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MEMORIAL INSTITUTE FOR HEALTH STUDIES

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LEGISLATIVE ASSEMBLY**LAW N ° 78****(Of December 17, 2003)****That restructures and organizes Gorgas Memorial Institute for Health Studies****THE LEGISLATIVE ASSEMBLY****DECREES:**

Article 1. It is restructured and organized the organism called Gorgas Memorial Institute for Health Studies, which is hereinafter referred to as ICGES, as a public entity of social interest, with legal personality, financial and technical autonomy in its internal regime, in the management of its patrimony and in the exercise of its functions, subject to the orientation and the general policy of the Executive Branch through the Ministry of Health and under oversight of the Comptroller General of the Republic.

Article 2. The ICGES will be responsible for leading and promoting the national development of scientific research in health, by itself, along with other entities related to the subject, and compliance and application of legal standards, as well as the national policy on this matter, which will plan, program, coordinate and make compatible with the general plans of economic and social development that the government must carry out, through the Ministry of Health.

Article 3. The ICGES will be subject to the principles of excellence, effectiveness, efficiency, institutional commitment, equity, opportunity, transparency and productivity in the fulfillment of its objectives and functions.

Article 4. The Ministry of Health, in coordination with the ICGES, will approve and promote the national policy on scientific research in health matters, and ensure compliance as part of public policies for the development, protection and improvement of health, in the national territory.

The ICGES, within the scope of its functions, will be carried out before the Executive Body, through the Ministry of Health.

Article 5. The ICGES shall have exclusive jurisdiction for the organization, management, and resolution, under its own responsibility and for the benefit of the national interest, matters related to its own organization and operation, as well as its own internal resources, which include its Financial, administrative and human resources regime in accordance with this law and its regulations.

In guarantees of the attributed competence, the ICGES:

1. Will have its own patrimony, integrated by the funds that will be assigned to it in the General Budget of the State and any other sum that it generates, as well as the right to manage it.
2. Will prepare its budget project, which will include the items for the development of projects and work programs concerning the investigations and other activities necessary for the fulfillment of the objectives of this Law.
3. Will define a human resources policy, to promote the merits system and training, and to promote respect as well as job stability.
4. Will select and appoint its staff, set their remuneration and have the power to promote, sanction and / or dismiss, according to the procedure in the Internal Regulation of Human Resources approved for that purpose, and the Law of Administrative Career. Changes to the legal framework of its management will not affect the current rights of public servants.
5. Will act independently in the exercise of their functions and be subject to guidance and the general policy of the Executive Branch through the Ministry of Health, the Political Constitution, the law and the oversight of the Comptroller General of the Republic, which does not imply interference in its administrative functions.

Article 6. The ICGES and the General Comptroller of the Republic will establish a system of inspection, audit and control that allows an agile and flexible acquisition of the goods and services of ICGES for the achievement of the objectives of this Law. To that end, ICGES will regulate its legal regime for the acquisition of supplies, reagents, materials, equipment and others, as well as the contracting of services through regulations issued for that purpose.

The ICGES will have an internal audit responsible for its operations, transactions and obligations, and may hire a firm of public accountants that will perform the external audit.

Article 7. The ICGES will become the official entity for consultation and execution of the Ministry of Health in the field of health research, and will continue exercising the functions and providing the services of a central laboratory of health and public hygiene, pursuant to the Standards and parameters accepted and adopted at national and international level. In addition, it will evaluate the reagents and laboratory supplies in the field of public health.

Article 8. The objectives of the ICGES are:

1. To contribute to the improvement of the health of the population.
2. To increase the level and scope of scientific research in health.
3. To give advise on the formulation and evaluation of health policies.
4. To provide services in the matters of interest to the institution and those required in matters of health and public hygiene.
5. To plan and coordinate the scientific research sector in health matters, with cooperation of the National Secretaryship of Science, Technology and Innovation and the University of Panama.

