



Article Content

Title : Senior Citizens Welfare Act CH
Amended Date : 2020-05-27
Category : Ministry of Health and Welfare (衛生福利部)

Chapter 1 General Regulations

Article 1 The Act is formulated to assert the dignity and health, postpone and alleviate the disable condition of elders, to maintain the standard of living, to protect the rights and to facilitate the welfares of elders.

Article 2 In this Act, elders are people who are aged above 65 years old.

Article 3 The authorities concerned under the Act are the Ministry of Health and Welfare(MOHW) in Central Government, the City Government in a special municipality or the County (City) Government in a county (city).

The items stated in this Act will be handled and processed by the industry competent authorities.

The responsibilities of the authorities concerned and the industry competent authorities mentioned above sentences will be divided as follows:

1. Authorities concerned: They are to work out, to promote and to supervise the plans of protecting the rights of elders.
2. Health authority concerned: They are to work out, to promote and to supervise the plans of elderly preventive care, mental health, medical treatment, recoveries and consecutive care.
3. Education authority concerned: They are to work out, to promote and to supervise the plans of education programs to elders, training sessions to elder almoners and social education programs for the aged society.
4. Labor authority concerned: They are to work out, to promote and to supervise the plans of creating a discrimination-free working environment, dependent care program for elders given by employees of the company, and the examination of family caregivers.
5. Urban planning, construction, public affairs and residence authorities concerned: They are to work out, to promote and to supervise the plans of the management of elderly housing, facilities of elderly services, infrastructure, and the accessibilities of the buildings and the environment.
6. Housing authority concerned: they are to work out, to promote the plans of providing social housing, the assistance of selling

and renting house for the elderly living.

7. Transportation and communication authorities concerned: They are in charge of the plan, promotion and supervision of elders taking transportation and vehicle's safe operation.

8. Finance authority concerned: They are to work out, to promote and to supervise relating finance, commercial insurance and property trust plans.

9. Police authority concerned: They are to work out, to promote and to supervise the plans of police relating issues and of protecting the rights of elders.

10. Fire safety authority: they are to work out, to promote, and to supervise the plans of the management of fire safety.

11. Other measures will be ruled out and handled by the relating industry competent authorities according to their official powers.

Article 4 The following items will be undertaken by the central authority concerned:

1. To work out, formulate and promote national elderly welfare relating policies, regulations and programs.

2. To supervise and coordinate the elderly welfare relating issues the are executed by municipal governments and city/county governments.

3. To allot and subsidize the central government elderly welfare relating expenses.

4. The development, reward and evaluation of the elderly welfare relating plans.

5. The training plans of elderly welfare professionals.

6. The contact, communication and cooperation with international elderly welfare organizations.

7. The plan of elderly protection.

8. The establishment, supervision and guidance of central or national elderly welfare institutions.

9. To plan and supervise other national elderly welfare relating issues.

Article 5 The following items will be undertaken by municipal governments and city/county governments:

1. To work out, formulate, promote and execute municipality and city/county elderly welfare relating policies, self-governing regulations and programs.

2. To execute the central government elderly welfare relating policies, regulations and programs.

3. To allot and subsidize the municipal and city/county government elderly welfare relating expenses.

4. The training plans of elderly welfare professionals.

5. The execution of elderly protection plans.

6. To help establish, to supervise, inspect, evaluate and reward

the municipal and city/county government elderly welfare institutions.

7. To plan and supervise other municipal and city/county government elderly welfare relating issues.

Article 6 The sources of expenditure of elderly welfare policies of each level of government:

1. Annual elderly welfare budget listed by the government.
2. Social welfare funds.
3. Donation from persons or groups.
4. Other incomes.

Article 7 The authorities concerned shall assign personnel for the execution of this Act and the number of the personnel will be modified by amount of affairs.
Professionals must be chosen to handle elderly welfare affairs.

