

## A Research on Health Law System in Taiwan

QIN Hui<sup>[a],\*</sup>

<sup>[a]</sup>Law School of China University of Political Science and Law, Beijing, China.

\*Corresponding author.

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### Abstract

With the rise of public health and the right to health, health law in Taiwan has gradually developed. According to the official classification criteria in the Legislative Yuan of Taiwan, the content of the health law system there could be divided into ten subsystems, namely, health administrative organic act, medical administration, pharmacy administration, food sanitation, comprehensive health insurance, controlled substances administration, disease control, national health promotion and hygiene administrative affairs, the right and interest of life and health, as well as the guarantee of special populations' rights and interest. The health law system in Taiwan possesses distinctive characteristics in terms of the system structure, system content and classification management of the personnel.

**Key words:** Health law; Health law system; Classification criteria; System content

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### INTRODUCTION

Public health is the important indicator of modern countries' development. Public health refers to

using the country's administration and legislation as the operation pipeline and based on the knowledge of early modern science and technology, intervening in personal medical

treatment and health activities to achieve the goal of maintaining public health, stability and promoting the social and economic development.

The formation and development of public health are closely related to the development of early modern countries. Due to different social development degrees in various countries, different organizational structures and operational modes have come into being, and the emergence of public health service in Taiwan has been deeply influenced by the early modern Japan.

At the end of the 19th century, modern medical treatment in Taiwan began because of the preaching medical treatment by the Western missionaries; In 1895, Taiwan was colonized by Japan that promoted vigorously the colonized medical and health care dominated by German and Japanese medicine and established the systematic development of its public health; After the Second World War, Japan pulled out of Taiwan which was taken over by the Kuomintang government. With the retreat of the nationalist government into Taiwan in 1949, the American union medical college and military medical college dominated by the national defense medical college brought about a new wave of modern medicine trend; After 1950, these different medical systems were remolded due to the "American aids", which jointly shaped the modern medical system of Taiwan that became the miniature reflecting the whole picture of public health history. The development of public health in Taiwan presents the features of multiple inserts and indigenized creative transformation.

Developing in the 21st century, "public health" in Taiwan regards the "comprehensive health for all" as its highest aim, making the public not only free from diseases, but also obtains happiness. Public health has broader applicable objects and is no longer limited to the main objects in clinical medicine, namely, patients initiatively seeking treatment. Public health puts stress on going to the communities and assists communities in

creating a safe and healthy environment. It is committed to the elimination of health differences, educates the public about healthy behaviors and makes the public learn to prevent diseases in the way of seeking special protection, receiving early diagnosis and early treatment, restricting disability and receiving aggressive medical rehabilitation.

In this paper, we will discuss the content of Health Law System in Taiwan, which has been divided into ten subsystems by the author according to the official criteria, furthermore, Based on the content of health law system in Taiwan, we summary the special features of Health Law System to show the general situation of health law system in Taiwan.

## 1. THE GENERAL SITUATION OF HEALTH LAW SYSTEM IN TAIWAN

### 1.1 The General Development Situation of the Health Law in Taiwan

Although there is no stipulation on the “right to health” in the “Constitution” of Taiwan, the “Council of Grand Justices in Judicial Yuan” introduces the “right to health” into judicial practice in the way of interpreting the law by Grand Justices. In the No. 414 interpretation of the Judicial Yuan, it believes that based on the purpose of maintaining the national health, implementing strict regulation on the commercial ads published by pharmacists on the premise of following the principle of proportionality does not violate people’s freedom of speech and the guarantee of property right; in the No. 476 interpretation of the Judicial Yuan, it believes that out of the protection of the legal interest of citizens’ physical and psychological health, the elimination of opium and the regulation on the prevention and treatment of drug harms following the principle of proportionality do not violate the Constitution; in the No. 472 interpretation, it emphasizes that the state carries out the widespread health care cause and public medical service to improve the national health. The comprehensive health insurance which requires compulsory insurance for all does not violate the Constitution, etc. The right to health, as a basic human right, has been greatly promoted and won widespread recognition through the interpretation of Judicial Yuan.

