

Abstract

The development of telemedicine in the context of cross-border healthcare services in the European Union: comparative approach France / Czech Republic

The role of the European Union, within the context of its support in the field of public health, consists of helping the Member States to achieve the goals defined in the multiannual framework program. Among these goals, telemedicine is a priority of eHealth. Telemedicine is a form of healthcare provided remotely using Information and Communication Technology (ICT). It aims to improve the efficiency of medical care systems faced with the ageing of the European population. This thesis is a study of cross-border telemedicine in the context of cross-border medical care as it is regulated by European Union law. However, the deployment of cross-border telemedicine depends on the competence of the Member States. A comparison between French and Czech legislation, in terms of the implementation of telemedicine in these Member States, reveals different strategies regarding the integration of telemedicine into their healthcare systems. In light of these two significant examples, it will be possible to show how the deployment of telemedicine in domestic law influences its cross-border development. European legislation encourages states to use cross-border telemedicine by identifying the challenges to be met and the actions to be taken in favour of its deployment, in the broader context of the development of new technologies. Telemedicine, as a practice using ICT, requires a modernization of the regulatory framework of the Member States, mainly in the areas of the responsibility of health professionals, the protection of quality and safety of telemedicine services, but also medical ethics. Despite strong support and encouragement of the European Union, the majority of Member States are deploying telemedicine very gradually. The most frequent barriers lie in funding and the lack of a legislative framework. Besides, telemedicine is a victim of the uberization phenomenon. Telemedicine services provided via mobile applications represent a great competition for clinical telemedicine, and also unfair competition since these acts of tele-advice are not subject to the same strict regulation of medical care. The Covid-19 pandemic had a significant positive impact on the practical deployment of telemedicine (clinical and uberized) and could ultimately have the effect of accelerating the effective development of cross-border telemedicine.

Key-words: Telemedicine, cross-border healthcare services, European Union.