



Article Content

Title Senior Citizens Welfare Act **Ch**
Amended Date 2009.07.08

Chapter 1 General Regulations

Article 1 The Act is formulated to assert the dignity and health, to maintain the standard of living, to protect the rights and to facilitate the welfares of elders.

Article 2 In this Act, elders are people who are aged above 65 years old.

Article 3 The authorities concerned under the Act are the Ministry of Interior (MOI) in Central Government, the City Government in a special municipality or the County (City) Government in a county (city).

The items stated in this Act will be handled and processed by the industry competent authorities.

The responsibilities of the authorities concerned and the industry competent authorities mentioned above sentences will be divided as follows:

1. Authorities concerned: They are to work out, to promote and to supervise the plans of protecting the rights of elders.

2. Health authority concerned: They are to work out, to promote and to supervise the plans of elderly preventive care, mental health, medical treatment, recoveries and consecutive care.

3. Education authority concerned: They are to work out, to promote and to supervise the plans of education programs to elders, training sessions to elder almoners and social education programs for the aged society.

4. Labor authority concerned: They are to work out, to promote and to supervise the plans of creating a discrimination-free working environment, dependent care program for elders given by employees of the company, and the examination of family caregivers.

5. Construction, public affairs and residence authorities concerned: They are to work out, to promote and to supervise the plans of the management of elderly housing, infrastructure,

and the accessibilities of the buildings and the environment.

6. Transportation and communication authorities concerned: They are in charge of the plan, promotion and supervision of elders taking transportation.

7. Insurance and trust authority concerned: They are to work out, to promote and to supervise relating insurance and trust plans.

8. Police authority concerned : They are to work out, to promote and to supervise the plans of police relating issues and of protecting the rights of elders.

9. Other measures will be ruled out and handled by the relating industry competent authorities according to their official powers.

Article 4 The following items will be undertaken by the central authority concerned:

1. To work out, formulate and promote national elderly welfare relating policies, regulations and programs.

2. To supervise and coordinate the elderly welfare relating issues the are executed by municipal governments and city/county governments.

3. To allot and subsidize the central government elderly welfare relating expenses.

4. The development, reward and evaluation of the elderly welfare relating plans.

5. The training plans of elderly welfare professionals.

6. The contact, communication and cooperation with international elderly welfare organizations.

7. The plan of elderly protection.

8. The plan of elderly residence.

9. The establishment, supervision and guidance of central or national elderly welfare institutions.

10. To plan and supervise other national elderly welfare relating issues.

Article 5 The following items will be undertaken by municipal governments and city/county governments:

1. To work out, formulate, promote and execute municipality and city/county elderly welfare relating policies, self-governing regulations and programs.

2. To execute the central government elderly welfare relating

policies, regulations and programs.

3. To allot and subsidize the municipal and city/county government elderly welfare relating expenses.
4. The training plans of elderly welfare professionals.
5. The execution of elderly protection plans.
6. The establishment, supervision and consultation of elderly residence.
7. To help establish, to supervise, inspect, evaluate and reward the municipal and city/county government elderly welfare institutions.
8. To plan and supervise other municipal and city/county government elderly welfare relating issues.

Article 6 The sources of expenditure of elderly welfare policies of each level of government:

1. Annual elderly welfare budget listed by the government.
2. Social welfare funds.
3. Donation from persons or groups.
4. Other incomes.

Article 7 The authorities concerned shall assign personnel for the execution of this Act and the number of the personnel will be modified by amount of affairs.
Professionals must be chosen to handle elderly welfare affairs.

Article 8 The authorities concerned and the industry competent authorities are responsible for providing services and care to elders. Aborigines or fellows who are familiar with aboriginal cultures shall be chosen to provide services and care to aboriginal elders.
The fore-mentioned services and care provided to elders are to be cooperated with private institutions under allowance, commission, or other means. The measures of allowance, trustee, service items, standards and others will be set up by the authorities concerned and the industry competent authorities.

Article 9 The authorities concerned shall invite representatives of elders, professionals/experts of elderly welfare, private institutions, representatives of groups, and representatives of industry competent authorities for the integration, consultation, coordination and promotion of elderly rights and welfares. Amongst them, at least half of the total number must be the representatives of elders, professionals/experts of elderly

welfare, private institutions and the representatives of groups. Furthermore, at least one-fifth of them should be the representatives of elders and at least one of them to be the representative of aboriginal elders or person who is familiar with aboriginal cultures.

The fore-mentioned private institutions and the representatives of groups shall be elected amongst those that fall within the same district and will be employed by the authorities concerned.

