

Legal Protection of ENT Doctors Against Telemedicine Practice

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Abstract. This article describes the concept of legal protection for ENT doctors in practicing telemedicine. By using a qualitative approach, normative juridical studies, through literature studies in collecting data to be analyzed descriptively. The results showed that ENT doctors were given legal protection in carrying out their duties and responsibilities.

Keywords: telemedicine; legal protection

1 Introduction

Wellbeing is a vital calculate human existence where without wellbeing an individual can't completely appreciate life as a person. Moreover, Wellbeing is additionally a significant part of common liberties (HAM), as expressed in the Unified Countries (UN) Statement of Basic freedoms dated November 10, 1948. In the Statement of Common freedoms Article 25 Passage 1 it is expressed that "everybody has the option to a way of life. satisfactory for the wellbeing and prosperity of himself and of his loved ones". Thusly, wellbeing is a fundamental need connected to an individual that can't be evacuated and disregarded by anybody.

The right to wellbeing implies that the public authority should make conditions that empower each person to carry on with a solid life, with endeavors to give sufficient medical services offices and reasonable wellbeing administrations for the local area and the state is answerable for giving satisfactory medical care offices and public help offices. Article 28 letter h of the 1945 Constitution of the Republic of Indonesia expresses that everybody has the privilege to live in physical and profound flourishing, to live and to have a decent and solid climate, and to get wellbeing administrations. With respect to administrations, it is for the most part realized that there are wellbeing specialist organizations, for this situation, specialists, while the people who get wellbeing administrations are patients. [1]

In the relationship of wellbeing administrations, specialists as specialist co-ops furnish medical care administrations to patients determined to make or working on persistent wellbeing. This sort of relationship is otherwise called the assistance relationship in the wellbeing area. Moreover, the connection among specialists and patients comes from a trust, this relationship is known as a restorative understanding. Juridically, a restorative understanding is characterized as a legitimate connection among specialists and patients in proficient clinical benefits in view of capabilities that are as per certain mastery and abilities in the wellbeing area..

Entering the computerized period, the world is confronted with the development of new innovation in the field of medication that permits specialists to rehearse in a virtual space. This creative mechanical transformation is known as Telemedicine. On account of telemedicine,

presently clinical benefits can be given through media communications, sound, visual, and information that can associate medical care offices despite the fact that they are geologically isolated so contrasts in time, spot, and distance are at this point not an impediment in the helpful connection among specialists and patients. In the following thousand years, medical services like this is supposed to foster quickly as well as in Indonesia. Aside from telemedicine, there is another help that is a type of improvement of telemedicine, in particular online-based clinical benefits. On a basic level, this web-based clinical benefit is like telemedicine on the grounds that both can offer distant clinical types of assistance, however these two clinical benefits vary in the manner they are executed. In the event that telemedicine incorporates parts of therapy, determination, counsel, and therapy as well as clinical information trade and logical conversation from a distance, it is unique in relation to online clinical benefits which just give discussion offices among specialists and patients. As far as use, it is likewise unique, if telemedicine utilizes a call community framework to cooperate with patients, while online clinical benefits utilize a versatile application on a cell phone and to get to it requires a web organization. So one might say that web-based clinical benefits when seen as far as use are simpler and more down to earth than telemedicine.[2]

In such manner, on a fundamental level, online-based clinical benefits just give specialist and patient cooperation, one type of connection is wellbeing discussion, where patients can counsel somewhat on the web, according to the buyer perspective the presence of online clinical benefits makes it simple since it can introduce specialists through everyday propensities, except practically speaking, specialists might possibly commit proficient errors in light of the fact that the cycle is done web-based which doesn't meet face to face, other than this web-based clinical benefit has not been explicitly directed in regulation and doesn't yet have functional guidelines made by proficient associations (Indonesian specialists) so it is conceivable that clinical blunders might happen in its execution.

