

## 貳、 健保與醫療事項

### 2. Health Insurance and Medical Care

問 2-1、出境逾兩年致戶籍被除籍，對於收容人有何影響？

Q2-1: If an inmate's household registration is suspended for he or she has been out of the country for more than two years, how does the suspension affect the inmate?

答：

依全民健康保險法第 8 條規定，在臺無戶籍者，無法加入健保。未納入健保之收容人罹病時，接受公醫或自費門診治療。

A:

Pursuant to Article 8 of the National Health Insurance Act, a person who does not have a registered domicile in Taiwan is not eligible to enroll in National Health Insurance (NHI). Inmates without NHI can see a public health physician or pay to see other doctors.

問 2-2、被除籍之收容人，如何恢復戶籍，以辦理投保事宜？

Q2-2: How do inmates with household registration suspended restore their registration so they can enroll in National Health Insurance (NHI)?

答：

一、持中華民國護照入海關者：

(一)提供護照資料內頁(基本資料與相片頁)及最近一次蓋有海關入境章戳頁面之影本。

(二)收容人填寫委託戶政機關代為恢復戶籍於監獄之同意書 1 份。

二、非持中華民國護照入海關者：

(一)由收容人親友備妥收容人委託書、在監證明、2 吋彩色照片 1 張、身分證影本等文件，以及規費 400 元等，向內政部入出國及移民署各服務站申辦入國許可證副本，再寄予收容人。

(二)收容人填寫委託戶政機關代為恢復戶籍於監獄之同意書 1 份。

(三)收容人備齊上述文件，書寫報告提出申請經核准後，由機關函請所在地之戶政事務所恢復戶籍，再依規定辦理健保投保事宜。

A:

1. If the inmate entered Taiwan with Republic of China (Taiwan) passport:

(1) Provide a photocopy of the basic-data page of passport (photograph included) and a photocopy of the page that carries the latest entry stamp; and

(2) Fill out a consent form entrusting the household administration authority to restore his or her household registration while he or she is in prison.

2. If the inmate entered Taiwan without Republic of China (Taiwan) passport:

- (1) Inmate's family prepares a power of attorney signed by the inmate, a certificate of imprisonment, a 2-inch color photo of inmate, a photocopy of inmate's ID card, and NT\$400 to apply to any service station of the National Immigration Agency for a copy of entry permit, and then mail the permit to the inmate;
- (2) Inmate fills out a consent form entrusting the household administration authority to restore his or her household registration while he or she is in prison; and
- (3) Inmate prepares the aforesaid documents and writes a report to the correctional facility to apply for approval. Then the correctional facility will write a letter to the local household administration office, asking them to restore inmate's household registration and handle the NHI enrollment matters according to rules.

問 2-3、收容人進入矯正機關後，會得到哪些醫療照護？

Q2-3: What kind of medical care is available to inmates after they enter a correctional facility?

答：

矯正機關提供之醫療照護，如下：

- 一、預防保健：實施健康檢查，對於罹慢性病或特殊疾病之收容人列冊追蹤。另對收容人實施衛生教育，預防疾病發生。
- 二、疾病治療：收容人身體不適，將由醫師診察治療，提供妥適的醫療照護。
- 三、傳染病防治：新收時，即實施傳染病血液篩檢（檢驗有無罹患愛滋病或梅毒）及胸部 X 光篩檢，以達及早發現，及時治療之效。另各機關每年固定辦理 1 次擴大篩檢，以增加防治效能。

A:

Correctional facilities provide the following medical care to inmates:

1. Preventive health services: Carry out regular physical checkup, and track on inmates who have chronic illnesses or special diseases, and educate inmates on health promotion and disease prevention.
2. Treatment services: For inmates who may be ill, doctors will make diagnosis and provide treatment to make sure they receive proper medical care.
3. Infectious diseases prevention: Newly admitted inmates will receive blood test (to examine whether they have Acquired Immune Deficiency Syndrome or syphilis) and chest X-ray to achieve the purpose of early diagnosis and early intervention. In addition, every correctional facility regularly holds expanded health screenings every year.

問 2-4、罹患慢性疾病者於矯正機關收容期間，可否獲得治療？

Q2-4: Are inmates with chronic illness able to receive treatment during incarceration?