Article 10 The authorities concerned shall conduct inspections of elderly livelihood and publish report on a five-years basis.

Chapter 2 The Financial conditions

Article 11 To ensure the standard of living of elders, the living subsidies, special care subsidies and the annuity will be planned and executed gradually.

The execution of the annuity mentioned in preceding sentence will be processed under the social insurance regulations.

Article 12 The elders who fall within the category of medium-low income and do not receive governmental installment shall apply for living subsidies.

The one who receives living subsidies and is seriously disabled and must be cared by his/her family members, under the application to the municipal and city/county governments, the special care subsidies may be issued to the care provider.

The application qualification, conditions, procedures, amount and other will be regulated by the central authorities concerned.

The documents to be attached and the inspection rules will be set up by the municipal and city/county governments.

The right to receive living subsidies and special care subsidies should not be detainable, alienable and bankable.

For non-qualified receivers of subsidy shall be returned by the receivers or their heirs within 60 days of receiving, under the writing of municipal and city/county authorities concerned.

Shall it be not returned, the whole case will be set as administrative execution.

Article 13 With respect to elders who is not able to make declaration of intention, receive declaration of intention, or who lacks the

ability to discern the outcome of the declaration of intention due to mental disability, the court may order the commencement of guardianship or assistantship at the request of the authority concerned.

The authority concerned mentioned in preceding sentence shall apply for an abatement of guardianship or assistantship to the original court of judging. It can only be applied if the reasons of guardianship or assistantship are no longer valid.

Before the guardianship or assistantship becomes valid, the authority concerned shall apply for any necessary execution to the court, for the protection of the elders and their property.

Article 14 To protect their property, the municipal and city/county governments shall encourage the elders to put them in trust. While an elder without a legal supporter to be announced as guardianship or assistantship by the court, all of his/her properties must be handed to a trust company that has been recognized by the central industry competent authorities for management and disposal.

Article 15 For elders who are not capable of taking care themselves and who must receive long-term care, the subsidies shall be provided by the municipal and city/county authorities concerned, based on financial conditions of the elders and their families, as well as the level of incompetence. The regulations of receivers, standards and other items of subsidization shall be set up by the central authority concerned.

Chapter 3 Services

Article 16 The elders care services should be processed under the principle of Whole Personal Care, Local elders, and diversified continuing care.

Based on the rule stated in preceding sentence and the need of the elders, the municipal and city/county authorities concerned shall provide home-base, community-base or institution-base services to elders. Furthermore, care management rules shall be set for the above services.

Article 17 To provide continuing care for incompetent elders, the municipal and city/county governments shall provide or work with private institutions to provide the following home-base services:

1. Medical service.
2. Recovery service.
3. Body care.
4. Housekeeping service.
5. Visit-care service.
6. Phone-care service.
7. Food service.
8. Emergency care service.
9. Household cleaning service.
10. Other relating home-base services.

Article 18 To have the families of the elders take care of the elders and to make sure that their financial condition meets the standard, also to advance the independence of the elders in community, the municipal and city/county governments shall provide or work with private institutions to provide the following community-base services:

1. Health care service.
2. Medical service.
3. Recovery service.
4. Aids service.
5. Psychological consultation service.
6. Day-care service.
7. Food service.
8. Family support service.
9. Education service.
10. Legal service.
11. Transportation service.
12. Retirement preparation service.
13. Recreation service.
14. Information supply and transfer service.
15. Other relating community-base service.

Article 19 To provide multiple services to the elders stay in private institutions, the authorities concerned shall assist the institutions in providing the following institution-base services, based on the need of the elders:

1. Residence service.
2. Medical service.
3. Recovery service.
4. Livelihood service.

5. Food service.
6. Emergency care service.
7. Social life service.
8. Parent education service.
9. Day-care service.
10. Other relating institution-base service.

The fore-mentioned institution-base service shall be formed as a combination of home-base and community-base services, and shall support home-base or community-base service.

Article 20 The qualification and the norms of the providers of the services listed in preceding three articles shall be set by the central authority concerned and the industry competent authorities. Providing of some certain service items shall be conducted by professionals. The items, training to the professionals, qualification and others will be set forth by the central authority concerned.

Article 21 Regular health checkups and health care services for elders shall be provided by municipal and city/county governments. Follow-up services will be given based on the outcomes and the wills of the elders. The health care services, follow-up services, the items and measures of health checkups shall be set by the central authority concerned and the central health authority concerned.