The health law in Taiwan, is just based on the development of public health in Taiwan and the rise of the right to health. Fields related to public health also present the trend of flourishing development under the social and historical environment, which has been constantly enriched and developed.

Article 157 in the “Constitution” of Taiwan stipulates that “the country should generally carry out the health care cause and public medical service to improve the national health.” This provision could be regarded as the main source of law of the health law in Taiwan. The health law in the 1980s, “is to prevent diseases, maintain and

improve people’s health and enable them to give play to their talents and have healthy offspring. It is expected to ensure the national strength, health and development. By virtue of the state power, it is enforced as a kind of social health care life norm (Lin, 1985). The health law during this period roughly included public health administrative organization, medical affairs relation, pharmaceutical affairs relation, food hygiene, epidemic prevention relation, health care relation, environmental protection and other public health relations containing the labor safety and atomic energy act. Till the mid-1990s, it basically continued the main contents of the health law in the 1980s and during this period, health insurance, eugenics health care, prevention and treatment of the infectious diseases were added (Wu, 1996). The contents of the current health laws and regulations in Taiwan are richer on the original basis and put more emphasis on the responses to the development of public health.

### 1.2 The Classification Criteria of the Health Law System in Taiwan

The health legal system of Taiwan mainly consists of the law promulgated by the Legislative Yuan through the president<sup>1</sup>, the administrative orders formulated by the administrative organs and the interpretation by the Council of Grand Justices in Judicial Yuan. The legal system in the Library of the Congress of the Legislative Yuan in Taiwan divides the laws issued by the Legislative Council into 25 fields, including internal affairs and homeland security, diplomatic overseas Chinese affairs and Taiwan and mainland, financial and monetary affairs, education, law affairs, health and social security. The laws related to health are further subdivided into ten categories, namely, medical administration, drug administration, food sanitation, national health insurance, traditional Chinese medicine, controlled substances administration, disease control, national health, hygiene administrative affairs and social politics. Combining the adjustment objects of the health law in Taiwan and the official classification criteria of law, we believe that as far as the structure of the health legal norm system is concerned, the health law system could be roughly divided into ten subsystems, namely, health administrative organic act, medical administration, pharmacy administration, food hygiene, comprehensive health insurance, controlled substances administration, disease control, national health and hygiene administrative affairs, the right and interest of life and health, as well as the guarantee of special groups’ rights and interest. The

<sup>1</sup> According to Article 3 of the “Central Regulation Standard Act”: “Orders issued by various organs should be named as regulations, rules, implementation rules, methods, outline, standards or norms according to their nature.” In the scientific principle or law, administrative orders are divided into emergency orders, statute orders, authority orders, administrative rules and special orders. See also Chen Xiuqing, “Chapter Three The Source of Law of the Administrative Law”, Weng Yuesheng, *Administrative Law (Vol.1)*, China Legal Publishing House, 2009, pp.123-144.

classification of the health law system in Taiwan is based on the consideration of the official division of laws related to health, which provides important references for us to sort out the health law system in Taiwan. The content of the health law system contains the control regulations on specific medical and health service fields, norms on the practice admission of specific professionals and their conducts of practice, organizational regulations on the health-related departments, management of the food safety and hygiene and drug administration, disease control and national health, as well as national insurance, hygiene administrative affairs and the guarantee of special groups' rights and interest.

## 2. THE CONTENT OF THE HEALTH LAW SYSTEM IN TAIWAN

### 2.1 The Legal System of Health Administrative Organizations

In Taiwan, the Ministry of Health and Welfare of the Executive Yuan undertakes the work of health administration. This organ came from the original Ministry of Health of the Executive Yuan that cooperated with the reorganization of the Executive Yuan's organization on July 23th, 2014. The original Health Department which contained 21 units and task forces, five affiliated organs and other units including Social Affairs Department in the Ministry of the Interior, Children's Bureau, Committee of Domestic Violence and Sexual Abuse Prevention, National Annuity Board of Supervisors and National Research Institute of Chinese Medicine of the Ministry of Education were reorganized into a new organ containing eight departments and six bureaus with unified authority and responsibility. The Ministry of Health and Welfare and six affiliated third-level organizations or institutions include Disease Control Center, Food and Drug Administration, Central Health Insurance Administration, National Health Promotion Administration, Society and Family Administration, as well as the National Research Institute of Chinese Medicine.

