

## 本期企劃

# 自失能險與長照險 觀人身保險契約中等待期間 與免責期間之約定

The Clause of Waiting Period and Exclusion Period in  
Personal Insurance Contracts from the Perspective of  
Disability Insurance and Long-Term Care Insurance

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## 摘要

失能險與長照險具有分散個人面臨失能或長期照顧狀態等危險之效果，而於其等契約條款中，常設有等待期間或免責期間等約定，前者主要係為避免帶病投保等逆選擇行為發生及疾病發生時點之事實認定困難，性質上為除外條款；後者係為劃定契約所欲承保之「長期照顧狀態」，性質上為承保條款，均會對契約承保範圍產生相當特定或限縮效果，故計畫投保失能險或長照險者應詳實審視相關約定內容，以確保自身權益。

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關鍵詞：失能保險 (disability insurance)、免責期間 (exclusion period)、承保範圍 (coverage scope)、長照保險 (long-term care insurance)、等待期間 (waiting period)

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Disability insurance and long-term care insurance serve to mitigate the risks associated with disability and long-term care needs. The contractual terms of such insurance policies frequently include clauses for waiting periods and exclusion periods. The former primarily aims to prevent adverse selection, such as purchasing insurance after the onset of illness, and to address difficulties in determining the timing of disease occurrence. It is, by nature, an exclusion clause. The latter, in contrast, defines the scope of coverage for the insured “long-term care condition” and constitutes a coverage clause. Both provisions significantly influence the extent of coverage, often imposing specific limitations. Consequently, individuals planning to purchase disability or long-term care insurance should thoroughly review these provisions to safeguard their rights and interests.

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## 壹、前言

隨著醫療技術進步、生活品質提升及健康意識普及，國人平均壽命逐步延長，反映在人口結構上即係超高齡化社會（即65歲以上人口超過總人口之20%）來臨。然而，平均壽命之延長並非均無隱憂，能否享受怡然老年生活，關鍵在於不健康餘命之長短。不健康餘命（Unhealth life expectancy）係指人的生命最後階段，因疾病或失能而處於健康狀態不佳、需要醫療或照護協助之存活期間，得以平均餘命扣除健康餘命之方式計算而得<sup>1</sup>。不健康餘命所表徵者，除老年生活品質外，更顯

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1 依據內政部公布之平均壽命及衛生福利部統計處所公布之健康餘命資料，國人2022年平均壽命為79.84歲、健康餘命則為72.43歲，可知不健康餘命長達7.41年，參內政部，2022年國人平均壽命79.84歲，