

英美全民保險法簡介

英國

英國於1911年制定國民保險法，財源由雇主、受僱者及政府三方面負擔，保障對象僅限於所有受僱者及部份低收入者，為強制投保的社會保險。在此之前，曾有互助社、友愛社等組織，繳納會費而得到醫療照顧，因財務無法負擔致功效不大。其後有民營保險公司取代互助組織，但其以營利為目的，仍無法使受僱勞工普遍獲益，因此社會保險遂由國家開辦，政府以公權力介入及強制投保的方式，才使國民生活獲得確切保障。1911年的國民保險法僅有部分國民依法可接受免費治療，至1946年修改為「國民保健服務法」，1948年正式實施，至此凡全國國民及境內居民，一律納入保障範圍。

其相關法案包括：

- 1911年 National Insurance Act
- 1946年 National Health Service Act
- 1949年 National Health Service Amendment Act
- 1965年 National Insurance Act
- 1966年 National Health Service Act
- 1968年 Health Services and Public Health Act
- 1973年 National Health Service Reorganization Act
- 1974年 National Insurance Act
- 1977年 National Health Service Act
- 1984年 Health and Social Security Act
- 1986年 National Health Service Amendment Act
- 1990年 National Health Service and Community Care Act
- 1991年 Disability Living Allowance and Disability Working Allowance Act
- 1992年 Community Care Act

1974年全民保險法 (National Insurance Act 1974) 條文要旨

NATIONAL INSURANCE ACT 1974

(1974 c 14)

An Act to amend the provisions of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973 and the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1973 as to the

rate or amount of benefit and contributions ; to amend section 39 of the Social Security Act 1973 and to make minor amendments of certain other enactments relating to social security ; and for purposes connected with those matters [13 May 1974]

Northern Ireland. This Act applies to the extent specified in s 8 (6) post.

1-6 (Ss 1-4, 6 (2) repealed by the Social Security (Consequential Provisions) Act 1975, s 1 (2) , Sch 1, Pt I ; s 5 repealed by the Social Security Benefits Act 1975, s 14 (6) , Sch 6, Pt I ; s 6 (1) , (3) repealed by the Social Security (Consequential Provisions) Act 1992, s 3 (1) , Sch 1 ; s 6 (4) repealed by the Pension Schemes Act 1993, s 188 (1) , Sch 5, Pt I, and replaced as noted in the destination table to that Act, Vol 33, title Pensions and Superannuation.)

Supplemental

7 (Repealed by the Social Security (Consequential Provisions) Act 1975, s 1 (2) , Sch 1, Pt I.)

8 Citation, construction, commencement, repeals and extent

美國

美國是所有先進工業國家中，唯一沒有全民健康保險制度的國家。1929年世界發生經濟恐慌，失業人口增加，社會秩序混亂，經濟發生危機，於是促成了「社會安全法」的產生，以減緩各種社會問題，保障國民的基本生活。但是1935年國會通過的「社會安全法」，並無醫療照顧與醫療援助之規定，僅規定州政府為保護失親兒童、殘障者、老人等所辦之各項公共衛生活動，由聯邦政府予以補助，直到1965年修正社會安全法時，才創設老人醫療保險，到了1973年其範圍又擴大，及於未滿65歲的殘障者及慢性腎臟疾病患者。

其相關法案包括：

1929年	Social Security Act
1935年	Social Security Act
1939年	Social Security Amendments Act
1946年	Social Security Amendments Act
1947年	Social Security Amendments Act
1950年	Social Security Amendments Act
1952年	Social Security Amendments Act
1954年	Social Security Amendments Act
1956年	Social Security Amendments Act
1958年	Social Security Amendments Act
1960年	Social Security Amendments Act (Kerr-Mills Social Security Act)
1961年	Social Security Amendments Act
1965年	Social Security Amendments Act
1965年	Health Insurance for the Aged Act
1967年	Social Security Amendments Act
1969年	Social Security Amendments Act
1972年	Social Security Amendments Act
1973年	Health Maintenance Organization Act
1974年	National Health Planning and Resources Development Act
1974年	Social Security Amendments Act
1976年	Health Maintenance Organization Amendments Act
1977年	Social Security Amendments Act
1978年	Health Maintenance Organization Amendments Act
1981年	Health Maintenance Organization Amendments Act
1983年	Social Security Amendments Act
1983年	Social Security Amendments Act
1986年	Health Maintenance Organization Amendments Act

1988年 Health Maintenance Organization Amendments Act
1994年 Social Security Amendments Act
1996年 Health Insurance Portability and Accountability Act

1996年健康保險攜帶及責任法 (Health Insurance Portability and Accountability Act) 條文要旨

SECTION 1. SHORT TITLE ; TABLE OF CONTENTS.

TITLE I-HEALTH CARE ACCESS, PORTABILITY, AND RENEWABILITY

Subtitle A-Group Market Rules

PART 1-PORTABILITY, ACCESS, AND RENEWABILITY REQUIREMENTS

- Sec. 101. Through the Employee Retirement Income Security Act of 1974.
Sec. 102. Throught the Public Health Service Act.
Sec. 103. Reference to implementation throught the Internal Revenue Code of 1986.
Sec. 104. Assuring coordination.

Subtitle B-Individual market Rules

- Sec. 111. Amendment to Public Health Service Act.

Subtitle C-General and Miscellaneous Provisions

- Sec. 191. Health coverage availability studies.
Sec. 192. Report on Medicare reimbursement of telemedicine.
Sec. 193. Allowing federally-qualified HMOs to offer high deductible plans.
Sec. 194. Volunteer services provided by health professionals at free clinics.
Sec. 195. Findings ; severability.

