

# 障害者の日常生活及び社会生活を総合的に支援するための法律

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

(平成十七年十一月七日法律第百二十三号)

(Act No. 123 of November 7, 2005)

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(Purpose of This Act)

第一条 この法律は、障害者基本法（昭和四十五年法律第八十四号）の基本的な理念にのっとり、身体障害者福祉法（昭和二十四年法律第二百八十三号）、知的障害者福祉法（昭和三十五年法律第三十七号）、精神保健及び精神障害者福祉に関する法律（昭和二十五年法律第二百二十三号）、児童福祉法（昭和二十二年法律第百六十四号）その他障害者及び障害児の福祉に関する法律と相まって、障害者及び障害児が基本的人権を享有する個人としての尊厳にふさわしい日常生活又は社会生活を営むことができるよう、必要な障害福祉サービスに係る給付、地域生活支援事業その他の支援を総合的に行い、もって障害者及び障害児の福祉の増進を図るとともに、障害の有無にかかわらず国民が相互に人格と個性を尊重し安心して暮らすことのできる地域社会の実現に寄与することを目的とする。

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.

(基本理念)

(Fundamental Principles)

第一条の二 障害者及び障害児が日常生活又は社会生活を営むための支援は、全ての国民が、障害の有無にかかわらず、等しく基本的人権を享有するかけがえない個人として尊重されるものであるとの理念にのっとり、全ての国民が、障害の有無によって分け隔てられることなく、相互に人格と個性を尊重し合いながら共生する社会を実現するため、全ての障害者及び障害児が可能な限りその身近な場所において必要な日常生活又は社会生活を営むための支援を受けられることにより社会参加の機会が確保されること及びどこで誰と生活するかについての選択の機会が確保され、地域社会において他の人々と共生することを妨げられないこと並びに障害者及び障害児にとって日常生活又は社会生活を営む上で障壁となるような社会における事物、制度、慣行、観念その他一切のものの除去に資することを旨として、総合的かつ計画的に行わなければならない。

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.

(市町村等の責務)

(Responsibilities of the Municipalities)

第二条 市町村（特別区を含む。以下同じ。）は、この法律の実施に関し、次に掲げる責務を有する

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

一 障害者が自ら選択した場所に居住し、又は障害者若しくは障害児（以下「障害者等」という。）が自立した日常生活又は社会生活を営むことができるよう、当該市町村の区域における障害者等の生活の実態を把握した上で、公共職業安定所その他の職業リハビリテーション（障害者の雇用の促進等に関する法律（昭和三十五年法律第百二十三号）第二条第七号に規定する職業リハビリテーションをいう。以下同じ。）の措置を実施する機関、教育機関その他の関係機関との緊密な連携を図りつつ、必要な自立支援給付及び地域生活支援事業を総合的かつ計画的に行うこと。

(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;

二 障害者等の福祉に関し、必要な情報の提供を行い、並びに相談に応じ、必要な調査及び指導を行い、並びにこれらに付随する業務を行うこと。

(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

三 意思疎通について支援が必要な障害者等が障害福祉サービスを円滑に利用することができるよう必要な便宜を供与すること、障害者等に対する虐待の防止及びその早期発見のために関係機関と連絡調整を行うことその他障害者等の権利の擁護のために必要な援助を行うこと。

(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 都道府県は、この法律の実施に関し、次に掲げる責務を有する。

- (2) Prefectures have the following responsibilities in the enforcement of this Act:
- 一 市町村が行う自立支援給付及び地域生活支援事業が適正かつ円滑に行われるよう、市町村に対する必要な助言、情報の提供その他の援助を行うこと。
    - (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;
    - 二 市町村と連携を図りつつ、必要な自立支援医療費の支給及び地域生活支援事業を総合的に行うこと。
      - (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;
      - 三 障害者等に関する相談及び指導のうち、専門的な知識及び技術を必要とするものを行うこと。
        - (iii) prefectures are to provide consultation and guidance concerning persons or children with disabilities requiring expert knowledge and skills; or
        - 四 市町村と協力して障害者等の権利の擁護のために必要な援助を行うとともに、市町村が行う障害者等の権利の擁護のために必要な援助が適正かつ円滑に行われるよう、市町村に対する必要な助言、情報の提供その他の援助を行うこと。
          - (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 国は、市町村及び都道府県が行う自立支援給付、地域生活支援事業その他この法律に基づく業務が適正かつ円滑に行われるよう、市町村及び都道府県に対する必要な助言、情報の提供その他の援助を行わなければならない。
  - (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 国及び地方公共団体は、障害者等が自立した日常生活又は社会生活を営むことができるよう、必要な障害福祉サービス、相談支援及び地域生活支援事業の提供体制の確保に努めなければならない。
  - (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.

(国民の責務)

**(Responsibilities of Citizens)**

第三条 すべての国民は、その障害の有無にかかわらず、障害者等が自立した日常生活又は社会生活を営めるような地域社会の実現に協力するよう努めなければならない。

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.

(定義)

**(Definitions)**

第四条 この法律において「障害者」とは、身体障害者福祉法第四条に規定する身体障害者、知的障害者福祉法にいう知的障害者のうち十八歳以上である者及び精神保健及び精神障害者福祉に関する法律第五条に規定する精神障害者（発達障害者支援法（平成十六年法律第百六十七号）第二条第二項に規定する発達障害者を含み、知的障害者福祉法にいう知的障害者を除く。以下「精神障害者」という。）のうち十八歳以上である者並びに治療方法が確立していない疾病その他の特殊の疾病であって政令で定めるものによる障害の程度が厚生労働大臣が定める程度である者であって十八歳以上であるものをいう。

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 この法律において「障害児」とは、児童福祉法第四条第二項に規定する障害児をいう。

(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 この法律において「保護者」とは、児童福祉法第六条に規定する保護者をいう。

(3) The term "guardians" as used in this Act means the guardians prescribed in Article 6 of the Child Welfare Act.

4 この法律において「障害支援区分」とは、障害者等の障害の多様な特性その他の心身の状態に応じて必要とされる標準的な支援の度合を総合的に示すものとして厚生労働省令で定める区分をいう。

(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.

第五条 この法律において「障害福祉サービス」とは、居宅介護、重度訪問介護、同行援護、行動援護、療養介護、生活介護、短期入所、重度障害者等包括支援、施設入所支援、自立訓練、就労移行支援、就労継続支援、就労定着支援、自立生活援助及び共同生活援助をいい、「障害福祉サービス事業」とは、障害福祉サービス（障害者支援施設、独立行政法人国立重度知的障害者総合施設のぞみの園法（平成十四年法律第百六十七号）第十一条第一号の規定により独立行政法人国立重度知的障害者総合施設のぞみの園が設置する施設（以下「のぞみの園」という。）その他厚生労働省令で定める施設において行われる施設障害福祉サービス（施設入所支援及び厚生労働省令で定める障害福祉サービスをいう。以下同じ。）を除く。）を行う事業をいう。

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 この法律において「居宅介護」とは、障害者等につき、居宅において入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜を供与することをいう。



- (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 この法律において「重度訪問介護」とは、重度の肢体不自由者その他の障害者であつて常時介護を要するものとして厚生労働省令で定めるものにつき、居宅又はこれに相当する場所として厚生労働省令で定める場所における入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜及び外出時における移動中の介護を総合的に供与することをいう。
- (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 この法律において「同行援護」とは、視覚障害により、移動に著しい困難を有する障害者等につき、外出時において、当該障害者等に同行し、移動に必要な情報を提供するとともに、移動の援護その他の厚生労働省令で定める便宜を供与することをいう。
- (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 この法律において「行動援護」とは、知的障害又は精神障害により行動上著しい困難を有する障害者等であつて常時介護を要するものにつき、当該障害者等が行動する際に生じ得る危険を回避するために必要な援護、外出時における移動中の介護その他の厚生労働省令で定める便宜を供与することをいう。
- (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 この法律において「療養介護」とは、医療を要する障害者であつて常時介護を要するものとして厚生労働省令で定めるものにつき、主として昼間において、病院その他の厚生労働省令で定める施設において行われる機能訓練、療養上の管理、看護、医学的管理の下における介護及び日常生活上の世話の供与をいい、「療養介護医療」とは、療養介護のうち医療に係るものをいう。
- (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 この法律において「生活介護」とは、常時介護を要する障害者として厚生労働省令で定める者につき、主として昼間において、障害者支援施設その他の厚生労働省令で定める施設において行われる入浴、排せつ又は食事の介護、創作的活動又は生産活動の機会の提供その他の厚生労働省令で定める便宜を供与することをいう。

(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 この法律において「短期入所」とは、居宅においてその介護を行う者の疾病その他の理由により、障害者支援施設その他の厚生労働省令で定める施設への短期間の入所を必要とする障害者等につき、当該施設に短期間の入所をさせ、入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜を供与することをいう。

(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 この法律において「重度障害者等包括支援」とは、常時介護を要する障害者等であって、その介護の必要の程度が著しく高いものとして厚生労働省令で定めるものにつき、居宅介護その他の厚生労働省令で定める障害福祉サービスを包括的に提供することをいう。

(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.

1 0 この法律において「施設入所支援」とは、その施設に入所する障害者につき、主として夜間において、入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜を供与することをいう。

(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.

1 1 この法律において「障害者支援施設」とは、障害者につき、施設入所支援を行うとともに、施設入所支援以外の施設障害福祉サービスを行う施設（のぞみの園及び第一項の厚生労働省令で定める施設を除く。）をいう。

(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.

1 2 この法律において「自立訓練」とは、障害者につき、自立した日常生活又は社会生活を営むことができるよう、厚生労働省令で定める期間にわたり、身体機能又は生活能力の向上のために必要な訓練その他の厚生労働省令で定める便宜を供与することをいう。

(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.

1 3 この法律において「就労移行支援」とは、就労を希望する障害者につき、厚生労働省令で定める期間にわたり、生産活動その他の活動の機会の提供を通じて、就労に必要な知識及び能力の向上のために必要な訓練その他の厚生労働省令で定める便宜を供与することをいう。

(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.

1 4 この法律において「就労継続支援」とは、通常の事業所に雇用されることが困難な障害者につき、就労の機会を提供するとともに、生産活動その他の活動の機会の提

供を通じて、その知識及び能力の向上のために必要な訓練その他の厚生労働省令で定める便宜を供与することをいう。

(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 この法律において「就労定着支援」とは、就労に向けた支援として厚生労働省令で定めるものを受けて通常の事業所に新たに雇用された障害者につき、厚生労働省令で定める期間にわたり、当該事業所での就労の継続を図るために必要な当該事業所の事業主、障害福祉サービス事業を行う者、医療機関その他の者との連絡調整その他の厚生労働省令で定める便宜を供与することをいう。

(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 この法律において「自立生活援助」とは、施設入所支援又は共同生活援助を受けていた障害者その他の厚生労働省令で定める障害者が居宅における自立した日常生活を営む上での各般の問題につき、厚生労働省令で定める期間にわたり、定期的な巡回訪問により、又は随時通報を受け、当該障害者からの相談に応じ、必要な情報の提供及び助言その他の厚生労働省令で定める援助を行うことをいう。

(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 この法律において「共同生活援助」とは、障害者につき、主として夜間において、共同生活を営むべき住居において相談、入浴、排せつ又は食事の介護その他の日常生活上の援助を行うことをいう。

(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 この法律において「相談支援」とは、基本相談支援、地域相談支援及び計画相談支援をいい、「地域相談支援」とは、地域移行支援及び地域定着支援をいい、「計画相談支援」とは、サービス利用支援及び継続サービス利用支援をいい、「一般相談支援事業」とは、基本相談支援及び地域相談支援のいずれも行う事業をいい、「特定相談支援事業」とは、基本相談支援及び計画相談支援のいずれも行う事業をいう。

(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 この法律において「基本相談支援」とは、地域の障害者等の福祉に関する各般の問題につき、障害者等、障害児の保護者又は障害者等の介護を行う者からの相談に応じ、必要な情報の提供及び助言を行い、併せてこれらの者と市町村及び第二十九条第二項に規定する指定障害福祉サービス事業者等との連絡調整（サービス利用支援及び継続サービス利用支援に関するものを除く。）その他の厚生労働省令で定める便宜を総合的に供与することをいう。

(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 この法律において「地域移行支援」とは、障害者支援施設、のぞみの園若しくは

第一項若しくは第六項の厚生労働省令で定める施設に入所している障害者又は精神科病院（精神科病院以外の病院で精神病室が設けられているものを含む。第八十九条第六項において同じ。）に入院している精神障害者その他の地域における生活に移行するために重点的な支援を必要とする者であって厚生労働省令で定めるものにつき、住居の確保その他の地域における生活に移行するための活動に関する相談その他の厚生労働省令で定める便宜を供与することをいう。

(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.

2 1 この法律において「地域定着支援」とは、居宅において単身その他の厚生労働省令で定める状況において生活する障害者につき、当該障害者との常時の連絡体制を確保し、当該障害者に対し、障害の特性に起因して生じた緊急の事態その他の厚生労働省令で定める場合に相談その他の便宜を供与することをいう。

(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.

2 2 この法律において「サービス利用支援」とは、第二十条第一項若しくは第二十四条第一項の申請に係る障害者等又は第五十一条の六第一項若しくは第五十一条の九第一項の申請に係る障害者の心身の状況、その置かれている環境、当該障害者等又は障害児の保護者の障害福祉サービス又は地域相談支援の利用に関する意向その他の事情を勘案し、利用する障害福祉サービス又は地域相談支援の種類及び内容その他の厚生労働省令で定める事項を定めた計画（以下「サービス等利用計画案」という。）を作成し、第十九条第一項に規定する支給決定（次項において「支給決定」という。）、第二十四条第二項に規定する支給決定の変更の決定（次項において「支給決定の変更の決定」という。）、第五十一条の五第一項に規定する地域相談支援給付決定（次項において「地域相談支援給付決定」という。）又は第五十一条の九第二項に規定する地域相談支援給付決定の変更の決定（次項において「地域相談支援給付決定の変更の決定」という。）（以下「支給決定等」と総称する。）が行われた後に、第二十九条

第二項に規定する指定障害福祉サービス事業者等、第五十一条の十四第一項に規定する指定一般相談支援事業者その他の者（次項において「関係者」という。）との連絡調整その他の便宜を供与するとともに、当該支給決定等に係る障害福祉サービス又は地域相談支援の種類及び内容、これを担当する者その他の厚生労働省令で定める事項を記載した計画（以下「サービス等利用計画」という。）を作成することをいう。

(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 この法律において「継続サービス利用支援」とは、第十九条第一項の規定により支給決定を受けた障害者若しくは障害児の保護者（以下「支給決定障害者等」とい

う。)又は第五十一条の五第一項の規定により地域相談支援給付決定を受けた障害者(以下「地域相談支援給付決定障害者」という。)が、第二十三条に規定する支給決定の有効期間又は第五十一条の八に規定する地域相談支援給付決定の有効期間内において継続して障害福祉サービス又は地域相談支援を適切に利用することができるよう、当該支給決定障害者等又は地域相談支援給付決定障害者に係るサービス等利用計画(この項の規定により変更されたものを含む。以下同じ。)が適切であるかどうかにつき、厚生労働省令で定める期間ごとに、当該支給決定障害者等の障害福祉サービス又は当該地域相談支援給付決定障害者の地域相談支援の利用状況を検証し、その結果及び当該支給決定に係る障害者等又は当該地域相談支援給付決定に係る障害者の心身の状況、その置かれている環境、当該障害者等又は障害児の保護者の障害福祉サービス又は地域相談支援の利用に関する意向その他の事情を勘案し、サービス等利用計画の見直しを行い、その結果に基づき、次のいずれかの便宜の供与を行うことをいう。

(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:

一 サービス等利用計画を変更するとともに、関係者との連絡調整その他の便宜の供与を行うこと。

(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

二 新たな支給決定若しくは地域相談支援給付決定又は支給決定の変更の決定若しくは地域相談支援給付決定の変更の決定が必要であると認められる場合において、当該支給決定等に係る障害者又は障害児の保護者に対し、支給決定等に係る申請の勧奨を行うこと。

(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 この法律において「自立支援医療」とは、障害者等につき、その心身の障害の状態の軽減を図り、自立した日常生活又は社会生活を営むために必要な医療であつて政令で定めるものをいう。

(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 この法律において「補装具」とは、障害者等の身体機能を補完し、又は代替し、かつ、長期間にわたり継続して使用されるものその他の厚生労働省令で定める基準に該当するものとして、義肢、装具、車いすその他の厚生労働大臣が定めるものをいう。

(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 この法律において「移動支援事業」とは、障害者等が円滑に外出することができるよう、障害者等の移動を支援する事業をいう。

(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 この法律において「地域活動支援センター」とは、障害者等を通わせ、創作的活動又は生産活動の機会の提供、社会との交流の促進その他の厚生労働省令で定める便宜を供与する施設をいう。

(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 この法律において「福祉ホーム」とは、現に住居を求めている障害者につき、低額な料金で、居室その他の設備を利用させるとともに、日常生活に必要な便宜を供与する施設をいう。

(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.

## 第二章 自立支援給付

### Chapter II Payment of Independent Living Benefits

#### 第一節 通則

##### Section 1 General Rules

(自立支援給付)

(Payment of Independent Living Benefits)

第六条 自立支援給付は、介護給付費、特例介護給付費、訓練等給付費、特例訓練等給付費、特定障害者特別給付費、特例特定障害者特別給付費、地域相談支援給付費、特例地域相談支援給付費、計画相談支援給付費、特例計画相談支援給付費、自立支援医療費、療養介護医療費、基準該当療養介護医療費、補装具費及び高額障害福祉サービス等給付費の支給とする。

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

(他の法令による給付等との調整)

**(Adjustment with Benefits Provided by Other Laws and Regulations)**

第七条 自立支援給付は、当該障害の状態につき、介護保険法（平成九年法律第百二十三号）の規定による介護給付、健康保険法（大正十一年法律第七十号）の規定による療養の給付その他の法令に基づく給付又は事業であつて政令で定めるもののうち自立支援給付に相当するものを受け、又は利用することができるときは政令で定める限度において、当該政令で定める給付又は事業以外の給付であつて国又は地方公共団体の負担において自立支援給付に相当するものが行われたときはその限度において、行わない。

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.

(不正利得の徴収)

**(Collection of Fraudulent Gains)**

第八条 市町村（政令で定める医療に係る自立支援医療費の支給に関しては、都道府県とする。以下「市町村等」という。）は、偽りその他不正の手段により自立支援給付を受けた者があるときは、その者から、その自立支援給付の額に相当する金額の全部又は一部を徴収することができる。

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 市町村等は、第二十九条第二項に規定する指定障害福祉サービス事業者等、第五十一条の十四第一項に規定する指定一般相談支援事業者、第五十一条の十七第一項第一号に規定する指定特定相談支援事業者又は第五十四条第二項に規定する指定自立支援医療機関（以下この項において「事業者等」という。）が、偽りその他不正の行為により介護給付費、訓練等給付費、特定障害者特別給付費、地域相談支援給付費、計画相談支援給付費、自立支援医療費又は療養介護医療費の支給を受けたときは、当該事業者等に対し、その支払った額につき返還させるほか、その返還させる額に百分の四十を乗じて得た額を支払わせることができる。

(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 前二項の規定による徴収金は、地方自治法（昭和二十二年法律第六十七号）第二百三十一条の三第三項に規定する法律で定める歳入とする。

(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).

(報告等)

(Reports)

第九条 市町村等は、自立支援給付に関して必要があると認めるときは、障害者等、障害児の保護者、障害者等の配偶者若しくは障害者等の属する世帯の世帯主その他その世帯に属する者又はこれらの者であった者に対し、報告若しくは文書その他の物件の提出若しくは提示を命じ、又は当該職員に質問させることができる。

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 前項の規定による質問を行う場合においては、当該職員は、その身分を示す証明書を携帯し、かつ、関係人の請求があるときは、これを提示しなければならない。

(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 第一項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない。

(3) The authority under paragraph (1) is not to be construed as permitted for criminal investigation.

第十条 市町村等は、自立支援給付に関して必要があると認めるときは、当該自立支援給付に係る障害福祉サービス、相談支援、自立支援医療、療養介護医療若しくは補装具の販売、貸与若しくは修理（以下「自立支援給付対象サービス等」という。）を行う者若しくはこれらを使用する者若しくはこれらの者であった者に対し、報告若しくは文書その他の物件の提出若しくは提示を命じ、又は当該職員に関係者に対して質問させ、若しくは当該自立支援給付対象サービス等の事業を行う事業所若しくは施設に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

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 前条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(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.

(厚生労働大臣又は都道府県知事の自立支援給付対象サービス等に関する調査等)  
(Inquiries by the Minister of Health, Labour and Welfare or Prefectural  
Governors Concerning Services Subject to Payment of Independent Living  
Benefits)

第十一条 厚生労働大臣又は都道府県知事は、自立支援給付に関して必要があると認めるときは、自立支援給付に係る障害者等若しくは障害児の保護者又はこれらの者であった者に対し、当該自立支援給付に係る自立支援給付対象サービス等の内容に関し、報告若しくは文書その他の物件の提出若しくは提示を命じ、又は当該職員に質問させることができる。

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 厚生労働大臣又は都道府県知事は、自立支援給付に関して必要があると認めるときは、自立支援給付対象サービス等を行った者若しくはこれらを使用した者に対し、その行った自立支援給付対象サービス等に関し、報告若しくは当該自立支援給付対象サービス等の提供の記録、帳簿書類その他の物件の提出若しくは提示を命じ、又は当該職員に関係者に対して質問させることができる。

(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 第九条第二項の規定は前二項の規定による質問について、同条第三項の規定は前二項の規定による権限について準用する。

(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.

(指定事務受託法人)

(Designated Corporations Entrusted with Duties)

第十一条の二 市町村及び都道府県は、次に掲げる事務の一部を、法人であって厚生労働省令で定める要件に該当し、当該事務を適正に実施することができるものと認められるものとして都道府県知事が指定するもの（以下「指定事務受託法人」という。）に委託することができる。

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"):

一 第九条第一項、第十条第一項並びに前条第一項及び第二項に規定する事務（これらの規定による命令及び質問の対象となる者並びに立入検査の対象となる事業所及び施設の選定に係るもの並びに当該命令及び当該立入検査を除く。）

(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
- 二 その他厚生労働省令で定める事務（前号括弧書に規定するものを除く。）
- (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 指定事務受託法人の役員若しくは職員又はこれらの職にあった者は、正当な理由なしに、当該委託事務に関して知り得た秘密を漏らしてはならない。
- (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 指定事務受託法人の役員又は職員で、当該委託事務に従事するものは、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。
- (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 市町村又は都道府県は、第一項の規定により事務を委託したときは、厚生労働省令で定めるところにより、その旨を公示しなければならない。
- (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 第九条第二項の規定は、第一項の規定により委託を受けて行う同条第一項、第十条第一項並びに前条第一項及び第二項の規定による質問について準用する。
- (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 前各項に定めるもののほか、指定事務受託法人に関し必要な事項は、政令で定める。
- (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.

（資料の提供等）

(Provision of Materials)

第十二条 市町村等は、自立支援給付に関して必要があると認めるときは、障害者等、障害児の保護者、障害者等の配偶者又は障害者等の属する世帯の世帯主その他その世帯に属する者の資産又は収入の状況につき、官公署に対し必要な文書の閲覧若しくは資料の提供を求め、又は銀行、信託会社その他の機関若しくは障害者の雇用主その他の関係人に報告を求めることができる。

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.