Article 8 The authorities concerned and the industry competent authorities are responsible for providing services and care to elders. Aborigines or fellows who are familiar with aboriginal cultures shall be chosen to provide services and care to aboriginal elders.
The fore-mentioned services and care provided to elders are to be cooperated with private institutions under allowance, commission, or other means. The measures of allowance, trustee, service items, standards and others will be set up by the authorities concerned and the industry competent authorities.

Article 9 The authorities concerned shall invite representatives of elders, professionals/experts of elderly welfare, private institutions, representatives of groups, and representatives of industry competent authorities for the integration, consultation, coordination and promotion of elderly rights and welfares. Amongst them, at least half of the total number must be the representatives of elders, professionals/experts of elderly welfare, private institutions and the representatives of groups. Furthermore, at least one-fifth of them should be the representatives of elders and at least one of them to be the representative of aboriginal elders or person who is familiar with aboriginal cultures.
The fore-mentioned private institutions and the representatives of groups shall be elected amongst those that fall within the same district and will be employed by the authorities concerned.

Article 10 The authorities concerned shall conduct inspections of elderly livelihood and publish report on a five-years basis.

Chapter 2 The Financial conditions

- Article 11 To ensure the standard of living of elders, the living subsidies, special care subsidies and the annuity will be planned and executed gradually.
The execution of the annuity mentioned in preceding sentence will be processed under the social insurance regulations.
- Article 12 The elders who fall within the category of medium-low income and do not receive governmental installment shall apply for living subsidies.
The one who receives living subsidies and is seriously disabled and must be cared by his/her family members, under the application to the municipal and city/county governments, the special care subsidies may be issued to the care provider.
The application qualification, conditions, procedures, amount and other will be regulated by the central authorities concerned, there shall be no limit on the time of setting the domiciles. The documents to be attached and the inspection rules will be set up by the municipal and city/county governments.
For non-qualified receivers of subsidy shall be returned by the receivers or their heirs within 60 days of receiving, under the writing of municipal and city/county authorities concerned.
Shall it be not returned, the whole case will be set as administrative execution.
- Article 12-1 The rights for elders applying for any cash deliverance or subsidies according to proper regulations cannot be transferred, detained, and used as an object of guarantee.
The authority concerned may request the relevant agencies, associations, juridical persons or individuals, which are obligated to provide information cooperatively, to provide necessary information.
The competent authority shall properly practice the fiduciary duty for the information gained through the above description.
The competent authority shall conduct a safety check on the operation of information; with the retention, processing and utilization of the information being subject to the Personal Information Protection Act.
- Article 13 The municipal governments and city/county governments authority concerned may help them apply for execution to the court when the elder has the needs of guardianship and assistantship. The municipal governments and city/county governments authority concerned may help them apply for abatement of the commencement of guardianship and assistantship when the reasons of guardianship and assistantship are no longer valid.
When it is necessary to change the guardians, the competent municipal and city/county authorities shall assist elders to

make relative applications.

Before assuring the commencement of guardianship and assistantship in the preceding two paragraphs is valid, the authority concerned may apply for any necessary execution to the court and provide other services related to property protection for the protection of elders and their property.

Article 14 To protect their property, the municipal and city/county governments shall encourage the elder to put them in trust. Finance authority shall encourage trust and financial enterprise to provide property trust and commercial reverse mortgage services.
Housing authority shall provide rental housing related services.

Article 15 For elders who are not capable of taking care themselves and who must receive long-term care, the subsidies shall be provided by the municipal and city/county authorities concerned, based on financial conditions of the elder and their families, as well as the level of incompetence.
The regulations of receivers, standards and other items of subsidization shall be set up by the central authority concerned.

Chapter 3 Services

Article 16 The elders care services should be processed under the principle of Holistic Care, Localized ageing, health promotion, postpone and alleviate the disable condition of elders, and diversified continuing care.
Based on the rule stated in preceding sentence and the need of the elder, the municipal and city/county authorities concerned shall provide home-base, community-base or institution-base services to elders. Furthermore, care management rules shall be set for the above services.

