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## Hospital tells minister to stop interfering, stop public slander

~ Says no legal basis for Supervisory Council to resign ~

CAY HILL--Public Health Minister Cornelius de Weever was told on Thursday to stop interfering in the affairs of St. Maarten Medical Center (SMMC) immediately and to stop "slandering" the institution.

In a strongly-worded letter to the minister, attorneys representing the hospital and its Supervisory Council added that there was no legal basis for the minister to request that members of the Supervisory Council resign. The attorneys asked the minister to state the legal basis for his request that the members step down.

The minister had requested in a letter dated August 30 that the members of the hospital's Supervisory Council resign.

However, on behalf of the hospital, attorneys C. J. Koster and R. Zwanikken stated in a September

6 letter to the minister that SMMC was a private foundation.

"The Minister of Public Health, Social Development and Labour only has very limited power to interfere within the corporate structure of SMMC. Based on the articles of incorporation, the minister only needs to be consulted regarding the appointment, suspension or dismissal of members of the board," the attorneys stated.

"With regard to the appointment of members of the Supervisory Council, the minister only has the possibility to choose out of one of the two binding nominations presented by the Supervisory Council (Article 9 (2a)). If the minister does not make a choice in two months after receiving notice, then the Supervisory Council shall choose one of the two nominees.

"The request you made cannot be based on the articles of incorporation of SMMC. For clients it is unclear on what rule of law, statute or law you have based [your, ed.] requests. Please be therefore advised that the Supervisory Council will not comply with these requests, as a legal basis for same is or at least seems to be lacking."

The attorneys said that if the minister believed there was a legal basis for his request, he should elaborate on it in a letter to the law firm BZSE Attorneys at Law and Tax Lawyers.

"In that case you are kindly requested to explicitly refer to the applicable articles in the law or to the applicable provisions in the articles of incorporation of SMMC.

"Please be also advised that clients are not pleased at all that you have decided to go to the press with negative statements about SMMC, allegedly based on a report of the Inspectorate, a report that my clients had not received yet. Clients consider this a violation of article 2c, e and f of the [transparency in government ordinance, ed.] Landsverordening Openbaarheid Bestuur IOB.

"Your statements have created unrest and have unnecessarily decreased confidence in the largest care-giving institution of the Dutch Windward Islands for residents of St. Maarten, Saba and Statia.

The fact that these statements came from the Minister of Health cannot be deemed other than very irresponsible.

"Finally and last, but not least, please be advised that SMMC is of the opinion that political interference with its organisation and its daily operation is undesirable and inappropriate, especially in case the interference lacks any legal basis. Moreover, your interference and the interference of the Health Committee of Parliament have a detrimental effect on SMMC, its donors, its employees, its patients and the public opinion of the people of St. Maarten.

"SMMC requests you – and insofar as necessary summons you – to immediately cease this interference and public slandering of SMMC," concluded the attorneys in their letter, which was copied to Parliament's Permanent Committee for Public Health and to the media.

De Weever had sent three letters to SMMC: one dated August 21 requesting information and documents from the Supervisory Council, one dated August 31 asking the Council members to resign and one dated September 1 requesting that the Supervisory Council not enter into any agreements that might negatively affect the relationship between SMMC and government.