



Health Regulations Audit





I HEALTH REGULATIONS AUDIT

Until the publication of Decree-Law 309/2003, which created the Health Regulatory Authority (ERS), Portugal had never had independent regulations applicable to the health sector. In the past, regulations were limited to actions by administrative entities directly or indirectly supervised by the Ministry of Health and by professional associations.

Contrary to other means of institutional regulation, having a “dedicated” and independent regulatory body allows regulations to be applicable to the whole health system and not merely to some of its aspects. This comprehensive vision ensures better coordination and more effective regulation.

The selected Portuguese health regulation model assigns independent administrative authority to the Health Regulatory Authority. Although this body has legal personality, it is supervised by the respective ministries. Certain acts are approved or authorised by the Minister of Health and, in some cases, by the Minister of Finance. This entity is assigned the duty to regulate, supervise and monitor the activities of organisations, institutions and services rendering health care, whether through public, private, cooperative or social system.

The Portuguese health regulatory model resembles to the United Kingdom and Netherlands models, where regulation performed by entities independent of the government plays a key role and is generally of a balanced nature.

Of the work that has been carried out by the ERS, emphasis goes to the mandatory registration of entities rendering health care services. Knowing the universe of regulated entities, it is an essential condition enabling ERS to properly perform its duties of regulating, supervising and monitoring activities by organisations, institutions and services rendering health care.

Simultaneously, the statistical treatment of reports, complaints and claims has demonstrated to be a fundamental instrument for evaluation of the health system and for detecting its strengths and weaknesses. This statistics makes possible to identify areas requiring a more in-depth analysis and has enabled ERS to detect patterns indicating systemic problems which have already been analysed by it or which will be analysed in the near future.

