

Who is Child Specialist/ Pediatrician?

After completing my MBBS in 1998, I did my three years DNB residency between 2001-2004. However, I have not been able to qualify my final DNB examination in Pediatrics till date, although my thesis has been accepted.

I am in extreme dilemma and require your guidance for my certain doubts about my work as a Pediatrician.

1. Can I write child specialist on my prescription?
2. Am I eligible to attend normal deliveries/LSCS in any nursing homes?
3. Can I give any legal opinion on any Pediatric case?
4. Can I admit and treat pediatric patients?
5. Am I eligible for senior residency in Pediatrics?

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Reply

1. A specialist is defined as one who learns more about less and less(1). A Pediatrician or "Child Specialist" means a doctor who has specialized in managing a child. As per the Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulation, April 2002 where Clause 7.20 says that, A Physician shall not claim to be specialist unless he has a special qualification in that branch.

Supreme court in its various judgment has made it clear that medical practitioners should practice within the scope of ones qualifications and skills, which means that if you are practicing beyond the scope of your qualifications and skills then you are a quack as is made amply clear in "Poonam Varma vs Dr. Ashwin Patel" judgment. An MBBS graduate who has studied Pediatrics and pediatric drugs is qualified as such for general practice but has insufficient skill and qualification as a specialist.

In another case, the Mumbai Suburban District Consumer Forum (K.M. Balagopalan & Mrs. Clara Balagopalan vs Dr. Amit M. Trivedi of Ashirvad Nursing Home & ICCU no. 351 of 2001 decided on 30/7/05) has observed that, merely attending seminars did not amount to possessing educational qualification. Doctor's claim to be a specialist amounts to a worst type of medical negligence, which in fact is a clear-cut case of malpractice(2).

2. You can not attend calls for delivery or LSCS as a specialist Pediatrician. But you can do it under the supervision/help of a DCH/MD/DNB.
3. Regarding your third query, the legal opinion can be given by anybody. But what we interpret from your question is probably can you give an authentic/expert legal opinion in Pediatrics cases. You are not in a position to give legal opinions as an expert in Pediatric cases.
4. We feel that there is no problem in admitting a child patient because even a MBBS graduate can manage/admit child. Timely referral after explaining the reasons for getting expert opinion may prevent many cases of negligence in day-to-day practice. This view was taken in Goswami vs Dr. Deepak II(2001) CPJ 374, in which patient became unconscious after appendectomy. There was cerebral stroke, cardiologist was called and patient was shifted to other hospital. It was alleged that the doctor was only MBBS. The court held that in this case doctor was competent and there is no evidence of wrong treatment.
5. Your query regarding senior residency in Pediatrics will depend on many factors; like availability of other graduates/PGs, vacancies and needs of the institute. Many times MCI considers/condones this, depending upon the situation. This is more an issue of judgment by an institution/Medical council rather than a legal issue.

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REFERENCES

1. Park K. Hospital Sociology. *In: Park's Text Book of Preventive & Social Medicine*, Park K (ed). 18th edn. Jabalpur, M/s Banarsidas Bhanot; 2005, p 508-511.
2. Gai J. Attending seminars does not make a doctor a specialist. *The Times of India*, 2005; 3rd September. Mumbai, p 5 (Col.1-2).

***Note:* Members may send med-leg problems to Dr. Satish Tiwari, Secretary Med-legal group of IAP. Letter and the reply may be published in the Indian Pediatrics, if suitable. (Identity may not be revealed, if desired).**