According to the principle of statutory authority, when administrative organizations exercise powers on behalf of the country, their status and the limits of authority all must be stipulated explicitly by the law. The Legislative Yuan of the state has passed the *Organic Act for Ministry of Health and Welfare*, *Organization Act for the Ministry of Health and Welfare Disease Control Centers*, *Ministry of Health and Welfare Food and Drug Administration Organic Act*, *Organic Act for the Ministry of Health and Welfare Central Health Insurance Administration*, *Organization Act of the Ministry of Health and Welfare Health Promotion Administration*, and *Organizational Act of the Ministry of Health and Welfare National Research Institute of Chinese Medicine*. These organic act systems stipulate the affiliation among various organs, limits of the

authority, interior unit institution, personnel and powers and make them work in cooperation with a due division of labor, each performing its own functions to fulfill the mission of the health department.

Besides, according to the actual work requirements, the Ministry of Health and Welfare of the Executive Yuan has issued the administrative orders including the *Ministry of Health and Welfare Affairs Management Regulations*, *Ministry of Health and Welfare Organization Chart*, *Ministry of Health and Welfare Disease Control Administration Affairs Management Regulations*, *Ministry of Health and Welfare Disease Control Administration Organization Chart*, *Ministry of Health and Welfare Disease Control Administration Biologicals Charging Standard*, *Ministry of Health and Welfare Disease Control Administration Antibiotics Management Plan Assisting Hospital Award Subsidy Case Application's Main Job Points*, to further regulate and divide the organic act.

### 2.2 The Legal System of Medical Administration

The content of the medical administration mainly includes medical service, medical institutions and medical personnel. The legal system in the field of medical administration in Taiwan could be divided into three main categories: First of all, the regulation on the field of medical service. The content of the legal system in this area in Taiwan, includes the regulations on medical services of artificial reproduction, human body database management, human subject research, transplantation of human organs, medical treatment in conventional sense, hospice palliative care, prevention of rare diseases, dissection of dead body, mental hygiene and emergency medical aid. At the legal dimension, the Legislative Yuan has formulated several laws including the *Artificial Reproduction Act*, *Human Biological Database Management Regulations*, *Human Subjects Research Act*, *Regulations on Human Organs Transplantation*, *Medical Service Law*, *Hospice Palliative Care Regulations*, *Rare Diseases Prevention and Drug Act*, *Regulations on the Dissection of Dead Body*, *Mental Health Act* and *Emergency Medical Aid*. In terms of administrative orders, the Executive Yuan and the Ministry of Health and Welfare have implemented a certain category of medical services in detail and carried out the medical services normatively through signing orders, rules, regulations and administrative letters and explanation. Taking artificial reproduction for example, in order to concretely implement the stipulations in the *Artificial Reproduction Act*, the Ministry of Health and Welfare has promulgated regulations including the *Sperm and Egg Donation Kinship Verification Methods*, *Artificially Reproduced Children Kinship Query Methods*, *Artificial Reproduction Data Notification and Management Methods*, *Artificial Reproduction Institution Permission Methods*, *Key Points to Ministry of Health and Welfare Artificial Reproduction Technology Consulting Committee's*

*Setup, Key Points to Artificial Reproduction Institution Personnel Further Education Affirmation*, which provide bases and support for the regulation of the specific work in the field of artificial reproduction. Besides, aimed at the problems existing in the application of the provisions in the *Artificial Reproduction Act*, the Department of National Health of the Ministry of Health and Welfare of the Executive Yuan has made explanations in the form of administrative letters. The above-mentioned legal normative texts at different levels jointly constitute the regulation on artificial reproduction and the legal regulation modes in other fields of medical service are similar to it, therefore, this paper will not go into details here, see the attached list.

