Despite the fact that there have been many advances in the field of telemedicine, the United States (U.S.) state and federal laws have not kept pace with these technological advancements and may operate as a barrier to growth in the field of telemedicine. On the other hand, the European Union (EU) has developed a robust legal framework for the practice of telemedicine. Based on the 2015 EU Guidelines, by 2020, a French physician may be able to see a German patient online and have instant access to the patient’s medical record, automatically translated into the French language. The EU has prioritized the creation of a legal framework that fully supports cross-border telemedicine.

What Does Telemedicine Mean for Patients?

METHODS & OBJECTIVES

The aim of this research project is to evaluate what elements of the EU legal experience could be used to support efforts to better align telemedicine law with the practice of telemedicine in the U.S.

Why Compare Europe and the US?

The comparison of European to American telemedicine law is appropriate for several reasons. The U.S. has a federal legal system with 50 independent states that traditionally control healthcare within the borders of each state. Similarly, while the EU has only recently created a single economic market, healthcare used to be controlled by each of the 28 member nations.

US AND EUROPE TELEMEDICINE LAW & REGULATIONS

Physicians in the United States face many legal and technical barriers to providing efficient telemedicine care to patients in other states. Physicians may have to seek licensure in other states, and may not have the ability to access medical records. Physicians may also encounter difficulties in obtaining insurance payments.

The EU regulatory framework intends to facilitate the development of cross-border medical services, i.e. services which are provided by a physician in one country to a patient in another country, and aspires to provide highly efficient care even in unscheduled clinical encounters, in which medical records were not made available in advance.

US 2016/0228025

Medical Licensure in Europe

Medical Licensure in Europe

• A physician needs to be licensed only in the nation from which he is rendering medical care, not in the nation where the service is received by patient.

INTERSTATE MEDICAL LICENSURE COMPACT

• Expedites state medical licensure application process.
• Requires an unrestricted license in at least one state.
• Requires payment of appropriate fees and waiting time for approval by each state medical boards.

Not a Great Solution for True Interstate Telemedicine!

Reimbursement in US

Reimbursement in US

Insurance companies pay for health costs.
• Some states adopted telemedicine parity law to force insurance companies to cover telemedicine care.
• Different coverage of specialties exist.
• Initial face-to-face visit required in some states.

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EMR Interoperability in Europe

• Goal by 2020: – Patients can see physicians abroad in person or via telemedicine
– Real-time translation of patient summaries
– Cross-border access to medical records

Leaders and experts of member nations regularly meet to achieve data interoperability.

FINDINGS

Physicians in the United States face many legal and technical barriers to providing efficient telemedicine care to patients in other states. Physicians may have to seek licensure in other states, and may not have the ability to access medical records. Physicians may also encounter difficulties in obtaining insurance payments.

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