

## Termination of Hospitalization Agreements: Discharge Requests by Medical Institutions

Masahiro Kiyofuji

Substantial practical interest has been observed regarding how hospitalization agreements are terminated and how medical institutions legally request a patient's discharge.

In normal cases, patients are discharged when both the patient and the medical institution agree upon it.

However, when these parties do not agree regarding the appropriateness of a discharge, it leads to an extremely complex problem that can result in a long-running dispute.

In Japan, no clear legal theories exist with regard to the actual termination of hospitalization agreements. Furthermore, discussions about which circumstances might constitute a justification for terminating a hospitalization agreement are insufficient.

As the time of terminating a hospitalization agreement is unclear, some patients are forcefully discharged without any apparent reason while in other cases medical institutions are forced to continue hospitalization even when they believe it to be unnecessary.

This paper assumes cases in which medical institutions request that a patient be discharged, and it attempts to provide a theoretical summary of hospitalization agreement terminations and a typology of situations in which a hospitalization agreement may be terminated.

The paper thus aims to eliminate the adverse effects that may arise due to unclear information regarding the termination of a hospitalization agreement on both patient and medical institutions.

#### KEYWORDS

Hospitalization agreement, medical consultation agreement, obligation to be discharged, forced discharge, discharge request, obligation to provide healthcare