答：

- 一、目前多數收容人已納入全民健保，醫療院所亦進入矯正機關開設各科門診。又無法使用健保醫療者，則由公醫看診，故收容人如有看診需要，可向場舍主管報告後掛號，即可獲得妥善治療。
- 二、慢性病患者需長期服藥，可在機關內申請看診領藥。惟為利快速銜接治療，可向原治療醫院申請各類診斷書、病歷摘要及用藥紀錄等，提供機關參考。
- 三、如在矯正機關內無法妥善治療，醫師會建議安排戒護外醫或移送病監，親屬毋須過度擔心。病況嚴重時，機關亦會斟酌申請保外醫治，以應需求。

A:

1. Currently most inmates have been included in National Health Insurance (NHI) and hospitals have clinics set up in correctional facilities. Inmates who do not have NHI can see a public health physician by requesting their ward superintendent to make an appointment for them.
2. Inmates who have chronic illness and need to take medications on a long-term basis can apply to see a doctor and get their medications inside the correctional facility. However, to facilitate uninterrupted treatment, inmates can apply for certificates of diagnosis, summary of medical record and prescription record from previous hospitals for the reference of the correctional facility.
3. Relatives of inmates can rest assured that if an inmate is unable to receive proper treatment inside the correctional facility, the doctor will recommend the arrangement of out-of-prison treatment or transfer to in-facility medical ward. If an inmate is critically ill, the facility will also consider granting outside medical care on bail.

問 2-5、收容或執行期間，倘有服用藥物之需求時，如何處理？

Q2-5: What happens when an inmate needs to take medications during detention or incarceration period?

答：

- 一、二代健保實施後，已有醫療院所進入矯正機關開設門診，如因罹患疾病有須服用藥物者，得於機關內門診就醫，並依醫囑服用藥物。
- 二、收容人進入機關時得攜帶藥品，藥品應備有完整之藥袋包裝或處方箋可供辨識，藥袋包裝之標載應包括病患姓名、藥品名稱、藥品單位含量及數量、藥品用法及用量、醫療機構或藥局之名稱及地址、調劑者姓名以及調劑或交付日期，經機關核對後發給使用。須施打胰島素者，應備妥診斷證明書、處方箋、針具及須使用之藥品。
- 三、在機關經醫師診治認有必要使用之藥品，卻無法於機關取得者，得填具申請表，向機關申請由親友送入藥品。外袋包裝需完整未經拆封，並有完整標示之藥袋、診斷證明書或處方箋等，以收容人本人之藥品為限。

四、送入方式：收容人親屬得以郵寄、經由機關指定時間、地點送入，或其他經機關許可之方式送入。並須備妥處方箋及相關證明文件，依機關規定之程序申請核准後始得送入。

五、藥品若不符前揭規定，無衛生福利部食品藥物管理署許可字號、或有標示不明及包裝破損等情形時，矯正機關將會拒收。

六、拒收藥品之處理原則：

(一)收容人得自費將藥品寄至指定處所，或請親友至機關領回。

(二)如收容人不為處理，機關得將藥品逕為銷毀，或為其他適當之處理。

A:

1. Since the implementation of the second-generation national health insurance program, hospitals have been setting up clinics in correctional facilities. If inmates get ill and need to take medications, they will be able to see a doctor inside the facility and take medications as instructed by the doctor.
2. Inmates can bring medications with them upon arrival at the correctional facility. However those medications must be placed in an intact medicine bag or come with the prescription for identification purpose. The medicine bag should indicate patient name, name, unit content and quantity of medication, use instruction and dosage, name and address of medical institution or pharmacy, name of pharmacist and date of preparation or delivery. Correctional facilities will check the information and return the medicine bag to inmates afterwards. Inmates who need insulin shots must prepare certificate of diagnosis, prescription, needle and the drug.
3. If a medicine prescribed by a correctional facility doctor is not available at the facility, inmates can fill out an application form for approval to let their relatives send the medicine. The medicine sent by inmate's relatives must be placed in intact and unopened outer bag and comes with fully labeled medicine bag, certificate of diagnosis or prescription, and the medicine is to be used by the inmate only.
4. How to send medicine: The relatives of inmates can send medicine by post, or deliver it in person at the time and place designated by the facility, or by other ways permitted by the facility. However inmate's relatives must first apply for approval by submitting prescription and relevant supporting documents according to the established procedure before sending the medicine.
5. If a medicine does not conform to the aforementioned requirements, or does not come with a permit number of Taiwan Food and Drug Administration, or has unclear label or torn package, the correctional facility will reject the delivery.
6. How rejected medicines are handled:

- (1) Inmates can mail the medicines to an address designated by them at their own cost or ask their relatives to pick it up at the facility.
- (2) If inmates do not take any action, the facility may destroy the medicine or dispose it by other appropriate means.