Article 17 To provide continuing care for incompetent elders, the municipal and city/county governments shall provide or work with private institutions to provide the following home-based service:

1. Medical service.
2. Recovery service.
3. Body care.
4. Housekeeping service.
5. Visit-care service.
6. Phone-care service.
7. Food service.
8. Emergency care service.
9. Household cleaning service.
10. Other relating home-base service.

Article 18 To have the families of the elder take care of the elder and to make sure that their financial condition meets the standard, also to advance the independence of the elder in community, the municipal and city/county governments shall provide or work with private institutions to provide the following community-based service:

1. Health care service.
2. Medical service.
3. Recovery service.
4. Auxiliary appliance.
5. Psychological consultation service.
6. Day-care service.
7. Food service.
8. Family support service.
9. Education service.
10. Legal service.
11. Transportation service.
12. Retirement preparation service.
13. Recreation service.
14. Information supply and transfer service.
15. Other relating community-based service.

Article 19 To provide multiple services to the elder stay in private institutions, the authorities concerned shall assist the institutions in providing the following institution-base services, based on the need of the elder:

1. Residence service.
2. Medical service.
3. Recovery service.
4. Livelihood service.
5. Food service.
6. Emergency care service.
7. Social life service.
8. Parent education service.
9. Day-care service.
10. Other relating institution-base service.

The fore-mentioned institution-base service shall be formed as a combination of home-base and community-based services, and shall support home-base or community-based service.

Article 20 The qualification and the norms of the providers of the services listed in preceding three articles shall be set by the central authority concerned and the industry competent authorities. Providing of some certain service items shall be conducted by professionals. The items, training to the professionals, qualification and others will be set forth by the central authority concerned.

- Article 21 Regular health checkups and health care services for elders shall be provided by municipal and city/county governments. Follow-up services will be given based on the outcomes and the wills of the elder.
The health care services, follow-up services, the items and measures of health checkups shall be set by the central authority concerned.
- Article 22 If the elder or their legal supporters are not able to pay the national health insurance fees, copayment fees, or fees that must be paid by their own (i.e. items not stated in national health insurance regulations and thus not paid by the government), the municipal and city/county authorities concerned shall give allowance on them.
The receivers, items, norms and others of subsidization shall be set forth by the central authority concerned.
- Article 23 To assist the elder to be independent and to improve the elder quality of life, the auxiliary appliance service shall be provided by the municipal and city/county governments or provided by consolidating the resources from the private sector:
1. Auxiliary appliances assessment.
 2. Provide information about auxiliary appliances, assistive daily necessities, and life necessary facilities and equipment.
 3. Help the elder get the aids for daily life.
- Fire authority shall provide advocacy and consultation of fire safety at home as prescribed in the preceding paragraph.
Rewards shall be given to those who develop aids, appliances and daily life relating device by the central authority concerned, under circumstance.
- Article 24 If the elder are dead without legal supporters, or their legal supporters are not able to support the elder, the local authority concerned or the institution where the elder stay will be responsible for a funeral. All necessary fees will be deducted from bequeath and if no bequeath, the local authority concerned will be responsible for relating fees.
- Article 25 A 50% discount shall be given to elders while taking public/private transportation (airplanes, cars/trains, or ships), entering amusement parks, and participating in art facilities, domestically.
For the above mentioned cultural education facilities which are operated by central government entities (institutions) and administrative institutions shall be free of charges during weekdays.
- Article 26 The central authority concerned shall coordinate with industry competent authorities or encourage private institutions to

provide the following elderly education measures:

1. Produce and play broadcasting and/or TV programs, edit and come out with publications for elders.
2. Research and develop learning materials for elders.
3. Offer social educational activities.
4. Offer retirement preparation education programs.

