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AHMEDABAD MEDICAL ASSOCIATION

(Branch of Indian Medical Association) ESTD 1902

AMA House, First Floor, Opp. H. K. Arts College,
Ashram Road, Ahmedabad - 380009 Phone : (079) 26588775



AHMEDABAD MEDICO NEWS

**National Capacity Development Workshop on AMR in
collaboration with WHO & IMA HQs. 01-12-2024**



Welcome - 2025

Happy New Year

VOL. 19

DECEMBER-2024

ISSUE - 8

Dr. DHIREN MEHTA
President - AMA

Dr. URVESH SHAH
Hon. Secretary - AMA

Imm. Past President - Dr. TUSHAR PATEL

"EVERY STEP LEADS TO THE DESTINATION. JUST KEEP MOVING."

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Award 2024



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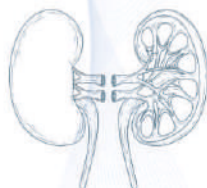
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Report (PRA) Class I & II Report

Transplant -HLA Typing (A,B,DRB1)

Transplant -Single Antigen Quantitative
Test Report (Single Antigen Class I & II)

Transplant -HLA Typing (A,B,C,
DRB1,DRB3,4,5,DQAB)

Transplant -HLA Typing For
Patient & Donor

DNA Profiling

Transplant-Single Antigen Quantitative
Test Report (Single Antigen Class I)

Transplant -Single Antigen Quantitative
Test Report (Single Antigen Class II)

Transplant -Panel Reactive
Antibody Report (PRA) Class I

Transplant -Panel Reactive
Antibody Report (PRA) Class II

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**Message From
President & Hon. Secretary**



Dear Members,

Wish you all Merry Christmas and many many wishes for coming year 2025.
May sun of New Year rise with rays of hopes and success.

एकं सामाजिकं सर्वे भवन्तु सुखिनः

“May all work together for the common good and May all be Happy.”

Our all programs have proved that nothing is difficult when all join for the good, common act. Success of all program is because of only and only good team work.

We had very good scientific program planned by IMA Gujarat and designed by IMA HQ and WHO. It was workshop for Anti Microbial Resistance (AMR Workshop). The whole program was attended by many faculties of different specialties from different part of India. It was very useful for many doctors to understand the proper use of current antibiotics to prevent resistance.

We had an excellent scientific program about Oncosurgery. Different oncosurgeons had explained newer procedures of different surgeries for cancers of breast, head and neck, bones, and neurology.

We had also hosted one program for awareness about accreditation by QCI. It was planned by IMA Gujarat and many doctors from hospitals, clinics and day care centers have attended. QCI, Delhi had planned this program under banner of Viksit Bharat, Gujarat Gunvatta Yatra.

We also had enjoyed one Gujarati Movie show, Wrong side Raju. It was planned by Senior Citizen`s Club of Ahmedabad Medical Association. We are thankful to Dr. Kiritbhai Gadhavi, Dr. K.R. Sanghavi, Dr. Rameshbhai Shah and Dr. Abhaybhai Dikshit for planning of this program.

Really written nicely,

**Live with Purpose.
Focus, Achieve and Repeat.
Work Hard, Play Hard.**

“Organization is not about Perfection. It`s about Efficiency, Reduce Stress and Clutter, Saving Time and Money and Improving our overall Quality of Life.”

We are thankful to all members for selfless support for all programs,

Jai AMA - Jai IMA

Dr. Dhiren Mehta
President, AMA

Dr. Urvesh Shah
Hon. Secretary, AMA



IMA GUJARAT
AHMEDABAD MEDICAL ASSOCIATION



I.M.A
G.S.B

ALL GUJARAT DOCTORS BADMINTON TOURNAMENT



22nd & 23rd February 2025



Rajpath Club, Ahmedabad



Age Group :

Men Singles / Doubles :

- <40 Years
- 41-50 Years
- 51-60 Years
- >60 Years

Female Singles / Doubles :

- <40 Years
- 41-60 Years
- >60 Years

Mix Doubles :

- <40 Years
- 41-60 Years
- >60 Years



Entry Fees :

One Event - Rs. 500/- Per Person

Two or More Event 1000/- Per Person

Theme : Cervical Cancer Prevention & HPV Vaccination Drive For Rural Gujarat

ORGANISING SECRETARIES

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(Ahmedabad)

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**Scan For
Registration**



President
Dr. Dhiren Mehta

Hon. Secretary
Dr. Urvesh Shah

Every step leads to the destination. Just keep moving.



