

Title : Regulations for Application and Review Committee Deliberation
Process of Drug Injury Relief
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Category : Ministry of Health and Welfare

Article 1

These Regulations are stipulated pursuant to Paragraph 2 of Article 4, Paragraph 2 of Article 12, and Paragraph 1 of Article 15 of the Drug Injury Relief Act (hereinafter referred to as the “Act”).

Article 2

The eligible applicants of drug injury relief are stipulated under Paragraph 1 of Article 12 of the Act.

Article 3

When applying for drug injury relief, an application form and the following documents and information shall be submitted to the competent authority or other authorities (institutions), juridical persons or organizations commissioned thereby (collectively, the “Commissioned Institutions”):

1. The victim’s medical history record and other information indicating the health status before the occurrence of drug injury.
2. The victim’s process and record of hospitalization and other information indicating the health status after the occurrence of drug injury.
3. The certificate of diagnosis issued by a medical institution to the victim after the occurrence of drug injury.
4. Proof of relationship between the applicant and the victim.
5. A copy of the receipt indicating the necessary medical expenses issued by a medical institution for the victim’s application for severe illness payment due to drug injury.
6. A copy of the disability identification for the victim’s application for disability payment due to drug injury.
7. A copy of the death certificate for the victim’s application for death payment due to drug injury.
8. Other necessary documents and information identified by the competent authority.

Article 4

When the documents and information submitted by an applicant do not comply with legal formality or are incomplete, the competent authority or the Commissioned Institutions shall

notify the applicant of making corrections or supplementation within a deadline. If the applicant does not make corrections or supplementation upon the expiry of the deadline, the application shall be rejected.

As for the correction and supplementation in the preceding Paragraph, the applicant who has a legitimate reason may apply for an extension before the expiry of the deadline.

Article 5

After receiving an application, the competent authority or the Commissioned Institutions may collect information in accordance with Article 10 of the Act and prepare and submit a report, together with the documents and information under Article 3, to the Drug Injury Relief Review Committee of the Ministry of Health and Welfare (hereinafter referred to as the "Committee") for review.

Article 6

The Committee has the following tasks:

1. Determination of the scope of the injury suffered.
2. Determination of the payment amount for drug injury relief.
3. Deliberation of other matters related to drug injury relief.

Article 7

The Committee has eleven to seventeen members, who shall be appointed by the competent authority from professionals specialized in medicine, pharmacy and law and from disinterested persons in the society. One of the members is the convener, who shall be designated by the competent authority.

The total number of professionals specialized in the field of law and the disinterested persons in the society in the preceding Paragraph shall not be less than one-third of the total number of members. The number of members of any gender shall not be less than one-third of the total members.

The Committee members' term of office is two years. They are eligible for reappointment upon the expiry of the term of office. In case of a vacancy during the term of office, a succeeding member may be appointed to fill the vacancy. The succeeding member's term of office is limited to filling up the original term of office of the succeeded member.

Article 8

The convener shall convene the Committee meetings and shall chair such meetings. If the convener cannot attend, the members shall elect one among them as the chairperson. A resolution at a Committee meeting shall be adopted by a majority vote of the members present at such meeting, which is attended by more than one-half of all members.

The Committee members shall attend the Committee meetings in person. No proxy is allowed.

Article 9

The Committee shall make a determination in accordance with Article 16 of the Act within three months of the receipt date after receiving an application. If necessary, such period may be extended, but the extended period may not be more than one month.

After the Committee receives an application from the competent authority or the Commissioned Institutions, if the documents and information submitted by the applicant are incomplete and a notice is issued to the applicant for making correction or supplementation within a deadline, the period of correction or supplementation is not included in the period of determination in the preceding Paragraph.

The determination results under Paragraph 1 shall be specified with reasons.

Article 10

When the Committee reviews an application for drug injury relief, it may designate its member(s) to have a preliminary review of the same. If necessary, relevant authorities (institutions), professional organizations, experts or scholars may be invited to render written opinions or attend for consultation.

Article 11

When the Committee reviews an application for drug injury relief, it shall base on the documents, information and report under Articles 3 and 5, together with the review, written or consulting opinions in the preceding Paragraph. If necessary, it may designate medical institutions or relevant physicians to reexamine the victim and may appoint a specific person to interview the victim, the applicant or other stakeholders or collect relevant evidence.

Article 12

The competent authority may authorize the Commissioned Institutions to request relevant documents and information from tax authorities, medical institutions or other relevant authorities (institutions) in accordance with Article 10 of the Act. The requested authorities or institutions may not circumvent, impede or refuse such requests.

Article 13

In case an application under Article 3 is determined that the cause of death is related to drug injury, a death payment shall be provided with the following amount:

1. Where the occurrence of drug injury took place on or before September 2, 2021, the maximum payment amount is NT\$2,000,000.

2. Where the occurrence of drug injury took place on or after September 3, 2021, the maximum payment amount is NT\$3,000,000.

In case it cannot be confirmed or excluded that the cause of death resulted from drug injury after determination, payment may be made with discretion within the scope of the amount in the preceding Paragraph, depending on the specific situations of each case.

Article 14

In case an application under Article 3 is determined that the cause of disability is related to drug injury, a disability payment shall be provided with the following amount:

1. Where the occurrence of drug injury took place on or before September 2, 2021:

(1) Profound disabilities: NT\$2,000,000 to the maximum.

(2) Severe disabilities: NT\$1,500,000 to the maximum.

(3) Moderate disabilities: NT\$1,300,000 to the maximum.

(4) Mild disabilities: NT\$1,150,000 to the maximum.

2. Where the occurrence of drug injury took place on or after September 3, 2021:

(1) Profound disabilities: NT\$3,000,000 to the maximum.

(2) Severe disabilities: NT\$2,250,000 to the maximum.

(3) Moderate disabilities: NT\$1,950,000 to the maximum.

(4) Mild disabilities: NT\$1,750,000 to the maximum.

In case it cannot be confirmed or excluded that the cause of disability resulted from drug injury after determination, a payment may be made with discretion within the scope of the amount in the preceding Paragraph, depending on the specific situations of each case.

The assessment of the disability level under Paragraph 1 shall be handled in accordance with the Regulations for the Assessment of People with Disability.

Article 15

In case an application under Article 3 is determined that the cause of severe illness is related to drug injury, payment of necessary medical expenses paid during the period or the extended period of hospitalization at a medical institution with official receipts shall be made to the victim. When the patient's condition requires admission to the intensive care unit or the burn unit intensive care ward, the payment may be increased with discretion.

In case it cannot be confirmed or excluded that the cause of severe illness resulted from drug injury after determination, payment may be made with discretion in accordance with the preceding Paragraph depending on the specific situations of each case.

The payment for the severe illness in the preceding two Paragraphs shall be NT\$600,000 to the maximum. If the amount of necessary medical expenses is less than NT\$10,000, such payment shall be NT\$10,000.

Article 16

Where the situation concurrently meets different kinds of payment for drug injury relief, the payment with a higher amount shall be made. If the payment of a lower amount has been made, the difference shall be made up.

Article 17

The review results of the Committee shall be notified to the applicant after approval by the competent authority.

Article 18

The Committee members' recusal shall be handled in accordance with the Administrative Procedure Act.

The preceding Paragraph shall apply mutatis mutandis to the experts and scholars under Article 10 and the physicians under Article 11.

Article 19

The Committee members and relevant personnel shall keep confidential all documents and information of the victim and the applicant, meeting minutes, consulting opinions, members' opinions and meeting conclusions and shall not disclose the same without any reason.

Article 20

These Regulations shall be effective as of the date of promulgation.