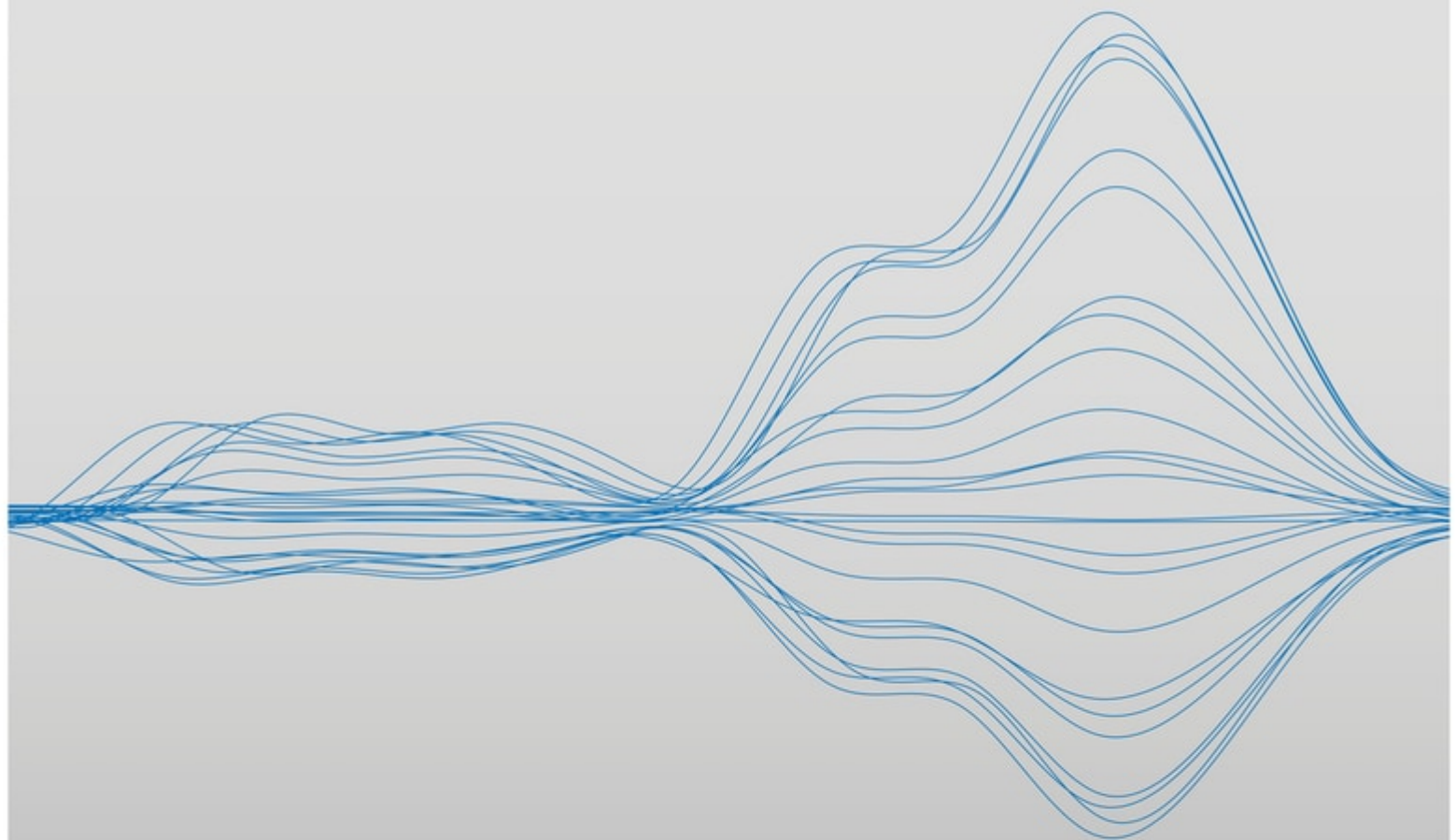


BAHRAIN

Telehealth around the world: a global guide



Introduction

The COVID-19 pandemic has caused healthcare systems around the globe to rapidly, and in some cases, radically rethink the delivery of medical care. The global expansion of telehealth services is one way we have seen this transformation occur. This has resulted in significant opportunities in the field, as well as unprecedented regulatory change.

As a quickly evolving area, 'telehealth' can have different meanings in different contexts. In this Global Guide, telehealth refers to the delivery of healthcare services where patients and providers are separated by distance, using information and communications technology for the exchange of information for the diagnosis or treatment of diseases and injuries. We have adapted this definition from the World Health Organisation's definition of telehealth.