National Capacity Development Workshop on AMR in collaboration with WHO & IMA HQs. 01-12-2024





National Capacity Development Workshop on AMR in collaboration with WHO & IMA HQs. 01-12-2024





National Capacity Development Workshop on AMR in collaboration with WHO & IMA HQs. 01-12-2024





Installation of New Team IMA, MSN - Gujarat & Seminar on Startup & innovation in healthcare at ihub, Gujarat University 24-11-2024





DIWALI GET TOGETHER ON 24-11-2024





DIWALI GET TOGETHER ON 24-11-2024





DIWALI GET TOGETHER ON 24-11-2024





SCIENTIFIC PROGRAMME ON 21-11-2024



AMA SR. CITIZEN CLUB MOVIE SHOW ON 15-12-2024





YOGA SHIBIR ON 01-12-2024 TO 10-12-2024





SCIENTIFIC PROGRAMME ON 15-12-2024





LADIES CLUB PROGRAMME





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9925082878

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9426324247

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Republic Day Celebration

Let us celebrate our 76th Republic day & salute our national flag.



स्वर्णिम भारत : विरासत અને વિકાસ

Golden India : Heritage and Development. This is the theme of Republic Day, 2025. Yes, we are proud of our culture and heritage of so many years. We are one of the most ancient culture of world. But at the same time we have to develop and we have to go with the time and with the world. Let's celebrate our 76th Republic Day together at our premises. Let's join the hands for the progress and development of our country.

Date : 26-01-2025, Sunday

Time : 9.00 am onwards

Venue : Ahmedabad Medical Association

Dr. Dhiren Mehta
President, AMA

Dr. Urvesh Shah
Hon. Secretary, AMA



Ahmedabad Medical Association Organises Education seminar for medical students aspirants for foreign studies

Date : 12th January 2025, Sunday

Time : 10.00 pm to 1.00 pm

Venue : Ahmedabad Medical Association, Ashram Road.

Highlights:

Lecture 1: Pathway to Publication

- Brainstorming ideas
- Study selection & Execution
- Data collection strategies & Statistics
- Publication process
- How to advance medical career with the incentives of clinical research
- Announcement of Medical Research Scholars Program (Free Research Training for a Year)

Speaker : Urvish Patel, MD, MPH

Director and Chief Education Officer
Research Update Organization,
Texas Medical Center,
Houston, TX, USA



Lecture 2: Navigating the USMLE Journey: Step-by-Step Guidance

- Introduction to the USMLE pathway & Step-by-step preparation guide
- Understanding exam formats and content & Test-taking strategies
- USMLE aftermath & building clinical and non-clinical skills
- Strong residency application (ERAS)& Match process (NRMP)
- Managing challenges
- Q&A session & Tailored advice for specific situations
- Sharing success stories and motivation

Speaker : Dr. Pramil Cheriya, MD, MS, FACP

CMO and Program Director,

Internal Medicine Residency Program

St. Mary's General Hospital, Passaic, NJ, and

Saint Clare's Health, Denville, NJ, USA

Co ordinators

Dr. Nirali Patel

Dr. Raj Mistry

Dr. Rhea Narang

Registration is free but compulsory

**For Registration Contact : AMA office on 079-26588775
during 2.00 pm to 6.00 pm**

Dr. Dhiren Mehta
President, AMA

Dr. Urvesh Shah
Hon. Secretary, AMA



Report of Dr. N. T. Shah Scientific Program dated 21/11/2024

A scientific programme was organized by Ahmedabad Medical Association in collaboration with WHO & Ahmedabad Municipal Corporation at AMA hall, Ashram Road, Ahmedabad on 21st November, 2024. Dr. Aniket Rana – State Surveillance Officer, WHO India & Dr. Tejas Shah – City TB Officer, AMC were invited as expert speakers to deliver a talk on Catch-up vaccination for eliminating Measles and Rubella by 2026 and Updates on National Tuberculosis Elimination Programme. The sessions were chaired by Dr. Arpit Prajapati. The Programme was very well co-ordinated by Dr. Dhananjaysinh Gohil, Dr. Hitendra Nayak and Dr. Gaurishankar Shrimali. More than 50 participants had attended this scientific programme. The sessions were lively, engaging, educative and informative.

