



Comisión Nacional de los Derechos Humanos

México

Recommendation 66/2011

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, November 26th, 2011

SUBJECT: ABOUT THE CASE OF INADEQUATE MEDICAL ATTENTION AT THE TIZAYUCA FAMILY HEALTH CENTER AND THE B PACHUCA GENERAL HOSPITAL PERTAINING TO THE INSTITUTE OF SOCIAL SECURITY AND SERVICES FOR STATE EMPLOYEES (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 March 27th 2008 V1, a 30 year old woman with a 24 week pregnancy went for a prenatal checkup at the ISSSTE's *Tizayuca* Family Healthcare Center in the State of Hidalgo, where she was diagnosed with a "mammary fibroadenoma." On June 10th 2008, she was evaluated at the Mammary Clinic of the *B Pachuca* General Hospital, where she underwent a biopsy which revealed cytological data compatible with a left-side mammary fibroadenoma but, in spite of this, she was released. From then on, staff from both the aforementioned Family Healthcare Center and the *B Pachuca* General Hospital focused only on monitoring her pregnancy during her checkups. On July 29th 2008, V1 was admitted to the previously mentioned General Hospital where she underwent a caesarean which was completed successfully, although her breast cancer was not doing so well. Nevertheless, she was released on the 31st day of the same month and year. On March 2nd 2009, V1 attended a doctor's appointment at the *Tizayuca* Family Healthcare Center, presenting a new 20 week pregnancy and increased volume of the left mammary gland; she returned on April 2nd for a prenatal checkup and on the 29th day of the same month, to have an ultrasound performed, which revealed a "liver with nodules indicative of metastases."

She was therefore sent to the *1 de Octubre* Regional Hospital where another ultrasound was performed on her; through it, she was diagnosed with a case of "cancer in the left breast T3N2M1, right mammary nodule to be discarded breast cancer T2NOM1". Incisional biopsies were then taken and, given that the cancer was in an advanced stage, it was decided that a caesarean should be performed. In spite of the medical attention given to V1 at the aforementioned Regional Hospital, her health was not improved, with the severity of her case leading to her death on May 13th 2009 due to a bilateral metastatic breast cancer and hepatic insufficiency. On August 16th 2010, the Medical Complaints Committee of the ISSSTE determined that Gynecology services offered by the *Tizayuca* Family Healthcare Center and the *B Pachuca* General Hospital, situated in the state of

Hidalgo as well as those offered by the *1 de Octubre* Regional Hospital, were not medically deficient. All of these facilities belong to the ISSSTE.

From the logical-legal analysis performed on the entirety of the evidence contained within file CNDH/1/2010/1903/Q, and in accordance with the terms of article 41 of the Mexican National Human Rights Commission Law, the CNDH 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 the medical staff of the ISSSTE's *Tizayuca* Family Healthcare Center and *B Pachuca* General Hospital, both located in the state of Hidalgo.

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 V2, V3, V4 and V5 (under-aged children of V1), to Q1, to her relatives or whoever is better entitled to receive it, due to the institutional responsibility incurred 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. Instruct whoever is responsible so that the physical and psychological damages suffered by V2, V3, V4 and V5 (V1's children) are redressed in a way which minimizes the symptoms presented in each particular case through the medical and psychological assistance needed to reestablish their physical and emotional health. Proof of compliance must be sent to the National Commission.

Third. 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 *Tizayuca* Family Healthcare Center and the *B Pachuca* General Hospital, both in the state of Hidalgo, 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 is to ensure that the medical and nursing staff provides a service which abides by the law and conforms to the administrative best practices that must be observed, guaranteeing the precise application of intervention protocols 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 positive impact of their training.

Fourth. Instruct whomever it may concern so that an official missive is issued to instruct the medical staff of this institute to execute the clinical study protocols needed to produce precise diagnoses which allow for the timely referral of patients when needed, thus permitting the selection of the right treatment and the provision of quality medical attention at the right time. This aims to prevent actions such as those which led to the recommendation at hand. Proof of compliance must be sent to the National Commission.

Fifth. 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 that 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.

Sixth. 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 in charge of evaluating and treating V1, sending proof of compliance to the Commission as required.

Seventh. Duly cooperate with the investigations arising from the complaint which the Mexican National Human Rights Commission presents before the Attorney General's Office given that the case involves federal civil servants. Proof of compliance must be sent to the Commission as requested.