DMC/DC/F.14/Comp.2619/2/2020/ 01st June, 2020

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation from Dy. Commissioner of Police West District, seeking medical opinion on a complaint of Shri Anil Sharma, s/o Shri Durga Prasad, r/o House no. WZ-174, Mandir Wali Gali, Shadi Pur, Village, Patel Nagar, New Delhi-110008, alleging medical negligence on the part of National MRI-CT Scan & Diagnostic Centre, Delhi A Unit of Hari Diagnostic Pvt. Ltd. No.7, Arihant Nagarm Metro Pilar No. 150, West Punjabi Bagh, New Delhi-110026, in the treatment (MRI report) of complainant’s son Mr. Anshul.

The Order of the Disciplinary Committee dated 09th March, 2020 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a representation from Dy. Commissioner of Police West District, seeking medical opinion on a complaint of Shri Anil Sharma, s/o Shri Durga Prasad, r/o House no. WZ-174, Mandir Wali Gali, Shadi Pur, Village, Patel Nagar, New Delhi-110008 (referred hereinafter as the complainant), alleging medical negligence on the part of National MRI-CT Scan & Diagnostic Centre, Delhi A Unit of Hari Diagnostic Pvt. Ltd. No. 7, Arihant Nagarm Metro Pilar No. 150, West Punjabi Bagh, New Delhi-110026 (referred hereinafter as the said Centre), in the treatment (MRI report) of complainant’s son Mr. Anshul (referred hereinafter as the patient).

The Disciplinary Committee perused the representation from police, complaint of Shri Anil Sharma, written statement of Dr. N.K. Sharma of National MRI-CT Scan & Diagnostic Centre and other documents on record.

The following were heard in person :-

1. Shri Anil Sharma Complainant
2. Dr. N.K. Sharma Radiologist, National MRI-CT Scan & Diagnostic

 Centre

It is noted that the police in its representation has averred that as per the report of SHO Punjabi Bagh, duly forwarded by ACP/Punjabi Bagh, the complainant Shri Anil Sharma has filed a complaint U/s 156(3) Code of Criminal Procedure (Cr.PC) against National MRI-CT Scan & Diagnostic Centre (a Unit of Shree Hari Diagnostics Pvt. Ltd.), 7, Arihant Nagar, Metro Pillar No.150, West Punjabi Bagh, New Delhi-110026, alleging therein that on 30th October, 2016 his son got injured and after 14 days complained of pain in hand. He reached Paschimi Hospital, B-17, Multan Nagar, Delhi where Dr. Sanjiv Rustogi suspected the disease as cancer and adviced medicine of one week. However, the condition of his son deteriorated. He consulted Dr. Sanjiv Rustogi again, who opined for MRI. He got his son’s MRI scan done in National MRI-CT-Scan & Diagnostic Centre, and in MRI TB was opined. Dr. Sanjiv Rustogi perused the report and stated that though the disease seems to be cancer, however, in MRI, TB has been opined and consulted the lab again where it was confirmed TB and Dr. Sanjiv Rustogi started providing treatment of TB. However, after one week, Dr. Sanjiv Rustogi asked him to consult some other hospital, as the disease is cancer. The statement of Dr. N.K. Sharma, owner of National MRI-CT-Scan & Diagnostic Centre was recorded who stated that on 21st November, 2016, the patient Anshul was referred to MRI by Dr. Sanjiv Rastogi and after conducting MRI, opinion was given that it may be infection and some moré tests were advised. However, no TB was opined by him. Further, the statement of Dr. Sanjiv Rastogi was recorded who stated (that the patient) attended OPD with complaint of pain in right shoulder of ten days duration, could not sleep for two days. Hence, only x-ray done and informed him of the serious illness which he had delayed for ten days. On 21st November, 2016, there was no relief history of fever and malaise, the father was told about suspicion of cancer and, hence, need for MRI and blood tests on 27th November, 2016 MRI suggested osteomyelitis, however, clinically, it was going towards TB and, hence, ATT was given as a trial and the patient advised for opinion of biopsy FNAC and different scanning. On 06th December, 2016, FNAC done again on suspicion and refer to RGM Hospital. These facts clearly states that there was no delay of any kind in diagnosis and nowhere was it confirmed to be tuberculosis. Further, he informed that he has not opined that the patient is suffering from TB. Medicine of TB was given on trial basis and he suspected cancer, so he directed the complainant to get FNAC & biopsy and after five days, he directed them to report to Rajiv Gandhi Cancer Hospital. The available medical treatment records alongwith the copies of complaint filed by the complainant Shri Anil Sharma, MRI Scan report and the statements recorded during enquiry has been submitted herewith for kind perusal/review. It is requested to kindly examine the same and opine whether any medical negligence is there on the part of the doctors of National MRI-CT Scan & Diagnostic Centre or Paschimi Hospital or otherwise.