Article 27 The authorities concerned shall handle or coordinate with private institutions to handle the following items:

1. To encourage the establishment of social groups founded by elders for recreational activities.
2. Hold recreational and physical activities for elders.
3. Set up facilities for recreational activities.

Article 28 The authorities concerned shall have the industry competent authorities encourage elders for volunteer works.

Article 29 Labor authority shall actively promote employment of elders, and strive for discrimination-free for elders at working.

Article 30 The legal supporters must take good care of the elder. The authority concerned shall provide or work with private institutions to provide relating information and assistance. Policies and measures of promoting employment for elders as prescribed in the preceding paragraph shall be set by the central labor authority concerned.

Article 31 To assist the care providers of incompetent elders, the municipal and city/county governments shall provide or work with private institutions to provide the followings:

1. Temporary or short-term break care service.
2. Provide trainings and workshops to care providers.
3. Individual consultation and group support to care providers.
4. Provide information and service assistance to care providers.
5. Other services which will make the family care providers more competent and will improve their standard of living.

Article 32 The municipal and city/county authorities concerned shall assist medium-low income elders to do house repair and/or provide rental subsidization.

The rules of receivers, items, contents and others of the preceding house repair or house rental subsidization will be regulated by municipal and city/county governments. However, if it is stated in other Acts, the rules become not applicable.

Article 33 Housing authorities concerned shall promote social housing for elders to expel the barriers to rent.

To assist elders to expel the barriers to rent, the municipal and city/county concerned shall formulate a plan to reward the expenses of repairing the house for the owner and shall

encourage the owner to provide opportunities for elders to rent house.

Chapter 4 Welfare Institutions

Article 34 The authorities concerned shall establish or coordinate with private institutions to establish the following elderly welfare institutions, based on the need of the elder:

1. Long-term care institutions.
2. Caring institutions.
3. Other elderly welfare institutions.

The norms of the scale, area, facilities, staff and scope of the above-mentioned elderly welfare institutions, and other related matters shall be set forth by the central authority concerned in consultation with central industry competent authorities.

Medical or nursing service for institutions listed in item 1 of this Article must be handled under the regulations in Medical Care Act, Nurse Act and any other Medical Affair and Profession Acts.

Each of the institutions listed in item 1 shall be provided alone, or together with others, such facilities or services. Charges to facilities and/or services are applicable as the revenue and expense of the institutions. The charge relating rules shall be reported to the municipal and city/county governments for approval.

Article 35 According to item 1 from preceding Article, there must be “private” before the name of the elderly institution, if it is operated by a private organization. Furthermore, the affair of the institution must be added to the name of it.

Shall a public institution be run by a private institution, there must not be “public” or “private” before the name of the institution. However, the name of the district where the institution locates shall be added to the name of it.

Article 36 To establish elderly welfare institutions, individuals or groups must submit applications to the municipal and city/county governments for approval.

After being approved, a private elderly welfare institution must be registered as a juridical person within three months of establishment. However, small-scale institutions which meet the following requirements shall be exempted from this registration:

1. Do not take up a collection from the public;
2. Do not receive subsidies; and
3. Do not receive tax relief.

The subsidy in the proviso of subparagraph 2 in the preceding paragraph does not include items and standards designated or announced by the central authority concerned according to the national long-term care policy.

If the registration is not done within the period prescribed in item 2, an acceptable reason shall be provided by the institution to apply for an extension of three months. The original approval becomes invalid if the registration is not completed after the extension period.

The establishment relating items listed in item 1, such as approval requirement, application procedures, inspection period, review standards, issuance of permits, abatement and abolishment approvals, ceasing, suspending, closing, and resuming business, expansion and reduction, moving, finance, supervision and management, and any others shall be regulated by the central authority concerned.

The scale, area, facilities, staff allocation, scope, and other matters of establishing a small-scale institution listed in the proviso of item 2 will be set up by the central authority concerned in consultation with central industry competent authorities.

