Prosefessions as Institutions

Professions can be defined in sociological terms by their legal exclusionary capacity, autonomy and the capacity of being self-regulated. They are then recognized in national and international law, and have the power of self-governance. They are protected by a system of professional codes and rules that govern their conduct. There are various types of professions, including medical, legal, educational, and financial. These professions are characterized by their ability to define their own standards of practice, to set codes of ethics, and to regulate their own membership.

Brazilian Institutional Sources of Professional Regulation: a brief overview

The Federal Constitution (art. 22, XIX) establishes the Union’s executive power to regulate the authorization of the regulation of the national system of profession. The National Congress (the legislative power) analyzes professional legislation and approves the final version of the federal law. The Superior Court of the Federal District is called to assess the legal nature of the professional laws. The Federal Council of the State of the Federal District is called to assess the legal nature of the professional laws.

The administrative authorities that participate in the process of professional regulation are:
- The substantive branches that govern the laws of the state;
- The Ministry of Education and Labor, responsible for the economic, social and professional development of the people;
- The Ministry of Education for responsible for educational rules and guidelines for each profession;
- The Ministry of Health for each profession.

Professional conduct and authorities are responsible for the enforcement of the laws, and are responsible for their professional activities.

Brazilian Model of Professional Regulation

The self-governance of the professions and the assignment of legal and ethical rights to practice through professional acts are two fundamental institutional principles of the Brazilian model of professional regulation. These two principles are the basis for the self-regulation of the professions in Brazil.

Professional Acts define:
- The scope of practice for the profession established by certain exclusive acts;
- The regulation of professional conduct to practice, particularly educational conduct;
- The establishment of forms and competences of professional regulatory authorities;
- The self-regulation of professions is regulated by the councils.

Professional councils are regulatory bodies (i.e., institutions that have the power to regulate their members and are part of the state). They are the basis for the government of the Brazilian state, and regulate the conduct of the professionals.

Regulate and authorize the professional to practice;
- Enforce the rules and bylaws, including the ethical codes, that govern the conduct of the practitioners;
- Establish the surveillance of the personnel and its discipline.

There are 13 federal health professional councils in the country, each of them with approximately 27 registered (state councils).

Number of Regulated Professions:
- 116 professions and occupations are regulated at a national level
- 44 regulated professions have higher level of education
- 37 professions are regulated by 28 professional councils
- 14 regulated health professionals have higher level education and are governed by 13 health professional Councils

Self-Governing Health Professions

Health Professional Councils: Number of Professions Number of Substantiated cooperatives regulated by the council
- Dentists
- Physicians
- Nurses
- Auxiliary and Branch Councils

References