

Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities

(Act No. 123 of November 7, 2005)

Table of Contents

Chapter I General Provisions (Article 1 to 5)

Chapter II Payment of Independent Living Support Benefits

Section 1 General Rules (Article 6 to 14)

Section 2 Payment of Nursing Care Benefits, Special Nursing Care Benefits, Training etc. Benefits, Special Training etc. Benefits, "Specified Persons with Disabilities Special Payment" Benefits, and "Specified Persons with Disabilities Exceptional Cases Payment" Benefits

Subsection 1 Municipal Examination Board (Article 15 to 18)

Subsection 2 Benefits Recipient Approval (Article 19 to 27)

Subsection 3 Payments for Nursing Care Benefits, Special Nursing Care Benefits, Training etc. Benefits, and Special Training etc. Benefits (Article 28 to 31)

Subsection 4 "Specified Persons with Disabilities Special Payment" Benefits and "Specified Persons with Disabilities Exceptional Cases Payment" Benefit (Article 32 to 35)

Subsection 5 Designated Providers of Welfare Service for Persons with Disabilities and Designated Support Facilities, Etc. for Persons with Disabilities (Article 36 to 51)

Subsection 6 Establishment of Management Systems (Article 51-2 to 51-4)

Section 3 Payment of Community Consultation Support Benefits, Special Community Consultation Support Benefits, Planning Consultation Support Benefits, and Special Planning Consultation Support Benefits

Subsection 1 Payment of Community Consultation Support Benefits and Special Community Consultation Support Benefits (Article 51-5 to 51-15)

Subsection 2 Payment of Planning Consultation Support Benefits and Special Planning Consultation Support Benefits (Article 51-16 to 51-18)

Subsection 3 Designated Providers of General Consultation Support Business and Designated Providers of Specified Consultation Support Business (Article 51-19 to 51-31)

Subsection 4 Establishment of Management Systems (Article 51-31 to 51-33)

Section 4 Payment of Independent Living Medical Care Benefits, Medical Nursing Care Benefits, and Appropriate Medical Nursing Care Benefits

(Articles 52 to 75)

Section 5 Payment of Assistive Medical Devices Benefits (Article 76)

Section 6 Payment of High-cost Welfare Services for Persons with Disabilities, etc. Benefits (Article 76-2)

Section 7 Reports and Public Disclosure of Information Contributing to the Utilization of Services, etc. Subject to Public Disclosure (Article 76-3)

Chapter III Community Life Support Services (Articles 77 to 78)

Chapter IV Businesses and Facilities (Articles 79 to 86)

Chapter V Welfare Plan for Persons with Disabilities (Articles 87 to 91)

Chapter VI Expenses (Articles 92 to 96)

Chapter VII The Duties of the Federations of the National Health Insurance Associations Related to the Act for the Comprehensive Support of Persons with Disabilities (Article 96-2 to 96-4)

Chapter VIII Requests for Administrative Review (Articles 97 to 105)

Chapter IX Miscellaneous Rules (Articles 105-2 to 108)

Chapter X Penal Provisions (Articles 109 to 115)

Supplementary Provisions

Chapter I General Provisions

(Purpose of This Act)

Article 1 The purpose of this Act is to enable persons and children with disabilities to live their daily lives or lead lives in society with the dignity as an individual possessing basic human rights by providing comprehensive support including the payment of benefits for necessary welfare service for persons with disabilities and implementation of community life support services, while aiming for the advancement of the welfare of persons and children with disabilities; and to contribute to making the local society into a place in which citizens can live with peace of mind and in mutual respect for each other's personality and character, regardless of whether they have disabilities or not, in accordance with the fundamental principles of the Basic Act for Persons with Disabilities (Act No. 84 of 1970), coupled with the Act on Welfare of Physically Disabled Persons (Act No.283 of 1949), the Act for the Welfare of Persons with Intellectual Disabilities (Act No.37 of 1960), the Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities (Act No.123 of 1950), the Child Welfare Act (Act No.164 of 1947), and other laws related the welfare of persons and children with disabilities.

(Fundamental Principles)

Article 1-2 The support intended to enable persons and children with disabilities to live their daily lives and lives in society, based on the fundamental principle

that all citizens should be respected, regardless of whether they have disabilities or not, as valuable individuals possessing basic human rights, must be provided in a comprehensive and systematic fashion to the end of insuring the realization of a society in which all citizens may co-exist without discrimination based on disability and in mutual respect for each other's character and individuality, by enabling all persons and children with disabilities to receive the necessary aid for their daily lives and lives in society at the nearest possible location, so that they may secure opportunities to participate in their communities as well as to live wheresoever and with whomsoever they choose; and by removing objects, policies, practices, views, and other hindrances to the fellowship of the persons with disabilities with other members of their community or to their daily lives or lives in society.

(Responsibilities of the Municipalities)

Article 2 (1) Municipalities (including special wards; the same applies hereafter) have the following responsibilities in the enforcement of this Act:

- (i) municipalities are to provide necessary aid to persons or children with disabilities (hereinafter referred to as "persons or children with disabilities") in the form of payment of independent living benefits and implementation of community life support service through close cooperation with bodies implementing measures for vocational rehabilitation (meaning vocational rehabilitation prescribed in the Act on the Promotion of Employment of Persons or Children with Disabilities. (Act No. 123 of 1969); the same applies hereinafter) including public employment security offices, with educational organizations, and with other related bodies, after ascertaining the living conditions of persons or children with disabilities in the community with the aim of enabling the persons to reside wheresoever they choose or to live their daily and lead their lives in society in an independent manner;
- (ii) municipalities are to provide adequate information and consultation about the welfare of persons or children with disabilities; provide the necessary research and guidance; and perform other duties pertaining thereto; or
- (iii) municipalities are to provide the necessary assistance to persons or children with disabilities who are in need of assistance of communication so that they may have unimpeded access to welfare services for persons with disabilities; coordinate with the relevant organizations for the prevention and early detection of the abuse of persons or children with disabilities; and otherwise provide assistance necessary to protect the rights of persons or children with disabilities.

(2) Prefectures have the following responsibilities in the enforcement of this Act:

- (i) prefectures are to provide advice, information, and other assistance necessary to ensure payment of independent living benefits and

- implementation of community life support service in an appropriate and smooth manner through cooperation with the municipalities;
- (ii) prefectures are to perform the necessary payments of independent living medical care benefits and implementation of community life support service through cooperation with the municipalities comprehensively;
 - (iii) prefectures are to provide consultation and guidance concerning persons or children with disabilities requiring expert knowledge and skills; or
 - (iv) prefectures are to provide the necessary assistance for the protection of the rights of persons or children with disabilities in cooperation with the municipalities, and provide the necessary advice, information, and other support to the municipalities so that they may carry out the assistance appropriately and smoothly.
- (3) The national government must provide advice, information, and other support necessary to the municipalities and prefectures so that they may carry out the payment of independent living benefits, the implementation of community life support service, and other duties prescribed in this Act appropriately and smoothly.
- (4) The national government and local public entity must endeavor to ensure the system for providing the necessary welfare services for persons with disabilities, counselling support, and community life support services so that persons or children with disabilities may live their daily lives and lead their lives in society in an independent manner.

(Responsibilities of Citizens)

Article 3 All citizens, regardless of whether they have disabilities or not, must endeavor to cooperate for making the local society into a place which helps persons or children with disabilities live the daily lives and lead their lives in society.

(Definitions)

Article 4 (1) The term "persons with disabilities" as used in this Act means physically disabled persons prescribed in Article 4 of the Act on Welfare of Physically Disabled Persons; persons with intellectual disabilities as prescribed in the Act for the Welfare of Persons with Intellectual Disabilities who are older than 18 years of age; persons with mental disorders or disabilities as prescribed in Article 5 of the Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities (those persons with mental disorders or disabilities include those with developmental disorders as prescribed in Article 2, paragraph (2) of the Act on Support for Persons with Development Disabilities (Act No.167 of 2004), and excludes those with intellectual disabilities as prescribed in the Act on Persons with an Intellectual

Disabilities; hereinafter referred to as "persons with mental disorders") who are older than 18 years of age; and persons with disorders or disabilities of a degree of severity specified by the Minister of Health, Labour and Welfare which have arisen due to illnesses for which no established treatment exists or with other rare illnesses as specified by Cabinet Order and who are older than 18 years of age.

- (2) The term "children with disabilities" as used in this Act means children with disabilities as prescribed in paragraph (2) of Article 4 of the Child Welfare Act.
- (3) The term "guardians" as used in this Act means the guardians prescribed in Article 6 of the Child Welfare Act.
- (4) The term "disability support category" as used in this Act means categories specified by Order of the Ministry of Health, Labour and Welfare as comprehensive indices of the standard amounts of support required for persons or children with disabilities, depending on the various characteristics of their disabilities and other physical or mental conditions.

Article 5 (1) The term "welfare services for persons with disabilities" as used in this Act means in-home nursing care, visiting care for persons with severe disabilities, companion support, activity support, medical nursing care, daily nursing care, short-stay service, comprehensive support for persons with severe disabilities, residential facility care, rehabilitation services, employment transition support, continuous support for employment services, employment retention support, independent living support, and group home assistance; and the term "business of providing welfare service for persons with disabilities" as used in this Act means business activities which are conducted to provide welfare services for persons with disabilities (except in-facility welfare services (meaning the residential facility care and the welfare services for persons with disabilities as prescribed by Order of the Ministry of Health, Labour and Welfare) provided at support facilities for the persons with disabilities; at facilities established by the National Center for Persons with Severe Intellectual Disabilities (an incorporated administrative agency) pursuant to Article 11, item (i) of the Act on National Center for Severe Intellectual Disabled Persons, "Nozominosono" (Act No. 167 of 2002) (these facilities are hereinafter referred to as "Nozominosono")); and at other facilities prescribed by Order of the Ministry of Health, Labour and Welfare.

- (2) The term "in-home nursing care" as used in this Act means to better accommodate persons or children with disabilities, such as home-based care consisting of assistance during meals, bathing, excretion, and other support prescribed by Order of the Ministry of Health, Labour and Welfare.
- (3) The term "visiting care for persons with severe disabilities" as used in this Act means to better comprehensively accommodate persons with severe

physical disabilities or other persons with disabilities who require continuous nursing care, including assistance during meals, bathing, excretion, and the other support prescribed by Order of the Ministry of Health, Labour and Welfare as well as assistance during transportation and activities outdoors.

- (4) The term "companion support" as used in this Act means the provision of services to persons or children with disabilities who experience severe difficulty with mobility due to a visual impairment, such as services by which they are accompanied while outside their residence, given information necessary to facilitate their movements as well as being provided assistance with their movements, and other services specified by Order of the Ministry of Health, Labour and Welfare.
- (5) The term "activity support" as used in this Act means the provision of services to persons or children with disabilities who experience severe difficulty in their activities due to an intellectual disability or mental disorder, who require continuous nursing care, including assistance necessary for their safety during transportation when outdoors, and other support prescribed by Order of the Ministry of Health, Labour and Welfare.
- (6) The term "medical nursing care" as used in this Act means the provision of functional training, care management, nursing care, care under medical management, and daily care delivered in hospitals or other facilities prescribed by Order of the Ministry of Health, Labour and Welfare mainly in the daytime to persons with disabilities requiring medical care and continuous nursing care as prescribed by Order of the Ministry of Health, Labour and Welfare; and the term "medical nursing care treatment" as used in this Act means forms of medical nursing care involving medical intervention.
- (7) The term "daily nursing care" as used in this Act means the provision of nursing care during meals, bathing, or excretion, the provision of opportunities for creative or productive activities, or the provision of other support prescribed by Order of Ministry Health, Labour and Welfare, at support facilities for persons with disabilities or at other facilities prescribed by Order of the Ministry of Health, Labour and Welfare, mainly in the daytime, to persons with disabilities specified by Order of the Ministry of Health, Labour and Welfare as requiring continuous nursing care.
- (8) The term "short-stay service" as used in this Act means to have persons or children with disabilities stay in a support facility for persons with disabilities or other facilities prescribed by Order of the Ministry of Health, Labour and Welfare for a short time, to provide them with assistance during meals, bathing, or excretion, and other services prescribed by Order of the Ministry of Health, Labour and Welfare while they require the short-time placement in those facilities due to illness of their caretakers who customarily perform the services at the home of the persons or children in question or due to other

reasons.

- (9) The term "comprehensive support for persons with severe disabilities and others" as used in this Act means the provision of comprehensive services to persons or children with disabilities prescribed by Order of the Ministry of Health, Labour and Welfare as those who require continuous nursing care and have a high level of need for that nursing care, including in-home nursing care and other welfare services for persons with disabilities as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (10) The term "residential facility care" as used in this Act means the provision of assistance during meals, bathing, and excretion, and other services prescribed by Order of the Ministry of Health, Labour and Welfare mainly at night-time to persons with disabilities housed in a facility.
- (11) The term "support facilities for persons with disabilities" as used in this Act means facilities providing residential facility care as well as in-facility welfare service other than that care (the facilities in question exclude both Nozominosono and the facilities prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in paragraph (1) of this Article) to persons with disabilities.
- (12) The term "rehabilitation services" as used in this Act means the provision of training to improve physical functioning or social skills and the provision of other services prescribed by Order of the Ministry of Health, Labour and Welfare, within the period prescribed by Order of the Ministry of Health, Labour and Welfare, to enable persons with disabilities to live the daily lives or lead their lives in society in an independent manner.
- (13) The term "employment transition support" as used in this Act means the provision of the adequate training for the purpose of improving the necessary knowledge and skills for finding employment and the provision of other services prescribed by Order of the Ministry of Health, Labour and Welfare, to persons with disabilities wishing to find employment, within the period prescribed by Order of the Ministry of Health, Labour and Welfare, through the granting of opportunities for productive activities and other activities.
- (14) The term "continuous support for employment services" as used in this Act means the provision of opportunities for being employed as well as the adequate training to improve the knowledge and skills, and the provision of other services as prescribed by Order of the Ministry of Health, Labour and Welfare, to persons with disabilities who have difficulty finding employment at conventional places of business, through the provision of opportunities for productive activities and other activities.
- (15) The term "employment retention support" as used in this Act means the provision of the necessary communication and coordination among the owner of the place of business, persons engaged in the business of providing welfare

services for persons with disabilities, and medical institutions, so as to ensure the continuous employment of persons with disabilities who have newly found employment at the relevant place of business after receiving employment placement assistance as prescribed by Order of the Ministry of Health, Labour and Welfare, and the provisions of other services specified by Order of the Ministry of Health, Labour and Welfare, within the period prescribed by Order of the Ministry of Health, Labour and Welfare.

- (16) The term "independent living support" as used in this Act means the provision of the necessary information, advice and other support prescribed by Order of the Ministry of Health, Labour and Welfare, to persons with disabilities who have received residential facility care or group home assistance or to other persons with disabilities as prescribed by Order of the Ministry of Health, Labour and Welfare, with regard to issues about their independent daily life at their residence, in dealing with their request for consultation at the time of periodic visits, or whenever they require it, within the period specified by Order of the Ministry of Health, Labour and Welfare.
- (17) The term "group home assistance" as used in this Act means the provision of assistance during meals, bathing, and excretion and the other support or consultation to persons with disabilities in their daily life at their communal place of residence primarily during night-time hours.
- (18) The term "consultation support" as used in this Act means basic consultation support, community consultation support and planning consultation support; the term "community consultation support" as used in this Act means transition support for community life and support for continuing community life; the term "planning consultation support" as used in this Act means support for the utilization of services and support for the continued utilization of services; the term "the general consultation support business" as used in this Act means business activities which are conducted to provide both basic consultation support and community consultation support; and the term "the specified consultation support business" as used in this Act means business activities which are conducted to provide both basic consultation support and planning consultation support.
- (19) The term "basic consultation support" as used in this Act means to better comprehensively accommodate persons or children with disabilities, the guardians of children with disabilities, or the caretakers of persons or children with disabilities, including the provision of necessary information and advice on various issues pertaining to the welfare of persons or children with disabilities that may arise in the course of their lives in the local community, in dealing with the request for the consultation from them; the provision of communication and coordination among those persons, the municipalities, and the designated providers, etc. of welfare service for persons with disabilities as

- prescribed in Article 29, paragraph (2) (that communication and coordination exclude those related to support for the utilization of services and support for the continued utilization of services); and the provisions of other forms of services as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (20) The term "transition support for community life" as used in this Act means the provision of consultation on securing a place of residence or other activities pertaining to transition to life in a local community and other forms of assistance prescribed by Order of the Ministry of Health, Labour and Welfare to persons with disabilities residing in a support facility for persons with disabilities, Nozominosono or any facility prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in paragraph (1) or paragraph (6); persons with mental disorders or disabilities in a mental hospital (including a non- psychiatric hospital which has a section for the care of persons with mental disorders or disabilities; the same applies to Article 86, paragraph (6)); or other persons prescribed by the Order of the Ministry of Health, Labour and Welfare as requiring intensive support in transitioning to life in a local community.
- (21) The term "support for continuing community life" as used in this Act means the provision of services, in the form of ensuring contact with persons with disabilities living alone or under conditions prescribed by Order of the Ministry of Health, Labour and Welfare and providing consultation and other support on emergencies arising from the characteristics of their disabilities or on other cases prescribed by Order of the Ministry of Health, Labour and Welfare.
- (22) The term "support for the utilization of services" as used in this Act means the preparation of a plan specifying the type, content and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare of the welfare services for persons with disabilities or the community consultation support which persons or children with disabilities related to the application under Article 20, paragraph (1) or Article 24, paragraph (1) or persons with disabilities related to the application under Article 51-6, paragraph (1) or Article 51-9, paragraph (1) are to use (that plan is hereinafter referred to as the "proposed plan for the utilization of services, etc."), considering their mental and physical state, their environment, their opinion or that of the guardians of children with disabilities regarding the use of the services or support in question, and other conditions; the provision of communication and coordination with the designated providers, etc. of welfare services for persons with disabilities as prescribed in Article 29, paragraph (2) and with the designated providers of general consultation support business as prescribed in Article 51-14, paragraph (1) (those providers are collectively referred to as the "relevant parties" in the following paragraph) and the provision of other services, after a benefits recipient approval under Article 19, paragraph (1)

(referred to as the "benefits recipient approval" in the following paragraph), a decision to change an benefits recipient approval under Article 24, paragraph (2) (referred to as the "decision to change an benefits recipient approval" in the following paragraph), an approval for community consultation support benefits under Article 51-5, paragraph (1) (referred to as the "approval for community consultation support benefits" in the following paragraph) or a decision to change an approval for community consultation support benefits under Article 51-9, paragraph (2) (referred to as the "decision to change an approval for community consultation support benefits" in the following paragraph) (those approvals and decisions are collectively referred to as the "benefits recipient approval, etc.") are made; and the preparation of a plan specifying the type and content, the person in charge, and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare of the welfare services for persons with disabilities or the community consultation support regarding the benefits recipient approval, etc. (that plan is hereinafter referred to as the "plan for the utilization of services, etc.").

(23) The term "support for the continued utilization of services" as used in this Act means the service to enable persons with disabilities or the guardians of children with disabilities who have received a benefits recipient approval pursuant to Article 19, paragraph (1) (hereinafter referred to as the "persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval") to continue appropriately using welfare services for persons with disabilities within the validity period for the benefits recipient approval as prescribed in Article 23, or enable persons with disabilities who have received an approval for community consultation support benefits pursuant to Article 51-5, paragraph (1) (hereinafter referred to as the "persons with disabilities who have received an approval for community consultation support benefits") to continue appropriately using community consultation support within the validity period for the approval of community consultation support benefits as prescribed in Article 51-8, through the following: checking the usage of welfare services for the persons with disabilities by those persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval or the usage of community consultation support by those persons with disabilities who have received an approval for community consultation support benefits, at the intervals prescribed by Order of the Ministry of Health, Labour and Welfare, in order to ascertain whether or not the plan for the utilization of services, etc. regarding those persons with disabilities or guardians of children with disabilities who have received the benefits recipient approval, or regarding those persons with disabilities who have received the approval for community consultation support benefits (that plan includes that which has been modified pursuant to the provisions of this

paragraph; the same applies hereinafter) is appropriate; revising the plan for the utilization of services, etc., considering the result of that assertion, the mental and physical state of the persons or children with disabilities relevant to the aforementioned benefits recipient approval or the persons with disabilities relevant to the aforementioned approval for community consultation support benefits, the environment in which they are placed, and their opinion or that of the guardians of the children with disabilities regarding the use of the services or support in question; and, based on that revision, providing one of the following services:

- (i) effecting changes to the plan for the utilization of services, etc. and providing communication and coordination with the relevant parties or other services; or
- (ii) if a new benefits recipient approval, a new approval for community consultation support benefits, a new decision to change the benefits recipient approval, or a new decision to change the approval of community consultation benefits is found necessary, recommending that the persons with disabilities or guardians of children with disabilities relevant to the benefits recipient approval, etc. submit an application for a benefits recipient approval, etc.

(24) The term "independent living medical care" as used in this Act means medical care as specified by Cabinet Order which is necessary to ameliorate the mental and physical state of persons or children with disabilities and to have them live the daily lives and lead their lives in society in an independent manner.

(25) The term "assistive medical devices" as used in this Act means artificial limbs, braces, wheel chairs, and other devices specified by the Minister of Health, Labour and Welfare as those complementing or replacing the physical functions of persons or children with disabilities which are intended for continuous use over long periods of time, or otherwise as those devices conforming to the standards prescribed by Order of the Ministry of Health, Labour and Welfare.

(26) The term "transportation support service " as used in this Act means providing assistance for the transportation of persons or children with disabilities so that they may engage in their activities of daily life in an unhindered manner.

(27) The term "community activity support center" as used in this Act means facilities to which persons or children with disabilities or others commute and which provide opportunities for creative, promote their integration with society, and provide other benefits prescribed by Order of the Ministry of Health, Labour and Welfare.

(28) The term "welfare home" as used in this Act means a facility providing

services necessary to daily life to persons with disabilities currently searching for a place of residence while providing them with rooms and other equipment at low cost.

Chapter II Payment of Independent Living Benefits

Section 1 General Rules

(Payment of Independent Living Benefits)

Article 6 Payment of independent living benefits means payment of nursing care benefits, special nursing care benefits, training, etc. benefits, special training, etc. benefits, "specified persons with disabilities special payment" benefits, "designated persons with disabilities special payment" benefits, community consultation support benefits, special community consultation support benefits, planning consultation support benefits, special planning consultation support benefits, independent medical care benefits, medical nursing care benefits, appropriate medical nursing care benefits, assistive medical devices benefits, and high-cost welfare services for persons with disabilities, etc. benefits

(Adjustment with Benefits Provided by Other Laws and Regulations)

Article 7 Payment of independent living benefits is not be granted to persons entitled to receive the nursing care under the Nursing Insurance Act (Act No. 123 of 1997), the medical care under the Health Insurance Act (Act No. 70 of 1922), or any other benefits or services equivalent to the independent living benefits among those benefits or services based on laws and regulations as specified by Cabinet Order, to the extent prescribed by Cabinet Order; nor to persons receiving any benefits equivalent to the independent living benefits from the national government or a local government besides those benefits or services specified by the relevant Cabinet Order, to the extent covered by the benefits in question.

(Collection of Fraudulent Gains)

Article 8 (1) If a person receives payment of independent living benefits by deceit or wrongful means, the municipality (or prefecture, if independent living medical care benefits as prescribed by Cabinet Order are concerned; hereinafter referred to as the "municipalities, etc.") may collect the whole or a part of the amount equivalent to the independent living benefits.

(2) If a designated provider, etc. of welfare service for persons with disabilities as prescribed in Article 29, paragraph (2), a designated provider, etc. of general consultation support business as prescribed in Article 51-14, paragraph (1), a designated provider of special consultation support business as prescribed in Article 51-17, paragraph (1) or a designated medical institution for persons

with disabilities as prescribed in Article 54, paragraph (2) (the provider of institution in question is hereinafter referred to as the "provider, etc." in this paragraph) receives nursing care benefits, training, etc. benefits, "specified persons with disabilities" benefits, community consultation support benefits, planning consultation support benefits, independent living medical care benefits, or medical nursing care benefits, the municipalities, etc. may require the relevant providers, etc. not only to return the amount wrongfully gained but also pay the equivalent of 40% of that amount.

- (3) The money collected pursuant to the provisions of the preceding two paragraphs are included in the annual revenue prescribed by law as provided for in Article 231-3, paragraph (3) of the Local Autonomy Act (Act No. 67 of 1947).

(Reports)

- Article 9 (1) If a municipality, etc. finds it necessary to provide payment of independent living benefits, the municipality may require persons or children with disabilities, the guardians of children with disabilities, the spouse of persons or children with disabilities or the head of the household or other members or former members of the household to which the persons or children with disabilities belong to make a report; require them to submit or show documents or other materials; or require relevant personnel to question them.
- (2) If questioning is conducted pursuant to the preceding paragraph, the relevant personnel must carry proof of identification displaying their status, and if requested by parties concerned, they must present their proof of identification.
- (3) The authority under paragraph (1) is not to be construed as permitted for criminal investigation.

Article 10 (1) If a municipality, etc. finds it necessary to provide payment of independent living benefits, the municipality may require the persons who engage or engaged in the welfare services for persons with disabilities, consultation support, independent living medical care, medical nursing care, or the sale, lease or repair of assistive medical devices in relation to the payment of independent living benefits (hereinafter referred to as the "services, etc. subject to payment of independent living benefits") or those who employ or employed them to make a report; may require them to submit or show documents or other materials; may require relevant personnel to question the persons concerned; or may require them to enter the places of business or facilities of the services, etc. subject to payment of independent living benefits, in order to inspect the equipment, documents or other materials.

- (2) The provision of paragraph (2) of the preceding Article applies mutatis mutandis to the questioning or inspection under the preceding paragraph; the

provision of paragraph (3) applies mutatis mutandis to the authority under the preceding paragraph.

(Inquiries by the Minister of Health, Labour and Welfare or Prefectural Governors Concerning Services Subject to Payment of Independent Living Benefits)

Article 11 (1) The Minister of Health, Labour and Welfare or the prefectural governors find it necessary to provide payment of independent living benefits, the minister or governors may order the relevant persons or children with disabilities, guardians of children with disabilities, or those who were formerly those persons to make a report or submit or show documents or other materials concerning the content of the relevant services, etc. subject to the payment of independent living benefits, or may require relevant personnel to question the persons concerned.

