

	10	1	179	2013	
					*
			**	***	****
	2002		2007		
245		42.2%	57	580	99
	12			37	40
					8.1%
		41.7%			

DOI 10.3966/181130952013061001004
*

098-PP-29 PH-099-PP-14
001-MY2

HD-097-PP-22 PH-
NSC 99-2420-H-075A-

**

2012 9 25 2013 1 14

62.5% 27.0%
4.7 1.8

cases involving death or major body injury were associated with 4.7 and 1.8 times' chance of involving criminal procedures compared with those with mild body injury. The cases involving body injury with death had triple chance to be prosecuted compared with those with mild body injury, although not significantly. For those sent into criminal courts, cases involving death or major body injury were associated with twice chance to be sentenced as guilty, although not significantly. In conclusion, we found the results of criminal procedures were associated with the chance to win civil cases. The severity of body injury was the key issue to be associated with the results of criminal procedures.

Keywords: Medical Negligence Litigation, Criminal Procedures, Civil Cases, Body Injury, Empirical Study

1.

1

1991 44.1% 2005 36.0%
 P = 0.004
 1991 0.14 2005 0.10 P < 0.001
 23.1% P = 0.020 1991 15.7% 2005
 2
 2002 2007
 202
 3
 40.8% 19.4%

1

3

2 1631 10058 6 1 3
 179-187 2005 3

3 69-80 1993
 13 1 1-8 2009 See Chun-Ying Wu,
 Huei-Jen Lai & Rong-Chi Chen, *Medical Malpractice Experience in Taiwan: 2005 vs. 1991*,
 39 INTERN. MED. J. 237, 237-42 (2009).