(受給権の保護)

(Protection of the Right to Receive Benefits)

第十三条 自立支援給付を受ける権利は、譲り渡し、担保に供し、又は差し押さえることができない。

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

(租税その他の公課の禁止)

(Prohibition on Taxation and Other Public Charges)

第十四条 租税その他の公課は、自立支援給付として支給を受けた金品を標準として、課することができない。

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.

**第二節 介護給付費、特例介護給付費、訓練等給付費、特例訓練等給付費、  
特定障害者特別給付費及び特例特定障害者特別給付費の支給**

**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**

**第一款 市町村審査会**

**Subsection 1 Municipal Examination Board**

(市町村審査会)

(Municipal Examination Board)

第十五条 第二十六条第二項に規定する審査判定業務を行わせるため、市町村に第十九条第一項に規定する介護給付費等の支給に関する審査会（以下「市町村審査会」という。）を置く。

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).

(委員)

(Board Members)

第十六条 市町村審査会の委員の定数は、政令で定める基準に従い条例で定める数とする。

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 委員は、障害者等の保健又は福祉に関する学識経験を有する者のうちから、市町村長（特別区の区長を含む。以下同じ。）が任命する。

(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.

(共同設置の支援)

(Support for Joint Establishment)

第十七条 都道府県は、市町村審査会について地方自治法第二百五十二条の七第一項の規定による共同設置をしようとする市町村の求めに応じ、市町村相互間における必要な調整を行うことができる。

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 都道府県は、市町村審査会を共同設置した市町村に対し、その円滑な運営が確保されるように必要な技術的な助言その他の援助をすることができる。

(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.

(政令への委任)

(Entrustment to Cabinet Order)

第十八条 この法律に定めるもののほか、市町村審査会に関し必要な事項は、政令で定める。

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

## 第二款 支給決定等

### Subsection 2 Benefits Recipient Approval

(介護給付費等の支給決定)

(Approval for Nursing Care Benefits, etc.)

第十九条 介護給付費、特例介護給付費、訓練等給付費又は特例訓練等給付費（以下「介護給付費等」という。）の支給を受けようとする障害者又は障害児の保護者は、市町村の介護給付費等を支給する旨の決定（以下「支給決定」という。）を受けなければならない。

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 支給決定は、障害者又は障害児の保護者の居住地の市町村が行うものとする。ただし、障害者又は障害児の保護者が居住地を有しないとき、又は明らかでないときは、その障害者又は障害児の保護者の所在地の市町村が行うものとする。

(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 前項の規定にかかわらず、第二十九条第一項若しくは第三十条第一項の規定により介護給付費等の支給を受けて又は身体障害者福祉法第十八条第二項若しくは知的障害者福祉法第十六条第一項の規定により入所措置が採られて障害者支援施設、のぞみの園又は第五条第一項若しくは第六項の厚生労働省令で定める施設に入所している障害者及び生活保護法（昭和二十五年法律第百四十四号）第三十条第一項ただし書の規定により入所している障害者（以下この項において「特定施設入所障害者」と総称する。）については、その者が障害者支援施設、のぞみの園、第五条第一項若しくは第六項の厚生労働省令で定める施設又は同法第三十条第一項ただし書に規定する施設（以下「特定施設」という。）への入所に有した居住地（継続して二以上の特定施設に入所している特定施設入所障害者（以下この項において「継続入所障害者」という。）については、最初に入所した特定施設への入所に有した居住地）の市町村が、支給決定を行うものとする。ただし、特定施設への入所に居住地を有しないか、又は明らかでなかった特定施設入所障害者については、入所におけるその者の所在地（継続入所障害者については、最初に入所した特定施設の入所に有した所在地）の市町村が、支給決定を行うものとする。

(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 前二項の規定にかかわらず、児童福祉法第二十四条の二第一項若しくは第二十四条の二十四第一項の規定により障害児入所給付費の支給を受けて又は同法第二十七条第一項第三号若しくは第二項の規定により措置（同法第三十一条第五項の規定により同法第二十七条第一項第三号又は第二項の規定による措置とみなされる場合を含む。）が採られて第五条第一項の厚生労働省令で定める施設に入所していた障害者等が、継続して、第二十九条第一項若しくは第三十条第一項の規定により介護給付費等の支給を受けて、身体障害者福祉法第十八条第二項若しくは知的障害者福祉法第十六条第一項の規定により入所措置が採られて又は生活保護法第三十条第一項ただし書の規定により特定施設に入所した場合は、当該障害者等が満十八歳となる日の前日に当該障害者等の保護者であった者（以下この項において「保護者であった者」という。）が有した居住地の市町村が、支給決定を行うものとする。ただし、当該障害者等が満十八歳となる日の前日に保護者であった者がいないか、保護者であった者が居住地を有しないか、又は保護者であった者の居住地が明らかでない障害者等については、当該障害者等が満十八歳となる日の前日におけるその者の所在地の市町村が支給決定を行うものとする。

(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 前二項の規定の適用を受ける障害者等が入所している特定施設は、当該特定施設の所在する市町村及び当該障害者等に対し支給決定を行う市町村に、必要な協力をしなければならない。

(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.

(申請)

(Applications)

第二十条 支給決定を受けようとする障害者又は障害児の保護者は、厚生労働省令で定めるところにより、市町村に申請をしなければならない。

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 市町村は、前項の申請があったときは、次条第一項及び第二十二条第一項の規定により障害支援区分の認定及び同項に規定する支給要否決定を行うため、厚生労働省令で定めるところにより、当該職員をして、当該申請に係る障害者等又は障害児の保護者に面接をさせ、その心身の状況、その置かれている環境その他厚生労働省令で定める事項について調査をさせるものとする。この場合において、市町村は、当該調査を第五十一条の十四第一項に規定する指定一般相談支援事業者その他の厚生労働省令で定める者（以下この条において「指定一般相談支援事業者等」という。）に委託することができる。

(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 前項後段の規定により委託を受けた指定一般相談支援事業者等は、障害者等の保健又は福祉に関する専門的知識及び技術を有するものとして厚生労働省令で定める者に当該委託に係る調査を行わせるものとする。

(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 第二項後段の規定により委託を受けた指定一般相談支援事業者等の役員（業務を執行する社員、取締役、執行役又はこれらに準ずる者をいい、相談役、顧問その他いかなる名称を有する者であるかを問わず、法人に対し業務を執行する社員、取締役、執行役又はこれらに準ずる者と同様以上の支配力を有するものと認められる者を含む。第百九条第一項を除き、以下同じ。）若しくは前項の厚生労働省令で定める者又はこれらの職にあった者は、正当な理由なしに、当該委託業務に関して知り得た個人の秘密を漏らしてはならない。

(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 第二項後段の規定により委託を受けた指定一般相談支援事業者等の役員又は第三項の厚生労働省令で定める者で、当該委託業務に従事するものは、刑法その他の罰則の適用については、法令により公務に従事する職員とみなす。

(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 第二項の場合において、市町村は、当該障害者等又は障害児の保護者が遠隔の地に居住地又は現在地を有するときは、当該調査を他の市町村に嘱託することができる。

(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.

(障害支援区分の認定)

(Certification of the Disability Support Category)

第二十一条 市町村は、前条第一項の申請があったときは、政令で定めるところにより、市町村審査会が行う当該申請に係る障害者等の障害支援区分に関する審査及び判定の結果に基づき、障害支援区分の認定を行うものとする。

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 市町村審査会は、前項の審査及び判定を行うに当たって必要があると認めるときは、当該審査及び判定に係る障害者等、その家族、医師その他の関係者の意見を聴くことができる。

(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.

(支給要否決定等)

(Decisions Determining the Necessity for Granting Benefits)

第二十二條 市町村は、第二十条第一項の申請に係る障害者等の障害支援区分、当該障害者等の介護を行う者の状況、当該障害者等の置かれている環境、当該申請に係る障害者等又は障害児の保護者の障害福祉サービスの利用に関する意向その他の厚生労働省令で定める事項を勘案して介護給付費等の支給の要否の決定（以下この条及び第二十七条において「支給要否決定」という。）を行うものとする。

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 市町村は、支給要否決定を行うに当たって必要があると認めるときは、厚生労働省令で定めるところにより、市町村審査会又は身体障害者福祉法第九条第七項に規定する身体障害者更生相談所（第七十四条及び第七十六条第三項において「身体障害者更生相談所」という。）、知的障害者福祉法第九条第六項に規定する知的障害者更生相談所、精神保健及び精神障害者福祉に関する法律第六条第一項に規定する精神保健福祉センター若しくは児童相談所（以下「身体障害者更生相談所等」と総称する。）その他厚生労働省令で定める機関の意見を聴くことができる。

(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 市町村審査会、身体障害者更生相談所等又は前項の厚生労働省令で定める機関は、同項の意見を述べるに当たって必要があると認めるときは、当該支給要否決定に係る障害者等、その家族、医師その他の関係者の意見を聴くことができる。
- (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 市町村は、支給要否決定を行うに当たって必要と認められる場合として厚生労働省令で定める場合には、厚生労働省令で定めるところにより、第二十条第一項の申請に係る障害者又は障害児の保護者に対し、第五十一条の十七第一項第一号に規定する指定特定相談支援事業者が作成するサービス等利用計画案の提出を求めるものとする。
- (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 前項の規定によりサービス等利用計画案の提出を求められた障害者又は障害児の保護者は、厚生労働省令で定める場合には、同項のサービス等利用計画案に代えて厚生労働省令で定めるサービス等利用計画案を提出することができる。
- (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 市町村は、前二項のサービス等利用計画案の提出があった場合には、第一項の厚生労働省令で定める事項及び当該サービス等利用計画案を勘案して支給要否決定を行うものとする。
- (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 市町村は、支給決定を行う場合には、障害福祉サービスの種類ごとに月を単位として厚生労働省令で定める期間において介護給付費等を支給する障害福祉サービスの量（以下「支給量」という。）を定めなければならない。

(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 市町村は、支給決定を行ったときは、当該支給決定障害者等に対し、厚生労働省令で定めるところにより、支給量その他の厚生労働省令で定める事項を記載した障害福祉サービス受給者証（以下「受給者証」という。）を交付しなければならない。

(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.

（支給決定の有効期間）

(Valid Period for Benefits Recipient Approval)

第二十三条 支給決定は、厚生労働省令で定める期間（以下「支給決定の有効期間」という。）内に限り、その効力を有する。

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").

（支給決定の変更）

(Change in Benefits Recipient Approval)

第二十四条 支給決定障害者等は、現に受けている支給決定に係る障害福祉サービスの種類、支給量その他の厚生労働省令で定める事項を変更する必要があるときは、厚生労働省令で定めるところにより、市町村に対し、当該支給決定の変更の申請をすることができる。

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 市町村は、前項の申請又は職権により、第二十二条第一項の厚生労働省令で定める事項を勘案し、支給決定障害者等につき、必要があると認めるときは、支給決定の変更の決定を行うことができる。この場合において、市町村は、当該決定に係る支給決定障害者等に対し受給者証の提出を求めるものとする。

(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 第十九条（第一項を除く。）、第二十条（第一項を除く。）及び第二十二条（第一項を除く。）の規定は、前項の支給決定の変更の決定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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 市町村は、第二項の支給決定の変更の決定を行うに当たり、必要があると認めるときは、障害支援区分の変更の認定を行うことができる。

(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 第二十一条の規定は、前項の障害支援区分の変更の認定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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 市町村は、第二項の支給決定の変更の決定を行った場合には、受給者証に当該決定に係る事項を記載し、これを返還するものとする。

(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.

(支給決定の取消し)

**(Revocation of a Benefits Recipient Approval)**

第二十五条 支給決定を行った市町村は、次に掲げる場合には、当該支給決定を取り消すことができる。

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

一 支給決定に係る障害者等が、第二十九条第一項に規定する指定障害福祉サービス等及び第三十条第一項第二号に規定する基準該当障害福祉サービスを受ける必要がなくなったと認めるとき。

(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);

二 支給決定障害者等が、支給決定の有効期間内に、当該市町村以外の市町村の区域内に居住地を有するに至ったと認めるとき（支給決定に係る障害者が特定施設に入所することにより当該市町村以外の市町村の区域内に居住地を有するに至ったと認めるときを除く。）。

(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);

三 支給決定に係る障害者等又は障害児の保護者が、正当な理由なしに第二十条第二項（前条第三項において準用する場合を含む。）の規定による調査に応じないとき。

(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

四 その他政令で定めるとき。

(iv) other cases prescribed by Cabinet Order.

2 前項の規定により支給決定の取消しを行った市町村は、厚生労働省令で定めるところにより、当該取消しに係る支給決定障害者等に対し受給者証の返還を求めるものとする。

(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.

(都道府県による援助等)

(Assistance by the Prefecture)

第二十六条 都道府県は、市町村の求めに応じ、市町村が行う第十九条から第二十二條まで、第二十四条及び前条の規定による業務に関し、その設置する身体障害者更生相談所等による技術的事項についての協力その他市町村に対する必要な援助を行うものとする。

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 地方自治法第二百五十二条の十四第一項の規定により市町村の委託を受けて審査判定業務（第二十一条（第二十四条第五項において準用する場合を含む。第四項において同じ。））、第二十二條第二項及び第三項（これらの規定を第二十四条第三項において準用する場合を含む。第四項において同じ。）並びに第五十一条の七第二項及び第三項（これらの規定を第五十一条の九第三項において準用する場合を含む。）の規定により市町村審査会が行う業務をいう。以下この条及び第九十五条第二項第一号において同じ。）を行う都道府県に、当該審査判定業務を行わせるため、介護給付費等の支給に関する審査会（以下「都道府県審査会」という。）を置く。

(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 第十六条及び第十八条の規定は、前項の都道府県審査会について準用する。この場合において、第十六条第二項中「市町村長（特別区の区長を含む。以下同じ。）」とあるのは、「都道府県知事」と読み替えるものとする。

(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 審査判定業務を都道府県に委託した市町村について第二十一条並びに第二十二条第二項及び第三項の規定を適用する場合においては、これらの規定中「市町村審査会」とあるのは、「都道府県審査会」とする。

(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."

(政令への委任)

(Entrustment to Cabinet Order)

第二十七条 この款に定めるもののほか、障害支援区分に関する審査及び判定、支給決定、支給要否決定、受給者証、支給決定の変更の決定並びに支給決定の取消しに関し必要な事項は、政令で定める。

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.

**第三款 介護給付費、特例介護給付費、訓練等給付費及び特例訓練等給付費の支給**

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

(介護給付費、特例介護給付費、訓練等給付費及び特例訓練等給付費の支給)

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

第二十八条 介護給付費及び特例介護給付費の支給は、次に掲げる障害福祉サービスに関して次条及び第三十条の規定により支給する給付とする。

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:

一 居宅介護

(i) in-home nursing care;

二 重度訪問介護

(ii) visiting care for persons with severe disabilities;

三 同行援護

(iii) companion support;

四 行動援護

(iv) activity support;

五 療養介護（医療に係るものを除く。）

(v) medical nursing care (excluding those involving medical intervention);

六 生活介護

(vi) daily nursing care;

七 短期入所

(vii) short-stay service;

八 重度障害者等包括支援

(viii) comprehensive support for persons with severe disabilities; or

九 施設入所支援

(ix) residential facility care.

2 訓練等給付費及び特例訓練等給付費の支給は、次に掲げる障害福祉サービスに関して次条及び第三十条の規定により支給する給付とする。

(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:

一 自立訓練

(i) rehabilitation service;

二 就労移行支援

(ii) employment transition support;

三 就労継続支援

(iii) continuous support for employment services;

四 就労定着支援

(iv) employment retention support;

五 自立生活援助

(v) independent living support; or

六 共同生活援助

(vi) group home assistance.

（介護給付費又は訓練等給付費）

**(Payment of Nursing Care Benefits or Training Benefits)**

第二十九条 市町村は、支給決定障害者等が、支給決定の有効期間内において、都道府県知事が指定する障害福祉サービス事業を行う者（以下「指定障害福祉サービス事業者」という。）若しくは障害者支援施設（以下「指定障害者支援施設」という。）から当該指定に係る障害福祉サービス（以下「指定障害福祉サービス」という。）を受けたとき、又はのぞみの園から施設障害福祉サービスを受けたときは、厚生労働省令で定めるところにより、当該支給決定障害者等に対し、当該指定障害福祉サービス又

は施設障害福祉サービス（支給量の範囲内のものに限る。以下「指定障害福祉サービス等」という。）に要した費用（食事の提供に要する費用、居住若しくは滞在に要する費用その他の日常生活に要する費用又は創作的活動若しくは生産活動に要する費用のうち厚生労働省令で定める費用（以下「特定費用」という。）を除く。）について、介護給付費又は訓練等給付費を支給する。

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 指定障害福祉サービス等を受けようとする支給決定障害者等は、厚生労働省令で定めるところにより、指定障害福祉サービス事業者、指定障害者支援施設又はのぞみの園（以下「指定障害福祉サービス事業者等」という。）に受給者証を提示して当該指定障害福祉サービス等を受けるものとする。ただし、緊急の場合その他やむを得ない事由のある場合については、この限りでない。

(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 介護給付費又は訓練等給付費の額は、一月につき、第一号に掲げる額から第二号に掲げる額を控除して得た額とする。

(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):

一 同一の月に受けた指定障害福祉サービス等について、障害福祉サービスの種類ごとに指定障害福祉サービス等に通常要する費用（特定費用を除く。）につき、厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定障害福祉サービス等に要した費用（特定費用を除く。）の額を超えるときは、当該現に指定障害福祉サービス等に要した費用の額）を合計した額

(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

二 当該支給決定障害者等の家計の負担能力その他の事情をしん酌して政令で定める額（当該政令で定める額が前号に掲げる額の百分の十に相当する額を超えるときは、当該相当する額）

(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 支給決定障害者等が指定障害福祉サービス事業者等から指定障害福祉サービス等を受けたときは、市町村は、当該支給決定障害者等が当該指定障害福祉サービス事業者等に支払うべき当該指定障害福祉サービス等に要した費用（特定費用を除く。）について、介護給付費又は訓練等給付費として当該支給決定障害者等に支給すべき額の限度において、当該支給決定障害者等に代わり、当該指定障害福祉サービス事業者等に支払うことができる。

(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 前項の規定による支払があったときは、支給決定障害者等に対し介護給付費又は訓練等給付費の支給があったものとみなす。

(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 市町村は、指定障害福祉サービス事業者等から介護給付費又は訓練等給付費の請求があったときは、第三項第一号の厚生労働大臣が定める基準及び第四十三条第二項の都道府県の条例で定める指定障害福祉サービスの事業の設備及び運営に関する基準（指定障害福祉サービスの取扱いに関する部分に限る。）又は第四十四条第二項の都道府県の条例で定める指定障害者支援施設等の設備及び運営に関する基準（施設障害福祉サービスの取扱いに関する部分に限る。）に照らして審査の上、支払うものとする。

(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 welfare services).

7 市町村は、前項の規定による審査及び支払に関する事務を国民健康保険法（昭和三十三年法律第百九十二号）第四十五条第五項に規定する国民健康保険団体連合会（以下「連合会」という。）に委託することができる。

(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 前各項に定めるもののほか、介護給付費及び訓練等給付費の支給並びに指定障害福祉サービス事業者等の介護給付費及び訓練等給付費の請求に関し必要な事項は、厚生労働省令で定める。

(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.

(特例介護給付費又は特例訓練等給付費)

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

第三十条 市町村は、次に掲げる場合において、必要があると認めるときは、厚生労働省令で定めるところにより、当該指定障害福祉サービス等又は第二号に規定する基準該当障害福祉サービス（支給量の範囲内のものに限る。）に要した費用（特定費用を除く。）について、特例介護給付費又は特例訓練等給付費を支給することができる。

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:

一 支給決定障害者等が、第二十条第一項の申請をした日から当該支給決定の効力が生じた日の前日までの間に、緊急その他やむを得ない理由により指定障害福祉サービス等を受けたとき。

(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;

二 支給決定障害者等が、指定障害福祉サービス等以外の障害福祉サービス（次に掲げる事業所又は施設により行われるものに限る。以下「基準該当障害福祉サービス」という。）を受けたとき。

(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"):

イ 第四十三条第一項の都道府県の条例で定める基準又は同条第二項の都道府県の条例で定める指定障害福祉サービスの事業の設備及び運営に関する基準に定める事項のうち都道府県の条例で定めるものを満たすと認められる事業を行う事業所（以下「基準該当事業所」という。）

(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

ロ 第四十四条第一項の都道府県の条例で定める基準又は同条第二項の都道府県の条例で定める指定障害者支援施設等の設備及び運営に関する基準に定める事項のうち都道府県の条例で定めるものを満たすと認められる施設（以下「基準該当施設」という。）

(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

三 その他政令で定めるとき。

(iii) in other cases, as prescribed by Cabinet Order.

2 都道府県が前項第二号イ及びロの条例を定めるに当たっては、第一号から第三号までに掲げる事項については厚生労働省令で定める基準に従い定めるものとし、第四号に掲げる事項については厚生労働省令で定める基準を標準として定めるものとし、その他の事項については厚生労働省令で定める基準を参酌するものとする。

(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:

一 基準該当障害福祉サービスに従事する従業者及びその員数

(i) the employees of appropriate welfare service for persons with disabilities and their number;

二 基準該当障害福祉サービスの事業に係る居室及び病室の床面積

(ii) the floor area of living quarters and hospital rooms related to the business of providing the appropriate welfare service for persons with disabilities;

三 基準該当障害福祉サービスの事業の運営に関する事項であって、障害者又は障害児の保護者のサービスの適切な利用の確保、障害者等の安全の確保及び秘密の保持等に密接に関連するものとして厚生労働省令で定めるもの

(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

四 基準該当障害福祉サービスの事業に係る利用定員

(iv) the limit on the number of persons using the appropriate welfare services for persons with disabilities.

3 特例介護給付費又は特例訓練等給付費の額は、一月につき、同一の月に受けた次の各号に掲げる障害福祉サービスの区分に応じ、当該各号に定める額を合計した額から、それぞれ当該支給決定障害者等の家計の負担能力その他の事情をしん酌して政令で定める額（当該政令で定める額が当該合計した額の百分の十に相当する額を超えるときは、当該相当する額）を控除して得た額を基準として、市町村が定める。

(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):

一 指定障害福祉サービス等 前条第三項第一号の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定障害福祉サービス等に要した費用（特定費用を除く。）の額を超えるときは、当該現に指定障害福祉サービス等に要した費用の額）

(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

二 基準該当障害福祉サービス 障害福祉サービスの種類ごとに基準該当障害福祉サービスに通常要する費用（特定費用を除く。）につき厚生労働大臣が定める基準により算定した費用の額（その額が現に当該基準該当障害福祉サービスに要した費用（特定費用を除く。）の額を超えるときは、当該現に基準該当障害福祉サービスに要した費用の額）

(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 前三項に定めるもののほか、特例介護給付費及び特例訓練等給付費の支給に関し必要な事項は、厚生労働省令で定める。

(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.

(介護給付費等の額の特例)

(Special Provisions for the Payment of Nursing Care Benefits)

第三十一条 市町村が、災害その他の厚生労働省令で定める特別の事情があることにより、障害福祉サービスに要する費用を負担することが困難であると認めた支給決定障害者等が受ける介護給付費又は訓練等給付費の支給について第二十九条第三項の規定を適用する場合においては、同項第二号中「額）」とあるのは、「額)の範囲内において市町村が定める額」とする。

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 前項に規定する支給決定障害者等が受ける特例介護給付費又は特例訓練等給付費の支給について前条第三項の規定を適用する場合においては、同項中「を控除して得た額を基準として、市町村が定める」とあるのは、「の範囲内において市町村が定める額を控除して得た額とする」とする。

(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."

