

Managerial Reform and Privatization of Public Policies: An Analysis of Social Health Organizations in the State of São Paulo, Brazil

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Abstract: This article analyzes managerial reform and the privatization of public policies, focusing on the role of Social Health Organizations (SHOs) in the State of São Paulo within the context of the neoliberal agenda that intensified in Brazil from the 1990s onward. The analysis is based on the macro context of the emergence of Social Organizations (SOs), particularly the SHOs in the metropolitan region of São Paulo, utilizing documentary sources, indicators, and specific literature. The results indicate that Social Organizations, by adopting business rationality derived from the managerial model, significantly hinder state oversight and social participation, promoting a dissociation between the planning and execution of public policies. The conclusions highlight the need to reassess the State's role in regulating these entities, emphasizing that managerial reform not only privatizes management but also reshapes the very nature of public policies, perpetuating neoliberal hegemony. The study suggests that to ensure the effectiveness of health policies, it is crucial to reestablish the State's capacity to act as a regulator and guarantor of the public interest, rather than merely facilitating business practices.

Keywords: neoliberalism; social health organizations; privatization of public policies; Brazil law

1. Introduction

Since the 1990s, Brazilian cities, especially in metropolitan areas, have been profoundly impacted by the neoliberal agenda, which manifests not only as a set of ideological principles but also as a practical manual for the implementation of public policies. This transformation has promoted the adoption of managerial practices originating from the private sector, which seek to optimize processes and maximize results, often to the detriment of social needs. In this context, the managerial reform of public administration, initiated during the government of Fernando Henrique Cardoso, introduced new dynamics that favor privatization and outsourcing of services, especially in the health sector. This article aims to analyze how these changes have affected the management of public policies, with an emphasis on social health organizations (SHOs), which emerge as protagonists in this new scenario, managing public resources and influencing the execution of policies that should be of collective interest.

In the management of urban policies, both regarding means and final actions, the conceptual assumptions and the instruments of elaboration, analysis, monitoring, and execution are guided by principles anchored in “best management practices.” Concerning execution, social organizations (SOs) increasingly assume entire public apparatuses — a paradigmatic case being the health sector, where social health organizations (SHOs) receive billions in funds to manage “public” policies. They are, therefore, private agents who manage public resources to be applied in health — and numerous other areas — based on private (managerial) conceptions and tools. This process has rapidly and structurally depleted state capacities, which in turn are increasingly incapable of overseeing these private agents. In this sense, state bodies such as municipal and state health departments, audit courts, public prosecutor's offices, parliaments, etc., are more spectators and merely formalistic “controllers” of the — privatized — “public” policies. After all, the conception of policies, metrics, and management tools come from the business universe, and public resources for the execution of policies in various areas are transferred to private agents. Regardless of whether the SOs are originally constituted by private companies or non-profit associations, the fact is that cities are in a rapid process of privatizing their numerous areas, rendering the State, at its various levels, devoid of power. Even when the state itself executes public policies, there is an incredible presence of both actors (consultancies, advisory services, etc.) and private concepts and metrics

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that contribute to the neoliberal “modeling” of the State itself. To reflect on this process, we analyze the macro context of the emergence of SOs, and particularly SHOs, in the metropolitan region of São Paulo, especially the municipality of São Paulo (using documentary sources, indicators, and specific literature) to evidence, as a hypothesis, the prevalence of “business governments” in the “public”/private management of resources and “public” policies.

In this sense, the objective is to analyze the neoliberal patterns instituted in Brazilian public management since the state reform promoted by the government of Fernando Henrique Cardoso (FHC) in 1995, within the context of new public management: contracting between state bodies and private agents, with or without profit interests, through social organizations (SOs) and civil society organizations of public interest (OSCIPs), and above all (it bears repeating) managerial rationales, techniques, and tools derived from private administration and transposed to public administration, which have led to the “contractualization” of administration and public services with private agents. Moreover, the extensive process of private actors participating both in the middle areas (management) and in the final areas (public policies) of public administration has been the keynote since the managerial reform. In the final areas, special emphasis should be given to public-private partnerships (PPPs), which are, in turn, facilitated by intense financialization processes, as well as the systemic participation of all types of private consultancies in all stages of public management, both in the middle areas and final activities.

