DMC/DC/F.14/Comp.2456/2/2019/ 7th January, 2019

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri B.K.K. Sinha, Plot No. 270, F-1, Sector-4, Vaishali-201010, Distt. Ghaziabad, alleging medical negligence on the part of Dr. Divya Aggarwal, in the treatment of complainant’s wife Smt. Priti Ranjan at Shanti Gopal Hospital, NH-1, Ahinsa Khand –II, Indirapuram, Ghaziabad.

The Order of the Disciplinary Committee dated 19th November, 2018 is reproduced herein-below :-

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri B.K.K. Sinha, Plot No. 270, F-1, Sector-4, Vaishali-201010, Distt. Ghaziabad (referred hereinafter as the complainant), alleging medical negligence on the part of Dr. Divya Aggarwal, in the treatment of complainant’s wife Smt. Priti Ranjan (referred hereinafter as the patient) at Shanti Gopal Hospital, NH-1, Ahinsa Khand –II, Indirapuram, Ghaziabad (referred hereinafter as the said Hospital).

The Disciplinary Committee perused the complaint, written statement of Dr. Sunny Agarwal, Director, Shanti Gopal Hospital, enclosing therewith written statement of Dr. Divya Agarwal, copy of medical records of Shanti Gopal Hospital,

The following were heard in person:

1. Shri B.K.K. Sinha Complainant
2. Dr. Divya Aggarwal Consultant, Obst. & Gynae. Shanti

 Gopal Hospital

1. Dr. Sanjay Garg Medical Superintendent Shanti Gopal

 Hospital

The complainant Shri B.K.K. Sinha alleged that he is pained to bring the gross negligence in the medical treatment of the patient his wife, Mrs. Priti Ranjan, by Dr. Divya Agarwal of Shanti Gopal Hospital to the notice of the Delhi Medical Council, which ultimately led to the intrauterine death (IUD) of his child on 28.03.2018. The maternity treatment of his wife was under Dr. Divya Agarwal, gynaecologist through the Shanti Gopal Hospital since after getting proper permission from his office in August, 2017, being a government employee working as a Private Secretary in the Rajya Sabha Secretariat, Parliament of India. She has been under continuous treatment and supervision of Dr. Divya Agarwal since then, as, he did not have any iota of doubt about the competence and integrity of Dr. Divya Agrawal during whole of his wife’s pregnancy period. The expected date of delivery of his wife was 28.3.2018. But, the labour pains started on 22nd March, 2018. So, he immediately took his wife for getting her admitted in Shanti Gopal Hospital on 22nd March, 2018 itself. Dr. Divya Agrawal examined his wife and asked her to come on 28.03.2018 at 7.00 a.m. without even examining her properly. This fact is endorsed on the prescription itself. Infact, no test, whatsoever, was carried out to check any complication or the latest situation of foetus. Being extra cautious and in order to avoid any unforeseen exigency, he reminded Dr. Divya Agarwal over the telephone on 27.03.2018 well in advance that they would reach the hospital the next day early in the morning at 7.00 a.m., and she also assured that she would be there in the hospital at the scheduled time. He alongwith his wife reached the Shanti Gopal Hospital at around 7.00 a.m. on 28.03.2018, she was admitted as an emergency patient, vide Emergency Certificate No.1212, dated 28.03.2018. Unbelievably, despite giving the appointment well in the advance and the reminder on the preceding day, Dr. Divya Agarwal failed miserably to visit the said hospital at the scheduled date and time. Even the staff of the hospital was so reckless that his wife could be admitted formally only at around 8 am. We were informed by one of the nurse of Labour Room that they had apprised Dr. Divya Agarwal of the critical condition of his wife over the telephone who will reach the hospital at 10.00 a.m. Sitting on the thorns, they kept on waiting for the arrival of Dr. Divya Agarwal. Despite being aware of his wife’s precarious situation, she finally arrived at 9.40 a.m. only. While they had been on the tenterhooks, no one in the hospital was perturbed to take care of his wife during that crucial period of 8.00 a.m. to 9.40 am. Second by second, minute by minute, his wife’s situation was getting deteriorated but everyone concerned blatantly turned a blind eye to it. It was only after the arrival of Dr. Divya, the hospital staff came into action and started making arrangements for the delivery of his wife. The hospital staff was so careless that they had not kept the O.T. ready for immediate child birth. The extraordinary delay in the arrival of Dr. Divya Agarwal coupled with the lax attitude of the Shanti Gopal Hospital staff made the heavens to fall. The apathy and negligence shown by Dr. Divya Agarwal did not let their child to see the world. By the time, Dr. Divya reached the hospital; their child had breathed his last in the womb itself. In order to save their skin, the hospital management shamelessly just shrugged off by recording the misstatement in the discharge summary that there was no fetal movement since morning on the date of admission i.e. at the time of admission of his wife in the hospital on 28.03.2018. However, they were told by the nurse that the NST machine was showing that baby’s heart was working at the time of admission of the patient i.e. his wife. She also informed him that the baby could be delivered only through caesarean; he had no other alternative except to give consent for the same. The NST receipt seems to have been destroyed */* removed deliberately from the case papers, which stands testimony to their ill-intentions. Had the doctor been diligent towards her duty, and attempted to reach in time, our baby would have been alive. This is an irreparable loss which has been caused to them because of only and only Dr. Divya Agarwal. He would call it infanticide (cold-blooded murder of child in the womb) by Dr. Divya Agarwal. Thus, she must face the music for her intentional misdemeanour. The conduct of the doctor is against the basic concept of medical profession. She has chosen to get financial gain in-stead of providing better medical treatment. In the entire episode, Rs. 50000 (approx.) has been taken from him by the hospital administration and never disclosed the medical complications giving false assurance that everything is normal and ok. The position of the patient was deteriorating by lapse of time but unfortunately she (Dr. Divya Agarwal) failed to even attend the patient in time. It has been learnt that she was attending other patients in her own clinic for her personal financial gain. He, therefore, requests the Delhi Medical Council to look into this gross negligence in the treatment of his wife and loss of precious life of his child in such manner, as the loss caused to her at her hand cannot be compensated in any manner. The conduct of Dr. Divya Agarwal is against the pious duty of medical profession; as such deserve an exemplary punishment. The Delhi Medical Council is most humbly requested to put it foot down in order to avoid any recurrence of any such untoward incident by taking suitable and unprecedented action against Dr. Divya Agarwal of Shanti Gopal Hospital, as soon as possible, on account of murder of his infant, tampering of records and suppression of evidence and justice could be done to him.

