



## LexCognito

*This issue of LexCognito, which in Latin means 'awareness about law', seeks to provide you an insight into significant legal and regulatory developments that have taken place very recently in India.*

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### **Regulations for Telemedicine Practice in India**

On August 2, 2023, the National Medical Commission (**NMC**) has released the "**National Medical Commission Registered Medical Practitioners (Professional Conduct) Regulations, 2023**" (**Regulations**) to regulate the Professional Conduct of Registered Medical Practitioners (**RMPs**). This notification regulates various subjects such as professional conduct of RMPs towards one another, their patients, their duty towards general public, allied healthcare professionals, and more. Notably, the notification also provides guidelines for the practice of telemedicine services.

World Health Organisation defines telemedicine as "the delivery of health-care services, where distance is a critical factor, by all health-care professionals using information and communications technologies for the exchange of valid information for the diagnosis, treatment, and prevention of disease and injuries, research and evaluation, and the continuing education of health-care workers, with the aim of advancing the health of individuals and communities". In general, we can understand it as, telemedicine refers to the provision of remote clinical services, via real-time two-way communication between the patient and the healthcare provider, using electronic audio and visual means.

Regarding prescribing medication via telemedicine consultation, Regulations states that the RMP's are free to prescribe drugs for all conditions that they are able to diagnose with certainty with a Specific Restriction to the drugs mentioned under Schedule X of Drugs and Cosmetics Rules 1945 which is regulated through Narcotics Drugs and Psychotropic Substance Act, 1985 such as anti-cancer drugs, morphine and codeine and all pharmaceutical drugs that can cause addiction or dependency.

Furthermore, Regulations has also laid down that the prescriptions for treatments like antifungal creams addressing skin issues, antibiotic eye drops for conjunctivitis, and antibiotics for conditions such as abscesses and laryngitis should be permissible through video consultations. The guidelines in the Regulations do not impose limitations on the mode of telecommunication employed for consultations or prescriptions related to "add-on" medications. These medications are intended to enhance or more effectively handle an ongoing health condition, as opposed to introducing a new treatment for an unrelated ailment or medical issue.

The Regulations has made it mandatory for the doctors to generate an electronic prescription for telemedicine consultations. This e-prescription must encompass details like the RMP's

name, qualifications, registration ID, and related particulars, alongside the patient's identifying information such as name, gender, and contact details. Additionally, the electronic prescription should comprehensively list the prescribed medicines, accompanied by explicit instructions regarding the suggested dosage, frequency, and duration of treatment. Regulations states that the telemedicine advice would carry the same professional accountability as in-person consultations and prescribing drugs without due process might amount to professional misconduct also. When it comes to consultation expenses or charges, telemedicine sessions are expected to be treated on par with face-to-face appointments.

**CHRI COMMENT:** These Regulations mark a significant shift towards promoting ethical practices and transparency within the medical profession. They aim to address several key aspects of medical practices, including professional conduct, prescription practices, patient interactions, and the maintenance of medical records. While these reforms are commendable in their attempt to enhance accountability and safeguard both practitioners and patients, there are points of concern as well.

The Regulations have endeavoured to strike a balance between the requirements of the medical community and the preservation of public health. This is achieved by imposing greater disclosure standards on RMPs participating in telemedicine.

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