

Services and Supports for Persons with Disabilities Act

(Act No. 123 of November 7, 2005)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to improve the welfare of persons (adults) and children with disabilities through the provision of benefits for necessary disability welfare services and provision of other forms of support to enable persons (adults) and children with disabilities to live independent daily or social lives according to their respective abilities and aptitudes, as well as to help bring about the realization of local communities in which citizens can live peacefully and securely with respect for each other's personality and character, regardless of disabilities, according to the basic principles of the Basic Act for Persons with Disabilities (Act No.84 of 1970), combined with the Act for the welfare of Persons with Physical Disabilities (Act No.283 of 1949), the Act for the welfare of persons with intellectual disabilities (Act No.37 of 1960), the Act for the Mental Health and Welfare of the Persons with Mental Disorders (Act No.123 of 1950), the Child Welfare Act (Act No.164 of 1947), and other Acts pertaining to the welfare of persons (adults) and children with disabilities.

(Responsibilities of Municipalities)

Article 2 (1) Municipalities (including special wards; the same shall apply hereinafter) have the following responsibilities in enforcing this Act.

(i) Municipalities shall provide necessary Payment for Services and Supports for Persons with Disabilities and community life support service comprehensively and systematically as trying to build close coordination with institutes like public employment security offices and other institutes which conduct actions for other vocational rehabilitations (means vocational rehabilitations prescribed in item 7 of Article 2 of Act for Employment Promotion etc. of Persons with disabilities (Act No. 123 of 1960); same as in paragraph 1 of Article 42 hereof), educational institutes, and other institutes concerned, understanding actual life conditions of persons (adults) and children with disabilities or others within the area of such municipality, so that the persons with disabilities can live in the place which they chose for themselves, or persons (adults) and children with disabilities (hereinafter referred to as "persons with disabilities, or others") can live independent daily or social life according to their respective abilities and aptitudes.

- (ii) Municipalities shall provide necessary information; provide consultation and conduct researches and offer guidance; and practice the service associated therewith, concerning the welfare for persons with disabilities, or others.
 - (iii) Municipalities shall afford benefit so that persons with disabilities, or others who needs support to communicate can utilize the welfare service for themselves smoothly; correspond and coordinate with institutes concerned so as to prevent abuse to persons with disabilities or others and recognize such abuse at an early stage; and provide other necessary assistance to advocate rights of persons with disabilities, or others.
- (2) Prefectures have the following responsibilities in enforcing this Act.
- (i) Prefectures shall provide advice, information, and other assistance necessary for municipalities so that such municipalities can conduct Payment for Services and Supports for Persons with Disabilities and community life support service appropriately and smoothly.
 - (ii) Prefectures shall comprehensively provide necessary medical expenses for services and supports for persons with disabilities and community life support service as trying to build coordination with municipalities.
 - (iii) Prefectures shall provide the consultation and guidance which need professional knowledge and skills among consultation and guidance for persons with disabilities, or others.
 - (iv) Prefectures shall provide necessary assistance to advocate rights of persons with disabilities, or others in cooperation with its municipalities as well as provide advice, information, and other assistance necessary for its municipalities so that such municipalities can properly and smoothly provide support necessary for protecting the rights of persons with disabilities, or others.
- (3) The State shall provide municipalities and prefectures with advice, information, and other necessary assistance so that municipalities and prefectures can conduct Payment for Services and Supports for Persons with Disabilities, community life support service, and other service based on this Act appropriately and smoothly.

(Responsibilities of Citizens)

Article 3 All citizens, regardless disabilities, shall endeavor to cooperate for achievement of local communities where persons with disabilities, or others live independent daily and social life according to their respective abilities and aptitudes.

(Definitions)

Article 4 (1) The term "persons with disabilities" as used in this Act means the

persons with physical disabilities prescribed in Article 4 of Act for the welfare of Persons with Physical Disabilities, the persons aged 18 and over among persons with intellectual disabilities prescribed in Act for the welfare of persons with intellectual disabilities, and persons aged 18 and over among persons with mental disorders prescribed in Article 5 of Act for the Mental Health and Welfare of the Persons with Mental Disorders (except the persons with intellectual disabilities prescribed in Act for the welfare of persons with intellectual disabilities; hereinafter referred to as "persons with mental disorders").

- (2) The term "children with disabilities" as used in this Act means children with disabilities and who are prescribed in paragraph 2 of Article 4 of the Child Welfare Act, and children with mental disorders who are below the age of 18.
- (3) The term "guardians" as used in this Act means the guardians prescribed in Article 6 of Child Welfare Act.
- (4) The term "classification of disability levels" as used in this Act means the classification specified in Ordinance of the Ministry of Health, Labour and Welfare as the indicators to show physical and mental status of persons with disabilities, or others so as to clarify necessities of welfare service for such persons with disabilities, or others.

Article 5 (1) The term "welfare service for persons with disabilities" as used in this Act means home help service, visiting care for persons with severe disabilities, activity support, medical care, care for daily life, day service for children, short-stay service, comprehensive support for persons with severe disabilities, group home with care, support for persons in residential care, rehabilitation service, transition support for employment, support for continuous employment, and group home with aid; the term "welfare service business for persons with disabilities" as used in this Act means business which conduct welfare service for persons with disabilities (except in-facility welfare service for persons with disabilities conducted in support facilities for persons with disabilities, the facilities established by the Incorporated Administrative Agency National Center for Persons with Severe Intellectual Disabilities, "Nozominosono", pursuant to the provision of item 1 of Article 11 of the Act for the Incorporated Administrative Agency National Center for Persons with Severe Intellectual Disabilities, "Nozominosono" (hereinafter referred to as "Nozominosono"), and the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare).

- (2) The term "home help service" as used in this Act means to afford the benefits for persons with disabilities, or others with care in their residences to support meals, bath, elimination and other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

- (3) The term "visiting care for persons with severe disabilities" as used in this Act means to afford the benefits comprehensively for persons with severe physical disabilities, who need nursing care continuously with care in their residences, to support meals, bath, elimination and the other benefits prescribed in Ordinance of the Ministry of Health, Labour and Welfare, and nursing care during transportation when they go out.
- (4) The term "activity support" as used in this Act means to provide persons with disabilities, or others who have severe difficulties in their actions due to their intellectual disabilities or mental disorders and who need nursing care continuously with necessary aid for avoiding danger which could occur when such persons conduct by themselves, care during transportation when they go out, and other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- (5) The term "medical care" as used in this Act means to provide persons with disabilities who need medical care and who are ones prescribed as the persons who need nursing care continuously in Ordinance of the Ministry of Health, Labour and Welfare with functional training, care management, nursing care, care under medical management, and daily care which are conducted in hospitals and the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the daytime. The term "medical care treatment" as used in this Act means those pertaining to medical care among the care treatment.
- (6) The term "care for daily life" as used in this Act means to provide persons with disabilities who are prescribed as the persons with disabilities who need nursing care continuously in Ordinance of the Ministry of Health, Labour and Welfare with care for bath, elimination or meals, opportunities for creative or productive activities, and other benefit prescribed in Ordinance of the Ministry Health, Labour and Welfare, which are conducted in support facilities for persons with disabilities or the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the daytime.
- (7) The term "day service for children" as used in this Act means to have children with disabilities go to the facilities for children with physical disabilities which are prescribed in Article 43-3 of Child Welfare Act or the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare to provide them with instruction about basic actions in daily life, adaptive trainings to group living, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- (8) The term "short-stay service" as used in this Act means to have the persons with disabilities, or others who need short-time placement in support facilities for persons with disabilities or the other facilities prescribed Ordinance of the Ministry of Health, Labour and Welfare due to sickness of their caretakers who

conduct nursing care at their home or other reasons to enter such facilities for short time to provide care for bath, elimination, or meal, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

- (9) The term "comprehensive support for persons with severe disabilities" as used in this Act means to provide comprehensively persons with disabilities, or others who need nursing care continuously and who are prescribed as the persons whose degrees of necessity for nursing care are very high in Ordinance of the Ministry of Health, Labour and Welfare with "home help service" and the other welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- (10) The term "group home with care" as used in this Act means to provide the persons with disabilities with care for bath, elimination, or meal, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the night at residences where they are to live communally.
- (11) The term "support for residential care" as used in this Act means to provide persons with disabilities entered placement in communal residences with care for bath, elimination, or meal, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the night.
- (12) The term "support facilities for persons with disabilities" as used in this Act means the facilities which provide persons with disabilities with support for residential care as well as in-facility welfare service other than the support for residential care (except Nozominosono and the facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare in paragraph 1 of this Article).
- (13) The term "rehabilitation service" as used in this Act means to provide persons with disabilities with trainings for improving physical function or social abilities, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare during the term prescribed in Ordinance of the Ministry of Health, Labour and Welfare so that they can live independent daily and social life.
- (14) The term "transition support for employment" as used in this Act means to provide persons with disabilities who desire to work with necessary trainings for improving knowledge and skills needed for them to enter the work-force, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare, through offering opportunities for productive and other activities during the term prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- (15) The term "support for continuous employment" as used in this Act means to provide persons with disabilities who have difficulties to be employed by ordinary places of business with opportunities for employment as well as necessary trainings for improving their necessary knowledge and skills to enter

the work-force, and other benefit prescribed in Ordinances of the Ministry of Health, Labour and Welfare, through offering opportunities for productive and other activities.

- (16) The term "group home with aid" as used in this Act means to provide persons with disabilities who have no trouble leading communal lives in their communities with consultation and other aid in their daily lives at residences where they are to live communally, primarily during the night.
- (17) The term "consultation support" as used in this Act means to provide all the following benefit; and the term "consultation support business" as used in this Act means the business which conduct consultation support.
- (i) To provide consultation to persons with disabilities, or others, guardians of children with disabilities, or caretakers of persons with disabilities, or others; to offer necessary information and advice; and as well as to provide communication and coordination among such persons, municipalities and the designated welfare service business operators for persons with disabilities prescribed in paragraph 2 of Article 29, and afford the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare comprehensively, for various problems concerning the welfare of persons with disabilities, or others in communities.
- (ii) To create programs for persons with disabilities or guardians of children with disabilities given grant decision as described in paragraph 1 of Article 19 (hereinafter referred to as "persons with disabilities, or others given grant decision"), which stipulate the types of disability welfare services used, the contents of those services, the persons in charge thereof, and other matters prescribed in the ordinances of the Ministry of Health, Labour and Welfare (referred to as "service utilization programs" below in this item), and which are created in response to requests from the persons with disabilities, or others given grant decision, and with consideration of their physical and mental status, their environment, their interest with respect to utilizing welfare services, and other factors so that they can use the welfare services appropriately; and also to conduct liaisons and coordination with the designated welfare service business operators for persons with disabilities specified in paragraph 2 of Article 29, and other parties or persons, and provide other conveniences to help ensure that the disability welfare services based on such service utilization programs are provided.
- (18) The term "medical payment for services and supports for persons with disabilities" as used in this Act means necessary medical service for persons with disabilities, or others to ease their conditions of physical disabilities or mental disorders and to help them to live independent daily or social life, which is prescribed in the Cabinet Order.
- (19) The term "prosthetic devices" as used in this Act mean artificial limbs,

braces, wheel chairs, and other which are specified by the Minister of Health, Labour and Welfare as what complement or alternate physical functions of persons with disabilities, or others and are used continuously for a long time, and as the others fall under the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(20) The term "transportation support business" as used in this Act means the service to assist transportation of persons with disabilities, or others so that they can go out smoothly.

(21) The term "local activity support center" as used in this Act means the facilities to which persons with disabilities, or others commute, and provide opportunities for creative and productive activities and other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(22) The term "welfare home" as used in this Act means the facilities which have the persons with disabilities who are presently searching for residence utilize rooms or other equipment at low cost as well as afford necessary benefit for daily life.

Chapter II Payment for Services and Supports for Persons with Disabilities

Section 1 General Provisions

(Payment for Services and Supports for Persons with Disabilities)

Article 6 Payment for Services and Supports for Persons with Disabilities shall be grant of nursing care payment, special nursing care payment, payment for training, etc., special payment for training, etc., service utilization program expenses, expenses for high-cost welfare service for persons with disabilities, payment for specified persons with disabilities, special payment for specified persons with disabilities, medical expenses for services and supports for persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses.

(Adjustment with Payment on Other Acts)

Article 7 Payment for Services and Supports for Persons with Disabilities shall not be granted to persons who are entitled to receive long-term care insurance benefit allowance pursuant to the provisions of the Long-term Care Insurance Act (Act No.123 of 1997), medical care benefit pursuant to the provisions of the Health Insurance Act (Act No. 70 of 1922), or payment based on other ordinances, according to the conditions of their respective disability, where such is equivalent to Payment for Services and Supports for Persons with Disabilities, in accordance with the limitations of the Cabinet Order, nor to persons who receive any grants from national government or local governments, besides those specified by the above-mentioned Cabinet Orders, which are

equivalent to Payment for Services and Supports for Persons with Disabilities, in accordance with the limitations thereof.

(Charge on Fraudulent Gains)

Article 8 (1) In the event that there was a person who had received Payment for Services and Supports for Persons with Disabilities by deceit or other fraudulent means, a municipality (this shall be a prefecture concerning medical expenses for services and supports for persons with disabilities; hereafter collectively referred to as "municipality etc.") may collect whole or part of the amount equivalent to such Payment for Services and Supports for Persons with Disabilities from the person.

