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# THAILAND Newsletter

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## An Overview of Thailand's Telemedicine Legal Landscape

### Introduction

The outbreak of COVID-19 has greatly raised the awareness on the benefits of telemedicine. Technological advancements have enabled access to healthcare while practicing social distancing. Numerous service providers are now offering telemedicine services via various platforms, for example, websites and applications. In response to these developments the government has introduced regulations that have permitted the adoption of technology related to the healthcare and medical sectors.

### Background

Prior to the Covid-19 pandemic, there were attempts to move forward legislation related to telemedicine, but there was no progress even though the government authorities had recognized the benefits of telemedicine. The Ministry of Health and the National Broadcasting and Telecommunication Commission jointly implemented telehealth projects in 2019. These telehealth projects were initially developed to enable patients living in rural areas to have access to healthcare services.

After the Covid-19 pandemic started, significant steps forward were taken. In July 2020, the Medical Council of Thailand issued a notification re: Guideline for Telemedicine and Online Clinics, which is considered an official endorsement of telemedicine. In early 2021, the Ministry of Public Health, based on the recommendation of the Committee of Medical Facilities, issued the Notification Re. Standards of Service in respect of Medical Facility via Telemedicine System (the "**Notification**") under the Medical Facilities Act B.E. 2541 (1998), which sets standards for telemedicine service providers.

### Overview of the Notification

The Notification came into effect on 2 February 2021, amidst the pandemic and the rising demand for healthcare at-a-distance.

- **Applicability:**

This Notification regulates private medical facilities that plan to provide, or currently provide telemedicine services. Medical consultations between practitioners with no direct contact with patients are exempt from this Notification.

- **Application and requirements:**

law defines 'telemedicine services' as medical and public health services provided to service receivers by licensed practitioners via telecommunication systems, to exchange information regarding health consultations, examinations, diagnosis, treatments, healthcare, illness prevention, health advice and recovery, and for the purpose of medical and public health personnel's study.

A service provider must apply to the Department of Health Service Support to add 'telemedicine' as a new line of services. The authority will then consider two requirements, as follows:

- (1) whether there are enough licensed practitioners in the relevant field to run telemedicine services without affecting the service provider's main medical services operations; and
- (2) whether there is compatible telecommunication devices and technology with sufficient security measures.

On the IT side, a telemedicine service provider needs to ensure that its operations have a system for registration, data records, summary reports, and thorough inspection and verification of telemedicine processes. In addition, the service provider must provide service receivers with its service policy, clarification on the service procedures, and possible risks from receiving services.

Requirements and obligations of services providers have yet to be clarified and considered in conjunction with the notification of the Medical Council of Thailand re: Guideline for Telemedicine and Online Clinics (the "**Guideline**") issued in July 2020. The Guideline outlined a significant framework for the telemedicine industry by defining "telemedicine" and "online clinic" and setting standard requirements for telemedicine service providers. In any case, this is a positive sign that the authority is starting to recognize this industry.

**Personal Data Protection Act**

In addition to regulations regarding health and medical treatment, telemedicine service providers should pay attention to regulations on medical devices and personal data handling, as the Personal Data Protection Act is expected to take effect on 1 June 2022.

### Conclusion

Predominantly a result of the COVID-19 pandemic, telemedicine services have become a larger part of the medical and healthcare infrastructure in Thailand. To encourage this relatively new services sector, the Thai government has introduced regulations to allow service providers to engage in telemedicine services. The regulations continue to evolve; however, medical service providers that are either engaged in telemedicine services, or are interested in engaging in such services, should ensure that their current or possible telemedicine operations comply with current regulations, other regulations related to medical services, and data protection laws.

If you have any questions in relation to the issues raised in this briefing, please contact the authors in the left-hand column.

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