第四款 特定障害者特別給付費及び特例特定障害者特別給付費の支給

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

第三十二条及び第三十三条 削除

Article 32 and Article 33: Deleted

(特定障害者特別給付費の支給)

(Payment of Special Grant Payment for Specified Persons Benefits)

第三十四条 市町村は、施設入所支援、共同生活援助その他の政令で定める障害福祉サービス（以下この項において「特定入所等サービス」という。）に係る支給決定を受けた障害者のうち所得の状況その他の事情をしん酌して厚生労働省令で定めるもの

（以下この項及び次条第一項において「特定障害者」という。）が、支給決定の有効期間内において、指定障害者支援施設若しくはのぞみの園（以下「指定障害者支援施設等」という。）に入所し、又は共同生活援助を行う住居に入居して、当該指定障害者支援施設等又は指定障害福祉サービス事業者から特定入所等サービスを受けたときは、当該特定障害者に対し、当該指定障害者支援施設等又は共同生活援助を行う住居における食事の提供に要した費用又は居住に要した費用（同項において「特定入所等費用」という。）について、政令で定めるところにより、特定障害者特別給付費を支給する。

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 第二十九条第二項及び第四項から第七項までの規定は、特定障害者特別給付費の支給について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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 前二項に定めるもののほか、特定障害者特別給付費の支給及び指定障害者支援施設等又は指定障害福祉サービス事業者の特定障害者特別給付費の請求に関し必要な事項は、厚生労働省令で定める。

(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.

(特例特定障害者特別給付費の支給)

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

第三十五条 市町村は、次に掲げる場合において、必要があると認めるときは、特定障害者に対し、当該指定障害者支援施設等若しくは基準該当施設又は共同生活援助を行う住居における特定入所等費用について、政令で定めるところにより、特例特定障害者特別給付費を支給することができる。

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:

一 特定障害者が、第二十条第一項の申請をした日から当該支給決定の効力が生じた日の前日までの間に、緊急その他やむを得ない理由により指定障害福祉サービス等を受けたとき。

(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

二 特定障害者が、基準該当障害福祉サービスを受けたとき。

(ii) if specified persons with disabilities receive appropriate welfare services for persons with disabilities.

2 前項に定めるもののほか、特例特定障害者特別給付費の支給に関し必要な事項は、

厚生労働省令で定める。

- (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.

**第五款 指定障害福祉サービス事業者及び指定障害者支援施設等**  
**Subsection 5 Designated Providers of Welfare Service for Persons with Disabilities and Designated Support Facilities, etc. for Persons with Disabilities**

(指定障害福祉サービス事業者の指定)

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

第三十六条 第二十九条第一項の指定障害福祉サービス事業者の指定は、厚生労働省令で定めるところにより、障害福祉サービス事業を行う者の申請により、障害福祉サービスの種類及び障害福祉サービス事業を行う事業所（以下この款において「サービス事業所」という。）ごとに行う。

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 就労継続支援その他の厚生労働省令で定める障害福祉サービス（以下この条及び次条第一項において「特定障害福祉サービス」という。）に係る第二十九条第一項の指定障害福祉サービス事業者の指定は、当該特定障害福祉サービスの量を定めてするものとする。

(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 都道府県知事は、第一項の申請があった場合において、次の各号（療養介護に係る指定の申請にあつては、第七号を除く。）のいずれかに該当するときは、指定障害福祉サービス事業者の指定をしてはならない。

(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):

一 申請者が都道府県の条例で定める者でないとき。

(i) the applicant is not a person specified by Prefectural Ordinance;

二 当該申請に係るサービス事業所の従業者の知識及び技能並びに人員が、第四十三条第一項の都道府県の条例で定める基準を満たしていないとき。

(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);

三 申請者が、第四十三条第二項の都道府県の条例で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従って適正な障害福祉サービス事業の運営をすることができないと認められるとき。

(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);

四 申請者が、禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(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;

五 申請者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるものの規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(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;

五の二 申請者が、労働に関する法律の規定であつて政令で定めるものにより罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(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;

六 申請者が、第五十条第一項（同条第三項において準用する場合を含む。以下この項において同じ。）、「第五十一条の二十九第一項若しくは第二項又は第七十六条の三第六項の規定により指定を取り消され、その取消しの日から起算して五年を経過

しない者（当該指定を取り消された者が法人である場合においては、当該取消しの処分に係る行政手続法（平成五年法律第八十八号）第十五条の規定による通知があった日前六十日以内に当該法人の役員又はそのサービス事業所を管理する者その他の政令で定める使用人（以下「役員等」という。）であった者で当該取消しの日から起算して五年を経過しないものを含み、当該指定を取り消された者が法人でない場合においては、当該通知があった日前六十日以内に当該者の管理者であった者で当該取消しの日から起算して五年を経過しないものを含む。）であるとき。ただし、当該指定の取消しが、指定障害福祉サービス事業者の指定の取消しのうち当該指定の取消しの処分の理由となった事実及び当該事実の発生を防止するための当該指定障害福祉サービス事業者による業務管理体制の整備についての取組の状況その他の当該事実に関して当該指定障害福祉サービス事業者が有していた責任の程度を考慮して、この号本文に規定する指定の取消しに該当しないこととすることが相当であると認められるものとして厚生労働省令で定めるものに該当する場合を除く。

(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;

七 申請者と密接な関係を有する者（申請者（法人に限る。以下この号において同じ。）の株式の所有その他の事由を通じて当該申請者の事業を実質的に支配し、若しくはその事業に重要な影響を与える関係にある者として厚生労働省令で定めるもの（以下この号において「申請者の親会社等」という。）、申請者の親会社等が株式の所有その他の事由を通じてその事業を実質的に支配し、若しくはその事業に重

要な影響を与える関係にある者として厚生労働省令で定めるもの又は当該申請者が株式の所有その他の事由を通じてその事業を実質的に支配し、若しくはその事業に重要な影響を与える関係にある者として厚生労働省令で定めるもののうち、当該申請者と厚生労働省令で定める密接な関係を有する法人をいう。)が、第五十条第一項、第五十一条の二十九第一項若しくは第二項又は第七十六条の三第六項の規定により指定を取り消され、その取消の日から起算して五年を経過していないとき。ただし、当該指定の取消しが、指定障害福祉サービス事業者の指定の取消しのうち当該指定の取消しの処分の理由となった事実及び当該事実の発生を防止するための当該指定障害福祉サービス事業者による業務管理体制の整備についての取組の状況その他の当該事実に関して当該指定障害福祉サービス事業者が有していた責任の程度を考慮して、この号本文に規定する指定の取消しに該当しないこととすることが相当であると認められるものとして厚生労働省令で定めるものに該当する場合を除く。

(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;

八 申請者が、第五十条第一項、第五十一条の二十九第一項若しくは第二項又は第七

十六条の三第六項の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第四十六条第二項又は第五十一条の二十五第二項若しくは第四項の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(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;

九 申請者が、第四十八条第一項（同条第三項において準用する場合を含む。）又は第五十一条の二十七第一項若しくは第二項の規定による検査が行われた日から聴聞決定予定日（当該検査の結果に基づき第五十条第一項又は第五十一条の二十九第一項若しくは第二項の規定による指定の取消しの処分に係る聴聞を行うか否かの決定をすることが見込まれる日として厚生労働省令で定めるところにより都道府県知事が当該申請者に当該検査が行われた日から十日以内に特定の日を通知した場合における当該特定の日をいう。）までの間に第四十六条第二項又は第五十一条の二十五第二項若しくは第四項の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(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;

十 第八号に規定する期間内に第四十六条第二項又は第五十一条の二十五第二項若し

くは第四項の規定による事業の廃止の届出があった場合において、申請者が、同号の通知の日前六十日以内に当該届出に係る法人（当該事業の廃止について相当の理由がある法人を除く。）の役員等又は当該届出に係る法人でない者（当該事業の廃止について相当の理由がある者を除く。）の管理者であった者で、当該届出の日から起算して五年を経過しないものであるとき。

(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;

十一 申請者が、指定の申請前五年以内に障害福祉サービスに関し不正又は著しく不当な行為をした者であるとき。

(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;

十二 申請者が、法人で、その役員等のうちに第四号から第六号まで又は第八号から前号までのいずれかに該当する者のあるものであるとき。

(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

十三 申請者が、法人でない者で、その管理者が第四号から第六号まで又は第八号から第十一号までのいずれかに該当する者であるとき。

(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 都道府県が前項第一号の条例を定めるに当たっては、厚生労働省令で定める基準に従い定めるものとする。

(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 都道府県知事は、特定障害福祉サービスにつき第一項の申請があった場合において、当該都道府県又は当該申請に係るサービス事業所の所在地を含む区域（第八十九条第二項第二号の規定により都道府県が定める区域をいう。）における当該申請に係る種類ごとの指定障害福祉サービスの量が、同条第一項の規定により当該都道府県が定める都道府県障害福祉計画において定める当該都道府県若しくは当該区域の当該指定障害福祉サービスの必要な量に既に達しているか、又は当該申請に係る事業者の指定によってこれを超えることになると認めるとき、その他の当該都道府県障害福祉計画の達成に支障を生ずるおそれがあると認めるときは、第二十九条第一項の指定をしない

ことができる。

- (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.

(指定障害福祉サービス事業者の指定の変更)

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

第三十七条 指定障害福祉サービス事業者は、第二十九条第一項の指定に係る特定障害福祉サービスの量を増加しようとするときは、厚生労働省令で定めるところにより、同項の指定の変更を申請することができる。

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 前条第三項から第五項までの規定は、前項の指定の変更の申請があった場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(指定障害者支援施設の指定)

(Designation as Designated Support Facilities for Persons with Disabilities)

第三十八条 第二十九条第一項の指定障害者支援施設の指定は、厚生労働省令で定めるところにより、障害者支援施設の設置者の申請により、施設障害福祉サービスの種類及び当該障害者支援施設の入所定員を定めて、行う。

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 都道府県知事は、前項の申請があった場合において、当該都道府県における当該申請に係る指定障害者支援施設の入所定員の総数が、第八十九条第一項の規定により当該都道府県が定める都道府県障害福祉計画において定める当該都道府県の当該指定障害者支援施設の必要入所定員総数に既に達しているか、又は当該申請に係る施設の指定によってこれを超えることになることを認めるとき、その他の当該都道府県障害福祉計画の達成に支障を生ずるおそれがあると認めるときは、第二十九条第一項の指定をしないことができる。

(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 第三十六条第三項及び第四項の規定は、第二十九条第一項の指定障害者支援施設の指定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(指定障害者支援施設の指定の変更)

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

第三十九条 指定障害者支援施設の設置者は、第二十九条第一項の指定に係る施設障害福祉サービスの種類を変更しようとするとき、又は当該指定に係る入所定員を増加しようとするときは、厚生労働省令で定めるところにより、同項の指定の変更を申請することができる。

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 前条第二項及び第三項の規定は、前項の指定の変更の申請があった場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

#### 第四十条 削除

#### Article 40 Deleted

(指定の更新)

#### (Renewal of Designation)

第四十一条 第二十九条第一項の指定障害福祉サービス事業者及び指定障害者支援施設の指定は、六年ごとにそれらの更新を受けなければ、その期間の経過によって、それらの効力を失う。

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 前項の更新の申請があった場合において、同項の期間（以下この条において「指定の有効期間」という。）の満了の日までにその申請に対する処分がされないときは、従前の指定は、指定の有効期間の満了後もその処分がされるまでの間は、なおその効力を有する。

(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 前項の場合において、指定の更新がされたときは、その指定の有効期間は、従前の指定の有効期間の満了の日の翌日から起算するものとする。

(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 第三十六条及び第三十八条の規定は、第一項の指定の更新について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(共生型障害福祉サービス事業者の特例)

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

第四十一条の二 居宅介護、生活介護その他厚生労働省令で定める障害福祉サービスに係るサービス事業所について、児童福祉法第二十一条の五の三第一項の指定（当該サービス事業所により行われる障害福祉サービスの種類に応じて厚生労働省令で定める種類の同法第六条の二の二第一項に規定する障害児通所支援に係るものに限る。）又は介護保険法第四十一条第一項本文の指定（当該サービス事業所により行われる障害福祉サービスの種類に応じて厚生労働省令で定める種類の同法第八条第一項に規定する居宅サービスに係るものに限る。）、同法第四十二条の二第一項本文の指定（当該サービス事業所により行われる障害福祉サービスの種類に応じて厚生労働省令で定める種類の同法第八条第十四項に規定する地域密着型サービスに係るものに限る。）、同法第五十三条第一項本文の指定（当該サービス事業所により行われる障害福祉サービスの種類に応じて厚生労働省令で定める種類の同法第八条の二第一項に規定する介護予防サービスに係るものに限る。）若しくは同法第五十四条の二第一項本文の指定（当該サービス事業所により行われる障害福祉サービスの種類に応じて厚生労働省令で定める種類の同法第八条の二第十二項に規定する地域密着型介護予防サービスに係るものに限る。）を受けている者から当該サービス事業所に係る第三十六条第一項（前条第四項において準用する場合を含む。）の申請があった場合において、次の各号のいずれにも該当するときにおける第三十六条第三項（前条第四項において準用する場合を含む。以下この項において同じ。）の規定の適用については、第三十六条第三項第二号中「第四十三条第一項の」とあるのは「第四十一条の二第一項第一号の指定障害福祉サービスに従事する従業者に係る」と、同項第三号中「第四十三条第二項」とあるのは「第四十一条の二第一項第二号」とする。ただし、申請者が、厚生労働省令で定めるところにより、別段の申出をしたときは、この限りでない。

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:

一 当該申請に係るサービス事業所の従業者の知識及び技能並びに人員が、指定障害福祉サービスに従事する従業者に係る都道府県の条例で定める基準を満たしていること。

(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

二 申請者が、都道府県の条例で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従って適正な障害福祉サービス事業の運営をすることができると認

められること。

(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 都道府県が前項各号の条例を定めるに当たっては、第一号から第三号までに掲げる事項については厚生労働省令で定める基準に従い定めるものとし、第四号に掲げる事項については厚生労働省令で定める基準を標準として定めるものとし、その他の事項については厚生労働省令で定める基準を参酌するものとする。

(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:

一 指定障害福祉サービスに従事する従業者及びその員数

(i) the employees engaged in the designated welfare service for persons with disabilities and their number;

二 指定障害福祉サービスの事業に係る居室の床面積

(ii) the floor area of the living quarters relevant to the business of providing the designated welfare service for persons with disabilities;

三 指定障害福祉サービスの事業の運営に関する事項であって、障害者又は障害児の保護者のサービスの適切な利用の確保、障害者等の適切な処遇及び安全の確保並びに秘密の保持等に密接に関連するものとして厚生労働省令で定めるもの

(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

四 指定障害福祉サービスの事業に係る利用定員

(iv) the limit on the number of users of the business of providing the designated welfare service for persons with disabilities.

3 第一項の場合において、同項に規定する者が同項の申請に係る第二十九条第一項の指定を受けたときは、その者に対しては、第四十三条第三項の規定は適用せず、次の表の上欄に掲げる規定の適用については、これらの規定中同表の中欄に掲げる字句は、それぞれ同表の下欄に掲げる字句とする。

(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.

第二十九条第六項 Article 29, paragraph (6)	第四十三条第二項 Article 43, paragraph (2)	第四十一条の二第一項第二号 Article 41-2, paragraph (1), item (ii)
第四十三条第一項 Article 43, paragraph (1)	都道府県 prefectures	第四十一条の二第一項第一号の指定障害福祉サービスに従事する従業者に係る都道府県 prefectures relevant to employees engaged in designated welfare service for persons with disabilities prescribed in Article 41-2, paragraph (1), item (i)
第四十三条第二項 Article 43, paragraph (2)	指定障害福祉サービスの事業 business of providing designated welfare service for persons with disabilities	第四十一条の二第一項第二号の指定障害福祉サービスの事業 business of providing designated welfare service for persons with disabilities prescribed in Article 41-2, paragraph (1), item (i)
第四十九条第一項第一号 Article 49, paragraph (1), item (i)	第四十三条第一項の Article 43, paragraph (1)	第四十一条の二第一項第一号の指定障害福祉サービスに従事する従業者に係る relevant to employees engaged in designated welfare service for persons with disabilities prescribed in Article 41-2, paragraph (1), item (i)
第四十九条第一項第二号 Article 49, paragraph (1), item (ii)	第四十三条第二項 Article 43, paragraph (2)	第四十一条の二第一項第二号 Article 41-2, paragraph (1), item (ii)

第五十条第一項第三号 Article 50, paragraph (1), item (iii)	第四十三条第一項の Article 43, paragraph (1)	第四十一条の二第一項第一 号の指定障害福祉サービ スに従事する従業者に係 る relevant to employees engaged in designated welfare service for persons with disabilities prescribed in Article 41- 2, paragraph (1)
第五十条第一項第四号 Article 50, paragraph (1), item (iv)	第四十三条第二項の Article 43, paragraph (2)	第四十一条の二第一項第二 号 Article 41-2, paragraph (1), item (ii)

4 第一項に規定する者であつて、同項の申請に係る第二十九条第一項の指定を受けたものから、次の各号のいずれかの届出があつたときは、当該指定に係る指定障害福祉サービスの事業について、第四十六条第二項の規定による事業の廃止又は休止の届出があつたものとみなす。

(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:

一 児童福祉法第二十一条の五の三第一項に規定する指定通所支援の事業（当該指定に係るサービス事業所において行うものに限る。）に係る同法第二十一条の五の二十四第四項の規定による事業の廃止又は休止の届出

(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);

二 介護保険法第四十一条第一項に規定する指定居宅サービスの事業（当該指定に係るサービス事業所において行うものに限る。）に係る同法第七十五条第二項の規定による事業の廃止又は休止の届出

(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

三 介護保険法第五十三条第一項に規定する指定介護予防サービスの事業（当該指定に係るサービス事業所において行うものに限る。）に係る同法第百十五条の五第二項の規定による事業の廃止又は休止の届出

(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 第一項に規定する者であつて、同項の申請に係る第二十九条第一項の指定を受けたものは、介護保険法第四十二条の二第一項に規定する指定地域密着型サービスの事業（当該指定に係るサービス事業所において行うものに限る。）又は同法第五十四条の二第一項に規定する指定地域密着型介護予防サービスの事業（当該指定に係るサービス事業所において行うものに限る。）を廃止し、又は休止しようとするときは、厚生労働省令で定めるところにより、その廃止又は休止の日の一月前までに、その旨を当該指定を行った都道府県知事に届け出なければならない。この場合において、当該届出があつたときは、当該指定に係る指定障害福祉サービスの事業について、第四十六条第二項の規定による事業の廃止又は休止の届出があつたものとみなす。

(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.

(指定障害福祉サービス事業者及び指定障害者支援施設等の設置者の責務)

(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)

第四十二条 指定障害福祉サービス事業者及び指定障害者支援施設等の設置者（以下「指定事業者等」という。）は、障害者等が自立した日常生活又は社会生活を営むことができるよう、障害者等の意思決定の支援に配慮するとともに、市町村、公共職業安定所その他の職業リハビリテーションの措置を実施する機関、教育機関その他の関係機関との緊密な連携を図りつつ、障害福祉サービスを当該障害者等の意向、適性、障害の特性その他の事情に応じ、常に障害者等の立場に立って効果的に行うように努めなければならない。

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 指定事業者等は、その提供する障害福祉サービスの質の評価を行うことその他の措置を講ずることにより、障害福祉サービスの質の向上に努めなければならない。

(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 指定事業者等は、障害者等の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、障害者等のため忠実にその職務を遂行しなければならない。

(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.

(指定障害福祉サービスの事業の基準)

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

第四十三条 指定障害福祉サービス事業者は、当該指定に係るサービス事業所ごとに、都道府県の条例で定める基準に従い、当該指定障害福祉サービスに従事する従業者を有しなければならない。

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 指定障害福祉サービス事業者は、都道府県の条例で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従い、指定障害福祉サービスを提供しなければならない。

(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 都道府県が前二項の条例を定めるに当たっては、第一号から第三号までに掲げる事項については厚生労働省令で定める基準に従い定めるものとし、第四号に掲げる事項については厚生労働省令で定める基準を標準として定めるものとし、その他の事項については厚生労働省令で定める基準を参酌するものとする。

(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:

一 指定障害福祉サービスに従事する従業者及びその員数

(i) the employees engaged in the designated welfare services for persons with disabilities and their number;

二 指定障害福祉サービスの事業に係る居室及び病室の床面積

(ii) the floor area of the living quarters relevant to the designated welfare services for persons with disabilities;

三 指定障害福祉サービスの事業の運営に関する事項であって、障害者又は障害児の保護者のサービスの適切な利用の確保、障害者等の適切な処遇及び安全の確保並びに秘密の保持等に密接に関連するものとして厚生労働省令で定めるもの

(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

四 指定障害福祉サービスの事業に係る利用定員

(iv) the limit on the number of users of the business of providing the designated welfare service for persons with disabilities.

4 指定障害福祉サービス事業者は、第四十六条第二項の規定による事業の廃止又は休止の届出をしたときは、当該届出の日前一月以内に当該指定障害福祉サービスを受けていた者であって、当該事業の廃止又は休止の日以後においても引き続き当該指定障害福祉サービスに相当するサービスの提供を希望する者に対し、必要な障害福祉サービスが継続的に提供されるよう、他の指定障害福祉サービス事業者その他関係者との連絡調整その他の便宜の提供を行わなければならない。

(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.

(指定障害者支援施設等の基準)

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

第四十四条 指定障害者支援施設等の設置者は、都道府県の条例で定める基準に従い、施設障害福祉サービスに従事する従業者を有しなければならない。

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 指定障害者支援施設等の設置者は、都道府県の条例で定める指定障害者支援施設等の設備及び運営に関する基準に従い、施設障害福祉サービスを提供しなければならない。

(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 都道府県が前二項の条例を定めるに当たっては、次に掲げる事項については厚生労働省令で定める基準に従い定めるものとし、その他の事項については厚生労働省令で定める基準を参酌するものとする。

(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:

一 施設障害福祉サービスに従事する従業者及びその員数

(i) employees engaged in the in-facility welfare service and their number;

二 指定障害者支援施設等に係る居室の床面積

(ii) the floor area of the living quarters relevant to the designated support facility, etc. for persons with disabilities; or

三 指定障害者支援施設等の運営に関する事項であつて、障害者のサービスの適切な利用、適切な処遇及び安全の確保並びに秘密の保持に密接に関連するものとして厚生労働省令で定めるもの

(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 指定障害者支援施設の設置者は、第四十七条の規定による指定の辞退をするときは、同条に規定する予告期間の開始日の前日に当該施設障害福祉サービスを受けていた者であって、当該指定の辞退の日以後においても引き続き当該施設障害福祉サービスに相当するサービスの提供を希望する者に対し、必要な施設障害福祉サービスが継続的に提供されるよう、他の指定障害者支援施設等の設置者その他関係者との連絡調整その他の便宜の提供を行わなければならない。

(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.

