

COUNTRY PROFILE COSTA RICA

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Legal System

Costa Rica is a constitutional, multiparty republic governed by a president and a unicameral legislative assembly directly elected in multiparty elections every four years. In 2010 voters chose Laura Chinchilla Miranda of the National Liberation Party (PLN), as the country's first female president in elections generally considered free and fair. The president and the Ministries have the executive power and the Legislative assembly, the legislative power. It is a civil law legal system and for that reason its primary legal source is codified law.

Health Care System

The Costa Rican health care system is one of the few in Latin America that actually offers almost complete universal coverage; both financially and geographically. The system is sustained by a financing strategy based upon the contributions of workers, employers, and the State, typical of social securities. The country has private health care providers, as well, as private health insurances options. [1]

Reglamento del Seguro de Salud de la Caja Costarricense de Seguro Social (CCSS) [2]:

(Author's English Translation: CCSS (Costa Rica Social Security Administration) Health Insurance Regulation)

Author's English Translation: "**Article 1** - In accordance with article 177 of the Political Constitution, the Health Insurance is universal and covers every resident of the country (...)."

Author's English Translation: "**Article 7** - The Health Insurance is mandatory for every worker, independent worker and for pensioners from the national pension regulations in national territory (...)."

Author's English Translation: "**Article 9** – Those for whom the Health Insurance is not mandatory, have the right to register themselves for the Voluntary Insurance (...). (...). it is understood that their submission acquires irrevocable, converting it into a mandatory insurance."

Author's English Translation: "**Article 62** – The Contributions:

1. Work Force

- a) Employee: 5.50% of his salary.
 - b) Employer: 9.25% of his workers' salaries.
 - c) State: 0.25% of the country's workers' salaries.
- (...)

2. Pensioners

- a) Pensioner: 5.00% of his pension.
- b) Pension fund: 8.75% of the pension.
- c) State: 0.25% of the countries pensioners' pensions.

3. Voluntary insured: (...)

4. Insured by the State in poverty condition: (...)

Independent workers: (...)"

Treaty Ratifications

	Signed	Ratified	Acceded
International Convention on Economic, Social and Cultural Rights	19 December 1966	29 November 1968	
Convention on the Elimination of All Forms of Discrimination against Women	17 July 1980	4 April 1986	
Convention of the Rights of the Child	26 January 1990	21 August 1990	
ILO Convention 169 (Indigenous and Tribal People Convention)		2 April 1993	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families			
Convention on the Rights of Persons with Disabilities			
Other: American Convention on Human Rights ("Pact of San Jose")	22 November 1969	1 2 March 1970	
Other: Additional Protocol to the American Convention on Human Rights on the area of Economic, Social and Cultural Rights ("Pact of San Salvador")	17 November 1988	2 29 September 1999	

Constitution

Costa Rica does not have a constitutional provision on the right to health, but the Constitutional court recognizes the right to health through article 21 (right to life):

"(...) the Political Constitution, in its 21st article, recognizes that human life is inviolable, and from there, the Court has derived the right to health as a fundamental one which, from all standpoints, must be guaranteed by this jurisdiction. As a result, there is no questioning whatsoever about the constitutional protection of this fundamental right, inasmuch as it is inherent to the dignity of the human being, regarding this matter (SC, Sentence N. 2002-06166). [3]

Artículo 21: "La vida humana es inviolable."

Additionally, article 7 of the Constitution recognizes the superiority of international law: Author's Ebglish Translation: "**Article 7** – The public treaties, the international covenants and the agreements satisfactorily approved by the Legislative Assembly, will have from the day of its ratification, superiority over national law."

Overview of Relevant Provisions

Indicator	National Legislation	National Regulation
Government Commitment Mandatory language	Under the General Health law, it is the task of the State to protect the health of the population. The Ministry of Public Health will define the national health policy.	
Sustainable Financing State reimbursement scheme		
Sustainable Financing State subsidy		
Rational Selection Essential medicines framework		<p>The Basic List of Medicines can then be found on the official website of the CCSS - http://www.ccss.sa.cr/medicamentos] (acceded on 24th April 2014)</p> <p>The National Therapeutic Form Regulation ends with an exhaustive list of the medicines that shall be prescribed for each common disease as well as the dose and length of the treatment.</p>
Affordable Prices Availability of generics		

Observations

On the Availability of Generics: the current position of Costa Rica concerning Generic Drugs can be categorized as a situation of “allowance”. Generic drugs are available in the country and made up to half of the Social Security Health Insurance expenses in medicines from 2003 to 2008, but their consumption/acquisition has decreased since 2009. Together with myths about the quality and effectiveness of generic drugs, the lack of legislation is one of the reasons for this decrease as pointed out by the press [7] [8]

On the Costa Rica Health System: the Costa Rican health legislation is highly complex and elaborate in nature. There is, as mentioned above, almost universal coverage and out-of-pocket expenses are almost unknown. So far, all the expenses have been covered by the state based on taxes; but it is highly predictable that the system will reach a point where changes will have to be made; most likely in the form of cut backs on the health care services covered by the public health insurance.

