



HEALTH JUDICIALIZATION: CASE STUDY ON JUDICIAL DEMANDS
JUDICIALIZAÇÃO DA SAÚDE: ESTUDO DE CASO SOBRE AS DEMANDAS JUDICIAIS
JUDICIALIZACIÓN DE LA SALUD: ESTUDIO DE CASO SOBRE LAS DEMANDAS JUDICIALES

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ABSTRACT

Objective: to analyze the cases of judicialization, and the financial impact in meeting the judicial demands and the lack of communication of the Judiciary with the Executive. **Method:** this is a qualitative, analytical, descriptive and retrospective study in which the jurisprudential analysis methodology was used, having, as an analysis unit, copies of the entire content of legal proceedings. Three cases of prosecution for the supply of infant formula that occurred between 2013 to 2016 were analyzed. **Results:** it was identified that the manager has a great challenge in meeting the legal demands that are not included in Rename, it is necessary to implement municipal, state committees to reduce cases of judicialization, and enable communication of the Judiciary with the Executive Branch. **Conclusion:** it was evidenced that, due to the financial impact, the municipality would not be able to meet the judicial demand in the years 2013 and 2014 only with this revenue, and, it was necessary to have the support of the City Hall to comply with the court orders, because if there was communication of the Judiciary with the Executive, it would be clear that these demands should have been met by the State Department of Health. It should be noted that this fact did not occur and the municipality took over, during the determined period, the lawsuits. **Descriptors:** Executive; Judiciary; Health; Food Hypersensitivity; Pharmaceutical Services; Health Management.

RESUMO

Objetivo: analisar os casos de judicialização, e o impacto financeiro em atender às demandas judiciais e a falta de comunicação do Poder Judiciário com o Executivo. **Método:** trata-se de estudo qualitativo, de caso analítico, descritivo e retrospectivo em que se utilizou a metodologia de análise jurisprudencial tendo, como unidade de análises, cópias de inteiro teor de processos judiciais. Analisaram-se três casos de judicialização por demanda de fornecimento de fórmulas de alimentação infantil que ocorreram entre os anos 2013 a 2016. **Resultados:** identificou-se que o gestor tem um grande desafio em atender as demandas judiciais que não constam na Rename, é necessário implementar comitês municipais, estaduais para redução dos casos de judicialização, e possibilitar comunicação do Poder Judiciário com o Poder Executivo. **Conclusão:** evidenciou-se que, devido ao impacto financeiro, o município não conseguiria atender à demanda judicial nos anos 2013 e 2014 somente com essa receita, e, foi necessário o apoio da Prefeitura Municipal para atender aos mandados judiciais, pois, se houvesse comunicação do Judiciário com Executivo, ficaria claro que essas demandas deveriam ter sido atendidas pela Secretaria Estadual de Saúde. Destaca-se que esse fato não ocorreu e o município assumiu, durante o período determinado, as demandas judiciais. **Descritores:** Poder Executivo; Poder Judiciário; Saúde; Hipersensibilidade Alimentar; Gestão em Saúde; Assistência Farmacêutica.

RESUMEN

Objetivo: analizar los casos de judicialización, y el impacto financiero en atender las demandas judiciales y la falta de comunicación del Poder Judicial con el Ejecutivo. **Método:** se trata de un estudio cualitativo, de caso analítico, descriptivo y retrospectivo en que se utilizó la metodología de análisis jurisprudencial teniendo como unidad de análisis, copias de entero contenido de procesos judiciales. Se analizaron tres casos de judicialización por demanda de suministro de fórmulas de alimentación infantil que ocurrieron entre 2013 y 2016. **Resultados:** se identificó que el gestor tiene un gran desafío en atender las demandas judiciales que no constan en Rename, es necesario implementar comités municipales, estatales para reducir los casos de judicialización, y posibilitar comunicación del Poder Judicial con el Poder Ejecutivo. **Conclusión:** se evidenció que, debido al impacto financiero, el municipio no conseguía atender a la demanda judicial en los años 2013 y 2014 solamente con esa receta, y fue necesario el apoyo del Ayuntamiento Municipal para atender a los mandatos judiciales, pues, si hubiera comunicación del Judicial con el Ejecutivo, estaría claro que esas demandas deberían haber sido atendidas por la Secretaría Estatal de Salud. Se destaca que ese hecho no ocurrió y el municipio asumió, durante el período determinado, las demandas judiciales. **Descriptor:** Poder Ejecutivo; Poder Judicial; Salud; Hipersensibilidad a los Alimentos; Servicios Farmacéuticos; Gestión en Salud.