The complainant Shri Anil Sharma alleged that he had gone for MRI-CT Scan for his son namely master Anshul at National MRI-CT-Scan & Diagnostic Centre (a unit of Hari Diagnostic Pvt. Ltd. No.-7, Arihant Nagar, Metro Pillar No.150, West Punjabi Bagh, New Delhi-110026) and the said unit is affiliated to MRI-CT-Scan & Diagnostic Centre Delhi for MR-CT-Scan because his son (the patient) was suffering from right shoulder joint pain and due to this reason, he (the complainant) had gone for MRI-CT scan for his son’s treatment on 21st November, 2016 and where the said MRI-CT-Scan centre had charged Rs.7,000/- from him and prepared false and fabricated report about the MRI-CT-Scan of his son and also stated in the said report that his son is suffering from T.B. and due to this reason, a medical treatment of T.B. had started as per the advice of the said MRI-CT-Scan Centre. It is pertinent to mention here that after the medical treatment, his son did not recover from the said diseases and he had tried again to check in another hospital and he had gone for medical treatment of his son at BLK Hospital, Pusa Road, Delhi and the said Hospital had done medical treatment of his son and found that his son was suffering from cancer disease and not from T.B. and, thereafter, he immediately contacted with earlier hospital namely MRI-CT-Scan Centre and informed about the wrong medical treatment and advice, but the doctors of the said MRI-CT-Scan Centre flatly refused to make any kind of comment about the said MRI-CT-Scan report and falsely stated that they have not given any kind of treatment. His son was suffering from cancer diseases and the diseases has spread by the negligence of the said Hospital and their doctor because the doctor of the said hospital had falsely stated that his son was suffering from the T.B. (tuberculosis) and prepared a false and fabricated report about the diseases of his son and due to which, he had started to be given medical treatment of tuberculosis of his son and due to which, the real diseases could not be found and because of which, the said diseases had spread in the right shoulder of his son which had been converted into cancer diseases and this gross negligence has been committed by the doctors of the said Hospital.

The complainant further informed that on 25th December, 2018, the patient passed away.

Dr. N.K. Sharma, Radiologist, MRI-CT Scan & Diagnostic Centre in his written statement averred that based upon the imaging findings of MRI, possibility of infective etiology (osteomyelitis) was suggested and the patient was referred back to the treating doctor for clinical evaluation including lab parameters. No diagnosis of tuberculosis was suggested in their report as per the MRI, findings are not specific and theses findings are to be viewed in the light of clinic-pathological evaluation by the treating doctor including FNAC/biopsy (if required) which was subsequently undertaken to reach the final diagnosis in this case.

On being shown the MRI film dated 21st November, 2016, Dr. N.K. Sharma still maintained that the same was suggestive of osteomyelitis.

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

1. It is noted that the patient Master Anshul Sharma 13 years old reported to Dr. Sanjiv Rustagi on 14th November, 2016 for pain in Right shoulder and was advised medication and x-ray Right shoulder. The patient, thereafter, was reviewed on 21st November, 2016 when MRI scan of Right shoulder was advised by Dr. Sanjiv Rustagi. The MRI scan dated 21st November, 2016 reported by Dr. N.K. Sharma gave findings suggestive of osteomyelitis involving the proximal shaft and the head of humerus with significant periosteal collection along the proximal shaft of humerus. On 21st November, 2016, Dr. Sanjiv Rustagi prescribed ATT empirically and additionally advised biopsy on 06th December, 2016. FNAC was done (done at Nijhara Hospital). The patient was referred to RGM Hospital/Dr. R.M.L. by Dr. Sanjiv Rustagi. The patient was eventually admitted in BLK Hospital on 07th December, 2016, where he underwent Right side open Biopsy Humerus on 08th December, 2016 and discharged on 09th December, 2016.