As mentioned, the origin of this process dates back to the 1990s, when the FHC government attempted to adopt business standards in public management — concepts such as “efficiency” and “effectiveness” in the activities of the so-called middle areas (management processes) and in the final activities (public policies and other final actions of governing), among others. This managerial dimension has led to governance regimes referred to by Dardot and Laval (2016) as “business governments,” that is, the vigorous privatization of governance, with effects contrary to legal codes such as the Federal Constitution, the city statute, and various other regulating standards of urban regimes.

But beyond the federal government (executive branch), such business standards are inscribed in the dynamics and structure of the Brazilian State at all three levels of the federation, particularly in the corresponding executive branches. These standards have, therefore, permeated governments of different party and ideological orientations. In sum, the incorporation of business standards in public management transcends different spheres of government, permeating all levels of the federation and consolidating as a common characteristic among different administrations. This uniformity in adopting managerial practices from the private sector reflects a growing trend of privatization in public administration, impacting how policies are formulated and implemented throughout the country.

In addition to SOs, OSCIPs, and public-private partnerships (PPPs), concession regimes (of equipment and public services), the endless private “consultancies” and “advisory services”— which predominantly insert privatist visions and instruments into the public sphere — and the various forms of private sector participation, whether for-profit or non-profit, generically and ideologically called the “third sector,” have been solidifying the hybrid character of public administration. In this context, there is a predominance of the private sector, and particularly in the governance of metropolises, “management by results” is imposed, with metrics vigorously inspired by business managerialism. Likewise, the so-called “Consortial Urban Operations” largely transfer public intervention in urban areas to entrepreneurs willing to “invest” in urban “public” policies.

In summary, the growing presence of social organizations, OSCIPs, public-private partnerships, and private consultancies has contributed to forming a hybrid public administration in which the private sector plays a predominant role in various dimensions. This dynamic not only redefines governance in metropolises — imposing “management by results” based on private metrics — but also transfers the responsibility for public intervention in urban areas to entrepreneurs, raising questions about the real purposes of the implemented public policies.

2. Managerial Reform in Brazil and the Privatization of Public Policies

The historical conditions that led to the development of public administrative practices in Brazil were largely based on models conceived for quite different social realities. The managerial model, known as “new public management,” was largely based on the European experience of countries at the forefront of what has come to be termed the fourth industrial revolution, characterized by artificial intelligence, robotics, and other technological attributes of the so-called Industry 4.0. It was in this context, aiming to generate results — expressly measurable in major economic sectors — those concepts developed in the business sphere began to be incorporated into public management. Conceptions formulated notably in Great Britain under the influence of Margaret Thatcher (1979–1990) became part of the vocabulary of public policies. Countries like France, New Zealand, Sweden, and Australia soon became references for the new managerial model in vogue. Terms such as “best practices,” “efficiency units,” and “citizens' charter,” among other terminologies, gained prominence and achieved a level of global influence.

At that time, the agenda of the new management model spread through international agencies like the World Bank Group and the International Monetary Fund, among other actors that propagated the “Washington Consensus” and neoliberal ideology in their diagnoses and precepts. Evidently, the prescriptions of such organizations —especially in Latin America and other countries economically dependent on exports and foreign investments — focused on fiscal austerity, reduction of state spending, and increased legal and economic security for international investments (Viana, 2019).

In this context, it can be said that neoliberal principles gained form and content from this international movement conceived in realities where the state, through public policies, had produced minimally acceptable material conditions of existence for its population. However, the application of standardized strategies in different realities —where public power, as well as the capitalist structure, failed to produce adequate social transformations for societal life; that is, where the role to be played by the state was yet to be fulfilled — resulted unequivocally in the aggravation of existing social contradictions. These also occurred in central countries but under less drastic conditions than in peripheral ones.

