

Module 4:

Legal Aspects

Author: Karin Drda-Kühn – media k GmbH – www.media-k.eu

THERAPY 2.0 Training Course: 9 Modules

1. Introduction

2. The spectrum of technology-enhanced information & communication

3. Characteristics of computer-mediated communication in counselling and therapy

4. Legal aspects

5. Ethical aspects of the e-tools / e-consulting

6. Economic and financial aspects

7. Technical competences for an online advisor, counsellor or therapist

8. Psychological aspects and competences in online interventions

9. ICT based counselling for asylum seekers, refugees and unaccompanied minors

Module overview

- The module reflects the status quo of legal aspects of online interventions.
- It refers to the European eHealth Action Plan 2020 and its implications.
- It draws attention to the fact European countries apply partly similar, partly different legal frameworks to online counselling and therapy.
- Learners have the opportunity to reflect on different conditions and their advantages and disadvantages.

Module objectives

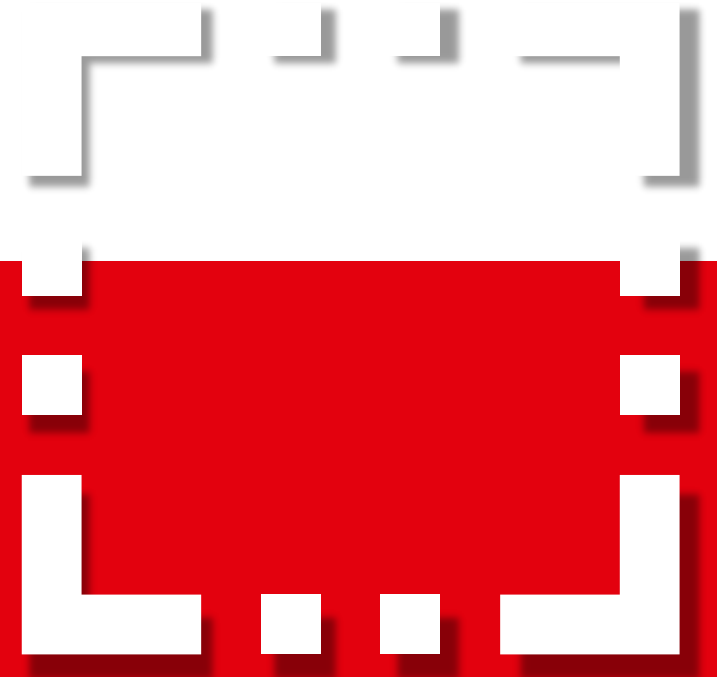
Upon completion of this course, the learner should

- ✓ be sensitized on different legal frameworks for online interventions in European countries
- ✓ be aware about international and European initiatives on legal issues
- ✓ have reflected about the situation in her/his country.



Module outline

- Unit 4.1: Online interventions and legal framework – awareness raising
- Unit 4.2: The European eHealth Action Plan 2020 as encouragement for online services
- Unit 4.3: Legal barriers to deployment of online interventions



Unit 4.1: Online interventions and legal framework

Section Outline

- eHealth and online interventions are a huge topic in health care world wide
- All countries have their legal framework for health care, but for eHealth the legal frameworks can be very different on information, counselling and therapy
- The WHO publications offer insight in legal frameworks all over the world



4 Legal Aspects

Have a look at the WHO website

<http://www.who.int/goe/en/>

WHO updates

عربي 中文 English Français Русский Español

World Health Organization

Health topics Data Media centre Publications Countries Programmes Governance About WHO Search

Global Observatory for eHealth

Global Observatory for eHealth

Global survey

Publications

eHealth policies

Directory of eHealth policies

The Directory of eHealth Policies is a comprehensive and up-to-date source of national eHealth policies or strategies sourced from around the globe created by the Global Observatory for eHealth. It also includes national policies relating to Telehealth to broaden its scope and usefulness. Member States are referring to this online resource when developing their eHealth policies or reviewing existing ones.

More information about the directory

Country list of eHealth and telehealth policies

Global health

eHealth is the use of information and communication technologies (ICT) for health. It is recognised as one of the most rapidly growing areas in health today.

The Fifty-eighth World Health Assembly in May 2005, adopted Resolution WHA58.28 establishing an eHealth strategy for WHO. The resolution urged

WHO eHealth site

Headlines

Global diffusion of eHealth:

Making universal health coverage achievable

Report of the third global survey on eHealth

Global Observatory for eHealth



4 Legal Aspects

Some questions for you. Please discuss! 😊

1. eHealth and online interventions are a huge topic for WHO. Is it discussed in your professional community as well?

