

## **Health Practitioners Disciplinary Tribunal**

### ***The Director of Proceedings v Bhatia – 12 February 2007***

On 30 January 2007 the Health Practitioners Disciplinary Tribunal upheld one charge of professional misconduct against urologist Dr Sajan Bhatia, who admitted that performing a partial cysectomy (bladder removal) instead of a total one on his patient, was an inadequate and appropriate response to a woman who had squamous cell carcinoma in the bladder and a large tumour.

In August 2003, Mrs Sheila Pearce, then aged 53, was urgently referred by her general practitioner to Dr Bhatia. She had been passing clots of blood, mucous and debris. She had a 15-year history of urine infections and difficulties with her bladder and had had to practise intermittent self-catheterization for some of this time. She had been seeing Dr Bhatia as an outpatient at Southland Hospital since July 1991.

On 3 September 2003, Dr Bhatia undertook a cystoscopy (an examination of the bladder), urethral dilation and bladder washout under general anaesthetic. A 2-3 cm x 2-3 cm tumour involving the anterior wall of the bladder was noted and biopsied by Dr Bhatia. Histological examination revealed an invasive keratinising (high grade) squamous cell carcinoma with muscle invasion. This meant that Mrs Pearce had an aggressive bladder cancer with a very high likelihood of similar changes in other parts of the bladder, and extremely poor prognosis.

On 9 September Dr Bhatia advised Mrs Pearce of the histological findings. A CT scan of Mrs Pearce's chest, abdomen and pelvis, on 12 September 2003 revealed no evidence of pelvic lymphadenopathy or extravesical disease (that is disease outside the bladder), but it showed a thick walled bladder and bulky uterus, secondary to fibroids.

On 7 November 2003 Mrs Pearce underwent a partial cystectomy. The tumour was seen to be occupying three quarters of the bladder wall. The removed tissue contained a 6 x 9cm portion of bladder wall. This contained a 6cm area of ulceration in the centre with a necrotic base. The resection of the tumour left 25% of the bladder. This meant that the chance of Mrs Pearce ever having a good functional bladder again was unlikely.

Histology confirmed a poorly differentiated squamous cell carcinoma with squamous metaplasia of the remaining bladder mucosa. The margins of the removed bladder tissue were positive for tumour indicating that the tumour removal had been incomplete.

Mrs Pearce made an uneventful post-operative recovery, and was followed up with radiation and chemotherapy from 5 January 2004 to 19 February 2004 at Dunedin Public Hospital.

Mrs Pearce subsequently saw Mr Bhatia complaining of lower abdominal pain and had a CT scan in March 2004, when she was found to have a fistula. Mr Bhatia subsequently operated on Mrs Pearce to explore the fistula.

The patient's condition progressively declined and she died on 27 August 2004.

The Tribunal referred to the expert opinions of urologists Professor John Nacey and Dr Michael Rice, including the expert evidence that transitional cell carcinoma of the bladder is more common than squamous cell carcinoma and that the only acceptable treatment option was a total cystectomy. It concluded that all of the expert evidence shows that there was no other option for Mrs Pearce by to have a total cystectomy and that the failure to perform this constituted conduct which falls far short of that to be expected of a reasonably competent urologist and that it was malpractice (neglect of a professional duty) and negligence (a breach of duty in a professional setting). It considered that a finding of professional misconduct was needed to protect the public, maintain professional standards and punishing the practitioner.

Dr Bhatia was censured, fined \$5000.00 and ordered to pay 30% of the costs of the investigation and prosecution. He was also ordered to practise under conditions that he join a peer review group, undergo a clinical audit and practise under the supervision of a urologist. Interim name suppression was lifted.