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INTRODUCTION

It is considered the Brazilian Federal Constitution of 1988, the legal framework where the UHS is born, because it brings, in its articles 196 to 200, the UHS registry, where it says: "Health is a right of everyone and duty of the State".¹

It is mentioned that the UHS is, therefore, the set of actions and health services provided by federal, state and municipal public bodies and institutions, direct and indirect administration and foundations, maintained by the public power and that constitute a of the main advances in relation to the development of public policies of the State with a universalist characteristic.²⁻³

This article proposes to discuss the judicialization in the supply of food supplements for food allergy sufferers, specifically in a small city in the south of Piauí, reporting the difficulty of the municipal manager to meet the demand through the high cost of the food component.

Through this research, the problem of demonstrating the difficulties of municipal management related to communication and compliance with legal demands for the supply of the food component for CMA children.

They are defined as food allergies with an adverse effect resulting from a specific immune response that occurs reproducibly following exposure to a given food and which is distinct from other adverse responses such as food intolerance (non-immune mediated and involving enzyme reactions) or toxin-mediated reactions.⁴

It should be noted in this case study that the most used and requested formulas in the judicial proceedings were Neocate® and Pregomin®, which are not part of the basic component of the Pharmacy Assistance of the municipality.

It should be pointed out, through these actions, the increasing intensity in Brazil, when sentenced positively, significant impacts on the public finances, since the expenses with the judicialization are not foreseen for the fiscal year and are demonstrated, in part of the cases, of high cost, since the need to resort to this means is related to the value of certain services and the impossibility of the applicant against such expenses, which has motivated a great debate about the distributive effects of the Judiciary's action, when they refer to public health policies.⁵

It is known that in the context of pharmaceutical care, one of the great challenges of mankind has always been to

control, reduce or eliminate the suffering caused by illness. It is added that the health of a population does not depend only on health services and the use of medicines, however, their contribution and the importance of health care are undeniable. It is perceived that, as a public health action and an integral part of the health system, Pharmaceutical Assistance is determinant for the resolubility of care and services provided in health and involves the allocation of large volume of public resources.⁶

It is affirmed by the National Medicines Policy (NMP):⁷

The Ministry of Health will establish mechanisms that allow the continuous updating of the National Relation of Essential Medicines (Rename), an indispensable instrument of action of the UHS, insofar as it contemplates a list of products necessary for the treatment and control of most of the diseases prevalent in the Country.⁷

The objective of the RENAME is to promote the access of users to prescription drugs with rational use.⁸ It is a list of medicines that must meet the priority health needs of the Brazilian population and should be a master instrument for the actions of pharmaceutical assistance in UHS and for local planning.

It refers to the judicialization of health to the search for the Judiciary as the last alternative to obtain the drug or treatment now denied by the UHS, either due to lack of prediction in RENAME, or due to budget issues. A deficient health system, which fails to provide the protection of this fundamental right, is reflected, but the expansion of the judiciary has worried managers and jurists, because without criteria it can lead to an imbalance of the budget, harming policies already advanced.⁹

It is noteworthy that in Brazil, in general, the judicialization in health is a notorious fact in the discussions of several Brazilian states and municipalities, and this reality is not different in the State and in the municipalities of Piauí.

It is related to the increase of legal actions, which are not restricted to the delivery of medicines, to other services, such as: performing surgeries and procedures; medical and hospital supplies; vacancies in the ICU; supply of food components, among others, causing great concern to UHS managers.

OBJECTIVE

To analyze the cases of judicialization, the financial impact in meeting the judicial demands and the lack of communication of the Judiciary with the Executive.

METHOD

This is a qualitative, analytical, descriptive and retrospective case study in which case-law analysis methodology was used and copies of entire contents of court proceedings involving the three cases of judicialisation by supply demand were established as analysis units of infant formula (Neocate® and Pregomin®), which occurred in municipal management from 2013 to 2016. In addition to the revenue data, financial transfers, co-financing and extracts from the accounting system of expenses for the acquisition of the food component related to the lawsuits of the municipality of Cristino Castro-PI.

For the discussion of lawsuits, laws, norms, publications and information contained in the digital sites of the different entities involved in this process were used.

The interest for the choice of said city was given due to the performance of the researcher as municipal health manager, in the Municipal Health Department, from 2013 to 2016 in that municipality. It is believed that the research can illustrate the difficulties and the lack of dialogue that the small municipalities have to meet the judicial demands, demands that could be reduced if there were dialogues between the Judiciary and the Executive Branch and if the demands were served by referrals according to regionalization.

The importance of maintaining dialogue between the Executive and Judicial Branches, through the establishment of the council and / or committee, will be discussed specifically to deal with cases of judicialization, with the aim of reducing cases of judicialization and promoting the improvement of health services.

