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Title : Regulations Governing Doctor Appointments for Inmates' Self-Paid Treatments in Prisons and Detention Centers **CH**

Announced Date : 2020.07.15

Legislative : 1.Promulgated on July 15, 2020

Article 1 These Regulations are established in accordance with Paragraph 2, Article 61 of the Prison Act and Paragraph 4, Article 55 of the Detention Act.

Article 2 The terms used in these Regulations are defined as follows:

1. Authority: Referring to prison or detention center under the Agency of Corrections of Ministry of Justice, including any branch or female unit set up by the prison, and any branch or female unit set up by the detention center.
2. Inmate: Referring to a prisoner or a detained defendant.
3. Family members: Referring to persons who cohabit with an inmate for the purpose of living together on a permanent basis in accordance with Articles 1122 and 1123 of the Civil Code.
4. Nearest relatives: Referring to the inmate' s spouse, lineal family, non-lineal family within 3 degrees of kinship, or marital family within 2 degrees of kinship.

Article 3 Inmates who request self-paid medical treatments in the authorities shall provide request reasons and the name of the appointed doctors in written form attached to the diagnosis certificate or doctor' s instructions in order to file a request. If the authorities approve such requests, the inmate may appoint, or request that the nearest relatives and family members to appoint the doctors at his/her own expenses and receive the treatments.
Detention center shall submit relevant documents to the court that ordered detention warrants or the prosecutors, if the inmate has been held incommunicado by the court.

Article 4 The appointed doctors shall present to the authorities, the practicing certificates and the proofs of being admitted to practices outside practicing places. The authorities may confirm the above information with doctors' practicing places.
When doctors offer medical services in the authorities, the doctors shall create and preserve medical records in accordance with the Physicians Act and Medical Care Act and submit inmates' medical records to the authorities for reference. Doctors shall issue relevant medical certificates based on their diagnosis expertise and no inmates' suggested words or prescription shall be put on the records.

Article 5 Authorities shall offer existing medical equipment for the appointed doctors. When necessary, authorities may allow the doctors to bring their own medical equipment without disrupting authorities' security and discipline.
For certain medical equipment and medicines needed in the treatment, the doctors shall provide them in accordance with relevant medical care laws and regulations, and the authorities shall allow the doctors to bring the items in.
If the appointed doctors regard that a medical referral to medical institutions is necessary, the doctors shall issue referral certificate and the authorities shall designate the time and places based on the assessments of inmates' needs to receive medical treatment, and safety management.

- Article 6 Authorities shall arrange the time and places for inmates who seek for self-paid treatments, based on the assessments of inmates' needs to receive medical treatment, and safety management.
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- Article 7 The expense receipts shall be issued by medical institutions where the appointed doctors practicing the medical business, and in principle, such receipts shall be handed to the inmates' nearest relatives or family members for fee settlement. If the inmates' nearest relatives or family members are unable to pay the fees or when necessary, the authorities may deduct the money from inmates' money under safekeeping or labor wage and pay the fee.
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- Article 8 The appointed doctors shall comply with relevant medical care laws and regulations and Regulations for National Health Insurance Service in Correctional Institutions shall apply mutatis mutandis. The authorities may request that the appointed doctors to stop the services if the doctors have violated relevant regulations or disrupt prisons' security or discipline.
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- Article 9 These Regulations may apply mutatis mutandis to the requests of self-paid treatment in authorities by people under observation or rehabilitation, people under drug rehabilitation treatment, people subjected to compulsory labor, people subjected to reformatory education, juvenile inmates and people under custody.
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- Article 10 These Regulations shall take effect as of July 15, 2020.
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