

Perlindungan rahasia medis dalam rekam medis pada tindakan medis berupa telemedicine: analisis perbandingan Indonesia dan Amerika Serikat = Protection of medical secrecy in medical records with regards to medical practice in the form telemedicine: comparative analysis of Indonesia and the United States of America

Prasnu Rizki Pradhana, author

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Abstrak

Catatan medis menjelaskan perjanjian kerahasiaan medis di Indonesia dan Amerika Serikat; Perjanjian Implementasi Telemedicine di Indonesia dan Amerika Serikat; dan menganalisis undang-undang tentang kerahasiaan rekam medis elektronik dalam penerapan telemedicine di Indonesia dan Amerika Serikat menggunakan metode penelitian yuridis normatif. Dari hasil penelitian yang diakui (1) Kerahasiaan rekam medis di Indonesia dilindungi oleh berbagai peraturan seperti Hukum dan Peraturan Menteri sementara di Amerika Serikat, kerahasiaan pasien dalam rekam medis yang didukung oleh peraturan nasional, HIPAA, serta peraturan dan keputusan pengadilan negara; (2) Implementasi telemedicine di Indonesia belum diatur oleh pemerintah Amerika Serikat yang peraturannya telah diatur baik di tingkat nasional maupun negara bagian dan keputusan pengadilan dalam memastikan tata kelola telemedicine yang baik. Rekam medis pada sistem telemedicine, baik di Indonesia dan Amerika Serikat rekam medis dalam pelaksanaan telemedicine dalam bentuk ESDM dan bersama-sama didukung oleh hukum Amerika Serikat selain sanksi untuk kerahasiaan rekam medis elektronik juga memberikan insentif keuangan untuk kerahasiaan rekam medis menurut peraturan masing-masing negara berbeda dalam hal pengecualian terhadap kerahasiaan rekam medis seperti yang ditampilkan di negara bagian Alaska dan Hawaii. Hasil penelitian tersebut, peneliti mengusulkan Menteri Kesehatan segera membuat pengaturan untuk pedoman terkait telemedis dalam implementasi telemedis tingkat nasional dengan menyediakan pengaturan yang dapat digunakan sebagai referensi dalam hal catatan medis elektronik seperti standar enkripsi yang digunakan.

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Medical records explain medical confidentiality agreements in Indonesia and the United States. Telemedicine Implementation Agreement in Indonesia and America Union and analyzing the law on the confidentiality of electronic medical records in the application of telemedicine in Indonesia and the United States using normative juridical research methods. From the results of research that are recognized (1) The confidentiality of medical records in Indonesia is protected by various regulations such as Law and Ministerial Provisions in the United States, the confidentiality of patients in medical records supported by national regulations, HIPAA, and regulations and decisions of state courts; (2) The implementation of telemedicine in Indonesia has not been regulated by the United States government whose regulations have been set at both the national and state levels and court decisions in ensuring good telemedicine governance; Medical records on the telemedicine system, both in Indonesia and the United States. Medical records on the implementation of telemedicine in the form of EMR and together supported by United States law in addition to sanctions for the confidentiality of electronic medical records also provides financial incentives for the confidentiality of medical records according to the regulations of each different country in terms of

exceptions to the confidentiality of medical records as displayed in the state of Alaska and Hawaii. The results of the study, researchers proposed the Minister of Health immediately make arrangements for guidelines relating to telemedicine in the implementation of national telemedicine by providing arrangements that can be used as a reference in terms of electronic medical records such as the encryption standards used.