

Review The Law Related to Gab the Legal Rules of Telemedicine Medical Services with The Rule of Law That Protects Patients

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Abstract. The world of digitalization 4.0 brings us to a fast-paced, precise and expected digital world that is accurate. Computer technology services in the world of work are also very helpful in providing convenience and financial benefits. The world of health services is also adjusting to the world of digitalization. The development of telemedicine in Indonesia starting around 2015 telemedicine administrations started to be known by a wide layer of society. But since it is still new, the guidelines in regards to its execution have additionally as of late been distributed. Essentially, there is one legitimate item that is the parent of the lawful premise in the administration of telemedicine. The lawful item is The Minister of Health Regulation No. 20 of 2019. This permenkes officially discusses the Implementation of Telemedicine Services Between Health Service Facilities. This guideline is more commonly abbreviated as Permenkes 20/2019. But there is a Gab about the rule of law between the rule of law of telemedicine medical services and the rule of law that protects patients.

Keywords: Telemedicine, Technology, Development

1 Introduction

Article 1 Paragraph 1 of Permenkes 20/2019 contains the significance of telemedicine. Which is deciphered as: "The provision of remote health services by health professionals using information and communication technologies, including the exchange of diagnosis information, treatment, prevention of diseases and injuries, research and evaluation, and continuing education of health care providers for the benefit of improving the health of individuals and communities."

Who has the right to provide telemedicine services? Article 2 states that telemedicine administrations are done by wellbeing laborers who have a permit to rehearse at the coordinator's wellbeing office. Fasyankes organizers include 2 groups, namely Fasyankes Consulting Providers and Fasyankes Consultation Requesters. What is meant by Fasyankes Consulting is a medical clinic possessed by the Central Government, Local Government, and the private area that meets the necessities. Next, what is meant by Fasyankes Peminta Konsultasi is a hospital (outside the previous category), first-level fasyankes, and other health facilities. The duties of the two groups of the organizer's fasyankes are similar.

Check out the table below:

Table 1. <https://trustmedis.com/dasar-hukum-telemedicine-di-indonesia>

Fasyankes Consultant	Fasyankes Requesting Consultation
a. establishes human resources in carrying out Telemedicine Services	a. establishes human resources in carrying out Telemedicine Services
b. establishes standards of operational procedures of Telemedicine Services through the decision of the head / director of the hospital	b. establishing the standard of operational procedures of Telemedicine Services through the decision of the leadership of Fasyankes
c. document Telemedicine Services in medical records in accordance with the provisions of laws and regulations;	c. document Telemedicine Services in medical records in accordance with the provisions of laws and regulations;
d. respond to any complaints / proposals / criticisms of Telemedicine Services from the Fasyankes Consultation Request.	d. provides Telemedicine Services in accordance with the cooperation agreement

While Law No. 8 of 1999 concerning Consumer Protection and Legal Relations between health workers (pharmacists, doctors, nurses, midwives etc.) became a rule that protects patients, and health workers. But behind this Telemedicine service there are some big questions, among others, are

1. In telemedicine service is not done checking vital signs, what is the rule of law?
2. In Telemedicine services are not grouped in patients with mild, moderate, severe symptoms, what if there is an emergency at the time of Telemedicine, what is the rule of law?

Permenkes 20/2019 also explains about the types of telemedicine services that can be provided. Of course, not all health facilities have qualified resources to carry out these four forms of service. However, if there are health facilities that meet it, it is permissible to provide a form of telemedicine service as detailed in Article 3 of permenkes 20/2019. There are 5 telemedicine services that can be provided, namely:

1. Teleradiology; analytic radiology administrations by utilizing picture based electronic transmission of all radiology modalities alongside supporting information from the Consultation Requesting Facility to the Consulting Facility to get exactness and precision in the implementation of conclusion
2. Tele electrocardiography; electrocardiography administrations utilizing electronic transmission of pictures from Fasyankes Consultation Requester to Fasyankes Consultant
3. Tele ultrasonography; obsteric ultrasound administration by utilizing electronic transmission of pictures from Fasyankes Consultation Requester to Fasyankes Consultant
4. Clinical teleconsultation; distant clinical conference administrations to assist with laying out the conclusion, or potentially give thought/counsel to techniques either recorded as a hard copy, voice, as well as video and should be endlessly kept in clinical records
5. other Telemedicine counseling administrations as per the improvement of science and innovation

