

Decision T-057 of 2015. Fundamental right to try.

Case law concerning exceptional cases in which the medical opinion from a physician who doesn't work in the same company that provides health care to the patient, is accepted. In this case, the content and scope of an unnamed or nameless fundamental right of patients in "vegetative state" is discussed (right which is still not included in the Constitution but that through case law has the status of fundamental right related to the dignity of the human person). This is aimed at ensuring that a treatment be attempted and it is known as the "right to try" in the American legislation. The Colombian Constitutional Court guarantees the right to health and orders a health care company to carry out a medical treatment for a patient in "vegetative state". The Court stresses that with regard to health all scientific possibilities should be explored, even those which are experimental for the rehabilitating treatment of patients with terminal stage diseases or minimally conscious state.