



## Article Content

**Title :** Long-Term Care Services Act CH

**Amended Date :** 2021-06-09

**Category :** Ministry of Health and Welfare ( 衛生福利部 )

### Chapter 1 General

**Article 1** This Act is established in order to complete a long-term care service system providing long-term care services, to ensure the quality of care and support services, to develop universal, diversified and affordable services and to guarantee the dignity and the interest of the persons receiving the services and the care providers.

In providing long-term care services, there shall be no discrimination that differentiates based on the gender, sexual orientation, gender identity , marriage, age, physical or mental disabilities, illness, social class, race, religious belief, nationality or place of residence of the persons receiving the services.

**Article 2** The competent authority referred to in this Act is: the Ministry of Health and Welfare as the central competent authority, municipal governments for municipalities and county (city) governments for counties (cities) as local competent authorities.

**Article 3** The terms in this Act are defined as follows:

1. Long-term care: Means the living support, assistance, social participation, care and relevant healthcare services in accordance with the needs of any individual whose mental or physical incapacity has lasted or is expected to last for six months or longer, or the needs of such an individual's care provider.
2. Person with physical or mental incapacity (the "disabled"): Means a person who has suffered partial or full loss of his physical or mental

functions and who needs the assistance of others in his/her daily life.

3.Family caregiver: Means the main family member or household member who provides regular care to the disabled in the family.

4.Long-term care personnel: Means a person who is certified through training and certification in accordance with this Act to provide long-term care services.

5.Long-term care service institution: Means an institution established in accordance with this Act for the purpose of providing long-term care services or long-term care needs assessment of services.

6.Long-term care management center: Means an authority (institution) designated by the central competent authority for the purpose of providing assessment and linking services for long-term care needs.

7.Long-term care service system: Means the network composed of long-term care providers, long-term care institutions, financial and relevant resource development, management and referral mechanisms.

8.Individual care workers: Means a person hired on an individual basis to provide care at the homes of the disabled.

Article 4 The following matters shall be managed by the central competent authority:

1.Provision of long-term care services, establishment of national long-term care policies and regulations and planning, establishment and promotion of the long-term care service system.

2.Supervision and coordination of long-term care executed by municipalities and counties (cities).

3.Planning for the protection of the interest of long-term care service users.

4.Development of and rewards to long-term care institutions, as well as evaluations to be carried out by the central competent authority as provided under Paragraph 3, Article 39.

5.Cross-county/city assistance and supervision of long-term care institutions.

6.Planning for the management, incubation and

training of long-term care providers.

7.Planning, raising, allocation and subsidies of funding for long-term care.

8.Research, development and monitoring of the information systems and service quality of long-term care.

9.Planning and promotion of international cooperation, exchange and innovative services of long-term care services.

10.Coordination of long-term care services in areas lacking resources.

11.Other planning and supervision of national long-term care services.

Article 5 The following matters shall be managed by the local competent authority:

1.Provision of long-term care services, establishment of long-term care policies under jurisdiction and planning, promotion and execution of the long-term care service system.

2.Execution of the long-term care service policies, regulations and relevant plans established by the central competent authority.

3.Performance of local long-term care service training.

4.Supervision and evaluation of long-term care institutions under jurisdiction and appraisal to be performed by the local competent authority in accordance with Paragraph 3, Article 39.

5.Planning, raising, allocation and subsidies of local sources of long-term care funding.

6.Rewards to long-term care institutions in areas of development difficulties or where resources are lacking.

7.Other long-term care services of a local nature.

Article 6 When the matters provided in this Act involve the duties of the central industry competent authorities, the duties shall be allocated as follows:

1.Educational competent authority:Long-term care education, human resources training, and sporting activities, locations, facilities and equipment for users of long-term care services.

2.Labor competent authority: Labor conditions, employment services and occupational safety and health for long-term care personnel and individual care workers, as well as the training and technical certification for long-term care service providers without professional medical or social worker's certificates, and individual care workers.

3.Veterans competent authority: Long-term care for veterans.

4.Construction, building and fire safety competent authorities: Building and management of long-term care institutions, obstacle-free environments of public facilities and building, and fire safety.

5.Indigenous peoples affairs competent authority: Coordination and contact for long-term care for indigenous peoples and assistance with the planning and promotion of relevant matters.

6.Technology research competent authority: Assistance with technical research and development, technical and research transfer and applications of long-term care services.

7.Economic competent authority: Planning and promotion of long-term care auxiliary equipment and product development.

8.Other industry competent authorities: Long-term care related matters that are relevant to these authorities.