(2) The Minister of Health, Labour and Welfare or the prefectural governors find it necessary to provide payment of independent living benefits, the minister or governors may order those who provided services, etc. subject to the payment of independent living benefits or those who employed them to make a report on the services, etc. which they provided; may order them to submit or show the records, books, documents or other materials on the provision of the services, etc.; or may require relevant personnel to question the persons concerned.

(3) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning under the preceding two paragraphs; the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority under the preceding two paragraphs.

(Designated Corporations Entrusted with Duties)

Article 11-2 (1) The municipalities and the prefectures may entrust a portion of the following duties to a corporation meeting the requirements prescribed by Order of the Ministry of Health, Labour and Welfare and designated by the prefectural governor as competent to perform the duties in an appropriate manner (hereinafter referred to as the "designated corporations entrusted with duties"):

(i) the duties prescribed in Article 9, paragraph (1), Article 10, paragraph (1), as well as paragraph (1) and paragraph (2) of the preceding Article (excluding the duties related to the selection of persons subject to the orders and questioning under those provisions; the duties related to the selection of workplaces or facilities subject to on-site inspections under those provisions; and the orders and on-site inspections in question); or

(ii) other duties prescribed by Order of the Ministry of Health, Labour and Welfare (excluding the duties within the brackets in the preceding item)

- (2) An officer or personnel of the designated corporation entrusted with duties or persons previously employed as those must not, without just cause, divulge any information about the duties that has come into their possession.
- (3) An officer or personnel of the designated corporation entrusted with duties who are engaged in the entrusted duties are deemed to be engaged in public service pursuant to laws and regulations, with respect to the application of the Penal Code (Act No.45 of 1907) and other penalties.
- (4) If a municipality or prefecture makes an entrustment of duties pursuant to paragraph (1), the municipality or prefecture may make public notice to the effect pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning entrusted, pursuant to the provisions of paragraph (1) and prescribed in of Article 9, paragraph (1), or Article 10, paragraph (1) as well as paragraph (1) or paragraph (2) of the preceding Article.
- (6) Beyond what is provided for in each of the preceding paragraphs, other matters necessary in regard to the designated corporation entrusted with duties are specified by Cabinet Order.

(Provision of Materials)

Article 12 If a municipality, etc. finds it necessary to provide payment of the independent living benefits, the municipality may request public agencies to provide access to necessary documents or provide necessary materials, or may request a report from banks, trust companies, other institutions, employers of persons or children with disabilities or other interested parties to provide reports concerning the assets and income status of persons or children with disabilities, guardians of children with disabilities, the spouses of persons with disabilities, or the householder or other members of the households to which the persons or children with disabilities belong.

(Protection of the Right to Receive Benefits)

Article 13 The right to receive payment of the independent living benefits may not be transferred, used as collateral, or confiscated.

(Prohibition on Taxation and Other Public Charges)

Article 14 Taxation and other public charges may not be levied on the basis of monies and goods provided as payment of independent living benefits.

Section 2 Payment of Nursing Care Benefits, Special Nursing Care Benefits, Training etc. Benefits, Special Training etc. Benefits, "Specified persons with Disabilities Special Payment" Benefits, and

**"Specified Persons with Disabilities Exceptional Cases Payment"
Benefits
Subsection 1 Municipal Examination Board**

(Municipal Examination Board)

Article 15 Examination boards concerning payment of nursing care, etc. benefits as prescribed in Article 19, paragraph (1) (hereinafter referred to as the "municipal examination boards") are to be established to perform examinations and give judgments as prescribed in Article 26, paragraph (2).

(Board Members)

Article 16 (1) The fixed number of a municipal examination board is specified by Municipal Ordinance pursuant to the standards prescribed by Cabinet Order.
(2) Board members are to be appointed by the mayors of municipalities (including mayors of special wards; the same applies hereafter) from among persons with the relevant expertise on the health and welfare of persons or children with disabilities.

(Support for Joint Establishment)

Article 17 (1) The prefectures may coordinate as necessary between municipalities in response to a request from the municipalities intending to implement a joint establishment under Article 252-7, paragraph (1) of the Local Autonomy Act for a municipal examination board.
(2) The prefectures may provide necessary technical advice or other support to municipalities which have jointly established a municipal examination board to ensure its smooth operation.

(Entrustment to Cabinet Order)

Article 18 Beyond what is provided for in this Act, the necessary matters pertaining to the municipal examination boards are specified by Cabinet Order.

Subsection 2 Benefits Recipient Approval

(Approval for Nursing Care Benefits, etc.)

Article 19 (1) Persons with disabilities or guardians of children with disabilities who intend to receive payment of nursing care benefits, special nursing care benefits, training etc. benefits, or special training, etc. benefits (hereinafter referred to as "nursing care benefits, etc.") must receive a decision from the municipality granting nursing care benefits, etc. (hereinafter referred to as the "benefits recipient approval").
(2) The benefits recipient approval is to be made by the municipality where the

persons with disabilities or the guardians of children with disabilities reside; provided, however, that, if the persons with disabilities or the guardians of children with disabilities do not have, or it is unclear whether or not if they have a residence, the municipality of the present location of the persons is to make the benefits recipient approval.

(3) Notwithstanding the provisions of the preceding paragraph, in cases of persons with disabilities who live in a support facility for persons with disabilities, Nozominosono, or a facility specified by Order of the Ministry of Health, Labour and Welfare as provided for in Article 5, paragraph (1) or paragraph (6) after receiving payment of nursing care benefits, etc. pursuant to Article 29, paragraph (1) or Article 30, paragraph (1) or receiving the admission measure under Article 19, paragraph (2) of the Act on Welfare of Physically Disabled Persons or under Article 16, paragraph (1) of the Act for the Welfare of Persons with Intellectual Disabilities; and who live in a facility pursuant to the proviso of Article 30, paragraph (1) of the Public Assistance Act (Act No. 144 of 1950) (those persons are hereinafter collectively referred to as "persons with disabilities in specified facilities" in this paragraph), the municipality where those persons with disabilities in specified facilities resided before entering the support facilities for persons with disabilities, Nozominosono, the facility prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in Article 5, paragraph (1) or paragraph (6), or a facility prescribed in the proviso of Article 30, paragraph (1) of the Public Assistance Act (those facilities are hereinafter referred to as "specified facilities" in this paragraph) is to make the benefits recipient approval (or, if the persons with disabilities in specified facilities have been placed at two or more specified facilities continuously (hereinafter referred to as "persons with disabilities during continuous placements at different specified facilities" in this paragraph), the municipality of the first facility in which the persons in question were placed is to make the benefits recipient approval); provided, however, that, for persons with disabilities in specified facilities who had no place of residence prior to their admission or whose place of residence is unclear, the municipality which they were in at the time of their admission (or, for persons with disabilities during continuous placements at different specified facilities, the municipality of their residence prior to their admission in the first specified facility) is to make the benefits recipient approval.

(4) Notwithstanding the provisions of the preceding two paragraphs, if persons or children with disabilities were admitted into a facility specified by Order of the Ministry of Health, Labour and Welfare as provided for in Article 5, paragraph (1), after receiving payments of the institutional benefits for children with disabilities as prescribed in Article 24-2, paragraph (1) or Article 24-24, paragraph (1) of the Child Welfare Act, or receiving the measure pursuant to

Article 27, paragraph (1), item (iii) or paragraph (2) of the same Act (those measures include those which are, pursuant to Article 31, paragraph (5) of the same Act, deemed to be taken pursuant to Article 27, paragraph (1), item (iii) or paragraph (2)); and, continuously, the persons or children in question are admitted into the specified facilities, after receiving payment of nursing care benefits, etc. pursuant to Article 29, paragraph (1) or Article 30, paragraph (1), after receiving the admission measure pursuant to Article 18, paragraph (2) of the Act on Welfare of Physical Disabled Persons or Article 16, paragraph (1) of the Act for the Welfare of Persons with Intellectual Disabilities, or pursuant to the proviso of Article 30, paragraph (1) of the Public Assistance Act, then the municipality where the guardians of the persons or children with disabilities resided up to the day before the eighteenth birthday of those persons or children with disabilities (hereinafter referred to as "former guardians" in this paragraph) is to make the benefits recipient approval; provided, however, that, if, on the day before the eighteenth birthday of the persons or children with disabilities, the former guardians did not exist or have a place of residence, or the location of the former guardian's residence was unclear, the municipality where the persons or children with disabilities resided until the day before their eighteenth birthday is to make the benefits recipient approval.

- (5) The specified facility into which the persons or children with disabilities falling under the provisions of the preceding two paragraphs have been admitted must cooperate as necessary with the municipality where the specified facility is located and with the municipality making the benefits recipient approval for the persons or children with disabilities.

(Applications)

Article 20 (1) Persons with disabilities or the guardians of children with disabilities who intend to receive a benefits recipient approval must apply to the municipality pursuant to Order of the Ministry of Health, Labour and Welfare.

- (2) If the application under the preceding paragraph has been filed, in accordance with Order of the Ministry of Health, Labour and Welfare, the municipality is to require the relevant personnel to interview the persons or children with disabilities or the guardians of children with disabilities relevant to the application to ascertain their mental and physical state, their circumstances, and other particulars specified by Order of the Ministry of Health, Labour and Welfare, in order to determine the pertinent classification of the disability support category and make the decisions determining the necessity for granting benefits as prescribed in the same paragraph, pursuant to paragraph (1) of the following Article and Article 22, paragraph (1). In such a case, the municipality may entrust the interview to a designated provider of general

consultation support business as prescribed in Article 51-14, paragraph (1) or other party specified by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as the "designated providers, etc. of general consultation support business" in this Article).

- (3) The designated providers, etc. of general consultation support business entrusted with the duties pursuant to the latter part of paragraph (2) are to require persons with expert knowledge and skills in the health or welfare of persons or children with disabilities as prescribed by Order of the Ministry of Health, Labour and Welfare to conduct the inspection related to the entrustment.
- (4) The officers (meaning employees, directors or executive officers performing the duties, or their equivalent; and including persons whose influence over a corporation is as much as, or greater than that of employees, directors, executive officers performing the duties, or that of their equivalent, whether their title is a counselor, consultant, etc.; the same applies hereinafter except in Article 109, paragraph (1)) of the designated provider, etc. of general consultation support business which have been entrusted pursuant to the second sentence of paragraph (2); or persons prescribed by Order of the Ministry of Health, Labour and Welfare as set forth in the preceding paragraph; or persons who were formerly employed as such are not to divulge other person's confidential information which has come to their possession concerning the entrusted duties, without just cause.
- (5) The officers of the designated providers, etc. of general consultation support business prescribed in the second sentence of paragraph (2) or persons prescribed by Order of the Ministry of Health, Labour and Welfare as set forth in paragraph (3) who are to perform the entrusted duties are, pursuant to laws and regulations, deemed to be engaged in a public service with respect to the application of the Penal Code (Act No.45 of 1907) and other penalties.
- (6) In the case of paragraph (2), a municipality may delegate the investigations to another municipality if the persons or children with disabilities or the guardians of children with disabilities have their residence or current location in a remote area.

(Certification of the Disability Support Category)

- Article 21 (1) If the application prescribed in paragraph (1) of the preceding Article has been filed, pursuant to Cabinet Order, the municipality is to determine the pertinent classification of the disability support category, based on the results of an examination and judgment which the municipal examination board has made regarding that category of the persons or children with disabilities relevant to the application.
- (2) When a municipal examination board finds it necessary for the examination

and judgment in the preceding paragraph, the board may hear the opinions of the persons or children with disabilities, their family, physicians, and other persons relevant to the examination and judgment.

(Decisions Determining the Necessity for Granting Benefits)

- Article 22 (1) The municipality is to determine whether or not the grant for nursing care benefits, etc. is needed (referred to as "decisions determining the necessity for granting benefits" in this Article and Article 27), after due consideration of the disability support category of the persons or children with disabilities relevant to the application under Article 20, paragraph (1), the circumstances of their caretakers, the environment of the persons or children in question, and the opinions of those persons or children with disabilities or guardians of children with disabilities relevant to the application on the utilization of the welfare services for persons with disabilities, and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.
- (2) If the municipality finds it necessary to make a decision determining the necessity for granting benefits, it may hear the opinions of the municipal examination board, or the opinions of a recovery consultation offices for persons with physical disabilities prescribed in Article 9, paragraph (7) of the Act on Welfare of Physically Disabled Persons (referred to as "recovery consultation offices for persons with physical disabilities" in Article 74 and Article 76, paragraph (3)), a recovery consultation offices for persons with intellectual disabilities prescribed in Article 9, paragraph (6) of the Act for the Welfare of Persons with Intellectual Disabilities, a mental health and welfare center prescribed in Article 6, paragraph (1) of the Act for the Mental Health and Welfare of Mentally Persons with Disabilities, a child guidance center (those offices or centers are hereinafter referred to as "recovery consultation offices for persons with physical disabilities, etc.") or other institutions prescribed by Order of the Ministry of Health, Labour and Welfare.
- (3) If the municipal examination boards, the recovery consultation offices for persons with physical disabilities, etc. or the institutions prescribed by Order of the Ministry of Health, Labour and Welfare as set forth in the preceding paragraph find it necessary to state their opinions as set forth in the same paragraph, they may hear the opinions of the persons or children with disabilities, family, physicians or others relevant in making the decision on determining the necessity for granting benefits.
- (4) In cases specified by Order of the Ministry of Health, Labour and Welfare as those in which it is considered necessary for a decision determining the necessity for granting benefits, the municipality, in accordance with Order of the Ministry of Health, Labour and Welfare, is to require the persons with disabilities or guardians of children with disabilities relevant to the

application prescribed in Article 20, paragraph (1) to submit the proposed plan for the utilization of services, etc. prepared by the designated provider of specified consultation support business prescribed in Article 51-17, paragraph (1), item (i).

- (5) In cases specified by Order of the Ministry of Health, Labour and Welfare, the persons with disabilities or guardians of children with disabilities who are required to submit a proposed plan for the utilization of services, etc. pursuant to the preceding paragraph may submit, in place of that proposed plan under the preceding paragraph, a proposed plan for the utilization of services, etc. as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (6) If a proposed plan for the utilization of services, etc. under any of the preceding two paragraphs has been submitted, the municipality is to make a decision determining the necessity for granting benefits, after due consideration of the matters specified by Order of the Ministry of Health, Labour and Welfare as provided for in paragraph (1) and that proposed plan for the utilization of services, etc.
- (7) When a municipality makes a decision on determining the necessity of granting benefits, they must decide the amount of welfare services for persons with disabilities covered by the nursing care benefits, etc. for the period by month prescribed by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as the "amount to be provided"), for each type of welfare services for persons with disabilities.
- (8) When a municipality has decided on determining the necessity of granting benefits, the municipality must provide a claimant's certificate for welfare services for persons with disabilities (hereinafter referred to as the "claimant's certificate") specifying the amount to be provided and other matters specified by Order of the Ministry of Health, Labour and Welfare to persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval, in accordance with Order of the Ministry of Health, Labour and Welfare.

(Valid Period for Benefits Recipient Approval)

Article 23 A benefits recipient approval is valid only for the period prescribed by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as the "validity period of benefits recipient approval").

(Change in Benefits Recipient Approval)

Article 24 (1) If the persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval need to change the type, the amount to be provided, or other matters prescribed by Order of the Ministry of Health, Labour and Welfare of the welfare services for persons with

disabilities related to the current benefits recipient approval, they may apply for a change regarding the benefits recipient approval to the municipality in accordance with Order of the Ministry of Health, Labour and Welfare.

- (2) If the municipality considers it necessary for persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval, the municipality may decide to change the benefits recipient approval upon the application under the preceding paragraph or by the authority vested in their office after due consideration of the matters prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in Article 22, paragraph (1). In such a case, the municipality may require the persons with disabilities or guardians of children with disabilities who have received the benefits recipient approval relevant to the decision to submit their claimant's certificate.
- (3) The provisions of Article 19 (excluding paragraph (1)), Article 20 (excluding paragraph (1)), and Article 22 (excluding paragraph (1)) apply mutatis mutandis to the decision to change the benefits recipient approval set forth in the preceding paragraph. In such a case, the necessary technical replacement of terms is prescribed by Cabinet Order.
- (4) The municipality may approve changes to the disability support category when making a decision to change the benefits recipient approval set forth in paragraph (2) if necessary.
- (5) The provisions of Article 21 apply mutatis mutandis to the approval to change the disability support category set forth in the preceding paragraph. In such a case, the necessary technical replacement of terms is prescribed by Cabinet Order.
- (6) If the municipality has decided to change the benefits recipient approval set forth in paragraph (2), it is to declare the matters pertaining to the decision on the claimant's certificate and return it to the applicant.

(Revocation of a Benefits Recipient Approval)

Article 25 (1) The municipality which makes a benefits recipient approval may revoke the benefits recipient approval in any of the following cases:

- (i) if a municipality finds that the persons or children with disabilities relevant to a the benefits recipient approval no longer requires the designated welfare services, etc. for persons with disabilities under Article 29, paragraph (1) or the appropriate welfare services for persons with disabilities under Article 30, paragraph (1), item (ii);
- (ii) if a municipality acknowledges that the persons with disabilities or guardians of children with disabilities who have received the benefits recipient approval have acquired a place of residence outside the municipality within the validity period of the benefits recipient approval

(except in cases in which the municipality acknowledges that the persons with disabilities relevant to the benefits recipient approval have acquired a place of residence outside the municipality due to their admission in a specified facility);

(iii) if persons or children with disabilities or guardians of children with disabilities relevant to the benefits recipient approval do not comply with the investigations prescribed in Article 20, paragraph (2) (including as applied *mutatis mutandis* pursuant to paragraph (3) of the preceding Article) without reasonable cause; or

(iv) other cases prescribed by Cabinet Order.

(2) A municipality which has revoked a benefits recipient approval pursuant to the preceding paragraph is to require the persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval relevant to the revocation to return their claimant's certificate in accordance with Order of the Ministry of Health, Labour and Welfare.

(Assistance by the Prefecture)

Article 26 (1) Upon the request from a municipality, a prefecture is to provide cooperation on technical matters through its recovery consultation office for persons with physical disabilities, etc. which the prefecture has established, and provide any other necessary assistance to that municipality, for the performance of the duties under Articles 19 through 22, Article 24, and the preceding Article which the municipality is to perform.

(2) An examination board is to be established within the prefecture entrusted with performing the examination and judgment duties by a municipality pursuant to Article 252-14, paragraph (1) of the Local Autonomy Act (those examination and judgement duties mean the duties which municipal examination board carry out pursuant to Article 21 (including as applied *mutatis mutandis* pursuant to Article 24, paragraph (5); the same applies to paragraph (4)), Article 22, paragraph (2) and paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 24, paragraph (3); the same applies to paragraph (4)), Article 51-7, paragraph (2) and paragraph (3) (including as applied *mutatis mutandis* pursuant to 51-9, paragraph (3)); the same applies in this Article and Article 95, paragraph (2), item (i)), in order to have that board perform those examination and judgement duties (the examination board in question is hereinafter referred to as the "prefectural examination board").

(3) The provisions of Article 16 and Article 18 apply *mutatis mutandis* to the prefectural examination boards in the preceding paragraph. In such case, the term "mayors of municipalities (including mayors of special wards; the same applies hereinafter)" Article 16, paragraph (2) is deemed to be replaced with

the term "prefectural governors."

- (4) When applying the provisions of Article 21 and Article 22, paragraph (2) and paragraph (3) to municipalities entrusting the examination and judgment duties to the prefecture, the term "municipal examination boards" in these provisions is deemed to be replaced with the term "prefectural examination boards."

(Entrustment to Cabinet Order)

Article 27 Beyond what is provided for in this subsection, matters necessary for the examination and judgment concerning the disability support category, benefits recipient approval, decisions determining the necessity for granting benefits, claimant's certificates, decisions to change a benefits recipient approval, and revocation of a benefits recipient approval are prescribed by Cabinet Order.

Subsection 3 Payment of Nursing Care Benefits, Special Nursing Care Benefits, Training etc. Benefits, and Special Training etc. Benefits

(Payment of Nursing Care Benefits, Special Nursing Care Benefits, Training etc. Benefits, and Special Training etc. Benefits)

Article 28 (1) The payment of nursing care benefits and special care benefits means the payment of benefits under the provisions of the following Article and Article 30 for the following welfare services for persons with disabilities:

- (i) in-home nursing care;
- (ii) visiting care for persons with severe disabilities;
- (iii) companion support;
- (iv) activity support;
- (v) medical nursing care (excluding those involving medical intervention);
- (vi) daily nursing care;
- (vii) short-stay service;
- (viii) comprehensive support for persons with severe disabilities; or
- (ix) residential facility care.

(2) The payment of training, etc. benefits and special training etc. benefits means the payment of benefits under the provisions of the following Article and Article 30 for the following welfare services for persons with disabilities:

- (i) rehabilitation service;
- (ii) employment transition support;
- (iii) continuous support for employment services;
- (iv) employment retention support;
- (v) independent living support; or
- (vi) group home assistance.

(Payment of Nursing Care Benefits or Training Benefits)

Article 29 (1) If a person with disabilities or guardian with disabilities who has received a benefits recipient approval is provided with the welfare services for persons with disabilities for which a person engaged in the business of providing welfare services for persons with disabilities has received the designation from the prefectural governor (hereinafter referred to as the "designated provider of welfare service for persons with disabilities") or for which a support facility for persons with disabilities has received the designation from the prefectural governor (hereinafter referred to as the "designated support facilities for persons with disabilities") (the services in question are hereinafter referred to as the "designated welfare services for persons with disabilities"), within the valid period for their benefits recipient approval; or if that person or guardian is provided with in-facility welfare services from Nozominosono within that valid period, the municipality is to pay the nursing care or training, etc. benefits to the person or guardian in question, for the costs required for those designated welfare services for persons with disabilities or in-facility welfare services (limited to the services within the amount to be provided; hereinafter referred to as the "designated welfare services, etc. for persons with disabilities") (those costs exclude the expenses prescribed by Order of the Ministry of Health, Labour and Welfare among the expenses for meals, residency, temporary stay, or other matters necessary for daily life, or the expenses for creative or productive activities (these expenses for creative or productive activities are hereinafter referred to as the "specified costs")), in accordance with Order of the Ministry of Health, Labour and Welfare.

- (2) If the persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval seek to receive the designated welfare services, etc. for persons with disabilities, they are to receive those services upon presenting the claimant's certificate to the designated provider of welfare service for persons with disabilities, designated support facilities for persons with disabilities or Nozominosono (hereinafter referred to as the "designated provider, etc. of welfare service for persons with disabilities") pursuant to Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply to cases involving emergencies or unavoidable circumstances.
- (3) The amount of nursing care or training, etc. benefits per month is to be arrived at when the sum set forth in item (ii) is deducted from the sum set forth in item (i):
 - (i) the total sum of the amounts which are calculated as the costs ordinarily required for the designated welfare services, etc. for persons with disabilities

- (excluding specified costs), based on the requirements established by the Minister of Health, Labour and Welfare (of, if any of those amounts exceeds the actual cost required for those services, etc. (excluding specified costs), that actual cost is used in these calculation for that amount), for all of those services, etc. provided in a month, per each type of welfare services for persons with disabilities; and
- (ii) the amount specified by Cabinet Order after consideration of the financial capacity and other circumstance of the person with disabilities or guardians of children with disabilities who have received a benefits recipient approval (or, if the amount specified by Cabinet Order exceeds the equivalent of 10% of the amount under the preceding item, that equivalent amount).
- (4) If persons with disabilities or guardians of children with disabilities who have received a benefits approval recipient receive designated welfare services, etc. for persons with disabilities from designated providers, etc. of welfare service for persons with disabilities, the municipality may make payments to those designated providers, etc. for the necessary costs of the relevant services, etc. (excluding specified costs), in place of those persons or guardians who are to pay those costs to them, within the maximum amount to be paid to the persons or guardians in question as the payment of nursing care or training, etc. benefits.
- (5) When the payment set forth in the preceding paragraph has been made, the payment is deemed to be made to the persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval as payment of nursing care or training, etc. benefits.
- (6) If the municipality receives a request for the payment of nursing care or training, etc. benefits, the municipality is to pay the requested amount after conducting an examination in light of the requirements specified by the Minister of Health, Labour and Welfare as provided for in paragraph (3), item (i); the requirements for the equipment and management of the business of providing the designated welfare services for persons with disabilities as specified by Prefectural Ordinance as provided for in Article 43, paragraph (2) (limited to the parts related to the management of welfare services for persons with disabilities); or the requirements for the equipment and operations of the designated support facilities, etc. for persons with disabilities as specified by Prefectural Ordinance as provided for in Article 44, paragraph (2) (limited to the parts related to the management of in-facility welfares services).
- (7) The municipality may entrust the duties pertaining to the review and payment under the preceding paragraph to the federation of national health insurance associations prescribed in Article 45, paragraph (5) of the National Health Insurance Act (hereinafter referred to as the "federation").
- (8) Beyond what is provided for in the preceding paragraphs, the necessary

matters pertaining to the payment of nursing care and training, etc. benefits as well as requests from designated providers, etc. of welfare services for persons with disabilities for the payment of nursing care and training, etc. benefits are specified by Order of the Ministry of Health, Labour and Welfare.

(Payment for Special Nursing Care or Special Training, etc. Benefits)

Article 30 (1) In the cases given below, if necessary, the municipality may pay the special nursing care or special training, etc. benefits, for the necessary costs of the designated welfare services, etc. for persons with disabilities or the appropriate welfare services for persons with disabilities prescribed in item (ii) (those services are limited to those within the amount to be provided) (those cost exclude the specified costs), in accordance with Order of the Ministry of Health, Labour and Welfare:

- (i) if persons with disabilities or guardians of children with disabilities who have received an benefits recipient approval receive the designated welfare services, etc. for persons with disabilities due to emergencies or other unavoidable circumstances, from the day on which they filed the application set forth in Article 20, paragraph (1) to the day before the relevant benefits recipient approval takes effect;
- (ii) if persons with disabilities or guardians of children with disabilities who have received an benefits recipient approval receive welfare services for persons with disabilities other than the designated welfare services, etc. for persons with disabilities (limited to services provided in places of business or the facilities listed below; hereinafter referred to as "appropriate welfare services for persons with disabilities"):
 - (a) places of business for providing the business recognized to meet the particulars specified by Prefectural Ordinance among those outlined in the requirements specified by Prefectural Ordinance as provided for in Article 43, paragraph (1) or the those outlined in the requirements for the equipment and management of the business of providing the designated welfare service for persons with disabilities specified by Prefectural Ordinance as provided for in paragraph (2) of the same Article (hereinafter referred to as "appropriate places of business"); or
 - (b) facilities recognized to meet the particulars specified by Prefectural Ordinance among those outlined in the requirements specified by Prefectural Ordinance as provided for in Article 44, paragraph (1) or the requirements for equipment and operation of the designated support facilities, etc. for persons with disabilities specified by Prefectural Ordinance as provided for in paragraph (2) of the same Article (hereinafter referred to as "appropriate facilities"); or
- (iii) in other cases, as prescribed by Cabinet Order.

