

Santiago Appeals Court Upholds \$48 Million Fine on Indisa Clinic for Requiring Promissory Note from Emergency Patient

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The Santiago Appeals Court rejected the clinic's claim and upheld a fine of 700 UTM (equivalent to just over \$48 million) after determining that it demanded a signed promissory note from a patient in a "life-threatening condition," a practice explicitly prohibited by law.



Original article: “Conducta prohibida”: Corte confirma multa a Clínica Indisa por exigir pagaré a paciente en urgencia

In a ruling highlighting the seriousness of demanding financial guarantees from patients in critical situations, the Santiago Appeals Court confirmed a fine of 700 UTM (equivalent to \$48,679,400) imposed on Indisa Clinic for requiring a patient, who sought emergency care for decompensated heart failure, to sign a promissory note.

The Eighth Chamber of the court, consisting of judges Alejandro Rivera and Sandra Araya, alongside attorney Bárbara Vidaurre, dismissed all arguments presented by Instituto de Diagnóstico S.A. (Indisa Clinic) in its claim of illegality against the resolutions issued by the Health Superintendent, thus upholding the penalty.

Specifically, the court rejected claims of procedural violations and deemed the amount of the fine as proportional.

Upon reviewing the case, the ruling stated that evidence established that patient L.P.C. “was admitted on February 16, 2021, to Indisa Clinic for ‘decompensated heart failure and acute pulmonary edema,’ being required to sign a promissory note, an act which is expressly prohibited. The failure of medical personnel to certify the urgency does not alter the fact that the patient was in a life-threatening situation that required immediate medical attention. Thus, there is no doubt that the clinic violated Article 173, seventh paragraph, of DFL No. 1 of 2005, concerning health regulations.”

Court Dismisses Indisa Clinic’s Arguments

Indisa Clinic had attempted to defend itself by claiming the absence of an emergency medical certification in the Emergency Attention Document (DAU).

However, the capital court clarified that its role is not to re-evaluate the evidence but to review the legality of the procedures. The ruling stated:

“Regarding the inapplicability of the Emergency Law due to the lack of an emergency medical certification in the DAU and the insufficient evaluation of evidence, it must be reiterated that this Court is not empowered to assess the evidence presented in the case, as its examination should be exclusively legal,” it said.

Furthermore, the appellate court dismissed the claim that the health authority had not considered the clinic’s defenses.

“On the other hand, a simple reading of Resolution N°4701/2023, which imposed the 700 UTM fine, Resolution N°6056/2023 rejecting the appeal, and Resolution N°49/2024 dismissing the hierarchical resource, makes it clear that the authority addressed all allegations made by the clinic in its defenses, rejecting the hypotheses of force majeure and lack of intent, the latter being necessary in cases of negligent fault. The clinic cannot evade its responsibility by claiming that its employees were unaware of the instructions for emergency admissions,” stated the [Judicial Power](#) in a press release.

Seriousness of Conduct and Recidivism Justify the Fine Amount

Regarding the clinic’s argument about the disproportionality of the fine, the Santiago Appeals Court not only found it unfounded but also used Indisa’s own claim to highlight its status as a repeat offender.

“Ultimately, concerning the claim of lack of proportionality, this must be dismissed since the authority was authorized to impose a fine ranging from 10 to 1,000 tax units, which must adhere, among other criteria, to the severity of the conduct and the nature of recidivism. In this case, the seriousness of the conduct is

evident, and furthermore, it is the claimant itself who, by arguing that the fine is disproportionate compared to other fines imposed for similar violations, is acknowledging its own repeat offender status,” the ruling pointed out.

“Consequently, with the illegality claimed on the grounds of disproportionality dismissed, the alternative request to reduce the fine amount cannot succeed,” it emphasized.

After examining each point, the court concluded that there were no legal flaws in the actions of the Superintendence and Health Providers’ Intendency, and that the administrative process adhered to all due process guarantees.

“Consequently, having dismissed the alleged illegalities, it is determined that the resolutions issued by the Health Superintendence and the Health Providers’ Intendency are well-founded, emanate from duly authorized bodies, and are part of a procedure that meets the standards of due administrative process, in which the plaintiff actively exercised its right to defense and in which the authority applied a fine corresponding to the offense clearly committed by the claimant, the current claim cannot succeed,” it concluded.

For these reasons, the Santiago Appeals Court ruled that: “THE claim of illegality filed by Instituto de Diagnóstico S.A. (Indisa Clinic) against the Health Superintendence and the Health Providers’ Intendency is REJECTED.”

[View the Appeals Court ruling](#)

Fuente: [El Ciudadano](#)