

Office of the President of the Republic
Chief of Staff
Undersecretary of Legal Affairs

PROVISIONAL MEASURE NUMBER 557, DATED DECEMBER 26, 2011.

Institutes the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality, authorizes the Federal Government to grant a financial benefit, amends Law number 8080, dated September 19, 1990, and Law number 9782, dated January 26, 1999.

The **PRESIDENT OF THE REPUBLIC**, by the powers vested in her through Article 62 of the Brazilian Constitution, hereby enacts the following Provisional Measure, with force of law:

Art. 1 The National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality is hereby organized, within the scope of the Holistic Women's Healthcare Policy, coordinated and executed by the Unified Healthcare System – "SUS", with the goal of guaranteeing better access, coverage and quality of maternal healthcare, especially when related to at-risk pregnancies.

Art. 2 The National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality is comprised of the universal registration of pregnant and postpartum women, which allows the identification of at-risk pregnancies and postpartum women, as well as evaluation and strategies for the healthcare they receive during their pre-natal, birth and postpartum period.

Sole Paragraph. The System will be coordinated by the federal government, through the Ministry of Health, and managed in cooperation with states, the Federal District and municipalities.

Art. 3 The following are the responsibility of the Ministry of Health:

I – to establish the rules to implement the System;

II – to coordinate and guide the implementation of the System throughout Brazilian territory;

III – to institute and manage the computer system, with access shared among federal, state, district and municipal healthcare managers and the Health Councils;

IV – to establish monitoring and evaluation goals and indicate the components for the registration, oversight and monitoring of the System; and

V – to establish policies, programs and actions with the goal of improving women's health care in at-risk pregnancies and postpartum.

Art. 4 The Management of the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality will take place at the following levels:

I - National Oversight Committee; and

II – Commissions on Registration, Oversight and Monitoring of At-Risk Pregnancies and Postpartum Women.

Sole Paragraph. The States, Federal District and Municipalities may organize Oversight Committees to work in conjunction with the System.

Art. 5 It will be the responsibility of the National Oversight Committee to propose, to the Ministry of Health, the formulation of policies, programs and strategies within the scope of the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality.

§ 1 The National Oversight Committee will be coordinated by the Ministry of Health and will have its composition and operations legally defined by the State Ministry of Health.

§ 2 Representatives from the following entities will be assured participation on the National Oversight Committee:

- I – National Health Council – “CNS”;
- II – National Council of Health Secretaries – “CONASS”;
- III – National Council of Municipal Health Secretariats – “CONASEMS”;
- IV – Federal Council of Medicine – “CFM”; and
- V – Federal Nursing Council – “COFEN”.

§ 3 Participation in the National Oversight Committee is considered a relevant public service, which is an unpaid position.

Art. 6 Public and private healthcare establishments, whether or not affiliated with the National Unified Healthcare System (“SUS”), which provide pre-natal care, birthing and postpartum assistance should institute Commissions for the Registration, Oversight and Monitoring of Women in At-Risk Pregnancies or Postpartum.

Sole Paragraph. The Commissions for the Registration, Oversight and Monitoring of At-Risk Pregnant and Postpartum Women shall be presided over by the technician in charge of the healthcare establishment.

Art. 7 The following are the responsibilities of the Commissions for the Registration, Oversight and Monitoring of At-Risk Pregnant and Postpartum Women:

- I – to report its organization to the National Oversight Committee and to State, Federal District and Municipal Health Departments for the state in which they are located, and to keep updated records on their composition;
- II – to use the computer system to register data on all pregnant and postpartum women served by their healthcare establishment;
- III – to include in the computer system a list of at-risk pregnant and postpartum women who made use of the healthcare and diagnostic services, as well as the therapeutic project as defined and executed, as well as other information determined by the National Oversight Committee;
- IV – to use the computer system to register the death of a pregnant or postpartum woman, including information concerning the investigation into the cause of death and measures to be taken to avoid further deaths;
- V – to supply, upon request by the health authorities, any documentation necessary for investigating the causes of death of pregnant and postpartum women;

VI – to propose to federal, state, federal district and municipal SUS managers the adoption of measures necessary to guarantee access and eligibility for services to pregnant and postpartum woman, in order to prevent maternal mortality;

VII – to implement the policies, programs and actions established within the System's scope;
and

VIII – to adopt and inform the managers of the SUS to which they are affiliated, any complementary actions taken, in accordance with local specificities, to fulfill the mission statement as established in the System.