Government Commitment Overview	
<p>Ley General de Salud [4]:</p> <p>Artículo 1º - La salud de la población es un bien de interés público tutelado por el Estado.</p> <p>Artículo 2º - Es función esencial del Estado velar por la salud de la población. Corresponde al Poder Ejecutivo por medio del Ministerio de Salubridad Pública, al cual se referirá abreviadamente la presente ley como "Ministerio", la definición de la política nacional de salud, la formación, planificación y coordinación de todas las actividades públicas y privadas relativas a salud, así como la ejecución de aquellas actividades que le competen conforme a la ley. Tendrá potestades para dictar reglamentos autónomos en estas materias.</p> <p>Artículo 17 - Toda persona tiene derecho a exámenes preventivos de salud y a los servicios de diagnóstico precoz de las enfermedades crónicas debiendo en todo caso, someterse a ellos cuando la autoridad de salud así lo disponga.</p>	<p>General Health Law [4]:</p> <p>Article 1 – The health of the population is an asset of public interest protected by the State.</p> <p>Article 2 – It is a function of the State to protect the Health of the population. The executive branch of the Ministry of Public Health (...) will define the national health policy, the formation, planning and coordination of all public and private activities related to health (...).</p> <p>Article 17 – Private health services have to be accredited by the Health Ministry (...).</p>

Sustainable Financing (State subsidy) Overview	
<p>Reglamento del Seguro de Salud de la Caja Costarricense de Seguro Social [2]:</p> <p>Artículo 17º - De la atención integral a la salud.</p> <p>La Atención Integral a la Salud comprende lo siguiente:</p> <ol style="list-style-type: none"> a. Acciones de promoción, prevención, curación y rehabilitación b. Asistencia médica especializada y quirúrgica c. Asistencia ambulatoria y hospitalaria d. Servicio de farmacia para la concesión de medicamentos e. Servicio de laboratorio clínico y exámenes de gabinete 	<p>Costa Rica Social Security Administration Health Insurance Regulation [2]:</p> <p>Article 17 – From comprehensive health care.</p> <p>The Comprehensive Health care includes;</p> <ul style="list-style-type: none"> - Promotion, prevention, treatment and rehabilitation actions - Specialized medical assistance and surgery - Hospital and ambulance assistance - Pharmaceutical services for medicines acquisition - Clinical lab and office examination services - Oral health assistance (...) - Social, individual and family assistance." <p>Article 21 – The Pharmacy service comprises of the administration of medicines included under the Basic Medicines List prescribed by the Social</p>

<p>f. <i>Asistencia en salud oral, según las regulaciones que adelante se indican y las normas específicas que se establezcan sobre el particular.</i></p> <p>g. <i>Asistencia social, individual y familiar.</i></p> <p>Artículo 21° - Del suministro de medicamentos.</p> <p><i>El servicio de farmacia comprende el suministro de las medicinas incluidas en la Lista Básica de Medicamentos, prescritos por los médicos de la Caja, u otros sistemas o proyectos especiales formalmente autorizados por ella.</i></p>	<p>Security Administration's doctors or other systems or special projects formally authorized by it.”</p> <p><i>[Being covered by the Social Insurance is mandatory for all manual and intellectual workers that receive a salary.</i></p> <p><i>Every person insured pays for integrated health care as an indivisible right guarded by the constitution and the laws of the State.</i></p> <p><i>Three social security regimes administered by the CCSS can be distinguished:</i></p> <ol style="list-style-type: none"> <i>1) Illness and Maternity Insurance,</i> <i>2) Disability, Old Age, and Death,</i> <i>3) The non-contributive regime.</i>
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Rational Selection Overview	
<p>Artículo 21°. Del suministro de medicamentos.</p> <p><i>El servicio de farmacia comprende el suministro de las medicinas incluidas en la Lista Básica de Medicamentos, prescritos por los médicos de la Caja, u otros sistemas o proyectos especiales formalmente autorizados por ella.</i></p> <p>Reglamento del Formulario Terapéutico Nacional [5]:</p> <p><i>Considerando</i></p> <p><i>1°-Que la multiplicidad de productos farmacéuticos disponibles en el mercado y el desarrollo de nuevos descubrimientos de la medicina hacen difícil la selección adecuada de medicamentos y la aplicación de criterios terapéuticos eficaces.</i></p> <p><i>2°-Que es necesario racionalizar la utilización de los recursos físicos y materiales de los servicios públicos de salud, de acuerdo con las funciones técnico-administrativas asignadas a cada institución, a fin de garantizar la oportuna disponibilidad de aquellos recursos para la prestación de los servicios y la ejecución de las actividades administrativas de apoyo, así como para reducir el costo de los programas de suministros mediante la sistematización de los procedimientos y la formación de los insumos.</i></p> <p><i>3°-Que para alcanzar aquellos objetivos, es indispensable establecer normas técnicas oficiales definidas, pero que a su vez sean</i></p>	<p>Costa Rica Social Security Administration Health Insurance Regulation [2]:</p> <p>“Article 21 – The Pharmacy service includes the supply of medicines included under the Basic Drug List prescribed by the Social Security Administration's doctors or other systems or special projects formally authorized by it.”</p> <p>National Therapeutically Form Regulation [5]:</p> <p>“Considering</p> <p>1st – that the multiplicity of pharmaceutical products available on the market (...) make it difficult to appropriate drug selection and implement effective therapeutic criteria.</p> <p>2nd – that it is necessary to rationalize the use of physical resources and materials of public health services (...) in order to assure the timely availability of those resources (...) as well as to reduce the cost of the [medicines state financing] programs and of the [health care] procedures (...)</p> <p>The following is declared</p> <p>Article 1 – The National Drug Formulary is the policy instrument that contains the official list of medicines that shall be used by the public health services. It also contains information necessary for therapeutic guidance in their use.</p> <p>Declaration of “Over-the-Counter” Drugs’ List</p>

