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The State, Agencies and Health

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Nogueira R. The State, Agencies and Health. *Saúde em Debate* (Rio de Janeiro, Brasil) 2006 enero-diciembre; 30(72): 35-43.

Objectives: To describe and discuss the scope of institutional, legal and technical attributions of regulatory health agencies in Brazil.

Methodology: Descriptive analytical.

Results: According to the author, the level reached by the debate on regulating health agencies demonstrates the lack of political vision and management mechanisms in the Federal Government of Brazil to achieve economic development and reduce social inequalities. To illustrate this, the author shows the operation of two institutions: the National Supplementary Health Agency and the National Health Surveillance Agency. The two have in common two institutional attributions implemented from the state reform plan: administrative independence and financial autonomy. Accordingly, the universal right to health, guaranteed by the Brazilian constitution, should be a priority. However, the author perceives difficulties in its implementation. First, the benefit of population health is a legal allocation of the National Agency, as it has been appointed by the Unified Health System. But the author does not find any constitutional basis to allow the system to connect additional assistance with the universal right to health and the Unified Health System. Given this shortfall, the author discovered the existence of two technical attributes of the National Supplementary Health Agency, financially controlled by the state: 1) the provision of health services and 2) the establishment of private insurance. For the author, these powers are legally functions conferred on the National Health Agency. But in practice they subsume the universal right to health to the logic based on the market. As a result, a) the conditions of individual contracts with insurers are unfavorable to users; b) contractual instruments and the pricing system for services appear as grossly unfair.

Conclusions: The author concludes that the attributions of the national health agencies are regulation and control. However, the performance of agencies should obey the right to universal health rather than only guard its purely economic aspects.