

## Teleradiology and telework in Brazil

### *Teleradiologia e teletrabalho no Brasil*

The January/February issue of **Radiologia Brasileira** brought a relevant article about “The vision of a Brazilian teleradiologist: five-year experience, prospects and information heterogeneity”<sup>(1)</sup>, approaching four important topics: digital radiology, teleradiology regulations in Brazil, medical ethics and telework. Some further considerations are needed on such themes.

As regards digital radiology, the Brazilian Society of Health Informatics<sup>(2)</sup>, together with Technical Board of Health Informatics of the Brazilian Federal Council of Medicine (CFM), is very attentive and is also very active on themes such as standardization of protocols, electronic health recording systems and health data systems interoperability. Inexorable and global changes are underway, and under no circumstances should Brazilian radiologists refrain from playing an active role in such changes, supporting the progress of medicine in a flat and globalized world, acting as critics, as appropriate, particularly in what respects the utilization of the Internet. On the other hand, one thing remains unchanged: the responsibility over the medical practice, and with such responsibility in view the Resolution No. 1,890/2009<sup>(3)</sup> from CFM is quite clear on its “Article 2nd – Teleradiology services must be supported by appropriate technological resources and comply with the technical and ethical standards established by CFM with respect to data storage, handling, transmission, confidentiality, privacy, and guarantee of professional secrecy”. All standards are in force, and are public. With respect to supervision, the § 2 of the mentioned Resolution establishes: “The investigation of possible ethics violation in teleradiology services shall be carried out by the Regional Agency of CFM with jurisdiction on those services”. A filed complaint is enough to initiate such an investigation. Furthermore, telemedicine is already regulated in Brazil by CFM since the publication of the Resolution CFM No. 1,643 in 2002.

On the other hand, the new Code of Medical Ethics<sup>(4)</sup>, published in 2010, establishes on the sole paragraph of Chapter V that “Medical services remotely provided under the telemedicine concept or other methods, shall be regulated by Brazilian Federal Council of Medicine”. It is therefore a fact that we must immediately incorporate telemedicine-teleradiology into the radiologists’ practice.

With respect to teleworking<sup>(5)</sup>, which is already regulated since December 15, 2011, Law 12,551 establishes on its Article 6: “There are

no differences between the work performed at the employer’s premises, the work performed at the employee’s household or the work remotely performed, whenever the assumptions of the employment relationship are characterized”; and on the sole paragraph – “Telematic and computerized means of command, control and supervision are equivalent, for purposes of legal subordination, to the personal and direct means of command, control and supervision of the work of another.”.

Thus, Law 12,551/11 clarifies that telecommuting, or the work performed outside the employers’ premises, either at the workers’ residences or at other locations, constitutes an employment relationship, and such relationship shall be governed by the regulations established at CLT (Consolidation of Brazilian Labor Laws), at any premises of a company<sup>(5)</sup>.

I agree with the author of the previously mentioned article<sup>(1)</sup> that awareness and mobilization must be developed within our professional category to face the challenges posed by the discussed themes; however, such awareness and mobilization must occur with comprehensive knowledge and reflection of existing regulations and actions in the current scenario.

Additionally, other perceptions and discussions deserve attention and reflection beyond telediagnosis, be such discussions on tele-education and comprising themes such as intellectual property rights, or on teleconsulting, i.e., a second clinical opinion between health professionals.

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