PROFESSIONAL AUTONOMY AND SOCIAL EXPECTATIONS

THE REGULATION OF HEALTH PROFESSIONS IN BRAZIL: DIRECTIONS TO REFORM

Sabado Nicolau Girardi

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EPSM ESTAÇÃO DE PESQUISA DE SINAIS DE MERCADO
UFMG
NESCON núcleo de educação em saúde coletiva FACULDADE DE MEDICINA - UFMG

Team EPSM

- Alice Werneck Massote
- Ana Cristina van Stralen
- Cristiana Leite Carvalho
- Flávio Paiva Loureiro
- Jackson Freire Araujo
- Joice Carvalho Rodrigues
- Júlia Leite de Carvalho Fernandes
- Lucas Wan Der Maas
- Sabado Nicolau Girardi (Coordinator)

http://epsm.nescon.medicina.ufmg.br

Professions as Institutions

- Professions can be defined in sociological terms by their legal exclusionary jurisdictions, autonomy and the capacity of being self-regulated.

- They are social institutions characterized by the detention of a patrimony (a corporate private property right over a specific field of expertise) constituted by a kind of complex and abstract knowledge, acquired through a long process of formal training, generally in universities; and not accessible in its applications to the immediate judgment by the large public.

- The services they provide are based on confidence, trustworthy relations with the clients and moral integrity of its members.

- The avoidance of risks to life, integrity, safety, welfare or clients` patrimony leads to a kind of regulation called self-regulation, i.e., the regulation of its own pears instead of bureaucratic or market regulation.

Brazilian Institutional Sources of Professional Regulation

- The Federal Constitution (art.22, XVI) establishes the Union's exclusive competence to legislate about the organization of the national system of professions. The National Congress analyzes professional regulatory claims and promulgate the professional laws.

- Each profession has its own and specific-professional Act. The professional Acts establish the right to practice and the scopes of practice for each profession and also establish professional regulatory authorities for each profession (Professional Councils in the case of self-governing professions).

- Professional Councils register and authorize professionals to practice and are responsible for their control and discipline.

Brazilian Model of Professional Regulation

- The *self-governance* of the professions and the assignment of legal *exclusive rights to practice* through private acts to self-regulated professions could be defined as the essential characteristics of the Brazilian model of professional regulation

Professional Acts define:

- ✓ The scope of practice for the profession constituted by certain exclusive acts
- ✓ Pre-requisites of legal habilitation to practice, particularly educational credentials
- ✓ Institutional forms and competences of professional regulatory authorities

- **Professional councils** are federal autarchies (i.e., institutions that have the power to regulate their members and are part of the state; a decentralized branch of the government; an agency of the Brazilian state) with regulatory authority. Their main mission is to assure the protection of the public and the integrity of the professions.

Professional Councils:

- ✓ Register and authorize the professionals to practice;
- ✓ Enacts the rules and bylaws, including the Ethical Codes, that govern the practice of their members;
- ✓ Establish the surveillance of the profession and its discipline.

Claims for Reform

- Governmental Authorities claim more coordination over health professions to establish professional policies according to their mandates, concerning the principles of protection from harm, efficiency, fairness, practicability and accountability.

- Health services managers claim a more flexible system that allows them to properly combine multi-professional skills and competences. This would make the delivery of health care more effective in order to meet patients` need considering the availability of financial resources.

- Health professional and occupational groups' demands for regulation are basically two: to expand exclusive or quasi-exclusive right to practice and to receive social recognition.

- The lay public generally claims to be involved in the work of health professional councils in order to ensure that its views will be adequately represented in the regulatory process.

Drivers of Change in Health Professions Regulation

- Health workforce shortages
- Demographic changes: population aging and growing diversity
- Cost pressures in health care
- Technological and informational advances: telehealth
- New models of health care delivery
- Pharmacological and clinical advances
- Multiculturalism: alternative providers
- Democratization: struggle for occupational recognition

Directions to professional reform

- Profession al regulation must be considered in the light of efficiency, fairness, practicability and accountability, on behalf of the public interest.

- There is a need to achieve an adequate balance between the public interest and the variety of professional regulatory claims - eventually in rivalry

- Make a movement from a system that assigns *exclusive rights to practice* into one that considers the possibility to maintain and combine the self-regulation of the professions and *co-shared rights to practice*.

Concluding remarks

The directives should include:

- Reviewing the legal framework of professional regulation (e.g. umbrella legislation)
- Reviewing the institutional forms and structures of professional regulation (e.g. to involve the governmental authorities in the coordination of the politics for professions, to involve lay public in the work and structure of health professional councils etc.)
- Reviewing the scopes of practice of regulated professions (e.g. expanding competencies on clinical activities to non-medical professions, the existing professions and new ones)

Thank you!

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epsm@nescon.medicina.ufmg.br