

**ORDENANZA**

Versión: 1

**PROCESO DE TRÁMITE DE INICIATIVAS Y PROPOSICIONES**Fecha Aprobación:  
08/09/2016

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**ORDINANCE No 005 OF 2020***(July 29th)***"BY WHICH A STATE SOCIAL ENTERPRISE OF THE OF THE DEPARTMENTAL ORDER IS CREATED AND OTHER PROVISIONS ARE ISSUED. "**

THE ASSEMBLY OF THE DEPARTMENT ARCHIPELAGO OF SAN ANDRES, PROVIDENCE AND SANTA CATALINA, in the exercise of its constitutional powers, especially those contemplated in article 300 of the Political Constitution of Colombia, and legal in particular those contained in article 194 of the third chapter of Law 100 of 1993.

**ORDERS:**

**Article 1: Creation and Legal nature.** create from the effective date of this ordinance, the STATE SOCIAL ENTERPRISE (ESE) DEPARTAMENTAL HOSPITAL OF SAN ANDRES, PROVIDENCE AND SANTA CATALINA, understood as a special category of decentralized public entity of the departmental order, endowed with legal status, its own patrimony and administrative autonomy, which is part of the Department Archipelago of San Andres, Providence and Santa Catalina, according to the attached study that we shall call Annex 1. (Structuring study of the State Social Enterprise of the Departmental Hospital of San Andres, Providence and Santa Catalina)

**Paragraph.** - The State Social Enterprise (ESE) created, shall be subject to the legal regime established in Chapter III articles 194, 195 and 197 of Law 100 of 1993 and the regulations that modify, add or replace

**Article 2. Denomination.** The name of the public entity created by means of this ordinance will be: "STATE SOCIAL ENTERPRISE (ESE) DEPARTAMENTAL HOSPITAL OF SAN ANDRES, PROVIDENCE AND SANTA CATALINA", of Medium Complexity with some High Complexity services.

Hereinafter and for the purposes of this Ordinance, it shall be called the State Social Enterprise.

**Article 3 - Jurisdiction and Domicile,** the State Social Enterprise and its dependencies shall have jurisdiction over the entire territory of the Department Archipelago of San Andres, Providence and Santa Catalina, and the headquarters of its administrative and assistance bodies will be on the Island of San Andres.

**Paragraph.** - Subject to the policy and programs of the sector, in order to provide services according to their level of health care, the State Social Enterprise may extend its action outside the department, integrating and coordinating its activities with other entities of the official and private subsectors of the general system of social security in health.

**Article 4- Purpose.** The purpose of the State Social Enterprise will be the provision of health services, understood as a public service in charge of the State and as an integral part of the General System of Social Security in Health; in the phases of promotion,

prevention, treatment and rehabilitation in health to all the population that demands the services.

**Article 5 - Objectives** - The objectives of the State Social Enterprise are the following:

- Guarantee health care to help improve the health and quality of life of the population of the Department Archipelago of San Andres, Providence and Santa Catalina, through the structuring of a State Social Enterprise of the Departmental Order that responds to the needs of the population, and that guarantees the effective enjoyment of the right to health of the inhabitants of the islands, in observance of territorial planning in health.
- Strengthen the health system in the Department Archipelago of San Andres Providence and Santa Catalina through the generation and enhancement of synergies between territorial actors aimed at improving health care and attention actions.
- Produce efficient and effective health services that comply with established quality standards.
- Provide the health services that the population requires and that the Social Enterprise, in accordance with its development and available resources, can offer.
- Guarantee through proper managerial management, the social and financial profitability of the Social Enterprise.
- Offer the Health Promotion Entities and other natural or legal persons that demand them, services and service packages of the best quality.
- Satisfy the requirements of the environment, continually adjusting its services and operation.
- Guarantee the mechanisms for citizen and community participation established by law.
- Provide strategic, normative and operational tools to health service providers so that they comply with the guidelines and directives established by law for the effective enjoyment of the right to health to the population of the department.
- Articulate actions and institutional strategies to improve the health conditions of the population of the island department.
- Expand the health offer of general medicine and priority care, reducing the intensity of use of emergency services and hospitalization.
- Strengthen the actions of promotion and prevention in health, develop the capacities of human resources in health and improve the actions of Inspection, Surveillance and Control (IVC) to reduce indicators of morbidity, mortality and disability due to avoidable causes in the population of the department.
- Redistribute the cost towards primary strengthening, improving the efficiency of the complementary component in the hospitalization and emergency services.
- Identify and intervene the primary and technical risks that affect health jointly with the territorial entity, the insurer and the community.
- Improve the efficiency in the complementary service through the identification of inactive stays, management of adverse events, infection control and improvement of biomedical and industrial equipment.

