



Comisión Nacional de los Derechos Humanos

México

Recommendation 1/2011

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, January 21st, 2011

Case: Inadequate Medical Attention in the Rural Opportunities Hospital No. 14 of the Mexican Social Security Institute, to the Detriment of V1

Authority Responsible: General Director of the Mexican Social Security Institute

On February 18th, 2010, at the Rural Opportunities Hospital No.14 of the Mexican Social Security Institute, located in the municipal district of Matehuala in the state of San Luis Potosí, medical staff administrated the vaccines Hepatitis B, Rotavirus, Pneumococcal conjugate and Cellular pentavalent to V1, as instructed by the vaccination plan, based on the National Health Booklet. However, the victim suffered an adverse reaction to the vaccination that she received. As a result, on February 19th, 2010, Q1 took their son to the Hospital where the medical staff that administrated the vaccines were appointed. There, the doctors that attended them implemented an inadequate clinical diagnosis in which V1's symptoms were not regarded as post-vaccine complications, and he was not provided with the correct urgent treatment. Given the lack of improvement in the victim's health, on February 20th, 2010 he was transferred to the General Hospital of Zone No. 1 of the mentioned Institute in the state of San Luis Potosí where, despite the medical attention provided he did not recuperate his health. Due to the severity of his suffering, he died on February 24th, 2010, from "multiple strokes, brain edema and epilepsy".

From the logical-juridical analysis carried out using the collection of evidence that compile the file CNDH/1/2010/1511/Q, under the terms set out by article 41 of the National Human Rights Commission Law, this national institution was able to prove the violations to the detriment of V1's right to health protection and life, attributable to a civil servant assigned to the Rural Opportunities Hospital No. 14 of the Mexican Social Security Institute, which is located in the municipal district of Matehuala in the state of San Luis Potosí.

Consequently, this National Human Rights Commission respectfully presents the following Recommendations:

To Mr. General Director of the Mexican Social Security Institute:

First. Instruct whomever it may concern of the institutional responsibility incurred by the doctor of the Mexican Social Security Institution that treated V1,

in order that they take the necessary action to compensate for damages to Q1 or to whomever has greater right than them, in the context of the considerations presented in the body of the present recommendation. Additionally, send the evidence that proves completion of the above to this National Commission.

Second. Circulate instructions amongst whoever it may concern, in order that the hospitals of this Institute, in particular in the Rural Opportunities No. 14, design and implement integral training and educational courses in human rights, as well as knowledge, application and observance of the Official Mexican Norms regarding health. This is so that the public policies relating to medical attention to users of the Mexican Social Security Institute are adjusted to the legal framework and the correct administrative practice that must be observed when carrying out their functions. Furthermore, it is so that the necessary study protocols are applied to then provide the patients with precise diagnosis regarding their illness, and to determine the adequate, opportune, effective and quality treatment. In this way, the presence of acts such as those that provoked this present declaration is avoided. To this effect, we ask that you send to this National Commission indications of the action and evaluation applied to trained staff, as well as the additional evidence that prove the compliance with this recommendatory point.

Third. Circulate instructions to whom it may concern, to establish the obligation for medical staff to present a copy of the certification and re-certification processed before the Council of Medical Specialities, in both the Rural Opportunities Hospital No. 14 of the IMSS and the additional hospitals belonging to this Mexican Social Security Institute. This is to prove that they possess the actualisation, experience and professional knowledge necessary to provide adequate medical services, by sending this national institution evidence that proves so.

Fourth. Ample collaboration with this National Human Rights Commission in the presenting and processing of the complaint presented before this Institute's Internal Control Body that was launched against the doctor responsible for the assessment and treatment of V1 and, in addition, by sending the required evidence to this national institution.

Fifth. Due collaboration in the investigations derived from the report that given the events the National Human Rights Commission presents before the Attorney General's Office, given that the case concerns a federal civil servant, and additionally, send the requested evidence to this national institution.

Sixth. Instruct whom it may concern so that the National Vaccination Programmes implemented by this Institute contain special emphasis on information for the right bearers and users concerning possible secondary

reactions that can occur in people who receive the vaccines. This is so to indicate what to do and where to go in the case of these circumstances arising as well as elaborating and distributing material that specifies this information. Additionally, send evidence that proves compliance with the above to this national institution.