

PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR, ISLAMABAD

Rep. No.138/WM/2022
Date of Decision: 03.02.2023

Mst. Zulekha Roshan Vs Pakistan Institute of Medical Sciences

REPRESENTATION FILED BY MST. ZULEKHA ROSHAN AGAINST THE ORDERS OF THE WAFaqI MOHTASIB IN COMPLAINT NO.WMS-HQR/0005905/21

Kindly refer to your representation addressed to the President in the background mentioned below:-

2. This representation has been filed by Mst. Zulekha Roshan (the complainant) assailing the orders dated 20.10.2021/ 07.01.2022 of the Wafaqi Mohtasib. In the original order dated 20.10.2021 it has been held as under:-

“Arguments heard and record made available by the parties critically examined. Perusal of the record revealed that:-

- i. The patient first visited the PIMS on 06.11.2013 and revisited for investigation in the Laboratory on 08.11.2013 and was discharged on the same day. He was duly referred for emergency treatment at Shifa International Islamabad on 09.11.2013. He again visited the PIMS Courtesy Centre on 21.05.2014 to resume his medical treatment. The appointment slip No.PCN No.P-11/13-13149 available in the record revealed that it was issued at 1339 hrs just 21 minutes short of official closure hours of the OPD. Therefore, the allegation of subjecting the patient on the wheelchair to wait is unpalatable in view of the documented evidence.*
- ii. The patient did not turn up next day and started private medical treatment without formal referral letter from the authorized medical attendant. The Medical Summary as recorded in detail by the Shifa International Hospital on 24.02.2021 distinctly revealed that the patient was suffering from multiple physical and psychological (hypertension, diabetes, hemorrhage and depression) disease since 15.02.2008. He was a regular and follow up visitor of the ENT and Neurosurgery department of the Hospital for medical treatment till his death on 10.01.2019. The frequency of his visits is sufficient to prove that the family preferred private medical care to that of public sector hospital where he was entitled for free treatment. Therefore, the questions of maltreatment during couple of odd visits does not arise.*
- iii. Issuance of appointment slip at the closure of OPD timing does not entitle the patient to arbitrarily resort to private medical treatment without referral letter. The clause 16 of the guidelines issued on 16.03.2006 by the then Ministry of Health stipulates that emergency treatment in private medical hospitals shall only be allowed by Authorized Medical Attendant and subject to submission of emergency certificate from the treating doctor. The complainant failed to produce the required certificate on the date of visit i.e. 21.05.2014 of his late father to the OPD.*
- iv. The complainant's husband failed to reconstruct his medical record when he approached the Deputy Director OPD on 14.11.2018 for reimbursement of medical claim to the tune of Rs.98,898/-, almost 04 years later to his last recorded visit to the OPD of PIMS.*
- v. The duty staff in a statement dated 06.10.2021 confirmed that no such incident happened in the past nor the patients as per SOP are kept waiting for the doctor for more than 15 minutes if they are around in the Courtesy Centre.*

- vi. *The complainant has not produced any medical rules which allow reimbursement of medical expense incurred on the treatment of her late husband from a private hospital without referral from the authorized medical attendant.*

In view of the foregoing, the complainant has failed to establish mal-administration on the part of the Agency and the complaint is rejected in terms of Regulation 23(3) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.”

3. The complainant preferred a review petition that was disposed of vide order dated 07.01.2022 in the following terms:-

“As for verification of medical bills, admittedly the patient was not referred to get treatment from Shifa International Hospital, as the slip (P-11/13-13194) was totally blank in this regard. As regards medical examination of the patient, there were two options, either leaving the PIMS by the patient without getting medically examined or non availability of Consultant at the Courtesy Centre for the purpose. Since presumption cannot be drawn on either of the said two options unless evidence of the parties is recorded which is the domain of a court of competent jurisdiction and not this Office to reach at just conclusion of the matter. More so, determining compensation/ damages is also the domain of the court, if it is proved before the court that the patient was not medically examined by the Consultant.