2. Are you familiar with the opinion(s) on legal issues for eCounselling and eTherapy in your professional community and do you share it?

3. Can you imagine, when and how you could be faced with the need for legal advice?

Unit 4.1: Online interventions and legal framework

- No matter, if online interventions are discussed in your professional community or not – most probably they will become a topic sooner or later
- This could be a cross-border treatment of a client if you or s/he decide to move to another country
- Or it could be the handling of payments from clients abroad
- Then you have to be familiar with different legal frameworks which might apply in these cases.
- The Therapy 2.0 Guidelines provide basic information on the legal frameworks in several European countries and sources for further reading.



Unit 4.2: European eHealth Action Plan 2012-2020

Section Outline

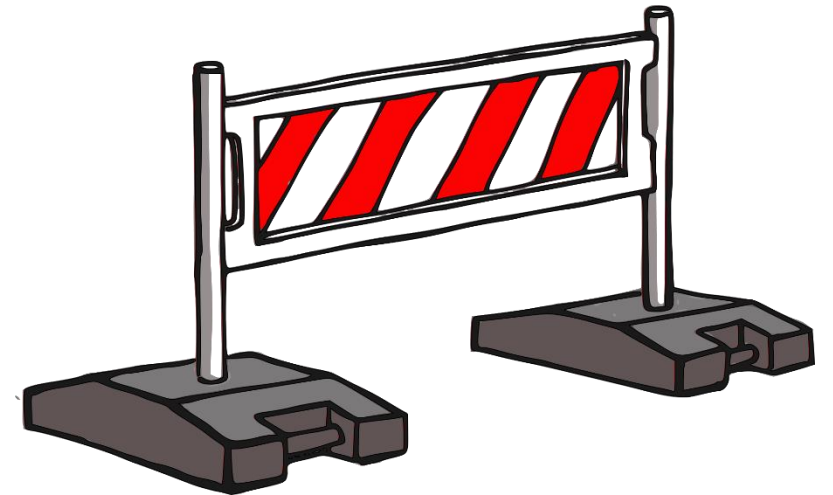
- The European eHealth Action Plan supports online interventions
- According to the Plan bringing down legal barriers is vital for deploying eHealth in Europe
- Some European countries are more advanced in their legal frameworks than others
- Some European countries strongly support eHealth activities by their legal frameworks and others refrain from it



Unit 4.2: European eHealth Action Plan: some barriers for a broader uptake

Despite the opportunities and benefits, major barriers hamper the wider uptake of eHealth2020:

- inadequate or fragmented legal frameworks for eHealth services;
- lack of awareness of, and confidence in online counselling and therapy among patients, citizens and healthcare professionals;
- regional differences in accessing ICT services,
- limited access in deprived areas.



4 Legal Aspects

Think about your own situation:

Are you aware of the opportunities and benefits which online interventions could offer you as a counsellor or therapist?

Do you think the legal framework is adequate in your country for online interventions?



Unit 4.3: Legal barriers to deployment of online interventions

Section Outline

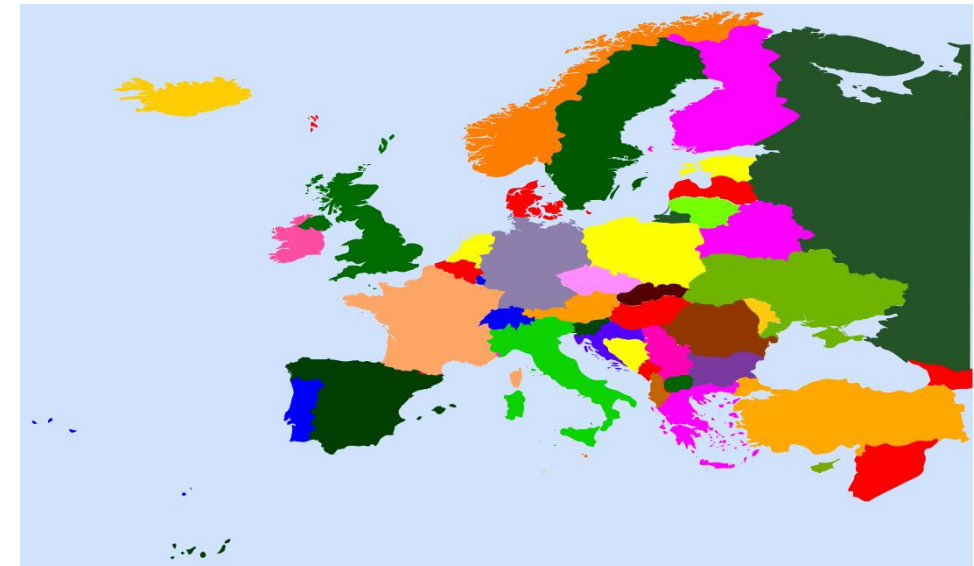
The European eHealth Action Plan identifies the legal barriers:

