



Symposium 5

急診臨床實務的法律風險：談 AMA、轉診與社群媒體時代的隱私問題

Legal Risks in Emergency Medicine Clinical Practice: AMA, Transfers, and Privacy in the Age of Social Media

時間：2026年6月26日(五) 13:30~15:00

會議室：301 會議廳

座長：吳冠漢醫師(高雄長庚醫院)、邱柏齊醫師(台北榮總)

主講人：廖建瑜法官(臺灣高等法院)

課程簡介

Emergency physicians operate at the intersection of urgent clinical decision-making and complex legal accountability. This article examines three domains of legal risk that are particularly salient in modern emergency practice: against medical advice (AMA) discharges, the duty to refer or transfer patients, and privacy concerns arising from the pervasive use of social media.

Regarding AMA discharges, the paper analyzes the legal requirements for valid informed refusal, the adequacy of documentation, and the extent to which an AMA form mitigates physician liability. It argues that legal protection hinges not on the patient's signature alone, but on whether the physician has fulfilled the duty to disclose material risks and ensured the patient's decision-making capacity.

On the issue of referral and transfer, the paper explores the legal standard of care governing a physician's obligation to arrange timely and appropriate referrals, with particular attention to situations involving diagnostic uncertainty and resource limitations in emergency settings.

Finally, the paper addresses the growing risks associated with social media use by medical professionals. Even ostensibly anonymized case sharing may constitute a breach of patient privacy under applicable law. The article outlines the legal framework governing physician conduct online and provides practical guidance for risk avoidance.

Together, these three issues reflect the evolving interface between clinical practice and legal obligation, and have significant implications for emergency physicians seeking to minimize liability while delivering quality care.

講師簡介

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