Report of Diwali Get-together dated 24/11/2024

To foster a sense of community and to celebrate the festival of lights, Diwali Get Together event was organized by Ahmedabad Medical Association at AMA hall, Ashram road, Ahmedabad on 24th November, 2024. Musical entertainment programme, Bumper housie, Delicious dinner, Games and activities were some of the highlights of the event. Extravaganza bumper housie game was beautifully hosted by Past President of AMA Dr. Monaben Desai. The event saw an impressive turnout of attendees including our colleagues, friends and family members. Overall it was a resounding success, providing a wonderful opportunity for attendees to come together, celebrate the festival of lights and strengthen bonds. We look forward to organizing similar events in the future.



Report of Capacity Development Workshop on AMR for IMA Doctors Date: 1-12-2024

With the awareness and commitment of medical professionals, IMA, along support from the World Health Organization (WHO), organized a **"Capacity Developer Workshop for IMA Doctors"** on Dec 1st 2024; 10.00 am to 5.00 pm at Ahmedabad Medical Association, Ashram road. This workshop was the first of its kind on AMR for the capacity building of 65 leading IMA Doctors of across the country, who became IMA-AMR Champions and propagate knowledge gained from this workshop to others. This was be a training of trainers workr conducted by WHO's panel of specialists - which will be scaled to all the branches in India. Anuj Sharma from WHO; Dr. Narendra Saini, Chairman IMA standing committee for AMR; Dr. Urvesh Shah, Professor of Microbiology from Ahmedabad & Dr. Harmeet Singh Professor of Pharmacology from Lady Harding Medical College conducted the workshop. It was inaugurated by Dr. Anil Nayak, Hon. Secretary General of IMA in auspices presence of Dr. R Dixit, additional director of medical education & Dr. Narayan Gaonkar, UNICEF. President of IMA Gujarat Dr. Mehul Shah & other senior leaders of IMA from the India were present. The work shop was attended by senior doctors representing respective states.

Report of Yoga Shibir from 01/12/2024 to 10/12/2024

AMA in association with Late Dr. C. C. Raval – Divya Jivan Sangh organized Yoga Shibir for doctors and their family members from 1st December to 10th December, 2024 at AMA premises. The shibir was conducted by Dr. Pushpa P. Multani – a qualified yoga teacher. Importance of yoga in prevention of lifestyle disorders and various benefits of different yogasanas were explained to all the participants of the shibir.



Report of Dr. H. G. Jambhekar Scientific Program dated 15/12/2024

A CME on Updates in Onco-surgery was organized by Ahmedabad Medical Association at AMA hall, Ashram Road, Ahmedabad on 15th December, 2024. Dr. Tarang Patel, Dr. Bhavin Vadodariya, Dr. Rohan Patel and Dr. Mandip Shah were invited as expert speakers. They shared their expertise and knowledge regarding various onco-surgeries with the participants. Dr. Nidhi Bhatnagar delivered a talk on 'Liability in medical negligence' and Dr. Pina Soni provided insights on 'How to apply for Clinical Establishment Act certification'. The sessions were chaired by Dr. Mukesh Khadaliya & Dr. Dhananjaysinh Gohil. The Programme was very well co-ordinated by Dr. Nisarg Dharaiya and Dr. Yogesh Gupta. CME was attended by the participants in big numbers.

Report of Senior Citizen Club programme (Webcasting of movie – Wrong Side Raju) dated 15/12/2024

A unique movie entertainment programme was organized by Senior Citizen Club of Ahmedabad Medical Association at R. M. Fozdar hall, AMA house. Pratik Gandhi, Kimberley Louisa McBeath and Asif Barsa starrer movie 'Wrong Side Raju' was webcasted at AMA hall on 15th December, 2024 evening. The movie show was followed by heavy snacks. The programme was beautifully co-ordinated by Dr. K. R. Sanghavi, Dr. Ramesh C. Shah, Dr. Abhay Dixit, Dr. K. C. Gadhvi, Dr. Rohan Christian and Dr. Dhananjaysinh Gohil. It was a great experience and event was thoroughly enjoyed by the audience.

