

Laws and the Practice of Telemedicine in Germany and Japan: Insights and References for Taiwan

Li-Ching Chang *

Abstract

With the development of science and technology, the artificial intelligence is getting more and more mature, and telemedicine has become a hot topic these days. Telemedicine refers to the use of communication technology for the purpose of treatment, prevention of diseases and injuries, research, assessment, or even continuing education of healthcare workers to achieve individual and community health benefits when the practices of healthcare providers are affected by distance.

The COVID-19 pandemic hits the world in 2020, and countries are actively relaxing their laws and regulations of telemedicine and making various efforts in response to the pandemic. In Taiwan, telemedicine has been implemented in a limited manner since the enactment of “Rules of Medical Diagnosis and Treatment by Telecommunications” in 2018, and a draft amendment which relaxes the requirements of applicable objects and the content of telemedicine has been announced by the Ministry of Health and Welfare in 2022. However, the relaxation of the use of telemedicine in our country is still not enough to date by comparison.

To keep up pace with the development of the international medical model, it is necessary to study the medical policies and legal systems of those advanced countries. Our legal system is derived from the European system, and it is strongly influenced by the legal systems of Germany and Japan. This article introduces

* Chair Professor of Shih Chien University, CEO of International Artificial Intelligence and Law Research Foundation
E-mail: liching0903@yahoo.com.tw.

norms and the practice in Germany and Japan from the perspective of telemedicine, where doctors perform core medical practices such as diagnosis, treatments, and prescriptions. In addition, this article compares laws and regulations relating to the implementation of telemedicine between two countries and analyzes the points that we can learn from. In particular, the scope and requirements of telemedicine, the content of patients' right to autonomy, doctors' obligation to inform, and the supervision of the data security, etc. are worthy of reference when adjusting our own legal policies.

Keywords: telemedicine, electronic prescription, obligation to inform, privacy protection, patient right to autonomy, data security