

Legal Alert: Legal Recognition of Telemedicine in Chile



March 21, 2023 | By [Marco Salgado](#), [Sofía O’Ryan](#), and [Juan Cristóbal Ríos](#)

On March 17, 2023, **Act No. 21,541** came into force, which amends the current regulations in order to **authorize health care providers to provide medical care through telemedicine**. Specifically, the main modifications are in relation to Act No. 20,584, which regulates the rights and duties of patients in relation to actions related to their health care.

In this sense, it is now legally required for **the health industry** to adapt the technology developed and marketed to technical and operational standards for its use in health care services.

Based on the above, we highlight the following amendments introduced by Act No. 21,541:

a. Information and Communications Technologies.

- The means through which digital health actions and services are carried out must be **appropriate** to the type of service to be provided to the patient.
- The electronic medical record and the systems that support it must be designed to **interoperate** with other systems in the provision of health benefits.
- The technological platforms used in digital health services, as well as those that store and process personal data, must be **accredited** based on technical norms and standards established by the Ministry of Health.

b. Patients' rights.

- **Information:** The patient has the right to know the characteristics and conditions of use of the technologies that he/she will use for digital health benefits throughout his/her treatment.
- **Portability:** Patients, or persons with their authorization, may request the delivery, free of charge and without delay, of a complete copy of the information contained in the medical record, in a format that makes its portability possible.
- **Consent:** The patient's informed consent to receive digital health benefits may be given verbally.

c. Responsibility of the provider.

- It must use technical means that meet the required **security standards** at all stages of data processing.
- The provider will have to keep the records or databases of the patients and **protect their confidentiality for at least 15 years.**
- **It shall not be exempt from liability** if the provider uses third party means for this purpose.

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