




Implementation of Telemedicine in Medical Practice: Management and Theoretical-Legal Aspects

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Abstract. The development of medicine has a positive impact on the provision of services in the medical field, since science and technology in a global sense are not static and continue to advance, their effectiveness depends on the regulatory consolidation and actions of governing bodies. Issues regarding the implementation of telemedicine in Ukraine are relevant and important, as due to military actions, not every person can bodily visit a doctor. The implementation of a remote form and provision of services to patients in an online format makes it possible to avoid the spread of epidemics, which also has a positive effect on the prevention of the diseases spread. The relevance is expressed in the effective actions of governing bodies to solve modern important problematic issues, as the implementation of telemedicine can solve the problematic aspects that doctors and patients face today. People have the right to receive medical services effectively and they should always be available, if online consultation can save life and health, it should be implemented and applied in practice. The purpose is theoretical analysis of the implementation of telemedicine in medical practice and disclosure of management and legal aspects. The object is the normative framework that regulates the issue of telemedicine in medical practice. While analyzing and studying this issue, legal and general scientific methods were used. A detailed theoretical and legal analysis of the implementation of telemedicine in medical practice makes it possible to identify problematic issues and shortcomings in the legislative base and management of the medical sphere in our country and to propose ways to solve them. Key problems in the medical field need to be reformed widely and globally, taking into account all the risks of modernity. This will make it possible to solve the issue of the availability of medical services for patients who cannot visit a doctor in Ukraine due to hostilities, which will now make it possible to solve the urgent problems of our time. International norms are the foundation for upholding the rights of patients and our country must definitely take them into account when engaging in legislative activities. The implementation of telemedicine into medical practice will make it possible to prevent diseases and epidemics, and also help to avoid the spread of the COVID-19 pandemic not only in Ukraine, but also in the world. Having analyzed the theoretical and legal basis, the scientific views of scholars, we came to the conclusion that computerization, digitalization, remote consultations have a positive effect not only on the medical, but also on the legal sphere. This simplifies the work of notaries and makes it more efficient when conducting legal transactions and allows to avoid judicial appeals in cases regarding their invalidity, as notaries could independently verify the legal capacity of persons with their consent through telemedicine. We believe that this opinion should be further researched and implemented in practice, taking into account all the gaps and problematic aspects.

Keywords: Computerization, Digitalization, Doctor, Legislation, Management, Medical Practice, Online, Patient, Regulatory and legal basis, Remote consultations, Telemedicine, medical reform, Theoretical and legal basis.

1. INTRODUCTION

The implementation of telemedicine into medical practice is a special stage of reforming the medical field. Theoretical, legal and governing components are important. The legislative consolidation of the specified sphere effectively influences on the governing bodies and organizes their activities.

State bodies are obliged at the legislative level to create all the necessary conditions for the development of telemedicine. Lawmakers need to study the theoretical and legal framework of foreign countries, highlight positive aspects to avoid gaps in legislation.

The theoretical analysis of scientific works of scholars makes it possible to find important aspects of the implementation of telemedicine in medical practice and to investigate them in the future.

1.1. Analysis of Recent Research and Publications

The source basis of study and research is the theoretical and legal framework that regulates the implementation of telemedicine in medical practice.

The basic law of the state, namely the Constitution of Ukraine, guarantees free medical assistance to everyone (Constitution of Ukraine, 1996). The specified norm is enshrined in international documents as well.

The legislative acts of our country were analyzed. Law No. 2206-VIII was considered (Law of Ukraine " On Improving the Availability and Quality of Medical Care in Rural Areas" 2017), as well as Law No. 2801-XII (Fundamentals of the Legislation of Ukraine on HealthCare, 1992).

O. V. Silkova discusses about the implementation of telemedicine in the educational process (Silkova O.V., 2021). Scientific works of scholars such as N. V. Korobtsova (Korobtsova N. V., 2023), G. A. Oksak (Oksak G. A., 2019), V. Pashkov (Pashkov V., 2017), A. Harkusha (Harkusha A., 2017) were analyzed as well.