If expansion and moving referred to in item 5 involve the circumstances specified in Paragraph 3, Article 22 of the Long-Term Care Services Act, they shall be handled in accordance with Paragraph 1, Article 22 of the same act.

Article 37 The elderly welfare institutions shall not engage themselves in making profit or any inappropriate promotions.

The authority concerned shall provide consultation, supervision, inspection, evaluation and reward to the elderly welfare institutions. The institutions shall not evade, impede or refuse the inspection mentioned in the previous item, and shall provide documents, information or other assistance whenever necessary. When providing any consultation, supervision, inspection, and evaluation referred to in item 2, the personnel of the authority concerned shall present a certificate related to the performance of the duties or show a badge that is sufficient for identification.

Evaluation indicators shall be stipulated according to the size and nature of the senior citizens' social welfare organizations. The objects, items, and measures of evaluation, the objects and methods of rewards, and other related matters shall be set forth by the authorities concerned.

Article 37-1 The authority concerned shall assign personnel to inspect the institutions which provide care without a permit in accordance with item 1, Article 36. The institutions shall not evade, impede or refuse the inspection, and shall provide documents, information, or other assistance whenever necessary.

When carrying out the inspection referred to in the preceding paragraph, the personnel of the authority concerned shall

present a certificate related to the performance of the duties or show a badge that is sufficient for identification.

Article 38 A written contract shall be signed between the elderly welfare institutions and the service recipients or their family members for a mutual understanding of rights and obligations. The central authority concerned shall set forth a standard contract pattern based on the format and content of the contract mentioned in previous sentence. The things to be recorded or not recorded shall be listed in the pattern. The pattern of the standard contract shall be published by the institutions and is to be delivered to the service recipients along with the receipts of payment. Unless otherwise specified, this must be seen as a mutually agreed contract, as stated in item 1 of this Article.

Article 39 To ensure the right of the service recipients, the elderly welfare institutions must maintain public liability insurance for elders, and must have the ability to continuously operate the institutions. The insurance relating items and amount must be set forth by the central authority concerned. The standards for identifying the ability to continuously operate mentioned in preceding item will be set forth by the municipal and city/county government.

Article 40 The governments and elderly welfare institutions shall manage and make proper use of the endowments from individuals and/or groups. Cash must be put as bank deposit in a designated account for elderly welfare relating business. However, if it is designated to be special purpose by the donor, it cannot be used in other ways. The status of the receiving of donation mentioned in preceding item shall be proclaimed regularly to the public.

Article 40-1 The municipal or city/county governments may work with private organizations to supervise the service quality of the institutions that provide care for elders who do not have legal supporters or legal representatives; the institutions shall not evade, impede or refuse the inspection.

Chapter 5 Protections

Article 41 Shall the elder encounter difficulty or danger to lives, body, health, or freedom due to inadvertence, mistreatment, desertion, or other situations by their spouses, inferior lineal relatives by blood, or contractual caregivers, the municipal or city/county governments shall provide short-term protection and settlement, upon request or based on governmental rights. Shall the elder file a lawsuit against or claim compensation from the

relatives or contractual caregivers, the authorities concerned must assist them.

The protection or settlement will be dispensed by the municipal and city/county authority concerned, upon request of the elder or governmental authority.

If the expense needed for elderly protection and settlement stated in item 1 and has been paid or advanced by the municipal and city/county governments, copies of receipts, a detail calculation, and application procedures for mitigation or exemption, along with the written administrative sanctions, must be sent to the elders, their spouses or inferior lineal relatives by blood, or contractual caregivers for reimbursement within 60 days of receiving relating documents. If the return is not completed within the given time limit, the case will be transferred for administrative enforcement according to the law. Under any of the following circumstances, the municipal or city/county governments may reduce or exempt the expense needed for elderly protection and settlement in the preceding paragraph:

1. The elders or their spouses or inferior lineal relatives by blood are unable to afford the expenses due to difficulties in life; or

2. The elders or their spouses or inferior lineal relatives by blood are unable to afford the expenses for special reasons other than those mentioned in the preceding paragraph.