- (2) When establishing the Prefectural Ordinance set forth in (a) or (b) of item (ii) in the preceding paragraphs, the prefectural government is to do so for the particulars set forth in items (i) through (iii) in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare; is to do so for the particulars set forth in item (iv), on the basis of the requirements specified by Order of the Ministry of Health, Labour and Welfare; and is to take the requirements specified by Order of the Ministry of Health, Labour and Welfare into consideration, for other particulars:
- (i) the employees of appropriate welfare service for persons with disabilities and their number;
 - (ii) the floor area of living quarters and hospital rooms related to the business of providing the appropriate welfare service for persons with disabilities;
 - (iii) the particulars on the management of the business of providing the appropriate welfare service for persons with disabilities, as specified by Order of the Ministry of Health, Labour and Welfare as being closely related to confirming the appropriate use of the relevant services by persons with disabilities or guardians of children with disabilities; ensuring the safety of persons or children with disabilities; and protecting their confidential information; or
 - (iv) the limit on the number of persons using the appropriate welfare services for persons with disabilities.
- (3) The municipality is to determine the amount of special nursing care or special training, etc. benefits in any given month, for each category set forth in the following items of the welfare services for persons with disabilities which are received within that month by the relevant persons or guardians of children with disabilities who have received a benefits recipient approval, on the basis of the amount remaining after the amount specified by Cabinet Order based on due consideration of their financial capacity or other conditions is deducted from the total sum of the amounts specified in the relevant of those items (or, if that amount specified by Cabinet Order exceeds the equivalent of 10% of that total sum, the equivalent amount is deducted from the total sum in question):
- (i) designated welfare services, etc. for persons with disabilities: the amount of the cost calculated for their cost according to the requirements specified by the Minister of Health, Labour and Welfare as provided for in item (i) of paragraph (3) of the preceding Article (or, if that amount calculated exceeds the actual cost of the designated welfare services, etc. for persons with disabilities (excluding the specified costs), the amount of that actual cost); or
 - (ii) appropriate welfare services for persons with disabilities: the amount of the cost calculated according to the requirements specified by the Minister of Health, Labour and Welfare as those ordinarily required for appropriate welfare services for persons with disabilities (excluding the specified costs),

for each type of welfare service for persons with disabilities (or, if that amount calculated exceeds the actual cost of the appropriate welfare services for persons with disabilities (excluding the specified costs), the amount of that actual cost).

- (4) Beyond what is provided for in the preceding three paragraphs, the necessary matters pertaining to the payment of special nursing care and special training, etc. benefits are prescribed by Order of the Ministry of Health, Labour and Welfare.

(Special Provisions for the Payment of Nursing Care Benefits)

Article 31 (1) If the provisions of Article 29, paragraph (3) apply to payment of nursing care or training, etc. benefits received by the persons with disabilities or guardians of children with disabilities who have received the benefits recipient approval and are recognized by the municipality as having difficulty paying for the welfare services for persons with disabilities due to a natural disaster or other exceptional circumstances prescribed by Order of the Ministry of Health, Labour and Welfare, the term "sum" in item (ii) of the same paragraph is deemed to be replaced with the "amount specified by the municipality within the limits of the amount."

- (2) If the provisions of paragraph (3) apply to payment of special nursing care or special training, etc. benefits provided to the persons with disabilities or guardians of children with disabilities who have received the benefits recipient approval under the preceding paragraph, the phrase "the municipality is to determine as the standard payment...the amount remaining after the sum...is deducted" is deemed to be replaced with "the amount remaining after the sum specified by the municipality within the limits of the amount is deducted."

**Subsection 4 "Specified Persons with Disabilities Special Payment"
Benefits and "Specified Persons with Disabilities Exceptional Cases
Payment" Benefits**

Article 32 and Article 33: Deleted

(Payment of Special Grant Payment for Specified Persons Benefits)

Article 34 (1) If the persons with disabilities prescribed by Order of the Ministry of Health, Labour and Welfare after due consideration of their income status or other circumstances among those who have received a benefits recipient approval for residential facility care, group home assistance or other welfare services for persons with disabilities prescribed by Cabinet Order (the care, assistance and services are hereinafter collectively referred to as "specified residential facility, etc. service" in this paragraph) (those persons with

disabilities are referred to as the "specified persons with disabilities" in this paragraph and paragraph (1) of the following Article) have been admitted to a designated support facility for persons with disabilities or Nozominosono (hereinafter referred to as "designated support facilities, etc. for persons with disabilities") or to a facility providing group home assistance, and have received the relevant specified residential facility, etc. service from the designated support facility, etc. for persons with disabilities or from a designated provider of welfare service for persons with disabilities, within the validity period of that benefits recipient approval, the municipality is to pay "specified persons with disabilities special payment" benefits for the necessary cost of meals or residing at those designate support facilities, etc. or at that facility providing group home assistance (referred to as the "cost for specified residential facility, etc. service" in the same paragraph) in accordance with the Cabinet Order.

- (2) The provisions of Article 29, paragraph (2) and paragraphs (4) through (8) apply mutatis mutandis to the payment of "specified persons with disabilities special payment" benefits. In such a case, the necessary technical replacement is prescribed by Cabinet Order.
- (3) Beyond what is provided for in the preceding two paragraphs, the necessary matters related to payment of "specified persons with disabilities special payment" benefits and requests for "specified persons with disabilities special payment" benefits from designated support facilities, etc. for persons with disabilities or designated providers of welfare service for persons with disabilities are specified by Order of the Ministry of Health, Labour and Welfare.

(Payment of "Specified Persons with Disabilities Exceptional Cases Payment" Benefits)

Article 35 (1) In the following cases, if necessary, the municipality may pay the "specified persons with disabilities exceptional cases payment" benefits to specified persons with disabilities, for the cost of specified residential facilities, etc. service at an appropriate facility or a facility providing group home assistance, in accordance with the Cabinet Order:

- (i) if specified persons with disabilities receive designated welfare services, etc. for persons with disabilities due to emergencies or other unavoidable circumstances between the day on which they filed the application under Article 20 paragraph (1) and the day before the day on which the relevant benefits recipient approval takes effect; or
 - (ii) if specified persons with disabilities receive appropriate welfare services for persons with disabilities.
- (2) Beyond what is provided for in the preceding paragraph, the necessary

matters for payment of "specified persons with disabilities exceptional cases payment" benefits are prescribed by Order of the Ministry of Health, Labour and Welfare.

Subsection 5 Designated Providers of Welfare Service for Persons with Disabilities and Designated Support Facilities, etc. for Persons with Disabilities

(Designation as a Designated Provider of Welfare Service for Persons with Disabilities)

- Article 36 (1) The designation as a designated provider of welfare service for persons with disabilities under Article 29, paragraph (1) is to be conferred upon an application filed by the person engaged in the business of providing the welfare service for persons with disabilities, for each type of welfare services for persons with disabilities, and for each place of business for providing the welfare services for persons with disabilities (hereinafter referred to as the "place of business for service" in this subsection), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (2) The designation as a designated welfare service for persons with disabilities under Article 29, paragraph (1) related to the continuous support for employment service and other welfare services for persons with disabilities prescribed by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "specified welfare services for persons with disabilities" in this Article and paragraph (1) of the following Article) is to be provided after specifying the quantity of the services to be provided.
- (3) If an application under paragraph (1) has been filed, the prefectural governor must not designate the applicant as a designated provider of welfare service for persons with disabilities, in cases of any of the following items (excluding item (vii), for an application for the designation related to the medical nursing care):
- (i) the applicant is not a person specified by Prefectural Ordinance;
 - (ii) the knowledge, skills or number of personnel employed at the place of businesses for service relevant to the application does not fulfill the requirements specified by Prefectural Ordinance as provided for in Article 43, paragraph (1);
 - (iii) the applicant is recognized as incompetent to conduct the business of providing welfare services for persons with disabilities in an appropriate manner in accordance with the requirements for the equipment and management of the business of providing designated welfare services for persons with disabilities specified by Prefectural Ordinance as provided for in Act 43, paragraph (2);
 - (iv) the applicant has been sentenced to imprisonment or severer punishment,

- and has neither completed the sentence nor ceased to be subject to its enforcement;
- (v) the applicant has been sentenced to a fine pursuant to the provisions of this Act or other Acts as specified by the Cabinet Order pertaining to the health and medical care or welfare of the citizens of Japan, and has neither completed the sentence nor ceased to be subject to its enforcement;
 - (v)-2 the applicant has been sentenced to a fine pursuant to the provisions of any Act as specified by Cabinet Order pertaining to labor, and has neither completed the sentence nor ceased to be subject to its enforcement;
 - (vi) the applicant has suffered revocation of designation under Article 50, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (3) of the same Act; the same applies in this paragraph), Article 51-29, paragraph (1) or paragraph (2), or Article 76-3, paragraph (6), and less than five years have lapsed since that revocation (if the person whose designation has been revoked is a corporation and less than five years have lapsed since that revocation, that person includes those who were employed as that corporation's officer, a manager of its place of business for service, or any other employee specified by Cabinet Order (hereinafter referred to as "officers, etc." in this paragraph) within the 60 days before the date on which that corporation received the notice of the revocation under Article 15 of the Administrative Procedures Act (Act No. 88 of 1993); and, if the person whose designation has been revoked is not a corporation and less than five years have lapsed since that revocation, that person includes those who were managers of the relevant person within the 60 days before the date on which the notice of the revocation was received); provided, however, that this does not apply if the revocation in question is that of the designation as a designated provider of welfare service for persons with disabilities, and is not found to correspond to that prescribed in the main clause of this item, after due consideration of the matters which came to be the grounds of the revocation of the designation, that provider's efforts to prevent those matters from arising through changing their management system, and the degree of their responsibility on those matters;
 - (vii) a person having a close relationship with the applicant (that person means a corporation having a close relationship prescribed by Order of the Ministry of Health, Labour and Welfare with the applicant (that applicant is limited to a corporation; the same applies in this item) among those prescribed by Order of the Ministry of Health, Labour and Welfare as having a relationship with the applicant in which they exercise substantial control over or have significant influence on the business of the applicant through having shares in the applicant or due to other reasons (referred to as the "applicant's parent company, etc." in this item); these prescribed by Order of the Ministry

of Health, Labour and Welfare as having a relationship with the applicant's parent company, etc. in which that applicant's parent company, etc. exercises substantial control over or has significant influence on their business through having shares in them or due to other reasons; or those prescribed by Order of the Ministry of Health, Labour and Welfare as having a relationship with the applicant in which that applicant exercises significant influence over or has significant influence on their business through having shares in them or due to other reasons) has suffered revocation of designation pursuant to Article 50, paragraph (1), Article 51-29, paragraph (1) or paragraph (2), or Article 76-3, paragraph (3), and less than five years have lapsed since the date of that revocation; provided, however, that this does not apply if the revocation in question is that of the designation as a designated provider of welfare service for persons with disabilities, and is not found to correspond to that prescribed in the main clause of this item, after due consideration of the matters which came to be the grounds of the revocation of the designation, that provider's efforts to prevent those matters from arising through changing their management system, and the degree of their responsibility on those matters;

(viii) the applicant has filed a notification of termination of their business under Article 46, paragraph (2) or Article 51-25, paragraph (2) or paragraph (4) between the date on which the applicant received notification of the revocation under Article 15 of the Administrative Procedures Act related to the revocation of designation under Article 50, paragraph (1), Article 51-29, paragraph (1) or paragraph (2), or Article 76-3, paragraph (6) and the date on which the revocation is to be enforced or the decision not to enforce the revocation is to be made (that applicant excludes persons with reasonable grounds for termination of their business), and less than five years have lapsed since the filing of the notification of termination;

(ix) the applicant has filed a notification of termination of their business pursuant to Article 46, paragraph (2) or Article 51-25, paragraph (2) or paragraph (4) (excluding persons with reasonable grounds for termination of their business) between the date on which the examination under Article 47, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (3) of the same Act) or Article 51-27, paragraph (1) or paragraph (2) and the date on which the decision on the hearing is scheduled to be made (meaning the date specified in a notice from the prefectural governor, if the prefectural governor makes the notice to the applicant in accordance with Prefectural Ordinance within ten days after the completion of the relevant examination and that date is specified in the notice as the date on which the decision to hold a hearing on the revocation of designation under Article 50, paragraph (1) or Article 51-29, paragraph (1) or paragraph (2) is expected to be made

- based on the findings of the examination), and less than five years have lapsed since the filing of the notification of the termination of the business;
- (x) a notification of termination of business under Article 46, paragraph (2) or Article 51-25, paragraph (2) or paragraph (4) has been filed within the period prescribed in item (viii); the applicant was an officer, etc. of the corporation relevant to that notification (excluding a corporation with reasonable grounds for termination of the business) or was a manager of a person relevant to that notification that is other a corporation (excluding a person with reasonable grounds for termination of the business) within 60 days before the date of the issuance of the notice set forth in item (viii); and less than five years have lapsed since the filing of the notification of the termination of the business;
 - (xi) the applicant has committed a wrongful or inappropriate act with respect to the welfare services for persons with disabilities within five years prior to the filing of the application for designation;
 - (xii) the applicant is a corporation, and its officer, etc. falls under any of the items (i) through (vi), or item (viii) through the preceding item; or
 - (xiii) the applicant is not a corporation, and their manager falls under any of the items (iv) through (vi), or items (viii) through (xi).
- (4) When the prefectures specify the Prefectural Ordinance provided for in item (i) of the preceding paragraph, they are to do so in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare.
- (5) If the application set forth in paragraph (1) has been filed for specified welfare services for persons with disabilities, the prefectural governor may choose not to confer the designation under Article 29, paragraph (1), if the governor finds that the quantity of welfare services for persons with disabilities per each kind in the application within the relevant prefecture or within the area containing the address of the relevant place of business for service (meaning the area specified by that prefecture pursuant to Article 89, paragraph (2), item (i)) has already attained the necessary quantity of the services of that kind for the relevant prefecture or area as provided for in the prefectural plan for welfare of persons with disabilities which the relevant prefecture prepares pursuant to Article 89, paragraph (1), or would attain that necessary quantity if the governor conferred the designation in question; or if the governor finds that the designation would in any way hinder the attainment of the prefectural plan for welfare of persons with disabilities.

(Changes to the Designation of the Provider of Welfare Service for Persons with Disabilities)

Article 37 (1) If a designated provider of welfare service for persons with disabilities intends to increase the amount of specified welfare services for

persons with disabilities relevant to the designation set forth in Article 29, paragraph (1), it may apply for a change in the designation set forth in that paragraph in accordance with Order of the Ministry of Health, Labour and Welfare.

- (2) The provisions of paragraphs (3) through (5) of the preceding Article apply mutatis mutandis to cases in which an application for a change in the designation as prescribed in the preceding paragraph has been made. In such cases, the necessary technical replacement is prescribed by Cabinet Order.

(Designation as Designated Support Facilities for Persons with Disabilities)

Article 38 (1) The designation as a designated support facility for persons with disabilities as prescribed in Article 29, paragraph (1) is conferred upon an application from the establisher of a support facility for persons with disabilities after specifying the type of welfare service for persons with disabilities and the limit on the number of users of the support facility for persons with disabilities, in accordance with Order of the Ministry of Health, Labour and Welfare.

- (2) If the application set forth in the preceding paragraph has been filed, the prefectural governor may choose not to confer the designation prescribed in Article 29, paragraph (1), if the governor finds that the total capacity of users within that prefecture of the designated support facilities for persons with disabilities relevant to the application has already attained the necessary capacity of those designated support facilities within that prefecture as provided for in the prefectural plan for welfare of persons with disabilities which that prefecture prepares pursuant to Article 89, paragraph (1), or would attain that necessary capacity if the governor confer the designation in question; or if the governor finds that the designation would in any way hinder the attainment of the prefectural plan for welfare of persons with disabilities.
- (3) The provisions of Article 36, paragraph (3) and paragraph (4) apply mutatis mutandis to the designation as a designated support facility for persons with disabilities set forth in Article 29, paragraph (1). In such a case, the necessary technical replacement of terms are prescribed by Cabinet Order.

(Changes to the Designation as a Designated Support Facility for Persons with Disabilities)

Article 39 (1) If an establisher of a designated support facility for persons with disabilities intends to change the types of in-facility welfare services related to the designation set forth in Article 29, paragraph (1) or increase its capacity for the number of users related to the designation, the establisher may apply for a change of the designation set forth in the same paragraph in accordance with Order of the Ministry of Health, Labour and Welfare.

(2) The provisions paragraph (2) and paragraph (3) of the preceding Article apply mutatis mutandis to cases in which an application for a change of designation as prescribed in the preceding paragraph has been filed. In such a case, the necessary technical replacement of terms are prescribed by Cabinet Order.

Article 40 Deleted

(Renewal of Designation)

Article 41 (1) The designation as a designated provider of welfare service for persons with disabilities or a designated support facilities for persons with disabilities as set forth in Article 29, paragraph (1) loses its validity with the lapse of time if not renewed every six years.

(2) When an application for the renewal set forth in the preceding paragraph has been filed and any determination has not been made for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to as the "valid period for designation" in this Article), the prior designation remains valid even after the expiration of the valid period for designation, until that determination is made.

(3) If the designation is renewed in the case referred to in the preceding paragraph, the valid period for the renewed designation is to start from the day following the expiration date of the validity period for designation before the renewal.

(4) The provisions of Article 36 and Article 38 apply mutatis mutandis to the renewal of designation as set forth in paragraph (1). In such a case, the necessary technical replacement of terms is prescribed by Cabinet Order.

(Exceptional Cases of Welfare Service Businesses Operating on the Co-existence Model)

Article 41-2 (1) If an application under Article 36, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article) on the place of business for service for in-home nursing care, daily nursing care, and other welfare services for persons with disabilities as prescribed by Order of the Ministry of Health, Labour and Welfare is filed by a person that have received the designation under Article 21-5-3, paragraph (1) of the Child Welfare Act (that designation is limited to that for the day care support for children with disabilities as prescribed in Article 6-2-2, paragraph (1) of the same Act of the kind specified by Order of the Ministry of Health, Labour and Welfare, according to the type of the welfare service for persons with disabilities provided at that place of business for service); the designation under the main clause of Article 41, paragraph (1) of the Nursing Care Insurance Act (that designation is limited to that for the in-home nursing care

as prescribed in Article 8, paragraph (1) of the same Act of the kind specified by Order of the Ministry of Health, Labour and Welfare, according to the type of the welfare service for persons with disabilities provided at that place of business for service); the designation under the main clause of Article 42-2, paragraph (1) of the Nursing Care Insurance Act (that designation is limited to that for the community-based service as prescribed in Article 8, paragraph (14) of the same Act of the kind specified by Order of the Ministry of Health, Labour and Welfare, according to the type of the welfare service for persons with disabilities provided at that place of business for service); the designation under the main clause of Article 53, paragraph (1) of the Nursing Care Insurance Act (that designation is limited to that for the preventive service of long-term care as prescribed in Article 8-2, paragraph (1) of the same Act of the kind specified by Order of the Ministry of Health, Labour and Welfare, according to the type of the welfare service for persons with disabilities provided at that place of business for service); or the designation under Article 54-2, paragraph (1) of the Nursing Care Insurance Act (that designation is limited to that for the community-based service for preventive long-term care as prescribed in Article 8-2, paragraph (12) of the same Act specified by Order of the Ministry of Health, Labour and Welfare, according to the type of the welfare service for persons with disabilities provided at that place of business for service) for the place of business for service in question; and if the relevant case falls under both of the following items, then, for the provisions of Article 36, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article) to be applied, the phrase "as provided for in Article 43, paragraph" in Article 36, paragraph (3), item (ii) is deemed to be replaced with "relevant to the personnel engaged in the designated welfare service for persons with disabilities as prescribed in Article 41-2, paragraph (1), item (i)," and the phrase "Article 43, paragraph (2)" in item (iii) of the same paragraph is deemed to be replaced with "Article 41-2, paragraph (1), item (ii)"; provided, however, that this does not apply if the applicant has requested otherwise in accordance with Order of the Ministry of Health, Labour and Welfare:

- (i) the knowledge, skills or number of employees of the places of business for service relevant to the application fulfills the requirements specified by Prefectural Ordinance for the employees of a designated welfare service for persons with disabilities; and
- (ii) the applicant is recognized as being competent to conduct the business of providing the welfare service for persons with disabilities appropriately in accordance with the requirements for the equipment and management of the business of providing the designated welfare service for persons with disabilities as specified by Prefectural Ordinance.

- (2) When the prefectures specify the Prefectural Ordinance set forth in each of the preceding items, they are to do so for the matters prescribed in items (i) through (iii) in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare; they are to do so for the matters prescribed in item (iv) on the basis of the requirements specified by Order of the Ministry of Health, Labour and Welfare; and for all other matters, they are to take the requirements specified by Order of the Ministry of Health, Labour and Welfare into consideration:
- (i) the employees engaged in the designated welfare service for persons with disabilities and their number;
 - (ii) the floor area of the living quarters relevant to the business of providing the designated welfare service for persons with disabilities;
 - (iii) the particulars on the management of the business of providing the designated welfare service for persons with disabilities, as specified by Order of the Ministry of Health, Labour and Welfare as closely related to ensuring the appropriate use of the relevant service by persons with disabilities or guardians of children with disabilities; ensuring the respectful treatment and safety of persons or children with disabilities; and protecting their confidential information; or
 - (iv) the limit on the number of users of the business of providing the designated welfare service for persons with disabilities.
- (3) In the case of paragraph (1), if a person prescribed in the same paragraph receives the designation under Article 29, paragraph (1) relevant to the application in the paragraph (1) of this Article, the provisions of Article 43, paragraph (3) is not to apply to that person; and with regard to the application of the provisions in the left column of the following table, the phrases shown in the middle column are to be replaced by the phrases shown in the right column.

Article 29, paragraph (6)	Article 43, paragraph (2)	Article 41-2, paragraph (1), item (ii)
Article 43, paragraph (1)	prefectures	prefectures relevant to employees engaged in designated welfare service for persons with disabilities prescribed in Article 41-2, paragraph (1), item (i)
Article 43, paragraph (2)	business of providing designated welfare service for persons with disabilities	business of providing designated welfare service for persons with disabilities prescribed in Article 41-2, paragraph (1), item (i)

Article 49, paragraph (1), item (i)	Article 43, paragraph (1)	relevant to employees engaged in designated welfare service for persons with disabilities prescribed in Article 41-2, paragraph (1), item (i)
Article 49, paragraph (1), item (ii)	Article 43, paragraph (2)	Article 41-2, paragraph (1), item (ii)
Article 50, paragraph (1), item (iii)	Article 43, paragraph (1)	relevant to employees engaged in designated welfare service for persons with disabilities prescribed in Article 41-2, paragraph (1)
Article 50, paragraph (1), item (iv)	Article 43, paragraph (2)	Article 41-2, paragraph (1), item (ii)

- (4) If a notification set forth in any of the following items is made by a person prescribed in paragraph (1) that has received the designation in Article 29, paragraph (1) relevant to the application under paragraph (1) of this Article, a notification of termination or suspension of the business under Article 46, paragraph (2) is deemed to be filed for the relevant business of providing the designated welfare service for persons with disabilities:
- (i) notification of termination or suspension of the business under Article 21-5-20, paragraph (4) of the Child Welfare Act related to a designated day care support business prescribed in Article 21-5-3, paragraph (1) of the same Act (limited to the business conducted at the place of business for service related to the designation);
 - (ii) notification of termination or suspension of the business under Article 75, paragraph (2) of the Nursing Insurance Act related to a designated in-home nursing care business prescribed in Article 41, paragraph (1) of the same Act (limited to the business conducted at the place of business for service related to the designation); or
 - (iii) notification of termination or suspension of the business under Article 115-5, paragraph (2) of the Nursing Insurance Act related to a designated preventive service of long-term nursing care (limited to services provided at the place of business for service related to the designation).
- (5) If a person prescribed in paragraph (1) that has received the designation set forth in Article 29, paragraph (1) relevant to the application in paragraph (1) of this Article attempts to terminate or suspend the business of providing the designated community-based services as prescribed in Article 42-2, paragraph (1) of the Nursing Insurance Act (limited to the business conducted at the place of business for service related to that designation) or the business of providing the designated community-based preventive service of long-term care as

prescribed in Article 54-2, paragraph (1) of the same Act (limited to the business conducted at the place of business for service related to that designation), the person must make a notification to the effect to the prefectural governor who conferred the designation no later than one month prior to the date of the termination or suspension in accordance with Order of the Ministry of Health, Labour and Welfare. In such a case, if the notification in question is made, a notification of termination or suspension of the business under Article 46, paragraph (2) is deemed to be made for the relevant designated welfare service for persons with disabilities.

(Responsibilities of the Designated Providers of Welfare Service for Persons with Disabilities and the Establishers of the Designated Support Facilities, etc. for Persons with Disabilities)

Article 42 (1) The designated provider of welfare service for persons with disabilities or the establisher of a designated support facility, etc. for persons with disabilities (hereinafter referred to as the "designated provider, etc.") must endeavor to conduct the welfare service for persons with disabilities effectively, always from the perspective of the persons or children with disabilities in a manner consonant with their wishes, aptitudes, and the special features of their disabilities, with due consideration to the support for them to make decision themselves, through close coordination with the municipality; facilities implementing measures for vocational rehabilitation including public employment security offices; educational institutions; and other related bodies, in order to enable them to live their daily lives or lead the lives in society in an independent manner.

- (2) The designated providers, etc. must endeavor to improve the quality of their welfare services for persons with disabilities by assessing their welfare services for persons with disabilities and taking other measures.
- (3) The designated provider, etc. must comply with this Act and the orders based thereon as well as respect the identity of persons and children with disabilities, so as to perform the duties of that provider, etc. in good faith for those persons and children.

(Requirements for the Business of Providing the Designated Welfare Service for Persons with Disabilities)

Article 43 (1) The designated provider of welfare service for persons with disabilities must employ staff who are engaged in the relevant designated welfare services for persons with disabilities at each place of business for the services related to their designation, in accordance with the requirements specified by Prefectural Ordinance.

