



TELEMEDICINE RULES

Damian Medical Center, version 2/2020

I. General provisions

§ 1. These rules set forth the principles as well as terms and conditions for the implementation of contracts for medical services via tele-information systems or communications systems by Damian Medical Center. These services are hereinafter referred to as telemedicine services.

§ 2. Terms used in these rules shall have the following meaning:

- 1) Damian Medical Center – Centrum Medyczne Damiana Holding sp. z o.o., with its registered office in Warsaw, ul. Wałbrzyska 46, 02-739 Warszawa, entered into the register of entrepreneurs with the number KRS 0000189581;
- 2) healthcare service – medical service or another activity aimed at maintaining, saving, restoring or improving health;
- 3) medical care contract – the contract concluded in accordance with applicable general terms and conditions of services by the Damian Medical Center with a natural person carrying out business activities, legal person or unincorporated organisational unit, for the provision of medical services to third parties being employees of such an entity;
- 4) portal – Damian Online portal;
- 5) user – a natural person with full legal capacity, using or intending to use telemedicine services;
- 6) application – “Damian Medical Center Helping Hand” software, made available free of charge by the Damian Medical Center, to be installed and used on the user’s mobile device;
- 7) store – online store located at www.sklep.damian.pl, being a subsite of this store dedicated to the Damian Medical Center; the operator of this store offers medical services provided by Damian Medical Center under its own brand and on its own behalf (White Label).

§ 3. Telemedicine services shall be provided in the following forms:

- 1) chat on the portal;
- 2) telephone call to a dedicated hotline number;
- 3) chat via the application;
- 4) real-time consultation via the application;
- 5) audio-visual call using the application;

6) telephone call scheduled in advance.

§ 4. Telemedicine services shall be available to the user, who at least once received a healthcare service at the Damian Medical Center or obtained access to the full version of the portal. This requirement shall not apply to telemedicine services purchased in the store.

§ 5. 1. The user covered by the following shall be entitled to use the telemedicine service referred to in § 3 point 1 or 2:

- 1) binding healthcare package arising from the medical care contract, entitling to free telemedicine service;
- 2) medical insurance policy, the scope of which includes telemedicine services available without having to pay a deductible;
- 3) the user who purchased the particular telemedicine service in the store.

2. Telemedicine services referred to in § 3 points 3-5 shall be available to the user who purchased and paid for the particular telemedicine service in the store.

§ 6. The telemedicine service can be used subject to prior approval of these rules. Within the scope, in which expressed approval of these rules is unavailable, it shall be presumed that the user using the portal, application or the store – in order to use the telemedicine service – approves provisions of these rules. Other requirements specified further in these rules shall also be met in order to use the telemedicine service.

§ 7. In the case of an under-age user, the person receiving the telemedicine service (participating in the call) can be only the user's statutory representative, actual guardian or an attorney of the statutory representative.

II. Subject-matter scope of the telemedicine service

§ 8. 1. The telemedicine service referred to in § 3 point 1 shall involve a consultation (call) with a physician, another healthcare professional or expert specialising in the area selected by the user from the list of available teleconsultations, published in the portal.

2. The telemedicine service referred to in § 3 point 2 shall involve a call to a paediatrician or an internist, as selected by the user.

3. Telemedicine services referred to in § 3 points 3-5 shall involve a call to an expert selected by the user from the schedule available in the store.

§ 9. As part of the telemedicine service, the physician shall provide information and recommendations pertaining only to the user, whose rights specified in § 5 section 1 were verified in accordance with § 15.

§ 10. When providing the telemedicine service, the physician shall have access to the user's medical records in the electronic form, kept by the Damian Medical Center. Based thereon, the physician may, *inter alia*, provide information on medicines prescribed, healthcare services provided and test results, as well as assess test results presented.

§ 11. § 11. As part of the provision of the telemedicine service, the physician may issue the electronic referral for a diagnostic test or a consultation, unless it is listed in appendix no. 1. The referral shall be kept in the IT system of the Damian Medical Center. The referral can be used only in facilities of the Damian Medical Center.

§ 12. As part of the provision of the telemedicine service, the physician may issue an e-

prescription, for a medicine that the physician considered justified after carrying out the examination via tele-information or communications systems. Otherwise, the user shall be recommended to visit a facility of Damian Medical Center, for the purposes of carrying out a physical examination. The decision on issuing the prescription shall always be taken by the physician providing the telemedicine service. The physician shall not issue prescription for very potent substances included in the Official List of Medicinal Products Authorised for Marketing in the Territory of the Republic of Poland, narcotic substances or psychotropic substances. After issuing the prescription, the physician shall provide the user with the access code that together with the Personal Identification Number (PESEL) allows having the prescription filled.