It is understood that small municipalities receive insufficient resources for health actions and, on top of that, the guiding question of the research is: "What are the management difficulties related to communication and compliance with legal demands for the provision of the food component for CMA children?"

In an attempt to answer this question, the case study was used as a way of detailing the course from the administrative request by the families until the arrival of the court order.

We also used bibliographical research to review the literature regarding the judicialization, the UHS and the Pharmaceutical Assistance available in electronic media, such as laws, ordinances, norms, publications, lawsuits and articles.

The data were collected through the archives of legal proceedings, revenue from financial onlending of pharmaceutical assistance and co-financing, and extracts from the accounting system of expenses for the acquisition of the food component related to the lawsuits of the municipality of Cristino Castro - PI.

RESULTS**Judiciary in the State of Piauí**

It should be noted that, in order to obtain information regarding the progress of the judicial processes in the municipalities, it was reported that, to date, there is no such committee to report to the State Council of Municipal Health Secretariats (COSEMS-PI). Support to municipalities. The COSEMS team seeks to broaden the dialogue in the area so that a path can be taken, together with the UHS managers, in order to reduce cases of judicialization.

The municipalities are guided by COSEMS to evaluate whether the process is, in fact, the responsibility of the municipal management or refers to the component of state responsibility (medium and high complexity). In this case, the user is referred to the Pharmacy of Exceptional Medications, used for the treatment of rare diseases that have, as a reference, Rename for the release of high-cost drugs.

It is revealed that, for cases that are not included in the Rename, the user enters an action in the State, which is the institution that has budgetary conditions for the release of the necessary medicine. However, it is inferred that this flow does not occur in the municipality, and the manager receives the writ of mandamus and must comply with it, becoming a hostage of Justice. It is necessary to raise the awareness of the Judiciary to maintain a dialogue with the Executive Power in order to seek resolution in the competent governmental sphere.

In the context of pharmaceutical assistance, in March 2006, with the approval of Administrative Rule 698 / 2006,10, the financing block for PC was constituted by the components listed below.

Component		Description
1	Basic Component of Pharmaceutical Care (municipal scope).	For the acquisition of medicines and supplies in the scope of basic health care through financial transfers to the State and / or Municipal Health Secretariats or by centralized acquisition by MH.
2	Strategic Component of Pharmaceutical Care (municipal and state scopes).	The UHS offers and guarantees access to an expressive set of medicines that, due to the characteristics of the diseases for which they are indicated, represent an important impact to the budget of the Public Pharmacy Assistance in Brazil. It should be noted that this Component was created and agreed upon by the Tripartite Interagency Committee (TIC), precisely to seek solutions to existing limitations, such as fragmentation of access, limitation of funding and weaknesses in the list of medicines.
3	Component of Exceptional Dispensation (State scope).	For the financing, acquisition and distribution of these drugs, based on clinical protocols and therapeutic guidelines, the resources are passed on to the State Health Secretariats, which carry out their acquisition and dispensation.

Figure 1. Components of the Pharmaceutical Assistance Financing Block. Source: Own elaboration with data of Administrative Rule GM 698/2006.¹⁰

It should be emphasized that the Exceptional Dispensing Medicines Component is the responsibility of the State Health Secretariats. In this block of financing, the Neocate® and Pregomin® food components can be financed, since they are included in the Clinical Protocol and Therapeutic Guidelines to Cow's Milk Protein Allergy (CMA) as the components that should be prescribed.¹¹

In the basic attention, the municipal manager is challenged in the disarticulation of the pharmaceutical assistance in the scope of the health services. It was reported by the manager that some medical professionals do not prioritize the adoption of the standardized drugs in Rename, since the manager is directed to purchase medicines following Rename's list of medicines, which was developed for the treatment and control of majority of diseases prevalent in the country.

It is proven that this is a great challenge for the manager, since the formulas requested in legal proceedings are not on the Rename drug list. There is a common problem here where the Judiciary does not maintain communication with the Executive Branch to direct the demand to the competent governmental sphere.

DISCUSSION

It is described that the Judiciary wants to solve health problems, or rather, individuals who claim, through a judicial process, the realization of their rights sculpted in the Federal Constitution.¹²

It is argued that the judicialization of health deserves attention from all sectors of society, because its unbridled growth can have serious consequences for the country's budgetary balance.⁹ It is understood that

health is a fundamental human right, but is poorly implemented, and this is the main factor that triggers the expansion of the movement. However, a balance needs to be struck between the attainment of the individual right and the public policies envisaged so that the public budget is not burdened to such an extent that it makes the State's action unfeasible.