- Strengthen a monitoring and control system for continuous quality improvement in the provision of health services, where the community actively participates in all programs and projects in the health sector.
- Guarantee human, technological and surgical medical resources for the continuity of the provision of health services at all levels of complexity.
- Implement the referral and counter-referral processes between the institutions that are members of the health provider network of the Department and mainland.

**Article 6.- Organization.** The State Social Enterprise shall be organized based on a basic structure that includes three areas, as follows:

- a. *Direction.* Made up of the Board of Directors and the Manager and is in charge of maintaining the unity of objectives and interests of the organization around the Mission and institutional Objectives; Identify the essential needs and expectations of users, determine the markets to serve, define the service strategy, assign resources, adopt and adapt efficiency and quality standards, controlling their application in institutional management, without prejudice to other management functions that requires the normal development of the entity;
- b. *User service.* It is the set of organic-functional units in charge of the entire process of production and provision of Health Services with their respective procedures and activities, including the administrative attention demanded by the user. It includes the definition of institutional care policies, the type of resources necessary for the effect, the forms and characteristics of the care, and the direction and provision of the service;
- c. *Of logistics.* It comprises the Functional Units in charge of executing, in coordination with the other areas, the processes of planning, acquisition, management, use, optimization and control of the human, financial, physical and information resources necessary to achieve and develop the objectives of the organization and, perform the maintenance of the physical plant and its equipment.

**Paragraph.** - Starting from the basic structure, the State Social Enterprise shall define its organizational structure according to the needs and requirements of the services it offers.

**Article 7- Management Bodies:** The management of the State Social Enterprise shall be in charge of the board of directors and the manager, who will be its legal representative.

**Article 8.- Of the Board of Directors.** The Board of Directors of the State Social Enterprises will be composed as follows: a third part of its members will be representatives of the political-administrative sector, another third part will represent the scientific health sector and the remaining third will be appointed by the community.

**Paragraph 1-** The composition of the board of directors of the State Social Enterprise must be adapted within the following 90 days after the manager's possession, in case it is not satisfied, it will be extended for 90 more days.

**Paragraph 2-** Once the provisional board of directors has been formed and all the members are in office, it must within the following six (6) months approve the statutes, budgets, and staff to guarantee the service, within six (6) months following, manual of functions and procedures of the Enterprise, the latter for subsequent adoption by the manager of the same.

**Article 9 - Board of Directors:** The Company shall have a Board of Directors of nine (9) members as follows:

9.1. The Political-Administrative Body

- The Governor or his delegate who will preside over it.

- The Departmental Health Secretary or his delegate
- The Mayor of Providence or his delegate

9.2. Three (3) representatives of the Company's scientific staff designated as such:

- One (1) elected by secret ballot by and among the Company's officers, who have professional degrees in health areas, whatever their discipline.
- Two (2) representatives of the scientific staff of the Department designated as follows:
  - o By the Departmental Secretary of Health, of the shortlists proposed by each of the scientific associations of the different health professions that operate in the ESE's geographic area of influence. Each Scientific Association will present the corresponding term to the Departmental Secretary of Health, who will make the selection according to the scientific and administrative qualities of the candidates.

PARAGRAPH 1: If there are no Scientific Associations, the representatives of the scientific staff will be selected according to the procedure described above, from the list of three health professionals in the area of influence of the ESE, after a call made by the ESE Manager. The area of influence of the Company corresponds to the Department Archipelago of San Andres, Providence and Santa Catalina.

9.3. Two (2) representatives designated by the Alliances or Associations of Users legally established, by means of a call made by the Departmental Secretary of Health and in whose call one (1) will be taken into account by the Municipality of Providence.

9.4. One (1) representative appointed by the production unions of the Company's area of influence, in an election coordinated by the Chamber of Commerce, upon request by the Departmental Health Secretariat.

PARAGRAPH 2: The members of the ESE's Board of Directors shall have a three-year term in office, except for the representative of the Users' Association, whose term is two years, and may be re-elected for equal periods by those who appointed them. Public employees who include among their functions that of acting as members of the Board of Directors, shall do so while they are in office.

PARAGRAPH 3: The Manager of the Company shall attend the meetings of the Board of Directors, with voice but without vote, and shall act as Executive Secretary of the same. The other officers of the Company determined by the Board of Directors shall also attend the meetings, when circumstances so indicate, in which case they shall have the right to speak but not to vote.

