

Indian Telemedicine Act

A Blue Print

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PURPOSE AND OBJECTIVE OF TELEMEDICINE ACT

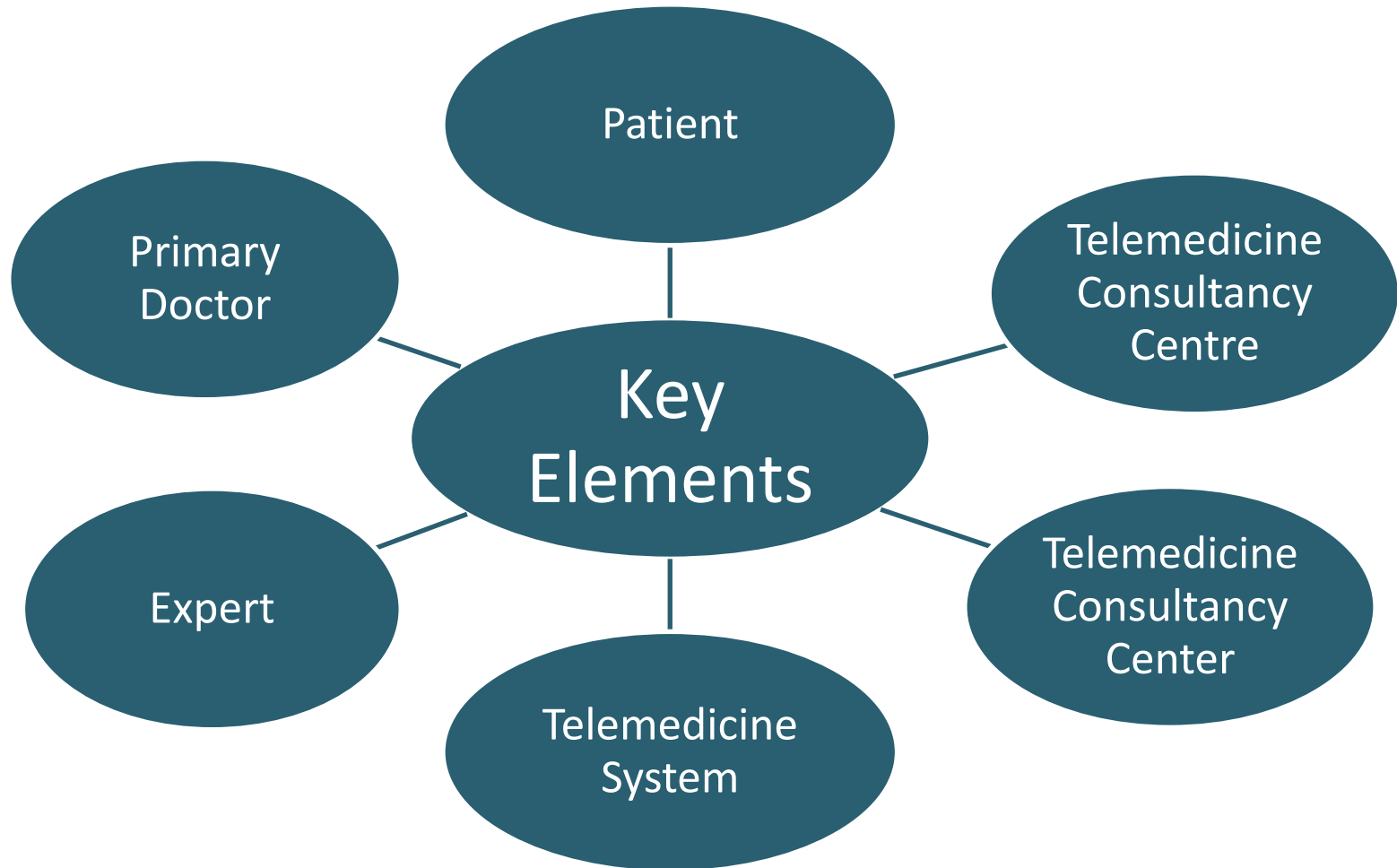
Need for Telemedicine and the Law

- Need for healthy population for economic stability and growth of India
- Existence of significant geographic barriers to access healthcare in India
- Potential to facilitate access to healthcare to both privileged and underprivileged population
- Through this legislation, telemedicine will be brought under India's formal health care system to address the geographical barriers between patients and healthcare services
- It is also the intention to regularize the existing practice of telemedicine in India