(2) In the event that a designated welfare service business operator for persons with disabilities prescribed in paragraph 2 of Article 29, a designated providers of consultation support business prescribed in paragraph 1 of Article 32, or a designated medical payment institute for services and supports for persons with disabilities prescribed in paragraph 2 of Article 54 (hereafter collectively referred to as "service business operators, etc." in this paragraph) has been provided with nursing care payment, payment for training etc., payment for service utilization program, special payment for specified persons with disabilities, medical expenses for services and supports for persons with disabilities, or medical care treatment expenses by deceit or other fraudulent means, a municipality etc. may force such service business operator, etc. to reimburse the paid amount as well as the amount obtained by multiplying 40/100 by the paid amount

(3) Collected money prescribed in the preceding paragraph shall be annual revenue prescribed in paragraph 3 of Article 231-3 of Local Autonomy Act (Act No. 67 of 1947).

(Report, etc.)

Article 9 (1) A Municipality etc. may order persons with disabilities, or others, guardians of children with disabilities, spouses of persons with disabilities, or head persons, other members or ex-members of the household to which the person with disabilities belong, to submit reports, documents or other materials; or may have such staff persons in charge ask them questions.

(2) In the case of asking questions pursuant to the provision of the preceding paragraph, such staff persons shall carry the identifications showing their status, and if there is a request from persons concern, they shall present the identifications.

(3) The authority pursuant to the provision of paragraph 1 shall not be construed to be admitted for criminal investigation.

Article 10 (1) A municipality etc. may order business operators, users, or those who used to be such persons of welfare service for persons with disabilities, consultation support, medical treatment for services and supports for persons with disabilities, medical treatment, or sales or repair of prosthetic devices (hereinafter referred to as "object service for payment of services and supports for persons with disabilities, etc.") pertaining to such Payment for Services and Supports for Persons with Disabilities to submit reports, documents or other materials; and may have staff persons in charge thereof ask them questions or enter places of business or facilities where the service of the Payment for Services and Supports for Persons with Disabilities are provided to inspect the facilities or books, documents, and other materials.

(2) The provision of paragraph 2 of the preceding Article applies mutatis mutandis to the questions or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authority pursuant to the provision of the preceding paragraph.

(Investigation etc. concerning Service for Payment for Services and Supports for Persons with Disabilities by the Minister of Health, Labour and Welfare or Prefectural Governors)

Article 11 (1) The Minister of Health, Labour and Welfare or prefectural governors may order persons with disabilities, or others, guardians of children with disabilities, or those who were such persons to submit or to present reports, documents or other materials concerning contents of service, etc. for Payment for Services and Supports for Persons with Disabilities pertaining to such independence payment; or may have staff persons in charge ask them questions, if they acknowledge it necessary for Payment for Services and Supports for Persons with Disabilities.

(2) The Minister of Health, Labour and Welfare or prefectural governors may order those who were provided with or used welfare service for persons with disabilities, etc. to submit or to present reports or offer records of such service for Payment for Services and Supports for Persons with Disabilities, etc., books and document, or other materials; or may have staff persons in charge ask questions of the persons who concerned, if they acknowledge it necessary for Payment for Services and Supports for Persons with Disabilities.

(3) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the questions pursuant to the provisions of the preceding two paragraphs; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authority pursuant to the provisions of the preceding two paragraphs.

(Provision etc. of Material)

Article 12 A municipality etc. may require public agencies to show or provide necessary documents or materials; or may require banks, trust companies, other institutes, employers of persons with disabilities, or other persons concerned to provide reports, concerning assets and income status of persons with disabilities, or others, guardians of children with disabilities, spouses of persons with disabilities, head persons or other members of the households to which persons with disabilities, etc. belong, if they consider it necessary for Payment for Services and Supports for Persons with Disabilities.

(Protection of Vested Rights)

Article 13 The rights for vesting Payment for Services and Supports for Persons with Disabilities shall not be transferred, secured, or confiscated.

(Prohibition on Taxation and Other Public Imposition)

Article 14 Taxation and other public imposition shall not levy on money and goods which are provided as Payment for Services and Supports for Persons with Disabilities.

Section 2 Grant of Care Payment; Special Care Payment; Payment for Training etc.; Special Payment for Training etc.; Service Utilization Plan Expenses; Expenses for High-cost Welfare Service for Persons with Disabilities; Payment for Specified Persons with Disabilities; and Special Payment for Specified Persons with Disabilities
Subsection 1 Municipal Examination Board

(Municipal Examination Board)

Article 15 Examination boards concerning grant of nursing care payment etc. which are provided in paragraph 1 of Article 19 (hereinafter referred to as "municipal examination boards") are placed so as to have such boards conduct service of examination and judgment prescribed in paragraph 2 of Article 26.

(Board Members)

Article 16 (1) A quorum of a municipal examination board shall be the number specified in Municipal Ordinance pursuant to the standard prescribed in the Cabinet Order.

(2) Board members are appointed by mayors of municipalities (including mayors of special wards; the same shall apply hereinafter) from those who have academic backgrounds concerning healthcare and welfare of persons with disabilities, or others.

(Support for joint establishment of government organs)

Article 17 (1) A prefecture may conduct necessary coordination between municipalities in response to a request from the municipalities which intend to implement joint establishment pursuant to the provision of paragraph 1 of Article 252-7 of Local Autonomy Act.

(2) A prefectures may provide technical advice or other support for the municipalities which implemented joint establishment of municipal examination board so that its smooth operation can be ensured.

(Delegation to the Cabinet Order)

Article 18 In addition to what are provided in this Act, the necessary matters concerning municipal examination boards are provided in the Cabinet Order.

Subsection 2 Grant Decision, etc.

(Grant Decision for Care Payment, etc.)

Article 19 (1) A person with disabilities or a guardian of children with disabilities who intends to receive nursing care payment, special nursing care payment, payment for training etc., or special payment for training etc., (hereinafter referred to as "nursing care payment, etc.") shall receive a decision (hereinafter referred to as "grant decision") from the municipality which grants nursing care payment, etc. to them.

(2) Grant decision shall be made by the municipality where persons with disabilities or guardians of children with disabilities have their domiciles. Provided that, however, the persons with disabilities or the guardians of children with disabilities do not have their domicile or whose domicile is not obvious, another municipality where the persons with disabilities or the guardians of children with disabilities have their current residences shall make such grant decision.

(3) Notwithstanding the provision of the preceding paragraph, for the persons with disabilities who receive payment pursuant to the provisions of paragraph 1 of Article 29 or paragraph 1 of Article 30, or who live in, the support facilities for the persons with disabilities Nozominosono, or the facilities prescribed in the Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 or paragraph 5 of Article 5 after receiving placement measure pursuant to the provision of paragraph 2 of Article 19 of Act for the welfare of Persons with Physical Disabilities or paragraph 1, Article 16 of Act for the welfare of persons with intellectual disabilities; or who live in such facilities pursuant to the provision of proviso of paragraph 1 of Article 30 of Public Assistance Act(Act No. 144 of 1950) (hereafter collectively referred to as "persons with disabilities entered placement in specified facilities" in this paragraph), the municipality where such persons had domiciles before entering the support facilities for

persons with disabilities, Nozominosono, the facilities prescribed in the Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 or paragraph 5 of Article 5, or the facilities prescribed in proviso of paragraph 1 of Article 30 of the same Act (hereinafter referred to as "specified facilities") shall make grant decision; for persons with disabilities entered placement in specified facilities and have entered successively not less than two facilities (hereinafter referred to as "persons with disabilities entered placement successively" in this paragraph), the municipalities where the first facilities which such persons with disabilities entered placement are located shall make grant decision. Provided, however, for the persons with disabilities entered placement in specified facilities who did not have their domiciles before their placement or their domiciles were not clear, the municipality where they had location at the time of placement (for persons with disabilities entered placement successively: domiciles they had before they entered the first specified facility) shall make grant decision.

- (4) The specified facilities where the persons with disabilities who are applied with the provision of the preceding paragraph entered placement shall provide necessary cooperation for the municipalities where such specified facilities are located and the municipalities which make grant decision for such persons with disabilities.

(Application)

Article 20 (1) A person with disabilities or a guardian of children with disabilities who intends to receive grant decision shall apply to the municipality pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

- (2) In the event that the application of the preceding paragraph has been filed, a municipality shall, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare, render their staff persons to interview the person with disabilities, or others or the guardian of children with disabilities pertaining to such application to inspect their physical and mental status, circumstances, and other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare so as to recognize classification of disability levels pursuant to the provision of paragraph 1 of the following Article and paragraph 1 of Article 22 and to make decision whether to grant payment prescribed in the same paragraph. In such case, the municipality may entrust such inspection to the designated consultation support business operators prescribed in paragraph 1 of Article 32 or the other persons prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "designated consultation support business operators, etc." in this Article).

- (3) The designated consultation support business operators, etc. entrusted

pursuant to the provision of the second sentence of paragraph 2 shall cause the persons prescribed in Ordinance of the Ministry of Health, Labour and Welfare as the persons who have professional knowledge and skills concerning healthcare or welfare of persons with disabilities, or others to conduct the inspection pertaining to such entrustment.

- (4) The officers of the designated consultation support business operators entrusted pursuant to the provision of the second sentence of paragraph 2 (meaning employees, directors, or executive officers who execute business, or the equivalent thereof, including those recognized as having the same or greater influence over corporations as employees who execute business, directors, corporate officers, or the equivalent thereof, regardless of what titles they may have, such as counselor, consultant, etc.; the same shall apply hereinafter), or the persons who are prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in the preceding paragraph or the persons who used to be in such positions shall not disclose personal secrets obtained concerning such entrusted service without just cause.
- (5) The board members of the designated consultation support business operators entrusted pursuant to the provision of the second sentence of paragraph 2 or the persons who prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 3, who engage in entrusted service shall be deemed as officials who engage in public service pursuant to the Cabinet Order concerning application of Penal Code (Act No.45 of 1907) and other penal provisions.
- (6) In the case of paragraph 2, a municipality may entrust such inspection to another municipality if such person with disabilities, or others or guardian of children with disabilities has his/her domicile or current residence in a remote area.

(Recognition of Classification of Disability Levels)

Article 21 (1) In the event that the application set forth paragraph 1 of the preceding Article has been filed, pursuant to the provision of the Cabinet Order, the municipality shall certificate classification of disability levels based on results of examination and judgment by municipal examination boards concerning classification of disability level of persons with disabilities, or others pertaining to such application.

- (2) A municipal examination board may, if they acknowledge it necessary for examination and judgment set forth the preceding paragraph, hear opinions of the person with disabilities, or others, the person's family members, doctors and other persons concerned pertaining to such examination and judgment.

(Grant Decision Necessity)

- Article 22 (1) A municipality shall decide necessity of grant of nursing care payment, etc. (hereinafter referred to as "decision on grant necessity" in this Article and Article 27) as considering the interest of persons with disabilities, or others or guardians of children with disabilities pertaining to such applications for utilization of welfare service and other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- (2) In the event that a municipality acknowledges it is necessary to make decision on grant necessity, it may hear the opinions of its municipal examination board, recovery consultation offices for persons with physical disabilities prescribed in paragraph 6 of Article 9 of Act for the welfare of Persons with Physical Disabilities (referred to as "recovery consultation offices for persons with physical disabilities" in Article 74 and paragraph 3 of Article 76), recovery consultation offices for persons with intellectual disabilities prescribed in paragraph 5 of Article 9 of Act for the welfare of persons with intellectual disabilities, mental health and welfare centers or child consultation offices, which is prescribed in paragraph 1 of Article 6 of Act for the Mental Health and Welfare of the Persons with Mental disorders (hereinafter collectively referred to as "recovery consultation offices for persons with physical disabilities, etc.") and other institutes pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.
- (3) Municipal examination boards, recovery consultation offices for persons with physical disabilities, or others, or the institutes prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in the preceding paragraph shall, if they acknowledge it necessary to state opinions set forth in the same paragraph, hear the opinions of the persons with disabilities, etc., their family members, doctors or others concerned pertaining to such decision on grant necessity.
- (4) In the event that a municipality makes a decision for grant necessity, it shall decide amount of welfare service for persons with disabilities to grant nursing care payment, etc. (hereinafter referred to as "payment amount") by kind of such welfare service by the month in the period prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- (5) In the event that a municipality made grant decision, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare, it shall deliver claimant certifications for welfare service for persons with disabilities (hereinafter referred to as "claimant certifications") which describe the payment amounts and other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare to such persons with disabilities, or others given grant decision.

(Valid Period for Grant Decision)

Article 23 Grant decision shall maintain its validity only for the period prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "valid period for grant decision").

(Alternation of Grant Decision)

Article 24 (1) In the event that persons with disabilities, or others given grant decision has necessity to alter kind of welfare service, payment amounts or the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare pertaining to the grant decision which the person is presently provided, the person may apply for alternation such grant decision to the municipality pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(2) If a municipality acknowledges that it is necessary for persons with disabilities, or others given grant decision, it may make decision on alternation of grant decision in response to the application of the preceding paragraph or by municipal authorities as considering the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 22. In such cases, the municipality shall require the person with disabilities, etc. pertaining to such decision to submit the person's claimant certification.

