

LEGAL ASPECTS OF THE BRAZILIAN HEALTHCARE CO-OPERATIVES

AYDIN UNIVERSITY
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ESCOOP *Saúde*

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ESCOOP

FIRST — THE OCB SYSTEM

OCB

- Organization of Brazilian Cooperatives
 - 28 Offices (Brasilia and more 27 Brazilian States)
 - Representation of the Interests of Cooperatives

SESCOOP

- Institution of Co-operative Learning and Monitoring
 - 28 Offices (Brasilia and more 27 Brazilian States)
 - Capacitation of members and employees of Cooperatives

ESCOOP

- Faculty of Co-operative Technology
 - Based in the State of Rio Grande do Sul, Southern Brazil

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AGENDA

The Brazilian Healthcare Cooperative Sector

- Types of Cooperatives
 - Worker Cooperatives
 - Consumer Cooperatives

Legal Environment for Cooperatives

- Cooperative Law in Brazil

Educational System of Cooperatives

- SESCOOP
- ESCOOP - Faculty

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THE BRAZILIAN HEALTHCARE CO-OPERATIVE SECTOR

Referring data of the **Organization of Brazilian Cooperatives (OCB)**, the **health cooperatives** are present in **83% of the Brazilian cities**.

When we talk about Health Cooperatives in Brazil, we talk about:

- A special type of a **Worker Cooperative**, comprised by Medical Doctors, Dentists, Psychologist.
- A special type of a **Consumer Cooperative**, comprised by users of health services.

In both cases, they are regulated by ANS, the federal agency for Supplementary Health.

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THE BRAZILIAN HEALTHCARE CO-OPERATIVE SECTOR

As a Worker Cooperative, Brazilian Law prescribes:

- Co-ops are private entities;
- At least 20 natural persons;
- Members: Medical Doctors, Dentists, etc.
- Objective: To offer health services.
- Users: Natural and Juridical persons.

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THE BRAZILIAN HEALTHCARE CO-OPERATIVE SECTOR

Unimed 

- 345 Cooperatives
115.000 members (Medical Doctors)
18 million of users (Inpatients)
2.506 Hospitals
119 Owned Hospitals
 - Turnover of US\$ 1,33 Bi (WCM, 2018)
- 37% of the Market Share

