***)-**for information & necessary action.**
7. Public Grievance Monitory System, Govt. of NCT of Delhi, Chief Minister Office, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002-w.r.t. Grievance No.201720905-**for informaion**.

(Dr. Girish Tyagi)

Secretary