(3) The provisions of Article 19 (except paragraph 1), Article 20 (except paragraph 1), and Article 22 (except paragraph 1) shall apply mutatis mutandis to the decision on alternation of grant decision set forth in the preceding paragraph. In such cases, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(4) A municipality may approve of alternation of classification of disability levels at the time of making decision on alternation of grant decision set forth in paragraph 2 if it acknowledges it to be necessary.

(5) The provision of Article 21 applies mutatis mutandis to the approval of alternation of classification of disability levels set forth in the preceding paragraph. In this case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(6) In the event that a municipality made decision on alternation of grant decision set forth in paragraph 2, it shall state the matters pertaining to such decision on the claimant certification and return it.

(Rescission of Decision)

Article 25 (1) The municipality which made grant decision may rescind such grant decision in the following cases:

(i) In the event that a municipality acknowledges that a person with disabilities, or others pertaining to grant decision no longer has necessity to receive designated welfare service for persons with disabilities pursuant to

the provision of paragraph 1 of Article 29 and appropriate welfare service for persons with disabilities pursuant to the provision of item 2 of paragraph 12 of Article 30.

- (ii) In the event that a municipality acknowledges that a person with disabilities, etc. given grant decision has come to possess domicile within the other area than such municipality (except when a municipality acknowledges that person with disabilities pertaining to grant decision has come to possess domicile within the other area than such municipality due to placement in a specified facility) during valid period of the grant decision.
 - (iii) In the event that a person with disabilities or a guardian of children with disabilities pertaining to grant decision does not respond to inspections pursuant to the provision of paragraph 2 of Article 20 (including cases of applying *mutatis mutandis* pursuant to paragraph 3 of the preceding Article) without just cause.
 - (iv) In other cases of being prescribed in the Cabinet Order.
- (2) The municipality which rescinded grant decision pursuant to the provision of the preceding paragraph shall require the person with disabilities given grant decision pertaining to such rescission to return the person's claimant certification, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(Assistance etc. by Prefecture)

- Article 26 (1) A prefectures shall provide cooperation on technical matters in response to requests from municipalities by recovery consultation offices for persons with physical disabilities, etc. which are placed thereby and other necessary assistance for municipalities concerning service which municipalities shall conduct pursuant to the provisions of Article 19 through Article 22 and Article 24 and the preceding Article.
- (2) An examination board concerning grant of nursing care payment, etc. (hereinafter referred to as "prefectural examination boards") shall be placed so as to cause the prefecture which is entrusted by paragraph 1 of Article 252-14 of Local Autonomy Act to conduct practices of examination and judgment (means the service offered by municipal examination boards pursuant to Article 21 (including the case where it is applied *mutatis mutandis* pursuant to paragraph 5 of Article 24; the same shall apply in paragraph 4) and paragraph 2 and paragraph 3 of Article 22 (including the case where it is applied *mutatis mutandis* pursuant to paragraph 3 of Article 24; the same shall apply in the paragraph 4); the same shall apply in this Article and item 1 of paragraph 2 of Article 95).
- (3) The provisions of Article 16 and Article 18 shall apply *mutatis mutandis* to the prefectural examination boards in the preceding paragraph. In this case,

the term "mayors of municipalities (including mayors of special wards, the same shall apply hereinafter) shall be deemed to be replaced with the term "prefectural governors".

- (4) In the case of applying the provisions of Article 21 and paragraph 2 and paragraph 3 of Article 22 to municipalities which entrust practices of examination and judgment, the term "municipal examination boards" in those provisions shall be replaced with the term "prefectural examination boards".

(Entrustment to the Cabinet Order)

Article 27 In addition to the provisions in this subsection, the necessary matters for examination and judgment concerning classification of disability levels, grant decision, grant decision necessity, claimant certification, decision on alternation of grant decision, and rescission of grant decision shall be prescribed in the Cabinet Order.

Subsection 3 Grant of Care Payment; Special Care Payment; Payment for Training etc.; and Special Payment for Training etc.

(Grant of nursing care payment, special nursing care payment, payment for training etc., and special payment for training etc.)

Article 28 (1) Grant of nursing care payment and special nursing care payment is the payment granted by provisions of the succeeding Article and Article 30, concerning the following welfare services for persons with disabilities.

- (i) Home help service
- (ii) Visiting care for persons with severe disabilities
- (iii) Activity support
- (iv) Medical Care (except care pertaining to medical one)
- (v) Care for daily life
- (vi) Day service for children
- (vii) Short-stay service
- (viii) Comprehensive support for persons with severe disabilities
- (ix) Group home with care
- (x) Support for residential care

(2) Grant of payment for training etc. and special payment for training etc. shall be the payment granted by provisions of the succeeding Article and Article 30, concerning the following welfare service for persons with disabilities:

- (i) Rehabilitation service
- (ii) Transition support for employment
- (iii) Support for continuous employment
- (iv) Group home with aid

(Care Payment or Payment for Training etc.)

- Article 29 (1) When persons with disabilities given grant decision, etc. received welfare service for persons with disabilities pertaining to designated service during valid period for grant decision from the welfare service business operators for persons with disabilities who are designated by a prefectural governor (hereinafter referred to as "designated welfare service business for persons with disabilities") or the support facilities for persons with disabilities (hereinafter referred to as "designated support facilities for persons with disabilities"), or when they are provided with in-facility welfare service for persons with disabilities from Nozominosono, a municipality shall grant nursing care payment or payment for training etc. to such persons with disabilities given grant decision pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare concerning expenses which needed for such designated welfare service or designated in-facility welfare service for persons with disabilities (limited within payment amount; hereinafter referred to as "designated welfare service for persons with disabilities, or others") (except the expenses prescribed in Ordinance of the Ministry of Health, Labour and Welfare of expenses for meals, residence and stay and other expenses for daily life, or expenses for creative or productive activities (hereinafter referred to as "specified expenses").
- (2) A person with disabilities, etc. given grant decision who intends to receive designated welfare service for persons with disabilities shall receive such designated welfare service, etc. by presenting the person's claimant certification to designated welfare service business operators for persons with disabilities, designated support facilities for persons with disabilities, or Nozominosono (hereinafter referred to as "designated welfare service business operators for persons with disabilities, etc.") pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare. Provided, however, that this shall not apply in case of emergency or unavoidable circumstances.
- (3) An amount of nursing care payment or payment for training etc, shall be equivalent to 90/100 of the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare by each expense normally needed for designated welfare service, etc. for every kind of welfare service for persons with disabilities (if the amount surpasses expenses which were actually needed for such designated welfare service, etc. (except specified expenses), the amount shall be 90/100 of such expenses which were actually needed).
- (4) If the amount of obtained by deducting the total amount of nursing care payment and payment for training etc. which is calculated pursuant to the provision of the preceding paragraph from the expenses for designated welfare service for persons with disabilities, or others which persons with disabilities

given grant decision received in the same month (except specified expenses) surpasses the amount prescribed in the Cabinet Order as considering influences of such amount on domestic accounts of such persons with disabilities given grant decision and other circumstances, notwithstanding the provision of this paragraph, the amount for nursing care payment or payment for training etc. in such same month shall be equivalent to an amount prescribed in the Cabinet Order within the range from over 90/100 to 100/100 of the amount of expenses calculated pursuant to the provision of this paragraph.

- (5) In the event that a person with disabilities, or others given grant decision, etc. has received designated welfare service for persons with disabilities from designated welfare service business operators, etc. for persons with disabilities, a municipality may pay the expenses which were required for such designated welfare service which such person with disabilities given grant decision should pay to such designated welfare service business operators (except specified expenses), on behalf of such person with disabilities given grant decision, to such designated welfare service business operators within the limit to grant as nursing care payment or payment for training etc.
- (6) When the payment pursuant to the provision set forth in the preceding paragraph has been made, such payment shall be deemed to be grant of nursing care payment or payment for training etc. to such person given grant decision, etc.
- (7) When a designated welfare service business operator, etc. has demanded nursing care payment or payment for training etc., a municipality shall pay the payments after examining such demand in light of the standard specified by Minister of Health, Labour and Welfare set forth in paragraph 3 and the standard concerning facilities and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 43 (limited within the part concerning treatment of designated welfare service for persons with disabilities) or the standard concerning facilities and operation of designated support facilities welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 44 (limited within the part concerning treatment of designated support facilities for persons with disabilities).
- (8) A municipality may entrust its administrative affairs concerning the payments pursuant to the provision of the preceding paragraph to a National Health Insurance Insurer's Associations (hereinafter referred to as "associations") prescribed in paragraph 5 of Article 45 of National Health Insurance Act (Act No. 192 of 1958).
- (9) In addition to the cases referred to in the preceding paragraph, the necessary

matters for grant of nursing care payment or payment for training etc., and demand for nursing care payment and payment for training etc, from designated welfare service for persons with disabilities shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

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

Article 30 (1) A municipality may grant special nursing care payment or special payment for training etc, concerning the expenses which were needed for such designated welfare service for persons with disabilities, or others or appropriate medical care treatment expenses prescribed in paragraph 2 (limited within amount of grant) (except specified expenses) pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare in the following cases if they acknowledge it to be necessary.

- (i) In the event that a person with disabilities given grant decision, etc. received designated welfare service for persons with disabilities in case of emergency or inevitable circumstances from the day when they made applications set forth in paragraph 1 of Article 20 to the previous day when such grant decision takes effect.
- (ii) In the event that a person with disabilities given grant decision received with welfare service for persons with disabilities other than designated welfare service for persons with disabilities (limited to the service conducted in the places of business or facilities listed below; hereinafter referred to as "appropriate welfare service for persons with disabilities").
 - (a) The business places which provide service to be acknowledged to satisfy the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare among the matters prescribed in the standard prescribed Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 43 or the standard concerning equipment and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article (hereinafter referred to as "appropriate places of business").
 - (b) The facilities to be acknowledged to satisfy the matters prescribed in Ordinance of Ministry of Health, Labour and Welfare among the matters prescribed in the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 44 or the standard concerning equipment and operation of designated support facilities for persons with disabilities prescribed in Ordinance of Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article (hereinafter referred to as "appropriate facilities").
- (iii) In the other events which the Cabinet Order prescribes.

- (2) An amount of special nursing care payment or special payment for training etc. is specified by municipalities for such designated welfare service for persons with disabilities as the amount equivalent to 90/100 of the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare set forth in paragraph 3 of the preceding Article (if the amount surpasses expenses which were actually required for such designated welfare service, etc. (except specified expenses), the amount shall be 90/100 of such expenses which were actually required for such designated welfare service, etc.); for such appropriate welfare service for persons with disabilities as the amount equivalent to 90/100 of the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare by each expense normally required for such appropriate welfare service, etc. for each kind of appropriate welfare service for persons with disabilities (if the amount surpasses expenses which were actually paid for such appropriate welfare service, etc. (except specified expenses), the amount shall be 90/100 of such expenses which were actually required for such appropriate welfare service, etc.).
- (3) In addition to what prescribed in the preceding two paragraphs, necessary matters for grant of special payment or special payment for training etc. shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(Exception of Amount of Care Payment etc.)

Article 31 In the case of applying the provisions listed in each of the following paragraphs concerning grant of nursing care payment listed in such each paragraph which persons with disabilities given grant decision who municipalities acknowledge to have difficulties to bear the expenses required for welfare service for persons with disabilities due to special reason such as casualty or other circumstances prescribed in Ordinance of the Ministry of Health, Labour and Welfare receive, the descriptions of 90/100 therein shall be replaced with "a rate specified by municipalities within a range from over 90/100 to not less than 100/100.

- (i) Grant of nursing care payment or payment for training etc.: paragraph 3 of Article 29
- (ii) Grant of special nursing care payment or special payment for training etc.: paragraph 2 of the preceding Article.

Subsection 4 Grant of Service Utilization Program Payment; Payment for High-cost Welfare Service for Persons with Disabilities; Special Payment for Specified Persons with Disabilities; and Extraordinary Special Payment for Specified Persons with Disabilities

(Grant of Service Utilization Plan Payment)

Article 32 (1) When a person with disabilities given grant decision, etc. who uses more kinds of welfare service for persons with disabilities than the number prescribed in Ordinance of the Ministry of Health, Labour and Welfare (except support for residential care) or others whom a municipality acknowledges their necessity among those who prescribed in Ordinance of the Ministry of Health, Labour and Welfare (referred to as "object persons with disabilities for programming, etc." in this Article) received consultation support (limited to affordance of benefit listed in item 2 of paragraph 17 of Article 5; hereinafter referred to as "designated consultation support") from the persons who conduct consultation support business designated by a prefectural governor (hereinafter referred to as "designated consultation support business operators"), municipalities shall grant service utilization program expenses concerning the expenses which were required for such designated consultation support to such object persons with disabilities for programming.

(2) An amount of service utilization program expenses shall be the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare for the expenses normally needed for designated consultation support (if the amount surpasses the expenses which were actually required for such designated consultation support, the amount shall be such expenses which were actually required).

(3) In the event that an object person with disabilities for programming received designated consultation support from designated consultation support business operators, a municipality may pay the expenses required for such designated consultation support which such object persons with disabilities for programming should pay to such designated consultation support business operators on behalf of such object persons with disabilities for programming, etc. to such designated consultation support business operators within the limit of the amount which municipalities should grant as service utilization program expenses to such object persons with disabilities for programming, etc.

(4) In the event that the payment set forth in the provision set forth in the preceding paragraph was made, such payment shall be deemed that service utilization program expenses were paid to such object persons with disabilities for programming, etc.