Article 7 The heads of the competent authorities shall serve as organizers to invite long-term care related scholars and experts, representatives from relevant private institutions and organizations, representatives of service users and representatives from each industry competent authority for the coordination, study, review and consultation of long-term care services, development of domestic long-term care human resources, fee payments and reimbursements, staff salaries, supervision and evaluation. Among the representatives as set forth in the previous paragraph, the relevant scholars, experts and the representatives from relevant private institutions, organizations and service

users shall represent at least two-thirds of the participants. The service users and the representatives of either gender shall each represent at least one-third of the participants. There shall be at least one expert scholar who represents the indigenous people or who is familiar with indigenous peoples' culture.

## **Chapter 2 Long-Term Care Services and Long-Term Care Service System**

**Article 8** The central competent authority may publish the specific scope of long-term care services. Applications for the services as set forth in the previous paragraph shall be evaluated by the long-term care management center or the municipal or county (city) competent authority. The municipal or county (city) competent authority shall provide services based on the results of the assessment.

If long-term care services with healthcare is to be undertaken, an opinion must be issued by a physician and the long-term care management center or the municipal or county (city) competent authority should perform the assessment.

The competent authority shall provide subsidies for services as set forth in the second paragraph in accordance with the level of disability and the economic status of the family. If any other legislation also allows for application for the same nature of service subsidiary, only one application shall be filed.

The evaluation as set forth in the second and third paragraphs may be outsourced to a professional organization. The standard and method of evaluation, the qualification of staff and other relevant matters shall be published by the central competent authority.

The amount or percentage of subsidy as set forth in the fourth paragraph shall be determined by the central competent authority.

**Article 8-1** The long-term care management center or municipal or county (city) competent authority shall authorize the long-term service level and limit

of long-term service benefits subject to the level of disability according to the evaluation result referred to in Paragraph 2 of the preceding Article.

The national who apply for the long-term services shall bear a specific proportion or amount of the long-term care service benefits authorized in the preceding paragraph.

The long-term care providers by contract shall collect from long-term care service users a specific proportion or amount of the long-term care service benefits to be borne by the users without exception, according to the requirements referred to in the preceding paragraph.

The regulations governing qualification of the applicants for long-term care services referred to in Paragraph 2 of the preceding Article, the long-term care service level, limit of long-term care service benefits, proportion or amount thereof to be borne by long-term care service users independently, and other related matters shall be established by the central competent authority.

Article 9 Long-term care services are divided into the following types based on the manner they are provided:

1.Home services: The services are provided at home.

2.Community-based services: A certain location and facilities are put in place in a community to provide day care, family care, temporary housing, group homes, small-size multi-function services and other integrated services, but excluding the services in Subparagraph 3.

3.Institutional services: The persons receiving care move into the long-term care institutions where full-time care or night care services are provided.

4.Family caregiver supportive services: Fixed-location and home supportive services provided to family caregivers.

5.Other manners of services published by the central competent authority.

Long-term care institutions may provide

integrated services listed in the previous paragraph.

For the consolidated community services under Subparagraph 2, Paragraph 1, the municipal or county (city) competent authority may invite community representatives, representatives of long-term care providers and expert scholars for coordination, review and consultation on long-term care services and relevant plans, division of areas of consolidated community services, development of community human resources for community long-term care services, fee collections and reimbursements, staff salaries, scope of services and dispute coordination. The arrangements may be made together with the arrangements under Article 7.

- Article 10 Long-term care services provided at home are defined as follows:
1. Physical care services
  2. Daily life care services
  3. Domestic chore services
  4. Food and nutritional services
  5. Auxiliary appliance services
  6. Necessary home facility adjustment and improvement services
  7. Psychological support services
  8. Emergency rescue services
  9. Healthcare services
  10. Services for prevention of other or aggravated disability conditions.
  11. Other long-term care related services that can be provided at home as determined by the central competent authority.

- Article 11 Long-term care services provided in communities are defined as follows:
1. Physical care services
  2. Daily life care services
  3. Temporary housing services
  4. Food and nutritional services
  5. Auxiliary appliance services
  6. Mental support services
  7. Healthcare services
  8. Transportation services

- 9.Social participation services
- 10.Services for prevention of other or aggravated disability conditions.
- 11.Other long-term care related services that are community-oriented as determined by the central competent authority.