Article 22 If the elders or their legal supporters are not able to pay the national health insurance fees, copayment fees, or fees that must be paid by their own (i.e. items not stated in national health insurance regulations and thus not paid by the government), the municipal and city/county authorities concerned shall give allowance on them. The receivers, items, norms and others of subsidization shall be set forth by the central authority concerned.

Article 23 To assist the elders to be independent, the municipal and city/county governments shall provide the followings:

1. Professional evaluation and consultation.
2. Provide information about aids.
3. Help the elders get the aids for daily life.

Rewards shall be given to those who develop aids, appliances and daily life relating device by the central authority concerned, under circumstance.

Article 24 If the elders are dead without legal supporters, or their legal supporters are not able to support the elders, the local authority concerned or the institution where the elders stay will be responsible for a funeral. All necessary fees will be deducted from bequeath and if no bequeath, the local authority concerned will be responsible for relating fees.

Article 25 A 50% discount shall be given to elders while taking public/private transportation (airplanes, cars/trains, or ships), entering amusement parks, and participating in art facilities, domestically.

Article 26 The central authority concerned shall coordinate with industry competent authorities or encourage private institutions to provide the following elderly education measures:

1. Produce and play broadcasting and/or TV programs, edit and come out with publications for elders.
2. Research and develop learning materials for elders.
3. Offer social educational activities.
4. Offer retirement preparation education programs.

Article 27 The authorities concerned shall handle or coordinate with private institutions to handle the following items:

1. To encourage the establishment of social groups founded by elders for recreational activities.
2. Hold recreational and physical activities for elders.
3. Set up facilities for recreational activities.

Article 28 The authorities concerned shall have the industry competent authorities encourage elders for volunteer works.

Article 29 The employers shall have no discrimination towards elderly employees.

Article 30 The legal supporters must take good care of the elders. The authority concerned shall provide or work with private institutions to provide relating information and assistance.

Article 31 To assist the care providers of incompetent elders, the municipal and city/county governments shall provide or work with private institutions to provide the followings:

1. Temporary or short-term break care service.
2. Provide trainings and workshops to care providers.
3. Individual consultation and group support to care providers.
4. Provide information and service assistance to care providers.

5. Other services which will make the family care providers more competent and will improve their standard of living.

Article 32 The municipal and city/county authorities concerned shall assist medium-low income elders to do house repair and/or provide rental subsidization.

The rules of receivers, items, contents and others of the preceding house repair or house rental subsidization will be regulated by municipal and city/county governments. However, if it is stated in other Acts, the rules become not applicable.

Article 33 The municipal and city/county authorities concerned shall promote the accommodations that are suitable to elders. The accommodations stated in preceding sentence must be built as small-scale, must be community-blend and must be multi-functional. They shall also follow the residential or other relating Acts and regulations.

Chapter 4 Welfare Institutions

Article 34 The authorities concerned shall establish or coordinate with private institutions to establish the following elderly welfare institutions, based on the need of the elders:

1. Long-term care institutions.
2. Caring institutions.
3. Other elderly welfare institutions.

The norms of the scale, area, facilities, staff and scope of the above-mentioned elderly welfare institutions shall be set forth by the central authority concerned and central industry competent authorities.

Medical or nursing service for institutions listed in item 1 of this Article must be handled under the regulations in Medical Care Act, Nurse Act or any other Medical Affair and Profession Acts.

Each of the institutions listed in item 1 shall be provided alone, or together with others, such facilities or services. Charges to facilities and/or services are applicable as the revenue and expense of the institutions. The charge relating rules shall be reported to the municipal and city/county governments for approval.

Article 35 According to item 1 from preceding Article, there must be “private” before the name of the elderly institution, if it is

operated by a private organization. Furthermore, the affair of the institution must be added to the name of it.

Shall a public institution be run by a private institution, there must not be “public” or “private” before the name of the institution. However, the name of the district where the institution locates shall be added to the name of it.

Article 36 To establish elderly welfare institutions, individuals or groups must submit applications to the municipal and city/county governments for approval.

After being approved, a private elderly welfare institution must be registered as a juridical person within three months of establishment. However, for small-scale institutions which do not take up a collection from the society, do not receive subsidies, and do not receive tax relief, shall be exempted from this registration.

If the registration is not done, an acceptable reason shall be provided by the institution to apply for an extension of three months. The original approval becomes invalid if the registration is not completed after the extension period.

The establishment relating items listed in item 1, such as approval requirement, application procedures, inspection period, abatement and abolishment approvals, ceasing and closing business, expansion and moving, supervision and management, and any others shall be regulated by the central authority concerned.

