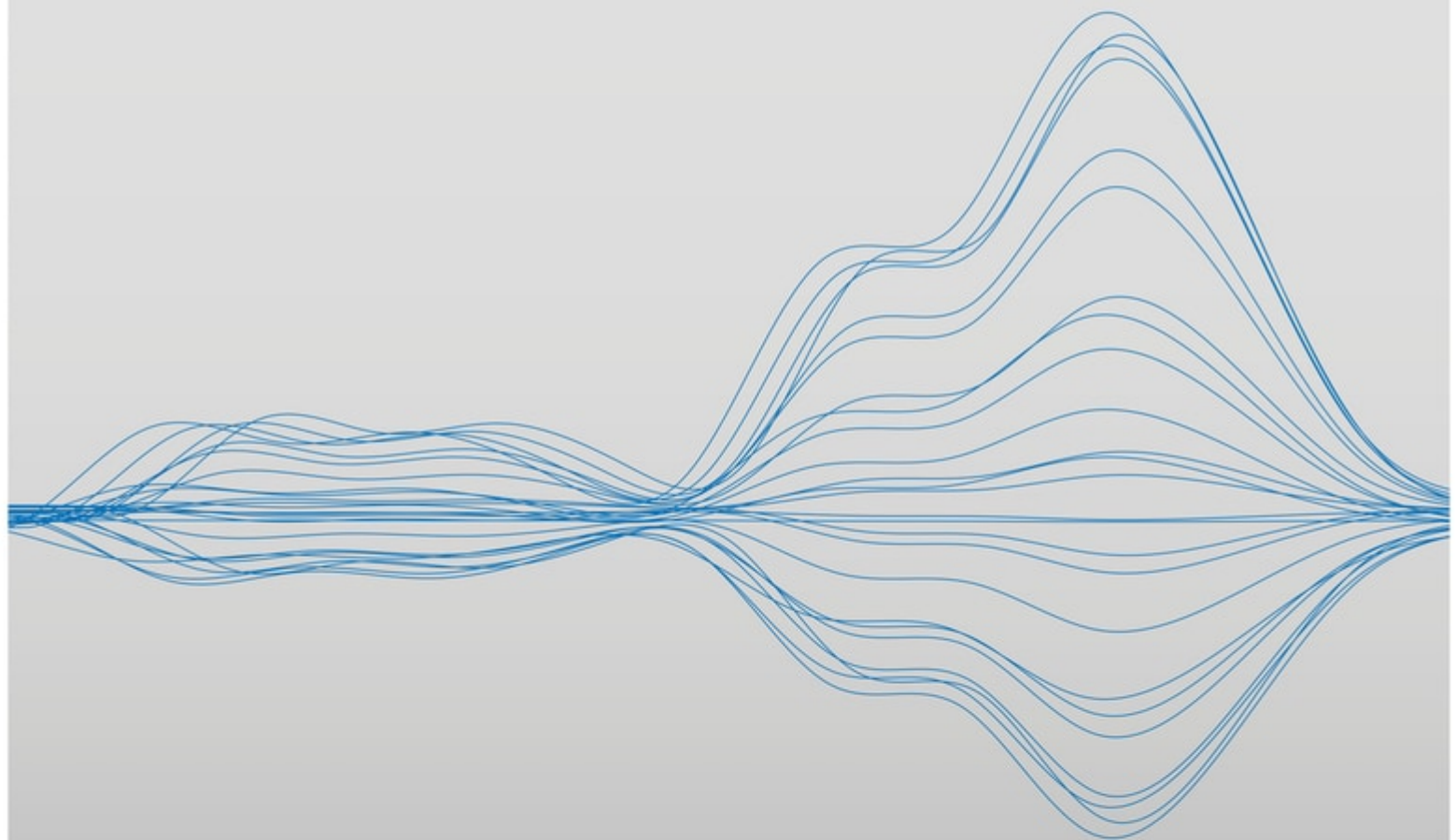


KUWAIT

# 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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## Kuwait

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### Is the use of telehealth permitted?

Yes, telehealth is permitted in Kuwait.

### How is telehealth regulated?

Telehealth is covered under Medical Practice Law No. 70 of 2020.

### 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?

Executive Regulations are currently awaited which are expected to list out the services can be offered through teleconferencing.

The hospitals currently offer certain consultancy services through general videoconferencing and teleconferencing apps such as Skype and Zoom.

### 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?

The public health system does not offer telehealth services. The private medical centres which offer certain services and price these in the same manner they price other services.

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

There are no specific privacy and / or data protection laws that apply to the provision of telehealth services in Kuwait.

Article 6 of Law No. 25 of 1981 Regulating the Medical and Dental Practitioners contains a general obligation to maintain patient confidentiality, which should apply to the telehealth services as well.

In addition, Kuwait Law No. 20 of 2014 ("E-Commerce Law") requires that client data relating to positional affairs, personal status, health status or elements of the financial disclosure of persons, or other personal information must be retained privately and confidentially, and employees are obliged to ensure such data protection. Disclosure of such information is subject to obtaining client consent or pursuant to a court order. We are of the view that obligations under the E-Commerce Law apply as well to telehealth services providers.

## 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?

Any cross-border transfer of telehealth data should be carried out only after having obtained customer consent for storing, processing, transferring data of the patients in accordance with applicable data protection laws.

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

No competent authorities have published any codes of conduct on the use of telehealth systems and / or security of telehealth data in Kuwait.

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

The codes of conduct on the use of telehealth systems and / or security of telehealth data in Kuwait are expected to be published soon.

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