Article 12 Institutional residential long-term care services are defined as follows:

- 1.Physical care services
- 2.Daily life care services
- 3.Food and nutritional services
- 4.Residential services
- 5.Healthcare services
- 6.Assistive device services
- 7.Psychological support services
- 8.Emergency rescue services
- 9.Family member education services
- 10.Social participation services
- 11.Services for prevention of other or aggravated disability conditions.
- 12.Other long-term care related services that can be provided through institutional residential care as determined by the central competent authority.

Article 13 The scope of supportive services provided by family caregivers are defined as follows:

- 1.Provision and referral of relevant information.
- 2.Long-term care knowledge and technical training.
- 3.Respite care services
- 4.Emotional support and referral of group services
- 5.Other services that help promote the capability of family caregivers and the life quality thereof.

The application, assessment, provision and other matters of compliance in relation to the supportive services as set forth in the previous paragraph shall be determined by the central competent authority.

Article 14 The central competent authority shall conduct regular surveys on long-term care related resources and requirements and shall take into



consideration the characteristics of diversified cultures. Long-term care services development plans shall be established and necessary rewards and assistance measures shall be undertaken for special circumstances in offshore and remote regions.

To ensure balanced development of long-term care resources, the central competent authority may delineate long-term care service areas, make plans for regional resources, set up service networks and service delivery systems, and devise human resource development plans. Establishment or expansion of long-term care institutions in regions with excessive resources may be restricted, while grants and assistances should be given to regions with insufficient resources for improvement of the long-term care service system.

The long-term care service plans, long-term care service areas and the planning and promotion of human resources development in the indigenous peoples' regions shall be determined by the central competent authority in conjunction with the Council of Indigenous Peoples.

The central competent authority shall consult with the Council of Indigenous Peoples for the long-term care service plans, long-term care service areas and the planning and promotion of human resources development in the indigenous peoples' regions. The central competent authority shall reward and assist research related to long-term care innovative services.

The regulations about the scope and manner of rewards and assistance as set forth in the first and second paragraphs, the establishment of long-term care institutions or the restrictions on the expansion thereof, as well as the division of long-term care service regions and human resources development as set forth in the second paragraph shall be established by the central competent authority.

**Article 15** The central competent authority shall set up a special fund for providing long-term care services, popularizing and augmenting long-term

care service capacity, promoting the development of long-term care-related resources, improving service quality and efficiency, substantiating and balancing the services and human resources, and subsidizing various budgets.

Sources of the fund are listed below:

1. The increased tax revenue from the adjustment of estate and gift tax rates from 10% to within 20%.
2. The increased tax revenue from the adjustment of the taxable amount of Tobacco and Alcohol Tax from NT\$590 to NT\$1,590 per 1000 cigarettes (per kg).
3. Appropriation from the government budgets.
4. Health and welfare surcharge on tobacco.
5. Donation income.
6. Interest income from the fund.
7. Other income.

The Act Governing the Allocation of Government Revenues and Expenditures does not apply to the increased tax revenues mentioned in Subparagraphs 1 and 2 of the previous paragraph.

Sources of the fund shall be reviewed two years after the implementation of this Act to ensure financial stability.

**Article 16** The central competent authority shall establish an information system for the care and management of service users, service workers management and the management of long-term care institutions and the service quality thereof as the basis for adjustment to long-term care policies. This system should be published in accordance with the law.

The competent authorities and each long-term care institution shall provide the information required in the previous paragraph.

**Article 17** When any non-for-profit long-term care institution needs to use any government real property that is not used for public purpose in accordance with national policy, it may file an application with the competent authority to approve a lease by the management authority of such real properties in accordance with the law.

For rental standards, the annual rent shall be charged based on the land value tax and housing tax payable for such land and buildings for the current period in accordance with the law.

If the purpose of land use must be changed for the land in the previous paragraph, the long-term care institution shall file an application with the competent authority for approval and forwarding to the relevant authority for further handling in accordance with the regulations.

The application procedure, conditions and other compliance matters for the applications in the first paragraph shall be established by the central competent authority.

### **Chapter 3 Management of Long-Term Care Personnel.**

- Article 18** The specific scope of long-term care services published by the central competent authority shall be provided by long-term care personnel. The training, continuing education, and on-the-job training programs for long-term care personnel shall take into account the differences among regions, ethnic groups, genders, specific illnesses and care experiences.
- Long-term care personnel shall accept continuing education and on-the-job training with a certain accumulation of points.
- The central competent authority shall establish the regulations governing the training, certification, continuing education program and determination of points, validity of certification and the renewal thereof for long-term care personnel.
- Article 19** No long-term care personnel shall provide long-term care services unless he/she is enrolled with a long-term care institution, except healthcare providers and social workers who are registered in accordance with other applicable laws and have completed training and certification in accordance with Paragraph 4 of the previous Article and a filing has been done with and approved by the competent authorities.
- No long-term care institution shall house any person who is not long-term care personnel to

provide the long-term care services in Paragraph 1 of the previous Article.