Article 9. The functions of ICGES are:

1. To act as a support, teaching and advisory body of the Ministry of Health and other health sector organizations, in the matters of public health and hygiene research, clinical-epidemiological diagnosis, health technology evaluation, as well as in the formulation of research policies
2. To design, promote, coordinate and execute research programs and studies in the health sciences, to produce and adapt knowledge and technologies that contribute to sustainable human development.

3. To promote execution of agreements and cooperation agreements for the development of health knowledge, with public and private entities national or foreign.
4. To offer information services and documentation on health, to health sector institutions and the general public.
5. To investigate, evaluate and propose the appropriate technology to improve the health of the population in the different health services, without prejudice to the functions attributed to the Ministry of Health.
6. Provide services as a central laboratory of health and public hygiene, in accordance with the norms and parameters accepted and adopted at national and international level, and evaluate the reagents and laboratory supplies in the field of public health.
7. To establish, regulate and collect fees for public services from public and private entities, except for the exceptions provided for by the Ministry of Health.
8. To supervise compliance with this Law and its regulations, as well as establish, regulate and execute the corresponding sanctions established for that purpose.
9. To collaborate with the Executive Branch in the establishment of national standards for research with living beings, in accordance with bioethical principles and internationally accepted standards, particularly with human beings.
10. To strengthen the operation of the National Committee of Bioethics of Research, which will have a binding consultative nature and will prepare of its own regulations that will be approved by the Executive Branch.
11. To perform all other necessary functions, within the framework of compliance with the objectives of this Law and its complementary regulations.

Article 10. The State shall provide ICGES with the economic and human resources to comply with the objectives and functions in this Law and its regulations, as well as the requirements for its organization, operation and administration assigned in the General Budget of the State.

As a result, ICGES's patrimony will be constituted by:

1. The funds allocated by the State, for the fulfillment of its objectives and functions, for the creation and maintenance of the Special Fund for the Promotion of Health Research.
2. The subsidies and contributions it receives from public and private entities.

3. Donations and legacies that, for the benefit of inventory, are received from natural and legal persons, which will be considered deductible expenses of the Income Tax, according to the tax legislation.
4. The income generated by ICGES for the provision of its services.
5. The movable and immovable property that, when this Law enters into force, is in its use and / or Administration or of the Ministry of Health in its favor, and those it acquires in the future.
6. The product of any activity done to obtain funds.

Article 11. It is created the Special Fund for the Promotion of Health Research, created by the State and held annually by it, which will be administered by ICGES and whose use will be regulated.

It will be part of this Fund financing for of research projects, the loans and donations, whether from individuals or legal entities, national or foreign, or from financial entities or international organizations, as well as legacies and inheritances received for the benefit of inventory and the balances of the budget items not used at the end of each fiscal period.

This Fund must be deposited in a special account created for this purpose in the *Banco Nacional* or *Caja de Ahorros*; its use will be subject to approval of the projects and its disbursements to the progress of these.

Paragraph. Unused and unencumbered resources of the Fund, as well as accrued interest in each fiscal year, will be kept in the special reserve account of this Fund to be used in other projects or, otherwise, be allocated in the following fiscal periods.

Article 12. ICGES shall at all times be exempt from the payment of taxes, contributions, fees, liens or rights of any kind or denomination of national character and, in the proceedings to which it is a party of, shall enjoy all the privileges granted to the Nation by the procedural laws. The exemptions and privileges established in this article will not be extended to the personnel in active duty at ICGES.

Article 13. ICGES may enter into agreements with public and private entities, national or foreign, as well as with international organizations, and hire specialized scientific, research or teaching personnel, of Panamanian or foreign nationality, to Programs or specific plans, for a defined period of time, according to its needs and the guidelines of the Board of Directors.

Article 14. ICGES will be integrated by a Board of Directors and a General Directorate, which will be the internal management organisms.