§ 13. Within the framework of the provision of the telemedicine service, the physician cannot:

- 1) issue an opinion or a certificate, in particular the certificate confirming temporary incapacity to work caused by illness, stay in the hospital or another facility of the healthcare entity carrying out healthcare service, such as full-time inpatient healthcare services, or the necessity to personally take care of an ill family member;
- 2) schedule an appointment or another healthcare service at the Damian Medical Center.

§ 14. As part of the provision of the telemedicine service, the physician may recommend the user to visit the facility, call emergency ambulance service or obtain medical help from another healthcare facility or institution.

III. Manner of using telemedicine services

§ 15. Satisfying the requirement under § 4 and the user's rights referred to in § 5 shall be subject to automatic verification. In the case of telemedicine services referred to in § 3 points 1 and 2, the verification shall take place after selecting the specialisation, and before the user is transferred to the queue of people waiting to be connected to the physician or for the chat. In the case of telemedicine services referred to in § 3 points 3-5, the verification shall take place upon the purchase of the service in the store.

§ 16. The user referred to in § 3 point 2, whose rights were not successfully verified in accordance with the previous paragraph, shall be able to call the hotline of the Damian Medical Center, for the purposes of carrying out an additional verification, based on contact with the issuer of the medical insurance policy. Immediately after completing this verification, the user will be transferred to the queue of people waiting to be connected to the physician or for the chat.

IV. Telephone call via the hotline

§ 17. § 17. The medical service referred to in § 3 point 1 shall be available at (+48) 22 566 22 23. If all lines are busy, the user may request to be called back after the line is released, by selecting the "call back" option. In order to call back the user, the physician or another expert will attempt to contact the user three times.

§ 18. The telephone conversation with the expert will be recorded, of which the caller will be notified directly after the connection is established. Audio recording of the conversation will be stored at the Damian Medical Center, and will be made available in keeping with the principles pertaining to storage and making available medical records.

§ 19. The maximum duration of the phone call shall be 10 (ten) minutes.

§ 20. If the connection is lost, the user shall re-establish the connection.

V. Chat (standard)

§ 21. In order to start the chat with a physician, in addition to the verification referred to in § 15, the user should login to their account in the portal, fill in the medical questionnaire in the "Telemedicine" panel, and select the specialisation of the physician.

§ 22. During the chat, the user can send an image or text file to the physician, pertaining to their health condition, of the maximum size of 10 MB, using a special function in the portal. Unless the physician participating in the chat decides otherwise, the file will not be kept in the user's medical records.

§ 23. The maximum duration of the chat shall be 15 (fifteen) minutes.

§ 24. Chat recording will be stored at the Damian Medical Center, and will be made available in keeping with the principles pertaining to storage and making available medical records.

§ 25. If the connection is lost, the user shall re-establish the connection.

VI. Telemedicine service available via the application

§ 26. The application shall be obtained from the online AppStore (for iOS) or Google Play store (for Android). In order to install, update and use the application, the user should have a mobile device with iOS 11 or higher (for the application obtained from AppStore) or Android 5.0 or higher (for the application obtained from Google Play), as well as an active e-mail account.

§ 27. 1. § 27. 1. In order to use telemedicine service via the application, the user should register as the application user, by entering: e-mail address, password, nick, date of birth in the interactive registration form. In this way, the user will obtain access to an individual account. Personal data provided by the user must be true. The establishment of the application user account shall be subject to telephone verification.

2. The user can delete their account at any time, without stating the reason, by using the "Delete Account" button or sending an e-mail message to the address and in accordance with detailed instructions included in the account terms and conditions. The account will be deleted automatically, after the last purchased telemedicine service is completed.

3. The user shall be obliged not to make available the account to third parties or use the application to obtain medical or psychological advice for a third party. In the case of unauthorised access to the account, the user shall notify the Damian Medical Center or the account administrator immediately.

4. In the case of the user breaching provisions of these rules, the user can receive a warning, their account can be blocked and the option to establish a new account can be disabled. In the case of the account blocking, telemedicine services ordered will not be provided, and the funds paid will be returned to the user less related costs incurred by the Damian Medical Center (bank fees, intermediary fees, etc.).