As a result of this vector, the 1990s were marked by the consolidation of neoliberal ideas in Latin American public policies and, notably, in Brazilian ones. It refers largely to the structural and systematic implementation of a form of management whose rationality dissociates the social character from economic relations. Its metrics, based on results-oriented management, tend to relegate social particularities to the background, prioritizing the interests and worldview of private managers.

This logic, which extends to the present day, tends to conceive social development as a spontaneous result of economic growth. Thus, the state, as well as its executive instruments—that is, public interest policies—are gradually and systematically transformed into validators of practices and metrics that exclusively comprise measurable elements of analysis based on business logic. In summary, it should be emphasized that the 1990s represented a decisive milestone in the adoption of neoliberal ideas in Latin American public policies, especially in Brazil. The implementation of a management that prioritizes economic efficiency to the detriment of social needs resulted in a disconnection between economic relations and their social implications. This approach, which still persists, promotes the idea that social development is a natural byproduct of economic growth, relegating social needs to a secondary plane. Consequently, the role of the state and public policies was transformed into a mechanism for validating business practices, focusing on measurable metrics that predominantly serve the interests of managers, to the detriment of collective well-being as measured by the feedback of the populations served. These dynamics underscore the urgency of reevaluating public management priorities, seeking a balance that effectively integrates social and economic dimensions.

It can be said that the managerial reform in Brazil, which occurred with the creation of the ministry of administration and state reform (MARE) during the government of Fernando Henrique Cardoso (1995–2002), sought to create a legal framework that would allow new possibilities between the public and private sectors. According to Matias-Pereira (2008), this new way of thinking about public administration arises from some premises, among which stand out the crisis of the state and bureaucratic administration—a situation that encompasses the relationship between the public and private spheres; the concept of the regulatory state, that is, public power placed only as a regulatory entity—which implicitly implies the idea of a minimal state; the dissociation of the concepts of planning and management, which in practice distances public power from the *modus operandi* of public policies; and, finally, the concept of fiscal adjustment, which was later materialized in the Fiscal Responsibility Law (LRF - Complementary Law No. 101/2000).

In practice, the master plan for the reform of the state apparatus (PDRAE - 1995) unlinked the “strategic core” from the “exclusive activities” within the state. The “non-exclusive services” and the “production of goods and services” would be executed by the private sector. These considerations become clearer when observed in the figure below:

| | | | |
|-------|--|--|------------------------|
| | Strategic Core: | Non-exclusive Services: | |
| State | Legislative, Judiciary, Presidency, Leadership of the Ministries, Prosecutor's Offices | Universities, Hospitals, Research Centers, Museums | Public (non-state) |
| | Exclusive Activities: | Production for the Market: | |
| State | Regulation, Oversight, Promotion, Public Security, Essential Social Security | State Companies | Market (privatization) |

Figure 1. Transition Strategies for State Reform. Adapted from Pereira (Pereira 1995).

As mentioned, the new public management, strongly supported by business principles, encompassed various aspects of management, transforming into different dimensions the governance mechanisms that significantly underpinned the public character of public policies (public sphere). The incorporation of private rationality into the dynamics of public policies required significant changes, notably in its legal framework, to be put into practice. The new contractual typologies between the public and private sectors led to the emergence of executive and regulatory agencies that advocated, in the name of decentralization of public power, laws that would regulate public-private partnerships (PPPs) and the creation of social organizations (SOs) and civil society organizations of public interest (OSCIPs), supported by Law No. 9,637 of May 15, 1998, as demonstrated in the table below:

Table 1. Type of Partnership and Legal Instrument.

| Type of Partnership or Association | Legal Instrument |
|--|---|
| Mixed Economy Companies | Federal Constitution of 1988 |
| Outsourcing | Law No. 8,666/1993 |
| Agreements | Law No. 8,666/1993; Decree No. 6,170/2007 |
| Concession and Permission of Public Services | Law No. 8,987/1995 |
| Management Contract | Law No. 9,637/1998 |
| Partnership Term | Law No. 9,790/1999 |
| Sponsored Concession and Administrative Concession | Law No. 11,079/2004 |
| Public Consortia | Law No. 11,107/2005 |

It should be emphasized, as demonstrated in the table above, that the incorporation of private rationality into the dynamics of public policies required significant changes, notably in its legal framework, to be put into practice. These changes not only redefined the role of the state in the management of public services but also introduced a new logic of public governance through the incorporation of private practices distinct from the legal order in force in the country.

