

Patient care and medical responsibility in telemedicine during the pandemic: a comparative study

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Telemedicine has become an essential aspect of clinical practice in modern medicine. Telemedicine, a subset of telehealth, refers to information and communication technology to improve patient's conditions by increasing access to care. During the COVID-19 pandemic, telemedicine is heavily used to manage high-risk groups and prevent overcrowding in outpatient departments. One of the significant problems in telemedicine in Sri Lanka during the pandemic was the reduced doctor-patient relationship resulting in a lack of care and monitoring, which caused uninformed decisions. This approach impacted severely on the patients' health. This study examines the standard of care expected from the medical professionals in telemedicine and their liability for possible delict/tort claims for lack of care during the pandemic. This study is significant since it requires balancing the rights of the patients and the responsibilities of the medical persons who work under pressure created as a result of the COVID -19 pandemic. Sri Lankan health guidelines do not refer to such detailed provisions; hence, it is worth looking at other favourable jurisdictions like India and Australia for a comparison. India provides generic telemedicine guidelines applicable to health professionals which could be adapted to the pandemic situation efficiently, while Australia makes specific guidelines for COVID-19 pandemic promoting 'good practices' applicable to telemedicine. In order to minimize the mismatch of the patient's rights and the medical responsibility, this qualitative study makes policy recommendations to enhance the existing policy framework on caregiving through telemedicine in Sri Lanka in the time of the pandemic by drawing examples from India and Australia.

Keywords: telemedicine, COVID-19 pandemic, delict/tort claims, patient care, medical liability

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