Any change of registered matter in Paragraph 1 shall be filed for approval within 30 days from the date of change with the competent authority of the place where the long-term care institution is located.

The registration conditions, procedure, location, scope of service, disqualification and cancellation, temporary support and other compliance matters as set forth in Paragraph 1 shall be determined by the central competent authority.

Article 20 No long-term care personnel shall disclose any other person's confidential information learned or held due to professional activities unless it is in accordance with the law.

#### **Chapter 4 Management of Long-Term Care Institutions**

Article 21 Long-term care institutions are divided into the following categories based on the scope of their services:

- 1.Home services
- 2.Community services
- 3.Institutional residential services
- 4.Integrated services
- 5.Other services published by the central competent authority.

Article 22 The long-term care institutions mentioned in Subparagraph 3 and those with institutionalized residential service mentioned in Subparagraphs 4 and 5 of the previous article shall be established as institutional long-term care juridical entities.

The provision in the previous paragraph does not apply to:

- 1.Public long-term care institutions.
- 2.Private senior high schools or above that organize long-term care service-related departments/divisions, for the purposes limited to teaching, internship and research by the schools.

Private institutions that were established before

the implementation of this Act under the Senior Citizens Welfare Act, Nursing Personnel Act or People with Disabilities Rights Protection Act, and are engaged in institutionalized residential long-term care services as defined in this Act are not subject to the provision mentioned in Paragraph 1 of this article, except in the case of expansion or relocation.

The laws concerning the establishment, organization, management, and other matters of compliance of institutional long-term care juridical entities in Paragraph 1 of this article shall be defined pursuant to laws separately.

Article 23 The establishment, expansion and relation of long-term care institutions shall be subject to prior application with and approval by the competent authorities.

Article 24 The regulations concerning the conditions for application, standards for establishment, qualification of representatives, application procedure, review criteria and proof of establishment approval for the establishment, expansion and relocation of long-term care institutions shall be established by the central competent authority.

The establishment of long-term care institutions in indigenous areas and the staff allocation shall be determined by the central competent authority in conjunction with the Council of Indigenous Peoples.

Article 25 Any business suspension, business closure, business reinstatement or change of any matter registered in the approval certificate by any long-term care institution shall be filed with the competent authority for approval within 30 days from the date of occurrence of the event. The period of business suspension as set forth in the previous paragraph shall not exceed one year. If required, an extension of one year may be granted through application. After this period, business closure shall take place. Business closure shall take place within 30 days of the expiry date of the period of business

suspension. If business closure is not carried out before such a deadline, the competent authority may cancel the approval of the establishment.

The central competent authority shall establish the regulations concerning the application procedure and review as set forth in the first and second paragraphs.

**Article 26** If a long-term care institution is established by a government authority (institution), the name of the government authority (institution) shall be included as the prefix of the long-term care institution's name. If it is established by a private institution, the word "private" shall be included as a prefix of the institution's name. The name of the long-term care institution shall be displayed in its location in conspicuous characters in accordance with the previous paragraph. The type of the institution and the scope of services should also be identified.

**Article 27** The name "long-term care institution" shall not be used other than by a long-term care institution.

**Article 28** The following names shall not be used by long-term care institutions:

1. The same name used by any long-term care institution whose permit for establishment has been cancelled or whose establishment has been approved by the competent authority in the same municipality or county (city).
2. Any name that may cause confusion with any government authority or other public-interest organization.

**Article 29** No one other than long-term care institutions shall engage in any advertising for long-term care services.

Advertising for long-term care institutions shall be limited to the following:

1. Name of the long-term care institution and specifications under Paragraph 2, Article 26, date of incorporation, approval certificate number, address, telephone number and traffic

route.

2.Name, academic and professional background of the representative of the long-term care institution.

3.Professional and technical certificates of long-term care personnel or number of justification document provided in this Act.

4.Manner and hours of services.

5.Business suspension, business closure, business reinstatement, relocation and the date thereof.

6.Fee schedules approved by the competent authority.

7.Other matters that may be displayed or broadcasted as published by the central competent authority.

Article 30 Long-term care institutions shall have one business representative to be responsible for the supervision of the institution's business. The business representative in the preceding paragraph shall work on a full-time basis. The central competent authority shall determine the qualifications and concurrent post of such business representative.