Secondly, the regulation on the establishment and organization of health and medical institutions. The health and medical institutions in Taiwan, not only include the traditional hospitals and clinics, but also include institutions related to blood donation and pathology, as well as the national health research institute based on foundation. The regulation formulated on the establishment and organization of health and medical institutions at the level of Legislative Yuan is only one, namely, *Foundation Act for the Establishment of National Health Research Institute*. It hands over more authority in terms of the establishment and organization of health and medical institutions to the Ministry of Health and Welfare of the Executive Yuan, which has formulated orders to regulate the establishment and organization of health and medical institutions, including *Establishment Standards for Medical Institutions*, *Establishment Standards for Dental Technical Institutes*, *Administrative Regulations on the Designated Mental Health Institutions*, *Establishment Standards for Medical Affairs Laboratory*, *Measures for License Management of the Establishment of Ambulance and Ambulance Business*.

Thirdly, the regulation on the related medical and health care practitioners. Medical and health care practitioners in Taiwan, are diverse and are classified in detail, including psychologists, dental technicians, midwives, respiratory therapists, legal medical experts, physiotherapists, speech therapists, occupational therapists, hearing specialists, medical affairs personnel, medical laboratory technicians, physicians, nursing personnel, etc. Each kind of medical and health care practitioners has its own professional characteristics and industry features. Laws passed by the Legislative Yuan impose stipulations on each profession in terms of the acquisition of qualification, important documents for medical practice, requirements for the practice and penalty and also regulate the establishment and operation of the industry organization and association. At present, laws and regulations on the medical and health practitioners in Taiwan, mainly consist of *Psychologist Act*, *Dental Technicians Act*, *Respiratory Therapists*

*Act*, *Act for Legal Medical Experts*, *Physical Therapists Act*, *Speech Therapists Act*, *Occupational Therapists Act*, *Regulations on the Medical Affairs Personnel*, *Medical Radiologists Act*, *Medical Laboratory Technicians Act*, *Physicians Act*, *Nursing Staff Act*, *Hearing Specialists Act*. Besides, the Ministry of Health and Welfare of the Executive Yuan also has issued enforcement regulations on the above-mentioned laws to ensure the enforcement of them.

### **2.3 The Legal System of Pharmacy Administration**

Pharmacy administration regards pharmaceutical affair activities as the adjustment object and involves pharmaceutical supervision and management. The legal system of the pharmacy administration could be divided into the regulation and adjustment to pharmaceutical conduct, practitioners and institutions and organizations, the development of pharmaceutical industry.

The regulation on the pharmaceutical conduct involves the supervision and administration on the production and operation and utilization of drugs, cosmetics and blood products, as well as the relief and responsibility assignment. For instance, the Legislative Yuan has passed the *Pharmaceutical Affairs Law*, *The Plasma Derivatives Act*, *Cosmetics Hygiene Control Act*, and *Law of Drug Injury Relief* to regulate the related pharmaceutical activities. The Executive Yuan also has corresponding enforcement regulations, key points and explanations to guide and regulate the development of the related activities. As for the special value of research on human body, the Legislative Yuan has regulated the purpose of the research on human body, the application range, the investigation on the related activities and the guarantee of the research objects' rights and interest in special legislation.

Regulations of the practitioners are mainly concerned with the regulations on the practice, professional activities and responsibilities of pharmacists. The Legislative Yuan has passed the *Pharmacists Law* to regulate the organization of the practitioners related to pharmaceutical activities. The Executive Yuan also has the corresponding enforcement regulations, key points and explanations, such as the *Enforcement Rules of the Pharmacists Law* to detail the stipulations on the related specific work.

The regulations on the development of pharmaceutical industry are mainly the systems of government's support and guarantee of the research, education and the industrialized development of biomedical sciences. The Legislative Yuan has passed the *Regulations on the Development of Biotech New Drug Industry* to promote the research on new drugs used for human beings, animals and plants, and the third-level medical instruments implanted or placed in human bodies, as well as the talent cultivation to push forward the development of the related industry.