- (2) The designated provider of welfare service for persons with disabilities must

provide the designated welfare services for persons with disabilities in accordance the requirements for the equipment and management of the business of providing the designated welfare services for persons with disabilities as specified by Prefectural Ordinance.

- (3) When the prefectures specify the Prefectural Ordinance set forth in the preceding two items, they are to do so in accordance the requirements specified by Order of the Ministry of Health, Labour and Welfare for the matters prescribed in items (i) through (iii); they are to do so on the basis of requirements specified by Order of the Ministry of Health, Labour and Welfare for the matters prescribed in item (iv); and for all other matters, they are to take the requirements specified by Order of the Ministry of Health, Labour and Welfare into consideration:
- (i) the employees engaged in the designated welfare services for persons with disabilities and their number;
 - (ii) the floor area of the living quarters relevant to the designated welfare services for persons with disabilities;
 - (iii) the particulars related to the management of the business of providing the designated welfare service for persons with disabilities, as specified by Order of the Ministry of Health, Labour and Welfare as closely related to ensuring the appropriate use of services by persons with disabilities or guardians of children with disabilities; ensuring the respectful treatment and safety of persons or children with disabilities; and the protection of their confidential information; or
 - (iv) the limit on the number of users of the business of providing the designated welfare service for persons with disabilities.
- (4) If the designated provider of welfare service for persons with disabilities files a notification of termination or suspension of the business under Article 46, paragraph (2), they must provide communication and coordination with other designated providers of welfare service for persons with disabilities and other relevant persons and provide other assistance, to ensure that persons who have received their services within one month prior to the date of that notification and wish to continue receiving the equivalent of those services after the date of that termination or suspension of the business are to receive the necessary welfare services for persons with disabilities continuously.

(Standards for Designated Support Facilities, etc. for Persons with Disabilities)

Article 44 (1) An establisher of a designated support facility, etc. for persons with disabilities must employ staff who are engaged in in-facility welfare services, in accordance with the requirements specified by Prefectural Ordinance.

- (2) The establisher of a designated support facility, etc. for persons with

disabilities must provide in-facility welfare services in accordance with the requirements for the equipment and operations of a designated support facility, etc. for persons with disabilities as specified by Prefectural Ordinance.

- (3) When the prefecture specifies the Prefectural Ordinance set forth in the preceding two paragraphs, the prefecture is to do so in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare; and for other matters, the prefecture is to take the requirements specified by Order of the Ministry of Health, Labour and Welfare into consideration:
- (i) employees engaged in the in-facility welfare service and their number;
 - (ii) the floor area of the living quarters relevant to the designated support facility, etc. for persons with disabilities; or
 - (iii) the particulars related to the operations of the designated support facilities, etc. for persons with disabilities, as specified by Order of the Ministry of Health, Labour and Welfare as closely related to ensuring the appropriate use of services by persons with disabilities; ensuring the respectful treatment and safety of persons with disabilities; and the protection of their confidential information.
- (4) If the establisher of the designated support facility, etc. for persons with disabilities declines the designation under Article 47, they must provide the communication and coordination with other establishers of a designated support facilities, etc. for persons with disabilities and other relevant parties, and provide other assistance, to ensure that persons who have received their in-facility welfare services on the date prior to the start of the notification period prescribed in the same Act and wish to continue receiving services equivalent of those services after the date of that decline of the designation are to receive the necessary in-facility welfare services continuously.

Article 45 Deleted

Article 46 (1) If a designated provider of welfare service for persons with disabilities changes the name of the place of business for service related to their designation, its address or other matters specified by Order of the Ministry of Health, Labour and Welfare, or resumes their designated welfare service for persons with disabilities after a period of suspension, they must send notification thereof to the prefectural governor within 10 days in accordance with Order of the Ministry of Health, Labour and Welfare.

- (2) If the designated provider of welfare service for persons with disabilities intends to terminate or suspend their business, that provider must send the notification thereof to the prefectural governor no less than one month prior to the date of the intended termination or suspension.
- (3) If there has been a change in the address or other matters prescribed by

Order of the Ministry of Health, Labour and Welfare of the establisher of the support facility, etc. for persons with disabilities, the establisher must send notification thereof to the prefectural governor within 10 days, in accordance with Order of the Ministry of Health, Labour and Welfare.

(Declining a Designation)

Article 47 Designated support facilities for persons with disabilities may decline a designation with an advance notice of three months or more.

(Coordination or Assistance by the Prefectural Governor)

Article 47-2 (1) If the prefectural governor or the mayor of a municipality finds it necessary for the unimpeded provision of services prescribed in Article 43, paragraph (4) or Article 44, paragraph (4), the governor or mayor may provide communication and coordination among the relevant designated provider of welfare service for persons with disabilities, the relevant establishers of designated support facilities for persons with disabilities and other relevant persons, or provide advice and other forms of assistance to those providers, those establishers or those other relevant persons.

(2) If two or more prefectural governors provide communication and coordination or other forms of assistance prescribed in the preceding paragraph to the same designated provider of welfare service for persons with disabilities or to the same establisher of the designated support facilities for persons with disabilities, and the Minister of Health, Labour and Welfare finds it necessary for the unimpeded provision of the services prescribed in Article 43, paragraph (4) or Article 44, paragraph (4), the Minister may provide communication and coordination among those prefectural governors, or provide advice and other forms of assistance based on a cross-regional level which extends beyond prefectural boundaries to that provider or establisher.

Article 48 (1) If the prefectural governor or the mayor of the municipality finds it necessary, the governor or mayor may order the designated provider of welfare service for persons with disabilities or the person that was that designated provider or was the employee at the place of business for service relevant to the provider's designation (that person is hereinafter referred to as the "former designated provider, etc. of welfare service for persons with disabilities" in this paragraph) to make a report; order them to submit or show books, documents or other materials; require the appearance of the designated provider of welfare service for persons with disabilities or the employee at the place of business for service relevant to the provider's designation, or the former designated provider, etc. of welfare service for persons with disabilities; have the relevant personnel question the persons concerned; or have them

enter the places of business for service relevant to that provider's designation, their offices or other places related to their business of providing the designated welfare services for persons with disabilities, in order to inspect their equipment, books, documents or other materials.

- (2) The provisions of Article 9, paragraph (2) apply *mutatis mutandis* to the questioning and inspection under the preceding paragraph; and the provisions of paragraph (3) of the same Article apply *mutatis mutandis* to the authority under the preceding paragraph.

(Recommendations and Orders)

Article 49 (1) If the prefectural governor finds that a designated provider of welfare service for persons with disabilities falls under any of cases set forth in the following items, the governor may recommend that provider to implement the measure prescribed in the relevant item within a specified period:

- (i) if the knowledge, skills or number of the employees at the places of business for service relevant to the designation or the number does not meet the requirements specified by Prefectural Ordinance as provided for in Article 43, paragraph (1): to abide by the requirements;
- (ii) if the business of providing the designated welfare service for persons with disabilities is not conducted appropriately in accordance with the requirements for the equipment and management of the business of providing the designated welfare service for persons with disabilities as specified by Prefectural Ordinance as provided for in Article 43, paragraph (2): to abide by the requirements; or
- (iii) if the services prescribed in Article 43, paragraph (4) are not being provided in an appropriate manner: to provide those the services appropriately.

(2) If the prefectural governor finds that the establisher of the designated support facility, etc. for persons with disabilities falls under the cases set forth in the following items (excluding item (iii), for the establishers of *Nozominosono*; hereinafter the same applies in this paragraph), the governor may recommend that establisher to implement the measure prescribed in the relevant item within a specified period:

- (i) if the knowledge, skills or number of the employees at the designated support facility, etc. for persons with disabilities does not fulfill the requirements specified by Prefectural Ordinance as provided for in Article 44, paragraph (1): to abide by the requirements;
- (ii) if the business of providing the in-facility services is not conducted appropriately in accordance with the requirements for the equipment and operations of designated support facilities, etc. for persons with disabilities as specified by Prefectural Ordinance as provided for in Article 44,

- paragraph (2): to abide by the requirements; or
- (iii) if the services prescribed in Article 44, paragraph (4) are not provided in an appropriate manner: to provide those services appropriately.
- (3) If the prefectural governor has issued any of the recommendations prescribed in the preceding two paragraphs, and the designated provider, etc. that has received that recommendation has failed to abide by the recommendation within the period prescribed in the relevant of the preceding two paragraphs, the governor may make public notice to that effect.
- (4) If the designated provider, etc. that has received the recommendation under paragraph (1) or paragraph (2) fails to take the measures related to the relevant recommendation without just cause, the prefectural governor may order that provider, etc. to take that measure within a specified period.
- (5) If a prefectural governor has ordered under the preceding paragraph, the prefectural governor must make a public announcement to the effect.
- (6) If the municipality finds that the designated provider, etc. that has made the designated welfare service for persons with disabilities relevant to the payment of nursing care benefits, training, etc. benefits or "specified persons with disabilities special payment" benefits falls under any of the cases set forth in each of the items in paragraph (1) or paragraph (2) (excluding item (iii), for the establisher of Nozominosono), the municipality must give notice to the effect to the governor of the prefecture in which the places of business fore service or the facilities relevant to the designation are located.

(Rescission of Designation)

Article 50 (1) The prefectural governor may revoke the designation prescribed in Article 29, paragraph (1) that was relevant to the designated provider of welfare service for persons with disabilities, or terminate the whole or a part of its designation for a specified period, in cases falling under any of the following items:

- (i) if the designated provider of welfare service for persons with disabilities falls under any of the items in Article 36, paragraph (3), items (iv) through (v)-ii, item (xii) or item (xiii);
- (ii) if the designated provider of welfare service for persons with disabilities is found to be in violation of the provisions of Article 42, paragraph (3);
- (iii) if the designated provider of welfare service for persons with disabilities are no longer able to meet the requirements specified by Prefectural Ordinance as provided for in Article 43, paragraph (1) for the knowledge, skills or number of the employee at the place of business related to their designation;
- (iv) if the designated provider of welfare service for persons with disabilities is no longer able to conduct the business of providing the designated welfare

- service for persons with disabilities appropriately in accordance with the requirements for the equipment and management of the business of providing the designated welfare service for persons with disabilities as specified by Prefectural Ordinance as provided for in Article 43, paragraph (2);
- (v) if evidence of fraud is found in connection with a request for the payment of nursing care benefits, training, etc. benefits or medical nursing care benefits;
 - (vi) if the designated provider of welfare service for persons with disabilities fails to comply with an order to make a report or submit or show books, documents or other materials pursuant to the provisions of Article 48, paragraph (1) or submits a falsified report;
 - (vii) if the designated provider of welfare service for persons with disabilities or employee at the place of business for service relevant to their designation fails to appear in response to an order under Article 48, paragraph (1); fails to answer questions under the same paragraph; gives false answers; or refuses, impedes or avoids an inspection under the same paragraph; provided, however, that this excludes cases in which the relevant designated provider of welfare service for persons with disabilities has cautioned or performed corrective supervision of the employee who has committed the aforementioned infractions so as to prevent recurrence of those infractions;
 - (viii) if the designated provider of welfare service for persons with disabilities has obtained the designation in Article 29, paragraph (1) by fraudulent means;
 - (ix) in addition to the cases set forth in the preceding items, if the designated provider of welfare service for persons with disabilities has committed an infraction of this Act or other laws specified by Cabinet Order in relation to the health and medical care or welfare of citizens, or orders or determination based thereon;
 - (x) in addition to the cases set forth in the preceding items, if the designated provider of welfare service for persons with disabilities commits a wrongful or inappropriate action with respect to the designated welfare services for persons with disabilities;
- (11) anyone of the officers, etc. in the designated provider of welfare service for persons with disabilities has committed a wrongful or inappropriate act within the five years before the time the prefectural governor is considering the revocation of their designation or termination of the whole or a part of their designation, if that provider is a corporation; or
- (xii) the manager of the designated provider of welfare service for persons with disabilities has committed a wrongful or inappropriate action within the five years before the time the prefectural governor is considering the revocation of their designation or termination of the whole or a part of their designation,

- fi that provider is not a corporation.
- (2) If a municipality acknowledges that a designated provider of welfare service for persons with disabilities that has provided the designated welfare services for persons with disabilities related to the payment of independent living benefits falls under any of the preceding items, the municipality must send notice to the effect to the prefectural governor with jurisdiction over the area in which the place of business for service relevant to that provider's designation is located.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to designated support facilities for persons with disabilities. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

(Public Notices)

Article 51 In any of the following cases, the Prefectural Governor must make public notice to the effect:

- (i) conferring the designation as a designated provider of welfare service for persons with disabilities or as a designated support facility for persons with disabilities as prescribed in Article 29, paragraph (1);
- (ii) receiving notification of the termination of the business under Article 46, paragraph (2);
- (iii) receiving the decline of the designation as a designated support facility for persons with disabilities under Article 47; or
- (iv) revoking the designation as a designated provider of welfare service for persons with disabilities or as a designated support facility for persons with disabilities pursuant to paragraph (1) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (3) of the same Act) or Article 76-3, paragraph (6).

Subsection 6 Establishment of Management Systems

(Establishment of Management Systems)

- Article 51-2 (1) The designated provider, etc. must establish a management system in accordance with Order of the Ministry of Health, Labour and Welfare to ensure that the duties prescribed in Article 42, paragraph (3) are carried out.
- (2) The designated provider, etc., according to their category set forth in the relevant following items, must give notification of matters pertaining to the establishment of a management system to the relevant person specified in that item, in accordance with the Order of the Ministry of Health, Labour and Welfare:
- (i) a designated provider, etc. other those set forth in the following item through item (iv): the prefectural governor;

- (ii) a designated provider, etc. whose places of business or facilities relevant to the designation are all located in a designated city prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act (hereinafter referred to as the "designated city"): the mayor of the designated city;
 - (iii) a designated provider, etc. whose places of business or facilities relevant to the designation are all located in a core city prescribed in Article 252-22, paragraph (1) of the Local Autonomy Act (hereinafter, referred to as "core city"): the mayor of the core city; or
 - (iv) a designated provider, etc. whose places of business or facilities relevant to the designation are located in two or more prefectures (excluding the establisher of Nozominosono; the same applies in paragraph (4) of this Article, paragraphs (2) and (3) of the following Article, and Article 51-4, paragraph (5)) or an establishers of Nozominosono: the Minister of Health, Labour and Welfare.
- (3) If any changes have been made to the matters in the notification which the designated provider, etc. made pursuant to the preceding paragraph, that designated provider, etc. must give notification to the effect without delay to the Minister of Health, Labour and Welfare, the prefectural governor, or the mayor of the designated city or core city (hereinafter referred to as the "Minister, etc. of Health, Labour and Welfare" in this subsection) to whom they gave the notification in question.
- (4) If the designated provider, etc. that gave the Minister, etc. of Health, Labour and Welfare the notification under paragraph (2) gives notification to another Minister, etc. other than that Minister, etc. pursuant to the same paragraph due to a change in their category set forth in the items of the same paragraph, they must give notification to the effect to that Minister, etc. in accordance with Order of the Ministry of Health, Labour and Welfare.
- (5) The Ministers, etc. of Health, Labour and Welfare, etc. must endeavor to coordinate closely with each other to ensure the appropriate notification as prescribed in the preceding three paragraphs.

(Reports)

Article 51-3 (1) If the Minister, etc. of Health, Labour and Welfare who has received the notification prescribed in paragraph (2) of the preceding Article finds it necessary for the establishment of the management system under paragraph (1) of the same Article for the designated provider, etc. that has filed that notification (excluding the designated provider, etc. that has filed that notification under paragraph (4) of the same Article, in cases of the Minister, etc. of Health, Labour and Welfare who has received the notification), the Minister, etc. may order that designated provider, etc. to make a report; order them to submit or show books, documents or other materials; require the

relevant designated provider, etc. or their employee to appear; require the relevant personnel to question the persons concerned; or require them to reenter the places of business, facilities or offices related to their designation, or enter other places related to the provision of the designated welfare service, etc. for persons with disabilities, in order to inspect their equipment, books, documents or other materials.

- (2) If the Minister of Health, Labour and Welfare or the mayor of a designated city or core city exercises the authority prescribed in the preceding paragraph, they are to do so in close cooperation with the prefectural governor who conferred the designation upon the designated provider, etc. (referred to as the "relevant prefectural governor" in paragraph (5) of the following Article).
- (3) When the prefectural governor finds it necessary for the establishment of an operation management system under paragraph (1) of the preceding article for the designated provider, etc. relevant to the designation which that prefectural governor conferred or intends to confer, the prefectural governor may request the Minister of Health Labour and Welfare or the mayor of a designated city or core city to exercise the authority set forth in paragraph (1).
- (4) If the Minister of Health, Labour and Welfare or the mayor of the designated city or core City exercises the authority prescribed in paragraph (1) in response to a request made by the prefectural governor pursuant to the preceding paragraph, they must make the notification of the results to that prefectural governor who made that request, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning and inspection under paragraph (1) of this Article; the provisions of paragraph (3) of Article 9 apply mutatis mutandis to the authority under paragraph (1) of this Article.

(Recommendations and Orders)

- Article 51-4 (1) Upon receipt of the notification under Article 51-2, paragraph (2), the Minister of Health, Labour and Welfare may recommend the designated provider, etc. filing the notification (excluding the designated provider, etc. that have filed the notification under paragraph (4) of the same Article, in cases of the Minister, etc. of Health, Labour and Welfare who has received the notification under the same paragraph) to establish an appropriate operation management system in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare within a specified period, if that designated provider, etc. is found not to have established an appropriate operation management system.
- (2) If the recommendation under the preceding paragraph has been issued, and the designated provider, etc. that has received that recommendations fails to

comply with it within the period specified in the same paragraph, the Minister of Health, Labour and Welfare may make public notice of this fact.

- (3) If the designated provider, etc. that has received the recommendation under paragraph (1) fails to implement measures pertaining to that recommendations without just cause, the Minister, etc. of Health, Labour and Welfare may order that designated provider, etc. to implement those measures within a specified period.
- (4) The Minister, etc. of Health, Labour and Welfare, etc. who has issued an order under the preceding paragraph must make a public notice of the fact.
- (5) If a designated provider, etc. violates an order under paragraph (3), the Minister of Health, Labour and Welfare or the mayor of a designated city or core city must send notification of the violation to the relevant prefectural governor in accordance with Order of the Ministry of Health, Labour and Welfare.

**Section 3 Payment of Community Consultation Support Benefits, Special
Community Consultation Support Benefits, Planning Consultation
Support Benefits, and Special Planning Consultation Support Benefits
Subsection 1 Payment of Community Consultation Support Benefits
and Special Community Consultation Support Benefits**

(Decisions for the Payment for Consultation Support Benefits, in cases of
Community Consultation Support Benefits)

- Article 51-5 (1) Persons with disabilities who intends to receive payment of community consultation support benefits or special community consultation support benefits (hereinafter referred to as "community consultation support benefits, etc.") must receive a decision from the municipal granting community consultation support benefits, etc. (hereinafter referred to as the "approval of community consultation support benefits").
- (2) The provisions of Article 19 (excluding paragraph (1)) apply mutatis mutandis for the approval of community consultation support benefits. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

(Application)

- Article 51-6 (1) Persons with disabilities who intends to receive an approval of community consultation support benefits must submit an application to the Municipality in accordance with Order of the Ministry of Health, Labour and Welfare.
- (2) The provisions of Article 20 (excluding item (i)) apply mutatis mutandis to the application set forth in the preceding paragraph. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

(Decision on Determining the Necessity of Granting Benefits)

- Article 51-7 (1) If an application under paragraph (1) of the preceding Article is filed, the municipalities are to issue a decision on determining the necessity of granting community consultation support benefits, etc. (referred to as "decision on determining the necessity of granting benefits" in this Article and Article 51-12) after due consideration of the physical or mental conditions of the persons with disabilities relevant to the application, their opinions of the use of community consultation support, and other matters prescribed by Order of the Ministry of Health, Labour and Welfare.
- (2) If a municipality finds it necessary to issue a decision on determining the necessity of granting benefits, they may hear the opinions of the municipal examination board, recovery consultation offices for persons with physical disabilities, etc. or other bodies prescribed by Order of the Ministry of Health, Labour and Welfare, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (3) If the municipal examination board, recovery consultation offices for persons with physical disabilities, or other bodies specified by Order of the Ministry of Health, Labour and Welfare as provided for in the preceding paragraph find it necessary for stating their opinion under the same paragraph, they may hear the opinions of the persons with disabilities, their family, physicians, or other relevant persons who are related to the decision on determining the necessity of granting benefits.
- (4) In cases specified by Order of the Ministry of Health, Labour and Welfare as those in which it is considered necessary for issuing a decision on determining the necessity of the granting benefits, the municipalities are to request the persons with disabilities relevant to the application under paragraph (1) of the preceding Article to submit the proposed plan for the utilization of services, etc. prepared by the designated provider of specified consultation support prescribed in Article 51-17, paragraph (1), item (i), in accordance with Order of the Ministry of Health, Labour and Welfare.
- (5) In cases specified by Order of the Ministry of Health, Labour and Welfare, persons with disabilities who are requested to submit a proposed plan for the utilization of services, etc. pursuant to the preceding paragraph may submit, in place of that proposed plan under the preceding paragraph, a proposed plan for the utilization of services, etc. as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (6) If the proposed plan for the utilization of services, etc. under the preceding two paragraphs is submitted, the municipality is to issue a decision on determining the necessity for granting benefits after due consideration of the matters specified by Order of the Ministry of Health, Labour and Welfare as

provided for in paragraph (1) and that proposed plan for the utilization of services, etc.

- (7) When a municipality grants an approval of community consultation support benefits, the municipality must specify the amount of community consultation supports to be covered by community consultation support benefits, etc. for the period by month prescribed by Order of the Ministry of Health, Labour and Welfare, (hereinafter referred to as the "amount to be provided for community consultation support"), for each type of community consultation supports.
- (8) If the municipality grants an approval for community consultation support benefits, the municipalities must issue a claimant's certificate for community consultation support (hereinafter referred to as the "claimant's certificate for community consultation support") indicating the amount to be provided for the community consultation support and other matters prescribed by Order of the Ministry of Health, Labour and Welfare to persons with disabilities who have received an approval for community consultation support benefits, in accordance with Order of the Ministry of Health, Labour and Welfare.

(Valid Period for Approval of the Community Consultation Support Benefits)

Article 51-8 The approval of community consultation support benefits is valid for the period specified by Order of the Ministry of Health, Labour and Welfare (referred to as the "valid period for approval of community consultation support benefits").

(Changes in Approval of Community Consultation Support Benefits)

Article 51-9 (1) If persons with disabilities who have received an approval for community consultation support benefits need to change the type, the amount to provided for the community consultation support or other matters specified by Order of the Ministry of Health, Labour and Welfare of the community consultation support related to the current benefits recipient approval, they may apply to the municipalities for that change to the relevant approval of community consultation support benefits.

- (2) If the municipality considers it necessary for persons with disabilities who have received an approval for community consultation support benefits, after due consideration of the matters specified by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-7, paragraph (1), the municipalities may decide to effect changes to the approval for community consultation support benefits, upon the application under the preceding paragraph or by the authority vested in their office. In this case, the municipalities are to request the persons with disabilities who have received an approval for community consultation support benefits relevant to the decision to submit the claimant's certificate for community consultation

support.

- (3) The provisions of Article 19 (excluding paragraph (1)), Article 20 (excluding paragraph (1)), and Article 51-7 (excluding paragraph (1)) apply mutatis mutandis to the decision to change the approval for community consultation support Benefits set forth in the preceding paragraph. In such a case, the necessary technical replacement of terms is prescribed by Order of the Ministry of Health, Labour and Welfare.
- (4) If the municipality issues a decision to change in the approval for community consultation support benefits set forth in paragraph (2), the municipality is to inscribe the matters pertinent to the decision on the claimant's certificate for community consultation support and return this to the holder.

(Revocation of an Approval for Community Consultation Support Benefits)

Article 51-10 (1) The municipality issuing the approval for community consultation support benefits may revoke that approval in the following cases:

- (i) the relevant persons with disabilities given the approval for community consultation support benefits is found no longer to be in need of the community consultation support as prescribed in Article 51-14, paragraph (1);
- (ii) the persons with disabilities who have received an approval for community consultation support benefits are found to have acquired a residence in a municipality outside the relevant municipality (excluding cases in which a person with disabilities relevant to an approval for community consultation support benefits is found to be admitted into a specified facility and come to acquire a residence in a municipality outside the relevant municipality);
- (iii) the persons with disabilities relevant to the approval for community consultation support benefits fails to comply without just cause with the investigation under Article 20, paragraph (2) as applied mutatis mutandis pursuant to Article 51-6, paragraph (2) and paragraph (3) of the preceding Article; or
- (iv) other cases specified by Cabinet Order.

- (2) A municipality which has revoked an approval for community consultation support benefits pursuant to the provisions of the preceding paragraph, in accordance with Order of the Ministry of Health, Labour and Welfare, is to require the persons with disabilities who have received community consultation support benefits relevant to the revocation to return the claimant's certificate for community consultation support.

(Assistance by the Prefectures)

Article 51-11 Upon the request from a municipality, a prefecture is to provide cooperation on technical matters through its recovery consultation office for

persons with physical disabilities, etc. which the prefecture has established, and provide other necessary assistance to that municipality, for the performance of the duties prescribed in Articles 51-5 through 51-7, Article 51-9 and the preceding Article which the municipality is to perform.

(Entrustment to Cabinet Order)

Article 51-12 Beyond what is provided for in Article 51-5 through the preceding Article, the necessary matters for the approval for community consultation support benefits, the decision on determining the necessity of granting benefits, the claimant's certificate for community consultation support, the decision to effect changes to the approval of community consultation support benefits, as well as the revocation of the approval of community consultation support benefits are specified by Cabinet Order.

(Payment of Community Consultation Support and Special Community Consultation Support Benefits)

Article 51-13 The payment of community consultation support benefits and special community consultation support benefits means the payment of benefits under the following Article and Article 51-15.

(Payment for Community Consultation Support Benefits)

Article 51-14 (1) If persons with disabilities who have received an approval for community consultation support benefits receive any community consultation support for which a person providing the general consultation support business has received their designation from the prefectural governor (hereinafter referred to as the "designated provider of general community consultation support business" in this Article) within the validity period for approval of the community consultation support benefits (the support in question is hereinafter referred to as the "designated community consultation support"), the municipality is to pay the community consultation support benefits to those persons with disabilities who have received an approval for community consultation support benefits, for the cost required for that designated community consultation support (limited to the amount to be provided for the community consultation support), in accordance with Order of the Ministry of Health, Labour and Welfare.

