DMC/DC/F.14/Comp.2068/2/2020/ 19th March, 2020

**O R D E R**

**The Delhi Medical Council through its Disciplinary Committee examined a** complaint of Shri Vijay Verma, s/o Shri Ramesh Chand, r/o House No.C-2/25, Gali No.-2, Sadatpur Exrn., Delhi-110094, forwarded by the Medical Council of India, alleging negligence in the preparation of ultrasound report by Dr. Poonam Goyal of Panchsheel Hospital Pvt. Ltd., Yamuna Vihar, Delhi.

The Order of the Disciplinary Committee dated 03rd February, 2020 is reproduced herein-below :-

**The Disciplinary Committee of the Delhi Medical Council examined a** complaint of Shri Vijay Verma, s/o Shri Ramesh Chand, r/o House No.C-2/25, Gali No.-2, Sadatpur Exrn., Delhi-110094 (referred hereinafter as the patient), forwarded by the Medical Council of India, alleging negligence in the preparation of ultrasound report by Dr. Poonam Goyal of Panchsheel Hospital Pvt. Ltd., Yamuna Vihar, Delhi.

The Disciplinary Committee perused complaint, joint written statement of Dr. Poonam Goyal, Dr. V.K. Goyal Director, Panchsheel Hospital and other documents on record.

The following were heard in person :-

1. Shri Vijay Verma Complainant
2. Dr. Poonam Goyal Director & Consultant Obst. & Gynae., Panchsheel Hospital Pvt. Ltd.
3. Dr. V.K. Goyal Director, Panchsheel Hospital Pvt. Ltd

The complainant Shri Vijay Verma alleged that Dr. Swati Manoj Singh of CGHS Dispensary, Yamuna Vihar had referred his wife to undergo ultrasound of whole abdomen from any CGHS approved Centre. Accordingly, on 13th April, 2015, he alongwith his wife went to Panchsheel Hospital Pvt. Ltd. at Yamuna Vihar (under CGHS Panel) for the ultrasound. As per the ultrasound report, two calculus of the size 0.45 cm and 0.47 cm were found in the right kidney and a large calculus of the size 1.69 cm was found in the left kidney. The ultrasound report was signed by Dr. Poonam Goyal, MD Obstetrician, Gynaecologist & Ulrasonolgist. When his wife showed the said ultrasound report to Dr. Swati Manoj Singh, the doctor in a shocked manner immediately referred (in writing) his wife to undergo immediate treatment/removal of the calculus/stone from any CGHS approved centre. They before going for the said treatment/removal of the calculus/stone, thought, it would be better to consult with the homeopathic doctor too, regarding the same. The homeopathic doctor advised some more tests alongwith ultrasound (for accuracy). They went to RG Urology and Laparoscopy Hospital for the test. The report of the ultrasound done here was totally different from the report of Panchsheel Hospital. Then after matching both the reports, the homeopathic doctor advised for CT scan for clarity and exact size of the calculus/stone. Now, they went to Pushpanjali Crosslay Hospital, Ghaziabad for the CT scan. The report of the CT scan also confirms that there is no calculus/stone measuring 1.69 cm or 16 mm in the left kidney, as reported in the ultrasound done through Panchsheel Hospital, Yamuna Vihar. Due to the said wrong report given by Panchsheel Hospital, he, his wife and their family member have faced a lot of mental trauma. Moreover, around Rs.4,000/- have been spent on all the tests because of the wrong report of the Hospital. Further, one and half day’s casual leave had been taken by him and his wife for conducing the said tests. Besides this, his wife had to be made herself empty stomach till lunch time on two days/occasions for the said tests. He, therefore, requests the Delhi Medical Council to take strict action against Dr. Poonam Goyal, MBBS, MD Obstetrician, Gynecologist & Ultrasonologist, and also against the Panchsheel Hospital, so that other patients may be saved from such mental trauma, as faced by them.