**WE WELCOME FOLLOWING NEW LIFE MEMBERS**

M.No.	Type	Name
13117	L	DR. PATEL RUTVI JIGNESHKUMAR
13118	LC	DR. THAKKAR RAMKUMAR RASIKBHAI
13119	LC	DR. NAHTA RIKITA ROHIT
13120	L	DR. PARMAR NIHAR JITENDRABHAI
13121	L	DR. VYAS HARDIK NARENDRA
13122	L	DR. SHAH HEER KETUL
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13125	L	DR. KOTHARI ANKIT BHAVESH
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13131	L	DR. JASRAJ BHANWAR LAL
13132	L	DR. MARKER BHAMINI JIGNESH

OBITUARY

May their soul rest in eternal peace.

**DR. KIRAN C. PATEL**

L-685

M.S. ORTHO

Date of Birth : 13-10-1949**Date of Death : 07-10-2024****DR. MAHESH C. PATEL**

L-5004

M.B.B.S.

Date of Birth : 10-03-1944**Date of Death : 02-12-2024**

We send our sympathy & condolence to the bereaved family.

**વેડીઝ-ક્લબ****કાર્યક્રમ નંબર : ૮, Cyber Security Program**

પ્રિય બહેનો,

આજના ડિજિટલ યુગમાં Cyber Security દરેક માટે અનિવાર્ય બની ગઈ છે. તમમારા અને તમારા પરિવારની ડિજિટલ સુરક્ષા માટે જાગૃત થવા અમે Cyber Security Awareness પર એક ખાસ કાર્યક્રમનું આયોજન કર્યું છે.

વિશેષ માહિતી :

વક્તા : આશિની શાહ (Cyber Security Consultant)

વિષયો :

- Cyber Security અને એના માટેની તકેદારી
- Social Media માં Cyber Frauds
- Mobile દ્વારા Cyber Frauds
- Mobile Phones માટેની Security Settings
- તાજેતરના Cyber Fruads અને એની જાગૃતતા

તારીખ : ૨૧-૧૨-૨૦૨૪,

સમય : સાંજે ૩.૦૦ વાગ્યાથી ૫.૦૦ વાગ્યા સુધી

સ્થળ : AMA હોલ, આશ્રમ રોડ,

તમામ સભ્યોએ આ મહત્વપૂર્ણ કાર્યક્રમમાં હાજરી આપવા વિનંતી છે. આ સાથે તમે તમારા મુલાકાતીઓને પણ લાવી શકો છો, જેથી તેઓ પણ આ માહિતીનો લાભ લઈ શકે. મુલાકાતી માટે પ્રવેશ ફી ૫૦ રૂપિયા.

તમામ જ્ઞાનમાં વૃદ્ધિ અને ડિજિટલ જીવનને સુરક્ષિત બનાવવા માટે આ અવસર ચૂકશો નહીં.

તમારું હાજર રહેવું અને સહયોગ આપવું અમારી માટે આનંદ અને ગૌરવની વાત રહેશે.

**કાર્યક્રમ નંબર : ૯, Picnic**

Hello Beautiful Ladies!
Let's start the New Year with
laughter, fun, and unforgettable memories

The Ladies' Club Picnic is here to kick off 2025 with a bang!

Date : 8th January 2025, Wednesday
Venue : Mangla Farm, Nareshwar Road,
 Ganpatpura, Taluka Karjan, Vadodara
Departure Time : 6:30 AM sharp

What's Included?

- Breakfast
- Tea & Coffee
- Lunch : Matla Undhiyu, Jalebi & Ponkh!
- Delicious Evening Snacks: Tea, Coffee, Khichu & More!
- Tickets: **Members** : ₹1500
Guests : ₹1800

Don't wait! Register now for smooth planning.

Registration by payment only

Let's make this day full of masti and happiness!
Looking forward to seeing all you lovely ladies.

For more details or registration, ping us here!

શ્રીમતી રજની મહેશ્વરી
 (પ્રમુખ)

મો. ૯૯૭૪૫ ૯૦૭૯૮

ડો. ધીરેન મહેતા
 (પ્રમુખ, એ.એમ.એ.)

