



भारतीय आयुर्विज्ञान परिषद्  
**MEDICAL COUNCIL OF INDIA**



पॉकेट - 14, सेक्टर - 8, द्वारका ए नई दिल्ली - 110 077  
Pocket - 14, Sector - 8, Dwarka, New Delhi - 110 077

Platinum Jubilee  
(1933 - 2008)

No. MCI - 211(2)(272)/2012-Ethics/

110032-110100

Date:

30/5/14

The Registrar,  
All State Medical Council,

The Director,  
All the Director of Medical Education,

The Director Health Services (With request to inform all CMOs/ Civil Surgeon)  
All State Government



**Subject: - Appeal dated 01.11.2012 filed by Sh. Sudhir Kumar Shrivastava against the order dated 03.08.2011 passed by U. P. Medical Council- Req.**

Madam / Sir,

I am directed to inform you that the above matter was considered by the Ethics Committee at its meetings held on 21<sup>st</sup> & 22<sup>nd</sup> February, 2014 and the following recommendation of the Ethics Committee was approved by the Executive Committee at its meeting held on 16<sup>th</sup> April, 2014:-

*"The Ethics Committee considered the appeal filed by Sh. Sudhir Kumar Shrivastav dated 01.11.2012 against Order dated 03.08.2011 passed by UP Medical Council and noted that both the parties i.e Appellant, Sh. Sudhir Kumar Shrivastava and Respondent, Dr. Vipul Shah have appeared before the earlier Ethics Committee for hearing in which Dr. Vipul Shah raised his objection before the committee that the Ethics Committee of MCI has no power to accept the appeal of complainant i.e. Sh. Sudhir Kumar Shrivastava. On which, the committee replied that under section 8.2 of the Ethics Regulations, the Council has the power to take up the appeal under reference.*

*Dr. Vipul Shah stated that he does not agree with the MCI Ethics Committee decision for calling him for hearing and requested before the Committee that he wanted time to take legal advise from his lawyer before appearing the Ethics Committee. The earlier Ethics Committee accepted the request of Dr. Vipul Shah and granted him three weeks time.*

*Both the parties i.e Appellant Sh. Sudhir Kumar Shrivastava and Dr. Vipul Shah, Respondent have appeared today before the Ethics Committee for hearing. The Ethics Committee heard the deposition of both the parties. The Appellant, Sh. Sudhir Kumar Shrivastava stated as under:-*

**"Statement of Sudhir Kumar Srivastav**

*I, Sudhir Kumar Srivastav, complainant r/o C-35, Kendriya Vihar, Sector-6, Jankipuram Extension, Lucknow-226021 complaint about death of my wife Lae Mrs.Nidhi Srivastav, who died due to wrong diagnosis and wrong treatment of Leflunomide by Dr.Vipul Shah., Lucknow.*

*My detailed allegations against Dr.Vipul Shah are enclosed.*

Sd/-  
(Sudhir Kumar Srivastav)"

**Dr. Vipul Shah, Respondent stated as under:-**

**Statement of Dr. Vipul Shah**

*I, Dr. Vipul Shah S/o Sh. Ashok Kumar Shah, R/o 204, Diamond Tower, Udaiganj, Lucknow. My date of birth is 08/03/1976 hereby solmenly deposing before the Ethics Committee on 22/02/2014 that:-*



भारतीय आयुर्विज्ञान परिषद्  
**MEDICAL COUNCIL OF INDIA**

75  
YEARS

पॉकेट - 14 सेक्टर - 8 द्वारका ए नई दिल्ली - 110 077

Platinum Jubilee

Pocket - 14, Sector - 8, Dwarka, New Delhi - 110 077

(1933 - 2008)

- (i) I have not brought my MBBS certificate from GSV Medical College, Kanpur. I started my MBBS in 1993 and passed my MBBS in the year 1999 and I am registered with UP Medical Council with registration No. 43665. I did my Postgraduation from MLN Medical College, Allahabad in 2003 and passed my surgery in 2003.
- (ii) I have not brought my certificate of registration in original/copy and also I have not regist my additional qualification.
- (iii) I have not undergone any fellowship in a teaching hospital or in univesity in India or outside India.
- (iv) I have not regsitered my PG qualification with the UP Medical Council or in any of the State Medical Council.
- (v) I do not have any written permission from American Academy of Cerebal Palsy and Developmental Medicine to put Logo on my prescription. I have put the address and e-mail of U.K and USA to enable my patients to contact me when I am outside the country.
- (vi) I practice in West Bengal and also in Delhi once in a month but I do not have registration from Delhi or West Bengal.
- (vii) I am also depositing my original PG degree certificate issued by Moti Lal Nehru Medical College and the MCI is free to verify the same from the concerned authority.

I further enclose herewith booklet page 1 to 93 containing certificate, report of expert committees and booklet no. 3 containing 35 pages of reply and annexures page no. 1 to 215 and book 2 has already submitted page 1 to 253.

**On examination, the Ethics Committee put some question which are as under:-**

(a) Were you aware that the patient has abnormal LFT at the first visit?