Dr. Poonam Goyal, Director & Consultant Obst. & Gynae., Panchsheel Hospital Pvt. Ltd. stated that she is a qualified MBBS graduate and post-graduate in Obs. and Gynae. (MD Obstertic Gynae.) from recognized medical college in the year 1984 and 1988, respectively, She got one year training in ultrasonography from the recognized and qualified radiologist in the year 1998-1999. She has also attended number of other conference and training courses of sonography, in view of this; she is authorized to do the ultrasongraphy as per PCPNDT Act. She further stated that she did not give any false report, as alleged by the complainant. This Hon’ble Council shall appreciate that in order to be false; it should be backed by malafide, ill-will and/or ill intent, which is not the case here. Though the findings contained in the said report could not corroborated by the subsequent tests, however, it cannot be alleged that the same were false. It is submitted that the report was prepared based on the input date provided by the ultrasound machine but at the same time the probability of the variations could not be ruled out altogether. The same could be due to the limitations of technique, tool, analysis and interpretation. Thus, it is submitted that the same cannot be termed as false report, as alleged by the complainant. Although, she has utmost sympathy and empathy towards the complainant, however, the same was not caused by her deliberate act or omission. It is relevant to point out here that the report was prepared using the best techniques and tools and was based on the best practices followed using the best of the capabilities and experience. As it is known to everyone and even said by Hon’ble Supreme Court of India; that since medicine is not the exact science, hence, no doctor can assure 100% result in every case, the same in the case here. She is practicing medicine for the last 29 years and ultrasonography for the last 15 years very honestly. Why she will give wrong report. She did not have personal motive to give a false report but the chances of wrong outcome cannot be rule out in the medicine. This is a well documented fact in literature that all investigative modalities are not 100% diagnostic. There are limitations as well as positive point of all diagnostic techniques/tools. Ultrasound is not considered to be ideal for detection of renal calculi. Renal calculus disease is a frequent cause of lumber pain. USG is ideal investigation for evaluation of the patient with lumber pain. Specially to see the condition of kidneys, but USG is not considered to be ideal tool for diagnosis of exact size of present of calculi because of following normal facts. There is tremendous literature available to support this.

1. Normal calcified blood vessels can minic calculi. Kidneys are high vascular structures and vessels run diagonally.
2. Apexes of modularly pyramids projecting into cortex in presence of hydronephrosis give false appreance of calculi.
3. Calcium salts collection in simple cysts also gives false impression of large calculi specially when the cysts are fully deposited with the calcium salts.
4. Angiomyolipom benign echogenic tumor contains vessels and variable amount of fat. Being higly vascular can also mimic calculus.
5. Some stones are radiolucent and are not visualized on CT and x-ray but only seen in ultrasound scans.
6. In patient with acute pain there are dilated gut loops near kidney/ureter, area, phleboliths and gut loops can be falsely picked up as calculi.
7. The patient mahy pass calculus during the interval of two scans and, thus, calculus will not be seen in further investigations.
8. In literature in various papers the correct detection rate of calculi with USG is 24 % to 66%. There are falsies in detection i.e. false positive false negative and disparity in size of reported calculus on USG is there.
9. Sometimes reflecting artifacts on USG can also mimic calculi.
10. Intra renal gas due to infection can also produce artifact like calculus.
11. Intra renal calcifications can also mimic calculi.
12. As per guidelines, the treating doctor always reconfirms the USG reported calculi by x-ray, CT and IVP before starting the treatment.

The said patient was referred for USG and finding of USG were, bilateral hydronephrosis and ureteric calculi (as per report given). She evaluated the patient as per guidelines to see the condition of the kidneys. The patient was counseled to go for further workup and the treatment. In her report, a world of caution was clearly writte as : - “please correlate the findings clinically and advised follow up. Though, the patient was evaluated thoroughly with high resolution USG but there is possibility of incorrect study with USG. It is just a report not a diagnosis of the patient. Report is meant for treating physician to arrive at proper diagnosis is clinical scenario and lab tests of the patient”. View of the limitation of USG caution word was given as mentioned above. She had never guaranteed 100% results. In medical science, nobody can assure absolute accuracy of any intervention or procedure. As closing comment, she wants to say that the USG as per literature has poor sensitivity and specificity for detecting renal calculi and also exact size of calculi. As per standard medical guidelines for renal calculus disease need for management decisions require further evaluation with other imaging modalities i.e. x-ray KUB, CT, IVP. Further, she wants to point out that neither USG film of their centre, nor the USG report and the report of CT done at other centers is not enclosed with the copy of the complaint letter issued. In view of the above submissions and explanation provided, she hereby requests the Delhi Medical Council to drop the present proceedings against her and close the present complaint.

