

遠距醫療的現在與未來 — 聚焦法律面

The Present and The Future of
Telemedicine – Focusing on Legal Issues

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摘要

遠距醫療藉由通訊科技設備，使醫療服務跨越了時空的限制。在COVID-19疫情推波助瀾之下，遠距醫療有了長足的發展，使用範圍涵蓋諮詢、監測與診斷等，其有效性與使用者滿意度已受肯認。遠距醫療將會改變既有的醫療模式，但在醫療責任分擔、合理照護、隱私保護與告知同意等法規制度，尚未有明確規範，宜進一步釐清，使遠距醫療能順利推展。

Through communication technologies, telemedicine can overcome distance and time barriers to provide medical

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關鍵詞：告知後同意 (informed consent)、通訊診察治療辦法 (Rules of Medical Diagnosis and Treatment by Telecommunications)、遠距醫療 (telemedicine)、醫療責任 (medical liability)、嚴重特殊傳染性肺炎 (COVID-19)

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services to remote patients. It has significant progress during COVID-19 pandemic. The concept of telemedicine can be applied to remote counseling, monitoring and diagnosis. Studies have suggested the positive outcomes of telemedicine efficiency and great satisfaction of users. Telemedicine has changed the current model of medical practice. Although there are still some legal uncertainties in telemedicine practice, such as medical liability, standard of care, informed consent, and privacy protection, clarification of these uncertainties should help the development of telemedicine in the future.

壹、前言

2021年4月21日，我國某航空印尼籍貨機機師在澳洲確診嚴重特殊傳染性肺炎（下稱COVID-19），透過疫調與匡列採檢，同月23日國內出現兩位接觸者確診，逐步揭開了臺灣疫情大爆發的序幕。其後疫情迅速蔓延，快速增加的確診人數，加上數家醫療院所工作人員、治療中病人或陪病家屬染疫，熱區的臺北市與新北市醫療量能瞬間面臨挑戰，中央疫情指揮中心指示各醫院成立專責病房與一般醫療服務降載，減少醫院非必要、非緊急的醫療處置與門診，以集中人力抗疫，並降低醫院人流。同時，為了解決民眾醫療需求，更放寬通訊診療規範，讓無論是受居家隔离、檢疫或是慢性門診病人，都能透過遠距醫療取得所需。

就法制面而言，遠距醫療的主要框架是植基於醫師法第11條制定的「通訊診察治療辦法」，在COVID-19疫情出現前，已有部分偏遠地區與醫學中心合作進行遠距看診；疫情爆發