In view of the preceding para, the original Findings dated 20.10.2021 are recalled and the complaint is disposed of in the following terms:

- (i) *Verification of the medical bills cannot be done as the patient was not referred by the PIMS to Shifa International Hospital.*
- (ii) *The complainant may approach the court of competent jurisdiction to prove that patient namely Dr. Roshan Ali Sayyal was not medically examined by the PIMS Consultant at the relevant time to justify her claim of compensation/ damages.”*

4. The complainant had alleged that her late husband was a chronic patient of brain hemorrhage and tracheostomy and was kept waiting for 3-hours in the OPD of the Pakistan Institute of Medical Sciences – PIMS (the Agency) when he visited to resume his mandatory treatment after availing 1st referral to the Shifa International Hospital at the recommendation of the Agency’s Consultant despite prior appointment obtained on 21.05.2014 from the Agency’s Courtesy Centre. She had further alleged that the Agency had refused to endorse prescribed medical proforma for reimbursement of medical expense incurred in the 2nd phase of the treatment from Shifa International Hospital which was necessitated due to critical medical history of her husband reflected in the Emergency Room Certificate and Discharge Summary of the Agency. Feeling aggrieved, he approached the learned Wafaqi Mohtasib who passed the impugned orders, hence the instant representation.

5. The case was fixed for hearing on 19.01.2023. Waseem Roshan son of the complainant has attended hearing whereas no one appeared on behalf of the Agency despite notice. The representation is being decided in view of Section 15 of the Federal Ombudsmen Institutional Reforms Act, 2013 which reads as under:-

“It shall not be necessary for the President or the Ombudsman to give personal hearing to the parties and the matter may be decided on the basis of available record and written comments filed by the Agency”.

The law thus empowers the decision of a representation without personal hearing of the parties, on the basis of available record. It is undoubtedly a case of that nature.

6. The representative of the complainant has contended that his father suffered +CVA Brain Hemorrhage in October 2013 being referred from Hill Park Hospital, Karachi to PIMS/ the Agency after completion of Tracheostomy Procedure and remained under the basic care in SICU of the Agency from 06.11.2013 to 09.11.2013; that due to his debacle condition, the concerned Neurology of the Agency literally failed to follow SOPs yet mishandled the matter which caused much critical condition of the

patient and thereafter on intervention of a Federal Additional Secretary, a referral letter was issued by Dr. Mazhar Badshah for shifting of patient from PIMS to Shifa Hospital, Islamabad; that Referral letter was misplaced due to shifting of residence from one place to another; that in 2019 after filing of Representation to the Hon'ble President of Pakistan, the Agency issued duplicate Referral letter on 16.11.2020; that despite placement Referral letter of the Agency and emergency certificates of Shifa International Hospital, Islamabad dated 09.11.2013, 29.11.2013 and 10.01.2019, the Agency had declined to verify Medical Reimbursement claim and that the instant representation may be accepted by setting aside the impugned orders of the Wafaqi Mohtasib.

7. After perusal of record, it has been observed Duplicate Referral Letter dated 16.11.2020 was issued by PIMS on submitting Affidavit of the complainant; thus refusal to verify medical claim of Rs.98,898/- is not understandable. The representation deserve to be accepted with direction to the Agency to verify the medical bill within 15-days.

8. In view of the above, the Hon'able President has been pleased to accept the instant representation by setting aside the impugned orders of the learned Wafaqi Mohtasib in terms of para-7 above.

-Sd-
(Asghar Ali)
Director (Legal)

Mst. Zulekha Roshan Wd/o Dr. Roshan Ali,
R/o House No.954, Street No.91,
Sector I-8/4, **Islamabad.**

The Executive Director,
Pakistan Institute of Medical Sciences (PIMS),
Islamabad.

Copy to:

- i. The Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Constitution Avenue, Islamabad.
- ii. The Secretary, Ministry of National Health Services Regulations & Coordination, 3rd Floor, Kohsar Block, Pak Secretariat, Islamabad.