

BOOK II

ON THE PROFESSIONAL PRACTICE

CHAPTER 19

ON PUBLIC FUNCTION AND THE HEALTH TEAM

Art.-328 The purpose of the public function is common welfare based on the National Constitution, the International Treaties ratified by the Nation and the standards that regulate them. The public officer owes loyalty to the country through the democratic governmental institutions, which loyalty shall be above any relationship with persons, political parties or organizations of any kind.

Art.-329 As Health is People's Right to which the State must confer priority, every Health Team member having a role in any sphere of the "public function" shall orient her or his activity towards programming a series of measures to attain psychophysical and sociocultural balance in the entire population. Social development is the basis of good Public Health Function.

Art.-330 "Public function" is every temporary or permanent, paid or honorary activity carried out by a Health Team member who has been selected, appointed or elected to act on behalf of the State (national, provincial or municipal) or at the service of the State or its entities in any hierarchical position.

Art.-331 A person outside the Health Team who accepts to be a public officer in any of the health-related areas becomes a Health Agent immediately. Hence, she or he shall abide by this Code in the same conditions as a Health Team member, striving unconditionally for the construction of citizenship welfare.

Art.-332 The public officer shall act in a fair honest manner, trying to satisfy the general interest and rejecting any personal benefit or advantage that she or he her/himself may obtain or through a third party.

Art.-333 The Health Team member accepting to hold public office shall be suitable, that is, shall be technically, legally and morally apt in relation to the position she or he will hold. No Health Team member shall accept a post if she or he lacks the knowledge and aptitude.

Art.-334 The higher the position of the public officer in health, the greater her or his responsibility to comply with these standards. The public officer shall maintain a permanent technical administrative training and updating for best performing the task she or he has been entrusted.

Art.-335 Health Team members in the public function have the obligation to know, observe and have observed the National Constitution, and the rules and regulations governing their activity. They shall implement their actions under criteria of equity and social justice. They

shall reject any conduct that may influence their independent criterion in decision-making affecting the performance of their functions.

Art.-336 Health Team members in the public function have the obligation to be truthful and prudent within the public activity team as well as with individuals. In addition, they shall be discreet in handling facts and information obtained while in office without detriment to the inherent duties of their position. Furthermore, they shall decline all cases where conflicts of interest may emerge.

Art.-337 When a Health Team member has been elected for public office in the Executive or Legislative spheres and her or his position and social commitment require full-time dedication, she or he will give up her or his health care activities.

Art.-338 When a Health Team member assumes a State function (Executive or Legislative), she or he shall not be exempted from the obligations towards her or his colleagues within her or his sphere of action, whereby she or he shall defend the following:
Paragraph a) the right to profess a religion or hold a political idea.

Paragraph b) the right to unionize freely and defend her or his professional union interests.

Paragraph c) the right to a comprehensive defense and preliminary hearing in case of dismissal.

Paragraph d) the right to job stability and to seniority in State-owned institutions.

Paragraph e) the right to have the principle of open, competitive examinations respected.

Art.-339 When a Health Team member is a State officer, the documents produced while in office are the property of the State and she or he shall therefore take all precautionary measures to keep them in good conditions.

Art.-340 It is deemed to be serious unethical conduct for a public officer in health to change the nomenclature of Health Specialties citing reasons of responsibility without the different Scientific and Educational Health Organizations' previous consent.

Art.-341 The public officer in Health who is attributed a crime of public action shall facilitate the investigation and implement the necessary administrative and judicial measures to clarify the situation and keep the honor and dignity of her or his position unharmed.

Art.-342 The public officer in Health shall report to her or his superior or corresponding authorities the actions that she or he learns as a result of her or his functions, and which could damage the State or be a crime or violation of any of this Code provisions.

Art.-343 The public officer in Health shall work to offer the population ethical health care with a comprehensive focus on the person, and uninterrupted care for people of all ages, under the criterion of solidarity and fairness (Principle of Justice).