The municipal or city/county governments shall call on scholars, experts, or representatives of private organizations to review and determine the circumstances referred to in the preceding paragraph.

Article 42 If there is difficulty or danger to the body or life of the elder due to non-support, the municipal and city/county governments shall help them settle based upon their application, or authority.

The authority as prescribed in the preceding paragraph shall collaborate with the local village heads and village officers in contacting and monitoring the living condition of local elders when operating.

The expense needed for settlement stated in item 1 shall be paid in advance by the municipal and city/county governments. For elders who have the ability to pay according to the asset survey, copies of receipts and a detail calculation, along with the written administrative sanctions, must be sent to the elders for a reimbursement within 60 days of receiving related documents. If the return is not completed within the given time limit, the case will be transferred for administrative enforcement according to the law.

Article 43 The medical staff, social workers, village heads, village officers, police officers, judicatory officers and other personnel who executes elderly welfare business shall report to the municipal and city/county governments if any suspicion case of Article 41.1 or Article 42 is found in his/her working hours. The personal information of the reporter in preceding item shall be kept secret.

While being informed, the municipal and city/county authorities concerned shall take reaction immediately and conduct a visit to the elder. The authorities can ask for necessary assistance from the police officers, medical staff or other relating agencies and they shall be cooperative upon request.

Regulations for reporting and processing referred to in the preceding paragraph are prescribed by the central competent authorities.

Article 44 To assure that the elder are protected, the municipal and city/county governments will lead the police, health, social administrative, civil administrative and individual/group institutions to build up a protective system. A meeting will be held regularly for elderly protection issues.

Chapter 6 Penalty

Article 45 If an approval is not obtained according to Article 36.1 when establishing an elderly welfare institution, or if the juridical person registration is not completed according to the rules and deadline mentioned in Article 36.2 and 36.4, the person in charge will receive a fine of no less than NT\$60,000, but less than NT\$300,000. Furthermore, the name of the person in charge will be announced and shall be notified to make improvements within a limited time period.

During the time period stated in the preceding item, no more service recipients will be admitted. Any violation will be fined of not less than NT\$60,000 but not more than NT\$300,000.

Applicable fines are imposed per violation.

If no correction has been made to rules stated item 1, the person in charge will receive another fine of not less than NT\$100,000 but not more than NT\$500,000. Furthermore, he/she will have to help the service recipients admitted to be transferred to other organizations within 1 month. The authority concerned will assist on it whenever necessary and he/she must be cooperative. Shall a force to be exerted, the person in charge will receive a fine of no less than NT\$200,000 but less than NT\$1,000,000.

Shall the institutions evade, impede or refuse the inspection under Paragraph 1, Article 37-1 or fail to provide documents, information, or other assistance whenever necessary, they will

be fined not less than NT\$60,000 but not more than NT\$300,000.
Applicable fines are imposed per violation.

Article 46 Shall an elderly welfare institution be found violating of one of the following, the authority concerned will order it to amend within 1 month. If no amendment has been made, a fine of not less than NT\$30,000 but not more than NT\$150,000 shall be issued. Applicable fines are imposed per violation.

1. The fees collected have not been reported according to Article 34.4 to the authority concerned for approval, or the fees have been over-collected.
2. The institution does not report to the authority concerned the expansion, moving, ceasing or closing business according to Article 36.5.
3. Acts against Paragraph 1, Article 38, failing to sign a contract in written format with the service recipients or the family members, failing to include required items in the contract, or including items in the contract which are not allowed to be included.
4. Acts against Paragraph 1, Article 39 failing to maintain public liability insurance for elders or not having the financial ability to continuously operate independently.
5. Acts against Article 40.2 to receive any donations without any proclamation.