(2) If persons with disabilities who have received an approval for community consultation benefits intend to receive a designated community consultation support, they are to do so by presenting their claimant's certificate for community consultation support to the relevant designated provider of general consultation support business, in accordance with Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply to

cases of emergencies and other unavoidable circumstances.

- (3) The amount of community consultation support benefits is to be the sum calculated by the requirements specified by the Minister of Health, Labour and Welfare for the costs normally required for the designated community consultation supports, per each type of those sports (or, if that sum exceeds the actual costs required for the designated community consultation supports, the amount in question is to be those actual costs).
- (4) If persons with disabilities who have an approval for community consultation support benefits receive the designated community consultation support from a designated provider of general consultation support, the municipality may make payments to that designated provider for the necessary costs of that support, in place of those persons who are to pay those costs to that provider, within the maximum amount to be paid to those persons as the payment of community consultation support benefits.
- (5) If the payment has been made pursuant to the preceding paragraph, it is deemed to be made to persons with disabilities who have received an approval for designated community consultation support benefits as the payment of community consultation support benefits.
- (6) If the municipality receives a request for the payment for the cost of community consultation support benefits, the municipality is to pay the requested amount, after conducting the examination in light of the requirements specified by the Minister of Health, Labour and Welfare as provided for in paragraph (3) and the requirements for the management of the business of providing a designated community consultation support as provided for in Article 51-23, paragraph (2) (limited to the parts pertaining to the handling of Community Counselling Support).
- (7) The municipality may entrust the duties pertaining to the examination and payment under the preceding paragraph to a federation.
- (8) Beyond what is provided for in the preceding paragraph, the necessary matters for the payment of community consultation support benefits and requests for the payment of community consultation support benefits by the designated provider of general consultation support business are prescribed by Cabinet Order.

(Special Community Consultation Support Benefits)

Article 51-15 (1) If persons with disabilities who have received an approval of community consultation support benefits recipient approval receive the designated community consultation support due to an emergency or other unavoidable reason, between the date on which they filed an application set forth in Article 51-6, paragraph (1) and the date on which the relevant community consultation support benefits recipient approval comes into effect;

and if the municipality finds it necessary, the municipality may pay the special community consultation support benefits for the costs required for the designated community consultation support, in accordance with Order of the Ministry of Health, Labour and Welfare.

- (2) The municipality determines the sum required for the payment of the special community consultation support benefits using the amount calculated according to the requirements specified by the Minister of Health, Labour and Welfare as provided for in paragraph (3) of the preceding Article as a standard (if the amount thereby calculated exceeds the actual amount necessary for the designated community consultation support, that actual amount is used as that standard).
- (3) Beyond what is provided for in the preceding two paragraphs, the necessary matters for payments of special community consultation support benefits are prescribed by Order of the Ministry of Health, Labour and Welfare.

Subsection 2 Payment of Planning Consultation Support Benefits and Special Planning Consultation Support Benefits

(Payment of Planning Community Consultation Support Benefits and Special Planning Consultation Support Benefits)

Article 51-16 The payment of planning consultation support benefits and special planning consultation support benefit means the payment of benefits under the following Article and Article 51-18 for the planning consultation support.

(Planning Consultation Support Benefits)

Article 51-17 (1) The municipality provides the payment of planning consultation support benefits to persons set forth in the following items (hereinafter referred to as "persons, etc. with disabilities who have received an approval for planning consultation support"), in accordance with the case provided in the relevant item, for the necessary cost of the planning consultation support of the kind specified in that item:

- (i) persons with disabilities or guardians of children with disabilities relevant to the application under Article 20, paragraph (1) or Article 24, paragraph (1) who are requested to submit the proposed plan for the utilization of services, etc. pursuant to the provisions of Article 22, paragraph (4) (including as applied mutatis mutandis pursuant to Article 24, paragraph (3)); or persons with disabilities relevant to the application under Article 51-6, paragraph (1) or Article 51-9, paragraph (1) who are requested to submit the proposed plan for the utilization of services, etc. pursuant to Article 51-7, paragraph (4) (including as applied mutatis mutandis pursuant to Article 51-9, paragraph (3)): if they receive the support for the utilization of services for which a

person providing a specified consultation support business has received their designation from the mayor of the municipality (that person is hereinafter referred to as the "designated provider of a specified consultation support business") (the support for the utilization of services in question is referred to as the "designated service utilization support" in the following paragraph), and are granted a benefits recipient approval, etc. related to the application;
or

- (ii) persons with disabilities or guardians of children with disabilities who have received an benefits recipient approval, or persons with disabilities who have received an approval for the community consultation support benefits: if they receive support for continued utilization of services for which the designated provider of specified consultation support business has received their designation (referred to as "designated support for continued utilization of service" in the following paragraph).
- (2) The amount of the payment of planning consultation support benefits is to be the amount calculated according to the requirements specified by the Minister of Health, Labour and Welfare for the costs ordinarily required for the designated service utilization support (hereinafter referred to as the "designated planning consultation support") (or, if this amount exceeds the actually cost for the designated planning consultation support, that sum of the payment of planning consultation support benefits is to be that actual cost).
 - (3) If persons, etc. with disabilities who have received an approval for planning consultation support receive the designated planning consultation support from a designated provider of specified consultation support business, the municipality may make payments to that designated provider for the necessary costs of that support, in place of those persons, etc. with disabilities who are to pay those costs to that provider, within the maximum amount to be paid to the persons, etc. with disabilities as the payment of the planning consultation support benefits.
 - (4) If the payment under the preceding paragraph is made, it is deemed as the payment of planning consultation support benefits to the persons, etc. with disabilities who have received an approval for the planning consultation support.
 - (5) If the municipality receives a request for the payment of planning consultation support benefits from a designated provider of specified consultation support business, the municipality is to pay the requested amount after due consideration in light of the requirements specified by the Minister of Health, Labour and Welfare as provided for in paragraph (2) and the requirements specified by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-24, paragraph (2) for the management of designated consultation support businesses (limited to the parts pertaining to

the handling of designated planning consultation support).

- (6) The municipality may entrust the federation with the duties related to the examination and payment prescribed in the preceding paragraph.
- (7) Beyond what is provided for in the preceding items, the necessary matters related to the payment of planning consultation support benefits and the request for payment of planning consultation support by a designated provider of specified planning consultation support businesses are specified by Order of the Ministry of Health, Labour and Welfare specifies.

(Payment for Special Planning Consultation Support Benefits)

- Article 51-18 (1) If the persons, etc. with disabilities who have received an approval for planning consultation support received any planning consultation support other than designated planning consultation supports (that support is limited to that which is provided at a place of businesses for providing the business which are recognized as meeting the requirements specified by Order of the Ministry of Health, Labour and Welfare from among the requirements specified by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-24, paragraph (1) and the requirements specified by Order of the Ministry of Health, Labour and Welfare for the management of that designated planning consultation support business as provided for in paragraph (2) of the same Article; referred to as the "appropriate planning consultation support" in this Article), and the municipality finds it necessary, the municipality may pay the special planning consultation support benefits, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (2) The municipality specifies the sum for the payment of special planning consultation support benefits based on the amount calculated according to the requirements specified by the Minister of Health, Labour and Welfare as provided for in paragraph (2) of the preceding Article for the appropriate planning consultation support (or if that amount exceeds the actual cost of the appropriate consultation support, that actual cost is used for that basis).
 - (3) Beyond what is provided for in the preceding two paragraphs, the necessary matters related to the payments for the payment of specified planning consultation support benefits are specified by Order of the Ministry of Health, Labour and Welfare.

**Subsection 3 Designated Providers of General Consultation Support
Business and Designated Providers of Specified Consultation
Support Business**

(Designation as a Designated Provider of General Consultation Support
Business)

Article 51-19 (1) The designation as a designated provider of general consultation support business under Article 51-14, paragraph (1) is to be conferred in accordance with Order of the Ministry of Health, Labour and Welfare, upon an application from a person providing the general consultation support business, for each type of community consultation support, and for each place of the general consultation support business (referred to as the "place of general consultation support business" in this subsection).

(2) The provisions of Article 36, paragraph (3) (excluding item (iv), item (x) and item (xiii)) apply mutatis mutandis to the designation as a designated provider of general consultation support business under Article 51-14, paragraph (1). In such a case, the phrase "parties prescribed by Prefectural Order" in Article 36, paragraph (3), item (i) is deemed to be replaced with "judicial person," and the necessary technical replacement of terms are specified by Cabinet Order.

(Designation as a Designated Provider of Specified Consultation Support Businesses)

Article 51-20 (1) The designation as a designated provider of specified consultation support businesses under Article 51-17, paragraph (1), item (i) is to be conferred in accordance with Order of the Ministry of Health, Labour and Welfare, upon an application form a person meeting the requirements specified by Order of the Ministry of Health, Labour and Welfare as those providing comprehensive consultation support, for each place of the specified consultation support business (hereinafter referred to as the "place of specified consultation support business" in this subsection).

(2) The provisions of Article 36, paragraph (3) (excluding item (iv), item (x), and item (xiii)) apply mutatis mutandis to the designation as a designated provider of specified consultation support business under Article 51-17, paragraph (1), item (i). In such a case, the phrase "parties specified by Prefectural Order" in Article 36, paragraph (3), item (i) is deemed to be replaced with "judicial person," and the necessary technical replacement of terms are specified by Cabinet Order.

(Renewal of Designation)

Article 51-21 (1) The designation as a designated provider of general consultation support business under Article 51-14, paragraph (1) and as a designated provider of specified consultation support business under Article 51-17, paragraph (1), item (i) loses their effect with the lapse of time unless renewed every six years.

(2) The provisions of Article 41, paragraph (2) and paragraph (3) as well as the preceding two Articles apply mutatis mutandis to the renewal of the designation set forth in the preceding paragraph. In such a case, the necessary

technical replacement of terms is specified by the Cabinet Order.

(Responsibilities of Designated Providers of General Consultation Support Business and Designated Providers of Specified Consultation Support Business)

- Article 51-22 (1) A designated provider of general consultation support business and designated provider of specified consultation support business (hereinafter referred to as the "designated provider of consultation support business") must endeavor to perform the consultation support effectively, at all times taking the perspectives of persons or children with disabilities into consideration, according to their wishes, aptitudes, special features of their disabilities, and other circumstances, with due consideration to the support for them to make decision themselves, through close coordination with municipalities; bodies implementing vocational rehabilitation including public employment security offices; educational organizations, and other related bodies, in order to enable persons or children with disabilities to live their daily lives and lead the lives in society in an independent manner.
- (2) The designated provider of consultation support business must endeavor to improve the consultation support which they give by assessing its quality and taking other measures.
- (3) The designated provider of consultation support business must discharge their professional duties in good faith for the sake of persons or children with disabilities, while paying due respect to their identity and obeying this Act or orders issued on the basis thereof.

(Requirements for the Business of Providing the Designated Community Consultation Support)

- Article 51-23 (1) A designated provider of general consultation support business must employ persons who are engaged in the relevant designated community consultation support at each place of general consultation support business relevant to their designation, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (2) A designated provider of general consultation support business must give their designated community consultation support in accordance with the requirements for the management of designated community consultation support business as specified by Order of the Ministry of Health, Labour and Welfare.
- (3) If a designated provider of general consultation support business files notification of termination or suspension of their business under Article 51-25, paragraph (2), that provider must communicate and coordinate with other designated providers of general consultation support business and other

persons concerned on behalf of persons who have received the designated community consultation support within one month prior to the date of the notification and wish to continue receiving services equivalent to that support after that termination or suspension, so that the necessary designated community consultation support is continuously provided.

(Requirements for the Business of Providing Designated Planning Consultation Support)

- Article 51-24 (1) A designated provider of specified consultation support business must employ persons who are engaged in the relevant designated planning consultation support at each specified consultation support business place related to their designation in accordance with Order of the Ministry of Health, Labour and Welfare.
- (2) A designated provider of specified consultation support business must give designated planning consultation support in accordance with the requirements for the management of designated planning consultation support business as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (3) If the designated provider of specified consultation support business files notification of termination or suspension of their business under paragraph (4) of the following article, that provider must communicate and coordinate with other designated providers of specified consultation support business and other relevant parties on behalf of persons who have received the designated planning consultation support within one month prior to the date of that notification and wish to continue receiving services equivalent to that support after the termination or suspension, so that the necessary planning consultation support is continually provided.

(Notification of Changes)

- Article 51-25 (1) If there has been a change in the name, address or other matters specified by Order of the Ministry of Health, Labour and Welfare of a place of general consultation support business relevant to a designation; or a designated provider of general consultation support business has resumed their business of providing the relevant general consultation support after a period of suspension, that provider must send notification to the effect to the prefectural governor within ten days, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (2) If a designated provider of general consultation support business intends to terminate or suspend their business of providing the designated community consultation support, that provider must send notification to the effect to the prefectural governor no later than one month before the date of termination or suspension, in accordance with Order of the Ministry of Health, Labour and

Welfare.

- (3) If there has been a change in the name, location or other matters specified by Order of the Ministry of Health, Labour and Welfare of a place of specified consultation support business related to a designation; or a designated provider of specified consultation support business has resumed their business of providing the relevant designated consultation support after a period of suspension, that provider must send notification to the effect to the mayor of the municipality within ten days in accordance with Order of the Ministry of Health, Labour and Welfare.
- (4) If a designated provider of specified planning consultation support intends to terminate or suspend their business of providing the relevant designated planning consultation support, that provider must send notification to the effect to the mayor of the municipality no later than one month prior to the date of the termination or suspension in accordance with Order of the Ministry of Health, Labour and Welfare.

(Communication and Coordination Assistance by the Prefectural Governor)

Article 51-26 (1) The provisions of Article 47-2 apply mutatis mutandis to the services under Article 51-23, paragraph (3) provided by a designated provider of general consultation support business.

- (2) If the mayor of the municipality finds it necessary to ensure that the designated provider of specified consultation support business give services under Article 51-24, paragraph (3) in an unimpeded manner, that mayor may provide communication and coordination among those designated providers and other persons concerned as well as other forms of assistance to them.

(Reports)

Article 51-27 (1) If the prefectural governor or mayor of a municipality finds it necessary, the governor or mayor may order a designated provider of general consultation support business or a person who was that designated provider or was employed at a place of general consultation support business relevant to the designation (that person is hereinafter referred to as the "former designated provider, etc. of general consultation support business" in this paragraph) to make a report; order them to submit or show books, documents or other materials; require a designated provider of general consultation support, an employee of a place of general consultation support business relevant to the designation or a former designated provider, etc. of general consultation support business to appear; have the relevant personnel question the persons concerned; or have them enter the places of general consultation support business or offices relevant to the designation, or other places relevant to the business of providing the designated community consultation support, in

order to inspect the equipment, books, documents and other materials.

- (2) If necessary, a municipality may order a designated provider of specified consultation support business or a person that was a designated provider of specified consultation support business or was an employee at the place of specified consultation support business related to the relevant designation (that person is hereinafter referred to as "former designated provider, etc. of specified consultation support business) to make a report; order them to submit or show books, documents and other materials; order the designated provider of specified consultation support business, employee at the specified consultation support business place related to the relevant designation or the former designated provider of specified consultation support business to appear; have the relevant personnel question the persons concerned; or have them enter the place of designated specified consultation support business or offices related to the designation, or other places related to the business of providing the relevant designated planning consultation support, in order to inspect its equipment, books, documents or other materials.
- (3) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning and inspection prescribed in the preceding two paragraphs; the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority prescribed in the preceding two paragraphs.

(Recommendations and Orders)

- Article 51-28 (1) If a designated provider of general consultation support business falls under any of the items below, the prefectural governor may recommend that designated provider to implement the measures set forth in the relevant item within a specified period:
- (i) if the knowledge, skills or number of the persons employed by the place of general consultation support business relevant to the designation does not meet the requirements prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-23, paragraph (1): to abide by those requirements;
 - (ii) if the business of providing the designated community consultation support is not conducted appropriately in accordance with the requirements for the management of the business of providing the designated community consultation support prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-23, paragraph (2): to abide by those requirements; or
 - (iii) if the provision of services prescribed in Article 51-23, paragraph (3) is not carried out appropriately: to abide by those requirements.
- (2) If the mayor of the municipality finds that a designated provider of specified consultation support business falls under any of the following items, the mayor

may recommend that provider to implement the measures provided in the relevant item within a specified period:

- (i) if the knowledge, skills or number of persons employed at the place of specified consultation support business relevant to the designation does not meet the requirements prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-24, paragraph (1): to abide by those requirements;
 - (ii) if the business of providing the designated planning consultation support is not conducted appropriately in accordance with the requirements for the management of the business of providing the designated planning consultation support prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-24, paragraph (2): to abide by those requirements;
 - (iii) if the services prescribed in Article 51-24, paragraph (3) are not provided appropriately: to provide those services appropriately.
- (3) If the prefectural governor has issued a recommendation under paragraph (1) and the designated provider of consultation support business that has received the recommendation fails to comply the recommendation within the period set forth in the preceding two paragraphs, the prefectural governor may make public notice to the effect; and if the mayor of the municipality has issued a recommendation under the preceding paragraph and the designated provider of consultation support business that has received the recommendation fails to comply the recommendation within the period set forth in the preceding two paragraphs, the mayor may make public notice to the effect.
- (4) If a designated provider of general consultation support business that has received the recommendation under paragraph (1) fails to implement the measures pertaining to the recommendation without just cause, the prefectural governor may order that designated provider to implement those measures within a specified period; and if a designated provider of specified consultation support business that has received the recommendation under paragraph (2) fails to implement the measures pertaining to the recommendation without just cause, the mayor of the municipality may order that designated provider to implement those measures within a specified period.
- (5) After issuing an order under the preceding paragraph, the prefectural governor or the mayor of the municipality must make public notice to the effect.
- (6) If the municipality finds that the designated provider of general consultation support business that has given the designated community consultation support relevant to the payment of community consultation support benefits falls under any of the cases set forth in the items of paragraph (1), the municipality must make notice to the effect to the governor of the prefecture in which the place of general consultation support business related to the

designation is located.

(Revocation of Designation)

Article 51-29 (1) In cases falling under any of the items below, the prefectural governor may revoke the designation under Article 51-14, paragraph (1) for the relevant designated provider of general consultation support business or suspend the whole or a part of their designation for a specified period:

- (i) if a designated provider of general consultation support business falls under Article 36, paragraph (3), item (v), item (v)-2 or item (xii) as applied mutatis mutandis pursuant to the provisions of Article 51-19, paragraph (2);
- (ii) if a designated provider of general consultation support business is found to be in violation of the provisions of Article 51-22, paragraph (2);
- (iii) if a designated provider of general consultation support business is no longer competent to fulfill the requirements prescribed by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-23, paragraph (1) for the knowledge, skills or number of employees at the place of general consultation support business related the relevant designation;
- (iv) if a designated provider of general consultation support business is no longer competent to conduct the business of providing the designated community consultation support appropriately in accordance with the requirements for the management of the business for providing a designated community consultation support as specified by Order of the Ministry of Health, Labour and Welfare as provided for in Article 51-23, paragraph (2);
- (v) if there is wrongdoing with regard to the request for payment of community consultation support benefits;
- (vi) if a designated provider of general consultation support business fails to make a report or submit or show books, documents or other materials pursuant to Article 51-27, paragraph (1) or produces a falsified report;
- (vii) if the designated provider of general consultation support business or an employee at the place of general consultation support business related to the relevant designation fails to comply with a request to appear under Article 51-27, paragraph (1); fails to answer the questions under the same paragraph; gives false answers; or refuses, hinders or avoids the inspection prescribed in the same paragraph; provided, however, that this excludes cases in which the designated provider of consultation support business has exercised considerable care and supervision of the employees at the place of general consultation support business related to the relevant designation has committed the aforementioned infractions so as to prevent recurrence of those infractions;
- (viii) if a designated provider of general consultation support business has received the designation under Article 51-14, paragraph (1) by fraudulent

means;

- (ix) in addition to the cases set forth in each of the preceding items, if the designated provider of general consultation support business violates this Act or any other laws pertaining to the welfare of the citizens as specified by Cabinet Order, or the orders or measures based thereon;
 - (x) in addition to the cases set forth in each of the preceding items, if a designated provider of general consultation support business commits a wrongful or inappropriate act with respect to the community consultation support; or
 - (xi) if an officer of a designated provider of general consultation support business, a manager of the place of designated consultation support business or other employees specified by Cabinet Order have committed a wrongful or inappropriate act with regard to the community consultation support within the five years before the time the prefectural governor is considering the cancellation of their designation or suspension of the whole or a part of their designation.
- (3) If the municipality finds that a designated provider of general consultation support business that has given the community consultation support pertinent to the payment of community consultation support benefit falls under any of the items in paragraph (1), the municipality must send notice to the effect to the governor of the prefecture in which the place of general consultation support business related to the relevant designation is located.

(Public Announcements)

Article 51-30 (1) In any of the following cases, the prefectural governor must make a public announcement:

- (i) conferring designation as a designated provider of general consultation support business under Article 51-14, paragraph (1);
 - (ii) receiving a notification of termination of the business under Article 51-25, paragraph (2); or
 - (iii) revoking the designation as a designated provider of general consultation support business pursuant to paragraph (1) of the preceding Article or Article 76-3, paragraph (6).
- (2) In any of the following cases, the mayor of the municipality must make a public announcement to the effect:
- (i) conferring designation as a designated provider of specified consultation support business under Article 51-17, paragraph (1), item (i);
 - (ii) receiving a notification of termination of the business under Article 51-25, paragraph (4); or
 - (iii) revoking the designation as a designated provider of specified consultation support business pursuant to the provisions of paragraph (2) of the preceding

Article.

Subsection 4 Establishment of Management Systems

(Establishment of Management Systems)

- Article 51-31 (1) The designated provider of consultation support business must establish a management system in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare to ensure that the duties prescribed in Article 51-22, paragraph (3) are performed.
- (2) The designated provider of consultation support business, according to their category set forth in the relevant following items, must give notification of the matters pertaining to the establishment of a management system to the relevant person specified in that item, in accordance with Order of the Ministry of Health, Labour and Welfare:
- (i) a designated provider of consultation support business other than those set forth in the following item through item (v): the prefectural governor;
 - (ii) a designated provider of specified consultation support business conducting only specified consultation support business whose places of business relevant to the designation are all located in a municipality: the mayor of the municipality;
 - (iii) a designated provider of consultation support business whose places of business relevant to the designation are all located within a designated city (except the providers set forth in the preceding item): the mayor of the designated city;
 - (iv) a designated provider of consultation support business whose places of business relevant to the designation are all located within a core city (except the providers set forth in item (ii)): the mayor of the core city; or
 - (v) a designated provider of consultation support business whose places of business relevant to the designation are located in two or more prefectures: the Minister of Health, Labour and Welfare.
- (3) If any changes have been made to the matters in notification which the designated provider of consultation support business has filed pursuant to the previous paragraph, that provider must make notification to the effect without delay to the Minister of Health Labour and Welfare, the prefectural governor, the mayor of the designated city or core city, or the mayor of a municipality (referred to as the " Minister, etc. of Health, Labour and Welfare" in this subsection) to whom that provider gave the notification in question, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (4) If the designated provider of consultation support business provider that has given the Minister, etc. of Health, Labour and Welfare the notification under paragraph (2) gives notification to another Minister, etc. other than that

Minister, etc. pursuant to the same paragraph due to any of the changes in their category set forth in the items in the same paragraph, they must also give notification to the effect to that Minister, etc. in accordance with Order of the Ministry of Health, Labour and Welfare.

- (5) The Ministers, etc. of Health, Labour and Welfare must endeavor to coordinate closely with each other to ensure that the notification under the preceding three paragraphs are made appropriately.

(Reports)

Article 51-32 (1) If the Minister, etc. of Health, Labour and Welfare who has received a notification under paragraph (2) of the preceding Article finds it necessary for the establishment of the management system under paragraph (1) of the same Article for a designated provider of consultation support business that has filed that notification (excluding the designated provider of consultation support business that has filed a notification under paragraph (4) the same Article, in cases of the Minister, etc. of Health, Labour and Welfare who has received the notification), they may order that designated provider to make a report; order them to submit or show books, documents or other materials; request that provider or their employees to appear; require the relevant personnel to question the persons concerned; or require them to enter the places of business or offices relevant to that provider's designation or enter other places related to the provision of the designated community consultation support or designated planning consultation support, in order to inspect the equipment, books, documents or other materials.

- (2) If the Minister of Health, Labour and Welfare exercises the authority prescribed in the preceding paragraph, the minister is to do so in close coordination with the prefectural governor who conferred the designation as a designated provider of general consultation support business (referred to as "the relevant prefectural governor" in this paragraph and paragraph (5) of the following Article) or the mayor of the municipality who conferred the designation as a designated provider of specified consultation support business (referred to as "the relevant municipal mayor" in this paragraph and paragraph (5) of the following Article); if the prefectural governor exercises the authority prescribed in the preceding paragraph, the governor is to do so in close coordination with the relevant municipal mayor; and if the mayor of a designated city or a core city exercises the authority set forth in the same paragraph, the mayor is to do so in close coordination with the relevant prefectural governor.

- (3) If the prefectural governor finds it necessary for establishment of the management system under paragraph (1) of the preceding Article for the designated provider of general consultation support business related to the

designation which the prefectural governor has conferred or seeks to confer, the governor may request the Minister of Health, Labour and Welfare or the mayor of the designated city or core city to exercise the authority prescribed in paragraph (1); and, if the mayor of the municipality finds it necessary for the establishment of the management system under paragraph (1) of the preceding Article for the designated provider of specified consultation support business related to the designation which the mayor has conferred or seeks to confer, the mayor may request the Minister of Health, Labour and Welfare or the prefectural governor to exercise the authority prescribed in paragraph (1).

- (4) If the Minister of Health, Labour and Welfare, the prefectural governor, or the mayor of a designated city or core city exercises the authority prescribed in paragraph (1) upon the request which the prefectural governor or mayor of a municipality has made pursuant to the preceding paragraph, the Minister, governor or mayor must send notice of the result to that governor or mayor who has requested that exercise of authority, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning and inspection prescribed in paragraph (1) of this Article; and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority under paragraph (1) of this Article.

