

LEGAL MECHANISM OF THE HEALTH INSURANCE FORM THE COVID-19 PANDEMIC IN THAILAND

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ABSTRACT

The purpose of this research was to study the concept of legal development. Study and analyze problems, obstacles, and limitations in the enforcement of legal mechanisms. and suggest guidelines for the development of legal mechanisms of health insurance from the novel coronavirus outbreak in Thailand effectively and effectively. which is a qualitative research method using document research methods According to the data collection process with a triangular review and used to analyze the data using a content analysis method. logical analysis and comparative analysis according to qualitative research methodology

The results showed that Coronavirus 2019 (COVID-19) insurance is an insurance contract that provides coverage for both insured and non-life insurance contracts. and life insurance contracts are in the same policy with coverage for the insured as follows: (1) medical expenses and/or compensation for loss of income Under the non-life insurance contract. (2) Medical expenses by one-time payment. In which the insurer will pay a certain amount to the Insured as payment under the insurance contract that (3) death, the insurer will pay a certain amount to the beneficiary. or heirs of the insured. The OIC's approval for insurance companies to offer and make contracts for insurance and non-life insurance companies for the coronavirus 2019 (COVID-19) with the public is deemed that both non-life insurance companies operate a business that violates the law. Both companies are liable to fines as specified by the law as mentioned above if considering the intention of the OIC to approve both non-life insurance companies and life insurance companies to offer and enter into this insurance contract with the public.

Keywords: legal mechanism, health insurance, coronavirus 2019 in Thailand

Introduction

At present, the outbreak of the novel coronavirus (COVID-19) has affected the economy and industry, resulting in the restructuring of health insurance business. as well as the developing and improving products and services to better meet the needs of consumers. Health insurance is one of the insurance and health insurance industries that have been affected by the pandemic crisis. especially health insurance products to meet consumers' needs and adopt modern technology to increase the efficiency of the service In this era of the COVID-19 virus outbreak.

The past several waves of the COVID-19 outbreak have not only caused concern among consumers interested in insurance and health. It also awakened the trend of promoting health care at the same time. As a result, consumers turn to pay more attention to health insurance. The Office of Insurance Commission (OIC) has predicted that the health insurance business



will grow and have total insurance premiums of more than 100 billion baht in 2021. The government has its own policies and measures, trying to promote the insurance industry by establishing the Office of Insurance Commission (OIC) to be responsible for overseeing Develop insurance business and protecting the benefits of the people in terms of insurance, which the Office of Insurance Commission has played an important role in determining the direction of insurance business development Driving and enhancing the potential and capability of the insurance industry in Thailand as well as supporting the adoption of information technology as a driving force in order to increase the efficiency of the insurance and health insurance business mechanisms to develop into the digital industry according to the National Strategic Plan.

Meanwhile, The insurance sector in Thailand is trying to innovate and develop insurance and health insurance products and services that meet the needs and benefits of consumers amid the COVID-19 pandemic. that has issued insurance products, for example, COVID-19 insurance, COVID-19 vaccine allergy insurance, as well as protection against coma from COVID-19 vaccine allergy. New forms of medical care include the telemedicine service system, which has applied new technology to increase the efficiency of medical services for insurance customers who hold health insurance policies, such as Krungthai-AXA Life Insurance Company, which has cooperation with hospitals. BDMS and Rama 9 Hospital in expanding Telemedicine service areas for customers with health insurance policyholders to be able to call and discuss health problems with the medical team of the said hospital. By using outpatient protection (OPD) rights to provide such services not only increases the convenience of insurance customers' social distance Reduces congestion in hospitals It also helps reduce the spread of the COVID-19 virus (Juilumphen.W. (2013). Articles on hundreds of topics...Thailand on removal from office (copies). Bangkok, Secretariat of the House of Representatives, Office of Academics). Therefore, the insurance and health insurance sectors are considered to help develop the legal mechanism of health insurance against the outbreak of the virus. new corona in Thailand

The outbreak of the COVID-19 virus is an important accelerating factor that has spurred the insurance industry to adopt modern technology and innovations to enhance insurance services. But such efforts remain limited by policy and legal mechanisms. This, if strongly supported by governments and governments through legislation, regulations, and measures and guidelines such as clear and comprehensive telemedicine and online clinic guidelines, will help the sector's insurance industry. Private businesses can add new channels of service for insurance products and health insurance. Therefore, this period is an important time for Thailand's insurance industry to turn the crisis into an opportunity to bring legal mechanisms and modern insurance and health insurance technologies. Help develop Thailand's insurance industry to become a Digital Insurance Industry in accordance with the Thailand 4.0 development guidelines that aim to develop and strengthen the industry and the insurance and health insurance service businesses of the future by using technology, creativity and modern innovations to drive the country's long-term economic growth with efficiency and further success.