Article 15. The Board of Directors shall be the highest-ranking organism within the organizational structure of ICGES, and shall consist of five members, as follows:

1. The Minister of Health or his representative, who will preside over it.
2. The General Director of the Social Security Fund or its representative.
3. The Rector of the University of Panama or his representative.
4. The National Secretary of the National Secretaryship of Science, Technology and Innovation or its representative.
5. A representative of the associations or organizations of professionals in the sciences of Health, chosen by the Executive Branch.

In addition, they shall attend to all the meetings, only with the right to voice only, the General Director of ICGES, who will act as secretary, a representative of Legal Advice of ICGES and a representative of the Comptroller General of the Republic.

Paragraph. The members of the Board of Directors dealt with in numerals 1, 2, 3 and 4 of this article, once they have been in office, may remit the formal designation of a representative to represent them in their temporary absences.

Article 16. The representative of the associations or organizations of professionals in the health sciences, must hold a university degree in a profession in the health area, preferably have experience as a researcher and have recognized moral standing. It will be appointed for a period of three years and will have an alternate, who must meet the same requirements and be appointed in the same way as the principal.

Article 17. The form to adopt the decisions and what concerns to the internal organization and operation of the Board of Directors, that is not regulated in the present Law, will be matter of the regulation that this organism will have to adopt.

Article 18. The powers of the Board of Directors are:

1. To approve its internal operating regulations.
2. To approve the organizational structure; audit systems, costs and charges; the manuals of positions and functions, and the rules of competition, human resources, purchases and those necessary for the operation of ICGES.

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3. To propose to the Executive Branch, for its selection and appointment, the topics of eligible candidates to occupy the position of General Director.
 4. To establish the consultative and advisory bodies of ICGES and appoint its members, in accordance with what is established in the regulations of this matter. In addition, strengthen the functioning of the National Committee of Bioethics of Research, which will promote, certify, evaluate and supervise the research bioethics committees in the different public and private centers of the country that classify to form such committees, in accordance with the parameters established at the national and international level.
 5. To approve the draft budget of the ICGES, submitted for its consideration by the Director General.
 6. To create the National Research Bioethics Committee, which will promote, certify, evaluate and supervise research bioethics committees in the different public and private centers of the country that classify to form such committees, in accordance with the established parameters at the national and international level.
 7. To promote and manage, in coordination with the General Director, the obtaining of resources for the development of its objectives and functions.
 8. To approve or disapprove the expenses that exceed one hundred thousand balboas (B/.100,000.00), as well as the annual budget of the Institute previously prepared and supported by the General Director.
 9. To approve cooperation agreements with public and private entities, national or foreign, proposed by the General Director.
 10. To know appeals against resolutions issued by the Director General in the performance of his duties.
 11. To request, approve or reject the ICGES activities and proposals reports that They must be presented by the Director General.
 12. To request the Executive Branch to remove or suspend the General Director, for the reasons defined in this Law.
 13. To perform any other function within the scope of the objectives of this Law, previously established in the regulations.

Article 19. The Director General shall be appointed by the Executive Branch, for a period of five years, from a list of three candidates proposed by the Board of Directors, in accordance with the requirements established by this Law and the selection regulation approved for such purpose. The Director General may only be appointed for a consecutive additional period.

Article 20. To be a General Director, the following is required:

1. To be of Panamanian nationality.
2. To hold a university degree in any of health sciences.
3. To have three years of administrative experience, as a minimum.
4. To have a minimum of five years of experience in activities related to health research, including seminars, publications, work references, research carried out, performances or others.
5. To possess recognized moral solvency, which will be presumed unless proven otherwise.
6. To Comply with formalities pertaining to selection regulation and its subsequent ratification.

Article 21. The General Director will be the legal representative of ICGES and the one in charge of managing and directing it, as well as executing the plans, projects and programs; in accordance with the regulations and guidelines approved by the Board of Directors.