3

91 96 14 4 366-367
 2010

9%

4

5

6

7

8

9

4

5

6

7

8

9

2004

164 38 2009 2002 2007

26 5 347 2007 55 2-3

96.3%

60 2008 11 2011

26 2011

5 27-28 2000 17 64-65 2009

12

13

2.1

2000

2002

2007

12

40-42 68 74-76 2010

external approach of empiri-

cal studies of law

584

13

37 2 235 2008

29-41 2012

36

10

15

2.2

16

odds ratio, OR

17

15

10

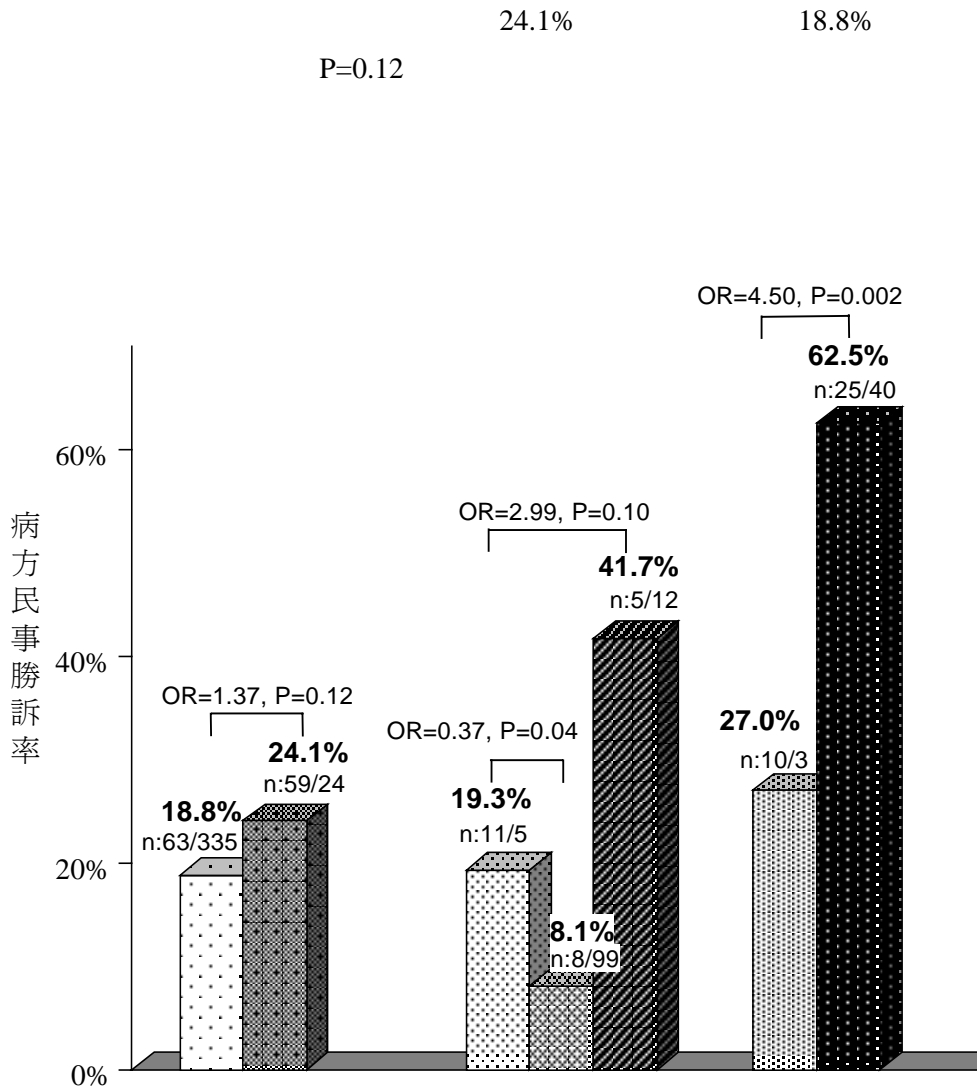
16

logistic regression

17

odds ratio, OR

OR=2



2.3.1

2002 2007

41.7% 19.3% 8.1%

2.99

P=0.04

0.37

2.3.2

40 39 37 17 20

1

27.0% 62.5%

4.5

P=0.002

2.3.3

26.5% 133 54.3%

47 19.2% 245

65

1.8 4.7 P<0.05

				18	18.2%	32
32.3%	49	49.5%				
	1	8.3%	2	16.7%	9	75.0%
1.13	3.31				P>0.05	
					11	29.7%
6	16.2%	20	54.1%			7
17.5%	7	17.5%	26	65.0%		
						2.36
2.04					P>0.05	

	8	2.4%	138	41.2%	106	31.6%	83	24.8%
	—		47	19.2%	65	26.5%	133	54.3%
				1		1.80		4.70
P						0.01		<0.001
	—		10	17.5%	18	31.6%	29	50.9%
	—		18	18.2%	32	32.3%	49	49.5%
	—		1	8.3%	2	16.7%	9	75.0%
*				1		1.13		3.31
P						0.93		0.25
	—		11	29.7%	6	16.2%	20	54.1%
	—		7	17.5%	7	17.5%	26	65.0%
				1		2.36		2.04
P						0.23		0.20

*

	998,000		
0		0	2,500,000
726,612		19,743,142	
	209,600		
0			

	0	0	0	0
	—	0	0	0
	—	0	0	0
	—	0	0	0
	—	0	2,500,000	0
	—	0	726,612	0
	—	998,000	19,743,142	209,600

