

TELEMEDICINE: A GLOBAL APPROACH TO TRENDS AND PRACTICES
Authors: Maria Gutierrez and Alejandro del Valle, Alta Legal Date of completion: 16 January 2023
LAWS AND REGULATIONS ON TELEMEDICINE
1. Is telemedicine allowed in your country? If so, how is it defined?
Yes. Telemedicine is the remote delivery of medical services. Although interactive video is the most common tool, telemedicine encompasses a wide variety of telecommunications technologies such as: remotely monitoring emergency rooms, reminding patients to take their medications, providing educational material about a disease, giving assessments by call, chatting in real time, issuing sealed prescriptions, among others. The benefits of telemedicine are wide-ranging, as it makes it possible to reach remote and underserved communities.
2. Please provide a high-level overview of the legal framework regarding telemedicine in your country.
In Guatemala, there is not a specific law regarding telemedicine. However, in 2021 regarding the Covid-19 regulations, Decree 11-2021 of the Congress of the Republic of Guatemala regulated the implementation of a hotline for general medical care and follow-up of Covid-19 cases in adults and children, through tele-consultation and home medical care.
3. Briefly identify the key licensing bodies for telemedicine and outline their responsibilities.
Not regulated in Guatemala.
4. Was telemedicine authorised during the Covid-19 pandemic?
Yes, through Decree 11-2021 of the Congress of the Republic of Guatemala.
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?
In the last few months, there have been great strides made at the national level in the field of telemedicine as a result of the emergency created by Covid-19. Some examples of the new applications are E-medica and Appdoctors, which can be downloaded directly to the cell phone. Different health centres have also implemented call centres, such as the Guatemalan Social Security Institute (IGSS), which is offering telephone consultations to all its beneficiaries. Another example is the Universidad San Carlos, which established the Telehealth program that provides care via WhatsApp.

<p>Telemedicine is an agile, necessary and innovative response to this pandemic. Telemedicine has gained strength in Guatemala even post-pandemic because its benefits have helped to desaturate health centres and prevent contagions.</p>
<p>6. What types of teleservices are allowed (eg, second opinion, teleconsultation, telediagnosis, telesurgery, among others)?</p>
<p>Teleconsultations and telediagnosis.</p>
<p>7. Who can use telemedicine services? Please indicate if whether only doctor-doctor or also patient-doctor remote medical services are allowed.</p>
<p>Patient-doctor remote medical services.</p>
<p>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.</p>
<p>It works both ways. There are private insurance companies who offer telemedicine services but also there is an autonomous, governmental institution dedicated to providing health and social security services to the population, called Guatemalan Social Security Institute (IGSS), that also offers telemedicine as an option to their affiliates.</p>
<p>9. Please indicate whether any insurance requirements applicable to telemedicine services providers.</p>
<p>Not regulated in Guatemala.</p>
<p>REQUIREMENTS APPLICABLE TO HEALTHCARE PROFESSIONALS AND INSTITUTIONS</p>
<p>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).</p>
<p>Only authorised healthcare personnel (registered).</p>
<p>11. Are there any specific education requirements or trainings that healthcare professionals need to meet or attend to provide telemedicine services?</p>
<p>No.</p>
<p>12. Is there any registration requirement applicable to physicians that provide telemedicine services?</p>

Other than normal registration (licence) from Health Authorities there are no specific registration requirements.
13. Please indicate whether special licences or authorisations are mandatory for institutional healthcare providers engaged in telemedicine services.
Other than normal registration (licence) from Health Authorities there are no specific registration requirements.
REQUIREMENTS APPLICABLE TO TELEMEDICINE SERVICES
14. Are there specific requirements applicable to the telemedicine platform?
No.
15. Are there any requirements regarding electronic equipment and internet speed for telemedicine services?
No.
16. Does the legislation provide for specific rules concerning patients' medical records?
No, other than the regular rules previously established.
17. Are there geographic location requirements applicable to the provision of telemedicine services?
No.
18. Does the healthcare professional need to obtain patient's consent to engage in a telehealth?
It is not specifically established.
19. Is there any other important requirement that should be highlighted?
No.
DATA PRIVACY ASPECTS
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.

Guatemala does not have a private Data Protection Law, but it is highly recommended to have authorisation to share or use the information that may be gathered by this means.
21. Does the applicable regulation provide for criteria and requirements for the security systems to protect the patient's information?
No.
22. Does the applicable regulation provide for requirements for the transfer of information abroad?
No.
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?
No.
LIABILITIES
24. Please provide a high-level overview of the liability of healthcare professionals and institutions involved in telemedicine practices.
There is no specific regulation upon this.
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.
This matter is poorly regulated in Guatemala and this may create problems in the future involving patients-doctors-health companies that may be resolved with proper health regulation from the Health authorities.