

MAHARASHTRA MEDICAL COUNCIL, MUMBAI

(Established by Government of Maharashtra under MMC Act, 1965)

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No./MMC/SOP/Complaint/Desk/2020/01540

Date :-06/07/20

To,
Mrs. Ruchi Mahadik,
Head Clerk cum cashier,
Maharashtra Medical Council, Mumbai

Mrs. Gauri Bhosale,
Computer Operator
Maharashtra Medical Council, Mumbai

Mr. Chinmay Wadekar,
Clerk-typist,
Maharashtra Medical Council, Mumbai

Ms. Anagha Prabhu,
Clerk-typist,
Maharashtra Medical Council, Mumbai

Sub: - To specify Standard operating procedure for complaint desk.

Whereas prescribing Standard Operating Procedure (SOP) for smooth functioning of complaint desk of the Council was under consideration. Therefore, now I am prescribing stepwise SOP as under: -

- Complainant files a complaint against the Registered Medical Practitioner (RMP) to initiate enquiry under section 22 of MMC Act, 1965 on MMC online complaint portal in prescribed format along with declaration as per Rule 62 of MMC Rule, 1967 and necessary documents. Once they submit complaint a system generated application number in generated against the complaint they have placed and an email is sent to complainant as an acknowledgement for future reference.
- Staff of the Council then put-up the entire complaint along with a note to President for his direction. President decided whether to call explanation or to file the complaint as no action. If President decided to ask explanation from the RMP, then staff sends a system generated e-mail to RMP in prescribed format calling explanation from them with a time limit of 14 days. If RMP fails to submit their explanation, then reminders shall be issued with a span of 7 days.

- After receipt of explanation from the RMP, the explanation along with file is put-up before the President for his directions. President gives direction to place the matter before Ethical committee for prima facie hearing or dismiss it on prima facie, after due perusal of the explanation.
- Once a complaint is marked to be placed before the Ethical Committee the Registrar decides the complaints to be placed for the hearing before the Ethical committee according to the priority of the complaint i.e. Complaints received from Government of Maharashtra and equivalent authorities, Medical Council of India and other State Medical Councils, nature of complaint etc. After that Index for meeting along with agenda (short case-wise summary) is prepared by the staff and hearing notice will be sent to both the parties (RMP and Complainant) by speed post or through e-mail accordingly.
- During the course of Ethical Committee, staff records the statement given by the both the parties along with the observation of the members of the Committee in brief. Ethical Committee after due enquiry can recommend Executive Committee for dismissal of the complaint (if committee do not find any medical negligence on the part of RMP), recommends Executive Committee to Frame Charges (if committee finds RMP has violated code of medical ethics), or Committee can adjourn the matter (if committee is not satisfied with one hearing or for submission of more evidence).
- After the Ethical Meeting, staff of the Council prepares Minutes of the meeting and circulate to all members of the committee after obtaining approval from Registrar. Staff also does the compliance, which includes calling papers/documents from parties or hospitals as per the directions of the Ethical committees.
- Matters referred by Ethical Committee to Executive Committee are placed in Executive Committee for approval (as per provision laid down in Rule 63 of MMC Rules, 1967). After obtaining approval from Executive committee appropriate action is taken i.e. Drafting of Charges Frame, Draft of Dismissal orders etc (as per Rule 65 of MMC, Rules, 1967). Staff prepares draft of Notice of Charges in form 18 (as per rule 67 of MMC Rules, 1967) and dismissal order and put up before the Registrar. After obtaining approval from the Registrar, staff arranges delivery of the letters through post or email.
- In case of Notice of Charges prepared as per the provision of Rule 67 of MMC Rules, 1967. The RMP is to put in his written statement of his defense within a period of not less than fifteen days or such other period not exceeding sixty days as may be permitted by the President. After receipt of reply within stipulated time, same shall be placed before the Executive Committee for further enquiry. Enquiry in the matter is conducted as per provisions laid down in Rule 71 of MMC Rules, 1967. During the course of enquiry of Executive Committee, staff records the statement given by parties along with the observation of the members of the Committee in brief. Executive Committee as per power offered by Section 22 of MMC Act, 1965 if RMP found guilty then Committee may :-

- i. Issue a letter of warning.
- ii. Removes the name of RMP from Medical Register for specific time period (Suspension).
- iii. Removes the name of the RMP from Medical Register permanently.

If Executive Committee found RMP innocent, then they may exonerate the RMP from the allegations leveled against them by the Council.

- Once a decision is made by the Executive Committee, staff of the Council prepares order as per the direction of the Executive Committee and put draft orders before the Registrar for approval. After obtaining approval from the Registrar, staff arranges to deliver the said order through speed post or through e-mail to the parties.
- The decision taken by Executive committee in any complaint shall be placed before the Council Meeting for post-facto approval. Council either approves the decision of Executive Committee or revert matter back to Ethical Committee in case of incomplete proceedings or natural justice is deprived from either party.

(Sanjay Deshmukh)

(Sanjay Deshmukh)

Registrar

Maharashtra Medical Council