問 2-6、矯正機關內收容人是否納入健保？需要繳交健保費用嗎？

Q2-6: Do inmates in correctional facilities have NHI coverage? Do they need to pay for the insurance?

答：

矯正機關收容人納入健保分析：

- 一、四類三目(由法務部補助保險費)：執行期間逾 2 個月之受刑人、受戒治人、強制工作受處分人、感化教育學生及刑法第 91 條之 1 強制治療受處分人，保險費由中央矯正主管機關全額補助。
- 二、非四類三目(自行付費納保)：被告、受觀察勒戒人、少觀所收容少年、民事被管收人及應執行期間 2 個月以下之受刑人。
- 三、不符保險資格，無法納保：不符全民健康保險法第 8 條規定之本國籍收容人，以及不符全民健康保險法第 9 條規定之外籍收容人。又外籍收容人若領有居留證且在臺居留期間滿六個月者(以移民署資料為準)，得納入健保。

A:

National health insurance status of inmates at correctional facilities:

1. Inmates classified under Category 4, Item 3 (the Ministry of Justice will subsidize the premiums): For prisoners serving sentence, individuals receiving rehab (detoxification) treatment, people subjected to compulsory labor, juvenile receiving reformatory education and individuals subjected to compulsory rehab (detoxification) treatment pursuant to Article 91-1 of the Criminal Code who have been at a correctional facility for more than two months, their NHI premiums will be paid fully by the central corrections authority.
2. Inmates not classified under Category 4, Item 3 (need to pay NHI premiums on their own): Defendants, rehab inmates under observation, juvenile inmates held at juvenile detention houses, civil detainees and prisoners whose sentence is less than two months.
3. Inmates who are not eligible to enroll in NHI: Domestic inmates who do not meet the provisions of Article 8 and foreign inmates who do not meet the provisions of Article 9 of the National Health Insurance Act. However foreign inmates who have obtained resident permits and have resided in Taiwan for 6 months or longer (based on the data of National Immigration Agency) are eligible to enroll in NHI.

問 2-7、具有健保的收容人看診是否需要繳費？費用如何處理？

Q2-7: Do inmates with national health insurance (NHI) need to pay when they see doctors? What are the expenses?

答：

一、收容人負擔看診費用，如下：

(一)掛號費：機關內門診 0 至 100 元不等，依醫院訂價而異。

(二)部分負擔費用：依全民健康保險保險對象收容於矯正機關者就醫管理辦法第 7 條第 1 項規定，依基層醫療單位層級計收。另依全民健康保險法第 48 條規定，凡重大傷病、分娩及山地離島地區免部分負擔。

(三)住院費：依住院時間負擔 10%至 30%。住院時間愈久，負擔比率愈高。

二、收容人無法繳納掛號費或部分負擔費用時，矯正機關將會由其保管金或勞作金中持續扣款、催繳或通知其家人繳費。收容人出監(院、所、校)仍有欠費者，則由合作醫院(診所)催繳。

A:

1. Inmates need to pay the following expenses when they see a doctor:

(1) Registration fee: Registration fee of clinic inside correctional facilities range from 0 to NT\$100, depending on the fees set by the hospital.

(2) Co-payment: Co-payment of clinics inside correctional facilities will be charged at the level of primary health institutions in accordance with Paragraph 1, Article 7 of the Regulations Governing Medical Services for Insured of the National Health Insurance Held at Correctional Facilities. In addition, pursuant to Article 48 of the National Health Insurance Act, co-payments are exempted for NHI insureds who have major illness or injury, undergo child delivery or receive medical care in mountainous regions or outlying islands.

(3) Hospitalization expenses: Co-payment for hospitalization range from 10% - 30% of the expenses. The longer the length of hospital stay, the higher the ratio.

2. If inmates cannot afford to pay registration fee or co-payment, correctional facilities will deduct the amount from inmates' safekeeping account or labor income, demand payment from the inmate or inform inmates' relatives to pay the bills. If an inmate has not paid up the bills when he or she is released or discharged, the cooperative hospital (clinic) will take over the collection.

問 2-8、收容人入矯正機關前健保費用有欠繳情形，法務部是否會代繳？

Q2-8: For inmates who owe premiums on national health insurance (NHI) before entering a correctional facility, will the Ministry of Justice pay the premiums on their behalf?