Art. 8 For the execution of the policies, programs and actions instituted within the scope of the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality, the Federal Government may, via the Ministry of Health:

I – sign conventions, cooperation agreements, amendments and other related instruments along with agencies and entities belonging to Federal, State, Federal District and Municipal Governmental agencies and entities, as well as with public consortiums, private non-profit entities, all in accordance with current legislation; and

II – to undertake acts of technical cooperation with the States and Federal District to govern the collaborative activities of the *Institutos Médicos Legais* (Coroner's Offices) and services for certifying deaths when investigating cases of pregnancy or postpartum periods during autopsies.

Art. 9 The policies, programs and actions within the scope of the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality will be financed by:

I – budget allocations by the Federal Government earmarked annually in budgets for the agencies and entities involved in its implementation, obeying the limits for activity, performance and payment established annually; and

II – other funding sources applied by States, Federal District and Municipalities as well as those provided by other public and private entities.

Art. 10. The Federal Government is hereby authorized to grant a financial benefit of up to R\$ 50.00 (fifty Brazilian *reais*) to pregnant women registered in the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality, with the goal of aiding transportation and access to the healthcare related actions and services for prenatal Monitoring and birth assistance as provided by SUS, in accordance with the regulation.

§ 1 The financial benefit may be disbursed in installments.

§ 2 The Ministry of Health will be responsible for promoting acts necessary for the budget and financial use of the funds to cover the cost of the benefit that is covered in this article and to maintain an updated record of beneficiaries.

Art. 11. The list of beneficiaries and the respective benefits received covered in Article 10 will be available for public access.

Sole Paragraph. The list referred to in the **introduction** of this article will be published electronically, publicly accessible, as well as through other means established in the regulation.

Art. 12. The financial benefit will be conditional upon the requirements and fulfillment by the beneficiary of the benchmarks related to prenatal Monitoring, in accordance with the regulation.

Art. 13. The *Caixa Econômica Federal* (state-run bank) is responsible for acting as the agent responsible for providing the financial benefits as covered in Article 10, through compensation and conditions to be negotiated with the Executive Branch.

Art. 14. Government employees, affiliated entity employees or parties hired by the government or who work at a private unaffiliated healthcare establishment, responsible for the organization and upkeep of the registration of pregnant women into the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality, will be held liable when they intentionally:

I – include or have included false information or data into the System, or information other than what should be included; or

II – contribute to someone other than the final beneficiary receiving the benefit.

Sole Paragraph. The liability mentioned in the **introduction** above consists of full repayment of damages and assessment of a fine of no less than twice, and no more than four times, the amount illegally paid.

Art. 15. A beneficiary who has intentionally provided false information or who has illegally benefited through any other means will be obliged to repay the benefit, such as to prevent the illegal entry or maintenance of a beneficiary of the financial benefit as covered in Article 10.

§ 1 The amount calculated for the repayment covered in the **introduction** will be adjusted for inflation using the National Broad Consumer Index – “IPCA”, published by the Brazilian Institute of Geography and Statistics.

§ 2 Once the amount to be repaid is calculated, which should not have been paid to the beneficiary, the procedures for the collection of federal debts will be applied through an administrative procedure, in accordance with current legislation.

Art. 16. Law 8080, dated September 19, 1990, will now be valid with the following wording:

“CHAPTER VII

SUB-SYSTEM FOR THE MONITORING OF PREGNANCY, LABOR, BIRTH AND POSTPARTUM

Art. 19-J. Public and private healthcare systems are required to guarantee to pregnant women and their unborn the right to safe and humane prenatal, labor, birth and postnatal care.

§ 1 SUS healthcare services, either through its own efforts or through an affiliated network, are further required to allow one companion to accompany the woman in labor throughout the entire period of their hospitalization at the time of their labor, birth and postpartum period.

§ 2 The companion covered in § 1 will be named by the woman who is to give birth.

§ 3 The activities designed to make the full exercise of one’s rights feasible, as covered in § 1, will be listed in the regulation for the law, to be prepared by the competent authority of the Executive Branch.

..... ” (NR)

Art. 17. Law 9782, dated January 26, 1999, becomes valid with the following wording:

“Art. 7

.....
[XXVIII](#) – to oversee the constitution of the Commissions for the Registration, Oversight and Monitoring of At-Risk Pregnant and Postpartum Women within the scope of the National System for the Registration, Oversight and Monitoring of Pregnant and Postpartum Women to Prevent Maternal Mortality by public and private healthcare facilities, party or not to the Unified Healthcare System – “SUS”.

..... ” (NR)

Art. 18. The Commissions for the Registration, Oversight and Monitoring of At-Risk Pregnant and Postpartum Women should be empanelled within ninety days from the date that this Provisional Measure is published.

Art. 19. This Provisional Measure is enacted on its publication date.

Brasília, December 26, 2011; 190th of Independence and 123rd of the Republic.

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This text does not replace the text published in the *Federal Daily Gazette* (“DOU”) dated 12/27/2011.