Research objectives

1. To study the concept of legal development of health insurance from the outbreak of coronavirus in foreign countries and Thailand.
2. To study and analyze problems, obstacles and limitations in the enforcement of the legal mechanism of health insurance from the novel coronavirus outbreak in Thailand.
3. To suggest guidelines for the development of legal mechanisms of health insurance from the novel coronavirus outbreak in Thailand effectively and effectively.

Scope of research

1. Study the evolution of concepts regarding the development of legal mechanisms of insurance and health insurance from the novel coronavirus outbreak in Thailand. by defining specific areas in countries with severe COVID-19 outbreaks
2. Study to see the condition of problems and obstacles and various restrictions on the enforcement of the legal mechanism of health insurance from the novel coronavirus outbreak in Thailand. by defining specific areas in countries with severe COVID-19 outbreaks
3. Study the guidelines for the development of legal mechanisms for health insurance from the novel coronavirus outbreak in Thailand in order to effectively amend and improve insurance and health insurance laws in solving the COVID-19 pandemic crisis; and achievement

Methodology

This research study The researcher uses a qualitative research methodology. in conducting research studies by document research method according to the data collection and data analysis process by content analysis method analytical analysis and comparative analysis. according to qualitative research methodology, This can lead to research conclusions, discussion of results, and research recommendations.

1. Data source Because this research is a documentary research. Legal Resources Policies and Measures research papers Theses and dissertations, legal texts, academic articles, newspapers, electronic data, and other relevant information documents as well as information documents and minutes of meetings of relevant international organizations and the World Health Organization (WHO), both from domestic and international sources.

2. Data analysis The researcher will use a triangular data validation method. according to qualitative research methodology and conducting data analysis by content analysis method Logical and analytical analysis on the evolution of concepts regarding the legal development of health insurance from the novel coronavirus outbreak in foreign countries and Thailand. Principles and legal measures of health insurance from the novel coronavirus outbreak in Thailand compared to foreign countries. and analyze the problems, obstacles and limitations in the enforcement of the legal mechanism of health insurance from the novel coronavirus outbreak in Thailand compared to foreign countries. as well as recommendations for guidelines for the development of legal mechanisms for effective and effective health insurance from the novel coronavirus outbreak in Thailand.

Research results and discussion

The coronavirus disease 2019 outbreak is a disease caused by a new strain of virus that was announced by the World Health Organization (WHO) on February 12, 2020 (Sirin Hospital, 2021). State that the 2019 coronavirus is SARS-CoV-2, also known as “COVID-19”,



stands for CO instead of the corona, VI for the virus, D for disease, and 19 for 2019 (Ministry of Health, Emerging Diseases, Communicable Diseases Academic Development Group, 2024) The coronavirus disease 2019 (COVID-19) epidemic is considered an "emerging risk" which is an unprecedented risk and a risk that is difficult to estimate both physically and mentally. The likelihood of occurrence and severity of incidents. Therefore, insurance plays a role in the situation of the coronavirus disease 2019 (COVID-19) epidemic because insurance can manage the risk of loss and damage. from various crises from the spread of the Coronavirus Disease 2019 (COVID-19) to the public, businessmen, investors, and households.

Insurance companies have developed insurance contracts for the Coronavirus 2019 (COVID-19) to meet the needs of the people during the epidemic of the Coronavirus Disease 2019 (COVID-19) in 4 forms, namely, Type 1 provides protection upon detection. that The insured suffers from Coronavirus Disease 2019 (COVID-19) or illness caused by complications. or side effects from vaccination to prevent coronavirus disease 2019 (COVID-19) or the cost of detecting coronavirus disease 2019 (COVID-19) Christine B.& Chaaya. M. (2020). For family members or persons living with the insured. Form 2 provides daily compensation coverage. Also known as "Covid insurance, find, pay, end", the insurance company will pay the insured when the coronavirus 2019 (COVID-19) is detected according to the maximum number of days specified. or according to the actual number of days in the hospital but not exceeding the maximum number of days as specified in the insurance policy, for example, 1,000 baht per day, not more than 30 days The insurance company will pay the insured one time for medical expenses. when diagnosed with coronavirus 2019 (COVID-19) for medical expenses such as 10,000 baht, 30,000 baht, or 50,000 baht, etc. Form 4 provides coverage when the insured is sick and has a coma due to coronavirus 2019 (COVID-19) infection. -19) or illness resulting from complications or side effects from vaccination to prevent coronavirus disease 2019 or death The insurance company will pay the amount as specified in the insurance policy, such as 500,000 baht or 1,000,000 baht, etc.