ડો. સુશીલા કેલા
 (સેક્રેટરી)

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LATE DR. ROMA PATEL

DCP, DNB Pathology, Jaslok Hospital, Mumbai
Senior Registrarship, Jaslok Hospital, Mumbai,
Pulmonary pathology observership
(Zeiler Fellow) Arizona, Mayoclinic, USA

Birth: 18-08-1984 | Death: 13-12-2023

Today, we pause to honor and remember you, one year after you left us. It's hard to believe that a year has passed since you departed this world. The pain of losing you remains fresh in our hearts, but so does the deep gratitude we feel for having had you in our lives.

You were a source of love, strength, and inspiration to all who knew you. Your kindness touched the lives of so many, leaving a legacy of warmth and compassion that continues to guide us. In moments of joy, we hear your laughter; in moments of difficulty, we remember your wisdom.

Not a day goes by that we don't think of you. Your absence has left a void that cannot be filled, yet we find comfort in the beautiful memories we shared. Whether it was your reassuring words, your infectious smile, or your quiet acts of love, every moment spent with you was a gift.

Today, we honor your memory by cherishing the lessons you taught us and living in a way that would make you proud. Though you are not here physically, we feel your presence in the love that surrounds us and in the legacy you left behind.

You are missed beyond measure, loved beyond words, and remembered with every beat of our hearts. Rest peacefully, knowing that your spirit lives on in all of us.

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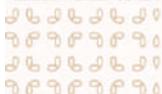
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Medical Quiz

Question 1:

A 45-year-old man presents with acute onset of severe, crushing chest pain radiating to his jaw and left arm. His ECG shows ST-segment elevation in leads II, III, and aVF. However, his troponin levels are only mildly elevated. The most likely diagnosis is:

- A. Non-ST-elevation myocardial infarction (NSTEMI)
- B. Unstable angina
- C. Pericarditis
- D. Acute inferior wall myocardial infarction

Question 2:

A 30-year-old woman presents with recurrent headaches, often accompanied by nausea, vomiting, and sensitivity to light and sound. These attacks are typically unilateral and pulsating. A likely diagnosis is:

- | | |
|----------------------|--------------------------|
| A. Cluster headache | B. Tension-type headache |
| C. Migraine headache | D. Sinus headache |

Question 3:

A 55-year-old man with a history of heavy alcohol use presents with progressive abdominal pain, jaundice, and ascites. Liver biopsy reveals hepatocyte ballooning degeneration and Mallory-Denk bodies. The most likely diagnosis is:

- | | |
|-------------------------|--------------------------------|
| A. Alcoholic hepatitis | B. Viral hepatitis |
| C. Autoimmune hepatitis | D. Primary biliary cholangitis |

Question 4:

A 22-year-old woman presents with unexplained weight gain, fatigue, and menstrual irregularities. Laboratory tests reveal elevated thyroid-stimulating hormone (TSH) and low free T4 levels. The most likely diagnosis is:



- | | |
|-----------------------------|--------------------|
| A. Primary hypothyroidism | C. Hyperthyroidism |
| B. Secondary hypothyroidism | D. Thyroiditis |

Question 5:

A 60-year-old smoker presents with progressive dyspnea, cough, and weight loss. Chest X-ray shows a solitary pulmonary nodule in the right upper lobe. The most likely diagnosis is:

- | | |
|-----------------------|-----------------------|
| A. Pulmonary embolism | B. Pneumonia |
| C. Lung cancer | D. Pulmonary fibrosis |

Question 6:

A 45-year-old man with a history of hypertension and diabetes mellitus presents with progressive renal failure. A kidney biopsy reveals glomerular sclerosis and interstitial fibrosis. The most likely diagnosis is:

- | | |
|------------------------|-------------------------|
| A. Acute kidney injury | B. Diabetic nephropathy |
| C. Glomerulonephritis | D. Pyelonephritis |

Question 7:

A 20-year-old athlete presents with acute knee pain and swelling after a twisting injury. Physical examination reveals tenderness over the medial joint line and a positive McMurray's test. The most likely diagnosis is:

