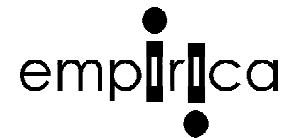# National eHealth strategies
in EU Member States

- Legal eHealth challenges -

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Outline

- **Study objectives**

- **Status quo and progress made –** *Legal, privacy and data protection challenges*

- **Outlook**

Objectives

- **Analysis of national eHealth policies and implementations - update**

- **Objectives**
  - **Describe, measure and assess**
    - **national eHealth policies, strategies and implementation measures**
    - **progress achieved, focusing on selected eHealth Action Plan priorities**
  - **Identify good practice cases of national activities**

- **Output**
  - **Country reports**
  - **European overview and progress report / brochure**

Status quo and progress made

Summary overview: Priority and activity fields *mentioned* in Member States policy documents

Reported eHealth activities	Total 2007 eH ERA	Total 2010 eH Strategies	DELTA
EHR/Patient summary	27	27	+0
Standards (technical and semantic)	19	27	+8
ePrescription	16	22	+6
Citizen card	22	25	+3
Professional card	7	18	+9
Patient ID	24	26	+2
Professional ID	13	22	+9
Telemedicine	23	27	+4
Evaluation	5	21	+16
Legal Activities	**14**	**22**	**+8**

Legal issues in eHealth

- In many countries the use of eHealth is currently regulated only by the general legal framework, in particular by laws on patient rights and data protection

- New legislation is often still in the process of being enacted, but slowed down

- Amongst the forerunners in designing a legal framework adapted to the use of eHealth are Denmark, England, Estonia, Finland, France, Norway, Scotland, Slovakia, Sweden

- Almost all other countries dispose of some regulation on health data, if only through the transposition of article 8 of the EU Data Protection Directive

Legal issues for EHRs

- **Nearly all European countries legally enforce the keeping of a carefully updated and safely stored health record.**

- **In the vast majority of the countries the choice to keep the health record *either electronically or on paper* is still open.**

- **In very few countries, for example Finland, electronic copies of health record are obligatory.**

- **Countries like Belgium, France, Italy, Spain, Iceland and Switzerland have chosen an opt-in EHR system whereby the explicit consent of the patient is required before a shared electronic health record may be created for her/him.**

Legal issues for ePrescription

- **In some countries, ePrescription in primary care is not being used in part due to national legislation issues regarding the electronic transmission of prescriptions and the use of electronic signatures.**

- **The legal requirements concerning ePrescription mostly deal with *authentication and electronic signatures, patient consent, the possibility to obtain a paper copy, and in some countries the obligation to prior clinical examination*.**

- **The introduction of electronic pharmaceutical care/medication records is on the rise.**

Legal issues for telehealth

- **The use of telehealth services is generally regarded to be less problematic under current legal frameworks so that the usefulness of legal provisions dealing with telehealth specifically is questionable.**

- **The three most common regulatory issues for telehealth are:**

  a) the requirement to treat a patient in person

  b) accreditation is not available for professionals

  c) the liability of the provider of telehealth services is obscure.

Outlook

- **Tackle the lack of a governance structure and leadership which provides the framework for legitimate uses of individual medical data, legal framework to govern the EHR-type services**

- **Data protection and security are needed to achieve a high level of acceptance from the public and from healthcare providers**

- **Develop a framework addressing security, access (including patients) and consent aspects as well as other legal issues. The centralisation of 'sensitive' data causes a great deal of discussion, e.g. whether this collection of individual data is necessary and where the limits for collection will be set**

- **The legitimate secondary use of data should be addressed**

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The views expressed in this presentation are solely those of the authors. and do not necessarily reflect those of the European Commission.

Thank you for your attention!

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