DMC/DC/F.14/Comp.2976/2/2021/ 28th September, 2021

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a representation from Police Station, Paschim Vihar East; Outer District; Delhi, seeking medical opinion on a complaint of Ms. Shalini Chauhan, F-53, DDA Colony Khyala, New Delhi-110018, alleging medical negligence on the part of the doctors of Sri Balaji Action Medical Institute, A-4, Paschim Vihar, New Delhi-110063, in the treatment administered to complainant.

The Order of the Executive Committee dated 28th July, 2021 is reproduced herein below:-

“The Executive Committee of the Delhi Medical Council examined a representation from Police Station, Paschim Vihar East; Outer District; Delhi, seeking medical opinion on a complaint of Ms. Shalini Chauhan, F-53, DDA Colony Khyala, New Delhi-110018 (referred hereinafter as the complainant), alleging medical negligence on the part of the doctors of Sri Balaji Action Medical Institute, A-4, Paschim Vihar, New Delhi-110063 (referred hereinafter as the said Hospital), in the treatment administered to complainant.

The Executive Committee perused the representation from Police, copy of complaint of Ms. Shalini Chauhan, written statement of Medical Superintendent of Sri Balaji Action Medical Institute, enclosing therewith joint written statement of Dr. Sandeep Gupta, Dr. Rajiv Bansal, copy of medical records of Sri Balaji Action Medical Institute, and other documents on record.

The following were heard in person:-.

1. Ms Shalini Chauhan Complainant
2. Shri Shakti Chauhan Brother of the Complainant
3. Shri Yogesh Pal Chauhan Father of the Complainant
4. Dr. Sandeep Gupta Sr. Consultant, Department of Surgery,

Sri Balaji Action Medical Institute

1. Dr. Rajiv Bansal Consultant, Department of Surgery,

Sri Balaji Action Medical Institute

1. Dr. K.N. Gulati General Manager,

Sri Balaji Action Medical Institute

1. Dr. Sunil Sumbli Medical Superintendent,

Sri Balaji Action Medical Institute

The Executive Committee noted that the police in its representation has averred that a complaint vide CCTNS No.1346 was received in Police Station Paschim Vihar East on 22nd November, 2019 wherein the complainant Ms. Shalini has stated that she was admitted in Balaji Hospital, Paschim Vihar on 26th October, 2019 for having complaint of pain and inflammation in the boil/eruption on upper hip region and the same was diagnosed after examination, as fistula. The complainant was advised immediate surgery, which was performed on the same day. The complainant was having intolerable pain and agony at the operated area right from the moment of her body got revived from effect of anaesthesia. On 29th October, 2019, the mother of the complainant checked and found the wound in completely worst and distorted condition. On this, the complainant was re-admitted on 30th October, 2019 in Balaji Hospital, Paschim Vihar where Dr. Sandeep Kumar Gupta explained the usage of Betadine as cause of that condition and intolerable pain of the complainant, which was quite surprising and unsatisfactory for the complainant. Now the complainant has sought immediate registration of FIR against Balaji Action Hospital, Paschim Vihar, Delhi and senior surgeon Dr. Sandeep Gupta (MBBS and MS), with his surgical team unit-III for medical/surgical negligence while attending the complainant on 26th October, 2019. Moreover, the complainant has also got prepared MLC from DDU Hospital, Harinagar, Delhi. During the course of enquiry, medical documents of the entire course of the treatment have been obtained from the Medical Superintendent and the facts revealed so far have been discussed with the senior officers. It is, therefore, requested to opine as to whether any sort of medical negligence has been there on the part of alleged Dr. Sandeep Kumar Gupta during the treatment of the complainant. Hence, MLC alongwih copy of the complaint and documents furnished by the hospital is submitted for kind perusal/examination and to opine whether there was any medical negligence in the total treatment (including surgery) of the complainant on the part of the treating doctor and his team or otherwise.

