

SAUDI ARABIA

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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Saudi Arabia

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Is the use of telehealth permitted?

Yes, the use of telehealth is permitted in the Kingdom of Saudi Arabia ("KSA").

How is telehealth regulated?

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

- Minister of Health Decision No. 7/88 dated 25/04/1441H, the official instrument approving the Regulation Governing Telehealth (Telemedicine) in KSA; and
- The Regulation Governing Telehealth (Telemedicine), issued by the National Health Information Centre ("NHIC") ("**Telehealth Regulation**").

The Telehealth Regulations provide that a government agency shall be created to regulate and monitor telemedicine and shall be named the Saudi Telemedicine Unit of Excellence, which will operate within the NHIC of the Saudi Health Council.

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 Telemedicine Regulations define telemedicine as "a remote medical practice using information and communication technology", which should be utilised either as an interaction between a patient and a healthcare practitioner ("**HCP**") or between two or more HCPs. The interaction shall take place between two different sites and may involve robots or artificial intelligence.

Telemedicine is available for screening, triage, consultation, diagnostics, obtaining a medical opinion from an HCP, treatment support, and the monitoring of medical conditions. Teleconsultations can either be between a patient and a HCP or between two or more HCPs and must involve a video consultation (teleconsultations cannot be solely audio) but need not be synchronous.

Telemedicine may be practiced by any KSA accredited HCP within either the public or private sector. Telemedicine undertaken by an HCP outside KSA must be undertaken under the supervision of a KSA based HCP. All legal requirements and protocols that are applied to an HCP in physical practice in KSA apply equally to the practice of telemedicine.

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?

"Seha" is the Saudi e-health App issued by the Ministry of Health and is free of charge. The App provides visual medical consultations and allows all citizens anywhere to have face to face medical consultations with their doctors across KSA.

The Seha application is designed to enable audio-video communication during specific timings during weekdays and weekends.

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

The practice of telemedicine must be compliant with the Saudi Health Information Exchange Policies ("SeHE"), including all relevant data security and privacy requirements, and must be compliant with interoperability frameworks and / or the US Health Insurance Portability and Accountability Act. The SeHE is a comprehensive document outlining various policies that govern, amongst others, the manner in which a patient's health information must be protected and instances where such information is permitted to be disclosed.

HCPs, as per the Telehealth Regulation, are permitted access to a patient's health information for the purposes of conducting telemedicine activities.

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?

See [Privacy and data protection](#).

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

Yes, see [Regulation of Telehealth](#).

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

N/A

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