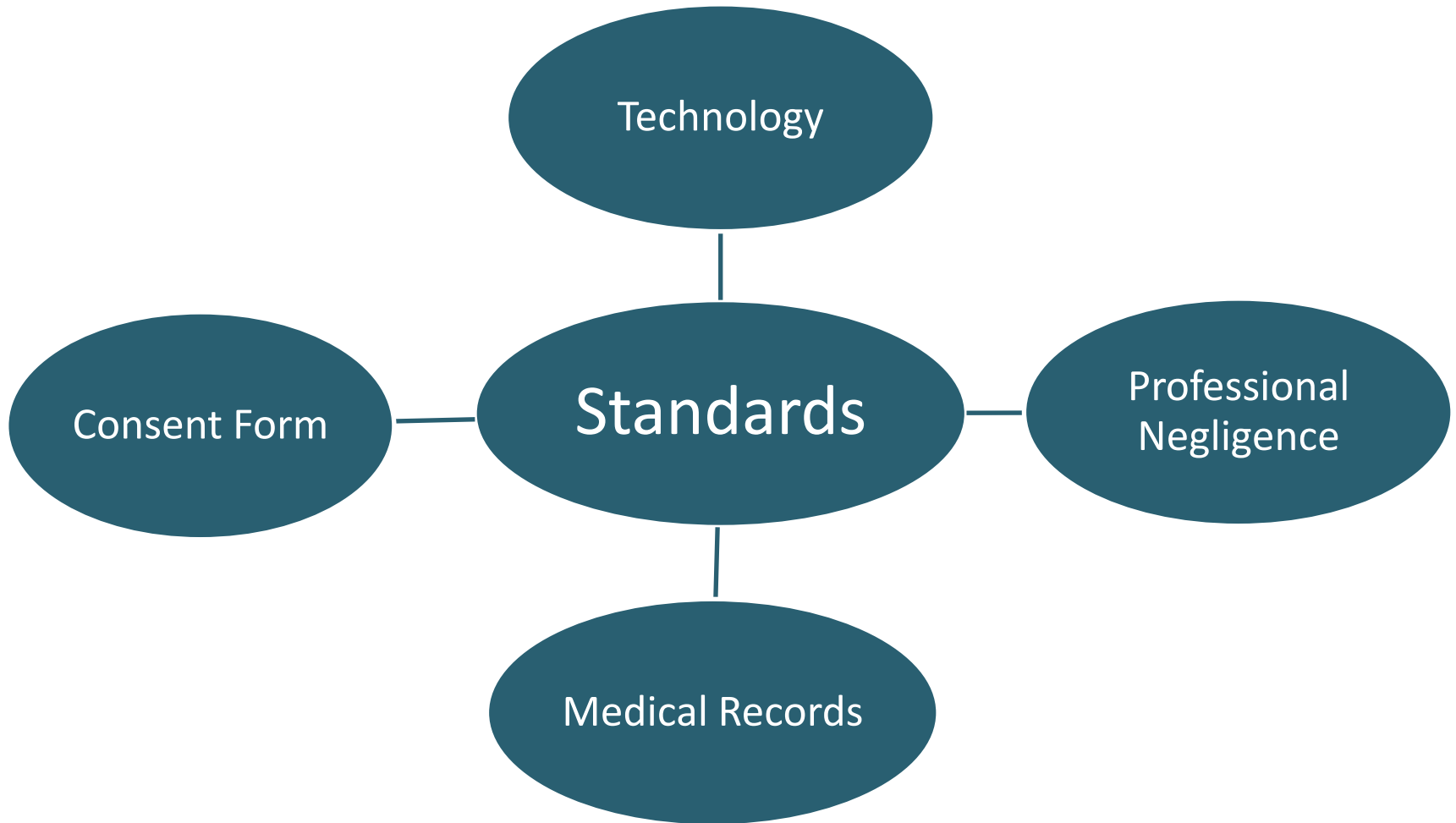


PROCESS OF TELEMEDICINE

Process of Telemedicine

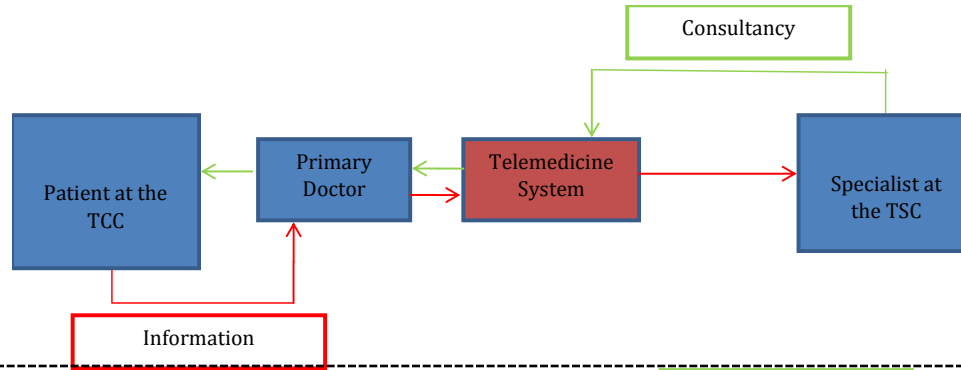


Process of Telemedicine

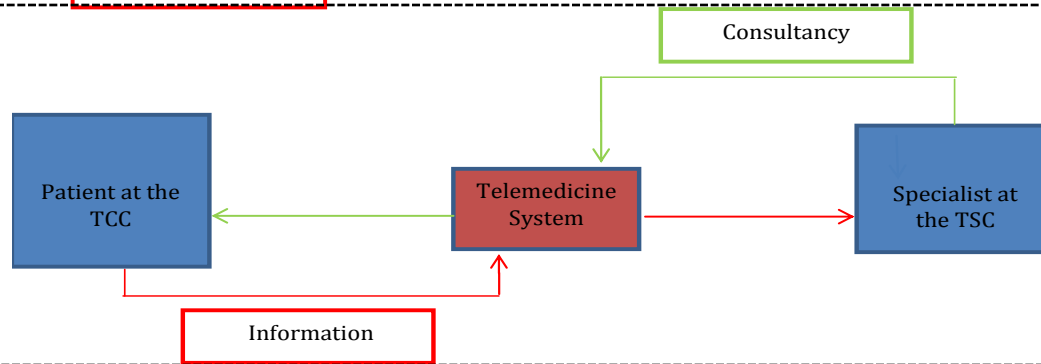


Scenarios

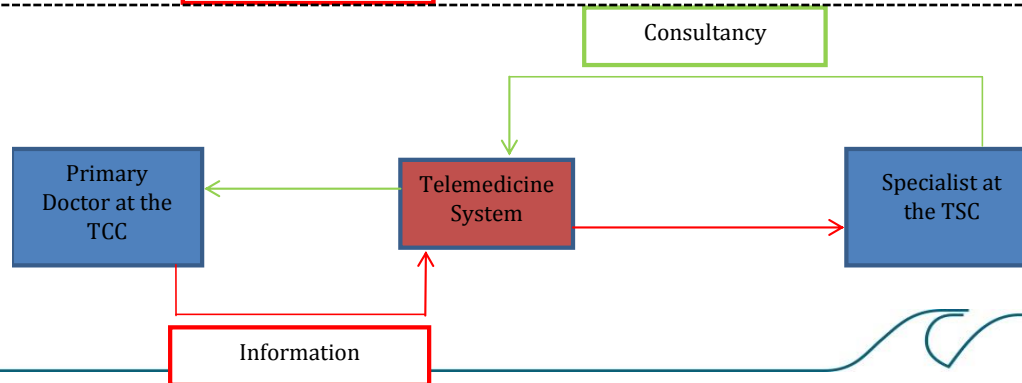
Scenario 1



Scenario 2



Scenario 3





INDIAN TELEMEDICINE ACT A BLUE PRINT

Preamble

1. Preamble

Significant population of India resides in inaccessible areas and does not have physical access to quality preventive and curative medical services. Even in accessible areas, delivery of specialized medical services is rare, and access to experts is difficult because of its cost. Thus, there are geographical and economic barriers to health care services.

Telemedicine is an attempt to bridge the gap created by economic and geographical barriers by integrating the practice of medicine with communication technology.

The Tele medicine Act of India will lay down the process and standards for practice of Telemedicine in India.

Definitions

2. Definition of Telemedicine

- Telemedicine means practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, or exchange of medical education information by means of audio, video or data communications.

Other Definitions

- Competent Authority
- Registered Medical Practitioner
- Teleconsultancy and Telehealth
- Telemedicine Consulting Center
- Telemedicine Specialty Centre
- Telemedicine System
- Patient Education
- Primary Medical Practitioner
- Specialist Medical Practitioner

Regulations and Prohibitions

3. Prohibition

- Prohibition on practice of telemedicine except as specified in the Act and rules and regulations made under it

4. Registration of Medical Practitioners

- No requirement for registration of RMPs practicing in India
- Foreign RMPs, who have license to practice telemedicine in the country of their residence, can practice telemedicine in India after registration with competent authority