Article 22. The General Director shall have the following functions:

1. To prepare and sustain the Annual Operating Plan of the ICGES and the annual budget draft for presentation to the Board of Directors, the Ministry of Economy and Finance and the Legislative Assembly.
2. To draft an annual report on the activities, expenses, production and costs of the ICGES and present it to the Board of Directors for approval.
3. To appoint, promote, sanction and remove the administrative and technical personnel of the ICGES, according to their performance, training and execution, according to the Internal Regulation of Human Resources, and propose to the Board of Directors the modifications to the administrative and personnel structure of the ICGES to improve productivity and quality of services.
4. To conduct the formulation and execution of the plans, programs and regulatory standards developed by ICGES in the exercise of its functions.
5. To propose to the Board of Directors the project of the national health research policy, for its evaluation and decision.
6. To present to the Ministry of Health the proposed national policy on health research, previously approved by the Board of Directors.
7. To prepare and submit quarterly to the Board of Directors and the Ministry of Economy and Finance, as well as to the Office of the Comptroller General of the Republic, with the frequency that it requests, the financial reports of production of services and costs of ICGES.

8. To propose to the Board of Directors the candidates for members of the consultancy and advisory bodies of ICGES, in accordance with what is established in the regulations
9. To prepare, comply with and enforce the necessary information systems and regulations, previously approved by the Board of Directors, in relation to the administration and direction of ICGES.
10. To propose, for the approval of the Board of Directors, the draft regulations necessary for the operation of the ICGES.
11. To manage and sign cooperation agreements with other public or private entities, national or foreign, with prior approval of the Board of Directors and in coordination with the Ministry of Foreign Affairs, when appropriate.
12. To carry out expenses and request credits up to an amount of one hundred thousand balboas (B/.100,000.00), with the approval of the President of the Board of Directors, with prior support and within the framework of the programs and projects.
13. To manage additional funds, with national and international organizations, to support the operation of ICGES.
14. To prepare the appropriate administrative structure for the operation of the ICGES and propose it to the Board of Directors for approval.
15. To participate in meetings of Directors of the Ministry of Health.
16. Any other function assigned by the Board of Directors, in accordance with the objectives of this Law and its regulations, which must be previously established.

Article 23. The General Director will appoint a Deputy Director, who will replace him in his temporary absences and will perform the functions assigned by him.

To be Deputy Director General, it is require the same requirements than for the General Director.

Article 24. The Director General may only be removed from office for the following reasons:

1. For the commission of fraudulent crime or crime against the public administration, with previous judicial sentence enforcement that condemns it.
2. For manifest incapacity in the exercise of their functions, decreed by resolution of the Executive Body, at the request of the Board of Directors.

The Board of Directors shall regulate the procedures applicable to the grounds for removal.

Article 25 (transitory). The current Director General of ICGES will continue in his position after the entry into force of this Act until the new director is appointed.

Article 26 (transitory). As of the entry into force of this Law, the Ministry of Health must transfer to the ICGES the items of the General Budget of the State assigned for its operation and operation, contained in Law 66 of 2003, which approves the General State Budget for the fiscal year of 2004.

Article 27. This Law shall be regulated by the Executive Branch within a term not exceeding ninety days, counted from its promulgation.

Article 28. This Act shall take effect from its promulgation and abolish any provision that is contrary to it.

BE IT NOTIFIED AND EXECUTED.

Approved in third debate at the Justo Arosemena Palace, Panama City, on the 3rd day of the month of December of year two thousand and three.

The President in Charge,

NORIEL SALERNO ESTEVEZ

The General Secretary in Charge,

EDWIN E. CABRERA U.

NATIONAL EXECUTIVE ORGAN - PRESIDENCE OF THE REPUBLIC. - PANAMA, REPUBLIC OF PANAMA, DECEMBER 17, 2003.

MIREYA MOSCOSO
President of the Republic

FERNANDO GRACIA GARCIA
Health Minister
