

# 精神疾病防治 遭遇檢疫與隔離

People with Severe Mental Disorders  
Under Quarantine and Isolation

楊添圍 Tien-Wei Yang\*



## 摘要

嚴重精神疾病病人由於現實感及認知能力缺損，在嚴重特殊傳染性肺炎（COVID-19）疫情之下，不僅遭遇生命及生理威脅，也因為自我照顧或現實理解處理能力降低，在整體防治措施面臨檢疫與隔離時，無法及時或適當因應，而容易遭致行政裁罰或導致自身之人身自由剝奪。本文討論在疫情蔓延之際，嚴重精神疾病病人於檢疫與隔離時，可能面臨的法律狀態，主要來自於無法遵從該等措施，或是因違反相關規定而遭致人身自由剝奪的集中檢疫；本文並且分析其困境及可能的救濟管道。疫情之下，嚴重精神疾病病人及類似心智缺陷者，可能遭遇法律上之困境，應該給予即時與適當的協助。

\*臺北市立聯合醫院松德院區院長（Superintendent, Taipei City Hospital, Songde Branch）；精神科及司法精神醫學專科醫師（Specialist of Psychiatry and Forensic Psychiatry）

關鍵詞：強制治療（mandatory treatment / civil commitment）、隔離（isolation）、檢疫（quarantine）、嚴重特殊傳染性肺炎（coronavirus disease 2019）、嚴重精神疾病（severe mental disorders）

DOI：10.53106/241553062021080058009

Because of inadequate reality testing and cognitive ability, people with severe mental disorders frequently have diminished self-care and problem-solving ability. As a result, they encounter life and physical threats under the Coronavirus disease 2019 (COVID-19) epidemic and great difficulties from related prevention and treatment measures. In addition, during quarantine and isolation, they cannot respond in a timely or appropriate manner and are prone to administrative penalties or deprivation of their freedom. This article discusses the legal status that people with severe mental illnesses may face quarantine and isolation when the epidemic spreads. Mainly, problems come from the inability to comply with the quarantine and isolation measures or the centralized quarantine deprived of personal freedom because of violations of the quarantine measures. We will analyze this plight and possible judicial relief. Under the epidemic, people with severe mental disorders and those with mental disabilities may encounter legal difficulties that deserve immediate and appropriate assistance.

---

## 壹、精神疾病與傳染病強制治療

我國在疾病防治上，以對人身自由的限制作為保護性手段，除了精神醫療的強制住院治療之外，另外還有傳染病防治的防疫措施與隔離治療。正如2003年嚴重急性呼吸道症候群（Severe Acute Respiratory Syndrome, SARS）防疫期間，主管單位依當時傳染病防治法第37條第1項規定所執行的「必要之處置」，進行強制隔離處置，而後依據司法院大法官釋字第690號解釋認為，其對人身自由的限制，並沒有違反法律明