S. Buletsa (Buletsa S., 2020), T. Kyrychenko (Kyrychenko T., 2022), Ye. Tverdokhlib (Tverdokhlib Ye., 2022), and K. Katzenmeier (Katzenmeier K., 2010) have investigated the historical development and practice of telemedicine worldwide. Works by V. P. Mironenko (Mironenko V. P., 2001), S. P. Mirny (Mirny S. P., 2020),

M.S. Mishchenko's (Mishchenko's M.S., 2023), V.V. Gutnik (Gutnik V.V., 2021), M. V. Grushko (Grushko M. V., 2019), V. V. Ilkova (Ilkova V. V., 2020), M. V. Mendzhul (Mendzhul M. V., 2022), O. M. Hryshko (Hryshko O. M., 2020), N.A. Bondar (Bondar N.A., 2023), I. S. Kanzafarova (Kanzafarova I. S., 2007), M. V. Logvinova (Logvinova M. V., 2006), Solovey A. O. (Solovey A. O., 2022), and O. Dufeniuk (Dufeniuk O., 2021) were considered. While investigating problematic aspects, methods of analysis, planning, and generalization were applied. Forecasting is used in substantiating the opinion about the importance and necessity of introducing telemedicine and revealing the forecast for improving the efficiency of work in the medical sphere, in the field of providing services and their effectiveness and availability.

It is worth noting that used methods are legal and general scientific.

The method of comparison and the systemic method are applied. The historical method is partially used, since society is developing and needs to improve the medical field in the future, it is influenced by various factors, where it is necessary to avoid gaps and take into account people's interests in order not to repeat historical mistakes in Ukraine and in the world. The work also includes an evaluation method and is expressed as a verification on the implementation of research in practice. The method of description commonly found in science, describes the provision of services by doctors today.

1.2. Research Results

Relevant problematic issues in the field of providing medical services must be avoided at the highest management level, taking into account military actions in Ukraine and other urgent problems, such as infectious diseases, epidemics, pandemics COVID-19, etc. This will improve the efficiency of local doctors' work and the availability of remote consultations for patients and will enable timely treatment. As a result of the theoretical and legal analysis, it is appropriate to emphasize that the research on implementation of telemedicine into medical practice provides an opportunity to clarify gaps in the legislation and management of the medical field and to find ways to solve it through remote consultations, normatively establishing the powers, rights and obligations of all parties. It is believed that urgent problems of providing medical services by doctors are necessary to improve globally. This contributes to the availability of medical services for people, as today very often, due to hostilities, patients do not have the opportunity to personally come to the hospital in Ukraine, and therefore, due to unforeseen circumstances beyond their control, people do not have the opportunity to receive any help, which can worsen their well-being without qualified consultation, and even threaten their lives. Therefore, it is proposed to regulate the mentioned issue legislatively as soon as possible and to implement the effectiveness of the practical application of the mentioned service by management bodies, taking into account all the risks.

International legal acts are the basis for the implementation of people's rights for the states that ratified them. It is believed that such international legislation should be taken into account by law-makers in Ukraine and should not contradict it. The implementation of telemedicine into practical activities provides an opportunity to implement programs for the prevention of infectious diseases, epidemics and stop the spread of the COVID-19 pandemic not only in Ukraine, but also in other states where the specified practice is not used or is partially implemented. A proposal was made to normatively adopt the procedure for providing medical consultations for children and youth by management bodies. It was emphasized the need for doctors to constantly improve their qualifications, to undergo internships in developed foreign countries, where telemedicine works clearly and effectively. Medical professionals are obliged to study new technologies and computer medical programs to increase their level of awareness. It is proposed to introduce a program of remote medical assistance for adults, youth and children in the state. Having made a theoretical research of the scientific and legal basis, it is believed that telemedicine, the development of science and computer technologies have a positive impact on the work of lawyers. This regulates the activities of notaries and simplifies their work when conducting legal transactions and provides an opportunity to prevent judicial appeals regarding the invalidation of transactions due to the incapacity of individuals. The opinion, based on the theoretical analysis of the works of scholars, that through the reform of telemedicine, notaries can personally review the legal capacity of persons, but with their permission, was disclosed and analyzed. It is proposed to study and research the specified analysis and introduction into practical activity, thoroughly investigating all risks, gaps and ways to avoid them.

2. DISCUSSION

The implementation of telemedicine in Ukraine and worldwide is an important and relevant issue. There are a lot of views and opinions about the effectiveness of conducting consultations remotely, without proper examination, but there are situations where these actions are extremely necessary, important and can save the lives of people in our country and globally, and also can prevent the spread of infectious diseases and epidemics.