第四十五条 削除

Article 45 Deleted

第四十六条 指定障害福祉サービス事業者は、当該指定に係るサービス事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は休止した当該指定障害福祉サービスの事業を再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

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 指定障害福祉サービス事業者は、当該指定障害福祉サービスの事業を廃止し、又は休止しようとするときは、厚生労働省令で定めるところにより、その廃止又は休止の日の一月前までに、その旨を都道府県知事に届け出なければならない。

(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 指定障害者支援施設の設置者は、設置者の住所その他の厚生労働省令で定める事項に変更があったときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

(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.

(指定の辞退)

(Declining a Designation)

第四十七条 指定障害者支援施設は、三月以上の予告期間を設けて、その指定を辞退することができる。

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

(都道府県知事等による連絡調整又は援助)

(Coordination or Assistance by the Prefectural Governor)

第四十七条の二 都道府県知事又は市町村長は、第四十三条第四項又は第四十四条第四項に規定する便宜の提供が円滑に行われるため必要があると認めるときは、当該指定障害福祉サービス事業者、指定障害者支援施設の設置者その他の関係者相互間の連絡調整又は当該指定障害福祉サービス事業者、指定障害者支援施設の設置者その他の関係者に対する助言その他の援助を行うことができる。

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 厚生労働大臣は、同一の指定障害福祉サービス事業者又は指定障害者支援施設の設置者について二以上の都道府県知事が前項の規定による連絡調整又は援助を行う場合において、第四十三条第四項又は第四十四条第四項に規定する便宜の提供が円滑に行われるため必要があると認めるときは、当該都道府県知事相互間の連絡調整又は当該指定障害福祉サービス事業者若しくは指定障害者支援施設の設置者に対する都道府県の区域を超えた広域的な見地からの助言その他の援助を行うことができる。

(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.

第四十八条 都道府県知事又は市町村長は、必要があると認めるときは、指定障害福祉サービス事業者若しくは指定障害福祉サービス事業者であった者若しくは当該指定に係るサービス事業所の従業者であった者（以下この項において「指定障害福祉サービス事業者であった者等」という。）に対し、報告若しくは帳簿書類その他の物件の提出若しくは提示を命じ、指定障害福祉サービス事業者若しくは当該指定に係るサービス事業所の従業者若しくは指定障害福祉サービス事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定障害福祉サービス事業者の当該指定に係るサービス事業所、事務所その他当該指定障害福祉サービスの事業に関係のある場所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

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 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(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.

(勧告、命令等)

(Recommendations and Orders)

第四十九条 都道府県知事は、指定障害福祉サービス事業者が、次の各号に掲げる場合に該当すると認めるときは、当該指定障害福祉サービス事業者に対し、期限を定めて、当該各号に定める措置をとるべきことを勧告することができる。

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:

一 当該指定に係るサービス事業所の従業者の知識若しくは技能又は人員について第四十三条第一項の都道府県の条例で定める基準に適合していない場合 当該基準を遵守すること。

(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;

二 第四十三条第二項の都道府県の条例で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従って適正な指定障害福祉サービスの事業の運営をしていない場合 当該基準を遵守すること。

(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

三 第四十三条第四項に規定する便宜の提供を適正に行っていない場合 当該便宜の提供を適正に行うこと。

(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 都道府県知事は、指定障害者支援施設等の設置者が、次の各号（のぞみの園の設置者にあつては、第三号を除く。以下この項において同じ。）に掲げる場合に該当すると認めるときは、当該指定障害者支援施設等の設置者に対し、期限を定めて、当該各号に定める措置をとるべきことを勧告することができる。

(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:

一 指定障害者支援施設等の従業者の知識若しくは技能又は人員について第四十四条第一項の都道府県の条例で定める基準に適合していない場合 当該基準を遵守する

こと。

(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;

二 第四十四条第二項の都道府県の条例で定める指定障害者支援施設等の設備及び運営に関する基準に従って適正な施設障害福祉サービスの事業の運営をしていない場合 当該基準を遵守すること。

(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

三 第四十四条第四項に規定する便宜の提供を適正に行っていない場合 当該便宜の提供を適正に行うこと。

(iii) if the services prescribed in Article 44, paragraph (4) are not provided in an appropriate manner: to provide those services appropriately.

3 都道府県知事は、前二項の規定による勧告をした場合において、その勧告を受けた指定事業者等が、前二項の期限内にこれに従わなかったときは、その旨を公表することができる。

(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 都道府県知事は、第一項又は第二項の規定による勧告を受けた指定事業者等が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定事業者等に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(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 都道府県知事は、前項の規定による命令をしたときは、その旨を公示しなければならない。

(5) If a prefectural governor has ordered under the preceding paragraph, the prefectural governor must make a public announcement to the effect.

6 市町村は、介護給付費、訓練等給付費又は特定障害者特別給付費の支給に係る指定障害福祉サービス等を行った指定事業者等について、第一項各号又は第二項各号（のぞみの園の設置者にあつては、第三号を除く。）に掲げる場合のいずれかに該当すると認めるときは、その旨を当該指定に係るサービス事業所又は施設の所在地の都道府県知事に通知しなければならない。

(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 for service or the facilities relevant to the designation are located.

(指定の取消し等)

**(Rescission of Designation)**

第五十条 都道府県知事は、次の各号のいずれかに該当する場合には、当該指定障害福祉サービス事業者に係る第二十九条第一項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

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:

一 指定障害福祉サービス事業者が、第三十六条第三項第四号から第五号の二まで、第十二号又は第十三号のいずれかに該当するに至ったとき。

(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);

二 指定障害福祉サービス事業者が、第四十二条第三項の規定に違反したと認められるとき。

(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);

三 指定障害福祉サービス事業者が、当該指定に係るサービス事業所の従業員の知識若しくは技能又は人員について、第四十三条第一項の都道府県の条例で定める基準を満たすことができなくなったとき。

(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;

四 指定障害福祉サービス事業者が、第四十三条第二項の都道府県の条例で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従って適正な指定障害福祉サービスの事業の運営をすることができなくなったとき。

(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);

五 介護給付費若しくは訓練等給付費又は療養介護医療費の請求に関し不正があったとき。

(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;

六 指定障害福祉サービス事業者が、第四十八条第一項の規定により報告又は帳簿書類その他の物件の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(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;

七 指定障害福祉サービス事業者又は当該指定に係るサービス事業所の従業者が、第四十八条第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係るサービス事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定障害福祉サービス事業者が相当の注意及び監督を尽くしたときを除く。

(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;

八 指定障害福祉サービス事業者が、不正の手段により第二十九条第一項の指定を受けたとき。

(viii) if the designated provider of welfare service for persons with disabilities has obtained the designation in Article 29, paragraph (1) by fraudulent means;

九 前各号に掲げる場合のほか、指定障害福祉サービス事業者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分に違反したとき。

(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;

十 前各号に掲げる場合のほか、指定障害福祉サービス事業者が、障害福祉サービスに関し不正又は著しく不当な行為をしたとき。

(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;

1 1 指定障害福祉サービス事業者が法人である場合において、その役員等のうちに指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に障害福祉サービスに関し不正又は著しく不当な行為をした者があるとき。

(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

十二 指定障害福祉サービス事業者が法人でない場合において、その管理者が指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に障害福祉サービスに関し不正又は著しく不当な行為をした者であるとき。

(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, if that provider is not a corporation.

2 市町村は、自立支援給付に係る指定障害福祉サービスを行った指定障害福祉サービス事業者について、前項各号のいずれかに該当すると認めるときは、その旨を当該指定に係るサービス事業所の所在地の都道府県知事に通知しなければならない。

(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 前二項の規定は、指定障害者支援施設について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(公示)

(Public Notices)

第五十一条 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

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

一 第二十九条第一項の指定障害福祉サービス事業者又は指定障害者支援施設の指定をしたとき。

(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);

二 第四十六条第二項の規定による事業の廃止の届出があったとき。

(ii) receiving notification of the termination of the business under Article 46, paragraph (2);

三 第四十七条の規定による指定障害者支援施設の指定の辞退があったとき。

(iii) receiving the decline of the designation as a designated support facility for persons with disabilities under Article 47; or

四 前条第一項（同条第三項において準用する場合を含む。）又は第七十六条の三第六項の規定により指定障害福祉サービス事業者又は指定障害者支援施設の指定を取り消したとき。

(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).

#### 第六款 業務管理体制の整備等

#### Subsection 6 Establishment of Management Systems

(業務管理体制の整備等)

(Establishment of Management Systems)

第五十一条の二 指定事業者等は、第四十二条第三項に規定する義務の履行が確保されるよう、厚生労働省令で定める基準に従い、業務管理体制を整備しなければならない。

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 指定事業者等は、次の各号に掲げる区分に応じ、当該各号に定める者に対し、厚生労働省令で定めるところにより、業務管理体制の整備に関する事項を届け出なければならない。

(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:

一 次号から第四号までに掲げる指定事業者等以外の指定事業者等 都道府県知事

(i) a designated provider, etc. other those set forth in the following item through item (iv): the prefectural governor;

二 当該指定に係る事業所又は施設が一の地方自治法第二百五十二条の十九第一項の指定都市（以下「指定都市」という。）の区域に所在する指定事業者等 指定都市の長

(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;

三 当該指定に係る事業所又は施設が一の地方自治法第二百五十二条の二十二第一項の中核市（以下「中核市」という。）の区域に所在する指定事業者等 中核市の長

(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

四 当該指定に係る事業所若しくは施設が二以上の都道府県の区域に所在する指定事業者等（のぞみの園の設置者を除く。第四項、次条第二項及び第三項並びに第五十一条の四第五項において同じ。）又はのぞみの園の設置者 厚生労働大臣

(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 前項の規定により届出をした指定事業者等は、その届け出た事項に変更があったときは、厚生労働省令で定めるところにより、遅滞なく、その旨を当該届出をした厚生労働大臣、都道府県知事又は指定都市若しくは中核市の長（以下この款において「厚生労働大臣等」という。）に届け出なければならない。

(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 第二項の規定による届出をした指定事業者等は、同項各号に掲げる区分の変更により、同項の規定により当該届出をした厚生労働大臣等以外の厚生労働大臣等に届出を行うときは、厚生労働省令で定めるところにより、その旨を当該届出をした厚生労働

大臣等にも届け出なければならない。

(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 厚生労働大臣等は、前三項の規定による届出が適正になされるよう、相互に密接な連携を図るものとする。

(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.

(報告等)

(Reports)

第五十一条の三 前条第二項の規定による届出を受けた厚生労働大臣等は、当該届出をした指定事業者等（同条第四項の規定による届出を受けた厚生労働大臣等にあつては、同項の規定による届出をした指定事業者等を除く。）における同条第一項の規定による業務管理体制の整備に関して必要があると認めるときは、当該指定事業者等に対し、報告若しくは帳簿書類その他の物件の提出若しくは提示を命じ、当該指定事業者等若しくは当該指定事業者等の従業者に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定事業者等の当該指定に係る事業所若しくは施設、事務所その他の指定障害福祉サービス等の提供に関係のある場所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

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 厚生労働大臣又は指定都市若しくは中核市の長が前項の権限を行うときは、当該指定事業者等に係る指定を行った都道府県知事（次条第五項において「関係都道府県知

事」という。)と密接な連携の下に行うものとする。

- (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 都道府県知事は、その行った又はその行おうとする指定に係る指定事業者等における前条第一項の規定による業務管理体制の整備に関して必要があると認めるときは、厚生労働大臣又は指定都市若しくは中核市の長に対し、第一項の権限を行うよう求めることができる。
- (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 厚生労働大臣又は指定都市若しくは中核市の長は、前項の規定による都道府県知事の求めに応じて第一項の権限を行ったときは、厚生労働省令で定めるところにより、その結果を当該権限を行うよう求めた都道府県知事に通知しなければならない。
- (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 第九条第二項の規定は第一項の規定による質問又は検査について、同条第三項の規定は第一項の規定による権限について準用する。
- (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.

(勧告、命令等)

(Recommendations and Orders)

第五十一条の四 第五十一条の二第二項の規定による届出を受けた厚生労働大臣等は、当該届出をした指定事業者等（同条第四項の規定による届出を受けた厚生労働大臣等にあつては、同項の規定による届出をした指定事業者等を除く。）が、同条第一項の厚生労働省令で定める基準に従って適正な業務管理体制の整備をしていないと認めるときは、当該指定事業者等に対し、期限を定めて、当該厚生労働省令で定める基準に従って適正な業務管理体制を整備すべきことを勧告することができる。

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 厚生労働大臣等は、前項の規定による勧告をした場合において、その勧告を受けた指定事業者等が、同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(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 厚生労働大臣等は、第一項の規定による勧告を受けた指定事業者等が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定事業者等に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(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 厚生労働大臣等は、前項の規定による命令をしたときは、その旨を公示しなければならない。

(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 厚生労働大臣又は指定都市若しくは中核市の長は、指定事業者等が第三項の規定による命令に違反したときは、厚生労働省令で定めるところにより、当該違反の内容を関係都道府県知事に通知しなければならない。

(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.

### 第三節 地域相談支援給付費、特例地域相談支援給付費、計画相談支援給付費及び特例計画相談支援給付費の支給

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

**Support Benefits, and Special Planning Consultation Support Benefits**  
**第一款 地域相談支援給付費及び特例地域相談支援給付費の支給**  
**Subsection 1 Payment of Community Consultation Support Benefits**  
**and Special Community Consultation Support Benefits**

(地域相談支援給付費等の相談支援給付決定)

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

第五十一条の五 地域相談支援給付費又は特例地域相談支援給付費（以下「地域相談支援給付費等」という。）の支給を受けようとする障害者は、市町村の地域相談支援給付費等を支給する旨の決定（以下「地域相談支援給付決定」という。）を受けなければならない。

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 第十九条（第一項を除く。）の規定は、地域相談支援給付決定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(申請)

(Application)

第五十一条の六 地域相談支援給付決定を受けようとする障害者は、厚生労働省令で定めるところにより、市町村に申請しなければならない。

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 第二十条（第一項を除く。）の規定は、前項の申請について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(給付要否決定等)

(Decision on Determining the Necessity of Granting Benefits)

第五十一条の七 市町村は、前条第一項の申請があったときは、当該申請に係る障害者

の心身の状態、当該障害者の地域相談支援の利用に関する意向その他の厚生労働省令で定める事項を勘案して地域相談支援給付費等の支給の要否の決定（以下この条及び第五十一条の十二において「給付要否決定」という。）を行うものとする。

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 市町村は、給付要否決定を行うに当たって必要があると認めるときは、厚生労働省令で定めるところにより、市町村審査会、身体障害者更生相談所等その他厚生労働省令で定める機関の意見を聴くことができる。

(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 市町村審査会、身体障害者更生相談所等又は前項の厚生労働省令で定める機関は、同項の意見を述べるに当たって必要があると認めるときは、当該給付要否決定に係る障害者、その家族、医師その他の関係者の意見を聴くことができる。

(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 市町村は、給付要否決定を行うに当たって必要と認められる場合として厚生労働省令で定める場合には、厚生労働省令で定めるところにより、前条第一項の申請に係る障害者に対し、第五十一条の十七第一項第一号に規定する指定特定相談支援事業者が作成するサービス等利用計画案の提出を求めるものとする。

(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 前項の規定によりサービス等利用計画案の提出を求められた障害者は、厚生労働省令で定める場合には、同項のサービス等利用計画案に代えて厚生労働省令で定めるサービス等利用計画案を提出することができる。

(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 市町村は、前二項のサービス等利用計画案の提出があった場合には、第一項の厚生労働省令で定める事項及び当該サービス等利用計画案を勘案して給付要否決定を行うものとする。

(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 市町村は、地域相談支援給付決定を行う場合には、地域相談支援の種類ごとに月を単位として厚生労働省令で定める期間において地域相談支援給付費等を支給する地域相談支援の量（以下「地域相談支援給付量」という。）を定めなければならない。

(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 市町村は、地域相談支援給付決定を行ったときは、当該地域相談支援給付決定障害者に対し、厚生労働省令で定めるところにより、地域相談支援給付量その他の厚生労働省令で定める事項を記載した地域相談支援受給者証（以下「地域相談支援受給者証」という。）を交付しなければならない。

(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.

(地域相談支援給付決定の有効期間)

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

第五十一条の八 地域相談支援給付決定は、厚生労働省令で定める期間（以下「地域相談支援給付決定の有効期間」という。）内に限り、その効力を有する。

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").

(地域相談支援給付決定の変更)

(Changes in Approval of Community Consultation Support Benefits)

第五十一条の九 地域相談支援給付決定障害者は、現に受けている地域相談支援給付決定に係る地域相談支援の種類、地域相談支援給付量その他の厚生労働省令で定める事項を変更する必要があるときは、厚生労働省令で定めるところにより、市町村に対し、当該地域相談支援給付決定の変更の申請をすることができる。

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 市町村は、前項の申請又は職権により、第五十一条の七第一項の厚生労働省令で定める事項を勘案し、地域相談支援給付決定障害者につき、必要があると認めるときは、地域相談支援給付決定の変更の決定を行うことができる。この場合において、市町村は、当該決定に係る地域相談支援給付決定障害者に対し地域相談支援助給者証の提出を求めるものとする。

(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 第十九条（第一項を除く。）、第二十条（第一項を除く。）及び第五十一条の七（第一項を除く。）の規定は、前項の地域相談支援給付決定の変更の決定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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 市町村は、第二項の地域相談支援給付決定の変更の決定を行った場合には、地域相談支援受給者証に当該決定に係る事項を記載し、これを返還するものとする。

(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.

(地域相談支援給付決定の取消し)

(Revocation of an Approval for Community Consultation Support Benefits)

第五十一条の十 地域相談支援給付決定を行った市町村は、次に掲げる場合には、当該地域相談支援給付決定を取り消すことができる。

Article 51-10 (1) The municipality issuing the approval for community

consultation support benefits may revoke that approval in the following cases:

一 地域相談支援給付決定に係る障害者が、第五十一条の十四第一項に規定する指定地域相談支援を受ける必要がなくなつたと認めるとき。

(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);

二 地域相談支援給付決定障害者が、地域相談支援給付決定の有効期間内に、当該市町村以外の市町村の区域内に居住地を有するに至つたと認めるとき（地域相談支援給付決定に係る障害者が特定施設に入所することにより当該市町村以外の市町村の区域内に居住地を有するに至つたと認めるときを除く。）。

(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);

三 地域相談支援給付決定に係る障害者が、正当な理由なしに第五十一条の六第二項及び前条第三項において準用する第二十条第二項の規定による調査に応じないとき。

(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

四 その他政令で定めるとき。

(iv) other cases specified by Cabinet Order.

2 前項の規定により地域相談支援給付決定の取消しを行った市町村は、厚生労働省令で定めるところにより、当該取消しに係る地域相談支援給付決定障害者に対し地域相談支援受給者証の返還を求めるものとする。

(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.

(都道府県による援助等)

(Assistance by the Prefectures)

第五十一条の十一 都道府県は、市町村の求めに応じ、市町村が行う第五十一条の五から第五十一条の七まで、第五十一条の九及び前条の規定による業務に関し、その設置する身体障害者更生相談所等による技術的事項についての協力その他市町村に対する必要な援助を行うものとする。

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.

(政令への委任)

(Entrustment to Cabinet Order)

第五十一条の十二 第五十一条の五から前条までに定めるもののほか、地域相談支援給付決定、給付要否決定、地域相談支援受給者証、地域相談支援給付決定の変更の決定及び地域相談支援給付決定の取消しに関し必要な事項は、政令で定める。

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.

(地域相談支援給付費及び特例地域相談支援給付費の支給)

(Payment of Community Consultation Support and Special Community

Consultation Support Benefits)

第五十一条の十三 地域相談支援給付費及び特例地域相談支援給付費の支給は、地域相談支援に関して次条及び第五十一条の十五の規定により支給する給付とする。

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.

(地域相談支援給付費)

(Payment for Community Consultation Support Benefits)

第五十一条の十四 市町村は、地域相談支援給付決定障害者が、地域相談支援給付決定の有効期間内において、都道府県知事が指定する一般相談支援事業を行う者（以下「指定一般相談支援事業者」という。）から当該指定に係る地域相談支援（以下「指定地域相談支援」という。）を受けたときは、厚生労働省令で定めるところにより、当該地域相談支援給付決定障害者に対し、当該指定地域相談支援（地域相談支援給付量の範囲内のものに限る。以下この条及び次条において同じ。）に要した費用について、地域相談支援給付費を支給する。

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 指定地域相談支援を受けようとする地域相談支援給付決定障害者は、厚生労働省令で定めるところにより、指定一般相談支援事業者に地域相談支援受給者証を提示して当該指定地域相談支援を受けるものとする。ただし、緊急の場合その他やむを得ない事由のある場合については、この限りでない。

(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 地域相談支援給付費の額は、指定地域相談支援の種類ごとに指定地域相談支援に通常要する費用につき、厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定地域相談支援に要した費用の額を超えるときは、当該現に指定地域相談支援に要した費用の額）とする。
- (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 地域相談支援給付決定障害者が指定一般相談支援事業者から指定地域相談支援を受けたときは、市町村は、当該地域相談支援給付決定障害者が当該指定一般相談支援事業者を支払うべき当該指定地域相談支援に要した費用について、地域相談支援給付費として当該地域相談支援給付決定障害者に支給すべき額の限度において、当該地域相談支援給付決定障害者に代わり、当該指定一般相談支援事業者を支払うことができる。
- (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 前項の規定による支払があったときは、地域相談支援給付決定障害者に対し地域相談支援給付費の支給があったものとみなす。
- (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 市町村は、指定一般相談支援事業者から地域相談支援給付費の請求があったときは、第三項の厚生労働大臣が定める基準及び第五十一条の二十三第二項の厚生労働省令で定める指定地域相談支援の事業の運営に関する基準（指定地域相談支援の取扱いに関する部分に限る。）に照らして審査の上、支払うものとする。
- (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 市町村は、前項の規定による審査及び支払に関する事務を連合会に委託することが

できる。

(7) The municipality may entrust the duties pertaining to the examination and payment under the preceding paragraph to a federation.

8 前各項に定めるもののほか、地域相談支援給付費の支給及び指定一般相談支援事業者の地域相談支援給付費の請求に関し必要な事項は、厚生労働省令で定める。

(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.

(特例地域相談支援給付費)

(Special Community Consultation Support Benefits)

第五十一条の十五 市町村は、地域相談支援給付決定障害者が、第五十一条の六第一項の申請をした日から当該地域相談支援給付決定の効力が生じた日の前日までの間に、緊急その他やむを得ない理由により指定地域相談支援を受けた場合において、必要があると認めるときは、厚生労働省令で定めるところにより、当該指定地域相談支援に要した費用について、特例地域相談支援給付費を支給することができる。

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 特例地域相談支援給付費の額は、前条第三項の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定地域相談支援に要した費用の額を超えるときは、当該現に指定地域相談支援に要した費用の額）を基準として、市町村が定める。

(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 前二項に定めるもののほか、特例地域相談支援給付費の支給に関し必要な事項は、厚生労働省令で定める。

(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.

**第二款 計画相談支援給付費及び特例計画相談支援給付費の支給**  
**Subsection 2 Payment of Planning Consultation Support Benefits and**  
**Special Planning Consultation Support Benefits**

(計画相談支援給付費及び特例計画相談支援給付費の支給)

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

第五十一条の十六 計画相談支援給付費及び特例計画相談支援給付費の支給は、計画相談支援に関して次条及び第五十一条の十八の規定により支給する給付とする。

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.