#### **2.4 Law for the Control of Food Sanitation**

A highlight of the content of the health law system in Taiwan is the separated regulation on food safety and sanitation and putting the supervision and administration on food safety and sanitation at an important position. Seeing from the composition of the content in this aspect, it mainly includes the food safety and sanitation administration, healthy food management and the supervision on the production and verification of agricultural products. For instance, the Legislative Yuan has passed the *Food Safety and Sanitation Administration Act*, *Healthy Food Administration Law*, and the *Act for the Production and Verification of Agricultural Products*. The Executive Yuan also has promulgated corresponding enforcement regulations and explanations on the above-mentioned laws. Besides, it also includes norms on the qualification of the specific practitioners and their practice, as well as the organization system of the regulatory authority, such as the *Dietitians Act*.

#### **2.5 The Legal System of National Health Insurance**

The system of national health insurance is carried out in Taiwan. The Legislative Yuan has made special legislation to regulate the matters related to the national health insurance, which involves multiple items including the insurer, insured objects, insured units, insurance finance and the insurance expenses. Besides, aimed at the application problems of the national health insurance law, the Ministry of Health and Welfare of the Executive Yuan has issued multiple administrative orders and explanations including the *Enforcement Rules of the National Health Insurance Law*, *The National Health Insurance Refund Methods for the Medical Costs Paid in Advance*, *National Health Insurance Medical Costs Declaration, Verification and Investigation Methods for the Medical Service*, and *National Health Insurance Medical Treatment Measures*.

#### **2.6 The Legal System of the Controlled Substances Administration**

The legal system of controlled substances administration in Taiwan mainly comprises the supervision and control over the drugs, addictive narcotics and drugs affecting the mind. The Legislative Yuan has formulated the Drug Control Act, and identified the illegal acts concerning drugs and the application rules of procedure, as well as the related penalties. The Drug Control Act imposes regulations on the identification, utilization and prescription making, input, output, manufacture, selling and penalties of the controlled substances.

#### **2.7 The Legal System of Disease Control**

The legal system of disease control in Taiwan, contains the regulations for the prevention of infectious disease and the prevention of the infection of the virus human immunity lack. Besides, it also includes the organizational system of the organs in charge of the disease control.

The Legislative Yuan has formulated the *Law on the Prevention and Control of Infectious Diseases* and *Regulations on the Prevention and Control of the Infection of the Virus Human Immunity Lacks and the Guarantee of the Rights and Interest of the Infected Person* to impose regulations in terms of the competent authorities, prevention and control system, disease prevention, anti-epidemic measures, quarantine measures and penalties.

#### **2.8 The Legal System of National Health**

The legal system of the national health in Taiwan, covers four fields, namely, oral health, smoking control, eugenic care and cancer control. The Legislative Yuan has formulated the corresponding laws, namely, the *Oral Health Act*, *Smoke Injury Control Act*, *Eugenic Care Act* and *Cancer Control Act*. They respectively make stipulations on the competent authorities of the national health and their primary missions in the above-mentioned fields to promote the implementation of specific measures on the national health in the related fields.

#### **2.9 The Legal System of Health Administration Affairs**

The content of the legal system of health administration affairs is mainly concerned with the administrative affairs of health. The health administrative affairs in Taiwan mainly include two parts, namely, the health industry, and the health affairs at school, as well as the organization of the competent authorities. In order to promote the development of the biotech new drug industry, the Legislative Yuan has formulated the *Regulations on the Development of Biotech New Drug Industry*. The legislation is to guarantee the normative development of the health industry. Besides, the Legislative Yuan has also formulated the *School Health Act*. As for the development of the school's health work, it makes stipulations on the main content of the school's health work and its code of conduct. What is more, the Legislative Yuan has passed the *Republic of China Red Cross Society Act* to regulate the organization and activities of the Red Cross Society.

#### **2.10 The Legal System of the Life and Health Rights and Interest and the Protection of the Rights and Interest of the Special Group**

As for sexual harassment and family violence that seriously infringe upon citizens' life and health rights and interest, the Legislative Yuan has made special legislation to prevent the occurrence of the relevant behavior, such as the *Sexual Harassment Prevention Act* and *Domestic Violence Prevention Act*, to realize the protection of citizens' life and health rights and interest.

