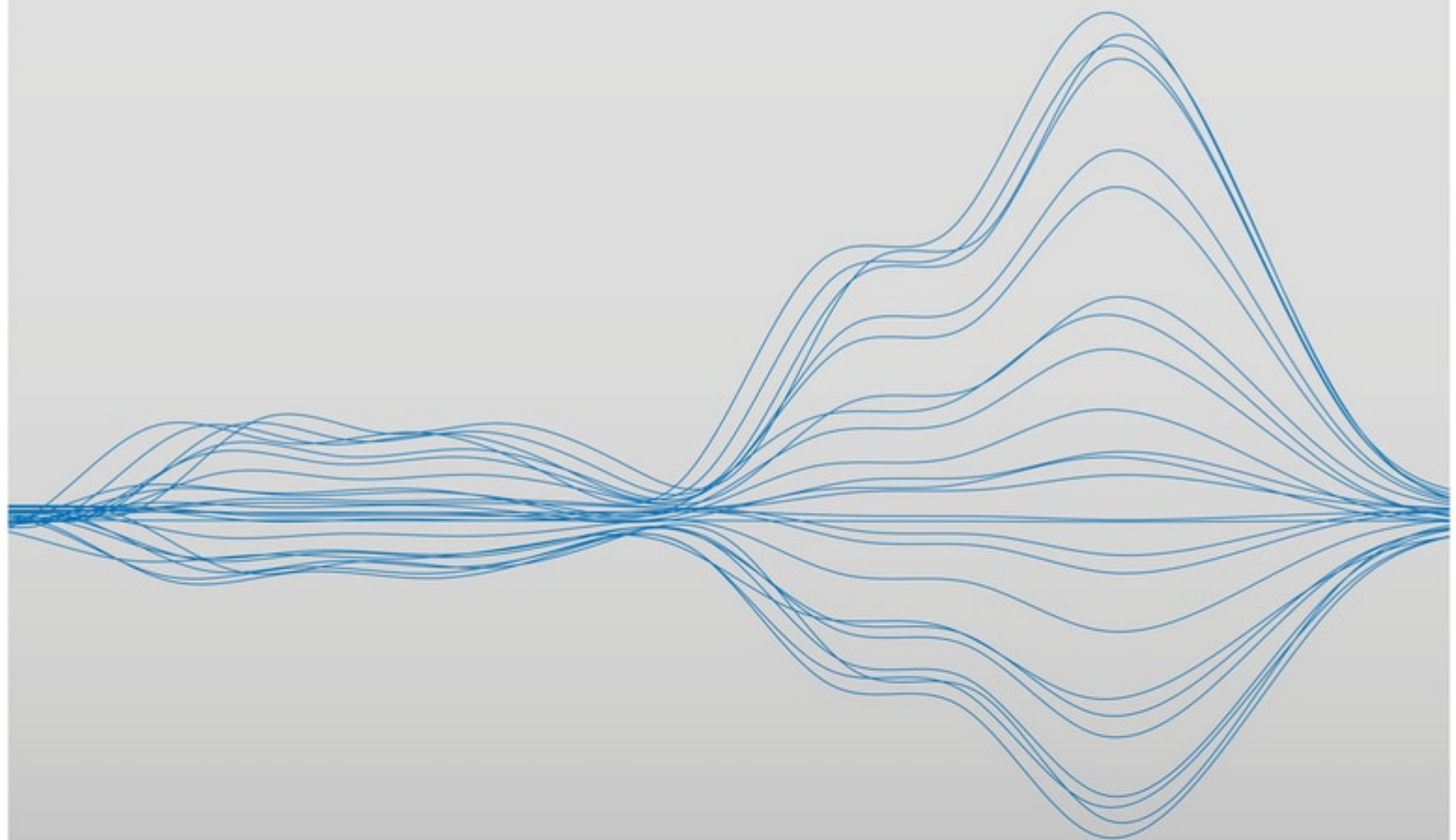


HUNGARY

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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Hungary

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Is the use of telehealth permitted?

Telehealth services are permitted as part of the healthcare services in Hungary. The terminology in Hungary for telehealth services is "telemedicine". We use the terms 'telehealth' and 'telemedicine' interchangeably hereinafter.