(計画相談支援給付費)

(Planning Consultation Support Benefits)

第五十一条の十七 市町村は、次の各号に掲げる者（以下「計画相談支援対象障害者等」という。）に対し、当該各号に定める場合の区分に応じ、当該各号に規定する計画相談支援に要した費用について、計画相談支援給付費を支給する。

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:

一 第二十二条第四項（第二十四条第三項において準用する場合を含む。）の規定により、サービス等利用計画案の提出を求められた第二十条第一項若しくは第二十四条第一項の申請に係る障害者若しくは障害児の保護者又は第五十一条の七第四項（第五十一条の九第三項において準用する場合を含む。）の規定により、サービス等利用計画案の提出を求められた第五十一条の六第一項若しくは第五十一条の九第一項の申請に係る障害者 市町村長が指定する特定相談支援事業を行う者（以下「指定特定相談支援事業者」という。）から当該指定に係るサービス利用支援（次項において「指定サービス利用支援」という。）を受けた場合であって、当該申請に係る支給決定等を受けたとき。

(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

二 支給決定障害者等又は地域相談支援給付決定障害者 指定特定相談支援事業者から当該指定に係る継続サービス利用支援（次項において「指定継続サービス利用支援」という。）を受けたとき。

(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 計画相談支援給付費の額は、指定サービス利用支援又は指定継続サービス利用支援（以下「指定計画相談支援」という。）に通常要する費用につき、厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定計画相談支援に要した費用の額を超えるときは、当該現に指定計画相談支援に要した費用の額）とする。

(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 計画相談支援対象障害者等が指定特定相談支援事業者から指定計画相談支援を受けたときは、市町村は、当該計画相談支援対象障害者等が当該指定特定相談支援事業者に支払うべき当該指定計画相談支援に要した費用について、計画相談支援給付費として当該計画相談支援対象障害者等に対し支給すべき額の限度において、当該計画相談支援対象障害者等に代わり、当該指定特定相談支援事業者に支払うことができる。

(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 前項の規定による支払があったときは、計画相談支援対象障害者等に対し計画相談支援給付費の支給があったものとみなす。

(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 市町村は、指定特定相談支援事業者から計画相談支援給付費の請求があったときは、第二項の厚生労働大臣が定める基準及び第五十一条の二十四第二項の厚生労働省令で定める指定計画相談支援の事業の運営に関する基準（指定計画相談支援の取扱いに関する部分に限る。）に照らして審査の上、支払うものとする。

(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 市町村は、前項の規定による審査及び支払に関する事務を連合会に委託することができる。

(6) The municipality may entrust the federation with the duties related to the examination and payment prescribed in the preceding paragraph.

7 前各項に定めるもののほか、計画相談支援給付費の支給及び指定特定相談支援事業者の計画相談支援給付費の請求に関し必要な事項は、厚生労働省令で定める。

(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.

（特例計画相談支援給付費）

(Payment for Special Planning Consultation Support Benefits)

第五十一条の十八 市町村は、計画相談支援対象障害者等が、指定計画相談支援以外の計画相談支援（第五十一条の二十四第一項の厚生労働省令で定める基準及び同条第二項の厚生労働省令で定める指定計画相談支援の事業の運営に関する基準に定める事項

のうち厚生労働省令で定めるものを満たすと認められる事業を行う事業所により行われるものに限る。以下この条において「基準該当計画相談支援」という。)を受けた場合において、必要があると認めるときは、厚生労働省令で定めるところにより、基準該当計画相談支援に要した費用について、特例計画相談支援給付費を支給することができる。

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 特例計画相談支援給付費の額は、当該基準該当計画相談支援について前条第二項の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該基準該当計画相談支援に要した費用の額を超えるときは、当該現に基準該当計画相談支援に要した費用の額）を基準として、市町村が定める。

(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 前二項に定めるもののほか、特例計画相談支援給付費の支給に関し必要な事項は、厚生労働省令で定める。

(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.

### 第三款 指定一般相談支援事業者及び指定特定相談支援事業者

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

(指定一般相談支援事業者の指定)

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

第五十一条の十九 第五十一条の十四第一項の指定一般相談支援事業者の指定は、厚生労働省令で定めるところにより、一般相談支援事業を行う者の申請により、地域相談支援の種類及び一般相談支援事業を行う事業所（以下この款において「一般相談支援事業所」という。）ごとに行う。

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 第三十六条第三項（第四号、第十号及び第十三号を除く。）の規定は、第五十一条の十四第一項の指定一般相談支援事業者の指定について準用する。この場合において、第三十六条第三項第一号中「都道府県の条例で定める者」とあるのは、「法人」と読み替えるほか、必要な技術的読替えは、政令で定める。

(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.

(指定特定相談支援事業者の指定)

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

第五十一条の二十 第五十一条の十七第一項第一号の指定特定相談支援事業者の指定は、厚生労働省令で定めるところにより、総合的に相談支援を行う者として厚生労働省令で定める基準に該当する者の申請により、特定相談支援事業を行う事業所（以下この款において「特定相談支援事業所」という。）ごとに行う。

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 from 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 第三十六条第三項（第四号、第十号及び第十三号を除く。）の規定は、第五十一条

の十七第一項第一号の指定特定相談支援事業者の指定について準用する。この場合において、第三十六条第三項第一号中「都道府県の条例で定める者」とあるのは、「法人」と読み替えるほか、必要な技術的読替えは、政令で定める。

(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.

(指定の更新)

(Renewal of Designation)

第五十一条の二十一 第五十一条の十四第一項の指定一般相談支援事業者及び第五十一条の十七第一項第一号の指定特定相談支援事業者の指定は、六年ごとにそれらの更新を受けなければ、その期間の経過によって、それらの効力を失う。

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 第四十一条第二項及び第三項並びに前二条の規定は、前項の指定の更新について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(指定一般相談支援事業者及び指定特定相談支援事業者の責務)

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

第五十一条の二十二 指定一般相談支援事業者及び指定特定相談支援事業者（以下「指定相談支援事業者」という。）は、障害者等が自立した日常生活又は社会生活を営むことができるよう、障害者等の意思決定の支援に配慮するとともに、市町村、公共職業安定所その他の職業リハビリテーションの措置を実施する機関、教育機関その他の関係機関との緊密な連携を図りつつ、相談支援を当該障害者等の意向、適性、障害の特性その他の事情に応じ、常に障害者等の立場に立って効果的に行うように努めなければならない。

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 指定相談支援事業者は、その提供する相談支援の質の評価を行うことその他の措置を講ずることにより、相談支援の質の向上に努めなければならない。

(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 指定相談支援事業者は、障害者等の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、障害者等のため忠実にその職務を遂行しなければならない。

(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.

(指定地域相談支援の事業の基準)

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

第五十一条の二十三 指定一般相談支援事業者は、当該指定に係る一般相談支援事業所ごとに、厚生労働省令で定める基準に従い、当該指定地域相談支援に従事する従業者を有しなければならない。

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 指定一般相談支援事業者は、厚生労働省令で定める指定地域相談支援の事業の運営に関する基準に従い、指定地域相談支援を提供しなければならない。

(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 指定一般相談支援事業者は、第五十一条の二十五第二項の規定による事業の廃止又

は休止の届出をしたときは、当該届出の日前一月以内に当該指定地域相談支援を受けていた者であって、当該事業の廃止又は休止の日以後においても引き続き当該指定地域相談支援に相当するサービスの提供を希望する者に対し、必要な地域相談支援が継続的に提供されるよう、他の指定一般相談支援事業者その他関係者との連絡調整その他の便宜の提供を行わなければならない。

- (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.

(指定計画相談支援の事業の基準)

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

第五十一条の二十四 指定特定相談支援事業者は、当該指定に係る特定相談支援事業ごとに、厚生労働省令で定める基準に従い、当該指定計画相談支援に従事する従業者を有しなければならない。

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 指定特定相談支援事業者は、厚生労働省令で定める指定計画相談支援の事業の運営に関する基準に従い、指定計画相談支援を提供しなければならない。

(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 指定特定相談支援事業者は、次条第四項の規定による事業の廃止又は休止の届出をしたときは、当該届出の日前一月以内に当該指定計画相談支援を受けていた者であって、当該事業の廃止又は休止の日以後においても引き続き当該指定計画相談支援に相当するサービスの提供を希望する者に対し、必要な計画相談支援が継続的に提供されるよう、他の指定特定相談支援事業者その他関係者との連絡調整その他の便宜の提供を行わなければならない。

(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.

(変更の届出等)

(Notification of Changes)

第五十一条の二十五 指定一般相談支援事業者は、当該指定に係る一般相談支援事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は休止した当該指定地域相談支援の事業を再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

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 指定一般相談支援事業者は、当該指定地域相談支援の事業を廃止し、又は休止しようとするときは、厚生労働省令で定めるところにより、その廃止又は休止の日の一月前までに、その旨を都道府県知事に届け出なければならない。

(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 指定特定相談支援事業者は、当該指定に係る特定相談支援事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は休止した当該指定計画相談支援の事業を再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を市町村長に届け出なければならない。

(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 指定特定相談支援事業者は、当該指定計画相談支援の事業を廃止し、又は休止しようとするときは、厚生労働省令で定めるところにより、その廃止又は休止の日の一月前までに、その旨を市町村長に届け出なければならない。

(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.

(都道府県知事等による連絡調整又は援助)

(Communication and Coordination Assistance by the Prefectural Governor)

第五十一条の二十六 第四十七条の二の規定は、指定一般相談支援事業者が行う第五十一条の二十三第三項に規定する便宜の提供について準用する。

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 市町村長は、指定特定相談支援事業者による第五十一条の二十四第三項に規定する便宜の提供が円滑に行われるため必要があると認めるときは、当該指定特定相談支援事業者その他の関係者相互間の連絡調整又は当該指定特定相談支援事業者その他の関係者に対する助言その他の援助を行うことができる。

(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.

(報告等)

(Reports)

第五十一条の二十七 都道府県知事又は市町村長は、必要があると認めるときは、指定一般相談支援事業者若しくは指定一般相談支援事業者であった者若しくは当該指定に係る一般相談支援事業所の従業者であった者（以下この項において「指定一般相談支援事業者であった者等」という。）に対し、報告若しくは帳簿書類その他の物件の提出若しくは提示を命じ、指定一般相談支援事業者若しくは当該指定に係る一般相談支援事業所の従業者若しくは指定一般相談支援事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定一般相談支援事業者の当該指定に係る一般相談支援事業所、事務所その他当該指定地域相談支援の事業に関係のある場所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 51-27 (1) If the prefectural governor or mayor of a municipality finds it

necessary, the governor of 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 市町村長は、必要があると認めるときは、指定特定相談支援事業者若しくは指定特定相談支援事業者であった者若しくは当該指定に係る特定相談支援事業所の従業者であった者（以下この項において「指定特定相談支援事業者であった者等」という。）に対し、報告若しくは帳簿書類その他の物件の提出若しくは提示を命じ、指定特定相談支援事業者若しくは当該指定に係る特定相談支援事業所の従業者若しくは指定特定相談支援事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定特定相談支援事業者の当該指定に係る特定相談支援事業所、事務所その他当該指定計画相談支援の事業に関係のある場所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

(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 第九条第二項の規定は前二項の規定による質問又は検査について、同条第三項の規定は前二項の規定による権限について準用する。

(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.

(勧告、命令等)

(Recommendations and Orders)

第五十一条の二十八 都道府県知事は、指定一般相談支援事業者が、次の各号に掲げる場合に該当すると認めるときは、当該指定一般相談支援事業者に対し、期限を定めて、当該各号に定める措置をとるべきことを勧告することができる。

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:

一 当該指定に係る一般相談支援事業所の従業者の知識若しくは技能又は人員について第五十一条の二十三第一項の厚生労働省令で定める基準に適合していない場合当該基準を遵守すること。

(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;

二 第五十一条の二十三第二項の厚生労働省令で定める指定地域相談支援の事業の運営に関する基準に従って適正な指定地域相談支援の事業の運営をしていない場合当該基準を遵守すること。

(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

三 第五十一条の二十三第三項に規定する便宜の提供を適正に行っていない場合 当該便宜の提供を適正に行うこと。

(iii) if the provision of services prescribed in Article 51-23, paragraph (3) is not carried out appropriately: to abide by those requirements.

2 市町村長は、指定特定相談支援事業者が、次の各号に掲げる場合に該当すると認めるときは、当該指定特定相談支援事業者に対し、期限を定めて、当該各号に定める措置をとるべきことを勧告することができる。

(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:

- 一 当該指定に係る特定相談支援事業所の従業者の知識若しくは技能又は人員について第五十一条の二十四第一項の厚生労働省令で定める基準に適合していない場合当該基準を遵守すること。
- (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;
- 二 第五十一条の二十四第二項の厚生労働省令で定める指定計画相談支援の事業の運営に関する基準に従って適正な指定計画相談支援の事業の運営をしていない場合当該基準を遵守すること。
- (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;
- 三 第五十一条の二十四第三項に規定する便宜の提供を適正に行っていない場合 当該便宜の提供を適正に行うこと。
- (iii) if the services prescribed in Article 51-24, paragraph (3) are not provided appropriately: to provide those services appropriately.
- 3 都道府県知事は、第一項の規定による勧告をした場合において、市町村長は、前項の規定による勧告をした場合において、その勧告を受けた指定相談支援事業者が、前二項の期限内にこれに従わなかったときは、その旨を公表することができる。
- (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 都道府県知事は、第一項の規定による勧告を受けた指定一般相談支援事業者が、正当な理由がなくてその勧告に係る措置をとらなかったとき、市町村長は、第二項の規定による勧告を受けた指定特定相談支援事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定相談支援事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。
- (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 都道府県知事又は市町村長は、前項の規定による命令をしたときは、その旨を公示しなければならない。

(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 市町村は、地域相談支援給付費の支給に係る指定地域相談支援を行った指定一般相談支援事業者について、第一項各号に掲げる場合のいずれかに該当すると認めるときは、その旨を当該指定に係る一般相談支援事業所の所在地の都道府県知事に通知しなければならない。

(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.

(指定の取消し等)

#### (Revocation of Designation)

第五十一条の二十九 都道府県知事は、次の各号のいずれかに該当する場合においては、当該指定一般相談支援事業者に係る第五十一条の十四第一項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

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:

一 指定一般相談支援事業者が、第五十一条の十九第二項において準用する第三十六条第三項第五号、第五号の二又は第十二号のいずれかに該当するに至ったとき。

(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);

二 指定一般相談支援事業者が、第五十一条の二十二第三項の規定に違反したと認められるとき。

(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);

三 指定一般相談支援事業者が、当該指定に係る一般相談支援事業所の従業者の知識

若しくは技能又は人員について、第五十一条の二十三第一項の厚生労働省令で定める基準を満たすことができなくなったとき。

(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;

四 指定一般相談支援事業者が、第五十一条の二十三第二項の厚生労働省令で定める指定地域相談支援の事業の運営に関する基準に従って適正な指定地域相談支援の事業の運営をすることができなくなったとき。

(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);

五 地域相談支援給付費の請求に関し不正があったとき。

(v) if there is wrongdoing with regard to the request for payment of community consultation support benefits;

六 指定一般相談支援事業者が、第五十一条の二十七第一項の規定により報告又は帳簿書類その他の物件の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(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;

七 指定一般相談支援事業者又は当該指定に係る一般相談支援事業所の従業者が、第五十一条の二十七第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係る一般相談支援事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定一般相談支援事業者が相当の注意及び監督を尽くしたときを除く。

(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;

八 指定一般相談支援事業者が、不正の手段により第五十一条の十四第一項の指定を受けたとき。

(viii) if a designated provider of general consultation support business has received the designation under Article 51-14, paragraph (1) by fraudulent means;

九 前各号に掲げる場合のほか、指定一般相談支援事業者が、この法律その他国民の福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分に違反したとき。

(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;

十 前各号に掲げる場合のほか、指定一般相談支援事業者が、地域相談支援に関し不正又は著しく不当な行為をしたとき。

(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

十一 指定一般相談支援事業者の役員又はその一般相談支援事業所を管理する者その他の政令で定める使用人のうちに指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に地域相談支援に関し不正又は著しく不当な行為をした者があるとき。

(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 市町村は、地域相談支援給付費の支給に係る指定地域相談支援を行った指定一般相談支援事業者について、第一項各号のいずれかに該当すると認めるときは、その旨を当該指定に係る一般相談支援事業所の所在地の都道府県知事に通知しなければならない。

(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.

(公示)

(Public Announcements)

第五十一条の三十 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

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

一 第五十一条の十四第一項の指定一般相談支援事業者の指定をしたとき。

(i) conferring designation as a designated provider of general consultation support business under Article 51-14, paragraph (1);

二 第五十一条の二十五第二項の規定による事業の廃止の届出があったとき。

(ii) receiving a notification of termination of the business under Article 51-25, paragraph (2); or

三 前条第一項又は第七十六条の三第六項の規定により指定一般相談支援事業者の指定を取り消したとき。

(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 市町村長は、次に掲げる場合には、その旨を公示しなければならない。

(2) In any of the following cases, the mayor of the municipality must make a public announcement to the effect:

一 第五十一条の十七第一項第一号の指定特定相談支援事業者の指定をしたとき。

(i) conferring designation as a designated provider of specified consultation support business under Article 51-17, paragraph (1), item (i);

二 第五十一条の二十五第四項の規定による事業の廃止の届出があったとき。

(ii) receiving a notification of termination of the business under Article 51-25, paragraph (4); or

三 前条第二項の規定により指定特定相談支援事業者の指定を取り消したとき。

(iii) revoking the designation as a designated provider of specified consultation support business pursuant to the provisions of paragraph (2) of the preceding Article.

#### 第四款 業務管理体制の整備等

#### Subsection 4 Establishment of Management Systems

(業務管理体制の整備等)

(Establishment of Management Systems)

第五十一条の三十一 指定相談支援事業者は、第五十一条の二十二第三項に規定する義務の履行が確保されるよう、厚生労働省令で定める基準に従い、業務管理体制を整備しなければならない。

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 指定相談支援事業者は、次の各号に掲げる区分に応じ、当該各号に定める者に対し、厚生労働省令で定めるところにより、業務管理体制の整備に関する事項を届け出なければならない。

(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:

一 次号から第五号までに掲げる指定相談支援事業者以外の指定相談支援事業者 都道府県知事

(i) a designated provider of consultation support business other than those set forth in the following item through item (v): the prefectural governor;

二 特定相談支援事業のみを行う指定特定相談支援事業者であって、当該指定に係る事業所が一の市町村の区域に所在するもの 市町村長

(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;

三 当該指定に係る事業所が一の指定都市の区域に所在する指定相談支援事業者（前号に掲げるものを除く。） 指定都市の長

(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;

四 当該指定に係る事業所が一の中核市の区域に所在する指定相談支援事業者（第二号に掲げるものを除く。） 中核市の長

(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

五 当該指定に係る事業所が二以上の都道府県の区域に所在する指定相談支援事業者 厚生労働大臣

(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 前項の規定により届出をした指定相談支援事業者は、その届け出た事項に変更があったときは、厚生労働省令で定めるところにより、遅滞なく、その旨を当該届出をした厚生労働大臣、都道府県知事、指定都市若しくは中核市の長又は市町村長（以下この款において「厚生労働大臣等」という。）に届け出なければならない。

(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 第二項の規定による届出をした指定相談支援事業者は、同項各号に掲げる区分の変更により、同項の規定により当該届出をした厚生労働大臣等以外の厚生労働大臣等に届出を行うときは、厚生労働省令で定めるところにより、その旨を当該届出をした厚生労働大臣等にも届け出なければならない。

(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 厚生労働大臣等は、前三項の規定による届出が適正になされるよう、相互に密接な連携を図るものとする。

(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.

(報告等)

(Reports)

第五十一条の三十二 前条第二項の規定による届出を受けた厚生労働大臣等は、当該届出をした指定相談支援事業者（同条第四項の規定による届出を受けた厚生労働大臣等にあつては、同項の規定による届出をした指定相談支援事業者を除く。）における同条第一項の規定による業務管理体制の整備に関して必要があると認めるときは、当該指定相談支援事業者に対し、報告若しくは帳簿書類その他の物件の提出若しくは提示を命じ、当該指定相談支援事業者若しくは当該指定相談支援事業者の従業者に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定相談支援事業者の当該指定に係る事業所、事務所その他の指定地域相談支援若しくは指定計画相談支援の提供に係るのある場所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

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 厚生労働大臣が前項の権限を行うときは当該指定一般相談支援事業者に係る指定を行った都道府県知事（以下この項及び次条第五項において「関係都道府県知事」という。）又は当該指定特定相談支援事業者に係る指定を行った市町村長（以下この項及び次条第五項において「関係市町村長」という。）と、都道府県知事が前項の権限を行うときは関係市町村長と、指定都市又は中核市の長が同項の権限を行うときは関係都道府県知事と密接な連携の下に行うものとする。

(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 都道府県知事は、その行った又はその行おうとする指定に係る指定一般相談支援事業者における前条第一項の規定による業務管理体制の整備に関して必要があると認めるときは、厚生労働大臣又は指定都市若しくは中核市の長に対し、市町村長は、その行った又はその行おうとする指定に係る指定特定相談支援事業者における同項の規定による業務管理体制の整備に関して必要があると認めるときは、厚生労働大臣又は都道府県知事に対し、第一項の権限を行うよう求めることができる。

(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 厚生労働大臣、都道府県知事又は指定都市若しくは中核市の長は、前項の規定による都道府県知事又は市町村長の求めに応じて第一項の権限を行ったときは、厚生労働省令で定めるところにより、その結果を当該権限を行うよう求めた都道府県知事又は市町村長に通知しなければならない。

(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 第九条第二項の規定は第一項の規定による質問又は検査について、同条第三項の規定は第一項の規定による権限について準用する。

(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.

第五十一条の三十三 第五十一条の三十一第二項の規定による届出を受けた厚生労働大臣等は、当該届出をした指定相談支援事業者（同条第四項の規定による届出を受けた厚生労働大臣等にあつては、同項の規定による届出をした指定相談支援事業者を除く。）が、同条第一項の厚生労働省令で定める基準に従って適正な業務管理体制の整備をしていないと認めるときは、当該指定相談支援事業者に対し、期限を定めて、当該厚生労働省令で定める基準に従って適正な業務管理体制を整備すべきことを勧告することができる。

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 厚生労働大臣等は、前項の規定による勧告をした場合において、その勧告を受けた指定相談支援事業者が、同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(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 厚生労働大臣等は、第一項の規定による勧告を受けた指定相談支援事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定相談支援事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(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 厚生労働大臣等は、前項の規定による命令をしたときは、その旨を公示しなければならない。

(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 厚生労働大臣、都道府県知事又は指定都市若しくは中核市の長は、指定相談支援事業者が第三項の規定による命令に違反したときは、厚生労働省令で定めるところにより、当該違反の内容を関係都道府県知事又は関係市町村長に通知しなければならない。

(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.

#### 第四節 自立支援医療費、療養介護医療費及び基準該当療養介護医療費の支給

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

(自立支援医療費の支給認定)

(Approval of Independent Living Medical Care Benefits)

第五十二条 自立支援医療費の支給を受けようとする障害者又は障害児の保護者は、市町村等の自立支援医療費を支給する旨の認定（以下「支給認定」という。）を受けなければならない。

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 第十九条第二項の規定は市町村等が行う支給認定について、同条第三項から第五項までの規定は市町村が行う支給認定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

（申請）

(Applications)

第五十三条 支給認定を受けようとする障害者又は障害児の保護者は、厚生労働省令で定めるところにより、市町村等に申請をしなければならない。

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 前項の申請は、都道府県が支給認定を行う場合には、政令で定めるところにより、当該障害者又は障害児の保護者の居住地の市町村（障害者又は障害児の保護者が居住地を有しないか、又はその居住地が明らかでないときは、その障害者又は障害児の保護者の現在地の市町村）を経由して行うことができる。

(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.