Each of the organizers' health facilities has its rights and obligations. The rights and obligations in providing telemedicine services are regulated in Article 17 Paragraph 1 and

Paragraph 2 and Article 18 Paragraph 1 and Paragraph 2 permenkes 20/2019. Check out the description in the table below:

Table 2. <https://trustmedis.com/dasar-hukum-telemedicine-di-indonesia/>

	Fasyankes Consultant	Fasyankes Requesting Consultation
Rights	<ul style="list-style-type: none"> a. receives medical information in the form of images, imagery, text, biosynyal, video and/or sound well by using electronic transmission to answer consultations and/or provide Expertise; b. receive rewards for Telemedicine Services. 	<ul style="list-style-type: none"> a. obtains consultation answers and/or receive Expertise according to standards; and b. receives information that is right, clear, responsible, and legitimate about the consequences of consultations and/or Expertise.
Obligation	<ul style="list-style-type: none"> a. submits consultation answers and/or provide Expertise according to standards; b. maintains the confidentiality of patient data; c. provides correct, clear, accountable, and honest information about the results of consultations and/or Expertise; and d. provide consultation time of 24 (twenty-four) hours in a day, 7 (seven) days a week. 	<ul style="list-style-type: none"> a. sends medical information in the form of images, imaging, text, biosynyal, video and/or sound by using electronic transmission according to quality standards to request consultation answers and/or obtain Expertise; b. maintains the confidentiality of patient data; and c. provides correct, clear, accountable, and honest information about the results of consultations and/or Expertise to patients;

Health is the most valuable asset, because on this side every individual will try to stay in good health and as much as possible avoid causative factors that can cause disease (unhealthy). While on the other hand, he will try – if already sick – to eliminate / treat every form of the disease. So, it can be said that health is a basic need for humans along with other basic needs such as clothing and food, sometimes even having to ignore other basic needs in order to get health. [1]

In the broader level, health becomes the basic needs of society, both society as a collection of individuals, and the environment in which these individuals live and live. Such is the importance of health, so that health is included as one of the most fundamental rights for humans and incorporated into various laws and regulations. The Constitution of the Unitary State of the Republic of Indonesia of 1945, for example, affirms in Article 28 H paragraph (1) that "everyone is entitled to health services".

The birth of the right to obtain "health services" can certainly come from the existence of healthy rights themselves. Including to partake in a decent and solid living climate as expressed in the Law. No. 32 of 2009 concerning Environmental Protection and Management. Article 65

passage (1) of this regulation insists that a decent and solid living climate is important for Human Rights (HAM). [2]

2 Discussion

This examination is legitimate exploration. This exploration is remembered for the doctrinal examination type research. This exploration is a review that efficiently makes sense of the guidelines of regulation administering specific legitimate guidelines, investigates the connection among rules and conceivably predicts future turns of events (research which gives an orderly piece of the standard overseeing a specific lawful classification, examinations the connection between rule, makes sense of areas of trouble and, maybe, foresee future turns of events). The methodology in this exploration is the applied methodology (conceptual approach) as well as the methodology of regulation (rule approach) connected with Telemedicine in Indonesia.

The assortment of these legitimate materials both essential lawful materials (regulations and guidelines alongside compositions) and optional book materials (books, diaries, articles, and so forth) is gotten through writing studies. This multitude of materials are chosen, expounded and investigated and afterward associated with the following regulation planned deliberately as per each subject. All legitimate materials are coordinated and characterized and afterward interpreted methods or interpretations are carried out.

3 Conclusion

This study concludes that there are the needs to be a rule of law that protects patients in telemedicine services. It is necessary to create a rule of law that protects telemedicine services. However, further research of this field must be conducted.

References

- [1] Afandi, D. 2008. Right to Health in a Human Rights Perspective. Journal of Medical Sciences, Volume 2 Number 1, ISSN 1978-662X.
- [2] <https://trustmedis.com/dasar-hukum-telemedicine-di-indonesia/>