(5) In the event that a designated consultation support business operator, etc. demanded service utilization program expenses, a municipality shall make the payment after examining such demand in light of the standard specified by Minister of Health, Labour and Welfare set forth in paragraph 2 and the standard concerning operation of business in designated consultation support prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 45 (limited within the part concerning

treatment of designated consultation support).

- (6) A municipality may entrust its administrative affairs concerning the payment pursuant to the provision set forth in the preceding paragraph to an association.
- (7) In addition to the provisions of each of the preceding paragraphs, necessary matters for grant of service utilization program expenses and demand for service utilization program expenses from designated consultation support provides shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(Grant of Payment for High-cost Welfare Service for Persons with Disabilities)

Article 33 (1) In the event that the amount obtained by deducting the amount totalized nursing care payment, etc. granted for the following expenses and the nursing care benefit etc. prescribed in the Cabinet Order among the nursing care payment, etc. prescribed in Article 20 of Long-term Care Insurance Act from the total amount of expenses which were required for welfare service for persons with disabilities which persons with disabilities given grant decision and the service prescribed in the Cabinet Order among object service for nursing care payment prescribed in paragraph 2, Article 24 of the same Act is especially high, municipalities shall grant expenses for high-cost welfare service to such persons with disabilities given grant decision, etc.

- (2) In addition to what prescribed in the preceding Article, necessary matters for requirements for grant of expenses for high-cost welfare service for persons with disabilities, grant amount, other matters concerning grant of expenses for high-cost welfare service for persons with disabilities shall be prescribed in Cabinet Order as considering influences of expenses required for welfare service for persons with disabilities on domestic accounts.

(Grant of Special Payment for Specified Persons with Disabilities)

Article 34 (1) In the event that a person with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare as considering the person's income status or other circumstances (hereinafter referred to as "specified person with disabilities" in this paragraph and the succeeding paragraph) among the persons with disabilities who are given grant decision pertaining to support for residential care or the other welfare service for persons with disabilities prescribed in the Cabinet Order (hereinafter referred to as "specified residential service") entered a designated support facility for persons with disabilities or Nozominosono (hereinafter referred to as "designated support facilities for persons with disabilities, or others") and received specified residential service from such designated support facility for persons with disabilities, or others during the valid period of grant decision, a

municipality shall grant special payment for specified persons with disabilities to such specified person with disabilities pursuant to the provision in the Cabinet Order concerning the expenses required for meal service and housing in such designated support facility for persons with disabilities (referred to as "specified residential expenses" in paragraph 1 of the succeeding Article).

- (2) The provisions paragraph 2 and paragraph 5 through paragraph 8 of Article 29 apply mutatis mutandis pursuant to the grant of special payment for specified persons with disabilities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.
- (3) In addition to what prescribed in the two preceding paragraphs, necessary matters for grant of special payment for specified persons with disabilities and demand for special payment for specified persons with disabilities from designated support facilities for persons with disabilities shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(Grant of Extraordinary Special Payment for Specified Persons with Disabilities)

Article 35 (1) A municipality may grant extraordinary special payment for specified persons with disabilities to specified persons with disabilities pursuant to the provision of the Cabinet Order concerning specified residential expenses at such designated support facilities, etc. or appropriate facilities, if it acknowledges it to be necessary.

- (i) In the event that a specified person with disabilities received designated welfare service for persons with disabilities in case of emergency or inevitable circumstances from the day when they made applications prescribed in paragraph 1 of Article 20 to the previous day when such grant decision takes effect.
 - (ii) In the event that a specified person with disabilities received appropriate welfare service for persons with disabilities.
- (2) In addition to what prescribed in the preceding paragraph, necessary matters for grant of extraordinary special payment for specified persons with disabilities shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

Subsection 5 Designated Welfare Service Business Operators for Persons with Disabilities; Designated Support Facilities etc. and Designated Consultation Support Business Operators

(Designation of Designated Welfare Service operators for Persons with Disabilities)

Article 36 (1) Designation of designated welfare service business operators of

paragraph 1 of Article 29 shall be conducted by an application from a person who provides welfare service for persons with disabilities per kind of welfare service for persons with disabilities and per place of business providing welfare service for persons with disabilities (hereinafter referred to as "place of business for service"; the same shall apply in this Subsection) pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

- (2) The application set forth in the provision of the preceding paragraph pertaining to the support for continuous employment, etc. and the other welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "specified welfare service for persons with disabilities" in this Article and paragraph 1 of the succeeding Article) shall be filed with determining the amount of such specified welfare service for persons with disabilities.
- (3) In the event that the application set forth in paragraph 1 has been filed, prefectural governors shall not appoint designated welfare service business operators if they correspond to any of items from (i) to (iii), (v) to (vii), (ix) or (x) (in the case of an application for designation pertaining to the medical care: from (ii) to (xi)).
- (i) An applicant is not juridical persons.
 - (ii) Employees' knowledge and skills, and the number of employees of a place of business for service pertaining to an application do not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 of Article 43.
 - (iii) Applicant is recognized as being not capable of operating appropriate welfare service business for persons with disabilities pursuant to the standard concerning equipment and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 2 of Article 43.
 - (iv) An applicant is who was sentenced to imprisonment or more serious charge and completed the execution thereof or is no longer executed.
 - (v) An applicant is who was fined pursuant to this Act or other Acts concerning national healthcare or welfare provided in the Cabinet Order, completed the payment thereof or is no longer executed.
 - (vi) An applicant has been who was rescinded with their designation pursuant to the provision of paragraph 1 of Article 50 (including the case where it is applied *mutatis mutandis* pursuant to paragraph 3 and 4 of the same Article; the same shall apply in this paragraph.) and who has not yet spent 5 years of the date of rescission (in the event that such person whose designation was rescinded is a juridical person, a person who was a board member of such juridical person, a person who directed the place of business for service, or a person who is the other employee prescribed in the Cabinet Order

- (hereinafter referred to as "board member, etc.") within 60 days of the day of notice pursuant to Article 15 of Administrative Procedure Act (Act No.88 of 1993) pertaining to such rescission, who has not yet spent 5 years from the day of such rescission shall be included; in the event that such person whose designation was rescinded is not a juridical person, a manager of such person within 60 days of the day of such notice, who has not yet spent 5 years from the day of such rescission shall be included.)
- (vii) An Applicant is the person who notified abolition of service pursuant to paragraph 1 of Article 46 during the period from the day of notice pursuant to Article 15 of Administrative Procedure Act pertaining to rescission of designation pursuant to paragraph 1 of Article 50 till the day when such disposition is made or decision not to dispose is made (except the person who has just causes for such service abolition) who has not yet spent 5 years from the day of such notification.
 - (viii) In the event that an abolition of service is notified pursuant to paragraph 1 of Article 46, an applicant is a member of board or a manager of non-corporation pertaining to such report (except those who have just causes for such service abolition) or a juridical person pertaining to such report within 60 days before a day of notice provided in the same paragraph (except those who have just causes for such service abolition), who has not yet spent 5 years from the day of such notification.
 - (ix) An applicant is who commits a deceit or an extremely unjust conduct concerning welfare service for persons with disabilities within 5 years before the application for designation.
 - (x) An applicant is a juridical person wherein there is a board member, etc. who falls under any of items from item 4 to the preceding paragraph.
 - (xi) An applicant is not a juridical person whose manager falls under any of items from item 4 to item 9.
- (4) A prefectural governor may refrain from the designation of paragraph 1 of Article 29 in the event that an application of paragraph 1 for specified welfare service for persons with disabilities is filed, if he/she acknowledges that an amount of designated welfare service for persons with disabilities pertaining to such application in an area containing such prefecture or location of the place of business for service pertaining to such application (the area shall be defined by the prefecture pursuant to the item 1 of paragraph 2 of Article 89) has already reached to the amount necessary for such designated welfare service for persons with disabilities in such prefecture or such area which is prescribed in a prefectural plan for welfare of persons with disabilities prescribed by such prefecture pursuant to paragraph 1 of this Article 89, or such amount will be surpassed by designation of a business operator pertaining to such application, or such application could be possible to be an obstacle for achievement of other

plans for welfare of persons with disabilities of such prefecture.

(Alternation of Designated Welfare Service operator for Persons with Disabilities)

Article 37 (1) In the event that a designated welfare service business operator (limited to what is pertaining to specified welfare service) intends to increase the amount of welfare service pertaining to the designation of paragraph 1 of Article 29, it may apply in advance for alternation of the designation of this paragraph pertaining to such designated welfare service business operator pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(2) The provisions paragraph 3 and paragraph 4 of the preceding Article apply mutatis mutandis to the case that an application for alternation of designation provided in the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Designation of Designated Support Facilities for Persons with Disabilities)

Article 38 (1) Designation of a designated support facility for persons with disabilities of paragraph 1 of Article 29 shall be conducted by an application from an establisher of a support facility for persons with disabilities as determining kind of welfare service for persons with disabilities and limit capacity of such support facility pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(2) A prefectural governor may refrain from the designation of paragraph 1 of Article 29 in the event that the application of the preceding paragraph is filed, if he/she acknowledges that the total of limit capacity of the designated support facility pertaining to such application in such prefecture has already reached to the total capacity necessary for such designated support facility which is prescribed in a prefectural plan for welfare of persons with disabilities prescribed by such prefecture pursuant to paragraph 1 of this Article 89; such capacity will be surpassed by the designation of the facility pertaining to such application; or such application could be possible to be an obstacle for achievement of other plans for welfare of persons with disabilities of such prefecture.

(3) The provision of paragraph 3 of Article 36 (except item 4, item 8 and item 11) applies mutatis mutandis to the designation of designated support facilities of paragraph 1 of Article 29. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Alternation of Designation of Designated Support Facilities for Persons with Disability)

Article 39 (1) In the event an establisher of a designated support facility intends to alternate the kinds of in-facility welfare service for persons with disabilities pertaining to the designation of paragraph 1 of Article 29, or to increase the limit capacity pertaining to such designation, it may apply in advance for alternation of designation of the same paragraph pertaining to such support facility for persons with disabilities pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(2) The provisions paragraph 2 and paragraph 3 of the preceding Article apply mutatis mutandis to the case that an application for alternation of designation provided in the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Designation of Consultation Support Business Operators)

Article 40 The provisions Article 36 (except items 4, item 8 and item 11 of paragraph 3) apply mutatis mutandis to the designation of consultation support business operators of paragraph 1 of Article 32. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Renewal of Designation)

Article 41 (1) The designation of designated welfare service business operators and designated support facilities set forth in paragraph 1 of Article 29 and designated consultation service business operators set forth in paragraph 1 of Article 32 will lose their effects by elapse of the period if they are not renewed every 6 years.

(2) In the event that an application of renewal of the preceding paragraph is filed, if a disposition is not made to the application by the expiration day of the period prescribed in the same paragraph (hereinafter referred to as "valid period for designation" in this Article), prior and existing designation shall hold its validity after expiration of valid period for designation until the disposition is made.

(3) In the case referred to in the preceding paragraph, if a renewal of designation is conducted, the valid period of the designation is reckoned from the next day of the valid period's expiration day of the prior and existing designation.

(4) The provision of Article 36, Article 38 and the preceding Article apply mutatis mutandis to the renewal of designation of paragraph 1. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Responsibilities of Designated Welfare Service operators for Persons with Disabilities, Establishers of Designated Support Facilities and Designated

Consultation Support Providers)

Article 42 (1) Designated welfare service business operators for persons with disabilities, establishers of designated support facilities, etc. and designated consultation support business operators (hereinafter referred to as "designated service business operators, etc.") shall endeavor to provide welfare service for persons with disabilities or consultation support effectively as building close affiliation with municipalities, public employment security offices or other institutes which conduct vocational rehabilitations, educational institutes, and other institutes concerned, according to will, aptitudes, characteristics of their disabilities and other circumstances of such persons with disabilities so that they can live independent daily or social life according to their respective abilities and aptitudes.

(2) Designated service business operators shall endeavor to improve quality of welfare service or consultation support by conducting evaluations on the welfare service or the consultation service which they provide and taking other measures.

(3) Designated service business operators, etc. shall comply with this Act and the orders based on this Act as well as respect individualities of persons with disabilities to fulfill their duties loyally for persons with disabilities, or others.

(Standard for Business of Designated Welfare Service)

Article 43 (1) A designated welfare service business operator shall hold the employees who are engaged in such designated welfare service per place of business for service pertaining to such designation pursuant to the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(2) Designated welfare service business operators shall provide designated welfare service pursuant to the standard concerning equipment and operation of designated welfare service prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(Standard for Designated Support Facilities for Persons with Disabilities)

Article 44 (1) An establisher of designated support facilities, etc. shall hold the employees who are engaged in in-facility welfare service for persons with disabilities pursuant to the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(2) Establishers of designated support facilities, etc. shall provide in-facility welfare service for persons with disabilities pursuant to the standard concerning equipment and operation of business of designated support facilities, etc. prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(Standard for Business of Designated Consultation Support)

Article 45 (1) A designated consultation support business operators shall hold the employees who are engaged in such designated consultation support per a place of business for consultation support service pertaining to such designation (hereinafter referred to as "place of business for consultation support" in this subsection) pursuant to the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(2) Designated consultation support business operators shall provide consultation support pursuant to the standard concerning equipment and operation of business of designated welfare service prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(Alternation Notification, etc.)