- A. Anterior cruciate ligament (ACL) tear
- B. Posterior cruciate ligament (PCL) tear
- C. Medial collateral ligament (MCL) sprain
- D. Meniscus tear

Question 8:

A 35-year-old woman presents with a pruritic, erythematous rash on her flexural surfaces. The rash is characterized by lichenification and excoriations. The most likely diagnosis is:

- | | |
|-----------------------|--------------------------|
| A. Atopic dermatitis | B. Psoriasis |
| C. Contact dermatitis | D. Seborrheic dermatitis |

**Question 9:**

A 25-year-old college student presents with a history of alternating periods of mania and depression. During manic episodes, he experiences inflated self-esteem, decreased need for sleep, and rapid speech. The most likely diagnosis is:

- A. Major depressive disorder B. Bipolar disorder
C. Schizophrenia D. Generalized anxiety disorder

Question 10:

A 65-year-old man presents with gradual loss of central vision in both eyes. On ophthalmic examination, he has drusen deposits in the macular region. The most likely diagnosis is:

- A. Cataract C. Diabetic retinopathy
B. Glaucoma D. Age-related macular degeneration

Answers for Quiz : On Page No. : 43

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Prepare your child for the road

In our society we are seeing more and more children's and adults committing suicides, taking paths of crime or shortcut, leaving their family in time of distress and committing domestic violence. If we ask someone we will get different answers and different solutions. But I believe problem lies in path parents take during the child's upbringing.

Let me elaborate

There are four types of Intelligence:

- 1) Intelligence Quotient (IQ)
- 2) Emotional Quotient (EQ)
- 3) Social Quotient (SQ)
- 4) Adversity Quotient (AQ)

1. **Intelligence Quotient (IQ):** this is the measure of your level of comprehension. You need IQ to solve maths, memorize things, and recall lessons.
2. **Emotional Quotient (EQ):** this is the measure of your ability to maintain peace with others, keep to time, be responsible, be honest, respect boundaries, be humble, genuine and considerate.
3. **Social Quotient (SQ):** this is the measure of your ability to build a network of friends and maintain it over a long period of time.

People that have higher EQ and SQ tend to go further in life than those with a high IQ but low EQ and SQ. Most schools capitalize on improving IQ levels while EQ and SQ are played down.

A man of high IQ can end up being employed by a man of high EQ and SQ even though he has an average IQ.

Your EQ represents your Character, while your SQ represents



your Charisma. Give in to habits that will improve these three Qs, especially your EQ and SQ.

Now there is a 4th one, a new paradigm:

4. The Adversity Quotient (AQ): The measure of your ability to go through a rough patch in life, and come out of it without losing your mind.

When faced with troubles, AQ determines who will give up, who will abandon their family, and who will consider suicide.

Parents please expose your children to other areas of life than just Academics. They should adore manual labour (never use work as a form of punishment), Sports and Arts.

Develop their IQ, as well as their EQ, SQ and AQ. They should become multifaceted human beings able to do things independently of their parents.

Finally, do not prepare the road for your children. Prepare your children for the road.

Answers for Quiz :

(1) D, (2) C, (3) A, (4) A, (5) C, (6) B, (7) D, (8) A, (9) B, (10) D

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LIABILITY IN MEDICAL NEGLIGENCE

DR. NIDHI BHATNAGAR, MD

(PG Diploma in Medical Law, Policy & Ethics)

PROFESSOR & HEAD DEPARTMENT OF TRANSFUSION MEDICINE

B J MEDICAL COLLEGE, AHMEDABAD

1. The Legal Relationship between a Doctor, a Patient, and Hospital

The Doctor–Patient Relationship is a type of Contract for professional services, hence doctors come under the Consumer Protection Act. A contract for medical treatment may be expressed or implied. Still, taking proper informed consent is a part of the duty of medical practitioner.

The Hospital–Patient Relationship is also to be understood that the hospital has come duty of care towards the visiting patients.

2. Negligence

In common language, negligence can be termed as “Carelessness” or a “Breach of a duty” or “Failure to execute” or “an act which causes some harm or bodily injury or death of patient”.

