DMC/DC/F.14/Comp.2437/2/2018/ 2nd January, 2019

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a complaint of Ms. Kanika Gulati, r/o- BH-403, F.F., Shalimar Bagh(East), Delhi-110088, forwarded by the Health and Family Welfare Department, Govt. of NCT. of Delhi, alleging medical negligence in the treatment administered to complainant’s father Shri. Mahinder Kumar Rajpal at Sushruta Trauma Center, Civil Lines, Govt. of NCT. of Delhi and Fortis Hospital, Shalimar Bagh, resulting in his death on 16.10.2017.

The Order of the Executive Committee dated 14th November, 2018 is reproduced herein-below:

“The Executive Committee of the Delhi Medical Council examined a complaint of Ms. Kanika Gulati, r/o- BH-403, F.F., Shalimar Bagh(East), Delhi-110088, forwarded by the Health and Family Welfare Department, Govt. of NCT. of Delhi, alleging medical negligence in the treatment administered to complainant’s father Shri. Mahinder Kumar Rajpal at Sushruta Trauma Center, Civil Lines, Govt. of NCT. of Delhi and Fortis Hospital, resulting in his death on 16.10.2017.

The Executive Committee perused the complaint, written statement of Dr. Gurvinder Kaur, Fortis Hospital enclosing therewith joint written statement of Dr. Ishwar Prasad Goel, Dr. Sunil Kumar Baranwal, written statement of Dr. Ajay Bahl, Addl. Medical Superintendent, Sushruta Trauma Center enclosing therewith written statement of Dr. Farah Hussain, Dr. Vedika Sundaram, Dr. Shweta Gupta, Dr. Amit Sharma, copy of medical records of Sushruta Trauma Center and Fortis Hospital and other documents on record.

The Executive Committee noted that as per the complaint, the complainant’s father Shri. Mahinder Kumar Rajpal, aged 61 years, fell down from unfenced 1st floor balcony of the house under construction. He was shifted to Sushruta Trauma Centre on 02nd October, 2017 at 12 PM. As per complaint JR on duty did not respond to the doctor’s call for suctioning and plainly refused and while conducting CT scan, her brother and husband were told to lay down her father on the table and help the doctors with during handling of various devices . On 02nd October, 2017, he was shifted to Fortis Hospital, Shalimar Bagh at night where he underwent brain surgery and put on ventilatory support. There, he developed high grade fever which kept rising. Doctors advised her to take him home and take help of 24 hours attendant, as the doctors believed that the patient had received adequate treatment in ICU and further ventilator support might cause chest infection and fever. Relatives refused as they felt that patient was still unconscious and wanted to provide care of ward as they could not have provided the same at home. During treatment in the ward from 11th October, 2017 to 14th October, 2017 he developed fever, irratic respiration and foam came out of his mouth and he died on 16th October, 2017 at 08.40.pm. Fortis Hospital charged approx 12 lacs but could not save life of her father. It is her grievance that he died due to negligent attitude of the medical staff at Sushruta Trauma Centre and Fortis Hospital, Shalimar Bagh.

As per written statement of JR Dr. Vedkia Sundaram Sushruta Trauma Centre, she has suctioned the patient and as she was preparing for another suction, the senior resident neurosurgery Dr. Amit Sharma did the suctioning himself as well. Dr. Amit Sharma reiterated this in his reply also. It is further noted that the emergency records of Sushruta Trauma Centre does mention in doctor notes (2.10.2010 at 11:35 am) that suctioning done. Further as per Sushruta Trauma Centre records Neurosurgery, Anesthetic and ENT consultations were also done. Patient underwent USG, NCCT and Blood investigation. The NCCT head revealed extensive pneumocranium, hemorrhagic contusion with SAH in B/l parito temperal region diffuse cerebral oedema, fracture P/T bone. The patient was intubated and put on SIMV support. The patient’s attendant around 9.30pm on 2.10.2017 decided to take him LAMA from Sushruta Trauma Centre. There after the patient attendant took the patient away as left against medical advice.

As per joint written statement of Fortis Hospital, Shalimar Bagh a 61years old male Shri Mahinder Kumar Rajpal was brought from the Sushruta Trauma Centre patient. He was a known case of DM. He was admitted on 02nd October, 2017 with history of fall from height with history of loss of consciousness, oral and ear bleed. Patient was shifted to this hospital intubated and on ventilator. GCS at admission were E1VTM2. NCCT head showed extra axial hematoma along left cerebral convesity and right fronto temporal convexity and right cerebellar hemisphere with subarachnoid hemorrhage and multiple hemorrhagic contusions 6mm ML Shifted toward left side with cerebral edema, fracture left parietal bone, right temporal, left zygoma and left temporal bone, Fracture transverse process D4-D10. Patient was taken up for urgent surgery and right sided decompressive craniotomy was done on 03.10.2017. Gastroenterology reference done for GI Bleed, physician referral for DM was done. Post operative patient was E1VTM3. Patient had fever, culture sent were found negative. Antibiotics continued and escalated. General surgery reference was done for swelling left supra scapular area. Ultrasonography showed local inflammation on 14.10.2017. Patient developed sudden tachypnea, hypotension desaturation followed by cardio-respiratory arrest. CPR was done and cardiology reference sought and echo done which showed no features suggestive of pulmonary embolism. Plastic surgery opinion was taken for soft tissue swelling. Debridement of cellulitis done by general surgery on 14.10.2017. On 15.10.2017 patient has anuria and dialysis was done by nephrologist. On 16.10.2017 patient had sudden bradycardia followed by asystole, CPR was done but patient died at 08.40pm on 16.10.2017.

Going through the complaint and reply of doctors of Sushruta Trauma Centre and Fortis Hospital it appears that the doctors have taken and reasonable steps in the circumstances, which was expected of any prudent doctor by treating the patient as per accepted professional practices in such cases. The patient died due to his underlying medical condition, detailed hereinabove, which carried a guarded prognosis, inspite of the medical treatment.

In view of the observation made hereinabove, it is, therefore, the decision of the Executive Committee that primafacie no case of medical negligence is made out on the part of doctors of Sushruta Trauma Centre and fortis Hospital, Shalimar Bagh.

Complaint stands disposed.”

 Sd/: Sd/: Sd/:

(Dr. Vinay Aggarwal) (Dr. Ajay Gambhir) (Prof. Vandana Roy)

Member, Member, Member,

Executive Committee Executive Committee Executive Committee

 Sd/:

 (Dr. P.K. Upadhayay)

 Expert Member

 Executive Committee

The Order of the Executive Committee dated 14th November, 2018 was confirmed by the Delhi Medical Council in its meeting held on 26th December, 2018.

By the Order & in the name of Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

 Copy to:-

1. Ms. Kanika Gulati, r/o- BH-403, F.F., Shalimar Bagh(East), Delhi-110088.
2. Deputy Secretary (Vigilance), Govt. of NCT of Delhi, Health and Family Welfare Department, (Vigilance Branch) 9th Level, A –Wing, Delhi Secretariat, New Delhi-110002(w.r.t. F.342/C-164/Vig./H&FW/2017/149 dated 24.4.2018)- For information.
3. Medical Superintendent, Fortis Hospital, AA- Block, Shalimar Bagh, Delhi-110088.
4. Medical Superintendent, Sushruta Trauma Centre, Civil Lines, Delhi.

 (Dr. Girish Tyagi)

 Secretary