The protection of the special group's rights and interest mainly refers to the legal special care given to the group including the lactating women, children, old people, peasants, persons with disabilities and the Hansen's Disease patients. The Legislative Yuan has passed the *Public Breastfeeding Act* to protect women's

right to breastfeeding in public places and guarantees the barrier-free environment for women willing to breastfeed. Besides, as for the protection of the vulnerable groups in society including children and the old, the Legislative Yuan has formulated the *Act for the Prevention of Children and Juvenile Sex Trade*, *Act for the Protection of Children and Juvenile's Welfare and Rights and Interest*, *Implementation Act for the Convention on the rights of the Child*, *Act for the Welfare of the Old* and *Provisional Regulations on the Welfare and Allowances of the Old Farmers*, etc. The Executive Yuan also has issued administrative rules, such as *Rules for Implementation of the Act for the Prevention of Children and Juvenile Sex Trade*, *Guidance and Education Methods for the Criminals in the Children and Juvenile Sex Trade*, *Regulations on the Implementation of the Guidance and Education to the Criminals in the Children and Juvenile Sex Trade*, and the *Rules for Implementation of the Act for the Protection of Children and Juvenile's Welfare and Rights and Interest*. Besides, aimed at the physically disabled group, the Legislative Yuan also has made special legislation to provide targeted protection measures, such as the *Implementation Act for the Convention on the Rights of Persons with Disabilities*, *Act on the Protection of the Rights and Interest of Persons with Disabilities* and *Act of Human Rights Protection and Compensation for Hansen's Diseases Patients*.

### 3. FEATURES OF THE HEALTH LAW SYSTEM IN TAIWAN

#### 3.1 Relatively Complete System Structure, Scientific and Reasonable Classification of the System

The legal system of health in Taiwan consists of the laws promulgated by the Legislative Yuan, administrative orders issued by the Executive Yuan, administrative rules and the explanation in administrative letters, as well as the interpretation of the Grand Justices in Judicial Yuan. The effect levels from the basic law to general law, from administrative orders to the explanation in administrative letters, as well as the interpretation of the Grand Justices in Judicial Yuan, and the three links from legislation, administration to judiciary all have relevant regulations to regulate the problems appearing in each link. According to the adjustment objects and adjustment modes of the health law in Taiwan, and combining the status of the current health laws and regulations, the health law system is divided into ten fields, namely, health administrative organic act, medical administration, pharmacy administration, food sanitation, comprehensive health insurance, controlled substances administration, disease control, national health promotion and hygiene administrative affairs, the right and interest of life and health, as well as the guarantee of special populations'

rights and interest, which basically cover the adjustment range of the health law in Taiwan. The structure is relatively complete and the classification basis is in accordance with the matters adjusted in the health law.

#### 3.2 The Relatively Comprehensive Coverage of the Content Featured by Elaboration and Refinement

The content of the health law system in Taiwan contains the regulation and supervision on medical and health services; supervision and administration on food safety, including the common drugs, Chinese medicine and controlled substances; prevention and control of diseases; management and control over the promotion of the national health and guarantee of the life and health rights and interest; supervision and administration on public health; guarantee of the frontier scientific research in medical and health field; special protection of the rights and interest of special groups; classified management and special regulation on the related practitioners; legal system of the organization of the practice institutions and the competent authorities. The regulated contents present the characteristic of elaboration and refinement.

#### 3.3 The Classified Management of the Practitioners Demonstrate Professionalization and Specialization

Medical and health practitioners in Taiwan could be divided into psychologists, dental technicians, midwives, respiratory therapists, legal medical experts, physiotherapists, speech therapists, occupational therapists, medical laboratorians, physicians, hearing specialists, dieticians, midwives and nursing personnel. The Legislative Yuan has made special legislations on each kind of professionals, such as the *Psychologist Act*, *Dental Technicians Act* and *Respiratory Therapists Act*. Laws impose regulations on the acquisition of practice qualification, important documents for medical practice, requirements for the practice and the penalty, which not only contributes to the normative development of the related profession and industry, but also manifests the characteristics of practitioners' professionalization and specialization.

