

## Comisión Nacional de los Derechos Humanos México

## Recommendation 6/2011

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, February 22nd, 2011

Case: negligence due to the inadequate medical care of V1 and negligent death of V2, in the state of Hidalgo

**Authority Responsible: Constitutional Governor of the State of Hidalgo** 

On July 31st, 2010, V1, a 21 year old woman, in the twenty-fourth week of pregnancy, went to the Emergency area of the General Hospital of Tulancingo de Bravo, Hidalgo, run by the Secretariat of Public Health of this state, due to vaginal bleeding. She received an ultrasound scan and was informed that her membranes had broken. The following day, she received another ultrasound scan, which showed V2 to be alive and with a healthy pulse. However, on August 2nd, 2010, AR1, a doctor assigned to the Gynaecology department of the General Hospital of Tulancingo de Bravo, Hidalgo, informed that an induced birth was necessary. Mother V1 asked for a second opinion from AR2, another doctor of the aforementioned department, who following the request indicated that the baby had died 24 hours previously. Therefore, AR3, another doctor of the aforementioned department, administrated misoprostol in order to induce the birth.

Eventually, on August 3rd, 2010, AR2 reported that the patient gave birth to a female baby that was no longer alive.

On August 3rd, 2010, the body of V2 was given to family members, who found her to be alive and therefore took her to a private consultancy where they were informed that she presented signs of severe hyperthermia. She was then taken to the General Hospital of Pachuca, Hidalgo, where on August 5th, 2010 she died despite having received adequate medical attention for "prenatal asphyxia due to cardiopulmonary organ immaturity and prematurity."

Given the above, this National Human Rights Commission exercised its authority to assert jurisdiction in order to discover and investigate the events that took place in this case.

It must be mentioned that at the date of production of this recommendation, the penal cause 1 is in the phase of instruction, regarding some of the civil servants that attended V1. However, in terms of AR2, a doctor assigned to the Gynaecology Department of the General Hospital of Tulancingo de Bravo, Hidalgo, the aforementioned penal cause has been suspended because the

civil servant removed herself from the legal action, due to the existence of an arrest warrant.

On August 19th, 2010, the National Medical Arbitration Commission issued a medical report regarding the present case, which concluded that AR2 and AR3, doctors assigned to the Gynaecological Department of the General Hospital of Tulancingo de Bravo, Hidalgo, should have referred V1 to a more capable establishment that could have offered V2 the necessary attention. Furthermore, it concluded that the use of misoprostol was not justified and they did not meet the sanitary norms regarding the overseeing of the labour process. Additionally, it determined that AR2 did not request the help of a paediatric nurse during the labour, which led to the incorrect diagnosis of a dead foetus and meant that V2 did not receive the necessary revival techniques.

The logical legal analysis of the collection of evidence that constitute file CNDH/1/2010/4541/Q, under the provisions of article 41 of the Law on the National Human Rights Commission, shows that the national institution presented elements that evidence violations of V1's right to health protection and V2's right to life. Such acts are attributable to medical staff of the General Hospital of Tulancingo de Bravo, Hidalgo run by the state Secretariat of Public Health.

Consequently, this National Human Rights Commission presents, with all due respect, the following Recommendations:

To The Constitutional Governor of the State of Hidalgo:

First. Instruct whom it may concern, so that the necessary measures are taken to compensate and repair damaged caused to V1, or who may have greater right than them, regarding the institutional responsibility incurred by the doctors at the General Hospital of Tulancingo de Bravo, Hidalgo run by this state's Secretariat of Public Health. This is, under the provisions of the legislation applicable to the matter, bearing in mind the considerations presented in the observations chapter of this recommendation. Additionally, provide the National Commission with evidence that proves completion of the above.

Second. Circulate instructions to whom it may concern to provide V1 with the necessary medical and psychological treatment for her physical and emotional recuperation. Additionally, provide the National Commission with evidence that proves completion of the above.

Third. Circulate instructions to whom it may concern so that the General Hospital of Tulancingo de Bravo, Hidalgo, design and deliver integral training programmes on the content, use of and observance of the Official Mexican Norms concerning health. This is so that the service provided by medical staff

can be adapted to the framework of legality and healthy administrative practice that must be observed. This is to provide and guarantee the application of protocols of studies and intervention necessary for the implementation of specific diagnosis that lead to adequate treatment as well as opportune and quality medical attention. Therefore, avoiding acts such as those that brought about this declaration. Additionally, provide the National Commission with evidence that proves accomplishment of the above, as well as indicators of management or evaluation of the staff that receive the same instruction, in which the effective impact of the training is specified.

Fourth. Circulate instructions to whom it may concern in order to implement the obligation to medical staff of the General Hospital of Tulancingo de Bravo, Hidalgo run by the Secretariat of Public Health the presentation of certification and recertification processed before the Council of Medical Specialities. This is to prove possession of the necessary actualisation, experience and knowledge for maintaining the necessary skills to offer professional and adequate medical service.

Fifth. Full collaboration with the national institution in presenting and processing the complaint brought before the Federal Secretariat of Public Health Internal Control Body, presented against AR1, AR2 and AR3. This is, against medical staff at the General Hospital of Tulancingo de Bravo, Hidalgo, involved in the events presented by this recommendation. Additionally, provide the National Commission with the evidence required.

Sixth. Due collaboration in the investigations derived from the complaint that due to the events the National Human Rights Commission presents before the District Attorney's Office of the state of Hidalgo. This is due to the involvement of federal civil servants. Additionally, provide the national institution with any evidence requested.