



Comisión Nacional de los Derechos Humanos

México

Recommendation 55/2011

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, October 6th, 2011

SUBJECT: ABOUT THE CASE OF INADEQUATE MEDICAL ATTENTION AT THE DR. DARÍO FERNÁNDEZ FIERRO GENERAL HOSPITAL OF THE ISSSTE TO THE DETRIMENT OF V1

AUTHORITY RESPONSIBLE: HEAD OF GENERAL MANAGEMENT AT THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES (ISSSTE)

On October 30th 2009, V1 visited the *Doctor Darío Fernández Fierro* General Hospital (HG) of the ISSSTE where she was subjected to a hysterectomy due to an ovarian tumor which had burst; she was released from hospital on the 3rd of November of the same year even though she was vomiting. Subsequently, she visited the HG's gynecology ward on November 6th 2009 in order to have the stitches which she received during the surgery removed. When she was examined, it was decided that she would be admitted once again and would be placed under medical supervision; however, she spent the next 2 days without receiving the aforementioned medical care. She was examined again on November 9th 2009 and was finally released on November 12th 2009 without the detection of the mucinous serous cyst adenocarcinoma extending beyond the ovary (ovarian tumor) she possessed.

Continuing with the case, she visited the emergency room of the HG once again. There she underwent several tests and was examined by various doctors. Given that she continued to suffer from painful symptoms, she was subjected to an exploratory laparotomy which revealed advanced stage malignant tumors with multiple intraperitoneal metastases. This was additionally confirmed by the tumor indicating markers, which meant she could not be offered any form of treatment and was therefore released from the HG on December 8th 2009. She died on January 10th 2010.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2009/5447/Q, the National Commission was able to gather sufficient proof to confirm the violation of the human right to health protection and to life to the detriment of V1, attributable to medical staff of the ISSSTE's *Doctor Darío Fernández Fierro* General Hospital. In light of these events, the Mexican National Human Rights Commission has decided to issue the following **Recommendations**:

To you, the Head of General Management at the Institute of Social Security and Services for State Employees:

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 the doctors of the Institute of Social Security and Services for State Employees who treated her, based on 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 of Social Security and Services for State Employees, and especially at the *Doctor Darío Fernández Fierro* General Hospital, comprehensive training programs on the contents, handling and observance of the Official Mexican Norms (NOM) on health are developed and carried out. The goal of this to ensure that the public service which is provided by the medical and nursing staff is adjusted to suit the legal framework and administrative best practices that should be observed when performing their duties, guaranteeing that intervention protocols are applied precisely and thereby avoiding actions such as those that led to the present declaration. Proof of compliance must be sent to the National Commission together with the managerial or evaluative indicators which the staff receiving these courses is subjected to, demonstrating the beneficial impact of their training.

Third. Instruct all the necessary persons in order to require the medical staff of the Institute of Social Security and Services for State Employees to present a copy of the certification and recertification they obtain from Medical Specialty Boards in order for them to prove they have received updated education and possess the experience and knowledge required to maintain the skills needed to offer an adequate and professional medical service.

Fourth. Cooperate fully with the Mexican National Human Rights Commission in the filing and processing of the complaint presented before the Institute's Internal Control Body against the medical staff of the Institute of Social Security and Services for State Employees in charge of evaluating, operating on and treating V1, sending proof of compliance to the Commission as required.

Fifth. Duly cooperate in the 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 federal civil servants. Proof of compliance must be sent to the Commission as requested.