

Ministerial Statute No. 2/2008

Of 27 February

Organisational Structure of the Inspection, Monitoring and Audit Office

The Inspection, Monitoring and Audit Office were established under article 14 of Decree-Law No. 1/2008, of 16 January, which approved the Organisational Structure of the Ministry of Health. There is now a need to approve the organic statute that will set forth and regulate its competences and activities.

Thus:

The Government, through the Minister of Health, orders, under article 24(1) of Decree-Law No. 1/2008, of 16 January, the publication of the following statute:

Article 1 Object

This organic statute establishes the structure and operating rules of the Inspection, Monitoring and Audit Office, hereinafter referred to as GIFA.

Article 2 Nature

GIFA is part of the direct state administration services within the Ministry of Health.

Article 3 Responsibilities and Competences

1. The Inspection, Monitoring and Audit Office is the main service which takes disciplinary action and undertakes audits in respect of institutions and services which are an integral part of the national health service, as well as monitors compliance with the administrative laws and regulations applicable to the national health system.
2. It is incumbent upon the Inspection, Monitoring and Audit Office, namely:
 - a) To monitor the essential aspects concerning the legality, regularity and quality of the operations of the services;
 - b) To undertake management audits;

- c) To collect information on the operations of the services and propose the corrective measures deemed advisable;
- d) To initiate investigations, inquiries, and disciplinary proceedings as and when determined by the competent authorities for the conduct of such inquiries, investigations or proceedings and for the appointment of an investigating officer;
- e) To initiate inquiries as determined by the Minister of Health;
- f) To provide assistance to the services of the Ministry of Health by collaborating with their managers in the exercise of disciplinary powers;
- g) To monitor compliance with the laws and regulations applicable to the national health system.

Article 4 Services

GIFA services include:

- a) The Disciplinary and Audit Service;
- b) The Monitoring Service.

Article 5 Management

1. GIFA management is composed of an Inspector holding a rank equivalent to that of director-general, for all legal purposes, and comprises two subinspectors, with each of them leading one of its respective services.
2. The Inspector reports directly to the Minister of Health.

Article 6 Competences of the Management

1. It is incumbent upon the GIFA Inspector:
 - a) To oversee all inspection, monitoring and audit activities;
 - b) To prepare the annual work plan, namely the ordinary and thematic inspection, monitoring and audit plan, as well as determine the implementation thereof;

- c) To prepare the annual activity report;
 - d) To determine the conduct of audits into the services;
 - e) To initiate investigations, inquiries and disciplinary proceedings as requested by the competent authorities;
 - f) To determine the conduct of non-compliance proceedings;
 - g) To propose to the Minister of Health the conduct of inquiries;
2. It is incumbent upon the discipline and audit subinspector to direct the discipline and audit service and exercise such competences as may be delegated thereto by the inspector.
 3. It is incumbent upon the monitoring subinspector to direct the monitoring service and exercise such competences as may be delegated thereto by the inspector.

Article 7

Discipline and Audit Service

1. The Discipline and Audit Service is GIFA's support service, which exerts disciplinary action and conducts audits in connection with the institutions and services which are an integral part of the national health service;
2. It is incumbent upon the Discipline and Audit Service, namely:
 - a) To inspect the services and institutions, with the objective of monitoring the essential aspects concerning the legality, regularity and quality of their operations;
 - b) To undertake management audits, with the objective of assessing the activity of the services and institutions in terms of their cost-effectiveness, efficiency and performance, namely through financial and budgetary control and monitoring of the execution of projects or programmes;
 - c) To collect information on the operations of the services and propose the corrective measures deemed advisable;
 - d) To initiate investigations, inquiries and disciplinary proceedings in respect of the services and institutions of the Ministry of Health as and when determined by the competent authorities in order to conduct such

investigations, inquiries or disciplinary proceedings and appoint an investigating officer;

- e) To initiate inquiries as determined by the Minister of Health;
 - f) To provide assistance to the institutions and services of the Ministry of Health by collaborating with their managers in the exercise of disciplinary powers;
3. The subinspector in charge of the discipline and audit service holds a rank equivalent to that of head of department, for all legal purposes.

Article 8 Monitoring Service

1. The Monitoring Service is GIFA's support service, which ensures the monitoring of compliance with the administrative laws and regulations applicable to the national health system.
2. It is incumbent upon the Monitoring Service, namely:
 - a) To monitor pharmaceutical activities in terms of Decree-Law No. 12/2004, of 16 June, in collaboration with the Regulatory Committee on Pharmaceutical Activities and the Department of Pharmaceutical Services, initiate the respective non-compliance proceedings and submit to the Minister of Health proposals for the application of the respective penalties;
 - b) To monitor private health units pursuant to decree-law No. 18/2004, of 1 December, in collaboration with the Health Policy Office, initiate the respective non-compliance proceedings and submit to the Minister of Health proposals for the application of the respective penalties;
 - c) To monitor compliance with Decree-Law No. 14/2004, of 1 September, in collaboration with the National Directorate for Human Resources, initiate the respective non-compliance proceedings and submit to the Minister of Health proposals for the application of the respective penalties;
 - d) To report to the Discipline Board of Health Professions all facts which are likely to be considered a disciplinary offence under article 7 of Government Decree No. 1/2005, of 31 March.
3. The subinspector in charge of the Monitoring Service holds a rank equivalent to that of head of department, for all legal purposes.

Article 9

Organisational Structure of the Services

1. The services may, as and when required, be structured into various divisions, according to their areas of competence.
2. The definition of competences and the profile of the officials and all other staff members of the divisions, the internal distribution of tasks, as well as the planning of activities and the budgeting thereof, are the responsibility of the subinspector in charge of the service and require the approval of the inspector.

Article 10

Powers and duties

1. In the exercise of their functions, inspection, monitoring and audit staff have the following prerogatives:
 - a) Free access to all services and establishments where they are required to exercise their functions;
 - b) Power to requisition, consult and add files and documents to the records;
 - c) Power to seize documents or objects as evidence and seal off facilities, branch offices and safes, and prepare the relevant report;
 - d) To request the collaboration of police and administrative authorities deemed necessary for the exercise of their functions;
 - e) Power to report on offences that have been personally noticed in the exercise of their functions.
2. The powers set forth in the paragraph 1 above shall be exercised only to the extent strictly necessary, for the exercise of specific inspection, monitoring and audit activities and through the production of an ID card and a free pass signed by the Minister of Health.
3. In addition to the general duty of confidentiality, inspection personnel are required to keep professional secrecy on all facts they become acquainted with in the exercise of their functions.

Article 11

Technical and administrative support

The technical and administrative support to GIFA's activities is provided by the main bodies of the Ministry of Health, according to their responsibilities and competences; and the inspector may also request the Minister of Health to designate health professionals, whether belonging or not to the services and bodies of the Ministry of Health, to intervene as experts in processes which are technically more complex.

Article 12

Entry into force

This statute comes into force on the day following the date of its publication.

The Minister of Health

Nelson Martins,

Díli, 20 February 2008.