



Comisión Nacional de los Derechos Humanos

México

Recommendation 016/2010

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, April 23, 2010

Subject: Case of medical malpractice to the detriment of V1

Authority Responsible:

Person in charge of the General Directorate of the Institute of Social Security and Services for State Employees (ISSSTE)

The events took place on May 22, 2009 when V1 (a 71 year-old woman) arrived for medical consultation at the Regional Hospital of the Institute of Social Security and Services for State Employees (ISSSTE), located in the city of Mérida, state of Yucatán, where she was checked by AR1 who then scheduled her entry into the hospitalization area to carry out a surgical procedure as part of her treatment for a left subdural hematoma (SDH) (intracranial blood clot).

On May 28, 2009, at approximately 6:30 a.m., V1 was taken to the operating theater and around 2:00 p.m. of the same day, the operation having concluded, she was transferred to the corresponding recovery area. However, Q1 noticed that V1, who remained asleep, was making strange sounds on breathing. She then asked a nurse to have her symptoms appraised; a few minutes later, she stopped breathing, so she was taken urgently to the operating theater once again. At this time, another doctor informed Q1 that in view of the fact that V1 was again showing signs of intracranial blood collection, it was necessary to operate again to drain the blood.

At 4:00 p.m., V1 entered the operating theater and at around 5:30 p.m., a doctor, apparently an intern, informed Q1 that V1 showed serious complications. In light of these events, Q2 requested the intervention of the Human Rights Commission of the State of Yucatán, a public body which, by reason of its competence, sent the respective file to the Mexican National Human Rights Commission on June 23, 2009 in order to have the events investigated.

From the logical juridical analysis carried out on the evidence that forms the file, the Mexican National Human Rights Commission has elements that prove the violation of the right to protection of health to the detriment of V1, attributable to civil servants from the ISSSTE.

Recommendations

FIRST. To instruct whomever it may concern so that suitable measures are taken to redress the damages caused to V1's family members as a result of the institutional responsibility incurred by physicians of the Institute of Social Security and Services for State Employees who examined her, by virtue of considerations set forth in this recommendation, through the necessary support for V1's sustenance as well as medical care and rehabilitation treatment for as long as necessary, and send this National Institution proof of compliance.

SECOND. To instruct whomever it may concern so that in the hospitals of the Institute in your charge, and especially in the Regional Hospital located in Mérida, Yucatán, comprehensive training and instruction programs on human rights are designed and implemented, with special emphasis on the content, handling and observance of the Official Mexican Standards on health matters so that the public service provided both by the physicians and nurses complies with the legal framework and proper administrative practices that they should observe whilst performing their duties. This should be done to ensure that specific intervention protocols are applied and thus, acts such as those which gave rise to this statement are prevented, and that proof of compliance is sent to this National Institution.

THIRD. 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 physicians who took part in V1's treatment, and to send requested proof of compliance to the National Institution.

FOURTH. Due collaboration be provided in the investigations derived from the complaint relative to the facts that the Mexican National Human Rights Commission submits to the Office of the Attorney General of the Republic, as it involves federal civil servants, and to send this National Institution proof of compliance as requested.