Ans.:- I was aware.

(b) What was the level of LFT derangement?

Ans.: SGOT was 137 and SGPT was around 121

(c) Whether you investigate the patient before starting Leflunomide and Salazopyrine?

Ans.: The patient brought with herself LFT test dated 21/10/2010 and in early autoimmune disease 50% patients are often negative on tests taking patient's attendant into confidence who was an old friend and he and his family was on DMARD treatment with me for a very long time. I did treat the patient clinically with the best interest of the patient in mine.

(d) Is Leflunomide in India approved for undiagnosed and unsuspected autoimmune arthritis?

Ans. : I do not know.

(e) Are you aware that Leflunomide is a liver toxic drug?

Ans.: Yes.

(f) Are you aware Nimesulide is a hepatotoxic drug?

Ans. : Yes, but I told the patient to take tramadol first.

(g) Why did you give two hepatotoxic drugs LFT to the patient in absence of any diagnosis?

Ans.: (a) I added L-carnitine to prevent hepatic injury.

(b) I did not give loading dose of Leflunomide and without loading dose it will take two months for the drug to start working. I did it in good faith after explaining everything to the patient's attendant.

(h) Whether you plead guilty in the treatment of patient?

Ans.: No, I did everything waying pros. and cons. with best interest of the patient at heart afterall I considered the attendant as my brother and I informed him everything.

(j) Finally do you plead guilty of ethical misconduct by practicing in various states without registration?

Ans.: Yes, I plead guilty to the same. As I have did not adequate information.

Sd/-  
(Dr. Vipul Shah)"



भारतीय आयुर्विज्ञान परिषद्  
**MEDICAL COUNCIL OF INDIA**

75  
YEARS

पॉकेट - 14 सेक्टर - 8 द्वारका ए नई दिल्ली - 110 077

Platinum Jubilee

Pocket - 14, Sector - 8, Dwarka, New Delhi - 110 077

(1933 - 2008)

*The Ethics Committee heard Dr. Vipul Shah at length on both the days of meeting and also took a view of his submissions. The Committee considered all the medical records and history of this case. The Committee after thorough discussion decided the following:-*

**(I) He was found guilty of the MCI Regulations, in view of the following:-**

- He has not been able to substantiate that he is a practicing Orthopaedician in Uttar Pradesh with a valid PG qualification and also registered with the UP Medical Council
- He is using a logo of American Academy of Cerebral Palsy and Developmental Medicine without any authorization.
- He has been misleading by his Letter Head whereby it seems that he is practicing in US and UK which was found to be not correct as he is neither registered with US Medical authorities nor UK.
- Letter Head contained misleading degrees which have not been approved by MCI which constitutes violation of MCI Regulations.

*Therefore, the Ethics Committee decided that he is guilty of professional misconduct and directs suspension of licence on the grounds of above lapses for a period of two years w.e.f. the receipt of the notice. The concerned State Medical Council(s) are also directed to make note of it and erase name of Dr. Vipul Shah.*

**(II) Patient's Management**

- Dr. Vipul Shah could not explain why he started Leflunomide Toxic in a Dengue fever case without further investigations. The patient ultimately died of toxicity as shown by subsequent treatment at other place.
- Dr. Vipul Shah could not justify why the patient with deranged LFT was given hepatotoxic drugs.
- The Ethics Committee endorsed recent guidelines that off label use of medicine cannot be given to the patient without proper counseling and consent.


*The Ethics Committee after taking view of the facts recommends suspension of Dr. Vipul Shah's licence on the grounds of above lapses for a period of three years from the date of receipt of letter.*

*Both the suspensions will run simultaneously and during this period if he is found practicing of medicine in any part of the country his license by the concerned State Medical Council will be liable to be suspended for another period of five years.*

*Copy of the above order will also be sent to all the State Medical Councils to give wide publicity including print media. The orders may also be sent to the Directors (Medical Education) of all the States including Civil Surgeons."*

This is for information and record of all concerned in respect of Dr. Vipul Shah.

Yours faithfully

  
(Ashok Kumar Harit)  
Deputy Secretary

राजस्थान सरकार  
चिकित्सा शिक्षा निदेशालय जयपुर

क्रमांक एफ.7 ( ) डी.एम.ई./एके./2014/ 920

दिनांक 25-6-14

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. निदेशक ( स्वास्थ्य कल्याण ) निदेशालय चिकित्सा एवं स्वास्थ्य सेवार्यें जयपुर।
2. समस्त प्रधानाचार्य मेडिकल कॉलेज जयपुर / अजमेर / कोटा / बीकानेर / जोधपुर / उदयपुर
3. रजिस्ट्रार, राजस्थान स्टेट मेडिकल काउन्सिल जयपुर।
4. रजिस्ट्रार, राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय जयपुर।

A. K. Dura  
25/6/14  
अति. निदेशक  
(चिकित्सा शिक्षा)

Sh. Tiwari I T.  
Please upload  
on website  
Sunil  
27/06/14