The Executive Committee further noted that the complainant Ms. Shalini Chauhan in her complaint alleged that she was attended in the private OPD of Balaji Action Hospital by surgeon Dr. Sandeep Kumar Gupta on 26.10.2019 for having a complaint of pain and inflammation in the boil/eruption on her upper hip region and was diagnosed after examination as fistula and was further advised by him for immediate surgery which was performed on the same day. The surgical operation was conducted under the effect of local anesthesia (LA) and, therefore, she was fully oriented and was quite aware of things and sounds prevailing around her. During the advancement of the surgery, she could hear sparking sounds of probably some surgical instruments utilized during the procedure, but could not feel anything as such. Soon after the operation was over and revival of her body from the effect of local anesthesia, she was having an intolerable pain and agony at the operated area. Inspite of having severe pain, she was discharged from the hospital on 28.10.2019 with the remarks in the Discharge Summary of having a totally satisfactory condition and as to be uneventful and strictly advised to attend their hospital only for surgical bandages etc. while at home on 29.10.2019, using a toilet, the surgical bandage gave its way and only then her mother could see the reality of her wound to be found in a completely worst shape and distorted condition with profuse burnings across the operated area. It is beyond the understanding of her parents and relatives as to how, the Discharge Summary was depicting a totally wrong picture of the fact of the surgical event on 26.10.2019 which is totally against medical ethics of the medical profession as well as humanity as such. She was re-admitted in the Balaji Action Hospital on 30.10.2019 by Dr. Sandeep Kumar Gupta on her consistent complaints of having intolerable pain at the affected area. On being questioned about the profuse burnings, Dr. Sandeep Kumar Gupta explained the only cause for the incidence to be the use of medical chemical/solution named Betadine during the surgical procedure as such. This statement made by the said doctor is beyond their understanding and seems to be very absurd, as it is normally understood that Betadine always heals and does not burn or has ever hurt anybody. It is to be most humbly mentioned that, as on date, she is still suffering from intolerable pain and undergoing a severe mental and physical trauma because of the aforementioned sheer medical/surgical negligence of said doctor and his associated team named Unit-III and of course, the Balaji Action Hospital as a whole responsible for their shortcomings and probably medical incompetence in case of her said surgery of fistula” on 26.10.2019. She is also to plea about being a victim of physical, mental, financial and also the precious time losses, she is bearing without any fault at her end with a small time private job and would also be missing her pursuing exams on 19th November, 2019. Moreover, due to profuse burnings, the skin across the operated area has been severely wounded/scarred and needs for some kind of cosmetic intervention by a skin specialist for retaining its normal texture. It is extremely difficult for her to bear any kind of extra expenses coming from a middle class family and she took her future ahead as to be a challenging one because of any kind of burning/scarring signs at the operated area. The simple case of fistula surgery has now been transformed into a case of profuse burning and, for which, the treatment being provided by the hospital is found to be insufficient and unsatisfactory as the progress in healing of burning wounds is extremely poor. In light of the above mentioned statements, she is only plea for an immediate and strict action against Balaji Action Hospital, surgeon Dr. Sandeep Kumar Gupta and his team associates for bringing her life to such a pathetic condition.

Dr. Sandeep Gupta, Sr. Consultant, Department of Surgery, Dr. Rajiv Bansal, Consultant, Department of Surgery of Sri Balaji Action Medical Institute in their joint written statement averred that the complainant Ms. Shalini Chauhan, 21 years female was admitted on 26th October, 2019 in Balaji Action Hospital in Unit III surgery under Dr. Sandeep Gupta from private OPD with a diagnosis of fistula in ano with ischiorectal abscess. Standard pre-operative investigations and the treatment were done. The complainant underwent uneventful fistulectomy alongwith drainage and debridement of the ischiorectal abscess under spinal anesthesia on the same afternoon. Standard post-operative treatment was ordered. Post-operative evaluation of the complainant on the evening of surgery was within normal limits. In the morning of 27th October, 2019 the dressing was changed and the wound pack was removed. At this time some redness, blisters and erosions were noted in the perianal and gluteal region. The possibility of chemical burn due to allergic response to Betadine was considered. This was reported in the incidence form as per the standard protocol and suitable treatment was started for the same. After evaluation of the complainant on the morning of 28.10.2019, she was found comfortable with acceptable operative wounds. She was discharged with advice regarding post-operative medications, care of local area and follow up. During the follow-up visit on 30th October, 2019, the complainant complained of pain and swelling in the operated area and difficulty in walking. The operative area and the area of suspected Betadine burns showed evidence of fecal contamination, cellulitis and erosions. In view of this, she was re-admitted and started on suitable medications and care of wound. During the subsequent days in the hospital, she was treated in consultation with plastic surgeon and other specialists. She was discharged on 22.11.2019 in satisfactory condition with the perineal and gluteal wounds much better and showing signs of good healing with advice to come for follow-up dressings. On the same day the attendants of the complainant misbehaved with the hospital staff/security and lodged an FIR against the treating doctor. Healing in fistula in ano surgery is always tricky being close proximity to anal area, thus, fecal contamination, in this case some chemical burns aggravated by fecal contamination further lead to slow healing of the wound.