Article 31 If the professional representative of any long-term care institution cannot perform his/her duties for any reason, he/she should designate a deputy who is qualified to serve as the business representative.If the period of designation exceeds 30 days, a report shall be filed with the competent authority of the place where the institution is located for approval. The period of designation as set forth in the previous paragraph shall not exceed one year.

Article 32 The central competent authority shall establish a linking mechanism among the long-term care service system, healthcare system and social benefit service system, providing the service users effective referral and consolidated services.

Article 32-1 The long-term care service personnel referred to in Article 10~Article 13 herein may execute contracts with the municipal and county (city)

competent authorities as the long-term care service providers by contract. The regulations governing applicant's qualifications, procedures, review criteria, contract term, renewal conditions, conditions for rejection of contract awarding, treatment of default and other related matters shall be established by the central competent authority.

Article 32-2 The long-term care providers by contract shall enroll the long-term care personnel employed by them into the labor insurance, labor occupational accident insurance, employment insurance and national health insurance according to the Labor Insurance Act, Labor Occupational Accident Insurance and Protection Act, Employment Insurance Act, National Health Insurance Act and Labor Pension Act, and contribute pension fund on a monthly basis.

By contract, the long-term care service providers shall ensure that their long-term care personnel's employment terms and conditions satisfy the related labor laws and regulations.

Article 33 Long-term care institutions providing residential services shall enter into healthcare service agreements with healthcare institutions that can accept timely referrals or that can provide the required healthcare services.

Article 34 Long-term care institutions providing residential services or comprehensive services that include residential services shall acquire public accident liability insurance to ensure lives and safety of the users of long-term care services.

The central competent authority shall determine the scope and amount of insurance to be purchased in consultation with the industry competent authority.

Article 35 The central competent authority shall assist local competent authorities to refer to local income levels, consumer price index and service quality and provide the long-term care institutions with fee charge reference



information.

The fee items and amounts charged by long-term care institutions shall be reported to the competent authority of the place where the services are provided for approval, including any change thereto.

Article 36 When the long-term care institution charges a fee, a receipt should be provided, stipulating the fee item and amount.

No long-term care institution shall breach the fee charge rules under the previous Article, overcharge or create any fee items without authorization.

Article 37 Long-term care institutions shall display the certificate of establishment, fee schedules, service items and complaint channels put in place by the competent authority in a conspicuous location inside the institution.

Article 38 Long-term care institutions shall procure that their registered long-term care personnel prepare records of matters related to the provision of long-term care services.

Records as set forth in the previous paragraph concerning healthcare shall, in addition to retention in accordance with healthcare legislations, be maintained by the long-term care institutions for at least seven years.

Article 39 The competent authority shall perform assistance, supervision, evaluation, inspection and review of long-term care institutions. The competent authority shall also ask the long-term care institutions to provide service related information as required. The long-term care institutions shall provide the required assistance and shall not avoid, interfere with or reject such requests.

The evaluation results set forth in the previous paragraph shall be published.

The evaluation set forth in the first paragraph shall be formulated specifically for the long-term care service institution category.

Regulations concerning the evaluation target,

contents, manner; the qualifications, recruitment, selection, appointment, and training of evaluators; and other related matters shall be determined by the central competent authority.

- Article 39-1 The competent authority shall send its staff to inspect any persons who provide long-term care services without the approval of establishment required under Article 23 herein, at the persons' premises. The inspected parties shall not evade, interfere with or reject the inspection but shall provide any necessary documents, data or other assistance.
- When conducting the inspection referred to in the preceding paragraph, the competent authority's staff shall present certificates showing the duties performed by them or any other documents sufficient to identify themselves.
- The competent authority shall refer, or provide shelter to, the service recipients of the long-term care providers referred to in Paragraph 1. The long-term care providers shall work with the competent authority to do so.

- Article 40 The competent authority shall establish the standard of quality of long-term care services as follows:
1. User-oriented services and providing proper services
  2. Public and transparent information
  3. Participation by representatives of home care providers
  4. Consideration of diversified cultures
  5. Ensuring care and life quality.

- Article 41 If any long-term care institution suspends or closes its business, the users of the long-term care services shall be properly referred or placed. If referral or placement is not possible, the competent authority shall assist with the referral and placement and the long-term care institution shall provide cooperation.
- Any long-term care institution that fails to carry out referral or placement in accordance with the previous paragraph may be subject to enforcement by the competent authority.

The long-term care institution to which the service users are referred shall cooperate with the competent authority to provide necessary assistance.