Among the proposed strategies, the relief of direct state action in the field of public services considered “non-exclusive” stands out. Hence the creation of autonomous agencies and social organizations (SOs), deemed fundamental for “decentralization aiming to provide the state with a modern, agile organizational structure permeable to popular participation” (MARE, 1995, p. 58). The implementation of SOs would imply the publicization of part of the activities executed by the state to entities that would have legislative authorization to enter into a Management Contract (Fonseca et al. 2020).

This new organizational paradigm in public administration has been generating a series of controversies regarding its application, especially when its assumptions are analyzed in light of concepts such as accountability, transparency, and social control. As mentioned, the relief of direct state action in public services considered “non-exclusive” reveals a central strategy in the restructuring of Brazilian public management. The creation of autonomous agencies and social organizations (SOs) was conceived as a means to decentralize public administration, with the justification of modernizing the state structure. However, this approach revealed the purpose of transferring state responsibilities to private entities. Thus, the transfer of state functions to SOs can result in a reduction of public control over policy execution, which tends to compromise transparency and responsibility in the management of public resources, as will be observed in the analysis of the municipality of São Paulo.

3. The Managerial Model and Social Health Organizations (SHOs) in the Municipality of São Paulo

Dissociating the managerial model of management from neoliberal ideology would require considerable imaginative effort; after all, its precepts were developed in a corporate environment aiming to optimize processes with the ultimate goal of maximizing profits. Therefore, it is important to highlight that, even though such ideas were developed to enhance business opportunities in the corporate world and later transferred to the public sector in European countries and the USA, these concepts were conceived in realities that bear little or no resemblance to the Latin American and Brazilian context.

Liberal economic thought, strongly associated with schools of thought from advanced capitalist countries—among which the Austrian School (F.A. Hayek), the Chicago School, the Virginia School, and the Mont Pèlerin Society stand out—presents references and possibilities that are difficult to implement in countries like Brazil. This is because the State needs, notably through public policies, to organize society in its most fundamental aspects, such as public health. In the municipality of São Paulo, contractualization in the health sector has been undergoing a series of modifications. Initially formalized by Law No. 14,132 (2006) and later modified by Law No. 14,664 (2008), it was regulated through decrees that took ten years to materialize: Decree No. 58,376/2018 (Fonseca et al. 2020). Furthermore, other legal mechanisms, especially those related to management contracts, have undergone several modifications that cast doubt not only on their form and content but also on the impacts generated in management.

In the municipal health secretariat (SMS), the legal instrument of the management contract (MC) has been used since 2007, undergoing significant changes since 2014. These include the implementation of the "Assistance Network" model, which replaced previously signed contracts and divided the city among nine SOs through the signing of 22 MCs (Fonseca et al. p.470, 2020). One can observe a series of situations that differ little from the problems faced by bureaucratic public management, but with the aggravating factor that substantial public resources are being directed to SOs consuming about 5.5 billion BRLs of São Paulo's public budget, which corresponds to approximately 50% of the budget of Brazil's largest city.

Thus, the entire cycle of public policies is progressively being dominated by private agents who benefit from public resources and consequently deepen the depletion of the State as an agent of planning, execution, and supervision of public policies (Fonseca and Viana, 2023). As observed, the growing influence of SOs in the management of public resources — especially in the health sector in São Paulo — raises concerns about the adequacy of these practices within the context of public policies. The magnitude of public health management linked to SOs can be better visualized by examining the numbers in the table below:

Table 2. Primary Care Units (PCUs) by Type of Management – Municipality of São Paulo.

| Management Type | Numbers in the CNES | | | Total | % |
|-----------------------|---------------------|---------------------|--------------|--------------------|--------------------|
| | UBS* | Integrated UBS/AMA* | AMA* 12h/24h | Primary Care Units | Primary Care Units |
| Direct Administration | 77 | 0 | 0 | 77 | 16.01 |
| Management Contract | 290 | 75 | 15 | 380 | 79.00 |
| Term of Agreement | 12 | 1 | 2 | 15 | 3.12 |
| Total | 379 | 85 | 17 | 481 | 100 |

*UBS = Unidade Básica de Saúde (Basic Care Unit); AMA = Assinências Médicas Ambulatoriais (Ambulatory Medical Services).

