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The New Requirement for Healthcare Facilities: Electronic Medical Records

On 31 August 2022, Indonesia's Minister of Health (the "MOH") issued MOH Regulation No. 24 of 2022 on Medical Records ("MOH 24/2022"), under which the MOH requires all healthcare facilities to keep electronic medical records. This advisory highlights the key provisions of MOH 24/2022.

Electronic Medical Records and Electronic Systems

Electronic medical records are defined as medical records that are made using an electronic system that organizes medical records. Meanwhile, an electronic system is defined as a set of electronic devices and procedures that prepare, collect, process, analyze, store, display, announce, send and/or disseminate electronic information.

Electronic medical records are owned by the healthcare facility, but can be managed by a third-party electronic organizer. However, the data contained in the records still belongs to the patients of the healthcare facility.

I. The Requirements under MOH24/2022

In its electronic medical record keeping, a healthcare facility must comply with the following requirements:

1. the electronic system used to maintain the medical records must be registered with the Ministry of Health;
2. electronic medical records must be backed up by the system; and
3. electronic medical records must be connected to or interoperable with a service platform for health data interoperability and integration managed by the MOH.

II. Third Party Electronic Organizers

If a health care facility has limited resources, its electronic medical records can be managed in cooperation with an electronic system organizer that has a data storage facility in Indonesia.

III. Access to Electronic Medical Records

Access to electronic medical records can be given to the health practitioners of a healthcare facility by the head of the healthcare facility. Meanwhile, the owners of the data must be able to access their electronic medical records without prior approval. However, this arrangement requires approval from the Minister of Health.

IV. The Minimum Storage Period of Medical Records

Healthcare facilities must store their medical records for at least 25 (twenty-five) years after their patients' last visit to the healthcare facility, or longer if the data will still to be used.

V. Administrative Sanctions

The Minister of Health can impose the following administrative sanctions on a healthcare facility for not maintaining electronic medical records:

- a. a written warning; and if not complied with,
- b. a recommendation for the revocation or the actual revocation of its accreditation status.

VI. Closing Article

Under the closing article of MOH 24/2022, all healthcare facilities must keep Electronic Medical Records in accordance with the requirements under MOH 24/2022 by 31 December 2023.



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