## **Chapter 5 Protection of Interest of Long-Term Care Service Receivers**

**Article 42** In providing long-term care services, the long-term care institutions shall enter into written contracts with the users of long-term care services, family members or fee payers. Concerning the format and contents of the contracts set forth in the previous paragraph, the central competent authority shall establish standard contract templates and the matters that must and must not be included.

**Article 43** No video recording, audio recording or filming shall be allowed without the written consent of the users of long-term care services, nor shall their names, dates of birth, residences (domiciles) or other personally identifiable information be reported or specified. If the service user cannot give consent, the written consent shall be given by the legal representative or the closest family member who is the main care provider. To the extent required for the safety of the users of long-term care services, long-term care institutions may install monitoring equipment and shall not be restricted by the previous paragraph, provided that notice is given to the users of long-term care services, their legal representatives or closest family members who are the main care providers.

**Article 44** Long-term care institutions and their personnel shall provide proper care and protection for the users of long-term care services and shall not abandon, physically or mentally abuse, discriminate, harm, restrict physical freedom or engage in any other matters that infringes upon their interests.

Article 45 The competent authority shall establish a petition, complaint and mediation mechanism to handle public complaint cases and disputes mandated by long-term care service departments.

Article 46 The local competent authority shall supervise, either alone or together with private organizations, the quality of long-term care services provided to users of institutional lodging long-term care services who are not dependents of any other person or who do not have any legal representative. The long-term care institutions shall not refuse to comply.

## Chapter 6 Penalties

Article 47 Long-term care institutions which satisfy any of the following circumstances shall be subject to a fine of no less than NT\$60,000 and no more than NT\$300,000, and the names of such institutions and their representatives shall be disclosed to the public:

1.Violate Article 23 herein for expansion or relocation without the competent authority's permission.

2.Violate Paragraph 1 of Article 34 herein for failure to take out public liability insurance.

3.Violate Paragraph 1 of Article 41 herein for failure to refer, or provide shelter to long-term care service users, or to work with the competent authority to do so.

4.Violate Article 44 herein for abandoning, physically and mentally abusing, discriminating, hurting or illegally confining the long-term care service users' personal freedom, or infringing upon the users' interest and right.

Long-term care service institutions violating Subparagraph 1 or 2 of the preceding paragraph shall, in addition to the fine set forth in the preceding paragraph, be required to rectify the situation by a deadline and fail to implement rectification before the deadline in penalties per violation.

Long-term care institutions violating Subparagraph 4 of Paragraph 1 shall be required

to rectify the situation by a deadline in addition to the fine set forth in Paragraph 1, and failure to make rectification by the deadline shall be subject to the penalty of suspension of a period between one month and one year. If rectification is still not implemented at the end of the suspension period, the establishment permit shall be revoked.

For the long-term care institutions violating Subparagraph 4 of Paragraph 1 materially, the establishment permit may be revoked directly.

Article 47-1 For the long-term care institutions which are established without permission prescribed in Article 23 herein and also satisfy any of the following circumstances, the institutions' responsible persons shall be subject to a fine of no less than NT\$60,000 and no more than NT\$300,000. The names of such institutions and their representatives shall be disclosed to the public, and the institutions may be fined per violation:

1. Provide long-term care service.
2. Violate Paragraph 1 of Article 39-1 herein for evading, interfering with or rejecting the competent authority's inspection.
3. Violate Paragraph 3 of Article 39-1 herein for failure to work with the competent authority to complete the referral or provide the shelter.

For the long-term care institutions which are established without permission prescribed in Article 23 herein and found abandoning, physically and mentally abusing, discriminating, hurting or illegally confining their service recipients' personal freedom, or infringing upon the recipients' interest and right, the institutions' responsible persons shall be subject to a fine of no less than NT\$100,000 and no more than NT\$500,000. The names of such institutions and their representatives shall be disclosed to the public, and the institutions may be fined per violation:

For the long-term care institutions which are established without permission prescribed in Article 23 herein and found satisfying the

circumstances referred to in the preceding paragraph and thereby causing the service recipients' death, the institutions' representatives shall be subject to a fine of no less than NT\$200,000 and no more than NT\$1,000,000, and the names of such institutions and their representatives shall be disclosed to the public

**Article 48** If a long-term care institution breaches the standards for establishment approval, an order shall be issued to seek a remedy. If the breach is not remedied by the deadline, a fine of not less than NT\$60,000 and not more than NT\$300,000 shall be imposed and the institution shall be ordered again to remedy the breach. If the breach is still not remedied by the deadline, the permit for its establishment may be cancelled.

