



Comisión Nacional de los Derechos Humanos

México

Recommendation 014/2010

The following is a synopsis of the recommendation emitted by the CNDH . The complete version may be consulted on this institution's web page.

Mexico City, March 22, 2010

Subject: Regarding the case of Medical Malpractice at the National Institute of Pediatrics

Authority Responsible:

Director of the National Institute of Pediatrics

The facts were reported to the National Institution on April 15, 2009 when Q1 filed a complaint in which he stated that V1, a 12-year-old minor, was diagnosed with chronic kidney failure. Q1 took him to the National Institute of Pediatrics (INP) in Mexico City, Federal District so that he could be cared for. To that end, on March 2, 2009, at approximately 10:30 a.m., he arrived at the emergency room of the INP, where V1 was received and appraised by the attending physician, who upon examining him and verifying his state of health, recommended to Q1 that V1 should remain at the hospital for observation purposes.

In this context, the doctor who examined him upon arrival in the emergency room referred him to the head nurse for admittance. The head nurse asked Q1 for V1's personal information and explained that it was not the National Institute of Pediatrics' responsibility to treat him as he lived in the state of Michoacán. By the same token, Q1 said after that insisting he be treated, they remained in the hospital for over seven hours, during which V1 sat on a bench of the aforementioned emergency room, where other doctors checked him, took X rays of his thorax and an electrocardiogram, realizing that V1 suffered from a heart injury caused by a kidney problem, hence suggesting that he be examined by a nephrology specialist.

Once V1 was examined by the nephrology specialist, the INP's personnel informed Q1 that V1 needed attention in a second-level hospital as in that hospital they only had third-level services, and suggested that they went to a hospital in Morelia, Michoacán, for that purpose.

Finally, Q1 stated it was necessary to pay \$245.00 pesos for V1's alleged hospitalization and due to the lack of attention on the part of personnel from the INP, they went back to Morelia, Michoacán, where V1 died on March 14, 2009.

Due to the above, the Mexican National Human Rights Commission noted that the public servants responsible for the medical attention given to V1 provided a deficient service and did not consider his symptoms a medical emergency that

needed the administration of acute peritoneal dialysis treatment, violating the provisions of Articles 4, third paragraph and 14, second paragraph, of the Political Constitution of the United Mexican States; 32, 33 sections I and II, and 50 of the General Health Law; as well as contents in Operating Procedure Manuals and Working Instructions of the Medical Division and Critical Medicine of the National Institute of Pediatrics.

For these reasons, Mr. General Director, the Mexican National Human Rights Commission requires you carry out the following:

Recommendations

FIRST. To instruct whomever it may concern so that the pertinent measures be taken to redress the damages caused to V1's family, as a result of the institutional responsibility incurred upon by the doctors that examined him at the National Institute of Pediatrics, by virtue of the considerations set forth in this recommendation, through the corresponding compensation, if requested and applicable, as well as adequate psychological care for V1's family members for as long as necessary, sending proof of compliance to the National Institution.

SECOND. To cooperate fully with the Mexican National Human Rights Commission in the filing of the complaint brought before the Internal Control Body of the institute against the doctors who examined V1 and send proof of compliance to the national institution.

THIRD. To instruct whomever it may concern to design and implement an integral training and instruction program on human rights, with special emphasis placed on the content, handling and observance of the Official Mexican Standards on health matters and the Operating Procedure Manuals and Working Instructions of the Medical Division and Critical Medicine of the National Institute of Pediatrics. The purpose of this is to ensure that the public services provided both by the physicians and nurses comply with the legal framework and proper administrative practices that they should observe in the performance of their duties to ensure that specific intervention protocols are applied and therefore, acts such as those which gave rise to this statement are prevented, and proof of compliance is sent to this National Institution.