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# The Mediation System for Medical Disputes Under the Medical Accident Prevention and Dispute Resolution Act

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## Abstract

This article introduces the background, content, and key aspects of the Medical Accident Prevention and Dispute Resolution Act (the Act), comparing alternative dispute resolution (ADR), such as settlement and mediation, for medical disputes before and after the implementation of the Act. The Act adopts a “dual-method” approach of “internal institutional care” and “external institutional mediation,” emphasizing mediation over litigations and fostering settlement between healthcare providers and patients.

The implementation of the Act will bring significant changes to the handling of medical disputes, necessitating clinical healthcare personnel to possess professional mediation-related competencies, including legal expertise, care and mediation abilities, and appropriate attitude and communication skills. These competencies can be developed through medical education.

**Keywords:** Medical Accident Prevention and Dispute Resolution Act, medical dispute mediation, patient-physician communication, sorry law, holistic care

# 淺談醫預法下的醫療爭議調解制度

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## 摘要

本文首先介紹醫療事故預防及爭議處理法（醫預法）的背景、內容和重點，並比較了醫預法實施前後的醫療爭議訴訟外解決制度--和解與調解。醫預法採取「機構內關懷」與「機構外調解」的雙軌模式，並強調「調解先行」的原則，以調解取代訴訟的內涵，以促進醫病雙方的和解。由於醫預法的實施將對醫療爭議的處理帶來重大的改變，臨床醫事人員面對調解時應具備的專業素養，包括法律專業的支持、關懷調解的支持、適當的態度和溝通技巧等，這部分需要透過醫學教育的深耕始能達成。

**關鍵詞：**醫療事故預防及爭議處理法、醫療爭議調解、醫病溝通、遺憾原則、全人照護