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# When Medical Accidents Occur: Obligations of Explanation, Communication, and Care for Medical Institutions Under the Medical Accident Prevention and Dispute Resolution Act

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## Abstract

One of the legislative focuses of Taiwan's Medical Accident Prevention and Dispute Resolution Act (hereinafter referred to as "the Act") is establishing immediate in-hospital communication and care mechanisms when medical accidents occur. This article initially explored the origin and legalization of the concept of "medical accident care" to elucidate the reasons the Act emphasizes immediate care for resolving medical disputes. Furthermore, it delves into the significant obligations and practical methods imposed on medical institutions in the chapter "Description, Communication, and Care" of the Act, which includes organizing medical accident response groups; providing explanation, communication, assistance, and care services; providing copies of medical records timely; and offering care and assistance to employees. The smooth operation of these care mechanisms contributes to building mutual trust, mitigating the tension between patients and healthcare providers, and preventing the escalation of medical accidents into medical disputes.

**Keywords:** medical accident, medical accident care, medical accident response group, open disclosure, and employee assistance programs


# 醫療事故預防及爭議處理法中的醫療事故關懷

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## 摘要

建立醫療事故發生時的院內即時溝通及關懷機制，是我國《醫療事故預防及爭議處理法》（以下簡稱：醫預法）的立法重點之一。本文從「事故關懷」概念的緣由和法制化過程出發，說明醫預法強調即時關懷作為醫療爭議解決方式的理由，再進一步探討醫預法在「說明、溝通與關懷」章節中，賦予醫療機構之重要義務以及實務作法，包括：組成關懷小組；提供說明、溝通、協助及關懷服務；時限內提供病歷複製本；以及對員工提供關懷與協助等。關懷機制的順暢運行，有助建立互信，緩和醫病緊張關係，避免演變成醫療爭議。

**關鍵詞：**醫療事故、事故關懷、關懷小組、開放性溝通、員工關懷