

<b>TELEMEDICINE: A GLOBAL APPROACH TO TRENDS AND PRACTICES</b>
<b>Authors: Mariana Castro, Luis Daniel Retana and Manuel Serrano, Alta Legal</b> <b>Date of completion: 13 March 2023</b>
<b>LAWS AND REGULATIONS ON TELEMEDICINE</b>
<b>1. Is telemedicine allowed in your country? If so, how is it defined?</b>
<p>Yes, it is. According to the internal guidelines from the Costa Rican Board of Physicians and Surgeons: 'Telemedicine is a component of telehealth, and it refers to the provision of remote clinical services through the use of information and communication technologies (TICs as per its name in Spanish); that guarantee the transmission of any information and exact data which is necessary to accomplish the objectives of the medical act.'</p> <p>Also, the guidelines from the Costa Rican Therapists Association provide a complimentary definition, emphasising that telemedicine is a term immersed in 'telehealth', being understood as an essential part of the professional services rendered by its members: 'Telehealth is the use of the information and communication technologies [...] to provide health services, including the promotion, the habilitation and rehabilitation when the provider and the patient are not physically present with each other.'</p>
<b>2. Please provide a high-level overview of the legal framework regarding telemedicine in your country.</b>
<p>Costa Rica does not have a specific law which regulates telemedicine but the professional associations relating to health sciences, as well as the Costa Rican Board of Physicians and Surgeons, have issued internal guidelines regarding the application of telemedicine in Costa Rica.</p>
<b>3. Briefly identify the key licensing bodies for telemedicine and outline their responsibilities.</b>
<p>There are no licences granted, thus there are no licensing bodies or entities. Notwithstanding, if there occurred any irregularities in any telemedicine services provided by physicians, the Costa Rican Board of Physicians and Surgeons would be able to carry out an investigation, and eventually, if applicable, sanction the healthcare provider accordingly.</p>
<b>4. Was telemedicine authorised during the Covid-19 pandemic?</b>
<p>Yes. The Costa Rican Board of Physicians and Surgeons issued a guideline called: '<i>Lineamientos Generales para la Prestación y Control del Ejercicio de la Medicina y Cirugía, sus Especialidades y Subespecialidades – Modalidad Especial Durante la Emergencia Nacional por el COVID-19</i>' ('General Guidelines for the Provision and Control of the Practice Of Medicine and Surgery, its Specialties and Subspecialties').</p> <p>Furthermore, other bodies such as the Costa Rican Association of Psychology Professionals, and the Costa Rican Social Security Office, established frameworks to regulate telemedicine services, in view of the Covid-19 pandemic.</p>

<b>5. Is there any possibility of the regulatory landscape being changed in the post-pandemic scenario? Or has there been already a change in the regulation in the post-pandemic scenario?</b>
The only post-pandemic change to the telemedicine guidelines has been with respect to their validity since the pandemic guidelines were determined to be in effect only during the state of emergency for the Covid-19 pandemic. Once the pandemic ended, the guidelines were updated and adjusted to a 'non-pandemic' scenario.
<b>6. What types of teleservices are allowed (eg, second opinion, teleconsultation, tediagnosis, telesurgery, among others)?</b>
Teleconsultations, tediagnosis and the issuance of medical prescriptions.
<b>7. Who can use telemedicine services? Please indicate if whether only doctor-doctor or also patient-doctor remote medical services are allowed.</b>
Doctor-doctor and patient–doctor remote medical services are allowed.
<b>8. Please outline the funding model for telemedicine. Is it available in your jurisdiction public health system? Is telemedicine under mandatory insurance coverage? Please indicate what legislation applies.</b>
<p>The Costa Rican public health system is managed by the Social Security Office (<i>Caja Costarricense de Seguro Social</i>), which is the governmental institution in charge to provide social security services, and this institution also allows health practitioners to provide telemedicine services.</p> <p>In Costa Rica, some insurance companies offer their own telemedicine services with previously selected healthcare practitioners, but it is not under mandatory insurance coverage.</p>
<b>9. Please indicate whether any insurance requirements applicable to telemedicine services providers.</b>
Not regulated in Costa Rica.
<b>REQUIREMENTS APPLICABLE TO HEALTHCARE PROFESSIONALS AND INSTITUTIONS</b>
<b>10. Who can practise telemedicine in your country? Please indicate whether other healthcare professionals are authorised to provide remote health services under the applicable rules (eg, nurses, psychologists, nutritionists, alternative health therapies providers, etc).</b>
Considering that in Costa Rica there is currently no telemedicine law, this matter is regulated by multiple professional associations and boards related to the provision of health services. As such, physicians, nurses, psychologists and therapists are able to provide telemedicine services.
<b>11. Are there any specific education requirements or trainings that healthcare professionals need to meet or attend to provide telemedicine services?</b>