答：

一、在矯正機關接受刑之執行、保安處分或保護處分，且期間逾 2 個月之收容人(屬四類三目收容人)，其保險費由中央矯正主管機關全額補助。但不論係屬四類三目收容

人或其他保險類別之收容人，其入矯正機關前之健保費如有欠費情形時，法務部均不會代繳。

二、四類三目收容人如因欠費遭鎖卡，健保署將於其入矯正機關後予以解卡，不致影響其入機關後使用健保醫療之權益。

A:

1. For inmates who are serving a sentence, are subjected to rehabilitative measure or protective measure for a duration of longer than two months (inmates classified under Category 4, Item 3), their NHI premiums will be fully subsidized by the central corrections authority (Ministry of Justice). However, the Ministry of Justice will not pay for premiums owed by inmates before they enter a correctional facility, regardless whether the inmate is classified under Category 4, Item 3 or other categories.
2. If inmates classified under Category 4, Item 3 have their national health insurance suspended due to premium payments in arrears, the National Health Insurance Administration will have their coverage reinstated after they enter a correctional facility so their healthcare benefits will not be affected.

問 2-9、沒有納入健保的收容人如何就醫？費用由誰負擔？

Q2-9: How do inmates without national health insurance (NHI) seek medical treatment? Who will pay for their expenses?

答：

- 一、受刑之執行 2 個月以下，且符合健保資格者，應自行持續納保，並繳交保費，以免健保中斷。如已加保未領卡或卡片遺失、毀損等，入機關前應儘速補辦健保卡，以維權益。
- 二、收容人如不符全民健康保險法保險資格致無法加入健保者，於矯正機關內罹病時，機關會另行延聘醫師提供診療，或由合作醫療院所提供公益門診。惟如有戒送醫院診治之情形者，費用由收容人自行負擔。至於符合清寒補助條件者，可申請醫療補助。
- 三、具有全民健康保險法保險資格之收容人，因刻正申辦而無健保卡、辦理投保中、不在保或積欠健保費用遭暫行停止保險給付時，得先以健保身分就醫，後續由健保署各分區業務組及矯正機關，輔導其納保或辦理欠費分期繳納等措施。

A:

1. Inmates who serve a sentence of less than two months and are eligible to enroll in NHI should maintain their insurance and pay premiums to avoid coverage disruption. Inmates who have enrolled in NHI but have not picked up the NHI card or whose NHI card is missing or damaged are advised to get their card before entering the correctional facility in order to uphold their interests.

2. For inmates who are not eligible to enroll in NHI according to the National Health Insurance Act and become ill while being held in the correctional facility, the facility will engage a doctor to provide treatment or the cooperative hospital will provide free services. However if an inmate must be escorted to an outside hospital for treatment, the inmate shall pay for the expenses incurred. Inmates who are qualified to apply for subsidy due to financial difficulty may apply for medical subsidy.
3. For inmates who are eligible to enroll in NHI but are in the process of making an application and do not have a NHI card yet, or currently are not covered or have coverage suspended due to premium payments in arrears, they may receive medical treatment as an NHI insured first. Subsequently the regional division of National Health Insurance Administration and the correctional facility will help the inmate to enroll in NHI or arrange installment payments for premiums owed.

問 2-10、收容人無力負擔醫療費用時，卻罹患疾病需要就醫時，如何處理？

Q2-10: What happens if an inmate cannot afford to see a doctor?

答：

依照全民健康保險法之規定，收容人就醫時應自行負擔掛號費用，以及門診、急診或住院等相關醫療費用，收容人如有經濟困難，無力向醫療機構繳納其應自行負擔之費用者，得循下列方式辦理：

- 一、符合全民健康保險經濟困難認定標準規定情形者，得檢具相關資料，向全民健康保險紓困基金申請無息貸款。
- 二、向執行機關提出申請，由機關委請醫療機構或醫師診治：
  - (一)申請期限：接受診治前或接受診治後三個月內。
  - (二)應備文件：最近一年內村（里）長所開具之清寒證明、低收入戶或中低收入戶證明文件等資料。
  - (三)收容人之經濟困難狀況於認定之日起六個月後仍未改善，仍有就醫需求者，須重新提出申請。
  - (四)經認定符合經濟困難無力支應醫療費用之收容人，於接受診治療程結束後六個月內，其保管金或勞作金得支付醫療費用者，機關得自保管金或勞作金扣繳。
  - (五)有下列情形之一者，機關將追繳為收容人延請醫療機構或醫師施行醫療衍生之費用：
    - 1.提供不實之資料。
    - 2.隱匿或拒絕提供機關要求之資料。
    - 3.以詐術或其他不正當方法取得證明文件。

A:



According to the National Health Insurance Act, inmates should pay registration fees and some expenses of outpatient services, emergency or inpatient care. Inmates who have financial difficulty and cannot afford to pay their portion of the medical expenses to medical institutions may resort to the following remedies:

