

# Legal aspects of telemedicine

## Abstract

This thesis deals with the legal aspects of telemedicine or the provision of health services at a distance using information and communication technologies. Telemedicine is a new, rapidly developing phenomenon, however, its use in practice already exceeds the level of its legislative anchoring. The paper asks whether the legal regulation of telemedicine is adequate to protect the patient's subjective rights and, if not, to identify which legislative changes are required to achieve this level.

The thesis defines the concept of telemedicine and its individual categories, which it illustrates with several case examples from practice. Furthermore, it examines the legal regulation of telemedicine in the context of the health care contract, where it analyses in detail the proposed amendment to the Health Services Act, which, if adopted, will anchor telemedicine in Czech legislation. It also analyses the key issues arising from the legislative anchoring of telemedicine, namely the authorisation to provide telemedicine services and the standard of care. It also examines a central aspect of the legal regulation of telemedicine, which is the protection of personal data routinely shared in the course of providing telemedicine services. The thesis also addresses selected foreign legal regulation of telemedicine, in which it identifies possible sources of inspiration for the Czech legal framework. Given the current lack of regulation of telemedicine in the Czech legal system, the thesis also thoroughly evaluates the issue *de lege ferenda*.

The aim of this thesis is to evaluate the legal regulation of telemedicine, especially in the context of key patient rights such as the right to autonomy of decision-making, the right to *de lege artis* procedure, the right to respect for privacy or the right to free choice of provider. It is based on the reciprocal nature of telemedicine and the right to health protection. The development of telemedicine is desirable for its fulfilment, but at the same time the development of telemedicine must be consistent with the protection of the patient's subjective rights.

**Keywords:** telemedicine, right to health protection, privacy and personal data protection