More information about "Research results and discussion The coronavirus disease 2019 outbreak is a disease caused by a new strain of virus that was announced by the World Health Organization (WHO) on February 12, 2020 (Sirin Hospital, 2021). State that the 2019 coronavirus is SARS-CoV-2, also known as "COVID-19", stands for CO instead of the corona, VI for the virus, D for disease, and 19 for 2019 (Ministry of Health, Emerging Diseases, Communicable Diseases Academic Development Group, 2024) The coronavirus disease 2019 (COVID-19) epidemic is considered an "emerging risk" which is an unprecedented risk and a risk that is difficult to estimate both physically and mentally. The likelihood of occurrence and severity of incidents. Therefore, insurance plays a role in the situation of the coronavirus disease 2019 (COVID-19) epidemic because insurance can manage the risk of loss and damage. from various crises from the spread of the Coronavirus Disease 2019 (COVID-19) to the public, businessmen, investors, and households. Insurance companies have developed insurance contracts for the Coronavirus 2019 (COVID-19) to meet the needs of the people during the epidemic of the Coronavirus Disease 2019 (COVID-19) in 4 forms, namely, Type 1 provides protection upon detection. that The insured suffers from Coronavirus Disease 2019 (COVID-19) or illness caused by complications. or side effects from vaccination to prevent coronavirus disease 2019 (COVID-19) or the cost of detecting coronavirus disease 2019 (COVID-19) for family members or persons living with the insured. Form 2 provides daily compensation coverage. Also known as "Covid insurance, find, pay, end", the insurance company will pay the insured when the coronavirus 2019 (COVID-19) is detected according to the maximum number of days specified. or according to the actual number of days in the hospital but not exceeding the maximum number of days as specified in the insurance policy, for example,



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Considering the characteristics of all 4 types of Coronavirus 2019 (COVID-19) insurance contracts, it was found that it provides coverage for both insured and non-life insurance contracts. and life insurance contracts are in the same insurance policy. However, the insurance business in Thailand shall be separated from the non-life insurance business from the life insurance business according to the classification of insurance contracts under Section 861 of the Civil and Commercial Code because the characteristics of non-life insurance contracts and life insurance contracts are different. The difference is that if a non-life insurance company is licensed to undertake a non-life insurance business, it cannot operate a life insurance business again. And life insurance companies, after receiving a license to operate a life insurance business, cannot undertake non-life insurance business as well. If the non-life insurance company and the life insurance company do not comply, they will be guilty and subject to penalties as stipulated in the Non-Life Insurance Act. 2535 and its amendments and the Life Insurance Act B.E. 2535 and its amendments

Therefore, the Office of Insurance Commission (OIC) allows both non-life insurance companies and life insurance companies to offer and contract for Coronavirus 2019 (COVID-19) insurance to the public through applications and Insurance company and insurance intermediary websites (Office of the Insurance Commission, 2021), which has both non-life insurance contracts and life insurance contracts in the same insurance policy, thus clearly violating the law. Dolgay, Cody F. (2020). This affects the financial stability and the overall picture of the insurance company's business operations. It also has a direct impact on people in other business sectors. and wider society such as the example of the company Sin Munkong Insurance Co., Ltd. has requested to cancel the Coronavirus 2019 (COVID-19) insurance contract with the insured or the COVID-19 2 in 1 with the insured and Asia Insurance 1950 Public Company Limited. (COVID-19) until the Minister of Finance has ordered the revocation of the insurance business license due to unstable financial status and inability to maintain capital funds as required by law, Alaa G. et al. (2021). Including The One Insurance Public Company Limited with delayed circumstances. Paying compensation because there is not enough money to pay compensation to insurers who have contracted coronavirus disease 2019 (COVID-19) insurance. Later, the Minister of Finance ordered the revocation of business licenses. From the example of such incidents, it is considered that it has caused trouble for many people. Therefore, if there is a clear classification of the Coronavirus 2019 (COVID-19) insurance contract, it will benefit OIC in enforcing laws to regulate and promote the insurance business to be effective and in accordance with international standards. In addition, people will be protected with the highest benefits in insurance contracts.