No.
<b>12. Is there any registration requirement applicable to physicians that provide telemedicine services?</b>
No. Apart from the customary requirements requested to register at the corresponding board or association to exercise their profession, there is no particular registration requirement applicable to provide telemedicine services.
<b>13. Please indicate whether special licences or authorisations are mandatory for institutional healthcare providers engaged in telemedicine services.</b>
No. Apart from the customary licences required by the corresponding board or association to exercise their profession, there is no license or authorisation mandatory for providing telemedicine services.
<b>REQUIREMENTS APPLICABLE TO TELEMEDICINE SERVICES</b>
<b>14. Are there specific requirements applicable to the telemedicine platform?</b>
No.
<b>15. Are there any requirements regarding electronic equipment and internet speed for telemedicine services?</b>
No, it is not defined specifically, only that it needs to be able to function properly.
<b>16. Does the legislation provide for specific rules concerning patients' medical records?</b>
The Costa Rican Board of Physicians and Surgeons telemedicine guideline determines that the healthcare professionals have the duty to record in the patient's corresponding medical records (either in a physical form or by means of an electronic device) all the information that is reasonably considered useful and necessary to disclose the patient's health status and its evolution. The custody and the means by which this information is kept, are the personal responsibility of the healthcare professional based on the board's regulations.
<b>17. Are there geographic location requirements applicable to the provision of telemedicine services?</b>
No.
<b>18. Does the healthcare professional need to obtain patient's consent to engage in a telehealth?</b>
It is not specifically indicated.
<b>19. Is there any other important requirement that should be highlighted?</b>

No.
<b>DATA PRIVACY ASPECTS</b>
<b>20. Are there data privacy issues should be considered for the exploitation of such market? If your answer is positive, please provide a short description.</b>
<p>Yes, in Costa Rica data privacy regulation is contained in two laws:</p> <ol style="list-style-type: none"> <li>1. Law for the Protection of Individuals regarding the Handling of their Personal Data, Law number 8968 ('Costa Rican Data Protection Law'), enacted to regulate the activities of companies that administer databases containing personal information, and</li> <li>2. the Undisclosed Information Law, Law number 7975 which criminalises the disclosure of confidential and/or personal information without prior authorisation from the interested party.</li> </ol> <p>The law protects not only 'personal data', which can only be disclosed to persons or entities on a need-to-know basis, but also 'sensitive personal data' which includes information relating to a person's private life, including racial origin, political opinions, religious or spiritual convictions, socioeconomic condition, biomedical or genetic information, sex life and sexual orientation, among others.</p> <p>Sensitive personal data cannot be disclosed without express prior authorisation from the data subject, without exceptions.</p>
<b>21. Does the applicable regulation provide for criteria and requirements for the security systems to protect the patient's information?</b>
<p>The party responsible of managing the database must establish and maintain administrative, physical and logical security measures for the protection of personal data. Security measures shall be understood as the control or group of controls to protect personal data from tampering or access from unauthorised parties.</p> <p>Any company or individual using and/or managing personal information must take all necessary steps (technical and organisational) to guarantee that the information is kept in a secure environment and must issue an internal protocol indicating all the procedures that shall be followed during the collection, storage and use of such information. If security is breached because of improper use or protection, the responsible party may be held liable and may be subject to penalties and civil liability for any harm caused.</p>
<b>22. Does the applicable regulation provide for requirements for the transfer of information abroad?</b>
<p>Transferring of personal and/or sensitive personal data of any kind, is authorised by the law, insofar the data subject provides prior, unequivocal, express and valid written consent to the company or individual that manages the database.</p> <p>The transfer of personal information from the company or individual responsible for the database to a service supplier, technological intermediary, or entities in the same economic interest group is not considered a transfer of personal information and does not need authorisation from the data subject.</p> <p>The transfer of public information (information which can be generally accessed) also does not need authorisation from the data subject.</p>

**23. Is there any registration of databases requirement that companies must observe?  
Are there requirements regarding the recording of data in the patient's medical records?**

Under Law 8969, companies that manage databases containing personal information and that distribute, disclose or commercialise such personal information must register their database at the Agency for the Protection of Individual's Data (PRODHAB). In-house databases are outside of the scope of enforcement of the law.

There are no particular requirements for recording data in a patient's medical records.

**LIABILITIES**

**24. Please provide a high-level overview of the liability of healthcare professionals and institutions involved in telemedicine practices.**

General liabilities are applied to physicians and other healthcare professionals, such as fines and suspension sanctions. There are no particular liabilities regarding telemedicine practices.

**TELEMEDICINE NUMBERS AND TRENDS**

**25. Is there any public disclosed information concerning the use and acceptance of telemedicine in your country?**

No.

**26. What are the perspectives and trends in relation to the matter for the next few years? Please outline any unresolved issues, proposed changes or trends for the telemedicine sector and briefly indicate how these may foreseeably affect medical practice in the near future.**

Considering the benefits telemedicine brings, such as reduction of waiting times, reduction of institutional costs, strengthening of selfcare habits of users and encouraging the continuity of treatments, there is a common trend to further implement telemedicine services in private hospitals, clinics and by private insurance companies. It is foreseeable that this subject matter is more thoroughly regulated in the upcoming years.