5. Appeal

Patient Protection

6. Consent

- Requirement of informed written consent prior to use of telemedicine
- Obligation on Telemedicine Consultancy Centre
- Legal representative of patient to give consent on behalf of patient when patient is incapable of giving consent
- Exception in case of emergency situations
- Consent to form part of electronic medical report of the patient
- Criteria to determine when will a consent be deemed to be 'informed'

7. Protection of information of patients

Other Provisions

8. Punishment for violation of Telemedicine Act

9. Power to make rules and regulations with central government

- Technical standards, format of consent and electronic medical report *etc.* will be prescribed by a technical agency

10. Special provision for insurance providers

- Insurance providers not to refuse insurance claim arising from use of telemedicine when insurance policy does not expressly cover telemedicine related claim.

11. Exemptions

- Certain government institutions may be exempted from application of Telemedicine Act until infrastructure is upgraded.

Schedules (may be part of the Rules)

- Schedule A – Informed Consent Form
- Schedule B – Electronic Medical Report
- Schedule C – Expert Opinion



CONCLUDING REMARKS

- Telemedicine Act to be based on the blue print
- Act will only provide bones, rules and regulations will provide flesh
- Act must be worded broadly in order to give ground – level flexibility to Administrators to implement the provision of the Act
- Finalization of Act after wide consultation process
- Active involvement of government departments and agencies required
- Focused public awareness campaign to be initiated prior to implementation of Act in order to familiarize Indian populace of new law and create acceptance
- Creating a “TASK FORCE”

Thank You!

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