Article 47 If the authority concerned discovers one of the following, a limited time period for improvement shall be stated. In serious circumstances, a fine of not less than NT\$30,000 but not more than NT\$150,000 may be imposed. If improvements are still not made by the deadline, a fine of not less than NT\$50,000 but not more than NT\$250,000 will be issued to the person in charge and an extension period will be given for improvement:

1. The course of action does not comply with the original establishment object or the constitutions.
2. The institution violates the standard of establishment.
3. The total amount of the property is not enough for operation, or the institution fails to report the truth of its business and finance.
4. The institution does not manage expansion, moving, ceasing, closing, or resuming business, or changes in the establishment permit according to Article 36.5.

If no improvement has been made after the designated period for the second time according to the preceding paragraph, the authority concerned shall have the institution stop its business for not less than one month but not more than 1 year, and the respective names of the institution and its person in charge and the conditions that are not improved shall be announced on the website of the institution, letting the public obtain the

information. After that, any institution which has failed to improve or refused to stop its business, will have the approval of the establishment revoked and the juridical person must be disincorporated.

If the establishment permit of an elderly welfare institution is revoked in accordance with the provisions of the preceding paragraph, the authority concerned shall order the institution to return the establishment permit within a time limit. If the establishment permit is not returned by the given time limit, it shall be cancelled.

Article 48 A fine of not less than NT\$60,000 but not more than NT\$300,000 shall be issued by the authority concerned to the elderly welfare institution, along with the announcement of the respective names of the institution and the persons in charge, and an improvement period will also be given for one of the following:

1. Mistreat or impair the physical/mental health of the service recipients, or fail to report to the municipal and city/county governments for mistreatment cases.
2. Unsafe facilities and/or unsanitary meals have been provided to the service recipients and have been found and proved by the authorities.
3. Institutions that have been evaluated as Grade C or D, or have been caught for serious issues which will influence the physical/mental health conditions of the service recipients.
4. Acts against Article 37.3 to evade, impede or refuse an inspection conducted by the authority concerned or to not provide documents, information, or assistance whenever necessary.

If the physical/mental health of the service recipients is mistreated or impaired as referred to in Subparagraph 1 of the preceding paragraph, or unsafe facilities and/or unsanitary meals have been provided to the service recipients as referred to in Subparagraph 2 of the preceding paragraph, or other material incidents occurred, causing the death of a service recipient, a cumulative fine of not less than NT\$200,000 but not more than NT\$1 million will be imposed. If necessary, suspension of business for more than one month and not more than one year may be ordered.

If no improvement has been made after the designated period for the second time according to Paragraph 1, the authority concerned shall have the institution stop its business for not less than one month but not more than 1 year, and the respective names of the institution and its person in charge and the conditions that are not improved shall be announced on the website of the institution, allowing the public to obtain the information.

For the institution which has failed to improve or refused to stop its business within the time limit prescribed in the preceding two paragraphs or has been evaluated as Grade D in the re-evaluation, the approval of establishment shall be revoked and the juridical person must be disincorporated.

If the establishment permit of an elderly welfare institution is revoked in accordance with the provisions of the preceding paragraph, the authority concerned shall order the institution to return the establishment permit within a time limit. If the establishment permit is not returned by the given time limit, it shall be cancelled.

If the elderly welfare institutions are not approved for establishment in accordance with Paragraph 1, Article 36, the physical/mental health of the service recipients is mistreated or impaired as referred to in Subparagraph 1, Paragraph 1, unsafe facilities and/or unsanitary meals have been provided to the service recipients as referred to in Subparagraph 2, Paragraph 1, or other material incidents took place causing the death of a service recipient, a fine of not less than NT\$200,000 but not more than NT\$1 million will be imposed on the persons in charge of the institutions, along with the announcement of the respective names of the institutions and their persons in charge. A one-month period will also be given for the resettlement of the service recipients. If the institutions are unable to handle the resettlement of the service recipients, the authority concerned shall provide assistance, and the persons in charge of the institutions shall cooperate. Failure to cooperate will lead to enforcement and a fine of not less than NT\$200,000 but not more than NT\$1 million.