**Article 48-1** The long-term care providers by contract violating Article 32-2 herein shall be punished according to the same provisions. If the providers still fail to comply with the requirement upon punishment, the providers may be suspended from being assigned. If the violation is considered material, the contract with such providers may be terminated.

**Article 49** If a long-term care institution breaches Paragraph 3, Article 8-1 hereof, a fine of not less than NT\$30,000 and not more than NT\$150,000 shall be imposed. The institution shall also be ordered to reimburse any charges made without authorization.  
If a long-term care service institution breaches Paragraph 2, Article 36 hereof, a fine of not less than NT\$30,000 and not more than NT\$150,000 shall be imposed. The institution shall also be ordered to reimburse any charges made without authorization.

**Article 50** Any of the following events shall be subject to a fine of not less than NT\$10,000 and not more than NT\$50,000:  
1. Breach of Paragraph 1, Article 18 by any long-term care provider, providing specific long-term

care services published by the central competent authority.

2. Breach of Paragraph 2, Article 19 by any long-term care institution, lodging any person who is not long-term care personnel to provide long-term care services.

3. Breach of Article 27 by any entity that is not a long-term care institution, using the name of a long-term care institution.

**Article 51** If a long-term care institution breaches Paragraph 1, Article 25 and displays or broadcasts any form of advertisement other than those listed under Paragraph 2, Article 29, or if any advertising content is false, a fine of not less than NT\$10,000 and not more than NT\$50,000 shall be imposed. An order shall also be issued to seek a remedy. If the breach is not remedied by the deadline, cumulative penalties may be imposed.

If an entity that is not a long-term care institution breaches Paragraph 1, Article 29 and engages in any advertising for long-term care services, a fine of not less than NT\$10,000 and not more than NT\$50,000 shall be imposed.

**Article 52** In providing long-term care services, if a long-term care institution fails to sign written contracts in accordance with Article 42, or if the provisions of the contract breach the matters that must be and must not be included as required by the central competent authority in accordance with Paragraph 2 of the same Article, the institution shall be ordered to remedy the breach. If the breach is not remedied by the deadline, a fine of not less than NT\$10,000 and not more than NT\$50,000 shall be imposed. Cumulative penalties may be imposed.

**Article 53** Any long-term care service institution with any of the following events shall be subject to a fine of not less than NT\$6,000 and not more than NT\$30,000:

1. Violate Paragraph 3 of Article 19 herein for failure to make a filing regarding a change of long-term care service personnel in a long-term

care institution with the competent authority in the place where the institution is located for approval before the deadline.

2.Violate Paragraph 1 of Article 31 herein for failure to designate a qualified deputy when the representatives cannot perform his/her duties for any reason or failing to make a filing with the competent authority in the place where the institution is located for approval within 30 days from the designation.

3.Violate Article 33 herein for failure to sign a healthcare service contract with the healthcare institution that can accept timely referrals or that can provide the necessary healthcare services.

4.Violate Article 38 herein by long-term care personnel for failure to prepare and maintain records in accordance with the law concerning the long-term care services provided or for misrepresentation of their job duties.

5.Violate Paragraph 1 of Article 39 herein for avoiding, interfering with or rejecting the appraisal, assistance, supervision, evaluation, inspection by the competent authority or the competent authority's request for provision of the service-related information.

If a long-term care service institution breaches Paragraph 1 of Article 31, Article 33 or Article 38 herein, in addition to the fine imposed in accordance with the preceding paragraph, the institution shall also be ordered to remedy the breach. If the breach is not remedied by the deadline, the institution shall be suspended from operations for not less than one month but not more than one year.

If a long-term care service institution fails to pass appraisal in accordance with Paragraph 1 of Article 39 herein, the institution shall be ordered to remedy the failure. If the failure is not remedied by the deadline, a fine of not less than NT\$60,000 but not more than NT\$300,000 shall be imposed on the long-term care institutions providing institutional lodging services. For long-term care institutions providing other types of services, the fine shall be imposed in



accordance with Paragraph 1. If the failure is not remedied by the deadline, the institution may be fined per violation. In serious cases, the institution may be suspended from operations for not less than one month but not more than one year. If the failure is still not remedied upon expiry of the suspension period, its establishment permit may be revoked.

A long-term care institution that is ordered by the competent authority to make rectification by due date pursuant to the requirements defined in the preceding two paragraphs shall not increase its service recipients before the competent authority confirms upon inspection that the rectification is satisfied. Violation of the requirements may result in a fine of not less than NT\$60,000 but not more than NT\$300,000 imposed on its representative, and the institution may be fined per violation.

