

Judicial recognition for obtaining treatment

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INTRODUCTION

The Hemophilia Foundation of Salta is an organization based in Salta, Argentina. The Foundation is tackling the attitude of indolence and denial of the Health Systems (public or private) in front of a patient with Hemophilia or Von Willebrand disease.

When the Health Systems fail to meet their legal obligations, the Foundation can file a legal request in court. This is a legal action that fits all cases that do not have specific legislation. This action only serves to protect the rights of the person who asks, and is not valid for other people who are in the same situation. However, the positive judgment sets a precedent, called Jurisprudence.

OBJECTIVES

Achieving Judicial recognition of a right established by Law for Patients with these diseases and thus gain access to appropriate treatment for each and every one of the Foundation's patients.

METHODS

The legal tool used is the Writ of Amparo. This legal action, may be accompanied by a precautionary measure, which implies that the Health System (Public or Private), is obliged to deliver the medication for the entire duration of the trial and until sentencing.



RESULTS

The Foundation has so far achieved a 100 % success rate in the ninth Amparo Action Lawsuits, filed in the Justice Court of the Province of Salta.

CONCLUSIONS

With Legal Action of Amparo, the patient is assured that their health system will provide coverage of treatment, during their affiliation to their health system .

Before the Foundation was established, patients were unprotected and often ignored by the Health Systems. Patients currently are slowly becoming aware of the legal options and the power of this tool. The Foundation's legal work is allowing patients to demand their rights and the patients are overcoming fear of legally suing those who have the obligation to provide treatment.