1. Inmates who meet the NHI criteria for “financial difficulty” may prepare relevant documentation to apply for an interest-free NHI relief fund loan; or
2. Apply to the correctional facility for arranging treatment at a medical institution or by a doctor:
  - (1) Application period: Within three months before or after receiving treatment.
  - (2) Required documents: A certificate of financial status issued by the chief of village within one year and certificate of low or middle income household.
  - (3) If an inmate’s financial status has not improved six months after he or she has been determined to have financial difficulty, the inmate must reapply.
  - (4) For inmates who are determined to meet the financial difficulty criteria and unable to pay for their medical expenses, if their safekeeping account or labor income may be used to pay for the expenses within six month after their treatment session is over, correctional facilities may deduct the expenses from their safekeeping account or labor income.
  - (5) In case of any of the following circumstances, correctional facilities may recover from inmates the expenses incurred in the medical services rendered by a medical institution or doctor engaged by the facilities for inmates:
    - a. The inmate provides false information.
    - b. The inmate conceals or refuses to provide information requested by the facility.
    - c. The inmate obtains supporting documents by fraud or other illicit means.

問 2-11、收到機關公文告知應繳交醫療費用，要如何處理？

Q2-11: What should an inmate do when he or she receives a notice from the correctional facility to pay medical expenses?

答：

- 一、目前矯正機關內備有各類健保門診，但看診時仍需自費負擔掛號費及部分負擔費用。不具健保資格的收容人除公醫門診外，其餘醫療亦需自費，如收到相關催繳公文，應依限繳納。
- 二、收容人親友得將醫療費用送入予該收容人，俾利辦理相關醫療扣款事宜。送入之方式請參閱「陸、送入金錢、飲食及物品相關事項」。

A:

1. Currently all correctional facilities have clinics that accept National Health Insurance (NHI). However inmates with NHI still need to pay registration fee and co-payment when they see

a doctor inside the facility. Inmates without NHI will have to pay for their medical expenses unless they are seen by a public health physician. Thus when inmates receive a notice to pay, they should make payment before the specified deadline.

2. Inmate's relatives may send inmates money to pay for their medical expenses. Refer to "6. Sending Money, Food and Supplies to Inmates" about ways to send money or items to inmates.

問 2-12、收容人於何種情形下可以戒護外醫？會通知親屬嗎？

Q2-12: Under what conditions can inmates receive medical treatment outside correctional facilities?

Will their relatives be notified?

答：

- 一、收容人現罹疾病，經醫師診療，如診斷(依實際病情需要、醫護人員、醫療設備等因素)在機關內不能為適當醫治者，得由醫師開立建議轉診單，或由收容人提出自費外醫報告，經核可後戒送外醫。
- 二、收容人住院或依病情需要，機關會通知親屬前往探視（禁止接見收容人應經案件繫屬院檢同意）。各項侵入性檢查、手術亦須親屬配合前往醫院，簽署同意書。
- 三、探視親屬需攜帶身分證明文件，並於規定接見時間內前往醫院探視。

A:

1. When an inmate is ill and determined by a doctor inside the correctional facility (based on the inmate's condition, the availability of medical personnel and equipment, etc.) that the inmate will not be able to receive proper care inside the facility, the doctor can write a referral sheet or the inmate can submit a self-pay medical service report. The inmate can then seek outside medical care under escort after obtaining approval.
2. When inmates seeking outside medical care are hospitalized or have certain health conditions, the correctional facility will notify their relatives to pay a visit (for inmates who are held incommunicado, the consent of the court or prosecutors' office that handles their case is required). When such inmates need to receive invasive examinations or operations, their relatives should visit the hospital as instructed to sign a consent form.
3. When making hospital visits, relatives of inmates must show their ID card and visit at the specified time.

問 2-13、收容人可否指定戒護外醫時間及醫療院所呢？

Q2-13: Can inmates designate the time and the hospital when they have been approved to seek outside medical care under escort?