Telemedicine has begun to develop actively in the USA. Historically, remote consultations were provided to sailors. In world practice, these actions were also utilized for astronauts (Kyrychenko T., 2022).

In European countries, such as England, Ireland, Sweden, Austria, Germany, telemedicine is used by emergency workers (K. Katzenmeier, 2010). It would be appropriate to apply such experience in Ukraine as well. It is believed that highly qualified specialists should be dispatched to provide assistance.

T. Kyrychenko, while analyzing the scientific work of the scholar S. Bulets, provides relevant information

that thanks to the implementation of telemedicine, lives have been saved on numerous occasions (Kyrychenko T., 2022). Scientists analyzed the case of a student in Beijing who was in a coma. This is the rare situation when medical professionals did not understand what was wrong with her. Only thanks to young people who were studying at the university and asked for help in electronic form, describing the symptoms, 84 qualified doctors gave a consultation and made a diagnosis of Guillain-Barre syndrome. This helped doctors in China to use the opinions of their colleagues and assist the student, ultimately saving her life (Buletsa S., 2020). We believe that for Ukrainian doctors, the exchange of experience with specialists from other countries would be extremely necessary and important. Governing bodies should facilitate effective international interaction. T. Kyrychenko emphasizes that Ukraine has the experience of adopting management and communication practices with Canadian specialists in the field of telemedicine who visited our country (Kyrychenko T., 2022). But cooperation should be established with a majority of international states. A.V. Kostrikov emphasizes the importance of using world practice and special information systems in the field of medicine, which have a positive effect on practical and scientific activity (A.V. Kostrikov, 2019). This opinion requires further research and implementation in practice. Analyzing the scientific thoughts of G. A. Oksak, it is important to note that introducing telemedicine into practical activities makes it more comfortable for patients to receive medical services. Information can be transferred electronically even between clinics, for example, regarding examinations, without the arrival of the patient. It is also important that patients receive consultations online, without a direct visit, if this is not necessary. Also, doctors can meet online and solve an important issue. Prescriptions are understandable for patients, therefore they are printed on the computer and people can correctly follow the prescription and buy medicine (Oksak G.A., 2019).

G. A. Oksak talks about the further implementation of telemedicine in the Poltava region (Oksak G.A., 2019). Having analyzed the opinion of the scholar, we consider it is appropriate to apply the mentioned experience across the entire territory of Ukraine.

N.V. Korobtsova, having conducted research, points out that now humanity is faced with situations when people cannot get to a doctor due to war or epidemics, pandemics, so online experience is practical and important. Scholar emphasized that the specified issue should be normatively enshrined. The researcher also emphasizes that in a global, worldwide sense, treatment takes place remotely, with the use of computer technologies, the Internet, and there is also the practice of consulting a doctor by phone. Having carried out the analysis, it was concluded that these components are included in the concept of telemedicine (N.V. Korobtsova, 2023).

In the works of T. Kyrychenko, as a result of the analysis of the legislation, it is stated that telemedicine is normatively established, only as communication between medical workers. The scholar emphasized that the legislation in this field needs to be improved. Patients also need communication with doctors. The scientist emphasized the importance of remote consultation for people who suffered due to Russia's armed aggression (Kyrychenko T., 2022).

The scholars believe that in the future the medical reform will be improved as well as the format of treatment (Pashkov V., 2017).

The patient will visit the doctor by using a specially created program on the computer (N.V. Korobtsova, 2023), that is to say, scientific and technological development cannot stand still, but must constantly develop to improve the living conditions of the population and the comfort and quality of medical services.

Korobtsova N. V. proposes a very important suggestion worthy of a separate attention and practical application, namely to open access to telemedicine for notaries who during conducting legal transactions will have the opportunity to verify the mental state of a person and their legal capacity, which will make it possible to avoid many problems in the future in the legal field (N.V. Korobtsova, 2023).