（支給認定等）

(Benefits Recipient Approval)

第五十四条 市町村等は、前条第一項の申請に係る障害者等が、その心身の障害の状態からみて自立支援医療を受ける必要があり、かつ、当該障害者等又はその属する世帯

の他の世帯員の所得の状況、治療状況その他の事情を勘案して政令で定める基準に該当する場合には、厚生労働省令で定める自立支援医療の種類ごとに支給認定を行うものとする。ただし、当該障害者等が、自立支援医療のうち厚生労働省令で定める種類の医療を、戦傷病者特別援護法（昭和三十八年法律第百六十八号）又は心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律（平成十五年法律第百十号）の規定により受けることができるときは、この限りでない。

- 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 市町村等は、支給認定をしたときは、厚生労働省令で定めるところにより、都道府県知事が指定する医療機関（以下「指定自立支援医療機関」という。）の中から、当該支給認定に係る障害者等が自立支援医療を受けるものを定めるものとする。
- (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 市町村等は、支給認定をしたときは、支給認定を受けた障害者又は障害児の保護者（以下「支給認定障害者等」という。）に対し、厚生労働省令で定めるところにより、次条に規定する支給認定の有効期間、前項の規定により定められた指定自立支援医療機関の名称その他の厚生労働省令で定める事項を記載した自立支援医療受給者証（以下「医療受給者証」という。）を交付しなければならない。
- (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.

(支給認定の有効期間)

(Valid Period of a Benefits Recipient Approval)

第五十五条 支給認定は、厚生労働省令で定める期間（以下「支給認定の有効期間」という。）内に限り、その効力を有する。

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").

(支給認定の変更)

(Alteration of a Benefits Recipient Approval)

第五十六条 支給認定障害者等は、現に受けている支給認定に係る第五十四条第二項の規定により定められた指定自立支援医療機関その他の厚生労働省令で定める事項について変更の必要があるときは、厚生労働省令で定めるところにより、市町村等に対し、支給認定の変更の申請をすることができる。

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 市町村等は、前項の申請又は職権により、支給認定障害者等につき、同項の厚生労働省令で定める事項について変更の必要があると認めるときは、厚生労働省令で定めるところにより、支給認定の変更の認定を行うことができる。この場合において、市町村等は、当該支給認定障害者等に対し医療受給者証の提出を求めるものとする。

(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 第十九条第二項の規定は市町村等が行う前項の支給認定の変更の認定について、同条第三項から第五項までの規定は市町村等が行う前項の支給認定の変更の認定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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 市町村等は、第二項の支給認定の変更の認定を行った場合には、医療受給者証に当該認定に係る事項を記載し、これを返還するものとする。

(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.

(支給認定の取消し)

(Revocation of Benefits Recipient Approval)

第五十七条 支給認定を行った市町村等は、次に掲げる場合には、当該支給認定を取り消すことができる。

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

一 支給認定に係る障害者等が、その心身の障害の状態からみて自立支援医療を受け  
る必要がなくなつたと認めるとき。

(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;

二 支給認定障害者等が、支給認定の有効期間内に、当該市町村等以外の市町村等の区域内に居住地を有するに至つたと認めるとき（支給認定に係る障害者が特定施設に入所することにより当該市町村以外の市町村の区域内に居住地を有するに至つたと認めるときを除く。）。

(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.);  
三 支給認定に係る障害者等が、正当な理由なしに第九条第一項の規定による命令に応じないとき。

(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

四 その他政令で定めるとき。

(iv) in other cases prescribed by Cabinet Order.

2 前項の規定により支給認定の取消しを行った市町村等は、厚生労働省令で定めるところにより、当該取消しに係る支給認定障害者等に対し医療受給者証の返還を求めるものとする。

(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.

(自立支援医療費の支給)

(Payment of Independent Living Medical Care Benefits)

第五十八条 市町村等は、支給認定に係る障害者等が、支給認定の有効期間内において、第五十四条第二項の規定により定められた指定自立支援医療機関から当該指定に係る自立支援医療（以下「指定自立支援医療」という。）を受けたときは、厚生労働省令で定めるところにより、当該支給認定障害者等に対し、当該指定自立支援医療に要した費用について、自立支援医療費を支給する。

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 指定自立支援医療を受けようとする支給認定障害者等は、厚生労働省令で定めるところにより、指定自立支援医療機関に医療受給者証を提示して当該指定自立支援医療を受けるものとする。ただし、緊急の場合その他やむを得ない事由のある場合については、この限りでない。

(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 自立支援医療費の額は、一月につき、第一号に掲げる額（当該指定自立支援医療に食事療養（健康保険法第六十三条第二項第一号に規定する食事療養をいう。以下この項において同じ。）が含まれるときは、当該額及び第二号に掲げる額の合算額、当該指定自立支援医療に生活療養（同条第二項第二号に規定する生活療養をいう。以下この項において同じ。）が含まれるときは、当該額及び第三号に掲げる額）の合算額とする。

(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)):

一 同一の月に受けた指定自立支援医療（食事療養及び生活療養を除く。）につき健康保険の療養に要する費用の額の算定方法の例により算定した額から、当該支給認定障害者等の家計の負担能力、障害の状態その他の事情をしん酌して政令で定める額（当該政令で定める額が当該算定した額の百分の十に相当する額を超えるときは、当該相当する額）を控除して得た額

(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);

二 当該指定自立支援医療（食事療養に限る。）につき健康保険の療養に要する費用の額の算定方法の例により算定した額から、健康保険法第八十五条第二項に規定する食事療養標準負担額、支給認定障害者等の所得の状況その他の事情を勘案して厚

生労働大臣が定める額を控除した額

(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

三 当該指定自立支援医療（生活療養に限る。）につき健康保険の療養に要する費用の額の算定方法の例により算定した額から、健康保険法第八十五条の二第二項に規定する生活療養標準負担額、支給認定障害者等の所得の状況その他の事情を勘案して厚生労働大臣が定める額を控除した額

(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 前項に規定する療養に要する費用の額の算定方法の例によることができないとき、及びこれによることを適当としないときの自立支援医療に要する費用の額の算定方法は、厚生労働大臣の定めるところによる。

(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 支給認定に係る障害者等が指定自立支援医療機関から指定自立支援医療を受けたときは、市町村等は、当該支給認定障害者等が当該指定自立支援医療機関に支払うべき当該指定自立支援医療に要した費用について、自立支援医療費として当該支給認定障害者等に支給すべき額の限度において、当該支給認定障害者等に代わり、当該指定自立支援医療機関に支払うことができる。

(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 前項の規定による支払があつたときは、支給認定障害者等に対し自立支援医療費の支給があつたものとみなす。

(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.

(指定自立支援医療機関の指定)

(Designation as a Designated Independent Living Medical Institution)

第五十九条 第五十四条第二項の指定は、厚生労働省令で定めるところにより、病院若しくは診療所（これらに準ずるものとして政令で定めるものを含む。以下同じ。）又は薬局の開設者の申請により、同条第一項の厚生労働省令で定める自立支援医療の種類ごとに行う。

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 都道府県知事は、前項の申請があつた場合において、次の各号のいずれかに該当するときは、指定自立支援医療機関の指定をしないことができる。

(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:

一 当該申請に係る病院若しくは診療所又は薬局が、健康保険法第六十三条第三項第一号に規定する保険医療機関若しくは保険薬局又は厚生労働省令で定める事業所若しくは施設でないとき。

(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;

二 当該申請に係る病院若しくは診療所若しくは薬局又は申請者が、自立支援医療費の支給に関し診療又は調剤の内容の適切さを欠くおそれがあるとして重ねて第六十

三条の規定による指導又は第六十七条第一項の規定による勧告を受けたものであるとき。

(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;

三 申請者が、第六十七条第三項の規定による命令に従わないものであるとき。

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

四 前三号のほか、当該申請に係る病院若しくは診療所又は薬局が、指定自立支援医療機関として著しく不相当と認めるものであるとき。

(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 第三十六条第三項（第一号から第三号まで及び第七号を除く。）の規定は、指定自立支援医療機関の指定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

（指定の更新）

(Renewal of Designation)

第六十条 第五十四条第二項の指定は、六年ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

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 健康保険法第六十八条第二項の規定は、前項の指定の更新について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

（指定自立支援医療機関の責務）

(Responsibilities of the Designated Independent Living Medical Institution)

第六十一条 指定自立支援医療機関は、厚生労働省令で定めるところにより、良質かつ適切な自立支援医療を行わなければならない。

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.

(診療方針)

(Policy on Medical Examinations)

第六十二条 指定自立支援医療機関の診療方針は、健康保険の診療方針の例による。

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 前項に規定する診療方針によることができないとき、及びこれによることを適当としないときの診療方針は、厚生労働大臣が定めるところによる。

(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.

(都道府県知事の指導)

(Guidance by the Prefectural Governor)

第六十三条 指定自立支援医療機関は、自立支援医療の実施に関し、都道府県知事の指導を受けなければならない。

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

(変更の届出)

(Notification of Changes)

第六十四条 指定自立支援医療機関は、当該指定に係る医療機関の名称及び所在地その他厚生労働省令で定める事項に変更があったときは、厚生労働省令で定めるところにより、その旨を都道府県知事に届け出なければならない。

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.

(指定の辞退)

(Declination of Designation)

第六十五条 指定自立支援医療機関は、一月以上の予告期間を設けて、その指定を辞退することができる。

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

(報告等)

(Reports)

第六十六条 都道府県知事は、自立支援医療の実施に関して必要があると認めるときは、指定自立支援医療機関若しくは指定自立支援医療機関の開設者若しくは管理者、医師、薬剤師その他の従業者であった者（以下この項において「開設者であった者等」という。）に対し報告若しくは診療録、帳簿書類その他の物件の提出若しくは提示を命じ、指定自立支援医療機関の開設者若しくは管理者、医師、薬剤師その他の従業者（開設者であった者等を含む。）に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは指定自立支援医療機関について設備若しくは診療録、帳簿書類その他の物件を検査させることができる。

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 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(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 指定自立支援医療機関が、正当な理由がなく、第一項の規定による報告若しくは提出若しくは提示をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したときは、都道府県知事は、当該指定自立支援医療機関に対する市町村等の自立支援医療費の支払を一時差し止めることを指示し、又は差し止めることができる。

(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.



(勧告、命令等)

**(Recommendations and Orders)**

第六十七条 都道府県知事は、指定自立支援医療機関が、第六十一条又は第六十二条の規定に従って良質かつ適切な自立支援医療を行っていないと認めるときは、当該指定自立支援医療機関の開設者に対し、期限を定めて、第六十一条又は第六十二条の規定を遵守すべきことを勧告することができる。

**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 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定自立支援医療機関の開設者が、同項の期限内にこれに従わなかったときは、その旨を公表することができる。

**(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 都道府県知事は、第一項の規定による勧告を受けた指定自立支援医療機関の開設者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定自立支援医療機関の開設者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

**(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 都道府県知事は、前項の規定による命令をしたときは、その旨を公示しなければならない。

**(4) Upon issuing an order under the preceding paragraph, the prefectural governor must make public notice to the effect.**

5 市町村は、指定自立支援医療を行った指定自立支援医療機関の開設者について、第六十一条又は第六十二条の規定に従って良質かつ適切な自立支援医療を行っていないと認めるときは、その旨を当該指定に係る医療機関の所在地の都道府県知事に通知しなければならない。

**(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.

(指定の取消し等)

**(Revocation of Designation)**

第六十八条 都道府県知事は、次の各号のいずれかに該当する場合には、当該指定自立支援医療機関に係る第五十四条第二項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

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:

一 指定自立支援医療機関が、第五十九条第二項各号のいずれかに該当するに至ったとき。

(i) if a designated independent living medical institution falls into any of the cases set forth in the items of Article 59, paragraph (2);

二 指定自立支援医療機関が、第五十九条第三項の規定により準用する第三十六条第三項第四号から第五号の二まで、第十二号又は第十三号のいずれかに該当するに至ったとき。

(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);

三 指定自立支援医療機関が、第六十一条又は第六十二条の規定に違反したとき。

(iii) if a designated independent living medical institution violates Article 61 or Article 62;

四 自立支援医療費の請求に関し不正があったとき。

(iv) if there was deceit concerning the demand for payment of independent living medical care benefits;

五 指定自立支援医療機関が、第六十六条第一項の規定により報告若しくは診療録、帳簿書類その他の物件の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(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

六 指定自立支援医療機関の開設者又は従業者が、第六十六条第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定自立支援医療機関の従業者がその行為をした場合において、その行為を防止するため、当該指定自立支援医療機関の開設者が相当の注意及び監督を尽くしたときを除く。

(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 第五十条第一項第八号から第十二号まで及び第二項の規定は、前項の指定自立支援医療機関の指定の取消し又は効力の停止について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(公示)

(Public Notice)

第六十九条 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

Article 69 In the following cases, the prefectural governor must make public notice to the effect:

一 第五十四条第二項の指定自立支援医療機関の指定をしたとき。

(i) conferring the designation as a designated independent living medical institution under Article 54, paragraph (2);

二 第六十四条の規定による届出（同条の厚生労働省令で定める事項の変更に係るものを除く。）があったとき

(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 as provide for in Article 64);

三 第六十五条の規定による指定自立支援医療機関の指定の辞退があったとき。

(iii) receiving the decline of the designation as a designated independent living medical institution under Article 65; or

四 前条の規定により指定自立支援医療機関の指定を取り消したとき。

(iv) revoking the designation as a designated independent living medical institution pursuant to the preceding Article.

(療養介護医療費の支給)

(Payment of Medical Care Benefits)

第七十条 市町村は、介護給付費（療養介護に係るものに限る。）に係る支給決定を受

けた障害者が、支給決定の有効期間内において、指定障害福祉サービス事業者等から当該指定に係る療養介護医療を受けたときは、厚生労働省令で定めるところにより、当該支給決定に係る障害者に対し、当該療養介護医療に要した費用について、療養介護医療費を支給する。

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 第五十八条第三項から第六項までの規定は、療養介護医療費について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(基準該当療養介護医療費の支給)

(Payment of Appropriate Medical Care Benefits)

第七十一条 市町村は、特例介護給付費（療養介護に係るものに限る。）に係る支給決定を受けた障害者が、基準該当事業所又は基準該当施設から当該療養介護医療（以下「基準該当療養介護医療」という。）を受けたときは、厚生労働省令で定めるところにより、当該支給決定に係る障害者に対し、当該基準該当療養介護医療に要した費用について、基準該当療養介護医療費を支給する。

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 第五十八条第三項及び第四項の規定は、基準該当療養介護医療費について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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.

(準用)

(Applications)

第七十二条 第六十一条及び第六十二条の規定は、療養介護医療を行う指定障害福祉サービス事業者等又は基準該当療養介護医療を行う基準該当事業所若しくは基準該当施設について準用する。

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.

(自立支援医療費等の審査及び支払)

(Examination and Payment of Independent Living Medical Care Benefits)

第七十三条 都道府県知事は、指定自立支援医療機関、療養介護医療を行う指定障害福祉サービス事業者等又は基準該当療養介護医療を行う基準該当事業所若しくは基準該当施設（以下この条において「公費負担医療機関」という。）の診療内容並びに自立支援医療費、療養介護医療費及び基準該当療養介護医療費（以下この条及び第七十五条において「自立支援医療費等」という。）の請求を随時審査し、かつ、公費負担医療機関が第五十八条第五項（第七十条第二項において準用する場合を含む。）の規定によって請求することができる自立支援医療費等の額を決定することができる。

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 公費負担医療機関は、都道府県知事が行う前項の決定に従わなければならない。

(2) Institutions providing medical care covered by public expenses must obey decisions made by prefectural governors as set forth in the preceding paragraph.

3 都道府県知事は、第一項の規定により公費負担医療機関が請求することができる自立支援医療費等の額を決定するに当たっては、社会保険診療報酬支払基金法（昭和二十三年法律第二百二十九号）に定める審査委員会、国民健康保険法に定める国民健康保険診療報酬審査委員会その他政令で定める医療に関する審査機関の意見を聴かなければならない。

(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 市町村等は、公費負担医療機関に対する自立支援医療費等の支払に関する事務を社会保険診療報酬支払基金、連合会その他厚生労働省令で定める者に委託することができる。

(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 前各項に定めるもののほか、自立支援医療費等の請求に関し必要な事項は、厚生労働省令で定める。

(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 第一項の規定による自立支援医療費等の額の決定については、審査請求をすることができない。

(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.

(都道府県による援助等)

(Assistance by Prefectures)

第七十四条 市町村は、支給認定又は自立支援医療費を支給しない旨の認定を行うに当たって必要があると認めるときは、厚生労働省令で定めるところにより、身体障害者更生相談所その他厚生労働省令で定める機関の意見を聴くことができる。

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 都道府県は、市町村の求めに応じ、市町村が行うこの節の規定による業務に関し、その設置する身体障害者更生相談所その他厚生労働省令で定める機関による技術的事項についての協力その他市町村に対する必要な援助を行うものとする。

(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..

(政令への委任)

(Entrustment to Cabinet Order)

第七十五条 この節に定めるもののほか、支給認定、医療受給者証、支給認定の変更の認定及び支給認定の取消しその他自立支援医療費等に関し必要な事項は、政令で定める。

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.

#### 第五節 補装具費の支給

#### Section 5 Payment of Assistive Medical Devices Benefits

第七十六条 市町村は、障害者又は障害児の保護者から申請があった場合において、当該申請に係る障害者等の障害の状態からみて、当該障害者等が補装具の購入、借受け又は修理（以下この条及び次条において「購入等」という。）を必要とする者であると認めるとき（補装具の借受けにあつては、補装具の借受けによることが相当である場合として厚生労働省令で定める場合に限る。）は、当該障害者又は障害児の保護者（以下この条において「補装具費支給対象障害者等」という。）に対し、当該補装具の購入等に要した費用について、補装具費を支給する。ただし、当該申請に係る障害者等又はその属する世帯の他の世帯員のうち政令で定める者の所得が政令で定める基準以上であるときは、この限りでない。

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 補装具費の額は、一月につき、同一の月に購入等をした補装具について、補装具の購入等に通常要する費用の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該補装具の購入等に要した費用の額を超えるときは、当該現に補装具の購入等に要した費用の額。以下この項において「基準額」という。）を合計した額から、当該補装具費支給対象障害者等の家計の負担能力その他の事情をしん酌して政令で定める額（当該政令で定める額が基準額を合計した額の百分の十に相当する額を超えるときは、当該相当する額）を控除して得た額とする。

(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 市町村は、補装具費の支給に当たって必要があると認めるときは、厚生労働省令で定めるところにより、身体障害者更生相談所その他厚生労働省令で定める機関の意見を聴くことができる。

(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 第十九条第二項から第五項までの規定は、補装具費の支給に係る市町村の認定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(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 厚生労働大臣は、第二項の規定により厚生労働大臣の定める基準を適正なものとするため、必要な調査を行うことができる。

(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 前各項に定めるもののほか、補装具費の支給に関し必要な事項は、厚生労働省令で定める。

(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.

#### 第六節 高額障害福祉サービス等給付費の支給

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

第七十六条の二 市町村は、次に掲げる者が受けた障害福祉サービス及び介護保険法第二十四条第二項に規定する介護給付等対象サービスのうち政令で定めるもの並びに補装具の購入等に要した費用の合計額（それぞれ厚生労働大臣が定める基準により算定した費用の額（その額が現に要した費用の額を超えるときは、当該現に要した額）の合計額を限度とする。）から当該費用につき支給された介護給付費等及び同法第二十条に規定する介護給付等のうち政令で定めるもの並びに補装具費の合計額を控除して得た額が、著しく高額であるときは、当該者に対し、高額障害福祉サービス等給付費を支給する。

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:

一 支給決定障害者等

(i) persons with disabilities or guardians of children with disabilities who have received a benefits recipient approval; or

二 六十五歳に達する前に長期間にわたり障害福祉サービス（介護保険法第二十四条第二項に規定する介護給付等対象サービスに相当するものとして政令で定めるものに限る。）に係る支給決定を受けていた障害者であって、同項に規定する介護給付

等対象サービス（障害福祉サービスに相当するものとして政令で定めるものに限る。）を受けているもの（支給決定を受けていない者に限る。）のうち、当該障害者の所得の状況及び障害の程度その他の事情を勘案して政令で定めるもの

(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 前項に定めるもののほか、高額障害福祉サービス等給付費の支給要件、支給額その他高額障害福祉サービス等給付費の支給に関し必要な事項は、障害福祉サービス及び補装具の購入等に要する費用の負担の家計に与える影響を考慮して、政令で定める。

(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.

#### **第七節 情報公表対象サービス等の利用に資する情報の報告及び公表** **Section 7 Reports and Public Disclosure of Information Contributing to the Utilization of Services, etc. Subject to Public Disclosure**

第七十六条の三 指定障害福祉サービス事業者、指定一般相談支援事業者及び指定特定相談支援事業者並びに指定障害者支援施設等の設置者（以下この条において「対象事業者」という。）は、指定障害福祉サービス等、指定地域相談支援又は指定計画相談支援（以下この条において「情報公表対象サービス等」という。）の提供を開始しようとするとき、その他厚生労働省令で定めるときは、厚生労働省令で定めるところにより、情報公表対象サービス等情報（その提供する情報公表対象サービス等の内容及び情報公表対象サービス等を提供する事業者又は施設の運営状況に関する情報であつて、情報公表対象サービス等を利用し、又は利用しようとする障害者等が適切かつ円滑に当該情報公表対象サービス等を利用する機会を確保するために公表されることが適当なものとして厚生労働省令で定めるものをいう。第八項において同じ。）を、当該情報公表対象サービス等を提供する事業所又は施設の所在地を管轄する都道府県知

事に報告しなければならない。

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 都道府県知事は、前項の規定による報告を受けた後、厚生労働省令で定めるところにより、当該報告の内容を公表しなければならない。

(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 都道府県知事は、前項の規定による公表を行うため必要があると認めるときは、第一項の規定による報告が真正であることを確認するのに必要な限度において、当該報告をした対象事業者に対し、当該報告の内容について、調査を行うことができる。

(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 都道府県知事は、対象事業者が第一項の規定による報告をせず、若しくは虚偽の報告をし、又は前項の規定による調査を受けず、若しくは調査を妨げたときは、期間を定めて、当該対象事業者に対し、その報告を行い、若しくはその報告の内容を是正し、又はその調査を受けることを命ずることができる。

(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 都道府県知事は、指定特定相談支援事業者に対して前項の規定による処分をしたときは、遅滞なく、その旨をその指定をした市町村長に通知しなければならない。

(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 都道府県知事は、指定障害福祉サービス事業者若しくは指定一般相談支援事業者又は指定障害者支援施設の設置者が第四項の規定による命令に従わないときは、当該指定障害福祉サービス事業者、指定一般相談支援事業者又は指定障害者支援施設の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

(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 都道府県知事は、指定特定相談支援事業者が第四項の規定による命令に従わない場合において、当該指定特定相談支援事業者の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することが適当であると認めるときは、理由を付して、その旨をその指定をした市町村長に通知しなければならない。

(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 都道府県知事は、情報公表対象サービス等を利用し、又は利用しようとする障害者等が適切かつ円滑に当該情報公表対象サービス等を利用する機会の確保に資するため、情報公表対象サービス等の質及び情報公表対象サービス等に従事する従業者に関する情報（情報公表対象サービス等情報に該当するものを除く。）であって厚生労働省令で定めるものの提供を希望する対象事業者から提供を受けた当該情報について、公表を行うよう配慮するものとする。

(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.