答：

- 一、按全民健康保險法及全民健康保險保險對象收容於矯正機關者就醫管理辦法規定，收容人戒護移送醫療院所就醫之時間及處所，由矯正機關依其就醫需求及安全管理之必要指定之；收容人不得自行指定。爰此，收容人如有戒護外醫需求，不論住院或門診，均係由機關指定就醫時間及醫療院所。
- 二、收容人戒護住院時，優先安排入住於戒護病房；無戒護病房時，以入住於健保病房為原則。醫院不得向收容人收取病房費用差額。

A:

1. According to the National Health Insurance Act and the Regulations Governing Medical Services for Insured of the National Health Insurance Held at Correctional Facilities, when and where inmates may seek outside medical care under escort will be determined by the correctional facility based on the medical needs of inmates and security management needs, for which inmates cannot designate on their own. Thus when an inmate has the need to seek outside medical care, be it inpatient or outpatient services, the time and the hospital will be determined by the correctional facility.
2. When an inmate needs to be hospitalized outside the correctional facility, the inmate should be arranged to stay in the guarded ward. If the hospital does not have a guarded ward, the inmate should be arranged to stay in a NHI room, and the hospital may not charge the inmate additional costs for room upgrade.

問 2-14、請問受刑人保外醫治條件及申請程序為何？

Q2-14: What are the criteria and application procedure for prisoners to seek out-of-prison medical treatment on bail?

答：

一、保外醫治之條件：

(一)受刑人受傷或罹患疾病，經戒送醫療機構或病監醫治後，仍不能或無法為適當之醫治者，監獄得報請監督機關參酌醫囑後核准保外醫治；其有緊急情形時，監獄得先行准予保外醫治，再報請法務部矯正署備查。

(二)懷胎五月以上或生產未滿二月者，得準用前條之一般保外醫治規定。

二、保外醫治程序可分為一般保外醫治及緊急保外醫治等2種，分述如下：

(一)一般保外醫治：機關檢附診斷書等證明文件，陳報法務部矯正署，經審核核准後，通知受刑人親屬至檢察署辦理具保相關事宜。

(二)緊急保外醫治：機關檢附診斷書、病危通知書等證明文件，由機關首長核定，並函請檢察署依職權處分，再通知受刑人親屬至檢察署辦理具保相關事宜，完成後函報法務部矯正署備查。

三、受刑人保外醫治條件、辦理程序及審查作業流程：

(一)受刑人病況符合監獄行刑法第 63 條規定，且符合「受刑人保外醫治審核基準及管理辦法」第 3 條第 1 項之各款情形之一者，監獄得報請法務部矯正署核准其保外醫治：

- 1.罹患致死率高疾病，恐因執行而不能保其生命。
- 2.衰老或有客觀事實足認其身心障礙嚴重而無法自理生活，在監難獲適當醫治照護。
- 3.病情嚴重必須長期在監外住院治療。
- 4.肢體障礙嚴重，必須長期在監外復健。
- 5.病情複雜，難以控制，隨時有致死之危險。
- 6.罹患法定傳染病，在監難以適當隔離治療。

(二)機關辦理程序與審查：

- 1.各矯正機關於陳報保外醫治前，須戒送受刑人至醫療機構就診或住院，取得相關證明文件（診斷書、病歷摘要），並先參酌醫囑，以及評估下列各種情形：
  - (1)病況嚴重性
  - (2)疾病治療計畫
  - (3)生活自理能力
  - (4)親友照顧能力或社福機構安置規劃。
- 2.在前項評估中，必要時，監獄得委請其他專業機關（構）、團體或個人協助評估。
- 3.受刑人向監獄請求保外醫治者，監獄需交由醫事人員，依其病況是否符合「受刑人保外醫治審核基準及管理辦法」第 3 條第 1 項之各款情形之一者、於陳報保外醫治前，須戒送受刑人至醫療機構就診或住院，取得診斷書、病歷摘要等相關證明文件，並參酌醫囑評估其病況嚴重性、疾病治療計畫、生活自理能力等規定審酌辦理，並將處理結果通知受刑人。

(三)綜合上開情形判斷是否符合監獄行刑法第 63 條之保外醫治構成要件。又除有緊急情形得由機關核准辦理先行保外醫治外，其餘依法均須由機關陳報「保外醫治報告表」，詳述其病況、疾病治療計畫、生活自理能力、親友照顧能力或社福機構安置計畫等，由法務部矯正署審核辦理。

四、被告如罹重病，在所內不能為適當之治療，由機關檢具診斷書等資料，報請該管法院裁定，或檢察官處理。是以，被告尚無保外醫治之適用。

A:

1. Criteria for seeking out-of-prison medical treatment on bail:

- (1) When an injured or ill prisoner is sent to an outside hospital or in-house patient ward for treatment under escort but is still unable to receive proper care, the prison may report the case (including doctor's recommendations) to the supervisory agency seeking approval

to allow the prisoner to receive out-of-prison medical treatment on bail. In case of emergency, the prison can approve out-of-prison treatment on bail first and then report the case to the Agency of Corrections for reference.