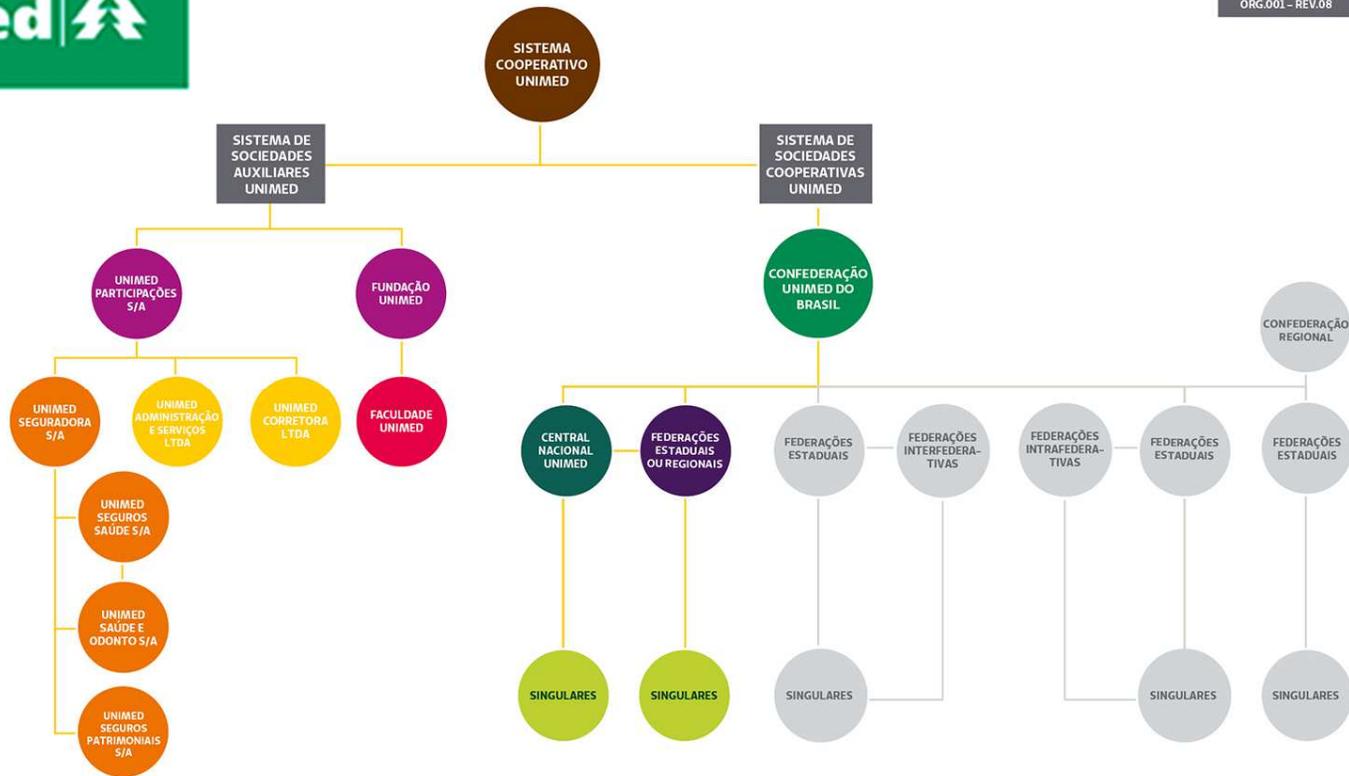


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THE BRAZILIAN HEALTHCARE CO-OPERATIVE SECTOR



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THE BRAZILIAN HEALTHCARE CO-OPERATIVE SECTOR

As a Consumer Cooperative,

- Co-ops are private entities;
- At least 20 natural persons;
- Members: Users of health services
- Objective: To contract health services from Medical Doctors, Hospitals, etc.

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THE BRAZILIAN HEALTHCARE CO-OPERATIVE SECTOR

- Cooperative
1.800 members (Users)



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LEGAL ENVIRONMENT FOR COOPERATIVES



Hagen Henry,
Guidelines for Cooperative Legislation
International Labour Organization

“[This definition of] **cooperative law** thus reflects a **wide notion**, one which comprises not only the cooperative law proper (law on cooperatives), but also all other legal rules which shape this institution and regulate its operations. The following areas, which are most likely to have this quality in any legal system, need mentioning: **labour law, competition law, taxation, (international) accounting/prudential standards, book-keeping rules, audit and bankruptcy rules.**”.

BRAZILIAN CONSTITUTION

The most relevant features of this constitutional protection of cooperatives are:

- the attribution to the State of the “fundamental duty” to support and encourage cooperatives and other forms of association (art. 174, par. 2);
- **special tax treatment for transactions with members (ato cooperativo);**

BRAZILIAN COOPERATIVE LAW

The Cooperative Law in Brazil:

- Recognize the Cooperative Principles of International Cooperative Alliance;
- Establishes mandatory contribution to an Educational Fund;
- Allows cooperative to set up non Cooperative Societies (as such Stock Companies) to fulfill its objectives;

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COOPERATIVE EDUCATIONAL SYSTEM

In Brazil, is mandatory to contribute to SESCOOP, an entity established to promote the capacitation in Cooperatives.

- **Each Brazilian State has an office of SESCOOP.**
- **SESCOOP develops training programs to cooperatives and promotes good governance practices**



Handbook of Cooperative Governance

EDUCATIONAL SYSTEM

In the state of Rio Grande do Sul, SESCOOP maintains the ESCOOP.

