



# Comisión Nacional de los Derechos Humanos

## México

### **Recommendation 035/2010**

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, June 16th, 2010**

**Subject: About the case of inadequate medical attention at the Issste's general hospital no. 26 to the detriment of V1**

**Authority responsible:**

**Head of General Management at the Institute of Social Security and Services for State Employees**

This complaint refers to two different events to the detriment of V1 which were attended at "Doctor Carlos Calero Elorduy" General Hospital No. 26 of the Institute of Social Security and Services for State Employees (Issste) in Cuernavaca, Morelos.

The first took place on October 7th 2007 when V1, a 41 year old woman, was interned at the aforementioned General Hospital in order to undergo a simple hysterectomy, which was performed on the 8th of October 2007 by AR1; however, given that this doctor mistakenly stitched her right ureter, she was operated on again on the 19th of October of that same year, this time by another doctor who, through the appropriate procedure, inserted a double "J" catheter and removed the two stitches which were erroneously made by AR1. She was released on October 22nd 2007 and her health was stable. The second event took place on February 25th 2009, when V1 entered the emergency room of this General Hospital because of abdominal pain. Once there she was interned and then diagnosed with an ovarian cyst on the 27th of February of that same year. This cyst was surgically removed on March 5th by AR2; however, the cyst (a 10 x 8 cm tumor) burst during the intervention and released fluids within her pelvic cavity which meant she had to be cleaned and a sample of this fluid was sent to the Pathology lab to be analyzed. Once the surgery was over, a "penrose" (a drainage catheter) was left in place to drain any remaining fluids from her pelvic cavity, causing her to be released on March 9th, 2009.

V1 pointed out that, given the inadequate attention provided by AR2, who perforated her large intestine during the surgery he performed, Issste doctors told her that she would have to use a "Hartmann" bag for the rest of her life as a result of the colostomy she was subjected to, thus affecting her life plan considerably.

From the logical juridical analysis performed on the entirety of the evidence which makes up the file, the Mexican National Human Rights Commission has sufficient

elements to confirm the transgressions of the right to the protection of health and to a life plan to the detriment of V1, attributable to civil servants of the Issste.

Therefore, the Mexican National Human Rights Commission issues the following:

### **Recommendations**

First. Instruct whomever is responsible in order to take the necessary steps to repair and pay compensation for the damages caused to V1, resulting from the institutional responsibility incurred upon by the doctors of the Institute of Social Security and Services for State Employees who treated her, following the considerations set forth in the body of the current recommendation, through the provision of medical attention and rehabilitation for as long as necessary, sending proof of compliance to the National Commission.

Second. Issue instructions to whomever it may concern in order to ensure that within Institute hospitals, and particularly at General Hospital No. 26 “Dr. Carlos Calero Elorduy” in Cuernavaca, Morelos, comprehensive training and educational programs are developed and given on the content, management, and observance of Official Mexican Norms concerning health, so that the public service which is provided by doctors as well as nursing staff is adjusted to suit the legal framework and administrative best practices that should be observed in performing their functions, guaranteeing that intervention protocols are applied precisely and thereby avoiding actions such as those that led to the present declaration. Proof of compliance should be sent to the Commission.

Third. Cooperate fully with the Mexican National Human Rights Commission in the presentation and processing of the complaint presented before the Institute’s Internal Control Body against the doctors involved in the treatment of V1, sending proof of compliance to the Commission as required.

Fourth. Duly cooperate in investigations arising from the complaint, which the Mexican National Human Rights Commission will present before the Attorney General’s Office in light of these events, as the case involves federal public servants. Submit to the Commission proof of compliance as required.