- (2) The provisions on general out-of-prison medical treatment on bail in the preceding paragraph apply to female prisoners who are pregnant for more than five months or have given birth less than two months earlier.
2. There are two procedures for out-of-prison medical treatment on bail – general and emergency:
  - (1) General procedure: The correctional facility prepares related supporting documents, such as certificate of diagnosis and report to the Agency of Corrections for approval. If the application is approved, the correctional facility will notify the relatives of prisoner to carry out the bail formality at prosecutors office.
  - (2) Emergency procedure – The correctional facility prepares supporting documents, such as certificate of diagnosis and critical condition notice, for approval by the head of the facility, and sends a letter to the prosecutors office, requesting the office to take action by its vested authority, and then notifies relatives of the prisoner to carry out the bail formality at prosecutors office. After all steps are completed, the correctional facility will file a report to the Agency of Corrections for reference.
3. The criteria, operating procedure and review process for prisoners to receive out-of-prison medical treatment on bail:
  - (1) For prisoners whose health condition meets the provisions of Article 63 of the Prison Act and meets a situation under any subparagraph of Paragraph 1, Article 3 of the Regulations Governing Review Standards and Management of Prisoners Receiving Out-of-Prison Medical Treatment on Bail, the prison may request the approval of the Agency of Corrections for prisoners to receive out-of-prison medical treatment on bail:
    - a. The prisoner is contracted with a disease with high fatality rate that his or her life may be endangered if incarceration continues.
    - b. The prisoner suffers from senility or there are objective facts indicating that he or she has severe physical or mental disability and cannot take care of himself/herself in prison and will not receive proper medical care in prison.
    - c. The prisoner is gravely ill that he or she must be hospitalized and treated outside the prison on a long-term basis.
    - d. The prisoner has severe physical disabilities that he or she must undergo rehabilitation therapy outside the prison on a long-term basis.
    - e. The prisoner's health condition is complex and hard to manage that he or she faces the risk of death at any time.

- f. The prisoner has a notifiable disease and it is difficult for him or her to receive treatment in isolation in prison.
- (2) Operating procedure and review:
- a. Before a correctional facility reports out-of-prison medical treatment on bail for an prisoner, it must escort the prisoner to a medical institution for treatment or hospitalization and obtains relevant supporting documents (e.g. certificate of diagnosis, summary of medical record), and take reference of doctor's recommendations and evaluate the following conditions:
    - (a) Severity of health condition;
    - (b) Treatment plan;
    - (c) Prisoner's self-care ability; and
    - (d) Family's ability to care for the prisoner or placement planning of the social welfare organization.
  - b. When necessary, the prison can engage other professional agencies (institutions), groups or individuals to assist in the aforementioned evaluation.
  - c. When a prisoner requests out-of-prison medical treatment on bail, the prison should let medical staff determine whether prisoner's health condition meets any of the conditions under the subparagraphs of Paragraph 1, Article 3 of the Regulations Governing Review Standards and Management of Prisoners Receiving Out-of-Prison Medical Treatment on Bail. Before reporting the case to the Agency of Corrections, the prison must escort the prisoner to a medical institution for treatment or hospitalization and obtains relevant supporting documents, such as certificate of diagnosis and summary of medical record, and consider doctor's evaluation of the prisoner's health condition, treatment plan, and prisoner's self-care ability, and notify the prisoner of the review results.
- (3) After determining whether prisoner's health condition meets the criteria for out-of-prison medical treatment on bail under Article 63 of the Prison Act, the prison shall submit an "Out-of-Prison Medical Treatment on Bail Report", which details the prisoner's health condition, treatment plan, self-care ability, family's ability to care for the prisoner or placement planning of the social welfare organization, to the Agency of Corrections for deliberation and approval. In the event of an emergency, the prison may approve out-of-prison medical treatment on bail before reporting the case to the Agency of Corrections.
4. If a defendant under detention is gravely ill that he or she is unable to receive proper treatment inside the correctional facility, the facility will prepare certificate of diagnosis or other documents to the court or the prosecutor for a decision. Thus the provisions of out-of-prison medical treatment on bail do not apply to defendants.

問 2-15、受刑人保外醫治期間，應行注意事項為何？

Q2-15: How should prisoners behave themselves when they receive out-of-prison medical treatment on bail?

