

## LEGAL ISSUES FACING THE HEALTH SECTOR

The importance and role of a strong health sector on global stability has never been more apparent. The ravages of the HIV/AIDS epidemic, compounding problems of tuberculosis and malaria, and weak health system delivery mechanisms are just a few examples of the many health issues plaguing countries across the globe. Without an effective and comprehensive response, these health sector concerns threaten to erode years of economic and social gains.

One key player within the health sector is Civil Society Organizations (CSOs). CSOs are an integral part of the global response to health challenges as they are often well-connected to local populations. Further, they offer the ability to rapidly and appropriately respond without many of the political and bureaucratic constraints facing other actors.

However, CSOs often face their own challenges. These include funding constraints, operational limitations, issues relating to the import of medical supplies, and complicated relations with government. While these issues are broad and require a complex response, a critical component is the establishment of a strong legal framework which encourages and promotes health CSOs to form, operate, and freely participate within society.

The International Center for Not-For-Profit Law (ICNL) has extensive experience in tackling critical legal concerns facing CSOs. ICNL is

particularly effective in addressing specific legal issues facing the health sector such as:

### ***Partnerships to Facilitate Health Service Delivery***

As the importance of health CSOs grows, governments are responding by developing partnerships with CSOs as a means to contract out health services. Establishing a legal framework to facilitate this process can result in an efficient, cost-effective, and expanded response to a variety of health issues.

### ***CSO Registration and Health Licensing Processes***

Establishing clear and understandable legal procedures to register CSOs, particularly those involved in patient care, is critical to allowing these groups to form and contribute while still maintaining proper safeguards.

### ***Importation and Donations of Medical Supplies and Equipment***

Developing appropriate import rules assists health sector CSOs to access necessary supplies and equipment. Understanding the laws and how they work becomes a critical part of achieving a CSO's mission.

### ***Economic Sustainability of Health CSOs***

Limited funding often threatens the continued existence of health CSOs who very often can be the primary source of health care in a given area. Legislation promoting philanthropy, economic activities, and appropriate tax treatment helps ensure the sustainability of health care CSOs.

## The International Center for Not-For-Profit Law

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