- **ESCOOP is Co-operative Faculty of Cooperativism**
- **ESCOOP Saude (ESCOOPHealth) offer programs on Cooperative Management and Innovation to Health Cooperatives**

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EDUCATIONAL SYSTEM



MBA

Management of Health
Cooperatives

(360 hours)

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EDUCATIONAL SYSTEM



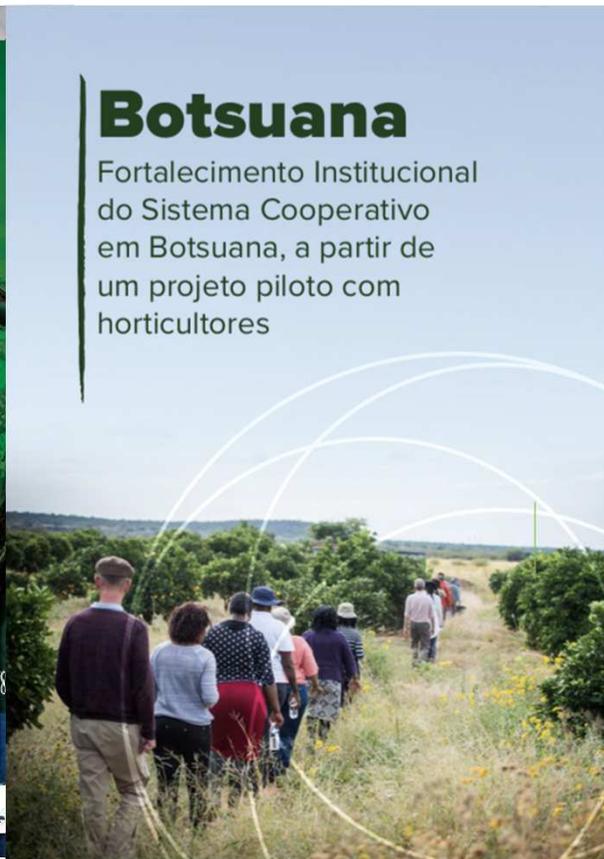
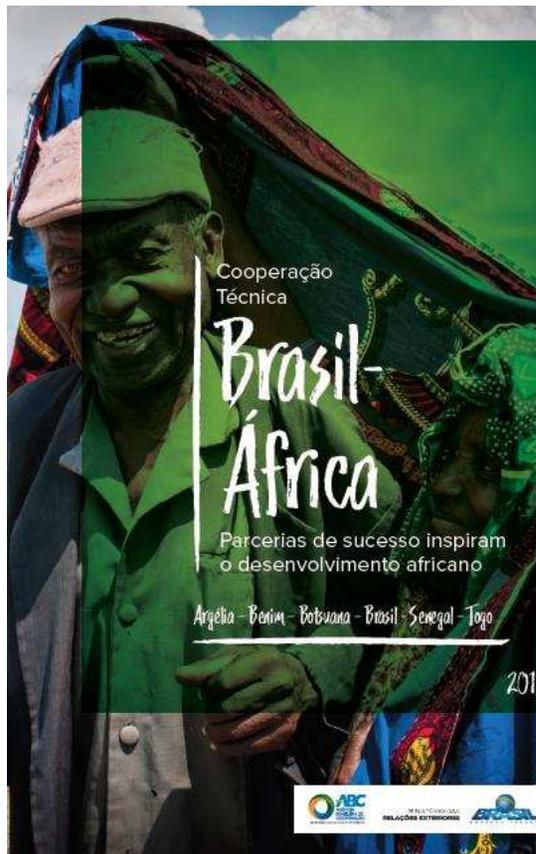
Study Mission to Silicon Valley

Innovation and Healthtechs

Start-ups Environment

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INTERNATIONAL PARTNERSHIPS



Botsuana

Fortalecimento Institucional do Sistema Cooperativo em Botsuana, a partir de um projeto piloto com horticultores

Support to the development of Agricultural Cooperatives

Cooperation Project of the Brazilian Cooperation Agency (ABC)

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CONCLUSIONS

Brazilian Law

- Facilitates the establishment of Cooperatives;
- Gives an adequate tax treatment to Cooperatives;
- Establishes a legal form to the Cooperation among Cooperatives;
- Establishes a mandatory Fund to assistance and education to the members;
- Enables cooperatives to set up non cooperative societies (as such Stock Companies) to support the activity of the Cooperative and the members.

CONCLUSIONS

Brazilian Cooperative Educational System

- Has financial resources to the capacitation of members and employees of Cooperatives;
- Has a spread net of entities (SESCOOP) and a Faculty (ESCOOP) focused on training programs to Cooperatives;
- We are open to collaborate internationally with the co-operative movement.

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THANK YOU

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