Source: Developed by the authors based on data from the National Registry of Health Establishments (CNES), 2019.

As shown in Table 2, the data regarding primary health care in São Paulo demonstrate that almost 80% of management is conducted under management contracts. These numbers remain high when observing the hospital and pre-hospital care units in the table 3. The information above reveals that more than 60% of hospital and pre-hospital care units are administered through management contracts managed by SHOs. The net amounts handled by SHOs in 2020 exceed 4 billion reais. Therefore, the scenario outlined above demonstrates that SHOs play a central role in the administration of public health units in São Paulo. Moreover, the distancing of public authorities from health management may indicate a decrease in the State's capacity to manage and plan more public services in this and other areas, potentially leading to an increasing dependence on private entities for the provision of essential services.

Table 3. Hospital and Pre-Hospital Care Units by Type of Management – Municipality of São Paulo.

| Management Type | Numbers in the CNES | | | Hospital and Pre-Hospital Units | % |
|-----------------------|---------------------|-------------------------------|---------------------------|---------------------------------|-------|
| | Municipal Hospital | Emergency Room/Emergency Care | Emergency Care Unit (UPA) | | |
| Direct Administration | 13 | 0 | 1 | 14 | 31.82 |
| Management Contract | 5 | 15 | 7 | 27 | 61.36 |
| Term of Agreement | 2 | 0 | 1 | 3 | 6.82 |
| Total | 20 | 15 | 9 | 44 | 100 |

Source: Developed by the authors based on data from the National Registry of Health Establishments (CNES), 2019

4. Conclusions

Through converging variables, we sought to analyze the substitution—or rather, the corrosion—since 1995 of the public assumptions underlying administration and public management due to the progressive introduction of aspects of the "managerial reform," configured in managerial mechanisms, tools, and procedures originating from business administration. The social organizations (SOs) and civil society organizations of public interest (OSCPs), upon entering into "management contracts" with state sectors, impose on public management (administrative dimension) and public policies standards and metrics that, although formally aimed at the "public," were developed through means and especially logics (concepts and procedures) that are private, effectively adhering to the interests and privatist worldview of these sectors. This includes, among many others, the concepts of "efficiency," "effectiveness," "management," "administration," and "governance," conceived in light of these private parameters. It is worth noting that from the selection of the SOs, through financial and substantive oversight, to "social control" (which tends to be low, as mentioned), the process is neither transparent nor controllable. Emphasis should be placed on the low capacity for control over the execution of management contracts by oversight bodies, such as the Audit Accounts. These issues have substantively transformed the Brazilian State, vigorously impacting governance—which becomes of a different nature—particularly in metropolises and macrometropolises, and they need to be investigated with dedication. Finally, the conclusions of this study—whose analysis conceptually focused on the macrometropolis of São Paulo, with an emphasis on the municipality of São Paulo but which can be largely generalized—point to new strategies of neoliberalism from an international perspective. That is, not only the old privatizing, deregulating agenda of economic and social relations but also its coexistence with the State and public policies, which, however, are remodeled, reformatted, and redirected to adapt "public" management and "public" policies to private, managerial contours. This governance coexists and aligns with a privatized and anti-popular political system geared toward the elites (the partisan and electoral system), preventing the "radicalization" of democracy—that is, its participatory and redistributive deepening in political and social terms. Therefore, it should be emphasized that the debate about neoliberal reforms needs to be refined, especially regarding the concept of "governance" in urban regimes, whose coalitions are complex and professionalized based on big capital.

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