They further averred that it is normal for the patients to have pain at the operative site at the time of discharge, for which, medications were prescribed and nothing unusual was noted at the time of discharge, except for the wound of the operation and some evidence of suspected chemical burns in the natal cleft region. The complainant’s description of the type of wound noticed by her, when the dressing came off at home, is her own impression and cannot be considered as the true state of the post-operative region.

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

1. The Executive Committee noted that the patient Ms Shalini Chauhan, 20 years female was admitted in the Sri Balaji Action Medical Institute on 26th October, 2019 with diagnosis of fistula in ano with ischiorectal abscess. She underwent surgical procedure of fistulectomy with drainage of ischiorectal abscess with debridement done under consent on 26th October, 2019. The surgery was performed by Dr. Sandeep Gupta. She was discharged on 28th October, 2019. The patient had to be readmitted on 30th October, 2019 in the said Hospital with complaints of lesions over the buttock region, perianal region with pain, swelling and difficulty in walking and sitting. She was diagnosed as operative case of fistula in ano with ischiorectal abscess with raw fistula wound with peri-fistulous wound and gluteal region burn lesions ? Chemical. The patient was managed conservatively with i/v antibiotics, analgesics and other supportive treatment and dressing and perineal area cleaning. Patient responded to the treatment. Plastic surgery opinion taken and advice followed. On patient’s request gynaecology opinion taken for postpone of menses as perinal dressings ongoing and advice duly followed. Patient’s condition improved with dressings and treatment and thus was discharged on 22nd October, 2019. The patient thereafter reported to Deen Dayal Upadhyay Hospital on 23.11.2019 where an MLC No.11196 was initiated as per which on local examination superficial burns over bilateral buttocks with pus drainage was noted and the patient was advised alternate dressing with medications.
2. It is observed that the surgical procedure done on 26.10.2019 for diagnosis of fistula in ano with ischiorectal abscess was warranted and the same was done under consent. The betadine solution used during the surgery is known to cause chemical burns which the patient unfortunately suffered. The subsequent treatment for chemical burns was done as per accepted professional practices in such cases.

In light of the observations made herein-above, it is the decision of the Executive Committee that no medical negligence can be attributed on the part of doctors of Sri Balaji Action Medical Institute, in the treatment administered to complainant.

Complaint stands disposed. “

Sd/: Sd/: Sd/:

(Dr. Arun Kumar Gupta) (Dr. Raghav Aggarwal) (Dr. Ashwini Dalmiya)

Chairman, Member, Member,

Executive Committee Executive Committee Executive Committee

Sd/: Sd/: Sd/:

(Dr. Saudan Singh) (Dr. Subodh Kumar) (Dr. Atul Kochhar)

Member, (Expert Member) (Expert Member)

Executive Committee Executive Committee Executive Committee

The Order of the Executive Committee dated 28th July, 2021 was confirmed by the Delhi Medical Council in its meeting held on 23rd September, 2021.

By the Order & in the name of Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:

1. Ms. Shalini Chauhan, F-53, DDA Colony Khyala, New Delhi-110018.
2. SHO, Police Station, Paschim Vihar East, Outer District, Delhi.(w.r.t. No. 2200/SHO/P.Vihar East,dated 27.11.2019)-for information.
3. Dr. Sandeep Gupta, through Medical Superintendent, Sri Balaji Action Medical Institute, A-4, Paschim Vihar, New Delhi-110063.
4. Dr. Rajiv Bansal, through Medical Superintendent, Sri Balaji Action Medical Institute, A-4, Paschim Vihar, New Delhi-110063.
5. Medical Superintendent, Sri Balaji Action Medical Institute, A-4, Paschim Vihar, New Delhi-110063.
6. Ms. Promila Gupta, Member, Delhi Commission for Women, C-Block, IInd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002.(w.r.t No. DCW/3536/PG/2019 dated 15.10.2020)-for information.

(Dr. Girish Tyagi)

Secretary