

本期企劃

失能險不該停售， 而是調整商品設計 ——以疾病失能後死亡 的理賠爭議為例

Disability Insurance Products Should not be Vanished, It Is the Design of the Products that Matters—A Case Study on the Claim Disputes on the Eligibility for Disability Payment When Insured Suffers from a Terminal Illness Leading to Death

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摘要

因監理措施趨於嚴格，加上失能險因為損失率過高、準備金於新監理要求下須提高等原因，保險公司基於經營考量，自2024年7月起紛紛停售失能險。在商業保險市場並無任何商品可替代失能險的現況下，為滿足失能者管理因失能產生的經濟風險，本文主張商業失能險不應停售，而應透過商品設計的變革，管理賠款風險並降低保險公司財務負擔的方式，重新上架失能險。以下本文將以疾病失能後死亡之理賠爭議此一命

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關鍵詞：失能判定（determination of disability）、失能照護保險（insurance for disability care）、失能險（disability insurance）、立即可判定（fast track determination）、症狀固定（terminal illness）

DOI：10.53106/241553062025050103004

題為例，針對本爭議所生之賠款風險，失能險商品應如何設計，以降低保險人之賠款風險提出具體建議。

Due to increasingly stringent regulatory measures and the high loss ratio of disability insurance, insurers are required to increase reserves under new regulatory requirements. As a result, for business sustainability considerations, insurance companies have been discontinuing offering disability insurance policies since July 2024. In the absence of any alternative products in the commercial insurance market to replace disability insurance, this article argues that disability insurance should not be withdrawn from the market. Instead, insurers should reform product design to manage claims risks and alleviate their financial burden, thereby making disability insurance available again.

This article will examine the issue of claim disputes arising from death following disability due to illness as a case study. Specifically, it will analyze the claim risks associated with such disputes and propose concrete recommendations for the design of disability insurance products to mitigate insurers' exposure to claims risk.

壹、問題源起

金融監督管理委員會在2021年發布命令，通令壽險業因應失能扶助保險商品未來年度發生率不確定性，及接軌國際財務報導準則第17號「保險合約」之影響，並維持壽險業財務結構穩定，自2020會計年度起，就當年度稅後淨利屬於失能扶助保險之部分，全數提列特別盈餘公積，後續年度失能扶助保險如