CHAPTER 54

Medical Service Contracts

Article 1348. *Definition of medical service contracts*

1. A medical service contract refers to a contract whereby the medical institution is authorized or duty-bound to perform medical treatment, epidemic prevention, health care or medical inspection for patients.
2. A medical institution shall be an institution of performing medical treatment, epidemic prevention, healthcare or of independent practice doctors with medical licenses.

Article 1349. *Establishment of medical service contracts*

1. After a patient is registered at the medical institution, a medical service contract shall be established.
2. If a patient is unable to express his intention, a medical service contract shall be established when a medical institution accepts the patient.

Article 1350. *Limitation to the medical institution's refusal to accept the offer*

1. Except for proper reasons of medical treatment or medical condition, a medical institution shall not refuse the offer from a patient.
2. If a medical institution refuses the offer from a patient based on proper reasons, it shall provide information regarding other medical institutions for patient to choose.
3. A medical institution shall perform emergency treatment on seriously ill or injured patients.

Article 1351. *Obligation of reasonable arrangements*

1. A medical institution shall adopt medical measures that are equivalent to its medical treatment ability and medical treatment facilities, and perform reasonable treatment that conforms to medical standards on the patient.

2. If the patient does not improve after medical treatment by the medical institution, the medical institution shall not be liable if it can prove that it has performed reasonable treatment that conforms to medical standards.
3. If the condition of the patient deteriorates after medical treatment by the medical institution, the medical institution shall not be liable if it can prove that it has exercised reasonable care and the deterioration is within the range of the reasonable risk.

Article 1352. *High degree of duty of care and duty of loyalty*

A medical institution shall exercise a high degree of duty of care and the duty of loyalty to maintain the rights and interests of a patient. If a medical institution violates the enhanced duty of care and the duty of loyalty, the medical institution shall be considered to be at fault.

Article 1353. *Medical expense*

For non-gratuitous medical contracts, a medical institution shall collect the medical fees in accordance with the standards specified by the State. The measure of collecting medical expenses shall be in accord with the agreement between the parties or with custom.

Article 1354. *Deposit of medical treatment*

1. With respect to a patient who may use more expensive medical treatment, the medical institution may require that the patient pay a deposit in advance. When the medical treatment contract terminates, the medical institution may counterbalance the medical expenses with the deposit. If there is a remaining balance, the medical institution shall return the balance to the patient.
2. With respect to a patient in need of emergency treatment, the medical institution shall not refuse to perform medical treatment due to the lack of a deposit.

Article 1355. *Prohibition of detaining a patient*

A medical institution may claim against the patient who owes medical expenses, but the medical institution may not detain the patient.

Article 1356. *Patient's information right*

1. A patient and his custodian may request that the medical institution accurately advise as to the patient's condition. But based on the