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# Medical negligence: Only 33 doctors proven guilty in K'taka since 2012

**'Powers Vested With KMC Are Limited'**

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**Bengaluru:** The Karnataka Medical Council (KMC) registered 329 cases against doctors from districts across the state between 2012 and 2017. However, of these, only 33 cases have been proven. Also, the nature of most complaints point to failure of the doctor/hospital in managing a complication or complaints stemming from medical negligence on the part of the doctor.

## FROM KMC RECORDS

Furnishing data sought by TOI, KMC officials said that compared to other districts, awareness about KMC and healthcare complications is more in Bengaluru, because of which most cases have been registered in the city (200) in the said period.

However, KMC can only issue a warning to a doctor proven guilty and remove him/her from its register for over six months. "The powers vested with KMC are limited. For any financial compensation from the hospital or doctor, in an alleged case of medical negligence, a patient has to go to the consumer court. If proven guilty, we send a warning notice to the concerned doctor and suspend his/her registration for six months to one year. The district health

officer is directed to make sure the guilty doctor isn't allowed to practise medicine during the period the registration is withdrawn by the KMC," said KMC president Dr H Veerabhadrappa.

According to the data available, the highest number of complaints (79) was registered in 2014, of which 52 were from Bengaluru alone. In one of the cases registered in 2014, the complainant alleged that he lost his eyesight after a city-based ophthalmologist made him undergo gene therapy with an assurance that he'd have clear vision soon after.

In many cases, financial constraints and defection following medical complications make complainant stay away from KMC hearings. However, engaging an advocate to fight a case at KMC isn't mandatory, said Veerabhadrappa.

In most cases, the doctors remain safe, as it isn't easy to prove them guilty, as long as they'd have followed the standard protocol. "In most cases, it's more of a perception of negligence than negligence itself. Standard of proof in a criminal case against a doctor is very high. It's no easy to prove an allegation of negligence on the part of a doctor, as long as the doctor has followed the standard treatment protocol. But cases of gross errors, like a doctor operating on the brain instead of heart, hold," said Dhyani Chinnappa, a senior advocate with the Karnataka High Court, who has dealt with such medico-legal cases. However, this shouldn't stop a genuinely affected patient from registering complaint with the KMC, consumer court and police, he added.

## WHERE PATIENTS WON AGAINST DOCTORS

On January 19, 2014, a baby boy was born at 10.30am at a private hospital in Kadur, Chikkamagaluru. The child's father, the complainant, alleged that while the newborn had developed complications, hospital authorities delayed calling the pediatrician. The pediatrician arrived only at 12.30pm and the baby later died. The KMC observed that the baby suffered from asphyxia (severely deficient supply of oxygen to the body) and the situation wasn't properly managed by the doctors. There was delay in carrying out resuscitation and a decision to put the baby under intubation wasn't taken as per Neonatal Resuscitation programme protocol. The three doctors involved in the case were warned by KMC.

In 2014, Syed Nizamuddin, a Bengaluru resident, whose appendicitis surgery wasn't successful, filed a complaint against two doctors and a private ayurvedic medical college. According to the complainant, the hospital had no provision for CT scan, laparoscopy and ICU facility. The KMC observed that the respondents (doctors) should have reassessed the patient by doing repeat ultrasound of the abdomen. This would have helped spot the appendicular mass. While the KMC in its final order warned one of the respondent doctors, it informed the Ayush Council about the lapses on the part of the other (who was an ayurvedic practitioner).

## DISTRICTS WITH MOST COMPLAINTS (SINCE 2012)

**200**  
Bengaluru

**25**  
Hassan

**8**  
Mandya

**19**  
Mysuru

**7**  
Tumakuru

Not a single complaint has been filed from Vijayapura and Yadgir districts

Source: Karnataka Medical Council