

NEW EXTRAORDINARY POWERS ARE GIVEN TO ORGANIZATIONS DEPENDENT OF THE MINISTRY OF PUBLIC HEALTH

On July 2nd, the Ministry of Health published Decree No. 21 of 2020, amending Decree No. 4 of 2020, which declared sanitary alert in the country. The amendments grant new extraordinary faculties to entities under the authority of the Ministry of Health due to the pandemic:

1. The Undersecretariats of Public Health and Assistance Networks will be able to transfer, free of charge, the ownership of movable goods acquired to face the epidemic, to those public services that carry out health actions related to such goods. The transfer shall be performed by means of an exempt resolution of the Undersecretariat, without further formality.
2. The Regional Ministerial Health Secretariats ("SEREMIs") will be able to manage the contractual relations with establishments providing services as health residences, acting as technical, legal and economic counterpart for the rights and obligations arising therefrom, including those that have already initiated their execution. For this purpose, an exempt resolution will be issued, stating that it takes over the management of such contracts under the terms and conditions indicated therein.
3. The Health Services will be able to lease medical devices to private providers, without any other formality than the administrative act by which such lease is authorized.

Additionally, on July 3rd Decree No. 23 of the Ministry of Health was published in the Official Gazette, amending Decree No. 4 of 2020, which declares a sanitary alert and grants extraordinary faculties due to public health emergency. The referred amendment enables the Regional Ministerial Health Secretariats to transfer the necessary resources to the entities that manage primary healthcare establishments in order to trace those infected with Covid-19 and their contacts.



If you have any questions regarding the matters discussed in this news alert, please contact the following attorneys or call your regular Carey contact.

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