Article 51-33 (1) If the Minister, etc. of Health, Labour and Welfare who has received the notification under Article 51-31, paragraph (2) finds that the designated provider of consultation support business that has filed the notification (in the case of the Minister of Health, Labour and Welfare, etc. who has received a notification pursuant to paragraph (4) of the same Article, this does not include the designated consultation support business provider who made the notification pursuant to the same paragraph) does not establish an appropriate management system, the Minister, etc. may recommend that designated provider to establish an appropriate management system, in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare, by the specified date.

- (2) If the Minister, etc. of Health, Labour and Welfare has issued the recommendation under the preceding paragraph, and the designated provider of consultation support business that has received the recommendation fails to comply the recommendation, the Minister, etc. may make public notice to the effect.
- (3) If the designated provider of consultation support business that has received the recommendation under paragraph (1) fails to implement the measures related to the recommendation without just cause, the Minister, etc. of Health, Labour and Welfare may order that designated provider to implement those

measures within a specified period.

- (4) If the Minister, etc. of Health, Labour and Welfare has issued an order under the preceding paragraph, the Mminister, etc. must make a public notice to the effect.
- (5) If a designated provider of consultation support business is in violation of the order under paragraph (3), the Minister of Health, Labour and Welfare, the prefectural governor or the mayor of a designated city or core city must send notice of the violation to the relevant prefectural governor or to the relevant municipal mayor in accordance with Order of the Ministry of Health, Labour and Welfare.

Section 4 Payment of Independent Living Medical Care Benefits, Medical Nursing Care Benefits, and Appropriate Medical Nursing Care Benefits

(Approval of Independent Living Medical Care Benefits)

Article 52 (1) Persons with disabilities or guardians of children with disabilities who intend to receive payment of independent living medical care benefits must receive an approval from a municipality etc. granting independent living medical care benefits (hereinafter referred to as the "benefits recipient approval").

- (2) The provisions set forth in Article 19, paragraph (2) apply mutatis mutandis to the benefits recipient approval given by municipalities, etc.; the provisions of paragraph (3) and paragraph (4) of the same Article apply to the benefits recipient approval given by municipalities. In such cases, the necessary technical replacement of terms are prescribed by Cabinet Order.

(Applications)

Article 53 (1) Persons with disabilities or guardians of children with disabilities who intend to receive a benefits recipient approval must apply to a municipality, etc. pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) The application set forth in the preceding paragraph may be filed through municipalities where the persons with disabilities or the guardians of children with disabilities have their residence (or, if the persons with disabilities or the guardians of children with disabilities do not have a residence or their residence is not clear, through municipality where the persons with disabilities or the guardians of children with disabilities have their current location) pursuant to the provision of Cabinet Order.

(Benefits Recipient Approval)

Article 54 (1) If persons or children with disabilities related to the application set forth in the preceding paragraph need to receive the independent living medical care benefits in light of the state of their physical disabilities or mental disorders, and they meet the requirements specified by the Cabinet Order after due consideration of their income status or that of other family members of the household to which the relevant persons or children with disabilities belong, of the status of the medical treatment, or of other conditions, the municipality, etc. is to grant a benefit recipient approval for each type of the independent living medical care specified by Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply if the relevant persons or children with disabilities are able to receive the medical care of the type provided by Order of the Ministry of Health, Labour and Welfare among the independent living medical care pursuant to the Act on Relief to Wounded and Sick Retired Soldiers (Act No. 168 of 1963) or the Act on Medical Care and Probation for Persons Who Have Caused Serious Harm to Others Under the Condition of Insanity (Act No. 110 of 2003).

(2) If the municipality, etc. has given a benefits recipient approval, the municipality, etc. is to choose a medical institution where the person or children with disabilities relevant to the benefits recipient approval may receive the independent living medical care among the medical institutions designated by the prefectural governor (hereinafter referred to as the "designated independent living medical institution"), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) If the municipality, etc. has given a benefits recipient approval, it must deliver a claimant's certificate for independent living medical care which describes the valid period of the benefits recipient approval provided in the preceding Article, the names of the independent living medical institutions, and other matters prescribed by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "claimant's certificate for medical care") to the person with disabilities or guardian of children with disabilities who has received the benefits recipient approval (hereinafter referred to as the "person with disabilities or guardian of children with disabilities who has received the benefits recipient approval"), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Valid Period of a Benefits Recipient Approval)

Article 55 A benefits recipient approval is valid only for the period specified by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as the "validity period of a benefits recipient approval").

(Alteration of a Benefits Recipient Approval)

Article 56 (1) If persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval need to change the designated independent living medical care institution chosen pursuant to Article 54, paragraph (2) or other matters specified by Order of the Ministry of Health, Labour and Welfare pertaining to the benefits recipient approval with which the persons with disabilities are currently provided, they may apply to the municipality, etc. for that change to the benefits recipient approval pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) If the municipality, etc. acknowledges it necessary to change the matters specified by Order of the Ministry of Health, Labour and Welfare as provided for in the preceding paragraph for the persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval, it may make the decision to change the benefits recipient approval, upon the application set forth in the same paragraph or by the authority vested in their office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. In this case, the municipality, etc. is to require those persons or guardians to submit their claimant's certificate for medical care.

(3) The provisions of Article 19, paragraph (2) apply mutatis mutandis pursuant to the decision under the preceding paragraph of the change to the benefits recipient approval which municipalities, etc. have made; the provisions of paragraphs (3) through (5) of the same Article apply mutatis mutandis to the decision under the preceding paragraph of the change to benefits recipient approval which municipalities have made. In such cases, the necessary technical replacement of terms is specified by Cabinet Order.

(4) If the municipality, etc. makes a decision to change the benefits recipient approval set forth in paragraph (2), it is to state the matters pertaining to the decision on the claimant's certificate for medical care and return it to the holder.

(Revocation of Benefits Recipient Approval)

Article 57 (1) The municipality, etc. which has given a benefits recipient approval may revoke the approval in the following cases:

- (i) if the municipality, etc. acknowledges that the person or child with disabilities relevant to the benefits recipient approval no longer needs to receive the independent living medical care in light of the state of their physical disabilities or mental disorders;
- (ii) if the municipality, etc. acknowledges that the person with disabilities or guardian of children with disabilities who has received a benefits recipient approval has come to possess a residence within a municipality, etc. outside the relevant municipality, etc. (excluding the case in which the municipality,

- etc. acknowledges that the person with disabilities relevant to the benefits recipient approval has been admitted into a specified facility and has come to possess a residence within a municipality, etc. outside the municipality, etc.);
- (iii) if the person or child with disabilities relevant to the benefits recipient approval does not comply with the order under Article 9, paragraph (1) without just cause; or
- (iv) in other cases prescribed by Cabinet Order.
- (2) After revoking a benefits recipient approval pursuant to the provisions of the preceding paragraph, the municipality is to require the person with disabilities or guardian of children with disabilities who has received the benefits recipient approval to return their claimant's certificate for medical care pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Payment of Independent Living Medical Care Benefits)

- Article 58 (1) If a person or child with disabilities relevant a benefits recipient approval has received the independent living medical care for which a designated independent living medical institution chosen pursuant to Article 54, paragraph (2) has received their designation (that medical care is hereafter referred to as the "designated independent living medical care"), within the valid period of benefits recipient approval, the municipality, etc. is to pay the independent living medical care benefits to the person with disabilities or guardian of children with disabilities who has received the benefits recipient approval, for the expenses required for the designated independent living medical care, pursuant to the provisions of Order of Ministry of Health, Labour and Welfare.
- (2) If a person with disabilities or guardian of children with disabilities who has received a benefits recipient approval intends to receive the designated independent living medical care, they are to do so by presenting their claimant's certification for medical care to the designated independent living medical institution, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply in cases of emergency or unavoidable circumstances.
- (3) The amount of independent medical care benefits per month is the total sum given in item (i) (if the dietary therapy (meaning the dietary therapy prescribed in Article 63, paragraph (2), item (i) of the Employee's Health Insurance Act; the same applies in this paragraph) is included in the designated independent living medical care, the amount in question is the total sum of those given in item (i) and item (ii); and if the life therapy (meaning the life therapy prescribed in Article 63, paragraph (2), item (ii) of that Act; the same applies in this paragraph) is included in the designated independent living medical care, the amount in question is total sum of those given in item

- (i) and item (iii)):
- (i) the sum arrived at when the amount provided by Cabinet Order after due consideration of the financial capacity, the state of their disabilities, and other circumstances of the persons with disabilities or guardians of children with disabilities who have received a benefits of recipient approval, is deducted from the amount calculated in accordance with the method used in health insurance for calculating the expenses required for the relevant designated independent living medical care (excluding the dietary therapy and life therapy) provided in the same month (or, if the relevant amount provided by Cabinet Order exceeds the equivalent of 10 % of that amount thus calculated, that equivalent amount is deducted from the relevant amount provided by Cabinet Order);
- (ii) the sum arrived at when the amount specified by the Minister of Health, Labour and Welfare after due consideration of the dietary therapy standard cost-sharing prescribed in paragraph (2) of Article 85 of the Employee's Health Insurance Act, and of the income status and other circumstances of the persons with disabilities or guardians of children with disabilities who have received a benefits of recipient approval, is deducted from the amount calculated in accordance with the method used in health insurance for calculating the amount of expenses required for medical treatment for the relevant designated independent living medical care (limited to the dietary therapy); or
- (iii) the sum arrived at when the amount specified by the Minister of Health, Labour and Welfare after due consideration of the standard liability amount prescribed in Article 85-2 paragraph (2) of the Employee's Health Insurance Act, and of the income status and other circumstances of the persons with disabilities or guardians of children with disabilities who have received a benefits of recipient approval, is deducted from the amount calculated in accordance with the method used for health insurance for calculating the expenses required for medical treatment for the relevant designated independent living medical care (limited to the life therapy).
- (4) If the method for calculating the amount required for the medical treatment as prescribed in the preceding paragraph is not possible or it is not appropriate to comply with that method, a method for calculating the expenses required for the independent living medical care is specified by the Minister of Health, Labour and Welfare.
- (5) If a person or children with disabilities relevant to the benefits recipient approval receives designated independent living medical care from a designated independent living medical institution, the municipality, etc. may make payments to that institution for the expenses needed for the designated independent living medical care which the persons with disabilities or

guardian of children with disabilities who has received the benefits recipient approval should pay, in place of the person or guardian in question, within the maximum amount to be paid to the person or guardian as payment of the independent living medical care benefits.

- (6) If the payment under the preceding paragraph has been made, the payment is deemed to be made to the persons with disability or guardians of children with disabilities who have received the benefits recipient approval as the payment of the independent living medical care benefits.

(Designation as a Designated Independent Living Medical Institution)

Article 59 (1) The designation set forth in Article 54, paragraph (2) is to be conferred upon an application from a hospital, clinic (including what are prescribed in the Cabinet Order as corresponding thereto; the same applies hereinafter) or establisher of a pharmacy, for each type of the independent living medical care specified by Order of the Ministry of Health, Labour and Welfare as provided in paragraph (1) of the same Article, pursuant to the provision of Order of the Ministry of Health, Labour and Welfare.

- (2) If the application set forth in the preceding paragraph is filed, a prefectural governor may choose not to confer a designation as a designated independent living medical institution, if the application falls under any of the following items:

(i) a hospital, clinic or pharmacy related to the application is not an insurance medical care institution or health insurance pharmacy prescribed in Article 63, paragraph (3), item (i) of the Employee's Health Insurance Care Act; or the place of business or facility prescribed by Order of the Ministry of Health, Labour and Welfare;

(ii) a hospital, clinic or pharmacy related to the application, or an applicant has repeatedly received the guidance under Article 63 or recommendations under Article 67, paragraph (1) due to the inappropriateness of the medical examinations conducted or prescriptions issued for the independent living medical care;

(iii) an applicant fails to comply with an order under Article 67, paragraph (3);
or

(iv) in addition to the preceding three items, a hospital, clinic or pharmacy related to the application is found to be extremely inappropriate as a designated independent living medical institution.

- (3) The provisions of Article 36, paragraph (3) (excluding items (i) through (iii) and item (vii)) apply mutatis mutandis to the designation as a designated independent living medical institution. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

(Renewal of Designation)

Article 60 (1) The designation set forth in Article 54, paragraph (2) loses its effect with the lapse of time unless renewed every six years.

(2) The provisions set forth in Article 68, paragraph (2) of the Employee's Health Insurance Act apply mutatis mutandis to the renewal of the designation set forth in the preceding paragraph. In such a case, the necessary technical replacement of terms is specified by Cabinet Order.

(Responsibilities of the Designated Independent Living Medical Institution)

Article 61 The designated independent living medical institution must provide high-quality and appropriate independent living medical care pursuant to the provision of Order of the Ministry of Health, Labour and Welfare.

(Policy on Medical Examinations)

Article 62 (1) The policy on medical examinations of a designated independent living medical institution is governed by the policy on medical examinations covered by health insurance.

(2) If it is not possible to comply with the policy on medical examinations set forth in the preceding paragraph or it is not appropriate to comply that policy, the policy on medical examinations is to follow what is prescribed by the Minister of Health, Labour and Welfare.

(Guidance by the Prefectural Governor)

Article 63 The designated independent living medical institution must follow the guidance provided by the prefectural governor for providing its independent living medical care.

(Notification of Changes)

Article 64 If there is a change to the name, location or other matters specified by Order of the Ministry of Health, Labour and Welfare of a medical institution related to the relevant designation, the designated independent living medical institution must give notice to the effect to the prefectural governor pursuant to the provision of Order of the Ministry of Health, Labour and Welfare.

(Declination of Designation)

Article 65 A designated independent living medical institution may decline its designation with an advance notice of a month or more.

(Reports)

Article 66 (1) If the prefectural governor acknowledges it necessary to provide the independent living medical care, the prefectural governor may order a

designated independent living medical institution, or a person that was a establisher, manager, physician, pharmacist or other employee of that institution (that person was hereinafter referred to as the "former establisher, etc." in this paragraph) to make a report; may order them to submit or show medical charts, books, documents or other materials; may require a founder, manager, doctor, pharmacist and other employee (including the former establisher, etc.) to appear; may have the relevant personnel question the persons concerned; or may have them inspect the equipment or medical charts, books, documents and other materials of the designated independent living medical institution.

- (2) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning or inspection under the preceding paragraph; the provision of paragraph (3) of the same Article apply mutatis mutandis to the authorities under the preceding paragraph.
- (3) If a designated independent living medical institution fails to make a report, or submit or show the relevant documents under paragraph (1), provides a false report, or refuses, hinders or avoids the inspection under the same paragraph, the prefectural governor may instruct the municipality, etc. to suspend the payment of the independent living medical care to that institution temporarily, or may suspend it temporarily.

(Recommendations and Orders)

- Article 67 (1) If the prefectural governor acknowledges that a designated independent living medical institution has not provided high-quality and appropriate independent living medical care in accordance with Article 61 or Article 62, the governor may recommend the establisher of that institution to comply with Article 61 or Article 62 with a specified period.
- (2) If the establisher of a designated independent living medical institution fails to comply with the recommendation under the preceding paragraph within the period set forth in the preceding paragraph, the prefectural governor may make public notice to the effect.
 - (3) If the establisher of the designated independent living medical institution that has received the recommendation under paragraph (1) fails to take measures related to the recommendation without reasonable grounds, the prefectural governor may order the establisher to take the measures related to the recommendation within a specified period.
 - (4) Upon issuing an order under the preceding paragraph, the prefectural governor must make public notice to the effect.
 - (5) If the establisher of the designated independent living medical institution has provided the designated independent living medical care, and the municipality recognizes that the establisher has not provided high-quality and appropriate

designated independent living medical care in accordance with Article 61 or Article 62, the municipality must give notice to the effect to the governor of the prefecture within which the medical institution related to the relevant designation is located.

(Revocation of Designation)

Article 68 (1) The prefectural governor may revoke the designation under Article 54, paragraph (2) related to the relevant designated independent living medical institution or may suspend all or a part of the validity of their designation for a specified period of time, in cases falling under any of the following items:

- (i) if a designated independent living medical institution falls into any of the cases set forth in the items of Article 59, paragraph (2);
- (ii) if a designated independent living medical institution falls into any of the cases set forth in Article 36, paragraph (3), items (iv) through (v)-2, item (xii) or item (xiii) as applied *mutatis mutandis* pursuant to Article 59, paragraph (3);
- (iii) if a designated independent living medical institution violates Article 61 or Article 62;
- (iv) if there was deceit concerning the demand for payment of independent living medical care benefits;
- (v) if a designated independent living medical institution has been ordered to make a report or submit or show medical charts, books documents or other materials pursuant to the provisions of Article 66, paragraph (1), but does not comply with that order or provides a false report; or
- (vi) if the establisher or employee of a designated independent living medical institution does not comply with the requirement to appear under Article 66, paragraph (1); does not answer the questions under the same paragraph or provides false reports; or refuses, hinders or avoids the inspection under the same paragraph; provided, however, that this excludes cases in which the designated independent living medical institution endeavors to conduct appropriate admonishment and supervision of the employees at the institution who have committed the aforementioned infractions so as to prevent recurrence of those infractions.

(2) The provisions of Article 50, paragraph (1), items (viii) through (xii) and Article 50, paragraph (2) apply *mutatis mutandis* to the revocation or validity suspension of a designation as a designated independent living medical institution set forth in the preceding paragraph. In such a case, the necessary technical replacement of terms is prescribed by Cabinet Order.

(Public Notice)

Article 69 In the following cases, the prefectural governor must make public

notice to the effect:

- (i) conferring the designation as a designated independent living medical institution under Article 54, paragraph (2);
- (ii) receiving an application under Article 64 (excluding an application for a change to the matters prescribed by Order of the Ministry of Health, Labour and Welfare as provide for in Article 64);
- (iii) receiving the decline of the designation as a designated independent living medical institution under Article 65; or
- (iv) revoking the designation as a designated independent living medical institution pursuant to the preceding Article.

(Payment of Medical Care Benefits)

- Article 70 (1) If a person with disabilities who has received a benefits recipient approval for the payment of nursing care benefits (limited to those for the medical care) receives the medical care for which the designated providers, etc. of welfare service for persons with disabilities has received their designation, within the valid period of the benefits recipient approval, the municipality is to pay the medical care benefits to that person with disabilities relevant to the benefits recipient approval, for the necessary costs for that medical care, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (2) The provisions of Article 58, paragraphs (3) through (6) apply mutatis mutandis to the payment of medical care benefits. In such a case, the necessary technical replacement of terms is prescribed by Cabinet Order.

(Payment of Appropriate Medical Care Benefits)

- Article 71 (1) If a person with disabilities who has received a benefits recipient approval for the payment of special nursing care benefits (limited to those for medical care) receives the medical care from an appropriate place of business or appropriate facility (hereinafter referred to as "appropriate medical care"), the municipality is to pay the appropriate medical care benefits to the person with disabilities related to the relevant benefits recipient approval, for the expense necessary for that appropriate medical care, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (2) The provisions of Article 58, paragraph (3) and paragraph (4) apply mutatis mutandis to the payment of appropriate medical care benefits. In such a case, the necessary technical replacement of terms is prescribed by Cabinet Order.

(Applications)

- Article 72 The provisions of Article 61 and Article 62 apply mutatis mutandis to a designated provider, etc. of welfare service for persons with disabilities that provides the medical care or an appropriate place of business or facility that

provides the appropriate medical care.

(Examination and Payment of Independent Living Medical Care Benefits)

- Article 73 (1) The prefectural governor may examine the contents of the medical examination performed by a designated independent living medical institution, a designated provider, etc. of welfare service for persons with disabilities which delivers the medical care, or an appropriate place of business or appropriate facility that provides the appropriate medical care (that institution, provider, etc., place or facility is hereinafter referred to as the "institution providing medical care covered by public expenses" in this Article), and their request for payment of independent living medical care benefits, medical care benefits, or appropriate medical care benefits (referred to as "independent living medical care benefits, etc." in this Article and in Article 75), as needed; and may decide the amount of independent living medical care benefits, etc. which the institution providing medical care covered by public expenses can demand pursuant to Article 58, paragraph (5) (including as applies mutatis mutandis pursuant to Article 70, paragraph (2)).
- (2) Institutions providing medical care covered by public expenses must obey decisions made by prefectural governors as set forth in the preceding paragraph.
- (3) If a prefectural governor decides the amount of independent living medical care benefits, etc. which an institution providing medical care covered by public expenses can demand, the governor must hear the opinions of the Examination Board provided in the Social Insurance Medical Fee Payment Fund Act (Act No.129 of 1948), the Examination Board of National Health Insurance Medical Fee provided in the National Health Insurance Act or other examining institutes prescribed by Cabinet Order.
- (4) A municipality etc. may entrust the Health Insurance Claims Review and Reimbursement Services, the federation, or any other person prescribed by Order of the Ministry of Health, Labour and Welfare with its administrative affairs concerning the payment of independent living medical care benefits, etc. to institutions providing medical care covered by public expenses.
- (5) Beyond what is provided for in the preceding paragraphs, the necessary matters for the payment of independent living medical care benefits, etc. are specified by Order of the Ministry of Health, Labour and Welfare.
- (6) Concerning the decision on the amount of independent living medical care benefits, etc. under paragraph (1), it is not possible to request administrative review.

(Assistance by Prefectures)

- Article 74 (1) If a municipality acknowledges that it is necessary to grant a

benefits recipient approval or not to provide payment of independent living medical care benefits, it may hear the opinions of the recovery consultation office for persons with physical disabilities or other institution specified by Order of the Ministry of Health, Labour and Welfare.

- (2) Upon the request from a municipality, a prefecture is to provide cooperation on technical matters through their recovery consultation office for persons with physical disabilities and other institution prescribed by Order of the Ministry of Health, Labour and Welfare which the prefecture has established, and provide other necessary assistance to the municipality, for the performance of duties prescribed in this Section which the municipality is to perform..

(Entrustment to Cabinet Order)

Article 75 Beyond what is provided for in this Section, the necessary particulars for the benefits recipient approval, claimant's certification for medical care, decision to change the benefits recipients approval, revocation of benefits recipient approval and other matters related to independent living medical care benefits, etc. are provided by Cabinet Order.

Section 5 Payment of Assistive Medical Devices Benefits

Article 76 (1) If a municipality has received an application from persons with disabilities or the guardians of children with disabilities, and finds that those persons and children require the purchase, lease or repair (hereinafter referred to as "purchase, etc." in this Article and the following Article) of the assistive medical devices, in the light of the state of their disabilities (or, in cases of the lease of assistive medical devices, the relevant case is limited to those prescribed by Order of the Ministry of Health, Labour and Welfare as cases in which the assistive medical devices are appropriate to be leased), the municipality is to pay assistive medical devices benefits to the relevant persons with disabilities or guardians of children with disabilities (referred to as "persons with disabilities or guardians of children with disabilities who are qualified for assistive medical devices benefits" in this Article), for the costs necessary for the purchase, etc. of those devices; provided, however, that this does not apply if the persons or children with disabilities relevant to the application, or persons specified by Cabinet Order among other members of the family to which they belong have an income exceeding the requirements specified by Cabinet Order.

- (2) The amount of assistive medical devices benefits is to be the amount remaining after the sum specified by Cabinet Order based on due consideration of the financial capacity and other circumstances of the persons with disabilities or guardians of children with disabilities who are qualified for

assistive medical devices benefits is deducted from the total sum of the costs calculated according to the requirements prescribed by the Minister of Health, Labour and Welfare after due consideration of the fees ordinarily required for the purchase, etc. of assistive medical devices within the same month (if the cost thus calculated exceeds the actual cost of the purchase, etc. of the assistive medical devices, the actual cost is to be used; the cost thus calculated and the actual cost in question is referred to the "standard cost") (and, if the sum specified by Cabinet Order exceeds the equivalent of 10% of the total sum of those standard costs, that equivalent amount is deducted from that total sum of those standard).

- (3) The municipality may hear the opinions of the recovery consultation offices for persons with physical disabilities or other bodies specified by Order of the Ministry of Health, Labour and Welfare, in accordance with the Order of the Ministry of Health, Labour and Welfare, if the municipality finds it necessary for the payment of assistive medical devices benefits.
- (4) The provisions of Article 19, paragraphs (3) through (5) apply mutatis mutandis to the by the municipality's approval relevant to payment of assistive medical devices benefits. In such a case, the necessary technical replacement of terms is prescribed by Cabinet Order.
- (5) The Ministry of Health, Labour and Welfare may conduct the necessary investigations to ensure that the requirements specified by the Minister of Health, Labour and Welfare pursuant to paragraph (2) are appropriate.
- (6) Beyond what is provided for in the items of the preceding paragraphs, the necessary matters for the payment of assistive medical devices benefits are specified by Order of the Ministry of Health, Labour and Welfare.

Section 6 Payment of High-cost Welfare Services for Persons with Disabilities, etc. Benefits

Article 76-2 (1) The municipality is to pay high-cost welfare services for persons with disabilities, etc. benefits to the persons set forth in the following items, if the amount remaining after the total sum of the benefits specified by Cabinet Order among the nursing care benefits, etc. and the long-term care benefits, etc. as provided for in Article 20 of the Nursing Care Insurance Act, and of the assistive medical devices benefits is deducted from the total sum of the costs required for the services specified by Cabinet Order among their welfare services for persons with disabilities and their services covered by long-term care benefits, etc. as provided for in Article 24, paragraph (2) of the Nursing Care Insurance Act, and the costs required for their purchase, etc. of the assistive medical devices (the maximum amount of each of those costs is the total sum of costs calculated according to the requirements specified by the

Minister of Health, Labour and Welfare (or, if the sum of those costs thus calculated exceeds the actual costs, the maximum amount in question is the total sum of those actual costs)) is significantly high:

- (i) persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval; or
 - (ii) persons with disabilities specified by Cabinet Order after due consideration of their finances, the state of their disabilities and other circumstances, among those who had received in receipt of a benefits recipient approval for welfare services for persons with disabilities (limited to services specified by the Cabinet Order as the equivalent of the services covered by long-term care benefits, etc. provided for in Article 24, paragraph (2) of the Nursing Care Insurance Act) for a considerable long period before they reached the age of 65, and receives the services covered by long-term care benefits, etc. under Article 24, paragraph (2) of the Nursing Care Insurance Act (limited to services specified by the Cabinet Order as the equivalent of the welfare service for persons with disabilities) (the persons in question are limited to those who are not granted the benefit recipient approval currently).
- (2) What is provided for in the preceding paragraph, the requirements for high-cost welfare services for persons with disabilities, etc. benefits, the amount of benefits to be received, and other necessary matters related to for the payment of high-cost welfare services for persons with disabilities, etc. benefits are specified by Cabinet Order after due consideration of the effect of the cost of welfare services for persons with disabilities and the purchase, etc. of assisted medical devices on the family finances.