2.3.4

194

10 1

2 16.7% 3

25.0% 7 58.3% 5

23.8% 3 14.3% 13 61.9%

2 16.7% 2 16.7% 8 66.7%

45

2,297,355

200,000 499,000

1,006,017 200,000

998,000

11,147,898 21,118,974 0 0 0

1,095,730

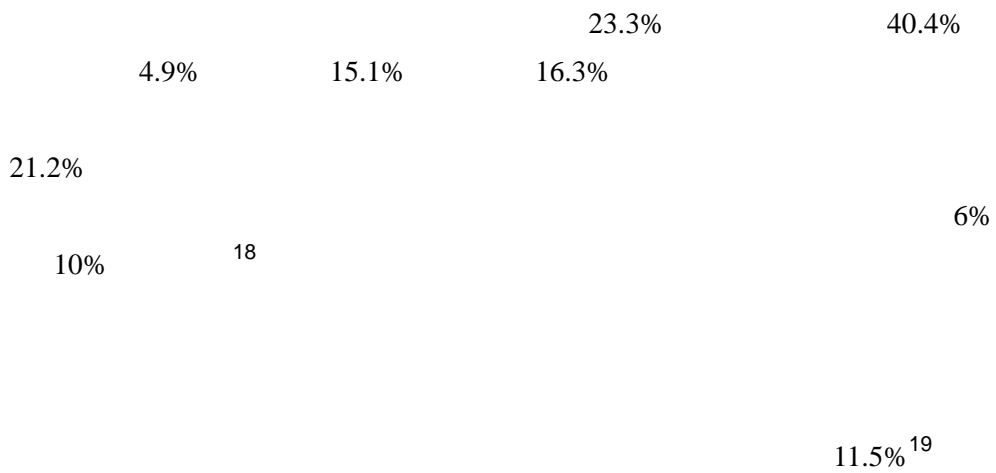
	40	7 17.5%	7 17.5%	26 65.0%
0-6	12	2 16.7%	3 25.0%	7 58.3%
6-12	21	5 23.8%	3 14.3%	13 61.9%
1	12	2 16.7%	2 16.7%	8 66.7%
0-6	2,297,355	1,006,017	11,147,898	0
6-12	200,000	200,000	21,118,974	0
1	499,000	998,000	0	1,095,730

3.

3.1

			20.5%
119/580			
24.1%	18.8%		
42.2%			
41.7%	19.3%	8.1%	
	63%	2	
27.0%	62.5%		

4.5

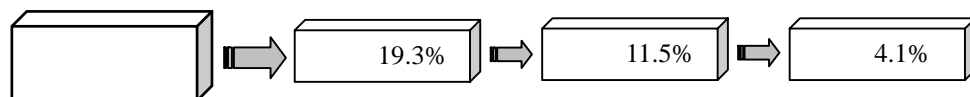


18 10 6 2012 7 3
<http://udn.com/NEWS/NATIONAL/NATS1/7200205.shtml> 2012

19 12 14
 4.1% 19.3% 11.5%
 8.1% 41.7%

$8.1\% \times 90\% + 41.7\% \times 10\% = 11.46\%$
 40.8%

17.7% 28.8% ²⁰



7.1% 10%²¹

4%

1.

²² 2.

²³ 3.

²⁴

$$10\% \times 62.5\% \times 40.8\% + 27.0\% \times 59.2\% =$$

4.14%

20

3 366-367

21

22

2 6

23

5 347

13 2 120-121 2009

24

19% 9% 4%

25

26

25 39 114-116 2002
 26 9 57-73
 22 120-121
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 234

Compensation Insurance

Patient

27

28

29

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27 9 33-40 21 2 17-30 2009
183 8-20

28 2010 22-30 176 271-273 2010 39 1 389-401

29 2010

30 137 276-280 2006 93
91 2805 <http://jirs.judicial.gov.tw/index.htm> 25

20

10

200

10 1

2009

31

2002

67.8%

68.9%³²

33

34

15

6

3

1

3

5

2

1

31

11

32

34

12 2011

2000

2010

33

8

2

284 2011

128-129 2010

34

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<http://www.judicial.gov.tw/constitutionalcourt/uploadfile/C100/569->

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2013 5 6

202

10 1

192

195

1.8

4.7

3.31

1.13

2.36

2.04

998,000

209,600

19,743,142

37

37

58

404

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[http://jirs.judicial.](http://jirs.judicial.gov.tw/Index.htm)

38

39

40

41

38		13	46		
39	38	2002	2007		
		13		19.4%	
			371		265
		40			

40 See Chun-Ying Wu, Huei-Jen Lai & Rong-Chi Chen, *Patient Characteristics Predict Occurrence and Outcomes of Complaints Against Physicians: A Study from a Medical Center in Central Taiwan*, 108 J. FORMOS. MED. ASSOC. 126, 126-34 (2009).

41 See Troyen A. Brennan, Colin M. Sox & Helen R. Burstin, *Relation Between Negligence Adverse Events and the Outcomes of Medical-Malpractice Litigation*, 335 N. ENGL. J. MED.

82

3.3

prevention

compensation

cost-efficiency

42

43

12 21

12

42 1963, 1965-67 (1996).

43 39 98-113 2002

8 19

4.

19%

11.5%

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