TITLE II-PREVENTING HEALTH CARE FRAUD AND ABUSE ; ADMINISTRATIVE SIMPLIFICATION ; MEDICAL LIABILITY REFORM

- Sec. 200. References in title.

Subtitle A-Fraud and Abuse Control Program

- Sec. 201. Fraud and abuse control program.
- Sec. 202. Medicare integrity program.
- Sec. 203. Beneficiary incentive programs.
- Sec. 204. Application of certain health antifraud and abuse sanctions to fraud and abuse against Federal health care programs.
- Sec. 205. Guidance regarding application of health care fraud and abuse sanctions.

Subtitle B-Revisions to Current Sanctions for Fraud and Abuse

- Sec. 211. Mandatory exclusion from participation in Medicare and State health care programs.
- Sec. 212. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from Medicare and State health care programs.
- Sec. 213. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.
- Sec. 214. Sanctions against practitioners and persons for failure to comply with statutory obligations.
- Sec. 215. Intermediate sanctions for Medicare health maintenance organizations.
- Sec. 216. Additional exception to anti-kickback penalties for risk-sharing arrangements.
- Sec. 217. Criminal penalty for fraudulent disposition of assets in order to obtain medicaid benefits.
- Sec. 218. Effective date.

Subtitle C-Data Collection

- Sec. 221. Establishment of the health care fraud and abuse data collection program.

Subtitle D-Civil Monetary Penalties

- Sec. 231. Social Security Act civil monetary penalties.
- Sec. 232. Penalty for false certification for home health services.

Subtitle E-Revisions to Criminal Law

- Sec. 241. Definitions relating to Federal health care offense.
- Sec. 242. Health care fraud.
- Sec. 243. Theft or embezzlement.
- Sec. 244. False statements.
- Sec. 245. Obstruction of criminal investigations of health care offenses.
- Sec. 246. Laundering of monetary instruments.
- Sec. 247. Injunctive relief relating to health care offenses.
- Sec. 248. Authorized investigative demand procedures.
- Sec. 249. Forfeitures for Federal health care offenses.
- Sec. 250. Relation to ERISA authority.

Subtitle F-Administrative Simplification

- Sec. 261. Purpose.
- Sec. 262. Administrative simplification.
- Sec. 263. Changes in membership and duties of National Committee on Vital and Health Statistics.
- Sec. 264. Recommendations with respect to privacy of certain health information.

Subtitle G-Duplication and Coordination of Medicare-Related Plans

- Sec. 271. Duplication and coordination of Medicare-related plans.

TITLE III-TAX-RELATED HEALTH PROVISIONS

- Sec. 300. Amendment of 1986 Code.

Subtitle A-Medical Savings Accounts

- Sec. 301. Medical savings accounts.

Subtitle B-Increase in Deduction for Health Insurance Costs of Self-Employed Individuals

- Sec. 311. Increase in deduction for health insurance costs of self-employed individuals.

Subtitle C-Long-Term Care Services and Contracts
PART I-GENERAL PROVISIONS

- Sec. 321. Treatment of long-term care insurance.
- Sec. 322. Qualified long-term care services treated as medical care.
- Sec. 323. Reporting requirements.

PART II-CONSUMER PROTECTION PROVISIONS

- Sec. 325. Policy requirements.
- Sec. 326. Requirements for issuers of qualified long-term care insurance contracts.
- Sec. 327. Effective dates.

Subtitle D-Treatment of Accelerated Death Benefits

- Sec. 331. Treatment of accelerated death benefits by recipient.
- Sec. 332. Tax treatment of companies issuing qualified accelerated death benefit riders.

Subtitle E-State Insurance Pools

- Sec. 341. Exemption from income tax for State-sponsored organizations providing health coverage for high-risk individuals.
- Sec. 342. Exemption from income tax for State-sponsored workmen's compensation reinsurance organizations.

Subtitle F-Organizations Subject to Section 833

- Sec. 351. Organizations subject to section 833.

Subtitle G-IRA Distributions to the Unemployed

- Sec. 361. Distributions from certain plans may be used without additional tax to pay financially devastating medical expenses.

Subtitle H-Organ and Tissue Donation Information Included With Income Tax Refund Payments

Sec. 371. Organ and tissue donation information included with income tax refund payments.

TITLE IV-APPLICATION AND ENFORCEMENT OF GROUP HEALTH PLAN REQUIREMENTS

Subtitle A-Application and Enforcement of Group Health Plan Requirements

Sec. 401. Group health plan portability, access, and renewability requirements.

Sec. 402. Penalty on failure to meet certain group health plan requirements.

Subtitle B-Clarification of Certain Continuation Coverage Requirements

Sec. 421. COBRA clarifications.

TITLE V-REVENUE OFFSETS

Sec. 500. Amendment of 1986 Code.

Subtitle A-Company-Owned Life Insurance

Sec. 501. Denial of deduction for interest on loans with respect to company-owned life insurance.

Subtitle B-Treatment of Individuals Who Lose United States Citizenship

Sec. 511. Revision of income, estate, and gift taxes on individuals who lose United States citizenship.

Sec. 512. Information on individuals losing United States citizenship.

Sec. 513. Report on tax compliance by United States citizens and residents living abroad.

Subtitle C-Repeal of Financial Institution Transition Rule to Interest Allocation Rules

Sec. 521. Repeal of financial institution transition rule to interest allocation rules.

參考書目：

- 1.American social insurance 368.4/G135
- 2.Social security and individual equity 368.43/M612
- 3.Insuring medical malpractice 368.564/S634
- 4.Medical care medical costs 368.38200973/F299
- 5.Social security policies in industrial countries 368.4/G664
- 6.Social security manual 368.4/S678
- 7.The future of social security 368.400973/M966
- 8.Social security： beyond the rhetoric of crisis 368.43/M352
- 9.Unemployment insurance： the second half-century 368.44/U56