Article 49 In one of the following circumstances, the authority concerned shall impose a fine of not less than NT\$60,000 but not more than NT\$300,000 on the elderly welfare institutions and order them to improve within a given time limit. If no improvement is made within the given time limit, applicable fines are imposed per violation.

1. Within the improvement period stated in the preceding three articles, the elderly welfare institutions admit service recipients before improvements are confirmed by the authority concerned.

2. The elderly welfare institutions increase the number of the service recipients during suspension.

Article 50 As a private elderly welfare institution being stopped, ceasing or closing its business, or is disincorporated, abated or abolished, the service recipients must be resettled properly. The authority concerned shall intervene whenever necessary and the institutions must be cooperative. If a force must be exerted

to the case, a fine of not less than NT\$60,000 but not more than NT\$300,000 will be imposed. The authority concerned will take over the business if needed.

The taking over procedures, deadline, the operation of the institution being taken over, limitations to the property management, and other related matters will all be set forth by the central authority concerned.

Shall the reasons to have caused the stop of the business of the institution set forth in Paragraph 1 be rectified, the institution shall apply for re-operation or closing business. If the institution fails to apply for re-operation in accordance with the regulations or its application for closing business or re-operation is rejected, the authority concerned shall revoke the approval of the establishment. The juridical person may be disincorporated.

If the establishment permit of an elderly welfare institution is revoked in accordance with the provisions of the preceding paragraph, the authority concerned shall order the institution to return the establishment permit within a time limit. If the establishment permit is not returned by the given time limit, it shall be cancelled.

Article 51 Legal supporters or contractual caregivers of the service recipients will receive a fine of not less than NT\$30,000 but not more than NT\$150,000, if they violate one of the following. The names of the supporters will be made public and if he/she violates criminal laws, he/she shall be turned to the judicatory authority:

1. Desertion.
2. Freedom impeding.
3. Injury.
4. Physical and mental mistreatment.
5. Leave incompetent elders alone in dangerous places or places where the elders might get hurt.
6. Desert the elders in the institutions and without a proper reason; refuse to take care of the case after a period of being informed by the institution.

Article 52 The supporters or the care providers of the elders who seriously violate Article 51 shall receive a family education and consultation program of no less than 4 hours but less than 20 hours, offered by the authority concerned.

With a proper reason, the supporters or care provider shall obtain an approval of postponing the date of the program from the authority concerned.

The supporters or care providers receiving the family education and consultation program as set forth in the previous paragraph may apply for postponing the date of program with a proper

reason.

The ones who refuse to take the family education and consultation program, or do not complete the whole program, a fine of no less than NT\$1,200 but less than NT\$6,000 will be issued. Ones who refuse to take the program after being informed will receive continuous fines, until they attend the program. The ones who refuse to take the family education and consultation program, or refuse to complete the whole program, a fine of no less than NT\$1,200 but less than NT\$6,000 will be issued. Ones who refuse to take the program after being informed will receive continuous fines, until they attend the program.

Chapter 7 Bylaws

- Article 53 For elderly welfare institutions that have founded and registered before the amendment and announcement date of this Act, shall their establishment requirements do not match this Act or its authorized Acts, improvement must be done before the designated period ends. Penalty will be enforced for non-improvement.
- The authorities concerned shall provide guidance to elderly care institutions that are transferring to elderly long-term care institutions or community-based service providers.
- Article 54 The central authorities concerned shall set forth the implementation regulations for this Act.
- Article 55 The act shall come into force on and from the date of announcement.
- The act amended on June 12, 2009 will take effect on November 23, 2009