

Minutes of meeting of MLSI dated 01 August 2023

Online meeting of MLSI was organized on Tuesday 01 August 2023. It was attended by

Dr. Nitin Dhande	Dr. Shivkumar Kumbhar
Dr. Pratibha Kane	Dr. Ajay Gangoli
Dr. Lalit Kumar	Dr. Suresh Vasistha
Dr. Abhay Shahapurkar	Dr. Rishabh Rana
Dr. Milind Joshi	Dr. Mahesh Sinha
Dr. Rahul Agrawal	Dr. Jayanti Ghosh
Dr. Jayprakash Gallpalli	Dr. Shri Gopal Kabra
Dr. Harish G	Dr. Rajeev Joshi
Dr. Ashish Khatod	

Apologies for missing the names of attendees who joined in between and stayed for a while and left the meeting. Following points were discussed during meeting :

1. Dr. Pratibha Kane narrated a case of medical negligence disposed by NCDRC in favor of complainant and pointed out that in this case incident happened in 1993 in Kerala. NCDRC held the anesthesiologist liable on the basis of an expert committee opinion which held the doctor negligent by applying such norms and standards which exist in AIIMS in 2009.
She further shared one more case of medical negligence. This incident happened in Mumbai in which SCDRC held an anesthesiologist liable and later on after 16 years this order was struck down by NCDRC. She pointed out that in spite of there was organizational failure and contributory negligence by a gynecologist only the anesthesiologist had to suffer and fight for 16 years.
Dr. Joshi requested Dr. Kane to formulate the facts in tabular form highlighting the discrepancies and such illustrations will definitely help us to convince the authorities about the need for a medical tribunal.
2. Dr. Lalit Kumar described in brief about the contents draft of the Medical Tribunal of India. He informed that provisions prescribed in the draft were imported from various data available globally including our neighboring country Pakistan. He said that a medical tribunal exists in Pakistan. He requested members to go through the draft and give their feedback/ inputs / suggestions on it. Dr. Joshi appreciated the efforts taken by Dr. Lalit Kumar. He informed members about work done by Dr. Lalit Kumar about Medical negligence rules and cases of violence against doctors in the state of Bihar and suggested that we should use his experience and guidance in advocacy for achieving our

objective. Dr. Lalit Kumar again requested to give critical suggestions so that a balanced draft can be submitted.

3. Dr. Joshi informed the members about the upcoming LAMP course which we are planning to start from next month . He requested members to come forward for participating in the course as faculty or moderator of panel discussion.
4. Regarding the guidelines for expert opinion, Dr. Gangoli said that he left the document unstructured which was later on converted into structured format by Dr. Joshi. On this Dr. Joshi asked for the opinion of members on which format should be finalized. It was decided that let the document be unstructured and give only points on which report is expected.

Dr. Kumbhar suggested that the registration details of doctor and hospital should be added in the draft/ template to which all agreed. It gave rise to a new question that if a doctor or hospital is not registered then whether we should give expert opinion or should not give. There were mixed responses which again gave rise to various new questions. It was decided that we have to collect information from the doctor who wants to get expert opinion such as

- a. MBBS degree certificate
 - b. Registration certificate of medical council
 - c. Renewal of medical council registration
 - d. Post graduate degree certificate / super specialist qualification
 - e. Registration of post graduate degree with medical council
 - f. Experience of the doctor
 - g. Registration of hospital where the mishap took place
 - h. Renewal of registration of the hospital
 - i. Special training taken
 - j. Justification for competence to treat the patient under consideration
 - k. Whether the doctor followed certain guidelines
 - l. Was there any deviation from the guidelines
 - m. Circumstances for deviation (e.g. MBBS doctor doing LSCS in rural hospital)
5. Accordingly it was decided to prepare an application form to be filled in by a doctor requesting expert opinion, to which he may attach self attested copies of the necessary documents. This will help the experts to give a considered opinion.

Meeting concluded at 1030 pm with decision to meet again on 15th August 2023