Seeing the truth and the ramifications of legitimate issues that can emerge in online-based clinical benefits, preferably it is directed in public regulation to give lawful sureness in answering the requests of mechanical improvements in the clinical field. Permitting this issue to delay will adversely affect wellbeing administrations which in the end will be impeding to society overall. Acknowledged by all gatherings specialists are just individuals who could one day at any point be off-base and careless so infringement of the overarching set of rules can happen, perhaps infringement of legitimate standards.

2 Method

The research conducted is legal concerning academic activities. This research differs from legal research in that it deals with practical activities that are more directed at solving practical legal problems.[3] Legitimate examination that is scholastic in nature is connected with endeavors to make a significant commitment to the improvement of lawful science through the disclosure of new lawful speculations, tracking down new contentions, or finding new ideas on things that are viewed as laid out in legitimate science. The methodology utilized in this exploration is the legal methodology and the applied methodology.[4]

3 Discussion

As a rule, telemedicine is the utilization of data and correspondence innovation joined with clinical skill to give wellbeing administrations, going from discussion, finding, and clinical activity, without being restricted by space or completed from a distance. To have the option to run appropriately, this framework requires correspondence innovation that permits the exchange of information as video, sound, and pictures intuitively which is completed continuously by incorporating it into video-conferencing support innovation. Included as supporting innovation for telemedicine is picture handling innovation to dissect clinical pictures.

The objective of telemedicine is to endeavor to accomplish wellbeing administrations equally all through the nation's populace, work on the nature of administrations, particularly for far off regions and save costs contrasted with regular techniques. Telemedicine is likewise expected to decrease references to specialists or wellbeing administrations in huge urban communities, clinical schooling offices, and furthermore for crisis cases. The development of the advantages of telemedicine can arrive at war zones, significant distance flights, and unfamiliar travelers who are in vacationer regions. A similar assessment was likewise communicated by Soegijardjo Soegijoko, that telemedicine or telemedicine is the utilization of data and correspondence innovation including hardware, media communications, PCs, and informatics to move (send as well as get) clinical data, to work on clinical administrations (analyze). what's more, treatment) and instruction. "Tele" in Greek means: far, a ways off, so telemedicine can be deciphered as clinical benefits, despite the fact that they are isolated by distance.[5]

Specialists as coordinators of clinical practice have the power to rehearse medication in view of licenses conceded by the public authority. Consent from the public authority is a type of state liability to control and encourage the act of medication in Indonesia. Clinical work on utilizing telemedicine contains potential weaknesses that can cause an adjustment of direction, both in values and thinking since it is impacted by political, financial, social, social, guard and security factors as well as science and innovation. The adjustment of direction will influence the most common way of executing wellbeing development.[6] Additionally, up to this point no permitting guidelines have been made, particularly for medical care offices that utilization telemedicine, either by the public authority or nearby states. Additionally, the arrangements in regards to authorization. Such medical care offices can't be likened with standard medical care facilities.[7] Accordingly, the testament or permit should likewise be unique. This distinction requires different lawful game plans. Consequently, it is important to lay out public norms and rules for the utilization of telemedicine with the goal that it can make mindful, protected, quality, impartial and non-prejudicial wellbeing administrations. This is all a common obligation between the public authority, wellbeing experts, and the local area.

Legally, the relationship between a doctor and a patient is a relationship that arises through an agreement which is generally known as a therapeutic transaction where the process begins with a question and answer process (anamnesis) by the doctor to the patient and then continues with the physical examination process.[8] From the results of the physical examination, the doctor determines and provides a diagnosis of the disease experienced by the patient, between the patient and the doctor, then a physical examination is carried out by the doctor on the patient, then the doctor will determine the diagnosis of the patient's disease. The diagnosis made by the doctor can be used as a temporary diagnosis (if further examination is needed). After the follow-up health examination process is carried out, the new doctor will

determine and decide the type of medical action that needs to be carried out and given to the patient. Of course, the medical action to be given must be based on the patient's consent. [9]