Dr. Divya Aggarwal, Consultant, Obst. & Gynae. Shanti Gopal Hospital in her written statement averred that the patient Mrs. Preeti Ranjan was consulting her for her ante-natal care at Shanti Gopal Hospital OPD. The patient was attending OPD regularly for her ante natal check up. It was a normal pregnancy, all the blood investigations, sonography were within normal limits. Also the patient’s blood pressure was normal throughout the pregnancy. The patient’s expected date of delivery was 28.03.2018. The patient’s last check-up was done on 22.03.2018 in the OPD of Shanti Gopal Hospital. She was examined thoroughly, at that time her foetal heart rate was normal with doppler and uterus was relaxed. On per vaginal examination, the patient was not in labour and no further investigation was done as it did not require at that time. The patient was advised for watch for foetal movements and to come to hospital if the patient perceives any pain, leaking per vagina or decreased foetal movements otherwise admit on the patient expected date of delivery i.e. 28th March, 2018 for induction of labour (it is a routine advised given for all non high risk ante natal patients). The complainant informed her telephonically on 27th March, 2018 in night that he will admit the patient in morning of 28th March, 2018 for induction of labour. The patient admitted on 28th March, 2018 at 8:20 a.m. in labour room of Shanti Gopal Hospital for delivery. The patient was examined by her on 9:15 a.m. On taking the history, the patient told her that she did not perceive foetal movements since night. On physical examination, the patient’s general condition was fare, the patient was afebrile, the patient’s PR 80/min, her BP was 130/70mm of Hg. On PA examination, pregnancy was term size, cephalic presentation, uterus was relaxed, the patient’s foetal heart not localized. On PV examination, the patient’s cervix was uneffaced, OS MPS. An urgent ultrasound was done on emergency basis and it was found that there was no heart beat in the foetus. It was intra-uterine death of the foetus. It was a very unfortunate happening. The situation was explained to attendants and then to the patient. Further plan of management was discussed with the patient and the attendants and advised for normal delivery of the baby was given. But, the patient was not ready to take labour pains at any cost, although, the complainant wanted a normal delivery. The patient was counselled again for normal delivery but the patient refused. So ultimately, the complainant had to agree for caesarean section. Pre-operative preparation for LSCS was done, anaesthesiologist and OT staff informed about the same and the patient was shifted to OT approximately at 11:00 a.m. The surgery was uneventful. Per-operatively, no apparent cause of IUD was detected. Post-operative period was uneventful and the patient was discharged at regular time and advised to attend OPD after 7 days. Sudden intra uterine death (SIDD) is a very painful condition both for the patient and the treating doctor as well. She was also perplexed and shocked about the unfortunate incidence. She would like to emphasize that there is not an iota of medical negligence from her side and due care was imparted to the patient. There are reports of sudden unexplained intra uterine death at term III medical literature. This case also falls under same category. The patient and her attendant were comfortable with her during her ante-natal period. She is deeply hurt that due to some unfortunate incidence her competency is being questioned. Not only her but the whole medical fraternity is shocked by this allegation because something went wrong that does not mean that she need to find a culprit. As far as the competency is concerned, she would like to mention that she obtained her post-graduation degree in Obst & Gynae. in the year 2000 from KGMC, Lucknow which is one of the best institute for medical training across India. She is in clinical practice for last 18 years and there in no litigation pending against her until now with god grace. She remains very much concerned for her patients and this incidence jounced her deeply. Every doctor always think about welfare of her patients and render selfless service and this doubled up when another life is associated with it. But some time despite her best care and sincere efforts, untoward incidence do happen. She assures the Delhi Medical Council that in this case, there was no medical negligence either from her or hospital side. She put all her honest efforts for the safety and well being of the patient.