#### 3.4 Providing Special Protection for the Special Groups, Highlighting the Social Care of the Law

As for the special groups including lactating women, children, old people, peasants, persons with disabilities and the Hansen's Disease patients, the Legislative Yuan has made special laws to protect them, such as the *Public Breastfeeding Act*, *Act for the Prevention of Children and Juvenile Sex Trade*, *Act for the Protection of Children and Juvenile's Welfare and Rights and Interest*, *Act for the Welfare of the Old*, *Farmers Health Insurance Act*, *Act on the Protection of the Rights and Interest of Persons with Disabilities*, *Act of Human Rights Protection and Compensation for Hansen's Disease Patients*. These laws

start from the characteristics of each special group and provide them with special legal protection to highlight the care and attention paid by society to these vulnerable groups.

### 3.5 Legislative Regulation on Health Administrative Supervision and Management Departments and the Organizational Legal System With Distinctive Characteristics

The organizational legal system of medical and health institutions and the related competent authorities is the highlight of the health law in Taiwan. In July 2014, in order to cooperate with the reorganization of the Executive Yuan's organs, the units, task forces, affiliated organs in the original Ministry of Health and Social Affairs Department in the Ministry of the Interior, Children's Bureau, Committee of Domestic Violence and Sexual Abuse Prevention jointly constitute the Ministry of Health and Welfare. The six subordinate third-level organs (institutions) under the Ministry of Health and Welfare are respectively the Disease Control Center, Food and Drug Administration, Central Health Insurance Administration, National Health Promotion Administration, Society and Family Administration, as well as the National Research Institute of Chinese Medicine. The Legislative Yuan, through legislation, has formulated laws including *Organic Act for Ministry of Health and Welfare*, *Organization Act for the Ministry of Health and Welfare Disease Control Centers*, *Ministry of Health and Welfare Food and Drug Administration Organic Act*, *Organic Act for the Ministry of Health and Welfare Central Health Insurance Administration*, *Organization Act of the Ministry of Health and Welfare Health Promotion Administration*, and *Organizational Act of the Ministry of Health and Welfare National Research Institute of Chinese Medicine*, and established the functions and authorities of the corresponding organs (institutions), as well as the settings of the organizations. Besides, the Executive Yuan has also promulgated corresponding affairs management regulations and organization charts to provide guarantee of the legal system for the organizational system.

## CONCLUSION

This paper conducts a research on the health law system in Taiwan from the perspective of classification criteria, system content and features of the system. It offers us a panoramic view of the latest information on the development of the health legal system in Taiwan and also provides new perspectives and experiential enlightenments for us to observe and research the establishment of health law system in Mainland China, when establishing the health law system, could transform the system contents according to the standard of detailedness and elaboration to perfect the existing health law system in the Mainland China; Mainland China should build the organizational legal system in the field of health according to the principle of "statutory power"; the development of the health legal system should meet the social requirements and manifest social care in health law.

## REFERENCES

- Fan, Y. Q. (2011). *Multiple inserts and creative transformation: The hundred-year history of public health in Taiwan* (p.1). Yuan-Liou Publishing Co., Ltd.
- Legal System Webpage of the Legislative Yuan in Taiwan* (2015). Retrieved from <http://lis.ly.gov.tw/lgcgi/lglaw?@@846930886>, the last visit was on January 3rd.
- Lin, M. T. (2006). Health right—Centering on the state's obligation of protection. In M. T. Lin (Ed.), *The exploitation line of public law—Theory, practice and the construction of the system*. Angle Publishing Co., Ltd.
- Lin, S. H. (1985). General introduction to sanitary regulations. *Medical Science of Law*, (1), 46-47.
- Porter, D. (1993). Public Health. In W. F. Bynum & R. Porter (Eds.), *Companion encyclopedia of the history of medicine (Vol.2)*. London: Routledge Press.
- Wu, X. M. (1996). Basic concepts in sanitary regulations. *Medical Science of Law*, (3), 8-27.
- Wu, X. Q., & Ye, X. T. (2014). Public health and promotion of the quality of medical treatment. *Quality of Medical Treatment*, (33), 14.