 The biopsy reported dated 10th December, 2016 of BLK Hospital diagnosed it to be an osteosarcoma. The ATT was, therefore, stopped. The MRI dated 14th December, 2016 of BLK Hospital also confirmed osteosarcoma, which was also affirmed by Whole Body PET/CECT scan dated 14th December, 2016 of BLK Hospital. The patient, thereafter, underwent chemotherapy of BLK Hospital. Unfortunately, as informed by the complainant the patient expired on 25th December, 2018.

1. It is observed that the Empirical Trial of ATT by Dr. Sanjiv Rustagi was based on the findings of obsteosmyletis, as reflected in the MRI scan dated 21st November, 2016, hence, he could not be faulted for acting on the said report which eventually turned out to be wrong.

It is further noted that Dr. Sanjiv Rustagi in his prescriptions has further advised biopsy to confirm the diagnosis and referred the patient to a higher centre. Further, ATT was stopped only after the biopsy done at BLK Hospital confirmed it to be osteosarcoma.

1. The examination of MRI Right Shoulder Joint film dated 21st November, 2016 of National MRI, CT Scan & Diagnostic Centre, shows that Dr. N.K. Sharma erred in not considering the possibility of malignant lesion in addition to osteomylitis; further, he also did not advice contrast MRI, as per the accepted professional practices in such case, which would have been prudent for arriving at an affirmative diagnosis.

In light of the observations made herein-above, the Disciplinary Committee recommends that a warning be issued to Dr. N.K. Sharma (Dr. Nand Kishore Sharma, Delhi Medical Council Registration No.25645) with a direction that he should undergo C.M.E. (Continuing Medical Education) on the subject of “MSK Radiology’ and submit a compliance report to this effect to the Delhi Medical Council.

Matter stands disposed.

Sd/: Sd/:

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

Chairman, Delhi Medical Association,

Disciplinary Committee, Member

Disciplinary Committee

Sd/: Sd/:

(Dr. Sumit Sural) (Dr. Sunil Kumar Puri)

Expert Member Expert Member,

Disciplinary Committee Disciplinary Committee

The Order of the Disciplinary Committee dated 09th March, 2020 was confirmed by the Delhi Medical Council in its meeting held on 20th March, 2020.

The Council also confirmed the punishment of warning awarded to Dr. N.K. Sharma (Dr. Nand Kishore Sharma, Delhi Medical Council Registration No.25645) by the Disciplinary Committee with a direction that he should undergo three hours C.M.E. (Continuing Medical Education) on the subject of “MSK Radiology’ and submit a compliance report to this effect to the Delhi Medical Council within a period of three months.

 By the Order & in the name

 of Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to:-

1. Shri Anil Sharma, s/o Shri Durga Prasad, r/o House no. WZ-174, Mandir Wali Gali, Shadi Pur, Village, Patel Nagar, New Delhi-110008.
2. Dr. N.K. Sharma, Through Medical Director, National MRI-CT Scan & Diagnostic Centre, Delhi A Unit of Hari Diagnostic Pvt. Ltd. No.7, Arihant Nagarm Metro Pilar No. 150, West Punjabi Bagh, New Delhi-110026.
3. Dy. Commissioner of Police, West District, Officer of the Dy. Commissioner of Police, West District, Rajouri Garden, New Delhi-110027-w.r.t. letter No.16180/SO/DCP/West District (R-I), dated New Delhi, the 31/10/2018-for information.
4. Station House Officer, Police Station Punjabi Bagh, Office of the Station House Officer, Police Station Punjabi Bagh, Delhi-w.r.t. letter No.204/SHO Punjabi Bagh, West Distt., Delhi dated 09/2/18-for information.
5. Secretary, Medical Council of India, Pocket-14, Phase-1, Sector-8, Dwarka, New Delhi-110077 (Dr. Nand Kishore Sharma is also registered with the Medical Council of India under registration No.2717 dated 22-01-1982)-for information & necessary action.

 (Dr. Girish Tyagi) Secretary