答：

- 一、保外醫治受刑人於保外醫治期間應遵守下列事項：
  - (一)不得有違反法令之行為。
  - (二)應依照醫囑接受治療。
  - (三)不得無故擅離或變更原醫療機構或處所。如因病情治療或照護需要時，得檢附相關證明文件，向原執行監獄申請核准變更醫療機構或處所。但情況急迫時，保外醫治受刑人得先自行變更，並於五日內陳報原執行監獄並申請核准。
  - (四)應主動與監獄保持聯繫，不得無故失聯。
  - (五)於監獄訪察人員訪視時，應就其健康、就醫或照護、居住、生活狀況等情形提出報告，並提供醫院診斷書等證明文件。
  - (六)除維持日常居住及生活所必需外，未經監獄核准，不得從事與治療目的不符或顯然無關之活動。
  - (七)不得對被害人、告訴人、告發人、證人或其他利害關係人實施危害、恐嚇、騷擾、跟蹤、糾纏或其他不法行為。
  - (八)其他經監獄認為應遵守之事項。
- 二、監獄對於保外醫治受刑人違反上述所列各項應遵守事項之處理方式：
  - (一)保外醫治受刑人違反上述所列應遵守事項者，監獄應先以書面命其限期改善，屆期未改善者，監獄得報請法務部矯正署廢止其保外醫治核准。
  - (二)但是，保外醫治受刑人違反上述所列應遵守事項，其情節重大，或經醫事人員評估其病況已治癒或改善，未依監獄指定之期日至檢察署報到等情形之一者，監獄得逕行報請法務部矯正署廢止其保外醫治核准。
- 三、保外醫治期間不計入刑期。未痊癒者，每月應檢附診斷書，由監獄視病情需要辦理展延。
- 四、保外醫治期間，經醫事人員評估其病況已治癒或改善時，應依監獄指定之期日至檢察署報到，再返回機關執行殘餘刑期。

A;

1. Prisoners who receive out-of-prison medical treatment on bail shall observe the following rules:
  - (1) May not act in a way that violates laws or regulations.
  - (2) Receive treatment according to doctor's instructions.
  - (3) May not leave or change the medical institution or facility for receiving out-of-prison treatment without justification. If such change is necessary for treatment or care purposes,

the prisoner may submit relevant supporting documents to the prison where he or she was incarcerated to apply for change of medical institution or facility. However if the situation is urgent, the prisoner may make the change first and apply to the prison for approval within 5 days.

- (4) Actively keep in touch with the prison and must not be out of reach without justification.
  - (5) When a prison officer visits, make a report on his or her health, treatment or care received, and living conditions and provide the officer with supporting documents, such as hospital's certificate of diagnosis.
  - (6) Unless it is necessary for maintaining daily life, do not engage in activities that are inconsistent with or apparently irrelevant to the purpose of treatment.
  - (7) Do not harm, intimate, harass, stalk, bother, or otherwise act unlawfully against victims, complainants, informants, witnesses and other interested parties.
  - (8) Observe other matters deemed necessary by the prison.
2. Prison's actions when a prisoner on bail for medical treatment violates any of the aforementioned rules:
    - (1) When a prisoner on bail for medical treatment violates any of the aforementioned rules, the prison should first order the prisoner in writing to take corrective actions within a given period of time. Should the prisoner fail to do so, the prison may request the Agency of Corrections to rescind the approval for receiving out-of-prison medical treatment on bail.
    - (2) However if the prisoner's violation is of serious nature or if it is determined by medical staff that the prisoner's illness is cured or has improved, or if the prisoner fails to report to the prosecutors office on the date designated by the prison, the prison may proceed to request the Agency of Corrections to rescind the approval for receiving out-of-prison medical treatment on bail.
  3. The period of out-of-prison medical treatment on bail will not be counted as time served. Prisoners on bail who are not yet recovered shall submit a certificate of diagnosis every month and the prison may grant an extension in light of prisoner's health condition.
  4. While a prisoner is on bail for medical treatment, if it is assessed and determined by medical staff that the prisoner's illness is cured or has improved, the prisoner shall report to the prosecutors office on the date designated by the prison and then go back to prison to serve his or her remaining sentence.

問 2-16、受刑人保外醫治期間死亡，其親屬應辦事項為何？

Q2-16: If a prisoner dies while out on bail for medical treatment, what should his or her relatives do?



答：

- 一、持死亡證明書及相關證明文件，向管轄之地檢署辦理交保金領回事宜。
- 二、持死亡證明書前往受刑人執行之矯正機關，辦理受刑人保外醫治死亡之查核程序，以及除籍手續。

A:

1. Present the prisoner's death certificate and relevant supporting documents to the prosecutors office of jurisdiction to claim the bail money back.
2. Present the prisoner's death certificate to the correctional facility that used to hold the prisoner to carry out death verification procedure and de-registration formality.