Technological developments in the health sector have led to a more practical and efficient form of health services, namely telemedicine. In the "Regulation of the Minister of Health Number 20 of 2019 concerning the Implementation of Telemedicine Services Between Health Service Facilities," it is stated that "telemedicine is a form of providing health services to patients carried out remotely by health professionals using information and communication technology devices which includes the exchange of information regarding patient diagnosis, treatment, prevention of disease and injury, evaluation, and continuing education for health care providers to improve individual health conditions in a community environment". The World Health Organization (WHO) states that there are at least 4 main elements in telemedicine, namely telemedicine aims to provide clinical support, telemedicine is useful and plays a role in overcoming barriers to distance between patients and doctors, telemedicine utilizes advances in information and communication technology devices, and telemedicine aims to improve quality and condition of public health. These four elements become the main foundation for the implementation of telemedicine in Indonesia in order to improve the efficiency of patient treatment that is more practical.

Based on the elements in it, telemedicine is not only used as an effort in consulting patients and doctors but is also used to send patient data that is far from the hospital as study material and diagnostic analysis by the doctor concerned quickly and precisely. Telemedicine itself can also be carried out between health facilities as a medium and means of exchanging patient data for the purpose of maximizing health services and treatment for patients. The emergence of telemedicine as a form of health service in Indonesia has long been developing, even now teleradiology and telesurgery are features that have the potential to be developed. In addition, telemedicine services that occur between doctors and patients are growing rapidly along with the development of digital technology and the internet. Therefore, these developments must be handled wisely while still taking into account the limited beliefs of doctors as medical personnel in the diagnosis of clinical conditions in patients and patient expectations. Doctors must also continue to comply with legal aspects and rules related to the use of telemedicine as a means of remote health services.

The main advantage of telemedicine services is the availability of technology that minimizes distance, geographic restrictions, and associated costs, especially due to the lack of medical services and staff in remote areas. This is very reasonable and certain considering that Indonesia still has a very large area of thousands of islands with inadequate transportation infrastructure and a very limited number of doctors. In addition, the internet network can support every corner of the archipelago via satellite, outside or through geographical boundaries such as hills, mountains, seas, and forests. Health services using telemedicine in terms of consultations and other forms of health services between patients and doctors have limitations, one of which is the presentation of information on the patient's clinical condition as a whole, because this is feared to be risky for doctors in making decisions. In addition to this, it is related to medical secrets or information provided by the consulting service, because other parties can find out information that should be confidential, without the knowledge of doctors and patients, for example, internet service providers, intermediary server service providers, staff from telemedicine services, hackers, and even people who have access to instruments (computers, laptops, or cell phones) that patients use for telemedicine services. The risk of providing health services through telemedicine has a greater risk than health services face-to-face or directly, for example in the case of a doctor's diagnosis it will be better and more precise if it is carried out directly between the doctor and the patient. Misdiagnosis

by doctors can have an impact on the patient's health, therefore patients must get legal protection in the use of telemedicine.

Referring to "Article 7 of the Regulation of the Medical Council Number 47 of 2020", it is explained that doctors who carry out medical practices in telemedicine must make patient medical records, where based on paragraph (1) it is stated that "medical records made by doctors can be made in the form of manual medical records, namely in the form of writing or electronic medical records in the form of transcripts for each patient. The medical record must be stored in the Health Facilities under the provisions of the applicable laws and regulations". [6] In telemedicine, medical records are useful to provide ongoing care and treatment of patients who are analyzed from the patient's disease history). In addition, medical records are also used as evidence in the legal field, for research, and as a basic reference material used in determining health care budgets and so on. The medical record is very important for patients, doctors, hospitals, as well as parties involved in the practice of medical actions and patient treatment because through these medical records doctors can determine what solutions or types of treatment are needed by patients or which must be given to patients, for example in a medical condition. emergency.

4 Conclusion

Based on the results and discussion above, it can be concluded that telemedicine is a service in the health sector that is based on technology and allows users to be able to consult related to health problems with doctors without having to meet face-to-face and meet in person. The risk of providing health services through telemedicine has a greater risk for ENT patients compared to health services through face-to-face or directly, for example in the case of a doctor's diagnosis it will be better and more precise if it is done directly between the doctor and the patient.

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