

Regulations Governing Subrogation in National Health Insurance for Public Safety Accident and Significant Traffic Accidents, Public Nuisance Accidents, and Food Poisoning Accidents

1. Stipulated by the Order of Wei-Shu-Chien-Pao No.0952600116, Department of Health, Executive Yuan on May 10, 2006
2. Amended and promulgated on 2 November 2012 in accordance with Department of Health, Executive Yuan Order Wei-Shu-Chien-Pao-Tzu No. 1012660264
3. Article 1 、 1-1 、 2 、 3 、 4 、 5 and Article 15 were amended and promulgated on May 21, 2018 in accordance with the Ministry of Health and Welfare Order Wei-Pu-Pao-Tzu No.1071260240. The Amendment shall take effect on the date of promulgation. The name shall be changed to “Regulations Governing Subrogation in National Health Insurance for Public Safety Accident and Significant Traffic Accidents, Public Nuisance Accidents, and Food Poisoning Accidents.”
4. Article 6 was amended and promulgated on October 1, 2019 in accordance with the Ministry of Health and Welfare Order Wei-Pu-Pao-Tzu No.1081260372. The Amendment shall take effect on the date of promulgation.

Article 1

The Insurer may exercise subrogation under the Regulations. The scope of subrogation shall be limited to the benefits paid within 30 days from the date of benefit payment provided under this Insurance

Article 1-1

The “public safety accident” specified in Subparagraph 1 of Paragraph 2 of Article 95 of the Act refers to a liability insurance accident occurring on the premise or in a trade, to which the compulsory liability insurance shall apply under relevant laws and regulations.

Article 2

The “significant traffic accident” set forth in Subparagraph 2 of Paragraph 2 of Article 95 of the Act refers to:

1. An accident of a vehicle, to which the Compulsory Automobile Liability Insurance Act does not apply, in the course of the vehicle’s travel on the road;
2. An accident that occurs in railway, high speed railway or mass rapid transit system during movement;
3. An accident of a vessel while the vessel is navigating in the sea, on waters or moving under water; or
4. An accident of an aircraft in the course of the aircraft’s flight.

Article 3

The “public nuisance accident” set forth in Subparagraph 2 of Paragraph 2 of Article 95 of the Act refers to damage to the national health arising from human factors that endanger the living environment.

The range of such an accident covers water pollution, air pollution, soil pollution, noise, vibration, noxious odors, waste, toxic substance pollution, land subsidence, radioactive pollution and any other activity designated and officially announced as public nuisances by the central competent authority.

Article 4

The “food poisoning accident” set forth in Subparagraph 2 of Paragraph 2 of Article 95 of the Act should be identified by more than two persons (included) eating the same food and consequentially experiencing similar symptoms with the same type of pathogen extracted from suspicious remained food samples, human biological samples such as the patient’s excrement, vomit, or blood, or other related environmental samples.

Article 5

For a total amount of medical benefit of over NT\$50,000 under National Health Insurance (hereinafter referred to as “the Insurance”) paid to a beneficiary for the same public safety accident, the Insurer may exercise subrogation right.

For a total amount of medical benefit of over NT\$100,000 under the Insurance paid to a beneficiary for the same Significant Traffic Accidents, Public Nuisance Accidents, and Food Poisoning Accidents, the Insurer may exercise subrogation right.

The amount specified in the preceding two paragraphs is calculated based on the benefits paid within 30 days from the date of benefit payment provided under this Insurance.

Article 6

The Insurer may exercise subrogation under the Regulations. The scope of subrogation shall be limited to the benefits paid within 30 days from the date of benefit payment provided under this Insurance.

Article 7

The Insurer, while exercising claim under the Regulations, may verify whether any liable third party (hereinafter referred to as the “Third Party”) has purchased the liability insurance policy, the Third Party may not evade, refuse, obstruct or make any false statement in responding the Insurer’s inquiry.

Article 8

The Insurer, while exercising claim under the Regulations, may consult with the competent authority and liability Insurer for assistance such as provision of significant event notice or professional consultation, etc.

Article 9

Upon awareness of any situation that meets the requirements prescribed in Article 5, the Insurer shall send a written notice to the Third Party and the victim within thirty days from the next day of the date of awareness.

The written notice in the preceding paragraph should at least contain:

1. Information collected by the Insurer and the Insurer’s preliminary inferential results;
2. The Third Party’s duty to inform whether he/she has purchased the liability insurance policy; and
3. The deadline of the Insurer’s formal confirmation.

Upon receiving the notice, the Third Party shall immediately inform the Insurer whether he/she has purchased the liability insurance policy. Being informed that the Third Party

has purchased the liability insurance policy, the Insurer shall forthwith notify the Insurer of the liability insurance thereupon.

Article 10

For any situation that meets the requirements prescribed in Article 5, the Insurer shall give formal confirmation that whether it will exercise claim and notify the victim and the Third Party or liability Insurer of the confirmation by a written notice within six months from this Insurance benefit payment date.

Article 11

For a third party or liability Insurer that should pay a compensation to the Insurer in accordance with the confirmation in the preceding article, the Third Party shall make the payment within thirty days from the reception of the formal confirmation notice prescribed in the preceding article; and the liability Insurer shall make the payment within fifteen days from the date when all the documents pertaining to the claim requirements are properly provided.

Article 12

If the Third Party or liability Insurer fails to make the payment in accordance with the regulation given in the preceding article, the Insurer may request the payment within a given term by sending a notice demanding payment and demand the overdue payment through legal proceedings in case the payment is not made within the given term.

Article 13

The right of subrogation prescribed in Article 95 of the Act shall not be affected by any settlement between the Third Party and the beneficiary under this Insurance.

Article 14

The amount of the compensation that the Insurer claims against the liability Insurer shall not exceed the balance of the insured amount of the liability insurance less the deductible amount payable to the victim.

The amount payable to the victim under the liability insurance provided in the preceding paragraph shall not include the medical benefit under this Insurance.

Article 15

The Regulations shall take effect upon promulgation, but Articles which were amended on November 2, 2012, shall take effect on January 1, 2013.