

# **Panel: Legal Issues in Digital Health – Maintaining and Sharing Data**

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## ***eHealth Convergence and Planning Workshop***

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# **Need and relevance of legislative frameworks**

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- **To realize the full potential of eHealth which is essentially the delivery of health care services via Information and Communication Technology (ICT) tools.**
- **Address the issues related to transfer and use of information between health care professionals, patients and associated privacy, confidentiality and security aspects of patient data.**
- **Prerequisite for the implementation of Nepal National eHealth Strategy recently endorsed by Min. of Health and Population.**
- **Help establish rules and regulations related to data ownership, access, disclosure rights, quality, integrity and professional accountability, liability in the context of negligence and malpractice.**
- **Synchronise the compliance expectations from various existing national laws/Acts related to healthcare and electronic transactions.**

# **Third global survey by WHO Global Observatory for eHealth**

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- 125 Member States participated in the survey.
- 58% of WHO Member States now have an eHealth strategy.
- 78% of countries reported legislation protecting the privacy of personal information, and 54% reported legislation to protect the privacy of electronically held patient data.
- 47% of countries reported having national electronic health record (EHR) systems.
- Nearly 80% of countries reported that health care organizations use social media for the promotion of health messages.
- 77% reported use of teleradiology, with telepathology, remote patient monitoring and tele dermatology in use in nearly half of the countries.
- 17% of countries report having a national policy / strategy regulating big data and its use in the health sector.

**Source: Global diffusion of eHealth: making universal health coverage achievable. Report of the third global survey on eHealth, World Health Organization, December 2016.**

# Legal baseline

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- **Does your country have policies or legislation to define medical jurisdiction, liability or reimbursement of eHealth services such as telehealth?**
- **Does your country have policies or legislation to address patient safety and quality of care based on data quality, data transmission standards, or clinical competency criteria?**
- **Does your country have legislation to protect the privacy of personally identifiable data of individuals irrespective of whether it is in paper or digital format?**
- **Does your country have legislation to protect the privacy of individuals' health-related data<sup>14</sup> held in electronic format in an EHR?**
- **Does your country have legislation which governs the sharing of digital data between health professionals in health services in other countries through the use of an EHR? (such as public or private health care entities, social services, insurance companies and pharmaceutical companies)?**

# Legal baseline contd...

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- **Does your country have legislation which governs the sharing of digital data between health professionals in health services in other countries through the use of an EHR? (such as public or private health care entities, social services, insurance companies and pharmaceutical companies)?**
- **Does your country have legislation which governs the sharing of digital data between health professionals in health services in other countries through the use of an EHR? (such as public or private health care entities, social services, insurance companies and pharmaceutical companies)**
- **Does your country have legislation which allows for the sharing of personal and health data between research entities?**
- **Does your country have legislation which allows individuals electronic access to their one mHealth-related data when held in an EHR?**

# Legal baseline contd...

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- **Does your country have legislation which allows individuals to demand their own health-related data be corrected when held in an EHR if it is known to be inaccurate?**
- **Does your country have legislation which allows individuals to demand the deletion of health-related data from their EHR?**
- **Does your country have policies or legislation on civil registration and vital statistics?**
- **Does your country have policies or legislation on national identification management systems?**

**Source: Section 6 – Legal frameworks for eHealth in Global diffusion of eHealth: making universal health coverage achievable. Report of the third global survey on eHealth, World Health Organization, December 2016.**