- lack of legal clarity for health and wellbeing,
- lack of legal clarity for mobile applications
- lack of transparency regarding the utilization of data collected by such applications;
- inadequate or fragmented legal frameworks
- lack of reimbursement schemes for eHealth services;



Unit 4.3: Legal barriers to deployment of online interventions

- European cohesion needs legal frameworks which are applicable to all European citizens
- patients' rights in cross-border healthcare is therefore a topic which has to be considered in legal frameworks
- European counsellors and therapists should be able to work in all EU member states



4 Legal Aspects

One more questions for you: 😊

So what is necessary to tear down legal barriers which hinder the uptake of online interventions?



Check your knowledge

1. What do you think is a strong and positive indicator for the development of online services in counselling and therapy?
2. Where and when might online interventions support universal health coverage?
3. Missing legislation is a barrier to the adoption of online interventions – do you agree with that?
4. Do you know if your country has detailed regulations for online interventions or a roadmap for the future implementation?

Results

1. It is always an indicator when countries have adopted legislation providing a basic framework for eCounselling and eTherapy in terms of jurisdiction, liability and reimbursement for health services provided through eHealth.
2. They help provide services to remote populations and underserved communities.
3. WHO and the European eHealth Action Plan have identified missing legislation as a main barrier for the roll-out of eTherapy and eCounselling.
4. Check the answer in the Therapy2.0 Guidelines. In chapter 4 you will find details about the situation in Germany , Austria, Portugal, Slovenia, Croatia, Iceland and Greece – you might be surprised about the differences! Information about other European member states are provided in the European eHealth Action Plan.

References

- WHO on eHealth and online interventions: <http://www.who.int/goe/en>
- Global diffusion of eHealth: making universal health coverage achievable. Report of the third global survey on eHealth. World Health Organization 2016, ISBN 978-92-4-151178-0, also <http://www.who.int/goe/en> , assessed 26 February 2018
- Overview of the national laws on electronic health records in the EU Member States and their interaction with the provision of cross-border eHealth services. Final report and recommendations. Brussels: European Commission; 2013 (http://ec.europa.eu/health/ehealth/docs/laws_report_recommendations_en.pdf , accessed 26 February 2018).
- European eHealth Action Plan <https://ec.europa.eu/digital-single-market/en/news/ehealth-action-plan-2012-2020-innovative-healthcare-21st-century> , assessed 26 February 2018

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Coordinator: media k GmbH, Goethestr. 10, D-97980 Bad Mergentheim,
phone +497931 99 27 30, fax +49 7931 99 27 31

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Author of Module 4 – Legal Aspects of the Therapy 2.0 Training Course

Dr. Karin Drda-Kühn– contact: therapy2.0@media-k.eu

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Therapy 2.0 Partnership

Germany		media k GmbH (Koordinator) Dr. Karin Drda-Kühn / Hans-Jürgen Köttner • Therapy2.0@media-k.eu • + 49 7931 99 27 30
Germany		Innovation in Learning Institute – University of Erlangen-Nuremberg Evelyn Schlenk • Evelyn.Schlenk@ili.fau.de • + 49 9131 856 1111
Slovenia		Integra Institut, Institut za razvoj clovekovih potentialov Sonja Bercko Eisenreich • sonja.bercko@eu-integra.eu • + 38 659 013 2641
Croatia		Sveuciliste u Rijeci, Medicinski Fakultet Dr. Tanja Franciskovic / Dr. Marina Crepulja • tanja.franciskovic@medri.uniri.hr • + 38 591 2000 000
Iceland		Iceland Academy of the Arts Björg Jóna Birgisdóttir • bjorg@lhi.is • + 354 552 4000
Austria		Wissenschaftsinitiative Niederösterreich Dr. Wolfgang Eisenreich • office@wissenschaftsinitiative.at • + 43 676 944 5447
Portugal		Instituto Politecnico do Porto Dr. Regina Silva • ras@eu.ipp.pt • + 351 222 061
Greece		GUnet Akadimaiko Diadiktyo Pantelis Balaouras / Constantinos Tsibanis • costas@noc.uoa.gr • + 30 210 7275603

End of module



Congratulations!

You have completed this module!