On being enquired about by the Disciplinary Committee regarding NST reading, Dr. Divya Aggarwal stated that since there was no fetal heart sound (FHS), the NST reading was a straight line. Further, as per the Nurses Daily Record notes of 8.30 a.m. on 28th March, 2018, the fetal heart sound on doppler was checked but same was not recorded.

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

1. It is noted that the patient Smt. Priti Ranjan who was G3 P1 L1 A1 with full term pregnancy with loss of fetal movement since morning was admitted on 28th March, 2018 at 8.32 a.m. in the said Hospital under Dr. Divya Agarwal. The patient LMP was 21st June, 2017 and she had past history of NVD 11 years back and also had history of lap ovarian cystectomy in July, 2016. There was no history of DM/HTN/CAD. As per the progress notes of the said Hospital, Dr. Divya Agarwal examined the patient at 9.15 a.m. and noted the F.H.S. (Fetal Heart Sound) NL on NST and advised urgent ultrasound. The ultrasound revealed single intrauterine fetal demise. As per the notes of 9.30 a.m. of Dr. Divya Agarwal, the patient and her attendants were not ready for normal delivery, inspite of persistently explaining about IUD. Hence, LSCS was conducted after due consent regarding IUD and the baby delivered as vertex. The procedure was uneventful. Subsequently, the patient was discharged on 31st March, 2018.
2. It is noted that as per the admission records of the said Hospital, the patient was admitted with history of loss of fetal movement. Further the 8.30 a.m. (28-3-2018) morning nursing notes also makes a mention of F.H.S. not recorded on doppler. Dr. Divya Agarwal’s notes in progress sheet of the said Hospital of 9.15 a.m. (28-03-2018) also record F.H.S. NL even on NST and subsequent USG confirmed IUD. In such a situation when the patient presented with non-localization of fetal heart nothing additional could have been done.

In light of the observations made hereinabove, it is the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of Dr. Divya Aggarwal, in the treatment of complainant’s wife Smt. Priti Ranjan at Shanti Gopal Hospital.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Subodh Kumar) (Dr. Ashwani Goyal) (Shri Bharat Gupta)

Chairman, Delhi Medical Association, Legal Expert,

Disciplinary Committee Member, Member,

 Disciplinary Committee Disciplinary Committee

 Sd/:

(Dr. Reva Tripathi)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 19th 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. Shri B.K.K. Sinha, Plot No. 270, F-1, Sector-4, Vaishali-201010, Distt. Ghaziabad.
2. Dr. Divya Aggarwala, Through Medical Superintendent, Shanti Gopal Hospital, NH-1, Ahinsa Khand –II, Indirapuram, Ghaziabad.
3. Medical Superintendent, Shanti Gopal Hospital, NH-1, Ahinsa Khand –II, Indirapuram, Ghaziabad.
4. Section Officer, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi-110077-w.r.t. letter No.MCI-211(2)(Gen.)/2018-Ethics./124679 date 20/07/18-**for information**.

 (Dr. Girish Tyagi)

 Secretary