Coronavirus 2019 (COVID-19) insurance is an insurance contract that provides coverage for both insured and non-life insurance contracts. and life insurance contracts are in the same policy with coverage for the insured as follows: (1) medical expenses and/or compensation for loss of income The insurer will pay the actual medical expenses. but not exceeding the amount specified in the policy or pay compensation for loss of income on a daily basis but not exceeding the maximum number of days as specified in the insurance policy to the insured as compensation under the non-life insurance contract In which the insurer pays a



certain amount to the insured as a payment under the insurance contract of the same amount as a life insurance contract. (3) Death, in which the insurer pays a certain amount to the beneficiary. or heirs of the insured Based on the death of the insured as a condition of using the contract money as payment under the life insurance contract

When in Thailand, the types of business operations are classified according to the classification of insurance contracts under Section 861 of the Civil and Commercial Code, which are divided into two types: non-life insurance contracts. and life insurance contracts By separating the non-life insurance business from the life insurance business is strictly prohibited. The OIC approved the insurance companies to offer and make contracts for insurance and the Coronavirus 2019 (COVID-19) Cotter, Daniel A. (2020). Non-life insurance company with the people. It is considered that both non-life insurance companies comprise Business that violates the law Both companies are liable to fines as specified by the law as mentioned above if considering the intention of the OIC to approve both non-life insurance companies and life insurance companies to offer and enter into this insurance contract with the public. The author is of the opinion that the OIC wants insurance to help the people to provide medical expenses and compensation for loss of income, and for the heirs or beneficiaries to receive money to heal the suffering in the event of the death of a family member. When infected with the coronavirus 2019 (COVID-19) Iain. F. (2020). In the situation with the epidemic of coronavirus 2019 (COVID-19) causing a large number of people to get sick and die daily, therefore, the insurance company is approved to determine The terms of the contract that people have access to this insurance, such as (1) people of all occupations can get insurance without having to have a medical examination before contracting; Natasha F.&Waygood. K. (2020). The premiums of accident and health insurance contracts are many times higher than this insurance. This insurance is also a guarantee for both public and private hospitals to receive medical expenses for sure. with the government without having to pay medical expenses for people who have insurance, etc.

Suggestions

1. Suggestions from this research The researcher has two recommendations from this research as follows:

1) To prevent non-life insurance companies and life insurance companies from conducting insurance business that violates the law. The author, therefore, recommends that the coverage of non-life insurance contracts and life insurance contracts of Coronavirus 2019 (COVID-19) insurance should be separated from the same policy. Insurance businesses should issue a notice of the registrar to prescribe guidelines for doing business for non-life insurance companies and life insurance companies, namely: (1) life insurance, including types of personal insurance products as prescribed by the registrar, such as the Coronavirus Disease 2019 (COVID-19) insurance contract. In which the insurer will pay a certain amount to the insured for medical expenses and compensation for loss of income to the insured. or the beneficiary or heir if the insured dies; (2) non-life insurance shall include: Types of personal insurance products as prescribed by the registrar are coronavirus 2019 (COVID-19) insurance contracts in which the insurer pays the insured for medical expenses. or compensation for actual loss of income but not exceeding the amount specified in the insurance policy

2) The OIC should amend the order of the registrar of the Office of Insurance Commission No. 38/2564 regarding conditions for exercising the right to cancel insurance policies by companies in COVID-19 insurance policies as follows: (1) The name of the announcement should be added the word "Order of the Registrar of the Office of Insurance Commission No. 38/2564 Re: Conditions for exercising the right to cancel insurance policies



by companies in COVID-19 insurance policies for non-life insurance companies and life insurance companies” 2) in the order number 2 The third paragraph should be added that “company” means a public company licensed to undertake life insurance business under the Life Insurance Act. and includes a branch of a foreign life insurance company that is licensed to undertake life insurance business in the Kingdom under the law on life insurance;

2. Suggestions for the next research The researcher has two recommendations for further research as follows:

1) There should be quantitative research. (Quantitative Research) using Survey Research Method to study and analyze the impact of insurance and health insurance from the outbreak of the novel coronavirus (COVID-19) to the insurance business in Thailand

2) There should be evaluation research to compare the impact of insurance and health insurance from the novel coronavirus outbreak. to the insurance business of Thailand and foreign countries

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