§ 28. 1. In order to use a telemedicine service via the application, in the application, the user:

- 1) shall select the specialisation and the name of the expert;
- 2) will be transferred to the store, where the user shall be obliged to provide identification details;
- 3) shall select the timing of the telemedicine service;
- 4) shall pay the fee for the telemedicine service immediately after placing the order.

2. Activities referred to in section 1 shall be carried out in accordance with provisions of the store rules, available at <https://sklep.damian.pl/regulamin>. These rules determine, *inter alia*, the payment methods and timing. In the case of inconsistency of these rules and the rules of the store, the product card or general terms and conditions of the provision of services published in the store, the user shall be bound by the rules of the store, product card or general terms and conditions of the provision of services published in the store.

§ 29. The connection via the application shall be initiated by the physician or another expert. If the connection is lost, this person shall re-establish the connection.

§ 30. 1. Provisions of § 18 shall apply to the real-time consultation.

2. Provisions of § 22 and § 24 shall apply to the chat via the application.

3. Provisions of § 22 shall apply to the audio-visual call using the application. The call shall not be recorded.

4. Duration of the call via the application shall depend on the specialisation and time schedules of physicians and other experts. This duration shall be specified in the store, prior to the purchase of the telemedicine service.

VII. Telephone call scheduled in advance (tele-appointment)

§ 31. The telephone call requires scheduling an appointment with an expert with the specialisation selected in the Call Center, in the store (when purchasing the telemedicine service) or in the portal.

§ 32. The verification referred to in § 15 shall take place: at the Call Center when scheduling the appointment, in the store when purchasing the service, and in the case of scheduling the appointment in the portal – within half an hour of scheduling the appointment if the appointment was scheduled at least half an hour before the end of work of the Call Center; otherwise, the verification will take place on the next day, within one hour of the start of work of the Call Center.

§ 33. The telephone call shall be initiated by the physician or another expert. This person will attempt to contact the user three times. If the connection is lost, this person shall re-establish the connection.

§ 34. Provisions of § 18 and § 16, first sentence, shall apply to the telephone call.

§ 35. Duration of the call shall depend on the specialisation and time schedules of physicians and other experts. This duration shall be specified before scheduling the appointment.

VIII. Final provisions

§ 36. Subject to § 28 section 2, the controller of personal data provided for the purposes of the provision of telemedicine services shall be Damian Medical Center. Full text of the

information notice and the procedure for exercising the right is available at <https://www.damian.pl/informacja-o-przetwarzaniu-danych-osobowych/>; <https://www.damian.pl/polityka-prywatnosci/>.

§ 37. When using the portal, application or the store, the user shall be obliged not to use words or phrases that are obscene, offensive or violate the personal rights of the expert of the Damian Medical Center or other persons, or breach provisions of generally applicable law. The same shall apply to files sent to the physician providing the telemedicine service. In the case of failure to comply with this requirement, the expert shall be entitled to discontinue the provision of the service after prior warning.

§ 38. The Damian Medical Center shall not be held liable for damage suffered by the user as a result of using the functionalities or services of the payment operator and other third parties that are employed for the provision of services subject to these rules. The Damian Medical Center shall be held liable for acts and omissions of the store operator.

§ 39. 1. The Damian Medical Center shall be held liable for non-performance or improper performance of telemedicine service purchased by the user in the store, from the operator of this store.

2. Complaints shall be sent to: reklamacje@damian.pl or in writing, to the address of any facility of the Damian Medical Center. The complaint will be examined within 30 (thirty) days of its receipt. This time limit shall be suspended if the complainant failed to present information allowing to examine the complaint. In such the case, this person will be called to supplement the complaint. This time limit shall start running upon supplementing the complaint by the complainant.

§ 40. The user shall be notified of amendment to these rules via the application, portal and announcements published on the website of the Damian Medical Center. The introduction of new functionalities of the application, which will not change the terms and condition of the provision of telemedicine service to the detriment of the user, shall not require an amendment to these rules.

§ 41. These rules were approved by the relevant resolution of the Management Board of 24 March 2020.

Appendix no. 1

List of tests, procedures and consultations for which the physician cannot issue referrals within the framework of telemedicine:

- X-ray imaging;
- magnetic resonance imaging;
- computed tomography;
- angiography;
- mammography;
- PET (positron emission tomography);
- densitometry;
- endoscopy of musculoskeletal system and urinary and reproductive system;
- polysomnography;
- newborn hearing screening;
- urodynamic tests;
- uroflowmetry.