The scale, area, facilities, staff allocation of establishing a small-scale institution listed in item 2 will be set up by the central authority concerned and central industry competent authorities.

Article 37 The elderly welfare institutions shall not engage themselves in making profit or any inappropriate promotions.

The authority concerned shall provide consultation, supervision, inspection, evaluation and reward to the elderly welfare institutions.

The institutions shall not evade, impede or refuse the inspection mentioned in previous item, and shall assist whenever necessary.

The evaluation objects, items, measures and rewards shall be set forth by the authorities concerned.

- Article 38** A written contract shall be signed between the elderly welfare institutions and the dwellers or their family members for a mutual understanding or rights and obligations.
- The central authority concerned shall set forth a standard contract pattern based on the format and content of the contract mentioned in previous sentence. The things to be recorded or not recorded shall be listed in the pattern.
- The pattern of the standard contract shall be published by the institutions and to be delivered to the dwellers along with the receipts of payment. Unless otherwise specified, this must be seen as a mutually agreed contract, as stated in item 1 of this Article.
- Article 39** To ensure the right of the elders, the elderly welfare institutions must take out the public liability insurance for elders, and must have the ability to continuously operate the institutions.
- The insurance relating items and amount must be set forth by the central authority concerned.
- The standards for identifying the ability to continuously operate mentioned in preceding item will be set forth by the municipal and city/county government.
- Article 40** The governments and elderly welfare institutions shall manage and make proper use of the endowments from individuals and/or groups. Cash must be put as bank deposit in a designated account for elderly welfare relating business. However, if it is designated to be special purpose by the donor, it cannot be used in other ways.
- The status of the receiving of donation mentioned in preceding item shall be proclaimed regularly to the public.

Chapter 5 Protections

- Article 41** Shall the elders encounter difficulty or danger on lives, body, health or freedom due to inadvertence, mistreatment or desertion by their inferior lineal relatives by blood or contractual supporters, the municipal or city/county governments shall provide short-term protection and settlement, upon request or based on governmental rights. Shall the elders file a lawsuit or compensation to the relatives or contractual supporters, the authorities concerned must assist them.
- The protection or settlement will be dispensed by the municipal

and city/county authority concerned, upon request of the elders or governmental authority.

The expense needed for elderly protection and settlement stated in item 1 and has been paid advanced by the municipal and city/county governments, copies of receipts and a detail calculation must be sent to elders' inferior lineal relatives by blood or contractual supporters for a reimbursement, within 30 days of receiving relating documents. If the return has not been completed, the case will be referred to the courts for compulsory enforcement.

Article 42 If there is difficulty or danger to the body or life of the elders due to non-support, the municipal and city/county governments shall help them settle based upon their application, or authority.

Article 43 The medical staff, social workers, village heads, village officers, police officers, judicatory officers and other personnel who executes elderly welfare business shall report to the municipal and city/county governments if any suspicion case of Article 41.1 or Article 42 is found in his/her working hours. The personal information of the reporter in preceding item shall be kept secret.

While being informed, the municipal and city/county authorities concerned shall conduct a visit to the elder. The authorities can ask for necessary assistance from the police officers, medical staff or other relating agencies and they shall be cooperative upon request.

Article 44 To assure that the elders are protected, the municipal and city/county governments will lead the police, health, social administrative, civil administrative and individual/group institutions to build up a protective system. A meeting will be held regularly for elderly protection issues.

Chapter 6 Penalty

Article 45 If an approval is not obtained according to Article 36.1 when establishing an elderly welfare institution, or if the juridical person registration is not completed according to the rules and deadline mentioned in Article 36.2 and 36.3, the person in charge will receive a fine of no less than NT\$60,000, but less than NT\$300,000. Furthermore, the name of the person in charge will be announced and shall be notified to make

improvements within a limited time period.

During the time period stated in the preceding item, no more elders will be took in. Any violation to it will be fined of no less than NT\$60,000 but less than NT\$300,000. It is applicable to make consecutive fines per violation.

If no correction has been made to rules stated item 1, the person in charge will receive another fine of no less than NT\$100,000 but less than NT\$500,000. Furthermore, he/she will have to help the elders took in to be transferred to other organizations within 1 month. The authority concerned will assist on it whenever necessary and he/she must be cooperative. Shall a force to be exerted, the person in charge will receive a fine of no less than NT\$200,000 but less than NT\$1,000,000.

Article 46 Shall an elderly welfare institution being caught of one of the followings, the authority concerned will order it to amend within 1 month. If no amendment has been made, a fine of no less than NT\$30,000 but less than NT\$150,000 shall be issued. It is applicable to make consecutive fines per violation.