It is evident that the increase in the number of lawsuits in the area of health is a matter of concern for managers.¹²⁻³ It is also necessary to move forward in the dialogue between the Executive and Judiciary Powers, in order to clearly define the competencies and possibilities of all actors involved in the judicial process: patients, doctors, the Judiciary, the Public Prosecutor's Office, lawyers and society in general, seeking to improve the access and quality of the public health system.

It is added that, despite the consensus that the situation is a cause for concern, there is no national survey of the dimension of the phenomenon that is known as the judicialization of health, nor of its impact on the UHS and its users. This is largely due to the fact that the proposed actions are divided between the Federal Justice and Justice of each State of the Federation, each of which is an autonomous decision space, with its own organization and characteristics of demands, to a certain extent, particularized.¹⁴

The increase in the number of lawsuits directly involved the expenditure of public entities to comply with judicial decisions, determining the supply of medicines. According to data provided by the Union Court of Auditors (UCA), covering the Union, the states and municipalities, the Union's spending on health claims in 2015 was one billion Reais,

meaning an increase of more than 1,300% (from R\$ 70 million to one billion reais) in seven years. It is also worth noting that, according to UCA data, the supply of medicines, some without registration in the Unified Health System, corresponded to 80% of the actions.¹⁵

It is inferred that the National Justice Council (NJC) has been making a series of recommendations, with the intention of bringing the Executive and Judiciary powers closer together, in an attempt to reduce the judicialization of health.

It was determined by the NJC, through Resolution 238/2016, that the courts of justice install the state health committees.¹⁶

Art. 1 The Courts of Justice and the Federal Regional Courts will create within their jurisdiction the State Health Committee, with a minimum representation of First and Second Degree Magistrates, State and Federal, health managers (federal, state and municipal), and other participants of the Health System (ANVISA, ANS, CONITEC, when possible) and Justice (Federal and State Public Prosecutor's Office, Public Defenders, Public Lawyers and an Attorney representing the Section of the Brazilian Bar Association) as well as a member of the state health council that represents the users of the public health system, and a representative of the users of the supplementary health system that should be indicated by the National Secretariat of Consumer Protection through the Procons of each state.¹⁶

§ 1 The State Health Committee will be responsible for assisting the courts in the creation of Judicial Technical

Support Centers (JUS -TSC), made up of Health professionals, to elaborate opinions on evidence-based medicine, observing in its creation the provisions of the second paragraph of art. 156 of the Brazilian Code of Civil Procedure.¹⁶

According to counselor Arnaldo Hossepian, the Committee is responsible for structuring the decision-making process of the magistrate who exercises jurisdiction in this area. It is emphasized that: "The committee can act with the managers, charging them to actually offer the services that are the law of the population".¹⁶

It is verified, in cases not included in the Rename, that the user enters an action in the State, which is the institution that has budgetary conditions for the release of said drug, however, it does not happen in the municipality, and the manager receives the security order and must comply with it, becoming a hostage of Justice. It is necessary to raise awareness of the Judiciary to maintain a dialogue with the Executive Branch in order to seek resolution in the competent governmental sphere.

It should be noted that there is already a publication,¹¹ a Clinical Protocol and Therapeutic Guidelines (CPTG) for Cow's Milk Protein Allergies, with recommendations for the supply of food components, including the quantity of cans that must be supplied according to the age of the child and the specific type of food restriction.¹¹

It is hoped, with the structuring of the state health committee in the courts of justice, the participation of UHS managers, because dialogue and integration between the Judiciary and the managers of the UHS are necessary to find solutions and reductions in cases of judicialization.

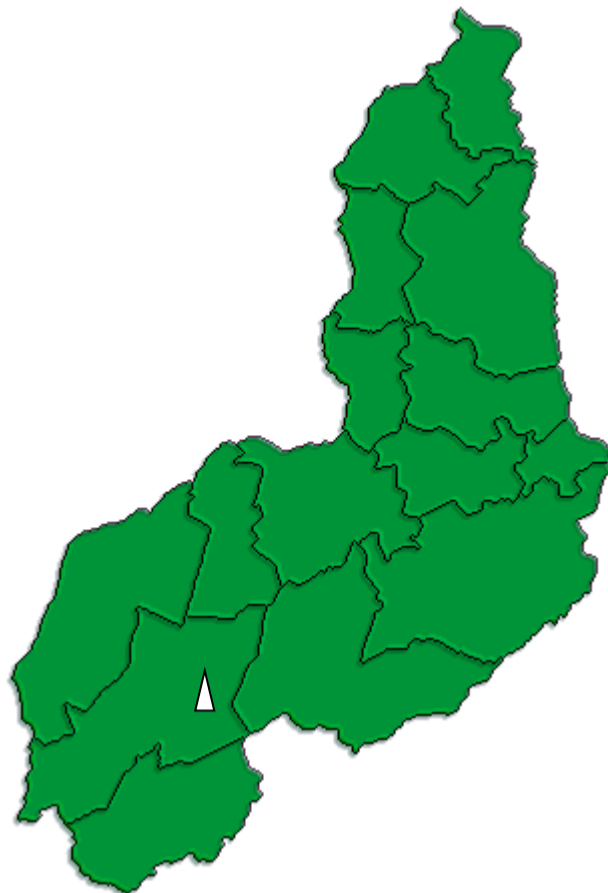


Figure 2. Municipal cases of judicialization. Cristino Castro (PI), Brazil, 2018. The municipality of Cristino Castro-PI is located in the extreme south of the State of Piauí, 600 km from the capital, Teresina.