Currently, the mentioned issue is not regulated by law, notaries at their own discretion verify the legal capacity of persons, but this is a relevant problem, as we often encounter the issue of invalidity of wills. In her scientific works, the scientist emphasizes that telemedical consultation should be carried out with the consent of the parties. Certainly, the actual examination of a person's condition is extremely important. But it is believed that such an online verification will improve the situation regarding the cancellation of transactions. A proposal was also made, regarding the creation of methodological instructions and protocols in case of approval legal transactions or wills (N.V. Korobtsova, 2023). It would be appropriate to create a general centralized medical program to simplify the work of employees. The specified direction requires further study, improvement and implementation in practice.

The time of digitization has a positive effect on the development of science. After all, progress and development is not static, and state and management bodies of the medical field, medical institutions, specialists must constantly develop themselves, master computer programs and improve all together with modernity. But normative consolidation and control of the implementation of legal norms in practice occupies a special place in this process.

O. V. Silkova appropriately emphasizes that telemedicine is becoming widespread in our country, so it is necessary to familiarize young people with it. The researcher offers to study a subject such as "Medical Informatics" for students. The scholar believes that with the development of computer technologies and modern science, young people can study remotely and practice consultations with patients, as with the beginning of the

COVID-19 pandemic, quarantine measures have become necessary (Silkova O.V., 2021). This opinion requires further study and practical implementation.

The Law of Ukraine No. 2801-XII (Fundamentals of the Legislation of Ukraine on HealthCare, 1992) discloses the concept and procedure of teleconsultation and telemedicine.

The Law No. 2206-VIII establishes the powers of governing bodies, namely the executive power and local self-government in the field of medical care for the population and the need to allocate funds for the effective implementation of telemedicine (Law of Ukraine "On Improving the *Availability and Quality of Medical Care in Rural Areas*", 2017).

We would like to emphasize that when we talk about family consultations, the treatment of children deserves special attention. We believe that according to international documents, they have the right to medical care and assistance. We propose that the procedure for providing medical consultations specifically for children and youth in Ukraine should be legally established by the governing bodies. It is important to note that these categories should be ensured with a special approach.

Doctors must constantly improve their qualifications, learn new technologies and computer programs. It would be appropriate to introduce a single online medical assistance program in Ukraine for families, adults, youth, and children and to organize the categories.

Having conducted an analysis of scientific works, family legislation, normative acts in the field of protection of children's rights, namely national and international, we believe that during the legislative process in the field of medical law by legislative bodies, it is necessary to take into account all aspects of theory and practice.

3. CONCLUSIONS

A theoretical analysis of the implementation of telemedicine in medical practice was conducted and managerial and legal aspects was disclosed. It was proposed to solve problematic issues regarding the provision of medical services by management bodies.

It was researched that military actions in Ukraine and other urgent problems, such as pandemics COVID-19, infectious diseases, epidemics, negatively affect the ability to visit medical facilities. The implementation of telemedicine will improve patients' access to consultation and contribute to their recovery.

The research on the implementation of telemedicine in foreign countries and the analysis of practical experience allow us to explain the importance of this procedure worldwide, since there have been instances where lives were saved through to telemedicine.

We would like to emphasize that the experience of inviting workers from Canada shows that it is important for our country to attract specialists for the development of online communication and exchange of experience. It is necessary to adopt only positive international practice. The management bodies should thus consolidate their work at the highest level so that telemedicine can become accessible to everyone.

We came to the conclusion that while researching the implementation of telemedicine into medical practice, scientific material and practical activity, it is necessary to clarify the gaps in the rule-making and management of the medical sphere and find ways to prevent them.

It is important to normatively regulate remote consultations, disclose the powers, rights and obligations of all parties. Medical services for the population must be available in accordance with national and international documents.

In Ukraine, an urgent problem now is that due to military operations, people cannot come to the hospital in person. Due to unforeseen circumstances beyond their control, patients are unable to receive medical care, which can worsen their well-being without qualified consultation, and even threaten their lives. The proposal is the legislative regulation of the specified issue, implementation and control by management bodies.

International documents are the foundation for ensuring the realization of human rights for all countries. It was found that telemedicine in practice gives an impetus to the implementation of strategies for preventing epidemics and infectious diseases. The goal is to stop the spread of the COVID-19 pandemic without queuing up at doctors' offices.

It was researched that the development of science, telemedicine, and computer technologies have a positive effect on legal work. This issue requires further research and study. The proposal is to create a single centralized medical program to simplify the work of specialists.

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