1. The fees collected have not been reported according to Article 34.4 to the authority concerned for approval, or the fees have been over-collected.
2. The institution does not report to the authority concerned the expansion, moving, ceasing or closing business according to Article 36.4.
3. The finance of the institution has not been handled according to Article 36.4.
4. Acts against Article 37.3 to evade, impede or refuse an inspection conducted by the authority concerned.
5. Acts against Article 38 to not sign a contract in written format with the resident (elder) or the family members, or to include items in the contract which are not allowed to be included.
6. Acts against Article 39 to not take out the public liability insurance for elders or not have the ability to continuously operate itself.
7. Acts against Article 40.2 to receive any donations without any proclamation.

Article 47 While performing consultation, supervision, inspection and evaluation according to Article 37.2 and the authority

concerned catches one of the followings, a limited time period for improvement shall be notified. If improvements are still failed to be made by the deadline, a fine of no less than NT\$50,000 but less than NT\$250,000 will be issued to the person in charge and an extension period will be given for improvement:

1. The course of action does not comply with the original establishment object or the constitutions.
2. The institution violates the standard of establishment.
3. The total amount of the property is not enough for operation, or the institution fails to report the truth of its business and finance.

Article 48 A fine of no less than NT\$60,000 but less than NT\$300,000 will be issued to the elderly welfare institutions and an improvement period will also be given for one of the followings:

1. Mistreat or impair the physical/mental health of the elders, or fail to report to the municipal and city/county governments for mistreatment cases.
2. Non-safe facilities and/or non-clean meals have been provided to the elders and have been caught and proved by the authorities.
3. Institutions that have been evaluated as Grade C or D, or have been caught for serious issues which will influence the physical/mental health conditions of the elders.

Article 49 Within the improvement period stated in Article 46 to 48, an elderly welfare institution is not allowed for taking in. Any violation to it will be fined of no less than NT\$60,000 but less than NT\$300,000. Fines will be applicable to make consecutive fines per violation.

If no improvement has been made after the designated period for the second time according to Article 47 and 48, the authority concerned shall have the institution stop its business for no less than one month but less than 1 year, and shall announce the name of the institution. After that, the institution which has performed no improvement or refused to stop its business, the approval of establishment shall be abolished and the juridical person must be disincorporated.

Article 50 As a private elderly welfare institution being stopped, ceasing

or closing it business, or disincorporated, abated or abolished, the elders resided must be settled properly. The authority concerned shall interfere with it whenever necessary and the institutions must be cooperative. If a force must be exerted to the case, a fine of no less than NT\$60,000 but less than NT\$300,000 will be sentenced. The authority concerned will take over the business if needed.

The taking over procedures, deadline and the operation of the institution being taken over, and limitations to the property management will all be set forth by the central authority concerned.

Shall the reasons to have caused the stop of the business of the institution become eliminated; the institution shall apply for re-operation by attaching relating documents.

Article 51 Legal supporters or contractual supporters of the elders will receive a fine of no less than NT\$30,000 but less than NT\$150,000, if violate one of the followings. The names of the supporters will be made public and if he/she violates criminal laws, he/she shall be turned to the judicatory authority:

1. Desertion.
2. Freedom impeding °
3. Abusement.
4. Physical and mental mistreatment.
5. Leave incompetent elders alone in dangerous places or places where the elders might get hurt.
6. Desert the elders in the institutions and without a proper reason; refuse to take care of the case after a period of being informed by the institution.

Article 52 The supporters or the care providers of the elders who seriously violate Article 51 shall receive a family education and consultation program of no less than 4 hours but less than 20 hours, offered by the authority concerned.

With a proper reason, the supporters or care provider shall obtain an approval of postponing the date of the program from the authority concerned.

The ones who refuse to take the family education and consultation program, or do not complete the whole program, a fine of no less than NT\$1,200 but less than NT\$6,000 will be issued. Ones who refuse to take the program after being

informed will receive continuous fines, until they attend the program.

Chapter 7 Bylaws

Article 53 For elderly welfare institutions that have founded and registered before the amendment and announcement date of this Act, shall their establishment requirements do not match this Act or its authorized Acts, improvement must be done before the designated period ends. Penalty will be enforced for non-improvement.

The authorities concerned shall provide guidance to elderly care institutions that are transferring to elderly long-term care institutions or community-base service providers.

Article 54 The central authorities concerned shall set forth the implementation regulations for this Act.

Article 55 The act shall come into force on and from the date of announcement.

The act amended on June 12, 2009 will take effect on November 23, 2009.