It is pointed out that the population of the city is of 10,235 inhabitants,¹⁷ that is to say, it is a small municipality with limited financial resources and with difficulties to attend to judicial demands. Source:¹⁷

It is estimated the population of the municipality,¹⁸ in 10,401 inhabitants, with the Human Development Index - HDI of 0.556 in 2010, and GDP per capita of R\$8,115.95.¹⁹ It should be noted that in 2016 the average monthly salary was 1.8 minimum wage and the proportion of employed persons in relation to the total population was 7.5%.¹⁸

It is pointed out that the schooling rate, between six and 14 years of age, is 97.9%,²³ and, in 2015, the students of the initial years of the city's public network had an average grade of 2.8 in the IDEB. that, for the students of the final years, this grade was 2.9.¹⁸

In the area of health, the municipality has the following structure: three Basic Health Units in the urban area; three rural health posts; a Psychosocial Care Center; a Municipal Center of Physiotherapy; a SAMU and a mixed unit.²

It is mentioned that the main economic source comes from agriculture and livestock, with the main agricultural products: rice, sugar cane, beans, manioc, watermelon, corn, banana, cashew nuts and the coconut of Bahia. The main herds are cattle, pigs, goats and sheep.²⁰

It is believed that decisive drug decisions without effective careful observation of demand can be expected to have negative effects on the entire public health system, leading to system-wide dysfunction.²¹

Due to the risk of developing the judicial process as the main means to guarantee access to the drug, significant damages of the right to health are generated, in violation of ethical and legal principles, in particular that of equal access to health.²²

In the Municipal Health Plan of Cristino Castro - PI (2014-2017), in relation to pharmaceutical assistance:

Basic Pharmaceutical Care Program: Basic Pharmaceutical Care consists of financial resources and actions exclusively aimed at the acquisition of basic medicines, contributing to the guarantee of integrality in the provision of basic health care. The actions financed with these resources ensure the strengthening of basic medicines to the population of the country, in several proposals by the National Medicines Policy.^{23:29}

It is revealed, therefore, that the lawsuits were not inserted in the Municipal Health Plan, considering that the food components should be made available through the pharmacy of exceptional medicines, where resources are passed on to the State Health

Secretariats, that the acquisition and dispensation of the same.

The planning for the acquisition of the medicines of the basic attention of the municipality is carried out according to the local epidemiological profile.

The needs of medicines in the health units originate and they result from the profile of the diseases of the population and the goals of the services offered. It should be noted that they should not be confused with drug consumption.²⁴

Counts the municipality of Cristino Castro with five Family Health Strategy teams that meet the demand for basic care. According to the individual registration report (2016)-e-UHS BC, the epidemiological profile of UHS users is composed of: hypertensive, diabetic, smokers, leprosy, some cases of obesity and malnutrition. Management is based on this profile to plan the procurement of medicines to meet the local need.

In an informal conversation with the municipal manager, it was communicated that the cases of the lawsuits are very private, and the municipality does not have a UHS specialized professional to attend these patients. This way, the family members seek private care and, from there, they come with a lawsuit to purchase the food indicated by the doctor, since it is not part of the municipality's medication list. It is advised by the Municipal Health Secretariat that family members should resort to state pharmaceutical assistance, which meets the user's need in the pharmacy of exceptional medicines.

It is clarified that the Municipal Health Department has several programs focused on basic care, among them the Pharmaceutical Assistance Program, which consists of financial resources and actions aimed exclusively at the acquisition of basic medicines, contributing to the integrality in the provision of basic health care.

It assures, through the actions financed with these resources, the supply of basic medicines to the local population, according to Rename.

It was determined that the financial transfers are monthly through the federal government, and the municipality also counts on onlays of pharmaceutical assistance and with the co-financing of the State Health Department of Piauí (SESAPI), with no specific date for receipt of the appeal.