Dr. V.K. Goyal, Director, Panchsheel Hospital Pvt. Ltd reiterated the stand taken by Dr. Poonam Goyal.

In view of the above, the Disciplinary Committee makes the following observations :-

1. It is noted that the patient Smt. Aparna Soni, wife of the complainant underwent ultrasound of Whole Abdomen at Panchsheel Hospital Pvt. Ltd. on 13th April, 2015, which was reported by Dr. Poonam Goyal with the observation/impression:- ‘Bilateral renal calculi with small calculus right ureter and hydrouretronephrosis right side and hydronephrosis left kidney’. It is further noted that the patient Smt. Aparna Soni subsequently underwent USG KUB screening on 16th April, 2015 at RG Stone Urology & Laparoscopy Hospital, which also reported a left renal calculus with mild (minimal) left hydrouretronephrosis and right renal calculus. However, a subsequent NCCT KUB of the patient Smt. Aparna Soni done on 18th April, 2015 at Pushpanjali Crosslay Hospital, reported neither ureter calculus nor renal calculus.
2. It is noted as per letter No. N 24026/52/2008-PNDT dated 21st August, 2012 of the Ministry of Health & Family Welfare, Govt. of India (as submitted by Dr. Poonam Goyal) that a medical practitioner with post graduation in Gynaecology and Obstetrics is qualified as per the PC & PNDT Act and the Rules framed therein to conduct ultrasound in a Genetic Clinic/Ultrasound Clinic/Imaging Centre.
3. It is noted that as per the Certificate of Registration dated 20th April, 2012 and dated 12th June, 2017 (as submitted by Dr. Poonam Goyal) issued to Panchsheel Hospital Pvt. Ltd., C-3/63 A, 64 A, Yamuna Vihar, Delhi-110053 by the Appropriate Authority/Deputy Commissioner, North East District wherein it is mentioned ‘ULTRASONOLOGIST : Dr. Poonam Goyal.
4. As in imaging modality, USG suffers from inherent pitfalls and limitations. That the patient Smt. Aparna Soni had two ultrasounds three days apart at two different centres and both USG studies demonstrated renal calculi and left hydrouretronephrosis, underscores this fact. It is also because of this possible limitation of USG that a CT Abdomen was carried out to corroborate the USG findings, which, however, did not demonstrate the urinary calculi.

In light of the observations made hereinabove, it is the decision of the Disciplinary Committee that no medical negligence can be attributed in the ultrasound report given by Dr. Poonam Goyal of Panchsheel Hospital Pvt. Ltd.

Complaint stands disposed.

 Sd/: Sd/:

(Dr. Subodh Kumar) (Dr. Ashwini Dalmiya)

Chairman, Delhi Medical Association,

Disciplinary Committee Member,

 Disciplinary Committee

 Sd/:

(Dr. Yatish Aggarwal)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 03rd February, 2020 was confirmed by the Delhi Medical Council in its meeting held on 28th February, 2020.

 By the Order & in the name

 of Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to:-

1. Shri Vijay Verma, s/o Shri Ramesh Chand, r/o House No.C-2/25, Gali No.-2, Sadatpur Exrn., Delhi-110094.
2. Dr. Poonam Goyal, Through Medical Superintendent, Panchsheel Hospital Pvt. Ltd., C-3/63-A, 64-A, Yamuna Vihar (opp. Gokal Puri Police Station), Delhi-110053.
3. Dr. V.K. Goyal, Through Medical Superintendent, Panchsheel Hospital Pvt. Ltd., C-3/63-A, 64-A, Yamuna Vihar (opp. Gokal Puri Police Station), Delhi-110053.
4. Deputy Secretary, Medical Council of India, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi-110077-w.r.t. letter No.MCI-211(2)(170)(Complaint)/2016/Ethics./ 179604 dated 27.03.2017-**for information**.

 (Dr. Girish Tyagi)

 Secretary