### 第三章 地域生活支援事業

#### Chapter III Community Life Support Service

(市町村の地域生活支援事業)

(Municipal Community Life Support Service)

第七十七条 市町村は、厚生労働省令で定めるところにより、地域生活支援事業として、次に掲げる事業を行うものとする。

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:

一 障害者等の自立した日常生活及び社会生活に関する理解を深めるための研修及び啓発を行う事業

(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;

二 障害者等、障害者等の家族、地域住民等により自発的に行われる障害者等が自立した日常生活及び社会生活を営むことができるようにするための活動に対する支援を行う事業

(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;

三 障害者等が障害福祉サービスその他のサービスを利用しつつ、自立した日常生活又は社会生活を営むことができるよう、地域の障害者等の福祉に関する各般の問題につき、障害者等、障害児の保護者又は障害者等の介護を行う者からの相談に応じ、必要な情報の提供及び助言その他の厚生労働省令で定める便宜を供与するとともに、障害者等に対する虐待の防止及びその早期発見のための関係機関との連絡調整その他の障害者等の権利の擁護のために必要な援助を行う事業（次号に掲げるものを除く。）

(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);

四 障害福祉サービスの利用の観点から成年後見制度を利用することが有用であると認められる障害者で成年後見制度の利用に要する費用について補助を受けなければ成年後見制度の利用が困難であると認められるものにつき、当該費用のうち厚生労働省令で定める費用を支給する事業

(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;

五 障害者に係る民法（明治二十九年法律第八十九号）に規定する後見、保佐及び補助の業務を適正に行うことができる人材の育成及び活用を図るための研修を行う事業

(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;

六 聴覚、言語機能、音声機能その他の障害のため意思疎通を図ることに支障がある障害者等その他の日常生活を営むのに支障がある障害者等につき、意思疎通支援（手話その他厚生労働省令で定める方法により当該障害者等とその他の者の意思疎通を支援することをいう。以下同じ。）を行う者の派遣、日常生活上の便宜を図るための用具であって厚生労働大臣が定めるものの給付又は貸与その他の厚生労働省令で定める便宜を供与する事業

(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;

七 意思疎通支援を行う者を養成する事業

(vii) programs training the persons to provide communication support;

八 移動支援事業

(viii) transportation support service; and

九 障害者等につき、地域活動支援センターその他の厚生労働省令で定める施設に通わせ、創作的活動又は生産活動の機会の提供、社会との交流の促進その他の厚生労働省令で定める便宜を供与する事業

(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 都道府県は、市町村の地域生活支援事業の実施体制の整備の状況その他の地域の実情を勘案して、関係市町村の意見を聴いて、当該市町村に代わって前項各号に掲げる事業の一部を行うことができる。

(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 市町村は、第一項各号に掲げる事業のほか、現に住居を求めている障害者につき低額な料金で福祉ホームその他の施設において当該施設の居室その他の設備を利用させ、日常生活に必要な便宜を供与する事業その他の障害者等が自立した日常生活又は社会生活を営むために必要な事業を行うことができる。

(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.

(基幹相談支援センター)

(Main Consultation Support Center)

第七十七条の二 基幹相談支援センターは、地域における相談支援の中核的な役割を担う機関として、前条第一項第三号及び第四号に掲げる事業並びに身体障害者福祉法第九条第五項第二号及び第三号、知的障害者福祉法第九条第五項第二号及び第三号並びに精神保健及び精神障害者福祉に関する法律第四十九条第一項に規定する業務を総合的に行うことを目的とする施設とする。

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 市町村は、基幹相談支援センターを設置することができる。

(2) The municipality may establish a main consultation support center.

3 市町村は、一般相談支援事業を行う者その他の厚生労働省令で定める者に対し、第一項の事業及び業務の実施を委託することができる。

(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 前項の委託を受けた者は、第一項の事業及び業務を実施するため、厚生労働省令で定めるところにより、あらかじめ、厚生労働省令で定める事項を市町村長に届け出て、基幹相談支援センターを設置することができる。

(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 基幹相談支援センターを設置する者は、第一項の事業及び業務の効果的な実施のために、指定障害福祉サービス事業者等、医療機関、民生委員法（昭和二十三年法律第百九十八号）に定める民生委員、身体障害者福祉法第十二条の三第一項又は第二項の規定により委託を受けた身体障害者相談員、知的障害者福祉法第十五条の二第一項又は第二項の規定により委託を受けた知的障害者相談員、意思疎通支援を行う者を養成し、又は派遣する事業の関係者その他の関係者との連携に努めなければならない。

(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 第三項の規定により委託を受けて第一項の事業及び業務を実施するため基幹相談支援センターを設置する者（その者が法人である場合にあつては、その役員）若しくはその職員又はこれらの職にあつた者は、正当な理由なしに、その業務に関して知り得た秘密を漏らしてはならない。

(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.

(都道府県の地域生活支援事業)

(Community Life Support Service by Prefectures)

第七十八条 都道府県は、厚生労働省令で定めるところにより、地域生活支援事業として、第七十七条第一項第三号、第六号及び第七号に掲げる事業のうち、特に専門性の高い相談支援に係る事業及び特に専門性の高い意思疎通支援を行う者を養成し、又は派遣する事業、意思疎通支援を行う者の派遣に係る市町村相互間の連絡調整その他の広域的な対応が必要な事業として厚生労働省令で定める事業を行うものとする。

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 都道府県は、前項に定めるもののほか、障害福祉サービス又は相談支援の質の向上のために障害福祉サービス若しくは相談支援を提供する者又はこれらの者に対し必要な指導を行う者を育成する事業その他障害者等が自立した日常生活又は社会生活を営むために必要な事業を行うことができる。

(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.

#### 第四章 事業及び施設

#### Chapter IV Business and Facilities

(事業の開始等)

(Commencement of Business)

第七十九条 都道府県は、次に掲げる事業を行うことができる。

Article 79 (1) The prefectural government may provide service equivalent to the following business:

一 障害福祉サービス事業

(i) business of providing welfare service for persons with disabilities;

二 一般相談支援事業及び特定相談支援事業

(ii) general consultation support business and specified consultation support business;

三 移動支援事業

(iii) transportation support service;

四 地域活動支援センターを運営する事業

(iv) business for operating a community activity support center; and

五 福祉ホームを運営する事業

(v) business for operating a welfare home.

2 国及び都道府県以外の者は、厚生労働省令で定めるところにより、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出て、前項各号に掲げる事業を行うことができる。

(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 前項の規定による届出をした者は、厚生労働省令で定める事項に変更が生じたときは、変更の日から一月以内に、その旨を都道府県知事に届け出なければならない。

(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 国及び都道府県以外の者は、第一項各号に掲げる事業を廃止し、又は休止しようとするときは、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

(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.

(障害福祉サービス事業、地域活動支援センター及び福祉ホームの基準)

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

第八十条 都道府県は、障害福祉サービス事業（施設を必要とするものに限る。以下この条及び第八十二条第二項において同じ。）、地域活動支援センター及び福祉ホームの設備及び運営について、条例で基準を定めなければならない。

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 都道府県が前項の条例を定めるに当たっては、第一号から第三号までに掲げる事項については厚生労働省令で定める基準に従い定めるものとし、第四号に掲げる事項については厚生労働省令で定める基準を標準として定めるものとし、その他の事項については厚生労働省令で定める基準を参酌するものとする。

(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:

一 障害福祉サービス事業に従事する従業者及びその員数並びに地域活動支援センター及び福祉ホームに配置する従業者及びその員数

(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;

二 障害福祉サービス事業に係る居室及び病室の床面積並びに福祉ホームに係る居室の床面積

(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;

三 障害福祉サービス事業の運営に関する事項であって、障害者の適切な処遇及び安全の確保並びに秘密の保持に密接に関連するものとして厚生労働省令で定めるもの並びに地域活動支援センター及び福祉ホームの運営に関する事項であって、障害者等の安全の確保及び秘密の保持に密接に関連するものとして厚生労働省令で定めるもの

(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

四 障害福祉サービス事業、地域活動支援センター及び福祉ホームに係る利用定員

(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 第一項の障害福祉サービス事業を行う者並びに地域活動支援センター及び福祉ホームの設置者は、同項の基準を遵守しなければならない。

(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.

(報告の徴収等)

(Collection of Reports)

第八十一条 都道府県知事は、障害者等の福祉のために必要があると認めるときは、障害福祉サービス事業、一般相談支援事業、特定相談支援事業若しくは移動支援事業を行う者若しくは地域活動支援センター若しくは福祉ホームの設置者に対して、報告若しくは帳簿書類その他の物件の提出若しくは提示を求め、又は当該職員に関係者に対して質問させ、若しくはその事業所若しくは施設に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

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 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(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.

(事業の停止等)

(Suspension of Operations)

第八十二条 都道府県知事は、障害福祉サービス事業、一般相談支援事業、特定相談支援事業又は移動支援事業を行う者が、この章の規定若しくは当該規定に基づく命令若しくはこれらに基づいてする処分に違反したとき、その事業に関し不当に営利を図り、若しくはその事業に係る者の処遇につき不当な行為をしたとき、又は身体障害者福祉法第十八条の二、知的障害者福祉法第二十一条若しくは児童福祉法第二十一条の七の規定に違反したときは、その事業を行う者に対して、その事業の制限又は停止を命ずることができる。

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 都道府県知事は、障害福祉サービス事業を行う者又は地域活動支援センター若しくは福祉ホームの設置者が、この章の規定若しくは当該規定に基づく命令若しくはこれらに基づいてする処分に違反したとき、当該障害福祉サービス事業、地域活動支援センター若しくは福祉ホームが第八十条第一項の基準に適合しなくなったとき、又は身体障害者福祉法第十八条の二、知的障害者福祉法第二十一条若しくは児童福祉法第二十一条の七の規定に違反したときは、その事業を行う者又はその設置者に対して、その施設の設備若しくは運営の改善又はその事業の停止若しくは廃止を命ずることができる。

(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.

(施設の設置等)

(Establishment of Facilities)

第八十三条 国は、障害者支援施設を設置しなければならない。

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

2 都道府県は、障害者支援施設を設置することができる。

(2) The prefectural government may establish a support facility for persons with disabilities.

3 市町村は、あらかじめ厚生労働省令で定める事項を都道府県知事に届け出て、障害者支援施設を設置することができる。

(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 国、都道府県及び市町村以外の者は、社会福祉法（昭和二十六年法律第四十五号）の定めるところにより、障害者支援施設を設置することができる。

(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 前各項に定めるもののほか、障害者支援施設の設置、廃止又は休止に関し必要な事項は、政令で定める。

(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.

(施設の基準)

(Requirements for Facilities)

第八十四条 都道府県は、障害者支援施設の設備及び運営について、条例で基準を定めなければならない。

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 都道府県が前項の条例を定めるに当たっては、第一号から第三号までに掲げる事項については厚生労働省令で定める基準に従い定めるものとし、第四号に掲げる事項については厚生労働省令で定める基準を標準として定めるものとし、その他の事項については厚生労働省令で定める基準を参酌するものとする。

(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:

一 障害者支援施設に配置する従業者及びその員数

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

二 障害者支援施設に係る居室の床面積

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

三 障害者支援施設の運営に関する事項であつて、障害者の適切な処遇及び安全の確保並びに秘密の保持に密接に関連するものとして厚生労働省令で定めるもの

(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

四 障害者支援施設に係る利用定員

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

3 国、都道府県及び市町村以外の者が設置する障害者支援施設については、第一項の基準を社会福祉法第六十五条第一項の基準とみなして、同法第六十二条第四項、第六十五条第三項及び第七十一条の規定を適用する。

(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.

(報告の徴収等)

(Collection of Reports)

第八十五条 都道府県知事は、市町村が設置した障害者支援施設の運営を適切にさせるため、必要があると認めるときは、当該施設の長に対して、必要と認める事項の報告若しくは帳簿書類その他の物件の提出若しくは提示を求め、又は当該職員に関係者に対して質問させ、若しくはその施設に立ち入り、設備若しくは帳簿書類その他の物件を検査させることができる。

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 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(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.

(事業の停止等)

(Suspension of Operations)

第八十六条 都道府県知事は、市町村が設置した障害者支援施設について、その設備又は運営が第八十四条第一項の基準に適合しなくなつたと認め、又は法令の規定に違反すると認めるときは、その事業の停止又は廃止を命ずることができる。

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 都道府県知事は、前項の規定による処分をするには、文書をもって、その理由を示さなければならない。

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

## 第五章 障害福祉計画

### Chapter V Welfare Plan for Persons with Disabilities

(基本指針)

(Basic Guidelines)

第八十七条 厚生労働大臣は、障害福祉サービス及び相談支援並びに市町村及び都道府県の地域生活支援事業の提供体制を整備し、自立支援給付及び地域生活支援事業の円滑な実施を確保するための基本的な指針（以下「基本指針」という。）を定めるものとする。

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 基本指針においては、次に掲げる事項を定めるものとする。

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

一 障害福祉サービス及び相談支援の提供体制の確保に関する基本的事項

(i) basic matters related to the establishment of a provision system for welfare



- services for persons with disabilities and consultation support;
- 二 障害福祉サービス、相談支援並びに市町村及び都道府県の地域生活支援事業の提供体制の確保に係る目標に関する事項
- (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;
- 三 次条第一項に規定する市町村障害福祉計画及び第八十九条第一項に規定する都道府県障害福祉計画の作成に関する事項
- (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
- 四 その他自立支援給付及び地域生活支援事業の円滑な実施を確保するために必要な事項
- (iv) matters necessary to ensure the payment of independent living benefits and the provision of community life support services in an unimpeded manner.
- 3 基本指針は、児童福祉法第三十三条の十九第一項に規定する基本指針と一体のものとして作成することができる。
- (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 厚生労働大臣は、基本指針の案を作成し、又は基本指針を変更しようとするときは、あらかじめ、障害者等及びその家族その他の関係者の意見を反映させるために必要な措置を講ずるものとする。
- (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 厚生労働大臣は、障害者等の生活の実態、障害者等を取り巻く環境の変化その他の事情を勘案して必要があると認めるときは、速やかに基本指針を変更するものとする。
- (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 厚生労働大臣は、基本指針を定め、又はこれを変更したときは、遅滞なく、これを公表しなければならない。
- (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.

(市町村障害福祉計画)

(Municipal Plan for the Welfare of Persons with Disabilities)

第八十八条 市町村は、基本指針に即して、障害福祉サービスの提供体制の確保その他この法律に基づく業務の円滑な実施に関する計画（以下「市町村障害福祉計画」という。）を定めるものとする。

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 市町村障害福祉計画においては、次に掲げる事項を定めるものとする。

(2) The following matters are specified in the municipal plan for welfare of persons with disabilities:

一 障害福祉サービス、相談支援及び地域生活支援事業の提供体制の確保に係る目標に関する事項

(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;

二 各年度における指定障害福祉サービス、指定地域相談支援又は指定計画相談支援の種類ごとの必要な量の見込み

(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

三 地域生活支援事業の種類ごとの実施に関する事項

(iii) matters related to the provision of community life support service by its type.

3 市町村障害福祉計画においては、前項各号に掲げるもののほか、次に掲げる事項について定めるよう努めるものとする。

(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:

一 前項第二号の指定障害福祉サービス、指定地域相談支援又は指定計画相談支援の種類ごとの必要な見込量の確保のための方策

(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

二 前項第二号の指定障害福祉サービス、指定地域相談支援又は指定計画相談支援及び同項第三号の地域生活支援事業の提供体制の確保に係る医療機関、教育機関、公共職業安定所その他の職業リハビリテーションの措置を実施する機関その他の関係機関との連携に関する事項

- (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 市町村障害福祉計画は、当該市町村の区域における障害者等の数及びその障害の状況を勘案して作成されなければならない。
- (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 市町村は、当該市町村の区域における障害者等の心身の状況、その置かれている環境その他の事情を正確に把握した上で、これらの事情を勘案して、市町村障害福祉計画を作成するよう努めるものとする。
- (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 市町村障害福祉計画は、児童福祉法第三十三条の二十第一項に規定する市町村障害児福祉計画と一体のものとして作成することができる。
- (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 市町村障害福祉計画は、障害者基本法第十一条第三項に規定する市町村障害者計画、社会福祉法第一百七条第一項に規定する市町村地域福祉計画その他の法律の規定による計画であって障害者等の福祉に関する事項を定めるものと調和が保たれたものでなければならない。
- (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 市町村は、市町村障害福祉計画を定め、又は変更しようとするときは、あらかじめ、住民の意見を反映させるために必要な措置を講ずるよう努めるものとする。
- (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 市町村は、第八十九条の三第一項に規定する協議会（以下この項及び第八十九条第

七項において「協議会」という。)を設置したときは、市町村障害福祉計画を定め、又は変更しようとする場合において、あらかじめ、協議会の意見を聴くよう努めなければならない。

(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 障害者基本法第三十六条第四項の合議制の機関を設置する市町村は、市町村障害福祉計画を定め、又は変更しようとするときは、あらかじめ、当該機関の意見を聴かなければならない。

(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 市町村は、市町村障害福祉計画を定め、又は変更しようとするときは、第二項に規定する事項について、あらかじめ、都道府県の意見を聴かなければならない。

(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 市町村は、市町村障害福祉計画を定め、又は変更したときは、遅滞なく、これを都道府県知事に提出しなければならない。

(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.

第八十八条の二 市町村は、定期的に、前条第二項各号に掲げる事項（市町村障害福祉計画に同条第三項各号に掲げる事項を定める場合にあつては、当該各号に掲げる事項を含む。）について、調査、分析及び評価を行い、必要があると認めるときは、当該市町村障害福祉計画を変更することその他の必要な措置を講ずるものとする。

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.

(都道府県障害福祉計画)

(Prefectural Plan for the Welfare of Persons with Disabilities)

第八十九条 都道府県は、基本指針に即して、市町村障害福祉計画の達成に資するため、

各市町村を通ずる広域的な見地から、障害福祉サービスの提供体制の確保その他この法律に基づく業務の円滑な実施に関する計画（以下「都道府県障害福祉計画」という。）を定めるものとする。

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 都道府県障害福祉計画においては、次に掲げる事項を定めるものとする。

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

一 障害福祉サービス、相談支援及び地域生活支援事業の提供体制の確保に係る目標に関する事項

(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;

二 当該都道府県が定める区域ごとに当該区域における各年度の指定障害福祉サービス、指定地域相談支援又は指定計画相談支援の種類ごとの必要な量の見込み

(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;

三 各年度の指定障害者支援施設の必要入所定員総数

(iii) the total number per year of the necessary capacity of support facilities for persons with disabilities; and

四 地域生活支援事業の種類ごとの実施に関する事項

(iv) matters for the provision of community life support service by its type.

3 都道府県障害福祉計画においては、前項各号に掲げる事項のほか、次に掲げる事項について定めるよう努めるものとする。

(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:

一 前項第二号の区域ごとの指定障害福祉サービス又は指定地域相談支援の種類ごとの必要な見込量の確保のための方策

(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;

二 前項第二号の区域ごとの指定障害福祉サービス、指定地域相談支援又は指定計画相談支援に従事する者の確保又は資質の向上のために講ずる措置に関する事項

(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;

三 指定障害者支援施設の施設障害福祉サービスの質の向上のために講ずる措置に関する事項

(iii) matters for implementation of measures to improve the quality of in-facility welfare service at designated support facilities for persons with disabilities; and

四 前項第二号の区域ごとの指定障害福祉サービス又は指定地域相談支援及び同項第四号の地域生活支援事業の提供体制の確保に係る医療機関、教育機関、公共職業安定所その他の職業リハビリテーションの措置を実施する機関その他の関係機関との連携に関する事項

(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 都道府県障害福祉計画は、児童福祉法第三十三条の二十二第一項に規定する都道府県障害児福祉計画と一体のものとして作成することができる。

(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 都道府県障害福祉計画は、障害者基本法第十一条第二項に規定する都道府県障害者計画、社会福祉法第百八条第一項に規定する都道府県地域福祉支援計画その他の法律の規定による計画であって障害者等の福祉に関する事項を定めるものと調和が保たれたものでなければならない。

(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 都道府県障害福祉計画は、医療法（昭和二十三年法律第二百五号）第三十条の四第一項に規定する医療計画と相まって、精神科病院に入院している精神障害者の退院の促進に資するものでなければならない。

(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 都道府県は、協議会を設置したときは、都道府県障害福祉計画を定め、又は変更しようとする場合において、あらかじめ、協議会の意見を聴くよう努めなければならない。

(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 都道府県は、都道府県障害福祉計画を定め、又は変更しようとするときは、あらかじめ、障害者基本法第三十六条第一項の合議制の機関の意見を聴かなければならない。

(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 都道府県は、都道府県障害福祉計画を定め、又は変更したときは、遅滞なく、これを厚生労働大臣に提出しなければならない。

(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.

第八十九条の二 都道府県は、定期的に、前条第二項各号に掲げる事項（都道府県障害福祉計画に同条第三項各号に掲げる事項を定める場合にあつては、当該各号に掲げる事項を含む。）について、調査、分析及び評価を行い、必要があると認めるときは、当該都道府県障害福祉計画を変更することその他の必要な措置を講ずるものとする。

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.

（協議会の設置）

(Establishment of a Council)

第八十九条の三 地方公共団体は、単独で又は共同して、障害者等への支援の体制の整備を図るため、関係機関、関係団体並びに障害者等及びその家族並びに障害者等の福祉、医療、教育又は雇用に関連する職務に従事する者その他の関係者（次項において「関係機関等」という。）により構成される協議会を置くように努めなければならない。

い。

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 前項の協議会は、関係機関等が相互の連絡を図ることにより、地域における障害者等への支援体制に関する課題について情報を共有し、関係機関等の連携の緊密化を図るとともに、地域の実情に応じた体制の整備について協議を行うものとする。

(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.

(都道府県知事の助言等)

(Prefectural Governors' Advice)

第九十条 都道府県知事は、市町村に対し、市町村障害福祉計画の作成上の技術的事項について必要な助言をすることができる。

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 厚生労働大臣は、都道府県に対し、都道府県障害福祉計画の作成の手法その他都道府県障害福祉計画の作成上の重要な技術的事項について必要な助言をすることができる。

(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.

(国の援助)

(Assistance by the National Government)

第九十一条 国は、市町村又は都道府県が、市町村障害福祉計画又は都道府県障害福祉計画に定められた事業を実施しようとするときは、当該事業が円滑に実施されるように必要な助言その他の援助の実施に努めるものとする。

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.

## 第六章 費用 Chapter VI Expenses

(市町村の支弁)

(Municipality's payment)

第九十二条 次に掲げる費用は、市町村の支弁とする。

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

一 介護給付費等、特定障害者特別給付費及び特例特定障害者特別給付費（以下「障害福祉サービス費等」という。）の支給に要する費用

(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.");

二 地域相談支援給付費、特例地域相談支援給付費、計画相談支援給付費及び特例計画相談支援給付（第九十四条第一項において「相談支援給付費等」という。）の支給に要する費用

(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));

三 自立支援医療費（第八条第一項の政令で定める医療に係るものを除く。）、療養介護医療費及び基準該当療養介護医療費の支給に要する費用

(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;

四 補装具費の支給に要する費用

(iv) amount required for the payment of assistive medical devices benefits;

五 高額障害福祉サービス等給付費の支給に要する費用

(v) amount required for the payment of high-cost welfare services for persons with disabilities, etc. benefits; and

六 市町村が行う地域生活支援事業に要する費用

(vi) amount required for community life support services provided by the municipalities.