When the managers took over the management in 2013, two arrest warrants were received and, in 2014, another warrant

was issued, which implies the determination of immediate delivery of the medication. It was found that the manager did not have the opportunity to be heard previously on the request, in this case, the complementary food supply: Neocate® and Pregomin®. Some questions have arisen:

- 1) Whose responsibility is it to comply with this warrant? Health or Social Assistance?;
- 2) Treating an exceptional drug, the user should use the Pharmacy of Exceptional Medications in the State Department of Health?;
- 3) The judge is aware of the structure of municipal and state pharmaceutical care?;
- 4) Where can we buy milk? And the bidding process?;
- 5) The user passed the UHS doctor?

It is revealed that, in the cases of patients who requested Pregomin® and attended the MHS, it was reported that this food component was not available, directing the patients to request it from the State Health Secretariat (Exceptional Medications Pharmacy), for if it is a high-cost food component, which is not included in the basic pharmacy of the municipalities, and the patients have recourse to local courts.

In the case of the patient who needed the Neocate®, a letter was sent to the MHS and he was denied, stating that the secretariat did not provide the food component and directed the family members of the child to request the State Department of Health Exceptional Medicines), because it is a high-cost food component, which is not part of the basic pharmacy of the municipalities. It is added that, in the face of the refusal, the relatives applied to the local Justice.

It is warned that it was not a time for questioning, but to comply with the warrant, and the management began requesting budgets in several companies in Piauí, without success, and finally got a supplier in São Paulo that served all the legal criteria for the acquisition of milk.

It complements itself by informing that the court order is that the MHS should provide ten cans of milk per month, but the management could not immediately comply with the quantity specified for each action due to financial difficulties and the high cost of milk. generated costs higher than planned for the purchase of medicines in the municipality. It is alleged that, in this way, according to the inflow of financial resources, the management complied with the warrant, buying, gradually,

the complementary feeding until the amount determined by the user.

Financial Impacts

It has been mentioned previously that the municipality receives the federal and state financial transfer for the acquisition of primary care medicines, however, the state transfer does not happen regularly and there are delays. It was sought, through municipal management, to comply with this warrant, through the use of the SHF - Single Health Fund and / or co-financing, so as not to prejudice the acquisition of other primary care medicines. It is noticed that, due to some discounts in the municipality's account (INSS, injunctive, among others), the management was not able, through this resource, to attend to the Justice, requesting the support of the city hall so that there is no failure in the food supply complementary.

The financial impact is reported, having as reference, the state transfer and the expenses with lawsuits related to the period from 2013 to 2016.

In order to comply with the court order, the costs of filing court orders totaling R\$5125.90 were paid, in compliance with the three lawsuits per month. Commitment is made to the supply of basic care products and drugs, since the resource purchased to fund the basic pharmacy is R\$5825.30, which worries management because of the difficulty of keeping health services happy. The federal resource of R\$4265.30 for the specific acquisition of primary health care medicines was reserved by management, in order not to generate a great loss, using the state's co-financing facility, when released, to purchase complementary food, in accordance with with the justification of the court and, if the appeal is not available, the management appeals to the SHF and/or requests the municipal mayor, the financial support to meet the judicial demand.

Shown below, graphically, the impact of the financial resource referring to the value received from the state sphere and the value of expenses to meet judicial orders.