Article 46 (1) In the event that a designated welfare service business operator or designated consultation support business operator has amended its name of places of business or consultation support offices pertaining to the designation, its location or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare; or in the event it abolishes, suspends or resumes the designated welfare service for persons with disabilities or the designated consultation support, they shall notify that effect to the prefectural governor within 10 days pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(2) If an establisher of designated support facilities has amended the address thereof or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare, the establisher shall notify that effect to the prefectural governor within 10 days pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(Declination of Designation)

Article 47 Designated support facilities may decline the designation by taking notice periods of not less than 3 months.

(Report, etc.)

Article 48 (1) In the event that a prefectural governor or a mayor of municipalities acknowledge it necessary, he/she may order designated welfare service business operators, ex-designated welfare service business operators or ex-employees of places of business pertaining to such designation (referred to as "ex-designated welfare service business operators, etc." in this paragraph) to report or submit or present documents, books or other materials; may cause designated welfare service business operators, employees of the places of business pertaining to such designation or ex-designated welfare service business operators to appear; or may cause such staff persons to ask questions

of those who concerned or to enter places of business of such designated welfare service business operators pertaining to such designation so as to inspect the facilities or books, documents, and other materials.

- (2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the question or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to designated support facilities, etc. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.
- (4) The provisions of paragraph 1 and paragraph 2 apply mutatis mutandis to designated consultation support business operators. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Recommendations, Orders, etc.)

Article 49 (1) In the event that a prefectural governor acknowledges that a designated welfare service business operator for persons with disabilities does not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 43 on employees' knowledge and skills and the number of employees, or does not operate business appropriately on designated welfare service pursuant to the standard concerning equipment and operation of designated welfare service business operators prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth paragraph 2 of the same Article, he/she may admonish such designated welfare service business operator with setting a time limit to comply with the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of the same Article or to comply with the standard concerning equipment and operation of designated welfare service business operators for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 2 set forth in the same Article.

- (2) In the event that a prefectural governor acknowledges that an establisher of designated support facilities does not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in Article 44 on knowledge and skills and the number of the employees of the facilities pertaining to such designation and Nozominosono, or does not operate business appropriately on in-facility welfare service for persons with disabilities pursuant to the standard concerning equipment and operation of designated support facilities for persons with disabilities, or others prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in

paragraph 2 of the same Article, he/she may admonish such establisher of support facilities, etc. with setting a time limit to comply with the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in the same Article or to comply with the standard concerning equipment and operation of designated support facilities for persons with disabilities, or others prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 2 set forth in the same Article.

- (3) In the event that a prefectural governor acknowledges that a designated consultation support business operator does not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 45 on knowledge and skills and the number of the employees of the consultation support places of business pertaining to such designation, or does not operate business appropriately on designated consultation support service pursuant to the standard concerning equipment and operation of designated consultation support business prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article, he/she may admonish such designated consultation support business operator with setting a time limit to comply with the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in the same Article or to comply with the standard concerning equipment and operation of designated consultation support prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article.
- (4) In the event that a prefectural governor has admonished pursuant to the provisions of the three preceding paragraphs, if the designated service business operator, etc. does not obey the admonishment within the period prescribed in the three preceding paragraphs, the governor may make that effect public.
- (5) In the event that the designated service business operator, etc. admonished pursuant to the provisions of paragraph 1 to paragraph 3 does not take any means pertaining to the admonishment without just causes, the prefectural governor may order such designated service business operator, etc. with setting a time limit to take actions pertaining to such admonishment.
- (6) In the event that a prefectural governor places an order pursuant to the provisions set forth in the preceding paragraph, he/she shall make that effect public.
- (7) In the event that a municipality acknowledges that a designated welfare service business operator who conducts designated welfare service pertaining to nursing care payment, payment for training etc, service utilization program expenses or special payment for specified persons with disabilities does not operate appropriate designated welfare service, in-facility welfare service or designated consultation support pursuant to the standard concerning

equipment and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 43, the standard concerning equipment and operation of designated support facilities for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 44, and the standard concerning equipment and operation of designated consultation support prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 45, it shall notify the effect to the prefectural governor of the location of the service business operator's office or consultation support office or facility pertaining to such designation.

(Rescission of Designation, etc)

Article 50 (1) A prefectural governor may rescind the designation paragraph 1 of Article 29 pertaining to such designated welfare service business operators for persons with disabilities, or suspend whole or part of validity of the designation with setting a period of time in the case of each of the following cases:

- (i) A designated welfare service business operator for persons with disabilities has fallen into categories set forth in item 4, item 5, item 10, or item 11 of paragraph 3 of Article 36.
- (ii) A designated welfare service business operator for persons with disabilities is acknowledged to violate the provision of paragraph 3 of Article 42.
- (iii) A designated welfare service business operator for persons with disabilities has become incapable of satisfying the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 43 on knowledge or skills or the number of employees of the place of business for service pertaining to such designation.
- (iv) A designated welfare service business operator for persons with disabilities has become incapable of operate the business designated welfare service appropriately pursuant to the standard concerning equipment and operation of designated welfare service prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 43.
- (v) There was a deceit concerning a demand of nursing care payment, or payment for training, etc. or medical care treatment expenses.
- (vi) In the event that a designated welfare service business operator for persons with disabilities is ordered to report pursuant to the provision set forth in paragraph 1 of Article 48, or to submit or to present documents, books or other materials, it does not comply with the order or provide false reports.
- (vii) Employees of a designated welfare service for persons with disabilities of

- places of business for service pertaining to such designation are required to be appear pursuant to the provision set forth in paragraph 1 of Article 48 but do not comply with the requirement, do not answer to the questions pursuant to the provision of same paragraph, or the persons provide false reports, or refuse, hinder, or avoid the inspection pursuant to the provision of the same paragraph; provided, however, in the event that the employees at the places of business for service conducts the actions, such designated welfare service business operators for persons with disabilities endeavor to conduct appropriate admonishment and supervision so as to prevent the actions.
- (viii) A designated welfare service business operator for persons with disabilities received designation set forth in paragraph 1 of Article 29 by fraudulent means.
 - (ix) In addition to the cases listed in each of the preceding items, designated welfare service business operators for persons with disabilities violate this Act or other Acts concerning national healthcare or welfare prescribed in the Cabinet Order, or orders or actions based on these Acts.
 - (x) In addition to the cases listed in each of the preceding items, designated welfare service business operators for persons with disabilities conduct deceits or extremely unjust acts concerning welfare service for persons with disabilities.
 - (xi) In the event that if a designated welfare service business operator for persons with disabilities is a juridical person, its board members conducted deceits or extremely unjust actions concerning welfare service for persons with disabilities within 5 years before a rescission or suspension of validity of whole or part of designation is to be conducted.
 - (xii) In the event that a designated welfare service business operator for persons with disabilities is not a juridical person, its managers conducted deceits or extremely unjust actions concerning welfare service for persons with disabilities within 5 years before a rescission or suspension of validity of all or a part of designation is to be conducted.
- (2) If a municipality acknowledges a designated welfare service business operator for persons with disabilities to fall under any of each item of the preceding paragraph, it shall notify the effect to the prefectural governor where the places of business for service pertaining to such designation locate.
 - (3) The provisions of the preceding two paragraphs (except item 12 of paragraph 1) apply mutatis mutandis to designated support facilities for persons with disabilities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.
 - (4) The provisions of paragraph 1 (except item 12) and paragraph 2 apply mutatis mutandis to designated consultation support business operators. In such case, the other necessary replacement of technical terms shall be prescribed in the

Cabinet Order.

(Public Notice)

Article 51 A prefectural governor shall make a public notice in the following cases:

- (i) In the event that designation is conducted for a designated welfare service business operator for person with disabilities or a designated support facility for persons with disabilities in paragraph 1 set forth Article 29, or a designated consultation support business operator set forth in paragraph 1 of Article 32.
- (ii) In the event that an application pursuant to the provision of paragraph 1 of Article 46 (except the applications pertaining to alternation of the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in the same paragraph, and suspension and resumption of business prescribed in the same paragraph) is filed.
- (iii) In the event that designation for a designated support facility pursuant to the provision of Article 47 is declined.
- (iv) In the event that designation is rescinded on a designated welfare service business operator for persons with disabilities, a designated support facility for persons with disabilities, or a designated consultation support business operator, pursuant to the provision of paragraph 1 of the preceding Article (including the case where it is applies mutatis mutandis pursuant to paragraph 3 and paragraph 4 of the same Article).

Section 3 Grant of Medical Expenses for Services and Supports for Persons with Disabilities; Medical Care Treatment Expenses; and Appropriate Medical Care Treatment Expenses

(Grant Approval of Medical Expenses for Services and Supports for Persons with Disabilities)

Article 52 (1) A persons with disabilities or a guardian of children with disabilities who intends to receive medical expenses for services and supports for persons with disabilities shall be certified by a municipality etc. to grant medical expenses for services and supports for persons with disabilities (hereinafter referred to as "grant approval").

(2) The provision set forth in paragraph 2 of Article 19 applies mutatis mutandis to grant approval conducted by municipalities, etc.; the provisions of paragraph 3 and paragraph 4 of the same Article apply to grant approval conducted by municipalities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Application)

Article 53 (1) A person with disabilities or a guardian of children with disabilities who intends to receive grant approval shall apply to a municipality etc. pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(2) The application set forth in the preceding paragraph may be filed by way of the municipalities where such person with disabilities or such guardian of children with disabilities has the person's domicile (if such person with disabilities or such guardian of children with disabilities does not has domicile or domicile is not clear, the municipality where the person with disabilities or the guardian has the person's current residence) pursuant to the provision of the Cabinet Order.

(Grant Approval, etc.)

Article 54 (1) In the event that the person with disabilities, etc. pertaining to the application set forth in the preceding paragraph needs to receive medical expenses for services and supports for persons with disabilities in the light of the person's conditions of physical disabilities or mental disorders, if the person is appropriate to the standard prescribed in the Cabinet Order as considering income status of such persons with disabilities or other family members of households to which the person with disabilities belongs or the conditions of the medical treatment, a municipality etc. shall conduct grant approval per kind of medical care for services and supports for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare; unless such person with disabilities, etc. can receive medical care of the kind prescribed in Ordinance of the Ministry of Health, Labour and Welfare among medical care for services and supports for persons with disabilities pursuant to the provisions of Act on Relief to Wounded and Sick Retired Soldiers (Act No. 168 of 1963) or Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity (Act No. 110 of 2003).

(2) In the event a municipality conducted grant approval, it shall decide medical payment institutes where the person with disabilities, etc. pertaining to such grant approval receives medical care for services and supports for persons with disabilities among the medical institutes designated by the prefectural governor (hereinafter referred to as "designated medical payment institutes for services and supports for persons with disabilities") pursuant to the provision of the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(3) In the event that a municipality conducted grant approval, it shall deliver a claimant certification pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare for medical care for services and supports for

persons with disabilities which describe valid periods for grant approval provided in the succeeding Article, names of designated medical payment institutes for services and supports for persons with disabilities, and the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "claimant certifications for medical care") to the person with disabilities or the guardian of children with disabilities (hereinafter referred to as "persons with disabilities, or others given grant approval").

(Valid Period for Grant Approval)

Article 55 Grant approval shall maintain their validity only for the period prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "valid period for grant approval").

(Alternation of Grant Approval)

Article 56 (1) In the event a person with disabilities given grant approval has necessity to alternate the designated medical payment institutes for services and supports for persons with disabilities pursuant to the provision of paragraph 2 of Article 54 or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare pertaining to grant approval which the person is presently provided, the person may apply for alternation such grant approval to the municipality pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) In the event that a municipality acknowledges it necessary to alternate the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth the preceding paragraph, it may make decision on alternation of grant approval in response to the application set forth in the same paragraph or by its authorities for persons with disabilities given grant approval, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare. In such case, a municipality shall require such person with disabilities given grant approval, etc. to submit the person's claimant certification for medical care.

(3) The provision of paragraph 2 of Article 19 applies mutatis mutandis to the approval of alternation of grant approval conducted by municipalities, etc. set forth the preceding paragraph; the provisions of paragraph 3 and 4 of the same Article apply mutatis mutandis to alternation of grant approval conducted by municipalities set forth in the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(4) In the event that a municipality made decision on alternation of grant approval set forth in paragraph 2, it shall state the matters pertaining to such

approval on a claimant certification for medical care and return it.

(Rescission of Grant Approval)

Article 57 (1) The municipality which made grant approval may rescind such grant approval in the following cases:

- (i) In the event that the municipality acknowledges that the person with disabilities, etc. pertaining to grant approval no longer needs to receive medical care for services and supports for persons with disabilities in the light of the person's status of physical disabilities or mental disorders.
 - (ii) In the event that the municipality acknowledges that the person with disabilities given grant approval has come to possess domiciles within the area of other than such municipality (except in the event that the municipality acknowledges that person with disabilities pertaining to grant approval has come to possess domiciles within the area of other than such municipality due to placement in a specified facility).
 - (iii) In the event that the person with disabilities pertaining to grant approval does not respond to inspection pursuant to the provision of paragraph 1 of Article 9 without just cause.
 - (iv) In other cases of being prescribed in the Cabinet Order.
- (2) The municipalities rescinded grant approval pursuant to the provision of the preceding paragraph shall require the persons with disabilities given grant approval pertaining to such rescission to return the person's claimant certification for medical care pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(Grant of Medical Expenses for Services and Supports for Persons with Disabilities)

Article 58 (1) In the event that a person with disabilities given grant approval has received medical care for services and supports for persons with disabilities pertaining to such designation (hereafter "designated medical care for services and supports for persons with disabilities") from designated medical payment institutes for services and supports for persons with disabilities prescribed in paragraph 2 of Article 54 during valid period for grant approval, a municipality etc. shall grant medical expenses for services and supports for persons with disabilities to such person with disabilities pertaining to such grant approval for the expenses which were required for such designated medical care for services and supports for persons with disabilities pursuant to the provision of Ordinance of Ministry of Health, Labour and Welfare.