(都道府県の支弁)

(Prefecture's Payment)

第九十三条 次に掲げる費用は、都道府県の支弁とする。

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

一 自立支援医療（第八条第一項の政令で定める医療に係るものに限る。）の支給に要する費用

(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

二 都道府県が行う地域生活支援事業に要する費用

(ii) amount required for community life support service provided by the prefectures.

(都道府県の負担及び補助)

(The Expenses Borne by and Subsidized by Prefectures)

第九十四条 都道府県は、政令で定めるところにより、第九十二条の規定により市町村が支弁する費用について、次に掲げるものを負担する。

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

一 第九十二条第一号、第二号及び第五号に掲げる費用のうち、国及び都道府県が負担すべきものとして当該市町村における障害福祉サービス費等及び高額障害福祉サービス等給付費の支給に係る障害者等の障害支援区分ごとの人数、相談支援給付費等の支給に係る障害者等の人数その他の事情を勘案して政令で定めるところにより算定した額（以下「障害福祉サービス費等負担対象額」という。）の百分の二十五

(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

二 第九十二条第三号及び第四号に掲げる費用のうち、その百分の二十五

(ii) 25% of the costs set forth in Article 92, items (3) and (4).

2 都道府県は、当該都道府県の予算の範囲内において、政令で定めるところにより、第九十二条の規定により市町村が支弁する費用のうち、同条第六号に掲げる費用の百分の二十五以内を補助することができる。

(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.

(国の負担及び補助)

(The Expenses Borne by and Subsidized the National Government)

第九十五条 国は、政令で定めるところにより、次に掲げるものを負担する。

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

一 第九十二条の規定により市町村が支弁する費用のうち、障害福祉サービス費等負担対象額の百分の五十

(i) 50% of the prefectural or national contributions to disability service benefits, etc. among the expenses incurred by the municipalities pursuant to Article 92;

二 第九十二条の規定により市町村が支弁する費用のうち、同条第三号及び第四号に掲げる費用の百分の五十

(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

三 第九十三条の規定により都道府県が支弁する費用のうち、同条第一号に掲げる費用の百分の五十

(iii) 50% of the expenses set forth in Article 93, item (i) among those incurred by the prefectures pursuant to the same Article.

2 国は、予算の範囲内において、政令で定めるところにより、次に掲げるものを補助することができる。

(2) The national government, within the limits of its budget and in accordance with Cabinet Order, may provide subsidies for the following:

一 第十九条から第二十二号まで、第二十四条及び第二十五条の規定により市町村が行う支給決定に係る事務の処理に要する費用（地方自治法第二百五十二条の第十四第一項の規定により市町村が審査判定業務を都道府県審査会に委託している場合にあっては、当該委託に係る費用を含む。）並びに第五十一条の五から第五十一条の七まで、第五十一条の九及び第五十一条の十の規定により市町村が行う地域相談支援給付決定に係る事務の百分の五十以内

(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

二 第九十二条及び第九十三条の規定により市町村及び都道府県が支弁する費用のうち、第九十二条第六号及び第九十三条第二号に掲げる費用の百分の五十以内

(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.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第九十六条 社会福祉法第五十八条第二項から第四項までの規定は、国有財産特別措置法（昭和二十七年法律第二百十九号）第二条第二項第三号の規定又は同法第三条第一項第四号及び第二項の規定により普通財産の譲渡又は貸付けを受けた社会福祉法人に準用する。

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).

## 第七章 国民健康保険団体連合会の障害者総合支援法関係業務

### 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

(連合会の業務)

(Duties of the Federations)

第九十六条の二 連合会は、国民健康保険法の規定による業務のほか、第二十九条第七項（第三十四条第二項において準用する場合を含む。）、第五十一条の十四第七項及び第五十一条の十七第六項の規定により市町村から委託を受けて行う介護給付費、訓練等給付費、特定障害者特別給付費、地域相談支援給付費及び計画相談支援給付費の審査及び支払に関する業務を行う。

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.

(議決権の特例)

(Exception of Voting Rights)

第九十六条の三 連合会が前条の規定により行う業務（次条において「障害者総合支援法関係業務」という。）については、国民健康保険法第八十六条において準用する同

法第二十九条の規定にかかわらず、厚生労働省令で定めるところにより、規約をもって議決権に関する特段の定めをすることができる。

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.

(区分経理)

(Segment Accounting)

第九十六条の四 連合会は、障害者総合支援法関係業務に係る経理については、その他の経理と区分して整理しなければならない。

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.

## 第八章 審査請求

### Chapter VIII Requests for Administrative Review

(審査請求)

(Request for Administrative Review)

第九十七条 市町村の介護給付費等又は地域相談支援給付費等に係る処分に不服がある障害者又は障害児の保護者は、都道府県知事に対して審査請求をすることができる。

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 前項の審査請求は、時効の完成猶予及び更新に関しては、裁判上の請求とみなす。

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

(不服審査会)

(Appeal Examination Board)

第九十八条 都道府県知事は、条例で定めるところにより、前条第一項の審査請求の事件を取り扱わせるため、障害者介護給付費等不服審査会（以下「不服審査会」という。）を置くことができる。

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 不服審査会の委員の定数は、政令で定める基準に従い、条例で定める員数とする。

(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 委員は、人格が高潔であつて、介護給付費等又は地域相談支援給付費等に関する処分の審理に関し公正かつ中立な判断をすることができ、かつ、障害者等の保健又は福祉に関する学識経験を有する者のうちから、都道府県知事が任命する。

(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.

(委員の任期)

(Term of Office of Board Members)

第九十九条 委員の任期は、三年とする。ただし、補欠の委員の任期は、前任者の残任期間とする。

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 委員は、再任されることができる。

(2) A board member may be reappointed.

(会長)

(Chairperson)

第一百条 不服審査会に、委員のうちから委員が選挙する会長一人を置く。

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

2 会長に事故があるときは、前項の規定に準じて選挙された者が、その職務を代行する。

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

(審査請求の期間及び方式)

(Period and Method of Request for Administrative Review)

第一百一条 審査請求は、処分があつたことを知った日の翌日から起算して三月以内に、文書又は口頭でしなければならない。ただし、正当な理由により、この期間内に審査請求をすることができなかつたことを疎明したときは、この限りでない。

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.

(市町村に対する通知)

(Notice to Municipalities)

第百二条 都道府県知事は、審査請求がされたときは、行政不服審査法（平成二十六年法律第六十八号）第二十四条の規定により当該審査請求を却下する場合を除き、原処分をした市町村及びその他の利害関係人に通知しなければならない。

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).

(審理のための処分)

(Requirements for Proceedings)

第百三条 都道府県知事は、審理を行うため必要があると認めるときは、審査請求人若しくは関係人に対して報告若しくは意見を求め、その出頭を命じて審問し、又は医師その他都道府県知事の指定する者（次項において「医師等」という。）に診断その他の調査をさせることができる。

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 都道府県は、前項の規定により出頭した関係人又は診断その他の調査をした医師等に対し、政令で定めるところにより、旅費、日当及び宿泊料又は報酬を支給しなければならない。

(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.

(政令等への委任)

(Entrustment to Cabinet Order)

第百四条 この章及び行政不服審査法に定めるもののほか、審査請求の手續に関し必要な事項は政令で、不服審査会に関し必要な事項は当該不服審査会を設置した都道府県の条例で定める。

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.

(審査請求と訴訟との関係)

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

第百五条 第九十七条第一項に規定する処分の取消しの訴えは、当該処分についての審査請求に対する裁決を経た後でなければ、提起することができない。

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.

## 第九章 雑則

### Chapter IX Miscellaneous Rules

(連合会に対する監督)

(Supervision of the Federation)

第百五条の二 連合会について国民健康保険法第百六条及び第百八条の規定を適用する場合において、これらの規定中「事業」とあるのは、「事業（障害者の日常生活及び社会生活を総合的に支援するための法律（平成十七年法律第百二十三号）第九十六条の三に規定する障害者総合支援法関係業務を含む。）」とする。

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))".

(大都市等の特例)

(Exceptional Cases for Large Cities)

第百六条 この法律中都道府県が処理することとされている事務に関する規定で政令で定めるものは、指定都市及び中核市並びに児童福祉法第五十九条の四第一項に規定する児童相談所設置市（以下「児童相談所設置市」という。）においては、政令で定めるところにより、指定都市若しくは中核市又は児童相談所設置市（以下「指定都市等」という。）が処理するものとする。この場合においては、この法律中都道府県に関する規定は、指定都市等に関する規定として指定都市等に適用があるものとする。

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.

(権限の委任)

(Delegation of Authority)

第百七条 この法律に規定する厚生労働大臣の権限は、厚生労働省令で定めるところにより、地方厚生局長に委任することができる。

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 前項の規定により地方厚生局長に委任された権限は、厚生労働省令で定めるところにより、地方厚生支局長に委任することができる。

(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.

(実施規定)

(Provisions for Implementation)

第百八条 この法律に特別の規定があるものを除くほか、この法律の実施のための手続その他その執行について必要な細則は、厚生労働省令で定める。

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.

## 第十章 罰則

### Chapter X Penal Provisions

第百九条 市町村審査会、都道府県審査会若しくは不服審査会の委員若しくは連合会の役員若しくは職員又はこれらの者であった者が、正当な理由なしに、職務上知り得た自立支援給付対象サービス等を行った者の業務上の秘密又は個人の秘密を漏らしたときは、一年以下の懲役又は百万円以下の罰金に処する。

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 第十一条の二第二項、第二十条第四項（第二十四条第三項、第五十一条の六第二項及び第五十一条の九第三項において準用する場合を含む。）又は第七十七条の二第六項の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

(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.

第百十条 第十一条第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問若しくは第十一条の二第一項の規定により委託を受けた指定事務受託法人の職員の第十一条第一項の規定による質問に対して、答弁せず、若しくは虚偽の答弁をした者は、三十万円以下の罰金に処する。

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.

第百十一条 第四十八条第一項（同条第三項において準用する場合を含む。）、第五十一条の三第一項、第五十一条の二十七第一項若しくは第二項若しくは第五十一条の三十二第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又はこれらの規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をし、若しくはこれらの規定による検査を拒み、妨げ、若しくは忌避した者は、三十万円以下の罰金に処する。

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.

第百十二条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して前条の違反行為をしたときは、行為者を罰するほか、そ

の法人又は人に対しても、同条の刑を科する。

**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.

第百十三条 正当な理由なしに、第百三条第一項の規定による処分に違反して、出頭せず、陳述をせず、報告をせず、若しくは虚偽の陳述若しくは報告をし、又は診断その他の調査をしなかった者は、三十万円以下の罰金に処する。ただし、不服審査会の行う審査の手續における請求人又は第百二条の規定により通知を受けた市町村その他の利害関係人は、この限りでない。

**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.

第百十四条 第十一条第二項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問若しくは第十一条の二第一項の規定により委託を受けた指定事務受託法人の職員の第十一条第二項の規定による質問に対して、答弁せず、若しくは虚偽の答弁をした者は、十万円以下の過料に処する。

**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.

第百十五条 市町村等は、条例で、正当な理由なしに、第九条第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問若しくは第十一条の二第一項の規定により委託を受けた指定事務受託法人の職員の第九条第一項の規定による質問に対して、答弁せず、若しくは虚偽の答弁をした者に対し十万円以下の過料を科する規定を設けることができる。

**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 市町村等は、条例で、正当な理由なしに、第十条第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問若しくは第十一条の二第一項の規定により委託を受けた指定事務受託法人の職員の第十条第一項の規定による質問に対して、答弁せず、若しくは虚偽の答弁をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避した者に対し十万円以下の過料を科する規定を設けることができる。

(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 市町村は、条例で、第二十四条第二項、第二十五条第二項、第五十一条の九第二項又は第五十一条の十第二項の規定による受給者証又は地域相談支援受給者証の提出又は返還を求められてこれに応じない者に対し十万円以下の過料を科する規定を設けることができる。

(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.

## 附 則 [抄]

### Supplementary Provisions [Extract]

(施行期日)

(Enactment Date)

第一条 この法律は、平成十八年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 附則第二十四条、第四十四条、第一百一条、第一百三條、第一百六條から第一百八條

まで及び第百二十二条の規定 公布の日

(i) Article 24, 44, 101, 103, 106 to 108, and 122 of the Supplementary

Provisions: the date of promulgation; and

二 第五条第一項（居宅介護、行動援護、児童デイサービス、短期入所及び共同生活援助に係る部分を除く。）、第三項、第五項、第六項、第九項から第十五項まで、第十七項及び第十九項から第二十二項まで、第二章第一節（サービス利用計画作成費、特定障害者特別給付費、特例特定障害者特別給付費、療養介護医療費、基準該当療養介護医療費及び補装具費の支給に係る部分に限る。）、第二十八条第一項（第二号、第四号、第五号及び第八号から第十号までに係る部分に限る。）及び第二項（第一号から第三号までに係る部分に限る。）、第三十二条、第三十四条、第三十五条、第三十六条第四項（第三十七条第二項において準用する場合を含む。）、第三十八条から第四十条まで、第四十一条（指定障害者支援施設及び指定相談支援事業者の指定に係る部分に限る。）、第四十二条（指定障害者支援施設等の設置者及び指定相談支援事業者に係る部分に限る。）、第四十四条、第四十五条、第四十六条第一項（指定相談支援事業者に係る部分に限る。）及び第二項、第四十七条、第四十八条第三項及び第四項、第四十九条第二項及び第三項並びに同条第四項から第七項まで（指定障害者支援施設等の設置者及び指定相談支援事業者に係る部分に限る。）、第五十条第三項及び第四項、第五十一条（指定障害者支援施設及び指定相談支援事業者に係る部分に限る。）、第七十条から第七十二条まで、第七十三条、第七十四条第二項及び第七十五条（療養介護医療及び基準該当療養介護医療に係る部分に限る。）、第二章第四節、第三章、第四章（障害福祉サービス事業に係る部分を除く。）、第五章、第九十二条第一号（サービス利用計画作成費、特定障害者特別給付費及び特例特定障害者特別給付費の支給に係る部分に限る。）、第二号（療養介護医療費及び基準該当療養介護医療費の支給に係る部分に限る。）、第三号及び第四号、第九十三条第二号、第九十四条第一項第二号（第九十二条第三号に係る部分に限る。）及び第二項、第九十五条第一項第二号（第九十二条第二号に係る部分を除く。）及び第二項第二号、第九十六条、第一百条（サービス利用計画作成費、特定障害者特別給付費、特例特定障害者特別給付費、療養介護医療費、基準該当療養介護医療費及び補装具費の支給に係る部分に限る。）、第一百一条及び第一百十二条（第四十八条第一項の規定を同条第三項及び第四項において準用する場合に係る部分に限る。）並びに第一百四十四条並びに第一百五十一条及び第二項（サービス利用計画作成費、特定障害者特別給付費、特例特定障害者特別給付費、療養介護医療費、基準該当療養介護医療費及び補装具費の支給に係る部分に限る。）並びに附則第十八条から第二十三条まで、第二十六条、第三十条から第三十三条まで、第三十五条、第三十九条から第四十三条まで、第四十六条、第四十八条から第五十条まで、第五十二条、第五十六条から第六十条まで、第六十二条、第六十五条、第六十八条から第七十条まで、第七十二条から第七十七条まで、第七十九条、第八十一条、第八十三条、第八十五条から第九十条まで、第九十二条、第九十三条、第九十五条、第九十六条、第九十八条から第一百条まで、第一百五十一条、第一百八条、第一百条、第一百十二条、第一百三十三条及び第一百五十一条の規定 平成十八年十月一日

(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.

附 則 〔平成二十八年六月三日法律第六十五号〕 〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成三十年四月一日から施行する。ただし、第二条中児童福祉法第五十六条の六第一項の次に一項を加える改正規定並びに附則第十条及び第十一条の規定は、公布の日から施行する。

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.

(検討)

(Considerations)

第二条 政府は、この法律の施行後三年を目途として、この法律による改正後の障害者の日常生活及び社会生活を総合的に支援するための法律（以下「障害者総合支援法」という。）及び児童福祉法の規定について、その施行の状況等を勘案しつつ検討を加え、必要があると認めるときは、その結果に基づいて必要な措置を講ずるものとする。

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.

(障害者総合支援法の一部改正に伴う経過措置)

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

第三条 この法律の施行の日（以下「施行日」という。）前に行われた障害者総合支援法第二十九条第一項に規定する指定障害福祉サービス等（次項において「指定障害福祉サービス等」という。）に係る同条第一項の規定による介護給付費又は訓練等給付費の支給については、なお従前の例による。

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 施行日前に行われた障害者総合支援法第三十条第一項第一号の規定による指定障害福祉サービス等又は同項第二号に規定する基準該当障害福祉サービスに係る同項の規定による特例介護給付費又は特例訓練等給付費の支給については、なお従前の例による。

(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.

第四条 第一条の規定による改正後の障害者総合支援法（以下「新障害者総合支援法」という。）第七十六条の規定は、施行日以後に新障害者総合支援法第五条第二十五項に規定する補装具の購入、借受け又は修理をした者について適用し、施行日前に第一条の規定による改正前の障害者総合支援法（以下この条及び次条において「旧障害者総合支援法」という。）第五条第二十三項に規定する補装具の購入又は修理をした者に対する旧障害者総合支援法第七十六条第一項に規定する補装具費の支給については、なお従前の例による。

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.

第五条 新障害者総合支援法第七十六条の二の規定は、施行日以後に同条第一項に規定するサービスを受けた者及び新障害者総合支援法第五条第二十五項に規定する補装具の購入、借受け又は修理をした者について適用し、施行日前に旧障害者総合支援法第七十六条の二第一項に規定するサービスを受けた者及び旧障害者総合支援法第五条第二十三項に規定する補装具の購入又は修理をした者に対する旧障害者総合支援法第七十六条の二第一項に規定する高額障害福祉サービス等給付費の支給については、なお従前の例による。

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.

第六条 この法律の施行の際現に障害者総合支援法第二十九条第一項、第五十一条の十四第一項又は第五十一条の十七第一項第一号の指定を受け、新障害者総合支援法第七十六条の三第一項に規定する情報公表対象サービス等の提供を開始している者についての同項の規定の適用については、同項中「指定障害福祉サービス等、指定地域相談支援又は指定計画相談支援（以下この条において「情報公表対象サービス等」という。）の提供を開始しようとするとき、その他厚生労働省令」とあるのは「厚生労働省令」と、「情報公表対象サービス等の内容」とあるのは「指定障害福祉サービス等、指定地域相談支援又は指定計画相談支援（以下「情報公表対象サービス等」という。）の内容」とする。

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")".

(施行前の準備)

(Preparations Prior to Enforcement)

第十条 この法律を施行するために必要な条例の制定又は改正、障害者総合支援法第二十九条第一項の指定障害福祉サービス事業者（新障害者総合支援法第五条第十五項に規定する就労定着支援又は同条第十六項に規定する自立生活援助に係るものに限る。）の指定及び児童福祉法第二十一条の五の三第一項の指定障害児通所支援事業者（新児童福祉法第六条の二の二第五項に規定する居宅訪問型児童発達支援に係るものに限る。）の指定の準備並びに新児童福祉法第三十三条の十九の規定による基本指針の作成、新児童福祉法第三十三条の二十の規定による市町村障害児福祉計画の作成及び新児童福祉法第三十三条の二十二の規定による都道府県障害児福祉計画の作成の準備は、この法律の施行前においても行うことができる。

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.

附 則 〔平成二十九年四月二十六日法律第二十五号〕 〔抄〕  
Supplementary Provisions [Act No. 25 of April 26, 2017] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成三十年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 第三条、第七条（農業災害補償法第百四十三条の二第一項にただし書を加える改正規定に限る。）及び第十条の規定並びに附則第六条から第八条まで、第十三条及び第十四条の規定 公布の日

(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;

二 略

(ii) Omitted; and

三 第五条（児童福祉法第二十四条第一項の改正規定を除く。）及び第六条の規定 平成三十一年四月一日

(iii) Article 5 (not including the provisions amending Article 24, paragraph (1) of the Child Welfare Act) and Article 6: April 1, 2019.

(処分、申請等に関する経過措置)

(Transitional Measures Related to Dispositions and Applications)

第七条 この法律（附則第一条各号に掲げる規定については、当該各規定。以下この条において同じ。）の施行の日前にこの法律による改正前のそれぞれの法律の規定によりされた認定等の処分その他の行為（以下この項において「処分等の行為」という。）又はこの法律の施行の際現にこの法律による改正前のそれぞれの法律の規定によりされている認定等の申請その他の行為（以下この項において「申請等の行為」という。）で、この法律の施行の日においてこれらの行為に係る行政事務を行うべき者が異なることとなるものは、附則第二条から前条までの規定又は次条の規定に基づく政令に定めるものを除き、この法律の施行の日以後におけるこの法律による改正後のそれぞれの法律の適用については、この法律による改正後のそれぞれの法律の相当規定によりされた処分等の行為又は申請等の行為とみなす。

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 この法律の施行の日前にこの法律による改正前のそれぞれの法律の規定により国又は地方公共団体の機関に対し、報告、届出、提出その他の手続をしなければならない事項で、この法律の施行の日前にその手続がされていないものについては、附則第二条から前条までの規定又は次条の規定に基づく政令に定めるもののほか、これを、この法律による改正後のそれぞれの法律の相当規定により国又は地方公共団体の相当の機関に対して報告、届出、提出その他の手続をしなければならない事項についてその手続がされていないものとみなして、この法律による改正後のそれぞれの法律の規定を適用する。

(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.

附 則 〔平成二十九年六月二日法律第五十二号〕 〔抄〕

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

第一条 この法律は、平成三十年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 第三条の規定並びに次条並びに附則第十五条、第十六条、第二十七条、第二十九条、第三十一条、第三十六条及び第四十七条から第四十九条までの規定 公布の日

(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.

(検討)

(Considerations)

2 政府は、前項に定める事項のほか、この法律の施行後五年を目途として、この法律の規定による改正後の規定の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(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.

(障害者の日常生活及び社会生活を総合的に支援するための法律の一部改正に伴う経過措置)

(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)

第三十条 施行日から起算して一年を超えない期間内において第十二条の規定による改正後の障害者の日常生活及び社会生活を総合的に支援するための法律（次条において「新障害者総合支援法」という。）第四十一条の二第一項各号に規定する都道府県の条例が制定施行されるまでの間は、同条第二項に規定する厚生労働省令で定める基準をもって、当該都道府県の条例で定められた基準とみなす

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.

第三十一条 新障害者総合支援法第四十一条の二の規定の施行のために必要な条例の制定又は改正、障害者の日常生活及び社会生活を総合的に支援するための法律第三十六条第一項の規定による同法第二十九条第一項の指定（新障害者総合支援法第四十一条の二第一項に規定する者の申請に係るものに限る。）の手續その他の行為は、施行日前においても行うことができる。

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.

(罰則の適用に関する経過措置)

(Transitional Measures Concerning Application of Penal Provisions)

第四十八条 この法律（附則第一条各号に掲げる規定については、当該各規定。以下この条において同じ。）の施行前にした行為及びこの附則の規定によりなお従前の例によることとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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..