Telehealth is not a new concept – healthcare providers, academics and technology developers have been advocating for its use for decades. There are many benefits to the widespread adoption of telehealth, including improved access to healthcare services, risk mitigation, convenience and flexibility, and in many cases, a reduction in overhead costs. However, the use of telehealth is not without its challenges. For example, it is not suited to all forms of healthcare, its implementation and adoption can be time consuming and costly, and additional care must be taken in relation to the transfer of patient health information.

The restrictions of movement in many parts of the world due to COVID-19 has caused governments to recognise the potential of telehealth, and amend laws and regulations seemingly overnight to enable healthcare providers to deploy telehealth solutions. Many governments have adopted telehealth reforms in a matter of weeks, which may otherwise have taken years to be considered and introduced.

Although many of these reforms presently have an expiration date (dependent on the duration of the COVID-19 pandemic), there is likely to be continued growth in telehealth due to the advantages of such a service – even after the pandemic. There are enormous opportunities in the telehealth space for businesses already operating in this field, businesses considering expanding into telehealth, and start-ups.

This Global Guide provides an overview of the current state of telehealth regulations worldwide and assists readers to identify the opportunities, challenges and risks, on a country-by-country basis. As the field of telehealth, and the regulations underpinning it, remain highly dynamic and subject to change, this document is intended as a general guide and does not constitute legal advice. Should you wish to discuss any aspects of telehealth with a specialist lawyer, please contact us below.

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Bahrain

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Is the use of telehealth permitted?

Yes, the use of telehealth is permitted in Bahrain.

How is telehealth regulated?

The relevant authorities in Bahrain have issued decisions, procedures and guidelines to regulate the use of telehealth in Bahrain. This includes but is not limited to the following:

- The Supreme Council of Health's Decision No. 2 of 2019 relating to the Technical and Engineering Requirements of Health Care Facilities;
- The National Health Regulatory Authority's (NHRA) Guideline on the Health Requirements, Technical Standards and Safety Requirements to be available in the premises and fittings of Healthcare Facilities (2019); and
- The NHRA Telemedicine Dispensing Procedure (2020).

Please note that the provision of medical consultation by a licensed physician through means of communication such as telephone, video conferences or any other electronic means is forbidden except after obtaining a license from the NHRA in Bahrain. All medical professionals are therefore subject to the technical standards and procedures set out by the NHRA.

Are there specific fields of healthcare in relation to which telehealth services are currently available, and do they involve the use of proprietary technology or platforms?

The telehealth services that are available in Bahrain are as follows:

Private telehealth services

The NHRA have authorised / licensed a privately owned company to create an online platform (Licensed Platform) that offers telemedicine services (by way of high definition video consultations). The Licensed Platform offers a range of healthcare services including general practice, psychology and psychiatry, dentistry, and specialist services such as cardiology, dermatology and endocrinology.

Public telehealth services

The Information & e-Government Authority (in cooperation with the Ministry of Health and the NHRA) have introduced an application that consists of a number of health services available to the general public, including:

- **Find a Doctor:** displaying all authorised physicians in Bahrain, with their specialties and their healthcare premises;
- **Medicines:** information about the authorised medicines in Bahrain pharmacies, with related details (price and supplier name);

- **Ask a Doctor:** ask a medical question and receive a reply from the concerned physician;
- **Appointments:** book an appointment at your public health centre or Salmaniya Medical Complex pharmacy and view all available appointment slots of Salmaniya Medical Complex and King Hamad University Hospital (i.e. public hospitals in Bahrain);
- **Pharmacies and Shops:** information about the authorised pharmacies and health product retailers in Bahrain;
- **Health Care Facilities:** information about the healthcare facilities in Bahrain (hospitals, clinics, health centres);
- **Medical Results:** ability to view the status of medical results (lab and x-ray) in Salmaniya Medical Complex and King Hamad University Hospital; and
- **Birth Certificate Services:** request for birth certificates (for new births or a replacement of an existing birth certificate).

Does the public health system include telehealth services, and if so, are such services free of charge, subsidised or reimbursed? Where the public health system does not include telehealth services, are such services covered by private health insurance?

Yes, the public health system does include certain telehealth services (as outlined under the public telehealth services heading in [Fields of healthcare](#)) that are free of charge.

Do specific privacy and/or data protection laws apply to the provision of telehealth services?

Yes, Bahrain's Law No. 30 of 2018 on Personal Data Protection Law ("PDPL") sets out the requirements for processing personal data both in Bahrain and abroad. This would generally include the provision of telehealth services.