Section 7 Reports and Public Disclosure of Information Contributing to the Utilization of Services, etc. Subject to Public Disclosure

Article 76-3 (1) When a designated provider of welfare service for persons with disabilities, a designated provider of general consultation support business, a designated provider of specified consultation support business, and an establisher of a designated support facility, etc. for persons with disabilities (those providers and establisher are collectively referred to as the "relevant provider" in this Article) intends to begin the provision of designated welfare services, etc. for persons with disabilities, designated community consultation support, or designated planning consultation support (those services, etc. and supports are collectively referred to as "services, etc. subject to public disclosure" in this Article), or in other cases prescribed by Order of the Ministry of Health, Labour and Welfare, the relevant provider must report the information on the services, etc. subject to public disclosure (meaning information on the content of the services, etc. subject to public disclosure and

the management of the provider or facility offering those services, etc., as specified by Order of the Ministry of Health, Labour and Welfare as appropriate to be disclosed so as to ensure that the persons or children with disabilities who use or seek to use those services, etc. are provided with the opportunity to do so in an appropriate and unimpeded manner; the same applies in paragraph (8)) to the governor of the prefecture where the place of business or facility for those services, etc. subject to public disclosure is located, in accordance with the specifications of the Order of the Ministry of Health, Labour and Welfare.

- (2) Upon receiving the report prescribed in the preceding paragraph, the prefectural governor must publicly disclose the content of the report in accordance with the Order of the Ministry of Health, Labour and Welfare.
- (3) If the prefectural governor finds it necessary for making a public disclosure under the preceding paragraph, the prefectural governor may conduct investigations into the content of the report prescribed in paragraph (1) to the extent necessary for confirming its authenticity.
- (4) If the relevant provider fails to file a report under paragraph (1), file a false report, fails to comply with the investigation prescribed in the preceding paragraph or hinders the investigation, the prefectural governor may order the relevant provider to file a report, amend its content or undergo the investigation.
- (5) If the prefectural governor takes the action under the preceding paragraph against the designated provider of specified consultation support business, the governor must send notice to the effect without delay to the mayor of the municipality who conferred their designation.
- (6) If a designated provider of welfare service for persons with disabilities, a designated provider of general consultation support business, or an establisher of a designated support facility for persons with disabilities fails to comply with the order under paragraph (4), the prefectural governor may revoke the designation of those designated providers or that designated facility, or suspend the whole or a part of the validity of their designation for a specified period.
- (7) If a designated provider of specified consultation support business fails to comply with the order under paragraph (4), and the prefectural governor finds it appropriate to revoke the designation of that designated provider or suspend the whole or a part of the validity of their designation for a specified period, the governor must send notice to the effect with explanations to the mayor of the municipality who has conferred that designation.
- (8) In order to contribute to ensuring that the persons or children with disabilities who use or seek to use services, etc. subject to public disclosure are provided with the opportunity to use those services, etc. in an appropriate and

unimpeded manner, the prefectural governor is to give due consideration to publicly disclosing the information prescribed by Order of the Ministry of Health, Labour and Welfare relevant to the quality of those services, etc. And employees engaged in the provision of those services, etc. (excluding any information falling under the category of the information on services, etc. subject to public disclosure) which the governor receives from the relevant provider wishing to provide it.

Chapter III Community Life Support Service

(Municipal Community Life Support Service)

Article 77 (1) The municipalities are to provide the following services as community life support service in accordance with the Order of the Ministry of Health, Labour and Welfare:

- (i) services to provide training and education to deepen understanding of the independent daily lives and lives in society of persons or children with disabilities;
- (ii) services which support activities that the persons or children with disabilities, their family members, or local residents conduct to enable persons or children with disabilities to live their daily lives and lead lives in society in an independent manner;
- (iii) services which provide consultation for persons or children with disabilities, the guardians of children with disabilities or caretakers of persons or children with disabilities on various regional problems regarding support for persons or children with disabilities; provide necessary information, advice and other support prescribed by Order of the Ministry of Health, Labour and Welfare; provide communication and coordination with organizations concerned to prevent abuse to persons or children with disabilities or recognize it at an early stage; and provide the other necessary assistance for advocating the rights of persons or children with disabilities, so that persons or children with disabilities can live their daily and lead lives in society in an independent manner using welfare services for persons with disabilities or other services (the services in question exclude the programs set forth in the following items);
- (iv) programs aimed at paying the cost for using adult guardianship system prescribed by Order of the Ministry of Health, Labour and Welfare for persons with disabilities for whom the adult guardianship system are found to be beneficial in terms of utilization of welfare service for persons with disabilities and who are unable to access system readily without financial aid to pay for those costs;
- (v) programs providing training aimed at fostering and deploying personnel

competent to perform appropriately the guardianship, curatorship or assistance prescribed in the Civil Code (Act No.89 of 1896) in relation to persons with disabilities;

- (vi) services which send persons who provide communication support for the persons or children with disabilities having difficulty communicating due to a disability of hearing, language functions, phonetic functions or other disabilities or for persons or children with disabilities who have other problems that interfere with living their daily life (the communication support in question means the support for communication between those persons or children with disabilities and other persons by sign language or other means prescribed by Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter); provide or lend devices which provide support in daily life, as specified by the Minister of Health, Labour and Welfare; or provide other support prescribed by Order of the Ministry of Health, Labour and Welfare;
- (vii) programs training the persons to provide communication support;
- (viii) transportation support service; and
- (ix) service that offers persons or children with disabilities opportunities for creative or productive activities, promotes their interaction with their communities, and provides other support prescribed by the Order of the Ministry of Health, Labour and Welfare by enabling them to commute to community activity support centers or other facilities prescribed by Order of the Ministry of Health, Labour and Welfare.

(2) Prefectures may hear the opinions of municipalities and perform a part of the services listed in the preceding items on behalf of the municipalities, after considering the development status of the municipal community life support service and their other actual conditions.

(3) In addition to the services and programs set forth in items of paragraph (1), municipalities may provide service for persons with disabilities who are presently searching for residence to enable them to use rooms or other equipment at low cost and to be provided with necessary assistance for their daily life, and provide other support necessary for persons or children with disabilities to live their daily lives and lead lives in society in an independent manner.

(Main Consultation Support Center)

Article 77-2 (1) As the organization performing a central role in providing consultation supports at the area, the main consultation support center has the aim of comprehensively providing the services set forth in paragraph (1), item (iii) and item (iv) of the preceding paragraph as well as performing the duties prescribed in Article 9 paragraph (5), item (ii) and item (iii) of the Act on

Welfare of Physically Disabled Persons, in Article 9, paragraph (5), item (ii) and item (iii) of the Act for the Welfare of Persons with Intellectual Disabilities, and in Article 49, paragraph (1) of the Act for the Mental Health and Welfare of Persons with Intellectual Disabilities.

- (2) The municipality may establish a main consultation support center.
- (3) The municipality may delegate the services and duties set forth in paragraph (1) to a person providing general consultation support or other persons specified by Order of the Ministry of Health, Labour and Welfare.
- (4) The person delegated pursuant to the preceding paragraph may establish a main consultation support center in order to provide the services and perform duties as provided for in paragraph (1) in accordance with the Order of the Ministry of Health, Labour and Welfare after notifying the mayor of the municipality of the matters specified by Order of the Ministry of Health, Labour and Welfare in advance.
- (5) The establisher of the main consultation support center must endeavor to coordinate with designated providers, etc. of welfare service for persons with disabilities, medical institutions, welfare commissions prescribed in the Welfare Commissions Act (Act No. 198 of 1948), counselors of persons with physical disabilities who have been delegated pursuant to Article 12-3, paragraph (1) or paragraph (2) of the Act for the Welfare of Persons with Physical Disabilities, counselors of persons with intellectual disabilities who have been delegated pursuant to Article 15-2, paragraph (1) or paragraph (2) of the Act for the Welfare of Persons with Intellectual Disabilities, and persons relevant to programs engaged in training or sending personnel to provide communication support.
- (6) A person establishing a main consultation support center after being delegated pursuant to paragraph (3) to provide the services and perform duties as provided for in paragraph (1) (or, if the person in question is a corporation, their officer) or their current or former employees must not divulge any confidential information which has come to their possession concerning their duties without just cause.

(Community Life Support Service by Prefectures)

Article 78 (1) Pursuant to the provision of Order of the Ministry of Health, Labour and Welfare, prefectures are to provide the services prescribed by Order of the Ministry of Health, Labour and Welfare such as consultation support services which need especially high expertise, services to train and send persons for communication support who need especially high expertise, communication and coordination between municipalities regarding the sending persons for communication support and other services requiring large-scale treatment among the services set forth in Article 77, paragraph (1), items (iii),

- (vi), and (vii), as community life support services.
- (2) In addition to what is prescribed in the preceding paragraph, prefectures may provide services for training persons who provide the welfare services for persons with disabilities or the consultation support or for training persons who give them necessary instructions, so as to improve the quality of the welfare services for persons with disabilities and the consultation support, and may provide other services necessary to enable persons or children with disabilities to live their daily lives and lead lives in society in an independent manner.

Chapter IV Business and Facilities

(Commencement of Business)

- Article 79 (1) The prefectural government may provide service equivalent to the following business:
- (i) business of providing welfare service for persons with disabilities;
 - (ii) general consultation support business and specified consultation support business;
 - (iii) transportation support service;
 - (iv) business for operating a community activity support center; and
 - (v) business for operating a welfare home.
- (2) A person other than the national government and prefectural government may conduct the business set forth in the preceding items after making notification of the matters specified by Order of the Ministry of Health, Labour and Welfare to the prefectural governor in advance, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (3) If there has been any change in the matters specified by Order of the Ministry of Health, Labour and Welfare, a person that has made the notification under the preceding paragraph must make notification to the effect to the prefectural governor within one month after the date of the change.
- (4) If a person other than the national government and prefectural government intends to terminate or suspend their business set forth in the items of paragraph (1), the person must make notification of the matters specified by Order of the Ministry of Health, Labour and Welfare to the prefectural governor in advance.

(Requirements for the Business for Providing Welfare Service for Persons with Disabilities, for the Community Activity Support Center, and for the Welfare Home)

- Article 80 (1) The prefecture must specify the requirements for the equipment and management of the business of providing welfare service for persons with

disabilities (limited to those requiring a facility; the same applies in this Article and Article 82, paragraph (2)), of the community activity support centers, and of welfare homes by Prefectural Ordinance.

- (2) When the prefecture specifies the Prefectural Ordinance as provided for in the preceding paragraph, the prefecture is to do so for the matters set forth in items (i) through (iii) in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare; the prefecture is to do so for the matters set forth in item (iv), based on the requirements specified by Order of the Ministry of Health, Labour and Welfare; and the prefecture is to take the requirements specified by Order of the Ministry of Health, Labour and Welfare into consideration, for other matters:
 - (i) the persons engaged in the business of providing welfare service for persons with disabilities and their number; and the persons at the community activity support center or the welfare home and their number;
 - (ii) the floor area of the living quarters and hospital rooms relevant to the business of providing welfare service for persons with disabilities; and the floor area of the living quarters in the welfare home;
 - (iii) matters for the management of the business of providing welfare service for persons with disabilities, as specified by Order of the Ministry of Health, Labour and Welfare as relevant to ensuring the respectful treatment and safety of persons with disabilities and protecting their confidential information; and matters for the operation of community activity support centers and welfare homes, as specified by Order of the Ministry of Health, Labour and Welfare as relevant to ensuring the safety of persons with disabilities and protecting their confidential information; and
 - (iv) the limit on the number of users of the business of providing welfare service for persons with disabilities, of the community counselling support center, and of the welfare homes.
- (3) A person engaged in the business of providing the welfare service for persons with disabilities under paragraph (1) or an establisher of a community activity support center or welfare home must abide by the requirements set forth in the same paragraph.

(Collection of Reports)

Article 81 (1) If the prefectural governor finds it necessary for the welfare service for persons or children with disabilities, the prefectural governor may require a person engaged in the business of providing welfare service for persons with disabilities, general consultation support business, specified consultation support business or transportation support service, or an establisher of a community activity support center or welfare home to make a report; require them to submit or show books, documents or other materials;

have the relevant personnel question the persons concerned; or have them enter the places of business or facilities to inspect the equipment, books, documents or other materials.

- (2) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning and inspection under the preceding paragraph; the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority under the preceding paragraph.

(Suspension of Operations)

Article 82 (1) If a person engaged in the business of providing welfare service for persons with disabilities, general consultation support business, specified consultation support business, or transportation support service is in violation of this Chapter, an order under this Chapter, or measures implemented on the basis of them; pursues profit unjustly from the businesses; commits an unjust act against the respectful treatment of any person relevant to their business; or is in violation of Article 18-2 of the Act for the Welfare of Persons with Physical Disabilities, Article 21 of the Act for the Welfare of Persons with Intellectual Disabilities, or Act 21-7 of the Child Welfare Act, the prefectural governor may order the restriction or suspension of their business.

- (2) If a person engaged in the business of providing welfare service for persons with disabilities or an establisher of a community activity support center or a welfare home is in violation of this Chapter, an order based on this Chapter, or the measures implemented pursuant to them; or the business of providing welfare service for persons with disabilities, the community activity support center, or the welfare home is found no longer to satisfy the requirements set forth in Article 82, paragraph (1) or is in violation of Article 18-2 of the Act for the Welfare of Persons with Physical Disabilities, Article 21 of the Act for the Welfare of Persons with Intellectual Disabilities, or Article 21-7 of the Child Welfare Act, the prefectural governor may order that person or establisher to improve their equipment or the management, or order them to terminate or suspend their business.

(Establishment of Facilities)

Article 83 (1) The national government must establish a support facility for persons with disabilities.

- (2) The prefectural government may establish a support facility for persons with disabilities.
- (3) The municipal government may establish a support facility for persons with disabilities after notifying the prefectural governor of the matters specified by Order of the Ministry of Health, Labour and Welfare in advance.
- (4) A person other than the national government, prefectural government, and

municipal government may establish a support facility for persons with disabilities in accordance with the Social Welfare Act (Act No. 45 of 1951).

- (5) Beyond what is provided for in the preceding paragraphs, the matters necessary for the establishment, termination or suspension of support facilities for persons with disabilities are specified by Cabinet Order.

(Requirements for Facilities)

Article 84 (1) The prefecture must establish the requirements for the equipment and operation of support facilities for persons with disabilities by Prefectural Ordinance.

- (2) When the prefecture specifies the Prefectural Ordinance as provided for in the preceding paragraph, the prefecture is to do so for the matters set forth in items (i) through (iii) in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare; the prefecture is to do so for the matters set forth in item (iv) on the basis of the requirements specified by Order of the Ministry of Health, Labour and Welfare; and for other matters, the prefecture is to take the requirements specified by Order of the Ministry of Health, Labour and Welfare into consideration:

(i) the employees at a support facility for persons with disabilities and their number;

(ii) the floor area of the living quarters in a support facility for persons with disabilities;

(iii) the matters for the operation of support facilities for persons with disabilities, as prescribed by Order of the Ministry of Health, Labour and Welfare as closely related to ensuring the respectful treatment of persons with disabilities and protecting their confidential information; and

(iv) the limit on the number of users of a support facility for persons with disabilities.

- (3) For a support facility for persons with disabilities established by a person other than the national government, prefectural government and municipal government, the requirements under paragraph (1) are deemed to be the requirements under Article 65, paragraph (1) of the Social Welfare Act; and the provisions of Article 62, paragraph (4), Article 65, paragraph (3), and Article 61, of the same Act apply for that facility.

(Collection of Reports)

Article 85 (1) If the prefectural governor finds it necessary to ensure the appropriateness of the operations of a support facility for persons with disabilities established by the municipality, the prefectural governor may require the head of the facility to report on the necessary matters; require them to submit or show books, documents or other materials; have relevant

personnel question the persons concerned; or have them enter the facility to inspect the equipment, books, document or other materials.

- (2) The provisions of Article 9, paragraph (2) apply mutatis mutandis to the questioning or inspection under the preceding paragraph; the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority under paragraph (3) of the same Article.

(Suspension of Operations)

Article 86 (1) The prefectural governor may order the suspension or termination of the operations of a support facility for persons with disabilities established by a municipality, if its equipment or operation is found no longer to satisfy the requirements under Article 84, paragraph (1).

- (2) If the prefectural governor makes the determination under the preceding paragraph, the governor must state its reasons in writing.

Chapter V Welfare Plan for Persons with Disabilities

(Basic Guidelines)

Article 87 (1) The Minister of Health, Labour and Welfare is to establish a basic guidelines for the system for the municipal and prefectural government's provision of welfare services for persons with disabilities, consultation support, and community life support services, in order to assure the payment of independent living benefits and the provision of community life support services in an unimpeded manner (hereinafter referred to as "basic guidelines").

- (2) The basic guidelines is to specify the following matters:

(i) basic matters related to the establishment of a provision system for welfare services for persons with disabilities and consultation support;

(ii) matters pertaining to the goals relevant to establishing a system for the municipal or prefectural government's provision of welfare services for persons with disabilities, consultation support and community life support services;

(iii) matters pertaining to the preparation of a municipal plan for the welfare of persons with disabilities set forth in paragraph (1) of the following Article and a prefectural plan for the welfare of persons with disabilities set forth in Article 89, paragraph (1); and

(iv) matters necessary to ensure the payment of independent living benefits and the provision of community life support services in an unimpeded manner.

- (3) Basic guidelines may be established in an integrated manner with the guidelines prescribed by Article 33-19, paragraph (1) of the Child Welfare Act.

- (4) If the Minister of Health, Labour and Welfare intends to establish or change

the basic guidelines, the Minister is to implement, in advance, the necessary measures to ensure that they reflect the opinions of persons with disabilities, their families, and other relevant persons.

- (5) The Minister of Health, Labour and Welfare is to change the basic guidelines promptly if the Minister finds it necessary after due consideration of the actual lives of persons or children with disabilities, changes in their environment, and other circumstances.
- (6) If the Minister of Health, Labour and Welfare establishes or changes the basic guidelines, the Minister must make public notice of the basic guidelines without delay.

(Municipal Plan for the Welfare of Persons with Disabilities)

Article 88 (1) The municipal government is to establish a plan for ensuring the system for provision of welfare services for persons with disabilities and for performing duties based upon this Act in a smooth manner (hereinafter referred to as the "municipal plan for welfare of persons with disabilities") in conformity with the basic guidelines.

- (2) The following matters are specified in the municipal plan for welfare of persons with disabilities:
 - (i) matters regarding to the goals relevant to establishing the system for providing welfare services for persons with disabilities, consultation support, and community life support service;
 - (ii) estimates of the amount required per year by the type of designated welfare service for persons with disabilities, designated community consultation support, and designated community life support service; and
 - (iii) matters related to the provision of community life support service by its type.
- (3) In addition to the matters set forth in the preceding items, efforts are to be made to specify the following matters in the municipal plan for the welfare of persons with disabilities:
 - (i) means for securing the estimated quantities necessary for each type of designated welfare services for persons with disabilities, designated community consultation support, or designated planning consultation support as prescribed in item (ii) of the preceding paragraph; and
 - (ii) matters for coordination with the medical institutions, educational institutions, bodies offering vocational rehabilitation programs such as public employment security offices, and other relevant bodies, regarding the establishment of a system for providing designated welfare services for persons with disabilities and designated community consultation support as prescribed in item (ii) of the preceding paragraph, and community life support services in item (iii) of the same paragraph.

- (4) The municipal plan for the welfare of persons with disabilities must be prepared after due consideration of the number of persons or children with disabilities within the relevant municipality, and the state of their disabilities.
- (5) The municipal government is to endeavor to prepare a municipal plan for the welfare of persons with disabilities after accurately confirming and duly considering the mental and physical state, the environment, and other matters of the persons or children with disabilities within the relevant municipality.
- (6) The municipal plan for the welfare of persons with disabilities may be established in an integrated manner with the municipal plan for the welfare of children with disabilities under Article 33-20, paragraph (1) of the Child Welfare Act.
- (7) The municipal plan for the welfare of persons with disabilities must be harmonized with the municipal plan for persons with disabilities prescribed in Article 11, paragraph (3) of the Basic Act for Persons with Disabilities, the regional welfare plan prescribed in Article 107, paragraph (1) of the Social Welfare Act, and plans specifying matters for the welfare of persons or children with disabilities as prescribed by other laws.
- (8) The municipal government is to endeavor to take, in advance, the necessary measures to make its municipal plan for welfare of persons with disabilities reflect the opinions of their residents when intending to establish or change it.
- (9) If the municipal government establishes a council under Article 89-3, paragraph (1) (referred to as "the council" in this paragraph and Article 89, paragraph (7)), the municipal government must endeavor to hear the opinions of the council in advance before establishing a municipal plan for the welfare of persons with disabilities, or making changes to it.
- (10) The municipal government with a body with a council system as prescribed in Article 36, paragraph (4) of the Basic Act for Persons with Disabilities must hear the opinions of that body in advance before establishing a municipal plan for the welfare of persons with disabilities or making changes to it.
- (11) The municipal government must hear the opinions of the prefectural government in advance before establishing a municipal plan for the welfare of persons with disabilities or making changes to it.
- (12) After establishing or changing a municipal plan for the welfare of persons with disabilities, the municipal government must submit the plan to the prefectural governor without delay.

Article 88-2 The municipality is to periodically conduct investigations, analyses, and assessments of the matters set forth in the items in paragraph (2) of the preceding Article (including the matters mentioned in each item in paragraph (3) of the same Article, if those matters are specified in the relevant municipal plan for the welfare of persons with disabilities); and if necessary, the

municipality is to make changes to that municipal plan or implement the other necessary measures.

(Prefectural Plan for the Welfare of Persons with Disabilities)

Article 89 (1) The prefectural government is to establish a plan for ensuring a system for providing welfare service for persons with disabilities and for performing the under this Act in a smooth manner, based on a cross-regional level which extends beyond municipal boundaries, in accordance with the basic guidelines, in order to contribute to the realization of a municipal plan for welfare of persons with disabilities.

(2) The prefectural plan for welfare of persons with disabilities is to specify the following matters:

- (i) matters relevant to the goal for ensuring a system for providing welfare service for persons with disabilities, consultation support, and community life support service;
- (ii) estimates of the necessary quantities per year for each type of designated welfare service for persons with disabilities, designated community consultation support and designated community planning consultation support in each area specified by the relevant prefectural government;
- (iii) the total number per year of the necessary capacity of support facilities for persons with disabilities; and
- (iv) matters for the provision of community life support service by its type.

(3) In addition to the matters set forth in the preceding items, efforts are to be made to specify the following matters in the prefectural plan for the welfare of persons with disabilities:

- (i) means for securing the estimated quantities necessary for each type of designated welfare service for persons with disabilities and designated community life support service in each area prescribed in item (ii) of the preceding paragraph;
- (ii) matters for the implementation of measures by area prescribed in item (ii) of the preceding paragraph for securing personnel to engage in the designated welfare service for persons with disabilities, designated community consultation support or designated planning consultation support, and for improving the abilities of those personnel;
- (iii) matters for implementation of measures to improve the quality of in-facility welfare service at designated support facilities for persons with disabilities; and
- (iv) matters for the coordination with the medical institutions, educational institutions, bodies offering vocational rehabilitation programs such as public employment security offices, and other relevant bodies, regarding the establishment of a system for providing designated welfare services for

persons with disabilities or designated community consultation support per area under item (ii) of the preceding paragraph, and community life support services in item (iv) of the same paragraph.

- (4) The prefectural plan for the welfare of persons with disabilities may be established in an integrated manner with the prefectural plan for the welfare of children with disabilities prescribed in Article 33-22, paragraph (1) of the Child Welfare Act.
- (5) The prefectural plan for the welfare of persons with disabilities must be harmonized with the prefectural plan for persons with disabilities prescribed in Article 11, paragraph (2) of the Basic Act for Persons with Disabilities, the prefectural plan for community welfare support prescribed in Article 108, paragraph (1) of the Social Welfare Act, and plans specifying matters for the welfare of persons or children with disabilities as prescribed by other laws.
- (6) The prefectural plan for the welfare of persons with disabilities, together with the medical care plan prescribed in Article 30-4, paragraph (1) of the Medical Service Act (Act No.205 of 1948), must contribute to facilitating the discharge of persons with mental disorders hospitalized in psychiatric hospitals.
- (7) If the prefectural government establishes a council, the prefectural government must hear the opinions of the council in advance before establishing a prefectural plan for the welfare of persons with disabilities or making any changes to it.
- (8) The prefectural government must hear the opinions of a body with a council system prescribed in Article 36, paragraph (1) of the Basic Act for Persons with Disabilities in advance before establishing a prefectural plan for the welfare of persons with disabilities or making any changes to it.
- (9) If the prefectural government establishes a prefectural plan for the welfare of persons with disabilities or making any changes to it, the prefectural government must submit the plan to the Minister of Health, Labour and Welfare without delay.

Article 89-2 The prefectural government is to periodically conduct investigations, analyses, and assessments of the matters set forth in the items of paragraph (2) of the preceding Article (including matters set forth in each item in paragraph (3) of the same Article, if those matters are specified in the relevant prefectural plan for welfare of persons with disabilities); and if necessary, the prefectural government is to make changes to that prefectural plan or implement other necessary measures.

(Establishment of a Council)

Article 89-3 (1) The local government must endeavor to establish, singly or jointly, a council consisting of relevant institutions, relevant bodies, persons of

children with disabilities, their family members, and persons engaged in professional duties for the welfare, medical care, education or employment of persons or children with disabilities, and other relevant persons, with the aim of establishing an administrative system for the support of persons or children with disabilities.

- (2) The council under the preceding paragraph is to share information related to the issues on the support system for persons or children with disabilities in the relevant local community through mutual communication among the relevant institutions, etc.; endeavor to cooperate closely with those institutions; and deliberate on the administrative system in the light of the actual circumstances in local communities.

(Prefectural Governors' Advice)

Article 90 (1) The prefectural governor may provide a municipality with necessary advice for technical matters on preparing its municipal plan for the welfare of persons with disabilities.

- (2) The Minister of Health, Labour and Welfare may provide a prefecture with the necessary advice for preparing method its prefectural plan for the welfare of persons with disabilities and other important technical matters on preparing the plan.