**Paragraph 1: Transitory.** On a temporary basis and in order to guarantee the provision of the health service and the operation of the entity, a temporary Board of Directors will be formed, appointed by the Governor, without the need to carry out the selection processes set forth herein. The minimum composition of this transitory Board of Directors shall be integrated as follows:

1. The Governor or his delegate.
2. The Departmental Health Secretary or her delegate.
3. The Mayor of Providencia or his delegate
4. A professional in the health area
5. A user from the area of influence

Said designation shall have a maximum term of six (6) months; once this term has expired, the Board of Directors shall be formed in accordance with the provisions of this article.

Said designation will have a maximum term of six (6) months; once it is finished, the Board of Directors must be formed, in accordance with the provisions of this article.

**Article 10 - Requirements to be a member of the board of directors.** The members of the Board of Directors must comply with the requirements established in Article 8 of Decree 1876 of 1994 compiled in Decree 780 of 2016, Article 2.5.3.8.4.2.4 and other regulations that add, modify or replace it.

**Article 11 - Terms of acceptance of the members of the board.** Once the appointment and functions as a member of the board of directors have been communicated in writing by the Departmental Secretary of Health of the Archipelago of San Andrés, Providencia and Santa Catalina, the person to whom the appointment falls, must state in writing their acceptance or decline within ten business days of notification. In case of accepting, it will take possession before the Departmental Health Secretary, such possession being recorded in the minute book that will be kept for that purpose. A copy of the certificate of possession of each member will be sent to the legal representative of the State Social Enterprise.

**Article 12- Meetings, functions and administrative acts of the board of directors.** The meetings, functions and administrative acts of the board of directors will be governed by the provisions of articles 10, 11 and 12 of Decree 1876 of 1994 compiled in Decree 780 of 2016, Article 2.5.3.8.4.2.6 and other regulations that add, modify or replace them.

**Article 13- On the Manager's requirements.** The Manager of the State Social Enterprise must certify the requirements established by article 22, numeral 4 of Decree Law 785 of 2005 or the regulation adds, modifies or substitutes it.

**Article 14- Of the Manager:** The manager of the State Social Enterprise will have the character of legal representative and will be appointed by the Governor of the Department Archipelago of San Andres, Providence and Santa Catalina, in the terms established in Law 1797 of 2016 and Regulatory Decree 1427 of 2016 and regulations that add, modify or replace them.

**Paragraph.** The manager will be appointed for an institutional period of (4) years, which will begin with his tenure and will end (3) months after the Governor's institutional term begins. Within said period, he may only be removed from the position based on an unsatisfactory evaluation of the management plan, an evaluation that will be carried out in the terms established in Law 1438 of 2011 and the regulatory norms, by dismissal or by court order.

**Transitory paragraph:** The first manager of this Company will be appointed to end the institutional period of the current governor.

**Article 15 - Functions of the manager.** The manager of the State Social Enterprise will fulfill the functions established in article 7 of Decree 139 of 1996 and other regulations that add, modify or substitute it. The Manager of the ESE shall render a management report within the first three (3) months of each year before the Departmental Assembly.

**Article 16 - Legal regime of the acts.** The acts of the State Social Enterprise shall be subject to the legal regime of persons under public law, with the exemptions enshrined in the legal provisions.

**Article 17- Legal regime of contracts.** In contractual matters, the State Social Enterprise will be governed by private law, but may at its discretion use the exorbitant clauses provided for in the general contracting statute of the public administration and must comply with the guidelines defined in this regard by the Ministry of Health and Protection. Social.

**Article 18- Personnel regime.** The persons linked to the State Social Enterprise will have the character of public employees and official workers, in accordance with the rules of Chapter IV of Law 10 of 1990 and corresponding.

**Paragraph 1 - Salary scale.** The Governor of the Department is empowered to establish the salary scale applicable to public employees of the State Social Enterprise in accordance with the personnel plant that is defined and in Development of Article 12 of Law 4, of 1992, and the Decree 0314 of February 27, 2020, by which it establishes the maximum limit of the basic monthly salary allocation of public employees of territorial entities for the year 2020.

**Article 19- Of the personnel plant.** The staff of the State Social Enterprise will be approved by the Board of Directors, which must be adopted by the Manager.

**Article 20 - Budget Regime.** The budgetary regime will be the one that is foreseen, depending on its specialty, in the Organic Budget Law, so that a budgetary regime is adopted based on the system of reimbursement against provision of services, in the terms provided by law.

