



Comisión Nacional de los Derechos Humanos

México

Recommendation 48/2011

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, September 14th, 2011

SUBJECT: ABOUT THE CASE OF INADEQUATE MEDICAL ATTENTION AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES' (ISSSTE) GENERAL HOSPITAL IN TOLUCA TO THE DETRIMENT OF V1

AUTHORITY RESPONSIBLE: GENERAL DIRECTOR OF THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES

On the 18th of September 2008, V1, a 56 year old woman, began feeling sick whilst she was at home according to Q1. The symptoms she presented were influenza-like, fever, high blood pressure, intense headache and difficulty breathing, thus motivating her son to take her to the Institute of Social Security and Services for State Employees' General Hospital of Toluca in Metepec, within the state of Mexico. When she entered such hospital through the emergencies area, AR1, the medic who attended her, did not evaluate her properly and delegated her revision to a nurse who only took her blood pressure. As a result of her high blood pressure, she was given some kind of medicine to stabilize it and after approximately twenty minutes she was also given paracetamol, finally being diagnosed with a stomach infection and instructed to go home.

Subsequently, on September the 20th 2008 V1 was still feeling sick, prompting her relatives to take her to the emergency services of the Adolfo López Mateos Medical Center, a dependency of the Secretariat of Public Health of the state of Mexico, where she was interned. Her difficulty breathing was a result of her lungs collapsing and she therefore had to be sedated and connected to a medical ventilator; she was given medicines and oxygen at 100%; however, in spite of the treatment provided, the diagnosis was not encouraging; she was diagnosed with pneumonia as a result of the inadequate medical aid given to her days before at the ISSSTE's General Hospital in Toluca. She remained at the Medical Center for 20 days until she passed away on the 9th of October 2008.

From the logical-legal analysis performed on the entirety of the evidence which makes up the file initiated in response to the complaint lodged by Q1, the National Commission was able to gather sufficient proof to confirm the violation of the human right to health and to life to the detriment of V1, attributable to medical staff of the ISSSTE's General Hospital in Toluca.

In light of these events, the Mexican National Human Rights Commission has decided to issue the following **Recommendations**:

First. Instruct whomever it may concern so that the necessary steps are taken to pay compensation to the relatives of V1, or whoever is better entitled to receive it, due to the institutional responsibility incurred upon by AR1, in light of the considerations set forth in the body of the current recommendation. Proof of compliance must be sent to the National Commission.

Second. Issue instructions to whomever is responsible so that in the hospitals pertaining to the Institute which you preside over, and specially at the General Hospital in Toluca, comprehensive training programs on the contents, handling and observance of the Official Mexican Norms (NOM) regarding health are developed and carried out. The goal of this to ensure 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 National 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 AR1, 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 presents before the Attorney General's Office in light of these events, as the case involves a federal public servant. Submit to the Commission proof of compliance as required.