

Case of Justice intervention to create Unacon is unprecedented in Brazil

In order to have the Unit of High Complexity in Oncology (Unacon) of the University Hospital inaugurated, the decision of Federal Judge Marina Cavalcanti (photo), coordinator of the Center for Conciliation of the Federal Justice of Piauí, was preponderant and decisive.

Dealing with a conflict and crisis of the lack of treatment for all cancer patients in Teresina, the federal Judge Marina Cavalcanti brought all the parties involved together to reach an agreement. The Government argued that there were not enough financial resources to care for out-of-state patients, especially from Maranhão, and the neighboring state did not want to fund the costs for all its patients, claiming that the Unified Health System (SUS) was universal.

The national president of the Brazilian Company of Hospital Services (Ebserh), Newton Lima Neto, stated that the role of the Judge Marina Cavalcanti in solving the problem regarding the treatment of cancer patients should be published in academic journals of Law and also in Medicine and Business Administration because the company in other States seeks the Federal Justice and the Federal Prosecutor's Office in search for a solution to this problem and in Piauí the Justice reached for Ebserh with a negotiated solution and of consensus.

Marina Cavalcanti states that in complex proceedings involving public policies, a simple decision ordering the implementation of the service is not enough. According to her, it is necessary to oversee the implementation and that the Justice needs to have an attitude.

"The implementation of a public policy cannot be the solitary decision of a judge, it is necessary for all the parties to participate in that public construction because it will not be solved in a magic trick, it is necessary technical knowledge of the parties so that the public policy becomes effective. It is a gathering of forces of the entities that, certainly, are interested in accomplishing it. The Justice is the mediator of this process, through dialogue," said Marina Cavalcanti.

The Federal Judge Marina Cavalcanti said that the solution found was the implementation of a Electronic Patient Referral System, where only the referred patient is treated.

The Justice of the Federal Regional Court (TRF) of the 1st Region, Carlos Augusto Brandão, stated that the example of the establishment of Unacon is unprecedented and it is an example that Piauí gives to Brazil in a moment of changes and breaking paradigms in the Justice system.

"This example that Piauí gives to Brazil is significant and symbolic. It is essentially a cooperative, collaborative activity, in which the Justice system takes a symbolic, consensus position, bringing together all the social and political segments surrounding the matter," said Justice Carlos Augusto Brandão.

The Justice Maria do Carmo Cardoso, The Coordinator of Conciliation of the Federal Regional Court of the 1st Region, celebrated the result that has now materialized.

"All this began with these transfers and concluded with the installation of the Oncology Center of the University Hospital, due to the agreement made through the Federal Court. The Federal Court of Piauí acted proactively. The judge is no longer a judge behind a desk; today the judge

goes beyond the lawsuit and Judge Marina Cavalcanti brought to the table several governmental bodies and several entities to come to a conclusion. It is easier for the judge to award a judgment, but also how possible it is to execute, since it is sometimes unenforceable and this public policy needs a judge with that commitment, this other vision, "said the Justice Maria do Carmo Cardoso. (E.R.)