

Relevance of sanitary law in health legislation

DOI: 10.5377/alerta.v7i2.17583

Javier Isaac Molina Velásquez^{1*}, Susana Patricia Erazo Salas²

1. Speciality Clinic, Otorhinolaryngology Service. Salvadoran Social Security Institute (ISSS). San Salvador, El Salvador.
 2. Amatepec Hospital. Salvadoran Social Security Institute (ISSS). Soyapango, El Salvador.
2. El Salvador National Hospital(HES). San Salvador, El Salvador.

*Correspondence

✉ javier_molina100@hotmail.com

1.  0000-0002-0520-2707
2.  0000-0002-1179-0875

Dear Editor.

An article published in the journal *Alerta* Volumen 4, number 2, about risk factors for COVID-19 in the likelihood of being endemic, which describes the importance of strengthening epidemiological measures within an opportune time, for example, with the implementation of mobile sample collection booths during the COVID-19 pandemic in El Salvador, emphasizes that these measures can be considered as public health protection that is in line with compliance with the Universal Declaration of Human Rights and government policies developed on these bases. It is evident that the right to health is essential to guarantee a health system that protects and promotes the health of the population, ensuring at the same time that health services are accessible, safe, and of high quality as was the case during the COVID-19 emergency, when the Government of El Salvador decreed a health emergency on January 23, 2020 due to the probable arrival of suspected cases, and announced its first case on March 18,ⁱⁱⁱ in preparation for the response to the pandemic with this measure.

Consequently, it is relevant that health professionals, decision-makers, and mainly, authorities, as part of their professional ethics and responsibility, know and interpret the international consensus on health law. Health law is the branch of the legal sciences that joins medicine to deal with the health and life of people, regulates the legal relationships that have with individual and collective human health, and the protection of health personnel, which is necessary

for the optimal and efficient management of health resources.ⁱⁱⁱ


Health workers must respond and work within the legal framework, making health law a key, essential, and transcendental element for interpreting and applying health legislation effectively. For health managers, it is a vital tool for effective, efficient, and ethical health management. It must be noted that health law complements and extends itself beyond health legislation, and its purpose is to enforce the human right to health.

The role of a health manager represents a great responsibility and is more than managing a hospital, a hospital area, or the management of resources and financing; it implies being an ambassador of health law in the relationship between the health facility, patients, and the State, under the institutional authority of the health area.

The right to health, which as an initial and ultimate principle is linked to protecting life and guaranteeing the wellbeing of the inhabitants of El Salvador, as established in the Constitution, implies that patients receive dignified and respectful treatment and that their rights are safeguarded through the right to information, informed consent, and confidentiality of medical data.

The health manager has the responsibility to do everything in his or her power to ensure the well-being and health of patients and to carry on actions to ensure that health personnel work proactively and in partnership, as well as to enforce the regulation of training and conduct of health professionals.

Likewise, it is important to emphasize the proper knowledge that health managers should have of the different international

 OPEN ACCESS

La importancia del derecho sanitario en la legislación en salud

Suggested citation:

Molina Velásquez JI, Erazo Salas SP. The importance of knowing and applying health law in health legislation. *Alerta*. 2024;7(2):217-218. DOI: 10.5377/alerta.v7i2.17583

Editor:

Nadia Rodríguez.

Received:

January 21, 2024.

Accepted:

June 21, 2024.

Published:

July 24, 2024.

Author contribution:

JIMV¹: study conception, manuscript design, literature search, data collection. SPES²: data management or software, writing, revising, and editing.

Conflict of interests:

The authors declared there was not conflict of interests.



© 2024 by the authors. This is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

instruments, constitutional foundations, the Health Code, and other related laws and regulations. Similarly, they must interpret and apply the technical legal instruments that complement health right to enforce the human right to health, which is a universal and fundamental human right, so that the commitment to the right to health is also reflected at the international level with compliance with the Universal Declaration of Human Rights.^{iv}

The approach to health rights is related to health and connected with the origin and ultimate purpose of the State, which is grounded on the human person who cannot prescind from health for his development, survival, and compliance with the exigencies and functioning that society demands; thus, the development of health legislation. Therefore, it is necessary to establish institutional regulations that integrate laws, policies, and rules that regulate the functioning and performance of those who execute them because it is reasonable that in a framework in which order and organization prevail, it is possible to meet their goals and purposes.

Likewise, the standardization of medical care processes through the classic standards of diagnosis and treatment is relevant.^v In connection, the country demonstrates its commitment to health legislation through the creation of a series of laws and regulations in the health sector, such as the Health Code, the Law of the Higher Council of Public Health and the Health Professions Oversight Boards, the Law of Duties and Rights of Patients and Health Service Providers. These regulations are responsible for ensuring the population's rights to health and to protect against violations and misconduct of personnel to these rights, regulating the conduct and behavior of health personnel.

It is also essential to search for solutions to modify the contribution of universities and health management programs and thus obtain improved knowledge in legal

matters regarding health legislation, with a vision focused on constant improvement, since it is clear that there are challenges at all levels and in all areas related to the provision of health services, allowing the right to health to be valid for the entire population.

Finally, strategies related to the administration and management of health personnel and the strengthening of their capacities can be built, compatible with methods such as empowerment, motivational techniques, and frequent training so that they develop the capacity to provide a quality public health service that responds to the health needs of the people in their territory and to the fulfillment of the human right to health.

References

- i. Garat MP, Riso Ferrand M, Ramos Cabanellas BV, *et al.* El Derecho frente a la pandemia por COVID-19. *Revista de Derecho* (Universidad Católica Dámaso A. Larrañaga, Facultad de Derecho) 21(2020):1-24. DOI: [10.22235/rd.vi21.2193](https://doi.org/10.22235/rd.vi21.2193)
- ii. López A, Domínguez R. Medidas de contingencia ante el COVID-19 en El Salvador. *Alerta*. 2021;4(1):78-79. DOI: [10.5377/alerta.v4i1.10762](https://doi.org/10.5377/alerta.v4i1.10762)
- iii. Madies CV. Derecho Sanitario. Argentina: Ministerio de Salud, Organización Mundial de la Salud; 2017. Available at: <https://www.salud.gob.ar/dels/entradas/derecho-sanitario>.
- iv. The Universal Declaration of Human Rights. New York: United Nations General Assembly; 1948. Available at: <https://www.un.org/es/about-us/universal-declaration-of-human-rights>
- v. Sarrión Esteve J. La competencia de las autoridades sanitarias para restringir derechos en situación de crisis sanitaria. *Gac Sanit*. 2022;36(1):37-40. DOI: [10.1016/j.gaceta.2020.07.009](https://doi.org/10.1016/j.gaceta.2020.07.009)