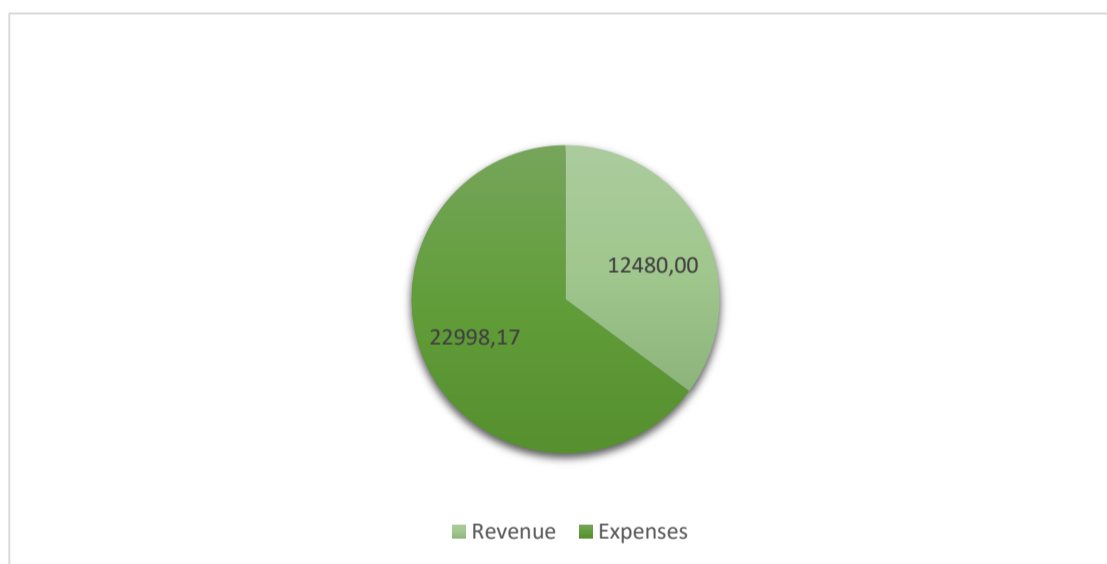


Figure 3. Revenue and expenses for the year: 2013. Cristino Castro (PI), Brazil, 2013. Source: Cristino Castro / PI Municipality Accounting Sector (2013).

The municipality was counted in 2013 with two court orders, according to the chart above, and revenue and expenses amounted to R\$35,478.17, with the financial impact during 2013 being of the order of R\$12,480.00

(revenue / cofinancing - State). There were expenses related to lawsuits of R\$22,998.17, an amount that exceeded 80% of the revenue referring to the transfer of pharmaceutical care.

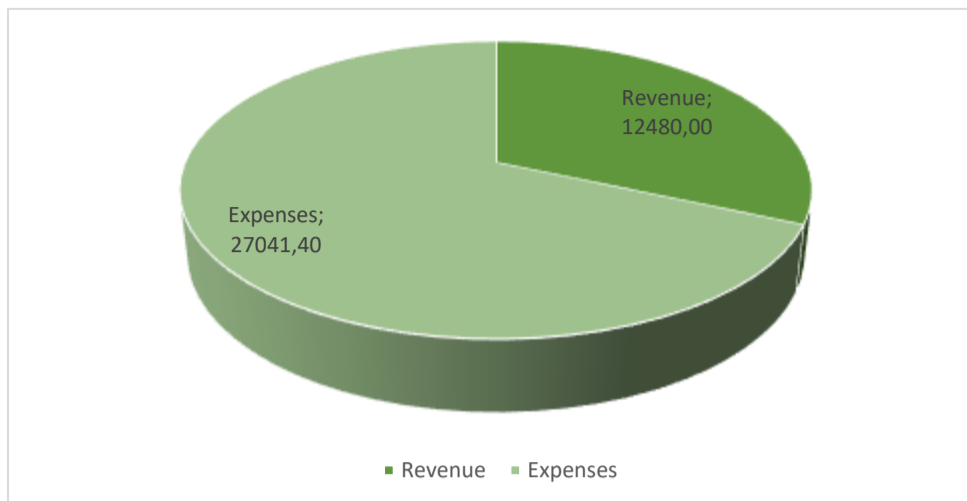


Figure 4. Revenue and expenses for the year: 2014. Cristino Castro (PI), Brazil, 2014. Source: Cristino Castro / PI municipality (2014).

The municipality was counted in the year 2014, with three court orders, according to the chart above, and revenue and expenses amounted to R\$ 39,521.40, and the financial impact during the year 2014 was on the order

of R\$12,480.00 (revenue / cofinancing - State). There were expenses related to lawsuits of R\$ 27,041.40, an amount that exceeded 100% of the revenue referring to the transfer of pharmaceutical assistance.

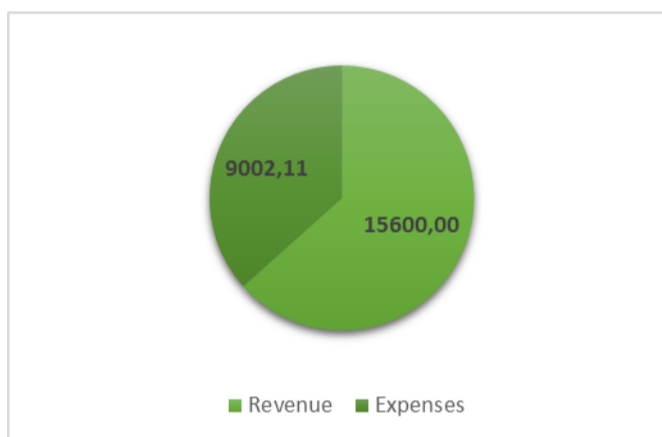


Figure 5. Revenue and expenses for the year: 2015. Cristino Castro (PI), Brazil, 2015. Source: Cristino Castro / PI municipality (2015).

The municipality was counted in the year 2015 with two court orders, according to the chart above, and revenue and expenses amounted to R\$24,602.11, and the financial impact during the year 2015 on the order of

R\$15,600.00 (revenue / cofinancing - State). There were expenses related to lawsuits of R\$9,002.11, corresponding to 57.70% of the revenue referring to the transfer of pharmaceutical assistance.

