

MALAYSIAN MEDICAL COUNCIL GUIDELINE ON TELEMEDICINE

Preamble

1. Due to urgent necessity during the COVID-19 pandemic and its resultant Movement Control Orders, the Malaysian Medical Council issued an Advisory on Virtual Consultations (during the COVID-19 pandemic) in April 2020.
2. The abovementioned advisory is now rescinded and replaced with this Guideline on Telemedicine.
3. This guideline aims to provide guidance to Registered Medical Practitioners and regulate how they practice telemedicine in compliance with the provisions of the Medical Act 1971 (Amended 2012).
4. Provisions in this guideline complement existing MMC guidelines that contain sections relevant to the practice of telemedicine. These include, but are not limited to, the Code of Professional Conduct, Good Medical Practice, Consent for Treatment by Registered Medical Practitioners, Confidentiality, Audio and Visual Recording, and should be read in conjunction with them.

Definitions

5. **Telemedicine** refers to all medical services provided via information and communication technology to deliver medical care described in the Code of Professional Conduct 2019 (Section 1.1).
6. **Remote Consultation** refers to a consultation that takes place without the Registered Medical Practitioner and patient being physically together in the same place during a consultation. This does not necessarily need to involve long distances.
7. **In-person Consultation** refers to a consultation that takes place with the Registered Medical Practitioner and patient being physically together at the same place during the consultation.

Provisions

8. The role of the Malaysian Medical Council (MMC) is to regulate the practice of Registered Medical Practitioners
9. The use of technology does not alter the ethical, professional and legal requirements in the provision of care to their patients by Registered Medical Practitioners.
10. All Registered Medical Practitioners who practice telemedicine, including those providing consultation to patients outside Malaysia, or medical practitioners outside Malaysia who provide telemedicine services to patients in Malaysia, must comply with the ethical, legal and statutory requirements of a Registered Medical Practitioner in Malaysia. This includes ensuring that appropriate

professional indemnity coverage is in place.

11. In utilizing telemedicine to provide care to a patient, Registered Medical Practitioners must ensure that they:
 - a. provide the same quality and standard of care to the patient as they would in an in-person situation.
 - b. are familiar with the practical aspects in the provision of care through telemedicine.
 - c. follow all ethical guidelines issued by the MMC, including those related to consent and confidentiality.
 - d. adhere to all relevant mandated requirements. This includes ensuring that both the physician-site and the patient-site utilize appropriate technology that comply with legal requirements regarding privacy and security, and comply with accreditation standards, where required,
 - e. make known to the patient their identity, place of practice and registration status; and the identities of the patient, as well as all other participants involved, are confirmed and documented in the patient medical records at each and every consultation.
 - f. keep contemporaneous medical records which are secure.
 - g. are able to provide an explanation to justify any of their medical decisions should the situation arise.

12. Registered Medical Practitioners must give due consideration to the safety of the patient and maintain a high standard of patient care. They should:
 - a. consider whether the telemedicine medium utilised allows them to adequately assess the patient's presenting problems; and if it does not, arrange for a timely in-person assessment. This also applies to situations when the technology utilized is inadequate.
 - b. ensure follow-up and referral to other facilities and colleagues where the need arises, the obligations of which are of a similar standard expected with in-person consultations.
 - c. explain the appropriateness, limitations, and privacy issues related to telemedicine to the patient.
 - d. provide an appropriate medical assessment of the patient based on the current symptoms or condition, past history, medications and limited examination possible.
 - e. create and maintain medical records of the consultation, in accordance with professional and legal requirements.
 - f. ensure patients have access to their medical records and that medical records are available to other health care professionals for the provision of ongoing patient care.

13. It is pertinent for Registered Medical Practitioners to understand the limitations of virtual consultations and to ensure that they:
 - a. exercise caution when providing prescriptions or other treatment recommendations to patients whom they have not personally examined.
 - b. advise patients with cognitive disorders, those suspected to be under the influence of drugs or alcohol, and those with language barriers to be seen at a physical facility.

14. In general, virtual consultations should only be availed to when a doctor-patient relationship has been established by means of a prior physical consultation, as part of follow-up care.
15. Nevertheless, the MMC acknowledges that there may be instances where a virtual consultation may be permissible as a first consultation, especially in the primary care setting. In these circumstances, registered medical practitioners must ensure strict adherence to the ethical and legal requirements for practicing telemedicine set forth in this guideline, document their reasons for the virtual consultation, and be able to adequately justify their actions should the need arise.

References

1. American Medical Association. 2023. AMA Telehealth Quick Guide. Available from: <https://www.ama-assn.org/practice-management/digital/ama-telehealth-quick-guide>.
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3. General Medical Council. 2023. Ethical Hub- Advice on Remote Consultations. Available from: <https://www.gmc-uk.org/ethical-guidance/ethical-hub/remote-consultations>.
4. Malaysian Medical Council. 2020. MMC Advisory on Virtual Consultation (during the Covid19 pandemic).
5. Medical Council of New Zealand. 2020. Statement on Telehealth. Available from: <https://www.mcnz.org.nz/assets/standards/c1a69ec6b5/Statement-on-telehealth.pdf>.
6. Singapore Medical Council. 2016. Ethical Code and Ethical Guidelines. Available from: [https://www.healthprofessionals.gov.sg/docs/librariesprovider2/guidelines/2016-smc-ethical-code-and-ethical-guidelines---\(13sep16\).pdf](https://www.healthprofessionals.gov.sg/docs/librariesprovider2/guidelines/2016-smc-ethical-code-and-ethical-guidelines---(13sep16).pdf).
7. Singapore Medical Council. 2016. Handbook on Medical Ethics. Available from: [https://www.healthprofessionals.gov.sg/docs/librariesprovider2/guidelines/2016-smc-handbook-on-medical-ethics---\(13sep16\).pdf](https://www.healthprofessionals.gov.sg/docs/librariesprovider2/guidelines/2016-smc-handbook-on-medical-ethics---(13sep16).pdf).

Note

1. The following are the members of the drafting committee for this guideline: Dr. Chew Chee Ming, Dr Mark Tan Kiak Min, Dr Koh Kar Chai
2. This guideline was endorsed by the Ethics Committee on 16 October 2023, and endorsed by the Malaysian Medical Council on 23 January 2024
3. This guideline is scheduled for review two years after endorsement. Any changes to the law before the review is completed may render parts of this guideline obsolete.