**Article. 21 - Assets.** The assets of the State Social Enterprise shall be formed:

a. All the goods and resources destined to the provision of the health service that are in the head of the University IPS on the occasion of contract 1134 of 2017.

b. Those that the Nation, the Department and the Municipalities transfer to any title, or those that are included as part of the income and income budget of the company in each fiscal period, in accordance with the special regime adopted by the organic budget law and the respective regulation.

c. The contributions received by the State Social Enterprise, from the national, departmental and municipal budgets.

d. The resources collected for the contracting and sale of services to Health Promotion Entities, Territorial Entities, Health Solidarity Companies, other Health Service Provider Institutions and individuals that request it.

and. The recovery fees that users must pay according to their socioeconomic classification to access hospital medical services.

f. Income from the sale of medicines.

g. Income from catastrophic risk and traffic accident insurance, in accordance with the regulations issued on the matter.

h. Financial returns on the investment of your resources. Resources from international cooperation.

j. Contributions from community organizations.

k. Income from public or private entities for special programs.

l. Donations and voluntary contribution.

m. All other goods and resources that the Enterprise acquires under any title and those that correspond to it by express provision of the Law.

**Paragraph 1-** The Governor of the Department Archipelago of San Andres, Providence and Santa Catalina is empowered to transfer the property free of charge, all the movable and immovable property that the network of providers of the Department Archipelago of San Andres, Providence and Santa Catalina has, located in each and every one of the

service points, namely Clarence Lynd Newball Hospital, San Luis Health Center, the Hill Health Center, Providence Local Hospital.

**Paragraph 2-** The sale of real estate by the Enterprise will require the authorization of the Departmental Assembly.

**Article. 22 - Validity.** This ordinance governs from its sanction and publication and repeals all provisions that are contrary to it.

Approved in the meeting room of the Honorable Departmental Assembly, in ordinary session on July 29, 2020.

**CARLOS CARVAJAL JIMENEZ**

President

*(Signed in the original copy)*

**MARIA ANGELICA MARTINEZ PUPO**

General Secretary

*(Signed in the original copy)*

**THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE AND SANTA CATALINA, THE GENERAL SECRETARY OF THE DEPARTMENTAL ASSEMBLY OF SAN ANDRES, PROVIDENCE AND SANTA CATALINA CERTIFIES:** that this Ordinance went under the three obligatory debates on different dates and Ordinary Sessions, as follows: **FIRST DEBATE IN COMISSION**, on July twenty third (23rd), Two thousand Twenty (2020), **SECOND PLENARY DEBATE**, on July twenty seventh (27th), Two thousand Twenty (2020), **THIRD PLENARY DEBATE**, on July twenty ninth (29<sup>th</sup>), Two thousand Twenty (2020), becoming the Ordinance 005 of the day .

**MARIA ANGELICA MARTINEZ PUPO**

General Secretary

*(signed in the original)*

San Andres Island, July 29, 2020.

Sirs/Madam:

**GOVERNMENT OF THE ARCHIPELAGO DEPARTMENT OF SAN ANDRES,  
PROVIDENCE AND SANTA CATALINA.  
EVERTH HAWKINS SJOGREEN.  
Governor**

Subject: Ordinance for its sanction.

Cordial greeting,

For your knowledge and pertinent purposes, I kindly send you the original and copy of the Ordinance approved by this Honorable Corporation during the second period of Ordinary sessions for its respective sanction:

- **ORDINANCE No. 005 "BY WHICH A STATE SOCIAL COMPANY OF THE DEPARTMENTAL ORDER IS CREATED AND OTHER PROVISIONS ARE ISSUED"**

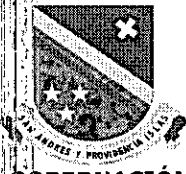
Thanking you in advance for your kind management.

Sincerely,

*(Signed in the original copy)*

**MARIA ANGELICA MARTINEZ PUPO**  
General Secretary of Departmental Assemble  
Archipelago of San Andres, Providence and Santa Catalina





**GOBERNACIÓN**

Departamento Archipiélago de San Andrés,  
Providencia y Santa Catalina  
*Rivera de Biscofera Seaflower*  
Nit. 892.400.038-2

CONTINUATION OF THE **ORDINANCE No 005 OF 2020** "BY WHICH A STATE SOCIAL ENTERPRISE OF THE DEPARTMENTAL ORDER IS CREATED AND OTHER PROVISIONS ARE ISSUED".

DEPARTMENT ARCHIPELAGO OF SAN ANDRES, PROVIDENCE, AND SANTA CATALINA.

PRIVATE SECRETARY: In San Andrés Island, on July 29, 2020, I received the Ordinance hereby and hand it to the Governor's Office for its sanction.

*Signed in the original*

**MARTHA PATRICIA MORENO ROJAS**  
Private Secretary

GOVERNOR'S OFFICE, San Andrés Island, July 29, 2020.

**BE IT EXECUTED AND COMPLIED**

**The Governor**

*(Signed in the original)*

**EVERTH JULIO HAWKINS SJOGREEN**