Article 54 If long-term care service personnel breaches Article 20, the representative of a long-term care institution breaches Article 30 or a long-term care institution breaches Paragraph 1 of Article 43, a fine of not less than NT\$6,000 but not more than NT\$30,000 shall be imposed and an order to remedy the breach shall be issued. If the breach is not remedied by the deadline and the case is considered material, the institution shall be suspended from operation for not less than one month but not more than one year. If a long-term care institution breaches Paragraph 1 of Article 19 herein by having its long-term care personnel provide long-term care services without filing with the local competent authority for approval, a fine of not less than NT\$6,000 but not more than NT\$30,000 shall be imposed.

Article 55 If a long-term care institution breaches Paragraph 1, Article 36 or Article 37, an order shall be issued to demand remedy of the breach. If the breach is not remedied by the deadline, a fine of not less than NT\$6,000 and not more than NT\$30,000 shall be imposed.

Article 56 Any long-term care personnel with any of the following events shall be subject to a fine of not less than NT\$6,000 and not more than NT\$30,000. Business suspension of not less than one month and not more than one year may also be ordered. In serious cases, the certificate may be cancelled.

1. Making false records in performing duties.
2. Allowing another person to use his/her long-term care personnel certificate.
3. Breach of Article 44.

Article 57 Any long-term care institution that hires any individual care worker that did not receive the training under Paragraph 1, Article 64 shall be subject to a fine of not less than NT\$3,000 and not more than NT\$15,000.

Article 58 Any of the following events shall be subject to a fine of not less than NT\$3,000 but not more than NT\$15,000:

1. Any long-term care personnel providing long-term care services without completing the enrollment procedure in accordance with Paragraph 1 of Article 19 herein, or other professional medical and social worker's certificates completing the enrollment procedure pursuant to laws engaging in providing long-term care services without approval from the competent authority.
2. Any long-term care personnel provides long-term care services without completing the renewal of an expired license.

Article 59 Any long-term care institution with any of the following events may have its establishment approval cancelled:

1. Clear management negligence in serious cases, resulting in injury or death of any receiver of long-term care services.
2. Serious breach of this Act by any long-term care personnel in providing long-term care services that is attributable to the institution.
3. Failure to suspend business pursuant to a suspension order.

The determination of the events under Subparagraphs 1 and 2 of the previous paragraph shall be investigated by a dispute resolution committee organized by the competent authority. The invested party shall be given the opportunity to state its opinions. The composition of the dispute resolution committee shall be determined by the central competent authority.

Article 60 The penalties provided in this Act shall be imposed by the local competent authorities.

## Chapter 7 Miscellaneous

Article 61 Any person providing the long-term care services defined in this Act in accordance with other laws before the implementation of this Act may continue to provide long-term care services for 2 years after the implementation of this Act and shall not be restricted by Paragraph 1, Article 18.

The training program for the personnel as set forth in the previous paragraph, the consolidation of the program before the implementation of this Act and the conversion of titles and determination standards for existing certificates shall be determined by the central competent authority.

Article 62 Agencies (institutions), juridical entities, associations, cooperatives, and offices engaged in long-term care services as defined in this Act pursuant to other laws and regulations before implementing this Act may continue to provide long-term care services in accordance with the original laws and regulations. Certification, continuing education, registration and penalty of the personnel physically executing the long-term care services shall apply to this Act.

Article 63 Veteran homes established in accordance with the ROC Veterans Assistance Act as long-term care institutions providing exclusively long-term care services to veterans and the placement of their family members shall be subject to the provisions of this Act concerning the standards of

establishment, qualifications of professional representatives and training, certification standards and appraisal of long-term care personnel, excluding the application of Articles 23, 25 and 35 concerning the establishment and approval procedure. However, a filing shall be made with the local competent authority for reference within 30 days from approval by the superior competent authority.

Article 14 is not applicable to the long-term care institutions as set forth in the previous paragraph.

Article 64 Individual care workers shall receive designated training published by the central competent authority.

For any foreign national that enters the Republic of China for the first time after the implementation of this Act and is hired by a family of the disabled to perform individual care work, the employer may file an application for such a care provider to receive supplemental training determined by the central competent authority.

The program, fee rate, application procedure and other compliance matters for the supplemental training as set forth in the previous paragraph shall be determined by the central competent authority.

Article 65 The enforcement rules of the Act shall be established by the central competent authority.

Article 66 This Act shall come into effect two years after promulgation.

Amendments to this Act shall be effective on the date this Act is enforced, except those made and promulgated on January 26, 2017 to be enforced as of June 3, 2017.