



Comisión Nacional de los Derechos Humanos

México

Recommendation 63/2011

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 26th, 2011

SUBJECT ABOUT DENYING MEDICAL ATTENTION AT THE ISSSTE'S DR. DARÍO FERNÁNDEZ FIERRO GENERAL HOSPITAL TO THE DETRIMENT OF V1

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

On March 9th 2010, V1 sat in a wheel chair at the waiting room of the Emergency ward of the ISSSTE's *Doctor Darío Fernández Fierro* General Hospital for at least 3 hours without receiving any medical attention whatsoever. In other words, the administrative staff of this Institute did nothing to get medical personnel to evaluate her health condition at the time of her arrival; this meant that she was not diagnosed in a timely fashion, nor was she given the necessary assistance to safeguard her integrity by the doctors on watch, and one of them even refused to assist her. Finally, V1 died in that waiting room.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2010/1429/Q, as per article 41 of the Mexican National Human Rights Commission Law, sufficient proof was obtained to confirm the violation of the human right to health protection and to life to the detriment of V1, attributable to medical and administrative 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 staff of the ISSSTE's *Doctor Darío Fernández Fierro* General Hospital 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 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. Additionally, training programs on human rights must be developed and carried out. The goal of this to ensure that the service which is provided by medical, nursing and administrative staff is adjusted to suit the legal framework and administrative best practices they must abide by, thereby avoiding actions such as those which 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 so that an official missive is issued, aimed at the staff in charge of admitting hospitals at the emergency wards of the Institute's hospitals, specially at the *Doctor Darío Fernández Fierro* General Hospital, with the goal of attending users in an expedite, efficient and effective way when they ask to be admitted, regardless of their status as right bearers. This must be done in accordance with the contents of Official Mexican Norm NOM-206-SSA1-2002 and the documents which prove this has been complied with must be sent to the national commission.

Fourth. 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 staff who failed to provide V1 with timely medical attention, sending proof of compliance to the Commission as required.

Fifth. Duly cooperate with 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 required.