- (2) A person with disabilities given grant approval who intends to receive designated medical payment for services and supports for persons with

disabilities shall receive such designated medical care for services and supports for persons with disabilities by presenting the person's claimant certification for medical care to designated medical institutes for services and supports for persons with disabilities pursuant to the provision of Ordinaries of Ministry of Health, Labour and Welfare; provided, however, that this is not applied in the case of an emergency or unavoidable circumstances.

- (3) The amount of medical expenses for services and supports for persons with disabilities shall be the total amount given in item.1 (If dietary therapy (prescribed in item.1 of paragraph 2 of Article 63 of the Employee's Health Insurance Act) is included in designated medical care for services and supports for persons with disabilities, the amount is the amount added the amount given in item.1 and item.2, and if life therapy (prescribed in item.2 of paragraph 2 of same Article of the Act) is included in designated medical care for services and supports for persons with disabilities, the amount is the amount added the amount given in item.1 and item.3).
- (i) The expense of designated medical care for services and supports for persons with disabilities (excluding dietary therapy and life therapy; the same shall apply in this item) is the amount equivalent to 90/100 of the amount calculated according to the method used in health insurance for calculating the amount of expenses required for medical treatment; provided, however, that shall be an amount calculated pursuant to the provision in the Cabinet Order within the range of the amount calculated pursuant to the method used in health insurance for calculating the amount of expenses required for medical treatment for such medical care if an amount equivalent to 10/100 of the total expenses amount which persons with disabilities, or others awarded support grants required for designated medical care for services and supports for persons with disabilities in the same month surpasses the amount prescribed in the Cabinet Order as considering influences of such amount on domestic accounts of persons with disabilities, or others awarded grants, their conditions of disabilities, and other circumstances.
- (ii) An amount obtained by deducting the dietary therapy standard cost-sharing prescribed in paragraph 2 of Article 85 of the Employee's Health Insurance Act and the amount specified by the Minister of Health, Labour and Welfare in consideration of income status or other circumstances of such persons with disabilities, or others given grant approval from the amount calculated according to the method used in health insurance for calculating the amount of expenses required for medical treatment in such medical care for services and supports for persons with disabilities (only dietary treatment)
- (iii) An amount obtained by deducting the standard liability amount prescribed in paragraph 2 of Article 85-2 of the Employee's Health Insurance Act and

the amount specified by the Minister of Health, Labour and Welfare in consideration of income status or other circumstances of such persons with disabilities, or others given grant approval from the amount calculated according to the method used in health insurance for calculating the amount of expenses required for medical treatment in such medical care for services and supports for persons with disabilities (only life therapy)

- (4) In the event that it is not possible to pursuant to the method for calculating the amount required for the medical treatment prescribed in the preceding paragraph or it is not appropriate to comply therewith, a calculation method of expenses amount required for medical care for services and supports for persons with disabilities shall be pursuant to the specification by Minister of Health, Labour and Welfare.
- (5) In the event that a person with disabilities, etc. pertaining to grant approval received designated medical payment for services and supports for persons with disabilities from designated medical payment institutes for services and supports for persons with disabilities, a municipality etc. may pay the expenses needed for such designated medical payment for services and supports for persons with disabilities which such persons with disabilities given grant approval should pay to such designated medical payment institutes on behalf of such person with disabilities given grant approval within the limit of the amount to be granted as medical expenses for services and supports for persons with disabilities.
- (6) In the event that the payment pursuant to the provision set forth in the preceding paragraph has been made, such payment shall be deemed to be grant of medical expenses for services and supports for persons with disabilities to persons with disability given grant approval, etc.

(Designation of Designated Medical Payment Institutes for Services and Supports for Persons with Disabilities)

Article 59 (1) Designation set forth in paragraph 2 of Article 54 shall be conducted pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare by applications from hospitals or clinics (including what are prescribed in the Cabinet Order as corresponding thereto; the same shall apply hereinafter) or establishers of pharmacies per kind of medical care for services and supports for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in the same Article.

- (2) In the event that the application set forth in the preceding paragraph is filed, a prefectural governor may refrain from designation of designated medical payment institutes for services and supports for persons with disabilities if such application falls under any of each of the following items.

- (i) Hospitals, clinics, or pharmacies pertaining to such application are not the insurance medical care institution or the health insurance pharmacies prescribed in item 1 of paragraph 3 of Article 63 of Employee's Health Insurance Care Act, or the places of business or facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
 - (ii) Hospitals, clinics, or pharmacies pertaining to such application are what have been repeatedly directed pursuant to Article 63 or admonished pursuant to paragraph 1 of Article 67 in fear of being inappropriate in contents of their medical examination or prescription.
 - (iii) An applicant does not comply with orders pursuant to the provision of paragraph 3 of Article 67.
 - (iv) In addition to the preceding three paragraphs, hospitals, clinics, or pharmacies pertaining to such application are acknowledged to be extremely inappropriate as designated medical payment institutes for services and supports for persons with disabilities.
- (3) The provision of paragraph 3 of Article 36 (except item 1 through item 3) applies mutatis mutandis to designation of designated medical payment institutes for services and supports for persons with disabilities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Renewal of Designation)

- Article 60 (1) The designation set forth in paragraph 2 of Article 54 shall lose their effects by elapse of the period if they are not renewed every 6 years.
- (2) The provision set forth in paragraph 2 of Article 68 of Employee's Health Insurance Act applies mutatis mutandis to renewal set forth in designation the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Responsibilities of Designated Medical Payment Institutes for Services and Supports for Persons with Disabilities)

Article 61 Designated medical payment institutes for services and supports for persons with disabilities shall provide high-quality and appropriate medical care for services and supports for persons with disabilities pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(Policy for Medical Examination)

- Article 62 (1) Policies for medical examination of designated medical payment institutes for services and supports for persons with disabilities shall be governed by policies for medical examination of health insurance.
- (2) In the event that it is not possible to comply with the policy for medical

examination provided in the preceding paragraph or it is not appropriate to comply therewith, a policy for medical examination shall be decided by Minister of Health, Labour and Welfare.

(Guidance by Prefectural Governor)

Article 63 Designated medical payment institutes for services and supports for persons with disabilities shall follow guidance specified by a prefectural governor in conducting medical care for services and supports for persons with disabilities.

(Alternation Notification)

Article 64 If a designated medical payment institute for services and supports for persons with disabilities amended its name, location of the medical institutes pertaining to such designation or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare, it shall notify that effect to the prefectural governor pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(Declination of Designation)

Article 65 A designated medical payment institute for services and supports for persons with disabilities may decline its designation by taking notice period of not less than 1 month.

(Report, etc.)

Article 66 (1) In the event that a prefectural governor acknowledges it necessary for implementation of medical care for services and supports for persons with disabilities, he/she may order designated medical payment institutes for services and supports for persons with disabilities, ex-establishers, managers, doctors, pharmacists or other employees of designated medical payment institutes for services and supports for persons with disabilities (hereinafter referred to as "ex-establishers, etc." in this paragraph) to submit or to present reports, or medical charts, documents, books or other materials; may require establishers, managers, doctors, pharmacists and other employees (including ex-establishers, etc.) to appear; or may cause such staff persons to question those who concerned or to inspect the facilities, or medical charts, documents, books, and other materials concerning designated medical payment institutes for services and supports for persons with disabilities.

(2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the question or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.

(3) In the event that a designated medical payment institute for services and supports for persons with disabilities does not report, submit or present pursuant to the provision of paragraph 1, or they provide false report or refuse, hinder or avoid the inspection pursuant to the same paragraph, the prefectural governor may instruct to suspend or to suspend payment for medical care for services and supports for persons with disabilities from municipalities, etc. to such designated medical payment institute for services and supports for persons with disabilities.

(Admonishment and Order, etc.)

Article 67 (1) In the event that a prefectural governor acknowledges that a designated medical payment institute for services and supports for persons with disabilities does not provide high-quality and appropriate medical care for services and supports for persons with disabilities, he/she may admonish establishers of such designated medical institute for services and supports for persons with disabilities with setting a time limit to comply with the provisions of Article 61 or Article 62.

(2) In the event that the prefectural governor admonished pursuant to the provision of the preceding paragraph, if the establishers of designated medical payment institute for services and supports for persons with disabilities do not obey the admonishment within the period set forth in the preceding paragraph, such governors may make that effect public.

(3) In the event that the designated medical payment institute for services and supports for persons with disabilities which has received admonition pursuant to the provisions of paragraph 1, does not take any means pertaining to the admonishment without just causes, the prefectural governor may order such establishers of the designated medical institute for services and supports for persons with disabilities to take actions pertaining to such admonishment with setting a time limit.

(4) In the event that the prefectural governor placed an order pursuant to the provision set forth in the preceding paragraph, he/she shall make that effect public.

(5) In the event that a municipality acknowledges that an establisher of the designated medical payment institute for services and supports for persons with disabilities does not provide high-quality and appropriate medical care for services and supports for persons with disabilities pursuant to the provision of Article 61 or Article 62, it shall notify that effect to the prefectural governor of the location of the medical institute pertaining to such designation.

(Rescission of Designation, etc.)

Article 68 (1) A prefectural governor may rescind the designation of paragraph 2

of Article 54 pertaining to such designated medical payment institute for services and supports for persons with disabilities, or may suspend all or a part of validity of the designation with setting a period of time in the event it falls under any of the following items.

- (i) In the event that a designated medical payment institute for services and supports for persons with disabilities has fallen into categories of each item set forth in paragraph 2 of Article 59.
 - (ii) In the event that a designated medical payment institute for services and supports for persons with disabilities has fallen into categories of item 4, item 5, item 10 or item 11 set forth in paragraph 3 of Article 36 which are applied *mutatis mutandis* pursuant to paragraph 3 of Article 59.
 - (iii) In the event that a designated medical payment institutes for services and supports for persons with disabilities violated the provision of Article 61 or Article 62.
 - (iv) In the event that there was a deceit concerning demand for medical expense for services and supports for persons with disabilities.
 - (v) In the event that a designated medical payment institute for services and supports for persons with disabilities was ordered to submit or to present reports, or medical charts, documents books or other materials pursuant to the provisions of the paragraph 1 of Article 66 but does not comply with the orders, or they provide false reports.
 - (vi) In the event that a designated medical payment institute for services and supports for persons with disabilities was ordered to appear pursuant to the provision of paragraph 1 of Article 66 but does not comply with the order, does not answer to the questions pursuant to the provision of the same paragraph or provide false reports, or he/she refuse, hinder, or avoid the inspection pursuant to the same paragraph. Provided, however, the case shall be excepted in the event that such designated medical payment institute for services and supports for persons with disabilities endeavor to conduct appropriate admonishment and supervision so as to prevent the actions in the event that employees of the institute conducted the above actions.
- (2) The provisions of item 8 through item 12 of paragraph 1 and paragraph 2 of Article 50 apply *mutatis mutandis* to the rescission or validity suspension of designate medical payment institutes for services and supports for persons with disabilities of the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Public Notice)

Article 69 A prefectural governor shall make a public notice in the following cases:

- (i) In the event that designation was conducted for a designated medical payment institute for services and supports for persons with disabilities set forth in paragraph 2 of Article 54.
- (ii) In the event that application pursuant to the provision of Article 64 (except the application pertaining to alternation of the matters prescribed in Ordinance of the Ministry of Health, Labour) was filed.
- (iii) In the event that designation for a designated medical payment institute for services and supports for persons with disabilities pursuant to the provision of Article 65 was declined.
- (iv) In the event that designation for a designated medical payment institute for services and supports for persons with disabilities was rescinded pursuant to the provision of the preceding Article.

(Grant of Medical Care Treatment Expenses)

- Article 70 (1) In the event that a person with disabilities given grant approval pursuant to nursing care payment (limited to payment pertaining to medical care treatment expenses) has received medical care treatment expenses from designated welfare service business operators for persons with disabilities, etc. during valid period for grant approval, a municipality shall grant medical care treatment expenses pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare to such persons with disabilities pertaining to such grant approval for the expenses which were required for such medical care treatment expenses.
- (2) The provisions of paragraph 3 through paragraph 6 of Article 58 apply mutatis mutandis to medical care treatment expenses. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Grant of Appropriate Medical Care Treatment Expenses)

- Article 71 (1) In the event that a person with disabilities given grant approval pertaining to nursing care payment (limited to payment pertaining to care treatment expenses) has received medical care treatment expenses (hereinafter referred to as "appropriate medical care treatment expenses") from appropriate places of business or appropriate facilities, municipalities shall grant appropriate medical care treatment expenses to such persons with disabilities pertaining to such grant approval for the expenses which were required for such appropriate medical care treatment expenses pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The provisions of paragraphs 3 and 4 of Article 58 apply mutatis mutandis to appropriate medical care treatment expenses. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

(Application, mutatis mutandis)

Article 72 The provisions of Article 61 and Article 62 apply mutatis mutandis to designated welfare service business operators for persons with disabilities conducting medical care treatment expenses, or appropriate places of business or appropriate facilities conducting appropriate medical treatment.