Pursuant to the PDPL, the processing of personal data shall be prohibited without the consent of the owner thereof, unless such processing is necessary for any of the following:

- implementation of a contract to which the data subject is a party;
- taking steps upon the request of the data subject for the purpose of conclusion of a contract;
- implementation of an obligation prescribed by Law, contrary to a contractual obligation, or issuance of an order from a competent court or the public prosecution;
- protection of the vital interests of the data subject; or
- exercise of the legitimate interests of the data controller or any third party to whom the data is disclosed, unless this conflicts with the fundamental rights and freedoms of the data subject.

How should the cross-border transfer of personal information collected and processed in the course of telehealth services be carried out to ensure compliance with applicable privacy laws?

Pursuant to the PDPL, transfers of personal data outside of Bahrain is prohibited unless the transfer is made to a country or region that provides sufficient protection to personal data. Those countries are to be listed by the Personal Data Protection Authority (the "Authority") and published in the Official Gazette. Ministerial Order No. 42 of 2022 on the Transfer of Personal Data outside of Bahrain has listed the countries in which the Authority deems provides adequate regulatory and legislative protection for personal data. Data controllers would be permitted to transfer personal data directly to the states, countries and territories listed in the regulation, without obtaining prior authorization from the Authority. The list of 83 countries are as follows:

1. Argentina 2. Portugal 3. Czech Republic 4. Denmark 5. Sweden 6. United Kingdom 7. Norway 8. Austria 9. South Korea 10. Japan 11. Estonia 12. Croatia 13. Italy 14. Spain 15. Germany 16. Andorra 17. Uruguay 18. Ireland 19. Iceland 20. Belgium 21. Poland 22. Cyprus 23. Romania 24. Slovakia 25. Slovenia 26. Switzerland 27. France 28. Finland 29. Canada 30. Latvia 31. Lithuania 32. Liechtenstein 33. Malta 34. New Zealand 35. Hungary 36. Netherlands 37. Greece 38. Bulgaria 39. Luxembourg 40. Israel 41. Faroe Islands 42. Isle of Man

43. Jersey 44. Guernsey 45. Australia 46. Egypt 47. Morocco 48. Bolivia 49. Chile 50. Colombia 51. Ecuador 52. Falkland Islands 53. French Guiana 54. Georgia 55. Guyana 56. India 57. Macao 58. Malaysia 59. Mexico 60. Monaco 61. Paraguay 62. Peru 63. Russia 64. San Marino 65. Singapore 66. Suriname 67. Thailand 68. Ukraine 69. United States of America 70. Vatican 71. Venezuela 72. China 73. Hong Kong 74. Brunei 75. Kazakhstan 76. Brazil 77. United Arab Emirates 78. Saudi Arabia 79. Kuwait 80. Oman 81. Pakistan 82. Nigeria 83. Jordan.

Data controllers can also transfer personal data to countries that are not determined to have sufficient protection of personal data where:

- the transfer occurs pursuant to a permission to be issued by the Authority on a case-by-case basis, if it deems that the data will be sufficiently protected;
- if the data subject has consented to that transfer;
- if the data to be transferred has been extracted from a register that was created in accordance with the PDPL for the purpose of providing information to the public, regardless of whether viewing of this register is available to everyone or limited to the parties concerned in accordance with specific terms and conditions. In this instance, one shall have to satisfy the terms and conditions prescribed for viewing the register before viewing that information; or
- if the transfer is necessary for any of the following:
 - to implement a contract between the data subject and the data controller, or
 - to undertake preceding steps at the data subject's request for the purpose of concluding a contract;
 - to implement or conclude a contract between the data controller and a third party for the benefit of the data subject;
 - to protect the data subject's vital interests;
 - to implement an obligation imposed by the PDPL (even if this is contrary to the contractual obligation), or to implement an order issued by a competent court, the public prosecution, the investigating judge or the military prosecution; or
 - to prepare, execute or defend a legal claim.

Are there any currently applicable codes of conduct on the use of telehealth systems and/or security of telehealth data in your jurisdiction?

Yes, please refer to [Regulation of Telehealth](#).

Are any specific laws, regulations, or self-regulatory instruments expected to be adopted in the near future?

We are not aware of any specific laws, regulations, or self-regulatory instruments expected to be adopted in Bahrain in the near future.

Please note that the above is based on a high-level desktop review of the relevant regulations and no ministerial enquires have been made to confirm the position.

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