Acts contributing to Negligence could be -

- a.) Act of Commission- Doing something a reasonable man would not do
- b.) Act of Omission- Not doing something that a reasonable man would do under a circumstance

Some acts amounting to Negligence

- a.) Failure to attend patient
- b.) Failed tubectomy procedure
- c.) Object left in abdomen after laparotomy
- d.) Wrong injection given
- e.) Wrong drug prescribed
- f.) Contaminated blood transfusion



3. Ingredients of Medical Negligence

For an act to be classified as Medical Negligence, the following 4 “D”s need to be established-

- a.) Duty of care
- b.) Dereliction of Duty of care (Breach of Duty)
- c.) Direct Causation
- d.) Damage

However, a medical practitioner will be held liable for negligence only in circumstances when his conduct falls below the standards of a reasonably competent practitioner. In a doctor-patient relationship, doctor is expected to discharge his duty of care owed to the patient all through the relationship. If he falls short to discharge that duty of care, he would be held guilty of negligence. This failure in providing standard of care is technically referred to as “breach of duty”.

Hence, a reasonable degree of care and skill should be exercised by the doctor while treating a patient

The criteria to be applied for judging, whether doctor has been negligent or not, would be that of an ordinary competent person exercising ordinary skill in that profession. When there are varied views as to what is an acceptable standard of conduct, the competence of the doctor is to be judged by the lowest standard that would be regarded as acceptable.

The next criteria in establishing negligence is “Direct Causation” which means that the breach of duty must be a proximate cause of the injury and Damage. Without damage, there is no basis for claim, hence, no liability.

If anti hypertensive drug is given by mistake, but there is no major change in BP, then no likely damage, hence, no liability.

To establish hospital negligence

- 1. An employee- employer relationship must be there
- 2. The conduct should be within the scope of his employment
- 3. The negligence occurred while on the job

4. Liability- Civil or Criminal

Usually, medical negligence is liable under Civil law/ Tort Law. The gold standard procedure adopted by lawyers to explain the concept of duty of care owed by doctor towards his patient is in the following three stages-

- a.) Accepting the patient for treatment- Every professional is endowed with an inherent privilege of choosing his client for providing the respective service. However, the doctor has such a privilege only in non emergency situations. In emergency cases, doctor cannot refuse to treat patient.
- b.) Deciding the course of treatment- As a qualified professional, the doctor is competent to decide the course of treatment if more than one options are there for treatment.
- c.) Actual administration of treatment- During this stage, the doctor has to exercise a reasonable standard of care.

The amount of damage incurred determines the extent of liability in Tort. To fasten liability in criminal law, the degree of negligence has to be higher than that of negligence. The essential ingredient of mens rea cannot be excluded from consideration when the charge in a criminal court consists of criminal negligence.

In criminal law, it is not the amount of damage, but the amount and degree of negligence that is determinative of liability. Thus, a clear distinction exists between 'simple lack of care' incurring civil liability and 'very high degree of negligence' which is required in criminal cases.

Tortious Liability

Doctrine of “**Res Ipsa Loquitur**” (“Thing speaks for itself”):

Here, patient need not prove the negligence, as the evidence of negligence is can be seen. For example-

1. Forgotten instruments
2. Operating wrong patient or wrong part



5. Defences against Medical Negligence

In court of law, the doctor has some defences to prove his innocence in cases of medical negligence.

1. Calculated Risk Doctrine

There is a documented element of risk in all surgeries or procedures which is very well explained to patient before the procedure at the time of taking consent. Harm or injury may occur even though reasonable skill and care has been taken.

Eg- Patient dies during cardiac surgery (5-10%)

2. Contributory Negligence

This means that there is some unreasonable conduct on the part of the patient which is combined with doctor's negligence causing injury or harm to the patient.

Eg- Patient does not give history of drug allergy

Usually, this is partial defence as the court says that it is duty of doctor to see whether the patient is following his instructions.

6. Vicarious Liability

This is also called as **"Captain of the ship doctrine"**. It basically means, liability for an act of others. The final responsibility lies on the superior/ hospital/ head of department, for the act of the subordinate.

Corporate Negligence means failure of hospital to provide adequate facilities, or not providing standard equipment and competent employees which ultimately effects patient care. Here, the hospital is liable for the damages.