(Examination and Payment of Medical Expenses for Services and Supports for Persons with Disabilities)

Article 73 (1) A prefectural governor may occasionally examine contents of medical examination of designated medical payment institutes for services and supports for persons with disabilities, designated welfare service business operators for persons with disabilities conducting medical treatment, or appropriate places of business or appropriate facilities conducting appropriate medical treatment (hereinafter referred to as "institutes bearing public expenses") or Grant of Medical Expenses for services and supports for persons with disabilities; Medical Care Treatment Expenses; and Appropriate Medical Care Treatment Expenses (referred to as "Grant of Medical Expenses for Services and Supports for Persons with Disabilities, etc" below in this Article and in Article 75); and may decide the amount of medical care for services and supports for persons with disabilities, etc. which medical institutes bearing public expenses can demand pursuant to the provision of paragraph 5 of Article 58 (including the case where it is applied mutatis mutandis pursuant to paragraph 2 of Article 70).

(2) Medical institutes bearing public expenses shall obey decisions made by prefectural governors set forth in the preceding paragraph.

(3) In the event a prefectural governor decides amounts of medical expenses for services and supports for persons with disabilities, etc. which medical institutes bearing public expenses, he/she shall hear the opinions of the Examination Board provided in Social Insurance Medical Fee Payment Fund Act (Act No.129 of 1948), Examination Board of National Health Insurance Medical Fee provided in National Health Insurance Act or other examining institutes prescribed in the Cabinet Order.

(4) A municipality etc. may entrust its administrative affairs concerning the payments or medical expenses for services and supports for persons with disabilities, etc. to medical institutes bearing public expenses to Social Insurance Medical Fee Payment Fund, associations or other persons prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

(5) In addition to the provisions of each of the preceding paragraphs, necessary matters for demand for medical expenses for services and supports for persons with disabilities, etc. shall be prescribed in Ordinance of the Ministry of Health,

Labour and Welfare.

- (6) Concerning the decision on amounts of medical expenses for services and supports for persons with disabilities pursuant to the provision of paragraph 1, it is not possible to file an appeal pursuant to Administrative Appeals Act (Act No.160 of 1962).

(Assistance etc. by Prefectures)

Article 74 (1) In the event that a municipality acknowledges that it is necessary when it approve to or not to grant medical expenses for services and supports for persons with disabilities, it may hear the opinions of recovery consultation office for persons with physical disabilities or other institutes pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

- (2) Concerning the service conducted by municipalities pursuant to provisions of this section, prefectures shall provide cooperation on technical matters by recovery consultation offices for persons with physical disabilities and other institutes established thereby prescribed in Ordinance of the Ministry of Health, Labour and Welfare and other necessary assistance for municipalities in response to requests from municipalities.

(Entrustment to the Cabinet Order)

Article 75 In addition to the provisions of this section, necessary matters for grant approval, claimant certification for medical care, approval or alternations of grant approval, rescission of grant approval and other medical expenses for services and supports for persons with disabilities, etc. shall be provided in the Cabinet Order.

Section 4 Grant of Prosthetic Device Expenses

Article 76 (1) In the event that a person with disabilities or a guardian of children with disabilities file application, if a municipality acknowledges that such person with disabilities, etc. needs purchase or repair of prosthetic devices, according to the conditions of disability with persons with disabilities or others concerning such application, it shall grant prosthetic devices expenses to such persons with disabilities or guardians of children with disabilities (hereinafter referred to as "object persons with disabilities for prosthetic devices, etc.") for the expenses which were required to purchase or repair such prosthetic devices. Provided, however, it is not applied if income status of such persons with disabilities, or others or persons prescribed in the Cabinet Order within other family members of households to which the persons with disabilities belong, are more than the standard prescribed in the Cabinet Order.

- (2) An amount for prosthetic devices expenses shall be equivalent to 90/100 of the expenses amount calculated by the standard specified by Minister of Health, Labour and Welfare as considering the expenses normally needed for purchase or repair of prosthetic devices (If the amount surpasses the amount of expenses which was actually required for purchase or repair of such prosthetic devices, the amount shall be such amount of expenses which was actually required for purchase or repair for the prosthetic devices; hereinafter referred to as "base amount"); provided, however, if, an amount equivalent to 10/100 of such base amount surpasses the amount prescribed in the Cabinet Order as considering influences of such amount on domestic accounts of such object persons with disabilities for prosthetic devices, the amount shall be the amount obtained by deducting such amount prescribed in such Cabinet Order from such base amount.
- (3) In the case that a municipality acknowledges that it is necessary for grant of prosthetic devices expenses; it may hear the opinions of recovery consultation offices for persons with physical disabilities or other institutes pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.
- (4) The provisions of paragraph 2 through paragraph 4 of Article 19 apply mutatis mutandis to municipal certification pertaining to grant of prosthetic device expenses. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.
- (5) The Minister of Health, Labour and Welfare may conduct necessary investigations pursuant to the provision of paragraph 2 so as to cause the standard specified by Minister of Health, Labour and Welfare to be appropriate.
- (6) In addition to the provisions of each of the preceding paragraphs, necessary matters concerning grant of prosthetic device expense shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

Chapter III Community Life Support Service

(Municipal Community Life Support Service)

Article 77 (1) Municipalities shall provide the following services as community life support services pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

- (i) Service which provides consultation for persons with disabilities, or others , guardians of children with disabilities, or caretakers of persons with disabilities concerning various regional problems regarding support for persons with disabilities, or others, provides necessary information and advice or other benefits prescribed in the Ordinance of the Ministry of Health, Labour and Welfare as well as provides necessary assistance for advocating the rights of persons with disabilities, or others, as well as conduct liaison

and coordination with institutes concerned to prevent abuse to persons with disabilities, or others and to recognize such abuse at an early stage so that persons with disabilities, or others can live independent daily or social life according to their respective abilities and aptitudes as using welfare service for persons with disabilities and other service.

- (ii) Services which dispatch sign language interpreters, etc. (means to mediate the following persons with disabilities, or others and other persons with a sign language or other means prescribed in Ordinance of the Ministry of Health, Labour and Welfare) for such persons with disabilities, or others having difficulties communicating due to disabilities of auditory sense, language functions, phonetic functions or other disabilities or persons with disabilities, or others who have other problems that interfere with the enjoyment of daily life; and provide or lend tools to afford benefit in daily life which is specified by Minister of Health, Labour and Welfare; or provide other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
 - (iii) Transportation support service.
 - (iv) Service that offers persons with disabilities, others opportunities for creative or productive activities and which promotes their interaction with their communities and provides other conveniences prescribed in Ordinance of the Ministry of Health, Labour and Welfare by enabling them to commute to community activity support centers or other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- (2) Prefectures may perform a part of service listed in the preceding paragraph on behalf of municipalities by hearing the opinions of such municipalities concerned, considering development status of implementing system of such municipal community life support service and other actual conditions thereof.
- (3) In addition to the businesses listed in each item of paragraph 1, municipalities may conduct businesses which have the persons with disabilities who are presently searching for residence utilize rooms or other equipment at low cost as well as afford necessary benefit for daily life, and necessary businesses for persons with disabilities to live independent daily and social life according to their respective abilities and aptitudes.

(Community Life Support Service by Prefectures)

Article 78 (1) Pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare prefectures shall provide the services prescribed in Ordinance of the Ministry of Health, Labour and Welfare as consultation support services which need especially high expertise and other services requiring large-scale treatment among the services listed in item 1 of paragraph 1 of the preceding Article as community life support services.

- (2) In addition to what is prescribed in the preceding paragraph, prefectures may provide services for training persons who provide disability welfare services or consultation support or the persons who provide those persons with necessary directions, so as to improve the quality of disability welfare services and consultation support, or other services necessary to enable persons with disabilities or others to live independent daily and social lives according to their abilities and aptitudes.

Chapter IV Business and Facilities

(Business Launch, etc.)

Article 79 (1) Prefectures may provide the following businesses.

- (i) Welfare service business for persons with disabilities
 - (ii) Consultation support business
 - (iii) Transportation support business
 - (iv) Business to run community activity support centers
 - (v) Business to run welfare homes
- (2) The persons who are other than the State and prefectures may provide the businesses listed in each item of the preceding paragraph pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare by applying the matter prescribed in Ordinance of the Ministry of Health, Labour and Welfare to prefectural governors in advance.
- (3) If the person who filed the application pursuant to the provision of preceding paragraph changed the matter prescribed in Ordinance of the Ministry of Health, Labour and Welfare, that person shall notify that effect to prefectural governors within 1 month of the day of such changes.
- (4) If the persons who are other than the State and prefectures intend to abolish or suspend the service listed in each item of paragraph 1, they shall notify the matter prescribed in Ordinance of the Ministry of Health, Labour and Welfare to prefectural governors in advance.

(The standard for welfare service business for persons with disabilities, community activity support centers and welfare homes)

Article 80 (1) The Minister of Health, Labour and Welfare shall specify the standard for equipment and operation of welfare service for persons with disabilities (limited to the service needing facilities; the same shall apply in this Article and paragraph 2 of Article 82), community activity support centers and welfare homes.

- (2) The persons who conduct the welfare service business for persons with disabilities set forth in the preceding paragraph and establishers of community activity support centers and welfare homes shall comply with the standard of

the same paragraph.

(Report Collection, etc.)

- Article 81 (1) In the event that a prefectural governor acknowledges that it is necessary for the welfare of persons with disabilities, he/she orders the persons who conduct welfare service business for persons with disabilities, consultation service or transportation support service, or establishers of community activity support centers and welfare homes to submit or to present report, or documents, books or other materials; or may cause such staff persons to ask questions to those who concerned or to enter the places of business or the facilities so as to inspect the facilities, documents, books, or other materials.
- (2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the questions or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.

(Business Suspension, etc.)

- Article 82 (1) In the event that the persons who conduct welfare service businesses for persons with disabilities, consultation support businesses or transportation support businesses violated the provision of this chapter or orders based upon such provisions or actions conducted based thereon; try to profit unjustly concerning their businesses; do unjust acts for treatment of persons pertaining to their businesses; or violate Article 18-2 of Act for the welfare of Persons with Physical Disabilities, Article 21 of Act for the welfare of persons with intellectual disabilities or Article 21-7 of Child Welfare Act, prefectural governors may order restrain or suspension of the businesses on the persons who conduct the businesses.
- (2) In the event that the persons who conduct welfare service businesses for persons with disabilities or establishers of community activity support centers or welfare homes violate the provision of this chapter or orders based upon such provisions or actions conducted based thereon; or such welfare service businesses for persons with disabilities, community activity support centers or welfare homes has fallen not to satisfied the standard of paragraph 1 of Article 80; or violate Article 18-2 of Act for the welfare of Persons with Physical Disabilities, Article 21 of Act for the welfare of persons with intellectual disabilities or Article 21-7 of Child Welfare Act, prefectural governors may order improvement of operation or equipment of the facilities or abolition, or suspension of the businesses on the persons who conduct the businesses or the establishers.

(Facility Establishment, etc.)

- Article 83 (1) The State shall establish support facilities for persons with disabilities.
- (2) Prefectures may establish support facilities for persons with disabilities.
- (3) Municipalities may establish support facilities persons with disabilities by notifying the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare to prefectural governors in advance.
- (4) The persons who are other than the State, prefectures or municipalities may establish support facilities for persons with disabilities pursuant to Social Welfare Act (Act No. 45 of 1951).
- (5) In addition to what prescribed in each of preceding paragraphs, necessary matters for establishment, abolishment or suspension of support facilities for persons with disabilities shall be provided in the Cabinet Order.

(Standard for Facility)

- Article 84 (1) The Minister of Health, Labour and Welfare shall establish standards for equipment and operation of support facilities for persons with disabilities.
- (2) Concerning the support facilities established by the persons who are other than the State, prefectures, or municipalities, the standard set forth in the preceding paragraph shall be deemed as the minimum standard set forth in paragraph 1 of Article 15 of Social Welfare Act and the provisions of paragraph 4 of Article 62 of paragraph 2 of Article 65 and Article 71 apply thereto.

(Report Collection, etc.)

- Article 85 (1) In the event that a prefectural governor acknowledges that it is necessary to have operation of support facilities for persons with disabilities established by municipalities be appropriate, they may order directors of such facilities to report the matters acknowledged to be necessary or submit or present documents, books or other materials; may cause such staff persons to ask questions to those who concerned or to enter places of such facilities so as to inspect the facilities or books, documents, and other materials.
- (2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the questions or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.

(Business Suspension, etc.)

- Article 86 (1) In the event that a prefectural governor acknowledges that the support facilities for persons with disabilities established by municipalities have come not to satisfy the standard of paragraph 1 of Article 84 or violate the provisions of the Cabinet Orders, he/she may order suspension or abolition of

the businesses.

- (2) In the event that a prefectural governor takes dispositions pursuant to the provision set forth in the preceding paragraph, he/she shall present the reasons for the dispositions in written documents.

Chapter V Plan for Welfare of Persons with Disabilities

(Basic Guidelines)

Article 87 (1) The Minister of Health, Labour and Welfare shall establish basic guidelines to consolidate welfare service for persons with disabilities and consultation support, and provision systems for municipal and prefectural life support services, and ensure smooth operation of services and supports for persons with disabilities payment and community life support services (hereinafter referred to as "basic guidelines").