(Assistance by the National Government)

Article 91 If a municipality or prefecture intends to implement the duties specified in its municipal plan for the welfare of persons with disabilities or its prefectural plan for the welfare of persons with disabilities, the national government is to provide advice and other forms of assistance necessary for the smooth performance of the relevant duties.

Chapter VI Expenses

(Municipality's payment)

Article 92 The expenses listed below are to be paid by municipalities:

- (i) amount required for the payment of nursing care benefits, etc., "specified persons with disabilities special payment" benefits, and "specified persons with disabilities exceptional cases payment" benefits (hereinafter referred to as "disability service benefits, etc.");
- (ii) amount required for the payment of community consultation support benefits, special community consultation support benefits, planning consultation support benefits, and special planning consultation support benefits (referred to as "consultation support benefits, etc." in Article 94, paragraph (1));

- (iii) amount required for the payment of independent living medical benefits (excluding those for the medical care specified by Cabinet Order as provide for in Article 8, paragraph (1)), medical nursing care benefits, and appropriate medical nursing care benefits;
- (iv) amount required for the payment of assistive medical devices benefits;
- (v) amount required for the payment of high-cost welfare services for persons with disabilities, etc. benefits; and
- (vi) amount required for community life support services provided by the municipalities.

(Prefecture's Payment)

Article 93 The expenses listed below are to be paid by prefectures:

- (i) amount required for the provision of independent living medical care (limited to the medical care specified by Cabinet Order as provided for in Article 8, paragraph (1)); and
- (ii) amount required for community life support service provided by the prefectures.

(The Expenses Borne by and Subsidized by Prefectures)

Article 94 (1) The prefectures, in accordance with Cabinet Order, are to bear the following expenses incurred by municipalities pursuant to Article 92:

- (i) of the expenses set forth in Article 92, item (i), item (ii) and item (v), 25% of the costs calculated as those which the national government and the prefectural government are to bear, based on the method specified by Cabinet Order after due consideration of the number of persons or children with disabilities within the relevant municipality per disability support classification relevant to the payment of disability service benefits, etc. and high-cost welfare services for persons with disabilities, etc. benefits, the number of persons or children with disabilities within the relevant municipality relevant to payment of consultation support benefits, etc., and other matters (the relevant costs are hereinafter referred to as the "prefectural or national contributions to disability service benefits, etc."); and
 - (ii) 25% of the costs set forth in Article 92, items (3) and (4).
- (2) The prefecture may provide, as a subsidy, 25% or less of the expenses set forth in Article 92, item (vi) among those incurred by the municipalities pursuant to the same Article, within the limits of the prefectural budget, in accordance with the Cabinet Order.

(The Expenses Borne by and Subsidized the National Government)

Article 95 (1) The national government, in accordance with Cabinet Order, is to bear the following expenses:

- (i) 50% of the prefectural or national contributions to disability service benefits, etc. among the expenses incurred by the municipalities pursuant to Article 92;
 - (ii) 50% of the expenses set forth in Article 92, item (iii) and item (iv) among those incurred by the municipality pursuant to the same Article; and
 - (iii) 50% of the expenses set forth in Article 93, item (i) among those incurred by the prefectures pursuant to the same Article.
- (2) The national government, within the limits of its budget and in accordance with Cabinet Order, may provide subsidies for the following:
- (i) 50% of the administrative costs required for the duties for the benefits approval recipient which the municipalities perform pursuant to Articles 19 through 22, Article 24, and Article 25 (including costs related to the examination and judgment duties which the municipalities has delegated to the prefectural examination board pursuant to Article 252-14, paragraph (1) of the Local Autonomy Act, if it is the case); and of the administrative expenses related to the approval of community consultation support benefits which the municipalities grant pursuant to Articles 51-5 through 51-7, Article 51-9, and Article 51-10; and
 - (ii) 50% of the expenses set forth in Article 92, item (vi) and Article 93, item (ii) among those incurred by the municipalities or the prefectures pursuant to Article 92 and Article 93.

(Provisions Applied Mutatis Mutandis)

Article 96 The provisions of Article 58, paragraphs (2) through (4) of the Social Welfare Act apply mutatis mutandis to the social welfare corporations in receipt of transfer of common property or an official loan pursuant to Article 2, paragraph (2), item (iii), Article 3, paragraph (1), item (iv), or Article 3, paragraph (2) of the Act for Special Measures Pertaining to National Property (Act No.219 of 1952).

Chapter VII The Duties of the Federations of the National Health Insurance Associations Related to the Act for the Comprehensive Support of Persons with Disabilities

(Duties of the Federations)

Article 96-2 In addition to the duties prescribed in the National Health Insurance Act, the federation is to perform the duties which the municipality has delegated to it pursuant to Article 51-14 paragraph (7) and Article 51-17 paragraph (6), for the examination and payment of the nursing care benefits, training, etc. benefits, "specified persons with disabilities special payment" benefits, community consultation support benefits, and planning consultation

support benefits.

(Exception of Voting Rights)

Article 96-3 With respect to the duties performed by the federation pursuant to the preceding Article (referred to as "duties related to the Act for the Comprehensive Support of Persons with Disabilities" in the following Article), notwithstanding Article 29 as applied mutatis mutandis to Article 86 of the National Health Insurance Act, the federation may make exceptional rules concerning the right to vote by its contribution.

(Segment Accounting)

Article 96-4 The federation must settle the accounts related to the duties for the Act for the Comprehensive Support of Persons with Disabilities as a separate account.

Chapter VIII Requests for Administrative Review

(Request for Administrative Review)

Article 97 (1) Persons with disabilities or guardians of children with disabilities who are dissatisfied with the ruling regarding nursing care benefits, etc. or community consultation support benefits, etc. may request an administrative review by the prefectural governor.

(2) The administrative review under the preceding paragraph is deemed to be a demand for juridical claim concerning the interruption of prescription.

(Appeal Examination Board)

Article 98 (1) The prefectural governor, pursuant to Prefectural Ordinance, may establish an administrative review board for nursing care benefits, etc. for persons with disabilities (hereinafter referred to as the "appeal review board").

(2) A number of the committee of the appeal examination board is determined by Prefectural Ordinance in accordance with the requirements specified by Cabinet Order.

(3) The prefectural governor is to appoint the relevant persons as board members, among persons of a highly moral character who are able to make fair and neutral judgments in a hearing on the determination on nursing care benefits, etc. or community consultation support benefits, etc. and have the relevant expertise on the health and welfare of persons or children with disabilities.

(Term of Office of Board Members)

Article 99 (1) The term of office of a board member is three years; provided, however, that the term for a substitute board member is the remainder of their

predecessor's term.

(2) A board member may be reappointed.

(Chairperson)

Article 100 (1) An appeal examination board is to select one of their members to act as the chairperson through voting.

(2) If the chairperson is incapacitated, a person elected pursuant to the preceding paragraph is to perform the duties of the chairperson.

(Period and Method of Request for Administrative Review)

Article 101 A request for administrative review must be made either in writing or orally within three months of the date on which the appellant became aware of the determination in question; provided, however, that this does not apply if the appellant makes a prima facie showing that the person was unable to request an administrative review within this period due to just cause.

(Notice to Municipalities)

Article 102 If a request for administrative review is made, the prefectural governor must give notice to the effect to the municipality which made the relevant determination and other interested persons except in cases in which the request for administrative review has been dismissed pursuant to Article 24 of the Administrative Compliant Review Act (Act No. 68 of 2014).

(Requirements for Proceedings)

Article 103 (1) If the prefectural governor finds it necessary to conduct proceedings, the governor may require persons requesting the administrative review or persons concerned to submit a report or opinion, question them after ordering their appearance, or require a physician or other persons designated by the prefectural governor (referred to as "physicians, etc." in the following paragraph) to perform examinations and other investigations.

(2) The prefectural governor must pay the travel expenses, daily allowance, and accommodation expenses, or pay the rewards, to the relevant persons who have appeared pursuant to the preceding paragraph or physicians, etc. who have performed examinations and other investigations in accordance pursuant to Cabinet Order.

(Entrustment to Cabinet Order)

Article 104 Beyond what is provided for in this Chapter and the Administrative Compliant Review Act, the necessary matters for the process of requesting an administrative review are specified by Cabinet Order, and the necessary matters for the appeal review board are specified in the Prefectural Ordinance

of the prefecture that has established the relevant appeal review board.

(On the Relationship between Requests for Administrative Review and Litigation)

Article 105 Appeals to cancel the determination pursuant to Article 97, paragraph (1) may not be filed until after a ruling has been made on the request for the administrative review of the determination.

Chapter IX Miscellaneous Rules

(Supervision of the Federation)

Article 105-2 If the provisions of Article 106 and Article 108 of the National Health Insurance Act are applied for the federation, the term "service" within these provisions is deemed to be replaced with "service (including services related to the Act for the Comprehensive Support of Persons with Disabilities as provided for in Article 96-3 of the Act for the Comprehensive Support of the Daily Life and Life in Society of Persons with Disabilities (Act No. 123 of 2005))".

(Exceptional Cases for Large Cities)

Article 106 The designated cities, core cities, and municipalities with a child guidance center prescribed in Article 59-4, paragraph (1) of the Child Welfare Act (municipalities with a child guidance center) (those designated cities, core cities, and municipalities with a child guidance center are hereinafter referred to as "designated cities, etc.") are to perform the duties specified by Cabinet Order as provided for in the provisions in this Act on the duties with which the prefectural governor is charged, in accordance with the Cabinet Order. In such a case, the provisions concerning prefectures in this Act are applied to the designated cities, etc. as provisions that concern designated cities, etc.

(Delegation of Authority)

Article 107 (1) The authority of the Minister of Health, Labour and Welfare prescribed in this Act may be delegated to the director general of the regional bureau of the Ministry of Health, Labour and Welfare in accordance with Order of the Ministry of Health, Labour and Welfare.

(2) The authority delegated pursuant to the preceding paragraph may be delegated to the director general of a regional branch bureau of the Ministry of Health, Labour and Welfare.

(Provisions for Implementation)

Article 108 Unless otherwise specially provided in this Act, the necessary

detailed regulations for procedures for the enforcement of this Act or others are specified by Order of the Ministry of Health, Labour and Welfare.

Chapter X Penal Provisions

Article 109 (1) If a person who serves or served as a member of a municipal examination board, prefectural examination board, or appeal examination board or as an officer of the association, or is or was their employee divulges trade secrets that have come into their possession concerning persons who performed services, etc. to payment of independent living benefits, or divulges personal secrets that have come into their possession concerning those persons, the person in question is punished by imprisonment with work of one year or less or by a fine of one million yen or less.

(2) A person in violation of the provisions of Article 11-2, paragraph (2), Article 20, paragraph (4) (including as applied mutatis mutandis pursuant to Article 24, paragraph (3), Article 51-6, paragraph (2), or Article 51-9, paragraph (3)) or Article 77-2, paragraph (6) is punished with imprisonment with work for one year or less or by a fine of one million yen or less.

Article 110 A person who fails to make a report or submit or show materials under Article 11, paragraph (1); makes a false report or submits or shows false materials; refuses to answer questions prescribed in Article 11 paragraph (1) given by relevant personnel or by the employees of a designated corporation entrusted with the duties pursuant to Article 11-2, paragraph (1); or gives false answers to those questions is punished by a fine of 300,000 yen or less.

Article 111 A person who fails to make a report or submit or show materials under Article 48, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (3) of the same Act), Article 51-3, paragraph (1), Article 51-27, paragraph (1) or paragraph (2), or Article 51-32, paragraph (1); makes a false report or submits or shows false materials; refuses to answer the questions given by relevant personnel prescribed in the those provisions or gives false answers to those questions; or refuses, hinders, or avoids inspections under those provisions is punished by a fine of 300,000 yen or less.

Article 112 If a representative of a corporation or an agent, employee or other worker of a corporation or person commits an infraction of any of the preceding Article on the duties of the corporation or individual, in addition to the offender, the person or corporation is also punished by the fine prescribed in the relevant Article.

Article 113 A person who fails to appear or make a statement, gives a false answers or reports, or fails to perform examinations or other investigation, in violation of Article 103, paragraph (1), without just cause, is punished by a fine of 300,000 yen or less; provided, however, that this does not apply for persons requesting an administrative review by an appeal review board or for a municipality in receipt of a notice under Article 102, or for other interested persons.

Article 114 A person who fails to make a report or submit or show materials under Article 11, paragraph (2); makes a false report or submit or show false materials; refuses to answer the questions prescribed in the same paragraph given by the relevant personnel or by an employee of a designated corporation entrusted with duties pursuant to Article 11-2, paragraph (1); or gives false answers to those questions is punished by a civil fine of 100,000 yen or less.

Article 115 (1) The municipalities, etc. may, in its Municipal Ordinance, establish a provision to impose a civil fine of not more than 100,000 yen, for the punishment of a person who fails to make a report or submit or show materials under Article 9, paragraph (1); makes a false report or submit or show false materials; refuses to answer questions given by relevant personnel pursuant to the same paragraph or the questions under Article 9, paragraph (1) given by an employee of a designated corporation entrusted with duties pursuant to Article 11-2, paragraph (1); or gives false answers to those questions.

(2) The municipalities, etc. may, in its Municipal Ordinance, establish a provision to impose a civil fine of not more than 100,000 yen, for the punishment of a person who fails to make a report or submit or show materials under Article 10, paragraph (1); make a false report or submit or show false materials; refuses to answer questions given by relevant personnel pursuant to the same paragraph or the questions under Article 10, paragraph (1) given by an employee of a designated corporation entrusted with duties pursuant to Article 11-2, paragraph (1); or gives false answers to those questions; or refuses, hinders or avoids an inspection under Article 10, paragraph (1).

(3) The municipalities may, in its Municipal Ordinance, establish a provision to impose a civil fine of not more than 100,000 yen, for a person who fails to respond to a request for the submission or return of a claimant's certificate or a claimant's certificate for community consultation support.

Supplementary Provisions [Extract]

(Enactment Date)

Article 1 This Act comes into effect on April 1, 2006; provided, however, that the

provisions listed in the following items come into effect on the date specified for each respective item:

- (i) Article 24, 44, 101, 103, 106 to 108, and 122 of the Supplementary Provisions: the date of promulgation; and
- (ii) Article 5, paragraph (1) (excluding parts related to in-home nursing care, activity support, day care service for children, short-stay service, and group living aid), paragraphs (3), (5), (6), (9) through (15), (17), and (19) through (22); Chapter 2, Section 1 (limited to the parts related to payment of benefits for preparation of plans for the utilization of services, "specified persons with disabilities special payment" benefits, "specified persons with disabilities exceptional cases payment" benefits, medical nursing care benefits, appropriate medical nursing care benefits, and assistive medical devices benefits); Article 28, paragraph (1) (limited to items (ii), (iv), (v), (viii) through (x)) and paragraph (2) (limited to items (i), through (iii)); Article 32; Article 34; Article 35; Article 36, paragraph (4) (including as applied mutatis mutandis pursuant to Article 37, paragraph (2)); Articles 38 through 40; Article 41 (limited to parts related to the designation as a designated support facility for persons with disabilities or a designated provider of consultation support businesses); Article 42 (limited to the parts related to the establishers of designated support facility for persons with disabilities and designated providers of consultation support business); Article 44; Article 45; Article 46, paragraph (1) (limited to parts related to designated providers of consultation support business) and paragraph (2); Article 47; Article 48, paragraphs (3) and (4); Article 49 paragraphs (2), (3), and (4) to (7) (limited to the parts related to the establishers of designated support facilities for persons with disabilities, etc. and designated providers of consultation support business); Article 50, paragraphs (3) and (4); Article 51 (limited to the parts related to designated support facilities for persons with disabilities and designated provider of consultation support businesses); Articles 70 through 72; Article 73; Article 74, paragraph (2) and Article 75 (limited to the parts related to medical nursing care and appropriate medical nursing care); Chapter 2, Section 4; Chapter 3; Chapter 4 (excluding the parts related to the business of providing welfare service for persons with disabilities); Chapter 5; Article 92, item (i) (limited to the parts related to payment of the benefits for preparation of plans for the utilization of services, "specified persons with disabilities special payment" benefits and "specified persons with disabilities exceptional cases payment" benefits), item (ii) (limited to the parts related to payment of medical nursing care benefits and appropriate medical nursing care benefits), and items (iii) and (iv); Article 93, item (ii); Article 94, paragraph (1), item (ii) (limited to the parts related to Article 92, item (iii)) and paragraph (2); Article 95, paragraph (1), item (ii)

(excluding the parts related to Article 92, item (ii) and paragraph (2), item (ii); Article 96; Article 110 (limited to the parts related to payment of benefits for preparation of plans for the utilization of services, "specified persons with disabilities special payment" benefits, "specified persons with disabilities exceptional cases payment" benefits, medical nursing care benefits, appropriate medical nursing care benefits, and assistive medical devices benefits); Article 111 and 112 (limited to the parts related to cases in which the provisions of Article 47, paragraph (1) apply mutatis mutandis to paragraphs (3) and (4) of the same Article); Articles 114 and 115, paragraphs (1) and (2) (limited to the parts related to payment of benefits for preparation of plans for the utilization of services, "specified persons with disabilities special payment" benefits, "specified persons with disabilities exceptional cases payment" benefits, medical nursing care benefits, appropriate medical nursing care benefits, and assistive medical devices benefits); and Articles 18 to 23, 26, 30 through 33, 35, 39 through 43, 46, 47 through 50, 72 through 77, 79, 81, 83, 85 through 90, 92, 93, 95, 96, 98 through 100, 105, 108, 110, 112, 113, and 115 of Supplementary Provisions: November 1, 2006.

Supplementary Provisions [Act No. 65 of June 3, 2016] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2018; provided, however, that the amendment provisions adding one paragraph after Article 56-6, paragraph (1) of the Child Welfare Act as set forth in Article 2, and the provisions of Articles 10 and 11 of Supplementary Provisions come into effect on the date of their promulgation.

(Considerations)

Article 2 Approximately three years after the enforcement of this Act, the national government is to take measures, if necessary, after due consideration of the situation regarding the enforcement of the Act for the Comprehensive Support of the Daily Life and Life in Society of Persons with Disabilities (hereinafter referred to as the "Act for the Comprehensive Support of Persons with Disabilities") and the Child Welfare Act after amendment by this Act.

(Transitional Measures Accompanying the Partial Amendment of the Act for the Comprehensive Support of Persons with Disabilities)

Article 3 (1) Prior laws continue to govern the payment of nursing care benefits or training, etc. benefits under Article 29, paragraph (1) of the Act for the Comprehensive Support of Persons with Disabilities pertinent to the designated welfare service for persons with disabilities, etc. (referred to as the

"designated welfare service for persons with disabilities, etc." in the following paragraph) prescribed in Article 29, paragraph (1) of the same Act which is provided before the date of enforcement of this Act (hereinafter referred to as the "effective date").

- (2) Prior laws continue to govern the payment of special nursing care benefits or special training, etc. benefits under Article 30, paragraph (2) of the Act for the Comprehensive Support of Persons with Disabilities related to the designated welfare service for persons with disabilities, etc. under item (i) of the same paragraph or the appropriate welfare service for persons with disabilities under item (ii) of the same paragraph which is provided before the enforcement of this Act.

Article 4 The provisions of Article 76 of the Act for the Comprehensive Support of Persons with Disabilities after the amendment under Article 1 of this Act (hereinafter referred to as, the "new Act for the Comprehensive Support of Persons with Disabilities") apply to persons who have purchased, leased or repaired an assistive medical device prescribed in Article 5, paragraph (25) of the New Act for the Comprehensive Support of Persons with Disabilities after the effective date; and prior laws continue to govern the payment of assistive medical devices benefits to a person who has purchased, leased or repaired an assistive medical device as specified in Article 5, paragraph (23) of the Act for the Comprehensive Support of Persons with Disabilities prior to the amendment under Article 1 of this Act (referred to as the "former Act for the Comprehensive Support of Persons with Disabilities" in this Article and the following Article) before the effective date.

Article 5 The provisions of Article 76-2 of the new Act for the Comprehensive Support of Persons with Disabilities apply to persons who received the services prescribed in paragraph (1) of the same Article after the effective date and to persons who purchased, leased or repaired an assistive medical device prescribed in Article 5, paragraph (25) of the new Act for the Comprehensive Support of Persons with Disabilities; and prior laws continue to govern the payment of high-cost welfare services for persons with disabilities benefits under Article 76-2, paragraph (1) of the former Act for the Comprehensive Support of Persons with Disabilities to a person who has received a service prescribed in the same paragraph before the effective date or to a person who purchased, leased or repaired an assistive medical device prescribed in Article 5, paragraph (23) of the former Act for the Comprehensive Support of Persons with Disabilities.

Article 6 For the provisions of Article 76-3, paragraph (1) of the new Act for the

Comprehensive Support of Persons with Disabilities to be applied to a person that has actually received a designation under Article 29, paragraph (1), Article 51-14, paragraph (1) or Article 51-17, paragraph (1), item (i) of the Act for the Comprehensive Support of Persons with Disabilities prior to the enactment of this Act, and has begun providing the services, etc. subject to public disclosure under Article 76-3, paragraph (1) of the new Act for the Comprehensive Support of Persons with Disabilities, the phrase "intending to begin providing designated welfare services for persons with disabilities, etc., designated community consultation support or planning consultation support ("referred to as the " services, etc. subject to public disclosure" in the rest of this paragraph) and other...by Order of the Ministry of Health, Labour and Welfare" in the same paragraph is deemed to be replaced with "by Order of the Ministry of Health, Labour and Welfare"; and the phrase "the content of the services, etc. subject to public disclosure" in the same paragraph is deemed to be replaced with "welfare service for persons with disabilities, etc., designated community consultation support or designated planning consultation support (hereinafter referred to as the "services, etc. subject to public disclosure")".

(Preparations Prior to Enforcement)

Article 10 The establishment or revision of the Ordinances necessary for the enforcement of the Act; the designation as a designated provider of welfare service for persons with disabilities prescribed in Article 29, paragraph (1) of the Act for the Comprehensive Support of Persons with Disabilities (limited to employment retention support prescribed in Article 5, Paragraph (15) of the new Act for the Comprehensive Support of Persons with Disabilities, or independent living support prescribed in paragraph (16) of the same Act); preparations for the designation as a designated support center for children with disabilities (limited to home-visit types of support for child development prescribed in Article 6-2-2, paragraph (5) of the Child Welfare Act); the preparation of basic guidelines under Article 33-19 of the Child Welfare Act; the preparation of a municipal plan for the welfare of children with disabilities under Article 33-20 of the new Child Welfare Act; and the preparation of a prefectural plan for the welfare of children with disabilities under Article 33-22 of the new Child Welfare Act may be performed even before this Act comes into effect.

Supplementary Provisions [Act No. 25 of April 26, 2017] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2018; provided, however, that the provisions listed below comes into effect on the date specified in each item:

- (i) Article 3, Article 7 (limited to the amendment provisions including the proviso to Article 143-2, paragraph (1) of the Agriculture Disaster Compensation Act), Article 10; and Articles 6 through 8, Article 13 and Article 14 of the Supplementary Provisions: the day of promulgation;
- (ii) Omitted; and
- (iii) Article 5 (not including the provisions amending Article 24, paragraph (1) of the Child Welfare Act) and Article 6: April 1, 2019.

(Transitional Measures Related to Dispositions and Applications)

Article 7 (1) If the parties charged with performing the administrative duties pertaining to approval, etc. and other actions pursuant to laws prior to their amendment by this Act ("dispositions, etc. and other acts") before the day of the enforcement of this Act (with regard to the provisions referred to in each item of Article 1 of these Supplementary Provisions, the respective provisions; hereinafter the same applies in this Article and the following Article) or performing the administrative duties pertaining to applications and other actions pursuant to laws prior to their amendment by this Act ("applications, etc." in the rest of this paragraph) before the day of the enforcement of this Act are different from those charged with performing the administrative duties pertaining to those actions on the day of the enforcement of this Act the day of the enforcement of this Act, for the provisions of laws after their amendment by this Act after to be applied, the relevant actions excluding those prescribed in Article 2 through the preceding Article of the Supplementary Provisions and excluding those specified by Cabinet Order as provided for in the following Article are deemed to be dispositions, etc. or applications, etc. under laws after their amendment by this Act.

(2) Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions or what is specified by Cabinet Order as provided for in the following Article, if reports, notifications, submissions, and other procedures addressed to the national government or local public bodies pursuant to laws prior to their amendment by this Act were not completed before this Act comes into effect, the reports, notifications, submissions, and other procedures are deemed not to be made to the national government or local public bodies, and the provisions of laws after their amendment by this Act apply to them.

Supplementary Provisions [Act No. 52 of June 2, 2017] [Extract]

Article 1 (1) This Act comes into effect on April 1, 2018; provided, however, that the provisions listed in the items below comes into effect on the date specified in each item:

(i) the provisions of Article 3 and the following Article; and the provisions of Articles 15, 16, 27, 29, 31, 36, and 47 through 49 of the Supplementary Provisions: date of promulgation.

(Considerations)

(2) In addition to the matters specified in the preceding paragraph, approximately five years after the enforcement of this Act, the national government is to take measures if necessary, after due consideration of the situation regarding the enforcement of the provisions amended by this Act.

(Transitional Measures Accompanying the Partial Amendment of the Act on the Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities)

Article 30 Within the period of one year from the effective date, until the Prefectural Ordinance under Article 41-2, paragraph (1) of the Act for the Comprehensive Support of the Daily Life and Life in Society of Persons with Disabilities following its amendments by Article 12 (referred to as the "new Act for the Comprehensive Support of Persons with Disabilities" in the following Article) is established and comes into effect, the requirements specified by the Order of the Ministry of Health, Labour and Welfare as prescribed in paragraph (2) of the same Article are deemed to be the requirements specified by Prefectural Ordinance.

Article 31 The establishment or amendment of the Ordinances necessary for the enforcement of Article 41-2 of the new Act for the Comprehensive Support of Persons with Disabilities, the procedures for designation under Article 29, paragraph (1) of the Act for the Support of the Daily Life and Life in Society of Persons with Disabilities as provided for in Article 36, paragraph (1) of the same Act (limited to the procedures relevant to applications by persons prescribed in Article 41-2, paragraph (1) of the new Act for the Comprehensive Support of Persons with Disabilities) and other actions may be performed before the effective date.

(Transitional Measures Concerning Application of Penal Provisions)

Article 48 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions) and to acts committed after the enforcement of this Act in cases that are to continue to be governed by prior laws pursuant to the Supplementary Provisions of this Act..