Note that telehealth is considered as a means of providing certain healthcare services in Hungary. Therefore, it is unprecedented so far to have a healthcare services operation license obtained solely for the provision of telehealth services. It follows, that telehealth services may only be performed by healthcare service providers already obtaining a "regular" healthcare service operation license. Telehealth services therefore are considered as part of healthcare services, where the "form of communication" of the provision of such services is different than the default face-to-face set-up.

Telemedicine is defined as an activity which, in the absence of the patient, aims to

- the professional assessment of the patient's state of health,
- the detection of diseases or their risk,
- identify the specific disease(s),
- ordering further tests necessary to assess the patient's condition more accurately, and initiating treatment,
- determining the effectiveness of the treatments referred to in points (a) to (d) (teleconsultation); and
- monitoring and diagnosing the patient's condition

based on information available through remote monitoring tools and other info-communication technologies.

How is telehealth regulated?

Health Minister Decree no. 60/2003 sets out the minimum requirements for the provision of general healthcare services listing specifically healthcare services that can be performed via telemedicine. Followed by the COVID-19 pandemic regulations the scope of permissible telehealth activities in Hungary has been extended significantly. As a result, telehealth services shall be permissible in all forms of patient care, where this is practically possible and reasonable from a medical perspective, the latter to be decided by the physician and supervised by the healthcare regulatory authorities.

Further Act 144 of 1997 on Health Care provides for the general application of telemedicine services. The Act says that Healthcare service providers shall be able to provide healthcare services fit for telemedicine where facial identification is prescribed necessary stemming from the unique characteristics of the treatment and due to medical reasons - by means of information and communication infrastructure capable of transmitting video and audio signals with facilities for facial recognition.

In summary, the current legislative changes have made it possible to deliver almost all out-patient healthcare services via telehealth services, provided that the technology background is given (at both ends) and that the patient need is both reasonable and medically justifiable to be fulfilled via telehealth services.

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?

Telemedicine may be provided in the healthcare service activities as listed below

- patient management in the form of teleconsultation, which is the basis for teleconsultation with a specialist,
- the reception of declarations of information, consent and data processing from patients,
- pre-screening in the form of a teleconsultation to assess the need for care and the seriousness of the health condition, based on a personal encounter,
- pre-contact and data collection to make face-to-face care following teleconsultation faster and more efficient,
- diagnosis and therapeutic recommendations by means of teleconsultation, remote monitoring and remote diagnostic tools,
- prescription of medicines,
- follow-up and after-care after a previous face-to-face encounter,
- organizing teleconsultation,
- issuing referrals,
- psychotherapy, crisis intervention, parental counselling, counselling, supportive psychotherapy,
- physiotherapy by means of teleconsultation,
- breastfeeding counselling,
- nurse care services and
- advice and counselling by telephone, online or in other forms.

In case the telehealth service is provided online, the healthcare service provider must also ensure there is proper broadband internet access, proper and stable data transmission, and data security and malware protection. Further, the unequivocal identification of the patient is the responsibility of the provider.

The healthcare service provider shall offer to the patient telemedicine services through video technology for facial identification if the treatment would not be feasible through other telemedicine services due to the protection of the patient's data, examination of certain symptoms of the patient or the nature of the treatment. In such a case, identifying the patient is mandatory prior to providing healthcare services.

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?

Healthcare services reimbursed in case of telehealth are as follows:

- check-ups, consultations
- ECG and EEG with telemetry
- certain activities related to colonoscopy
- dental health teleradiograph services
- Pain monitoring and computer assessment/case
- psychiatric counselling by telephone

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

No, there are no specific data protection rules regarding the provision of telehealth services.

GDPR and general sectoral laws on the processing and protection of health and other related personal data, shall equally apply to telehealth and normal health services.

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?

Standard GDPR rules shall apply when it comes to the transfer of sensitive, healthcare related data.

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

We are not aware of any such code of conduct.

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

In October 2021, the Hungarian Government issued Government Decision No. 1619/2021. (IX. 3.) on the Government Action Plan for the implementation of the Hungarian National Social Inclusion Strategy 2030 for the years 2021-2024, which emphasizes the need to further develop telehealth services within the given period. This might result in amending existing legal instruments or making new ones.

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