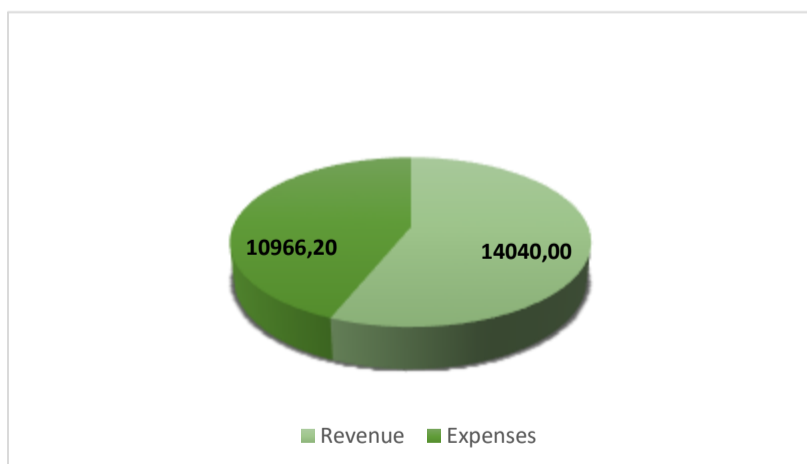


Figure 6. Revenue and expenses for the year: 2016. Cristino Castro (PI), Brazil, 2016. Source: Cristino Castro / PI municipality (2016).

In 2016, the municipality had two court orders, according to the chart above, and revenue and expenses amounted to R\$25,006.20, and the financial impact during the year 2016 was on the order of R\$14,040.00 (revenue / cofinancing - State). There were expenses related to lawsuits of R\$10,966.20, corresponding to 78.10% of the revenue referring to the transfer of pharmaceutical assistance.

It can be seen from the financial impact shown in this study, according to the financial pass-through of the state pharmaceutical assistance block, that the municipality could not meet the lawsuit in 2013 and 2014 only with this revenue and, according to the managers, it was necessary the support of the City Hall to comply with court orders.

In this study, the importance of communication between the Judiciary and the Executive was also mentioned, since, according to the criteria of pharmaceutical assistance (Figure 1), the State Health Department, through component of medicines of exceptional dispensation, a fact that did not occur and the municipality assumed, during the determined period, the lawsuits.

It is understood that there is still much to be discussed in relation to this issue since, on the one hand, there are managers with few resources to perform the actions recommended in health and, on the other, the user with the need to have the right to food served.

CONCLUSION

It can be stated, after analyzing the readings and experiencing the cases presented regarding the judicialization, that URGENT is the articulation for the implementation of municipal and state committees with the objective of studying the reduction of cases of judicialization and bringing the parties together (Executive and Judiciary) in order to expose the reality of the local health system, in addition to what exists in the Constitution, where small municipalities have a very different reality from a medium or large municipality. It is believed that, in this way, only through the dialogue between the parties the decisions can advance in favor of the actors involved, managers and UHS users. It is known that municipalities have weaknesses in the UHS and must, in fact, fulfill all the obligations agreed through their bodies, and it is possible to continue to meet the demands that go beyond their activities, provided they are under municipal responsibility, since there are several demands that the State should

meet, but due to the court order, it is no longer necessary to make the referral.

An obstacle was observed, which was precisely the difficulty of dialogue and partnership between the municipal health management and the organs of legal control exercised by the Public Ministry and the Judiciary, who did not seek municipal management at any time to understand the flow of medication acquisition in the municipality. It should be noted that the manager did not have the opportunity to be heard previously and that difficulties were generated in the management of compliance with the court order, while at the same time it is necessary to meet the demand of the local health system.

In the context of the importance of reinforcing the dialogue and articulation between the Judiciary, the Municipal Health Secretariat and the UHS users, the progress of the implementation of the State Committee of the NJC in the State of Piauí was demonstrated. In this way, it will be possible to move forward in the struggle of UHS managers to reduce judicial actions, through dialogue, partnership and communication as essential means for positive and meaningful responses and to consolidate the Health at municipal and state levels.

It is important that this council and / or commission be composed of members of the following organs: Municipal Health Secretariat; Family Health Program; Support Center for Family Health; Pharmaceutical care; Municipal Department of Social Assistance; Secretariat of Administration and Finance and Legal Department, so that the conditions of access of the users to the local health services can be evaluated.

The commitment of SESAPI and COSEMS is needed, so that the municipalities can be supported through workshops that focus on: the judicialization, referral service and technical instruction for the elaboration of protocols for cases of judicialization, through the creation of a council and / or commission of judicialization under municipal responsibility, because, in this way, it will be possible to align the lawsuits according to each entity and reduce the lawsuits.

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