

Analysis of Necessary Legal and Regulatory Amendments to Permanently Legalize Telemedicine in South Korea.

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Introduction

Telemedicine remained illegal in South Korea until Coronavirus Disease 2019 (COVID-19) struck Korea. However, in response to COVID-19 many temporary policies have been introduced to permit telemedicine, which minimizes doctor-patient contact. Now, the Korean parliament is gradually attempting to reform medical laws to permanently legalize telemedicine in South Korea. To successfully implement telemedicine in Korea, we realized the need to identify a few legal and regulatory issues that must be adjusted before permanently legalizing telemedicine.

Objective

To identify legal and regulatory issues that can arise from legalization of telemedicine and to suggest legislative changes that are needed.

Method

A specific literature search was conducted on DBpia, Korea Law Information Center, and Google Scholar using the following keywords: Telehealth, regulations, legal issues, South Korea, USA, Japan, Sweden. The search was set to garner articles or legal cases published from 2012 to 2022. We evaluated multiple articles on telemedicine regulation and related laws in Korea. Also, we compared the Korean Medical Service Act with telemedicine laws in countries that have partially or fully legalized telemedicine: USA, Japan, and Sweden.

Result

1. Korea's National Health Insurance must reform its insurance policy to cover telemedicine.
2. National Health Insurance Service (NHIS) should adequately price telemedicine and adequately set the reimbursement rate on telemedicine to encourage doctors to perform telemedicine.
3. Discussion is required to regulate groups or individual's degree of access to medical treatment information and patient's health information.
4. The convenience of telehealth may result in overuse of medical resources. Thus, policies are necessary to prevent overuse of telehealth.
5. Discussion on legalizing medication delivery is required.

Conclusion

To successfully implement telemedicine in South Korea, legislative amendment is necessary on Patient Information Protection Act and Medical Service Act. Furthermore, NHIS must undergo major reforms to allow reimbursement of telehealth.

Key Words

telemedicine, legalize