

## Can a M.D. Medicine (General Physician) Doctor practice as a Cardiologist?

<http://164.100.72.12/.../judgem.../00130508153736415RP402311.htm>

In the case of Goyal Hospital & Research Centre Pvt. Ltd., Jodhpur & ors, V/s. Kishan Shukla (R.P. No.4023/2011), the National Commission was dealing with the aforesaid question and the answer was in negative. A doctor must have valid and recognized specialized qualification.

### Facts:

#### Allegations:

1) The deceased wife of the Complainant No.2 was diagnosed as Valvular Disease of the Heart and was further directed to take treatment of a Cardiologist.

Dr. Goyal, who claimed himself a Cardiologist, conducted tests pertaining to heart problems on the patient and diagnosed her as Mitral Stenosis with Mitral Regurgitation (MS with MR) and started treatment.

In the meantime of her treatment, she became pregnant. As there was no improvement in her health, she was further referred to another Cardiologist, who advised urgent hospitalization and further undergo delivery operation at the earliest, as it was her 8th month of pregnancy. She delivered a baby boy, but her condition deteriorated and she was shifted to ICU, where she was declared as dead in next morning, but no relative was allowed to see her.

#### Defense:

1) Dr. Goyal never denied the fact that "Consultant Physician and Cardiologist" has been printed on his prescription. Nevertheless he gave best possible treatment to the deceased. Gynecologist and Anesthesiologist also claimed that they performed their duties well.

#### Held:

1. The National commission relied upon the observations of The State Commission which after perusing entire record and evidence rejected the appeal of the petitioners and observed that Dr. Goyal was not a Cardiologists and it was the duty of Goyal Hospital to make available Cardiologist at the time of operation of patient suffering from such serious ailment. After the delivery option, not allowing relatives to go inside and meet also create doubts.

2. Dr. R. K. Vyas also admitted that Dr. Goyal was not a cardiologist and a simple M.D., cannot claim of being Cardiologist i.e. Specialist in Heart Disease. As per IMC Regulations, 2002 Clause-B Sub-clause 1.1.3. "No person other than a doctor having qualification recognized by Medical Council of India and registered with Medical Council of India/ State Medical Council is allowed to practice Modern System of Medicine or Surgery. Even otherwise, undergoing several trainings, attending workshops in Cardiology did not confer qualification of cardiologist. Hence it is not recognized by MCI or Rajasthan State Medical Council.

**3. The Commission further relied upon the land mark judgment of Hon'ble Supreme Court in Jacob Mathew V State of Punjab & Anr, (2005) 6 SSC 1= III (2005) CPJ 9 (SC) where in it had concluded that, " a professional may be held liable on one of two findings : either he was not possessed of requisite skill which he professed to have possessed, or, he did not exercise reasonable competence in given case, the skill which he did possess."**

**It was risky that a doctor who is not qualified and competent to do so which amount to therapeutic misadventure.**

**4. Thus the Commission not only directed to pay the petitioners a sum of Rs.6,82,000,, but also saddled punitive cost of Rs.1,00,000/-.**

**So beware of what you have and what you pretend to have. Nowadays specialization in Medical field is enhancing rapidly. Jokingly it is said that there will be separate Doctors for treatment of Left eye and Right eye. So, Honesty is the Best policy, isn't it?**