The doctor cannot be held liable in following cases-

- a.) Misadventure
- b.) Mischance/ Maloccurrence/ By Accident
- c.) Act of God
- d.) Error of judgement in choosing one treatment option over another
- e.) No evidence of breach of duty

Eg- Amniotic fluid embolism after CS



Differences of opinion and practice exist, and will always exist, in medical as in other professions.

7. Remedies

Breach of duty by a professional would be termed as Professional misconduct; which for medical practitioners is governed by the Indian Medical Council (Professional Conduct, Etiquette, and Ethics) Regulations, 2002, made under Indian Medical Council Act, 1956.(Now, National Medical Commission)

The Medical Council of India(Now NMC) and the appropriate State Medical Councils are empowered to take disciplinary action whereby the name of the practitioner could be removed forever or be suspended.

In cases of Civil negligence, doctor has to pay damages. In cases of Criminal negligence, doctor is held under Section 304A IPC which is 2 years imprisonment and/or fine.

To conclude, a medical practitioner is not to be held liable simply because things went wrong from mischance or misadventure or through an error of judgment in choosing one reasonable course of treatment in preference of another. A medical practitioner would be liable only where his conduct falls below that of the standards of a reasonably competent practitioner in his field.

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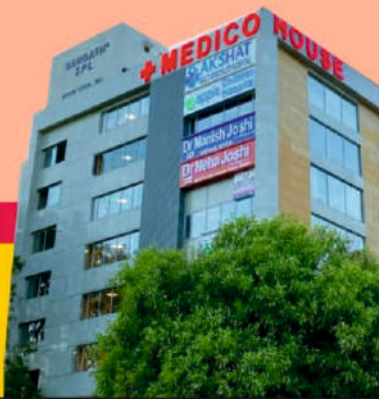
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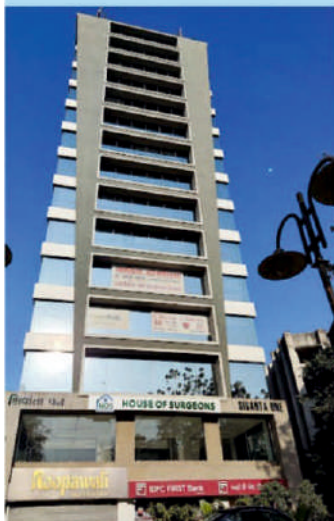
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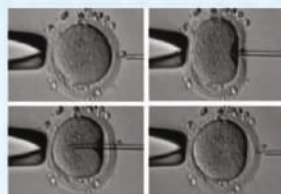
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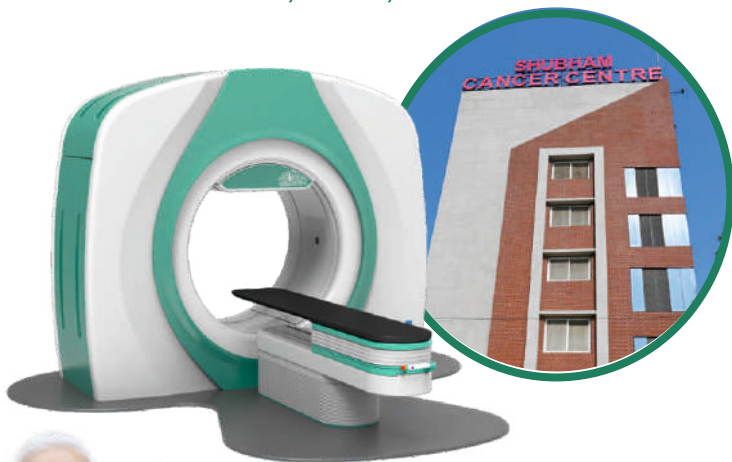
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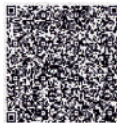
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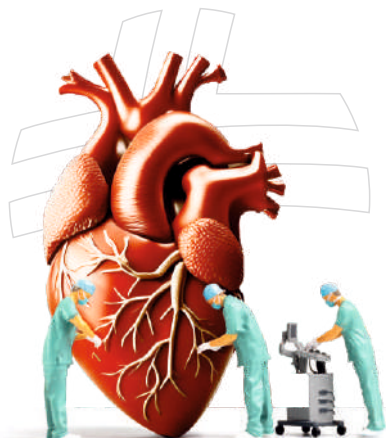
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