




OPEN PEER REVIEW

# Telemedicine Civil Liability in the Legal Systems of Leading Countries

Reza. Rastegar<sup>1</sup>  Mohammad Bagher. Fijan<sup>2\*</sup>  Dariush. Babaei<sup>3</sup> 

<sup>1</sup> PhD student, Department of Law, Yasuj Branch, Islamic Azad University, Yasuj, Iran

<sup>2</sup> Assistant Professor, Department of Private Law, Noorabad Mamasani Branch, Islamic Azad University, Noorabad Mamasani, Iran

<sup>3</sup> Assistant Professor, Department of Public Law, Yasuj Branch, Islamic Azad University, Yasuj, Iran

\* Corresponding author email address: Fijanmohammad@gmail.com

Received: 2024-09-28

Revised: 2024-12-04

Accepted: 2024-12-16

Published: 2025-01-01

## EDITOR:

Richard Dodder 


Emeritus Professor of Sociology and of Statistics, Oklahoma State University Stillwater, Oklahoma, USA. Email: rdodder@hotmail.com

## REVIEWER 1:

Patrika Handique 

Patent Information Centre, Intellectual Property Facilitation Centre, Chhattisgarh Council of Science & Technology, Raipur, Chhattisgarh, India. Email: Patriandique@gmail.com

## REVIEWER 2:

Mehmet Çevik 

Department of Social Sciences, Ankara University, Türkiye. Email: mehmetcevik@asbu.edu.tr

## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

In the introduction, the paragraph beginning with "During the COVID-19 pandemic, the importance and effectiveness of telemedicine..." lacks a citation for the claim about telemedicine's role during the pandemic. Please provide supporting references beyond Soltanifard et al. (2023).

In the introduction, the statement "Studying and analyzing these experiences can serve as a model for other countries, including Iran" should be expanded by clarifying which specific legal frameworks or experiences can be directly applied to Iran.

In the UK regulatory analysis, the quote from Hajavi et al. (2024) about safeguarding patient confidentiality is important. However, consider discussing any technological advancements in encryption since 2024 that may have affected these standards.

In the US section, the statement "Currently, courts in most jurisdictions recognize the national standard of care" lacks recent legal references. Include any cases from 2023-2025 to support this point.

In the subsection "In-Person Care vs. Remote Care," the example of Hawaii's differing standards is interesting. However, more context on how Hawaii's approach has influenced other states would strengthen this section.

In the conclusion, the sentence "Given that telemedicine can improve the quality of life for patients, especially in remote areas..." is strong, but it would benefit from specific examples or case studies from the leading countries analyzed.

The conclusion also mentions "leading countries have succeeded in creating comprehensive laws." It would be helpful to outline which specific laws or legal instruments are considered most effective.

The statement "This new technology requires the formulation of relevant laws..." in the conclusion should be supported by recommendations or frameworks from leading countries that Iran could adopt.

The "Recommendations" section mentions a report from 2016 and 2017. Update this section with more recent regulatory developments, especially post-pandemic.

Authors revised the manuscript and uploaded the document.

### 1.2. Reviewer 2

Reviewer:

In the methodology section, the description "The extracted articles were categorized based on legal, ethical, and medical criteria, and the results were reported" is vague. Provide more detail on the specific criteria used for categorization and how the data were analyzed.

In the section "Legal Approaches of Countries Regarding Telemedicine," the statement "Currently, there is no specific law or regulation in the United Kingdom that addresses remote healthcare or telemedicine" could be misleading. Recent regulatory developments post-2020 should be included for accuracy.

In "Resolving Conflicts of Jurisdiction," the sentence "In the European Union, this is unclear" is outdated. Please update with any relevant legal frameworks established post-Brexit, especially for telemedicine.

In the discussion on governing law in the US, the statement "The primary criterion for determining the governing law is now the protection of public interests..." is significant. Expand on how this criterion has been applied in recent telemedicine liability cases.

In the UK law section, the discussion of *lex loci delicti* could be enhanced by analyzing how this rule has specifically impacted telemedicine cases, rather than general civil liability.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.