susceptibles de revisión y actualización permanentes, de conformidad con las necesidades de los servicios, todo lo cual implica el uso obligatorio, por parte de los servicios públicos de salud, de un método uniforme en la adquisición, distribución y utilización de los medicamentos. **Por tanto,**

**DECRETAN
EL SIGUIENTE,
REGLAMENTO DEL FORMULARIO
TERAPÉUTICO NACIONAL**

Artículo 1° - El Formulario Terapéutico Nacional, es el instrumento normativo que contiene la relación oficial de medicamentos que deben ser utilizados por servicios públicos de salud. Contiene, además, las informaciones terapéuticas necesarias para la orientación en su uso.

Declara de Medicamentos de Venta Libre al Consumidor [6]:

Considerando:

1°-Que de conformidad con el artículo 1° de la Ley General de Salud, la salud de la población es un bien de interés público tutelado por el Estado.

2°-Que la competencia rectora del Ministerio de Salud debe conducir a la articulación, fortalecimiento y modernización de las políticas, la legislación, los planes, programas y proyectos, así como la movilización y sinergia de las fuerzas sociales, institucionales y comunitarias que impactan los determinantes de la salud de la población.

3°-Que, a partir del 4 de junio del 2007, con la entrega oficial al Presidente de la República, el Ministerio de Salud adoptó un nuevo Modelo Conceptual y Estratégico de la Rectoría de la Producción Social de la Salud.

4°-Que sobre la base planteada en el Modelo Conceptual y Estratégico de la Rectoría de la Producción Social de la Salud, se hace necesario un cambio de paradigma que permita avanzar de la atención de la enfermedad hacia la promoción de la salud, posicionando la salud como valor social, dirigiendo y conduciendo las intervenciones de los actores sociales hacia la vigilancia y el control de los determinantes de la salud, con equidad y basados en evidencia.

5°-Que mediante Decreto Ejecutivo N° 28496 del 3 de febrero del 2000, publicado en La Gaceta N° 52 del 14 de marzo del 2000, el Poder Ejecutivo emitió el listado de medicamentos de venta libre.

6°-Que el Gobierno de la República está comprometido a lograr una disminución

[6]:

“Considering

6th – that the Government of the Republic is committed to achieving a reduction in drug prices and provide all people access to them. A series of measures will be taken to achieve this goal, including issuing a new official list of over-the-counter drugs, expanding the existing to date.

The following is declared

Article 1 – The following medicines are declared as over-the-counter drugs and can, for that reason be sold in any commercial establishment: (...)”

en los precios de los medicamentos y a facilitarle a toda la población el acceso a éstos, por lo que ha decidido tomar un conjunto de medidas que pretende lograr este cometido, entre ellas, emitir un nuevo listado oficial de medicamentos de libre venta, ampliándose el existente a la fecha.

7º-Que mediante oficio DRC-UTE-201-09-07, el Ministerio de Salud consultó la lista de medicamentos de libre venta al Colegio de Farmacéuticos de Costa Rica, tal y como lo establece el artículo 120 de la Ley General de Salud. **Por tanto,**

DECRETAN:

**DECLARATORIA DE MEDICAMENTOS
DE VENTA LIBRE AL CONSUMIDOR**

Artículo 1º - Declárese de venta libre y en consecuencia pueden ofrecerse al consumidor en cualquier establecimiento comercial, los siguientes medicamentos:

Translations found in this template were made by the author

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[5] Reglamento del Formulario Terapéutico Nacional
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