- (2) In the basic guidelines, the following matters shall be prescribed.
- (i) Basic matters concerning provision systems of welfare service for persons with disabilities and consultation support.
 - (ii) Matters concerning draft of municipal plan for welfare of persons with disabilities provided in paragraph 1 of the succeeding Article and prefectural plans for welfare of persons with disabilities prescribed in paragraph 1 of Article 89.
 - (iii) Other matters necessary for ensuring smooth operation of Payment for Services and Supports for Persons with Disabilities and community life services support business.
- (3) In the event that the Minister of Health, Labour and Welfare establish the basic guidelines, or alternates them, the minister shall make the effect public without delay.

(Municipal Plan for Welfare of Persons with Disabilities)

Article 88 (1) Municipalities shall provide policies concerning securement of provision systems of welfare service, consultation support and community life support services (hereinafter referred to as "municipal plan for welfare of persons with disabilities") in line with the basic guidelines.

- (2) In a municipal plan for welfare of persons with disabilities, the following matter shall be prescribed.
- (i) Likelihood of necessary quantity per kind of designated welfare service for persons with disabilities or designated consultation support each year.
 - (ii) Measures for ensuring the likelihood of necessary quantity per kind of designated welfare service for persons with disabilities or designated consultation support which are set forth in the preceding item.
 - (iii) Matters concerning conduct per kind of community life support services.

- (iv) Other necessary matters concerning securement of provision systems for welfare service for persons with disabilities, consultation support and municipal community life support services.
- (3) Municipal plan for welfare of persons with disabilities shall be drafted as considering the number of persons with disabilities in the areas of such municipality, their conditions of disabilities and other circumstances.
- (4) Municipal plan for welfare for persons with disabilities shall be harmonized with the municipal government basic program for persons with disabilities prescribed in paragraph 3, Article 9 of Basic Act for Persons with Disabilities, the regional welfare plans prescribed in Article 107 of Social Welfare Act and the policies pursuant to the provisions of the other Acts which prescribe the matters concerning the welfare for persons with disabilities.
- (5) If municipalities intend to establish or alter their Municipal plans for welfare of persons with disabilities, they shall take necessary measures in advance so as to reflect inhabitants' opinions.
- (6) If municipalities which establish Local Council on Promotion of Measures for Persons With Disabilities set forth in paragraph 4 of Article 26 of Basic Act for Persons with Disabilities intend to establish or alternate the municipal plans for welfare of persons with disabilities, they shall hear the opinions of such Local Council on Promotion of Measures for Persons With Disabilities in advance.
- (7) If municipalities intend to establish or alternate the municipal plans for welfare of persons with disabilities, they shall hear the opinions of prefectures in advance.
- (8) If municipalities shall establish or alternate municipal plans for welfare of persons with disabilities, they shall submit the program to prefectural governors without delay.

(Prefectural Plan for Welfare of Persons with Disabilities)

Article 89 (1) Prefectures shall provide policies concerning securement of provision systems of welfare service, consultation support and community life support services (hereinafter referred to as "prefectural plan for welfare of persons with disabilities") from a large perspective through each municipality in line with the basic guidelines so as to assist achievement of municipal plans for welfare of persons with disabilities.

- (2) In a prefectural plan for welfare of persons with disabilities, the following matter shall be provided.
 - (i) Likelihood of necessary quantity per kind of designated welfare service for persons with disabilities or designated consultation support per such area specified by such prefecture each year.
 - (ii) Measures for ensuring the likelihood of necessary quantity per kind of

- designated welfare service for persons with disabilities or designated consultation support per the area of the preceding item.
- (iii) Matters concerning measures to secure persons who are engaged in the designated welfare service or designated consultation support per the area set forth in paragraph 1 or to improve their quality.
 - (iv) Total necessary fixed number for designated support facilities for persons with disabilities each year.
 - (v) Matters concerning measures to improve service quality of in-facility welfare service for persons with disabilities or designated support facilities for persons with disabilities.
 - (vi) Matters concerning conduct per kind of community life support services.
 - (vii) Other necessary matters concerning securement of provision systems, welfare service for persons with disabilities, consultation support and of prefectural community life support services.
- (3) Prefectural plan for welfare of persons with disabilities shall be harmonized with the prefectural government basic program for persons with disabilities prescribed in paragraph 2 of Article 9 of Basic Act for Persons with Disabilities, the prefectural regional welfare support program prescribed in Article 108 of Social Welfare Act and the policies pursuant to other Acts which prescribe the matters concerning the welfare for persons with disabilities.
- (4) Prefectural plan for welfare of persons with disabilities shall assist to promote discharge of persons with mental disorders who are in mental hospitals (including hospitals employing hospital rooms for persons with mental disorder other than mental hospitals) in line with the medical care plan prescribed in paragraph 1 of Article 30-3 of Medical Service Act (Act No.205 of 1948).
- (5) In the event that prefectures intend to establish or alternate their prefectural plan for welfare of persons with disabilities, they shall hear the opinions of such Local Council on Promotion of Measures for Persons with Disabilities of paragraph 1 of Article 26 of Basic Act for Persons with Disabilities in advance.
- (6) In the event that prefectures shall establish or alternate prefectural plan for welfare of persons with disabilities, they shall submit the program to Minister of Health, Labour and Welfare without delay.

(Prefectural Governors' Advice, etc.)

Article 90 (1) Prefectural governors may provide municipalities with necessary advice for technical matters on drafting municipal plan for welfare of persons with disabilities.

(2) The Minister of Health, Labour and Welfare may provide prefectures with necessary advice for drafting method of prefectural programs for the welfare for persons with disabilities and other important technical matters on drafting

prefectural plan for welfare of persons with disabilities.

(Assistance by the State)

Article 91 In the event that municipalities or prefectures intend to conduct the businesses prescribed in municipal or prefectural plan for welfare of persons with disabilities, the State shall endeavor to conduct necessary advice and other assistance for smooth operation of such businesses.

Chapter VI Expenses

(Municipality's Payment)

Article 92 The following payments shall be made by municipalities.

- (i) Expenses required for grant of nursing care payment, service utilization program expenses, expenses for high-cost welfare service for persons with disabilities, special payment for specified persons with disabilities, and extraordinary special payment for specified persons with disabilities (hereinafter referred to as "expenses for welfare service for persons with disabilities, or others").
- (ii) Expenses required for grant of medical expenses for services and supports for persons with disabilities (except the payment pertaining to medical care prescribed in paragraph 1 of Article 8), medical care treatment expenses, and appropriate medical care treatment expenses.
- (iii) Expenses required for grant prosthetic devices.
- (iv) Expenses required for community life support services conducted by municipalities.

(Prefecture's Payment)

Article 93 The following payments shall be made by prefectures.

- (i) Expenses required for grant of medical expenses for services and supports for persons with disabilities (limited to the payment pertaining to medical care prescribed in paragraph 1 of Article 8).
- (ii) Expenses required for community life support services conducted by prefectures.

(Liability and Assistance of Prefecture)

Article 94 (1) Prefectures shall bear the following expenses paid by municipalities pursuant to the provision of Article 92 pursuant to the provision in the Cabinet Order.

- (i) 25/100 of the amount calculated pursuant to the provision in the Cabinet Order as that which the State and prefectures should bear, with consideration of the number of persons with disabilities, or others entitled to

grants for disability welfare service expenses, per disability level, in the respective municipalities, and other information, from among the expenses listed in item 1 of Article 92 (hereinafter referred to as "object amount of expenses borne for disability welfare services").

(ii) 25/100 of the expenses listed in items 2 and 3 of Article 92.

(2) Prefectures may assist within 25/100 of the expenses listed in item 4 of Article 92 among the expenses paid by municipalities pursuant to Article 92 pursuant to the provision in the Cabinet Order within the budget of such prefecture.

(Liability and Assistance of the State)

Article 95 (1) The State shall bear the followings pursuant to the provision of the Cabinet Order.

(i) 50/100 of object amount of expenses borne for welfare service persons with disabilities among the expenses paid by municipalities pursuant to the provision of Article 92.

(ii) 50/100 of the expenses listed in items 2 and 3 of Article 92 among the expenses paid by municipalities pursuant to the provision of the same Article.

(iii) 50/100 of the expenses listed in item 1 of Article 93 among the expenses paid by prefectural pursuant to the provision of the same Article.

(2) The State may assist the followings within its budget pursuant to the provision of the Cabinet Order.

(i) Within 50/100 of the expenses required for administrative affairs pertaining to grant decision conducted by municipalities pursuant to Article 19 through Article 22 and Article 24 through Article 25 (in the event that municipalities entrust service of examination and judgment to prefectural examination board by paragraph 1 of Article 252-14 of Local Autonomy Act, including the expenses pertaining to such entrustment).

(ii) Within 50/100 of the expenses listed in item 4 of Article 92 and item 2 of Article 93 among the expenses paid by municipalities or prefectures pursuant to the provision of Article 92 and Article 93.

(Application, mutatis mutandis)

Article 96 The provisions of paragraph 2 through paragraph 4, Article 58 of Social Welfare Act shall apply mutatis mutandis to social welfare corporations which received assignment or loan of ordinary properties pursuant to the provision of item 3 of paragraph 2 of Article 2 of National Property Special Measures Act (Act No. 219 of 1952) or the provision of paragraph 1 and item of paragraph 2 of Article 3 of the same Act.

Chapter VII Application for Examination

(Application for Examination)

- Article 97 (1) The persons with disabilities or guardians of children with disabilities who are dissatisfied with municipal dispositions pertaining to nursing care payment, etc. may apply to prefectural governors for examination.
- (2) The application for examination mentioned above shall be deemed to be a judicial claim concerning interruption of prescription.

(Appeal Examination Board)

- Article 98 (1) Prefectural governors may establish an examination board for appeal with nursing care payment, etc. for persons with disabilities (hereinafter referred to as "appeal examination board") so as to cause it to treat cases of requests for examination prescribed in paragraph 1 of the preceding Article pursuant to the provision of their Prefectural Ordinance.
- (2) Quorum of committee of the appeal examination board shall be the quorum provided in Prefectural Ordinance pursuant to the standard prescribed in the Cabinet Order.
- (3) Prefectural governors appoint committees among those who have moral personality, are able to make a fair and neutral judgment on proceedings of disposition concerning nursing care payment, etc, and have academic backgrounds and experiences about healthcare and welfare of persons with disabilities, or others.

(Term of Committee Membership)

- Article 99 (1) Term for a committee shall be 3 years. Provided, however, term for a substitute committee shall be the rest of the predecessor.
- (2) A committee may be reappointed.

(Chairperson)

- Article 100 (1) Members of the appeal examination board shall select one of their members to act as the chairperson.
- (2) In the case of accident occurring on the chairperson, the person elected pursuant to the provision set forth in the preceding paragraph shall represent for the duties.

(Term and Forms of Request for Examination)

- Article 101 Requests for examination shall be filed orally or in written within 60 days from the day following the date of applicant's knowing the disposition has made; provide, however, that this shall not apply, the case where applicants shows prima facie evidence that they could not file Requests for examinations within the period on justifiable grounds.

(Notification to Municipalities)

Article 102 When prefectural governors receive Requests for examination, they shall notify the municipalities which conduct the original dispositions and other interested persons.

(Disposition for proceedings)

Article 103 (1) In the event that prefectural governors acknowledge that it is necessary to conduct examinations, they may require those persons requesting an examination or related persons to submit reports or opinions or may order such persons to present themselves for questioning, or they may direct doctors or other persons appointed by prefectural governors (called "doctors, etc." in the following paragraph) to perform diagnoses or conduct other examinations.

(2) Prefectures shall pay travel expenses, daily allowances, accommodation expenses or rewards to the concerned persons who presented themselves or the doctors, who conducted diagnoses or other inspections pursuant to the provision of the preceding paragraph pursuant to the provision in the Cabinet Order.

(Entrustment to the Cabinet Order)

Article 104 In addition to what are prescribed in this chapter and in Administrative Appeals Act, necessary matters concerning procedures of request for examination shall be prescribed in the Cabinet Order; necessary matters concerning an appeal examination board shall be prescribed in Prefectural Ordinance of such prefecture which established such appeal examination board.

(Relation between Application for Examination and Lawsuit)

Article 105 The suit for rescission of disposition prescribed in paragraph 1 of Article 97 may not be instituted until determination on application for examination about such disposition is made.

Chapter VIII Miscellaneous Provisions

(Special provision for Large Cities)

Article 106 The provisions concerning administrative affairs which prefectures should process in this Act and which are prescribed in the Cabinet Order shall be processed pursuant to the provision in the Cabinet Order by designated cities or core cities or the cities where child consultation offices are placed (hereinafter referred to as "designated cities, etc.") in the designated cities prescribed in paragraph 1 of Article 252-19 of Local Autonomy Act (hereinafter

referred to as "designated cities") and the core cities of paragraph 1 of Article 252-22 of the same (hereinafter referred to as "core cities") and the cities where child consultation offices are placed which are provided in paragraph 1 of Article 59-1 of Child Welfare Act (hereinafter referred to as "cities where child consultation offices are placed). In such cases, the provision concerning prefectures in this Act shall be deemed to apply to the designated cities, etc. as the provisions concerned with the designated cities, etc.

(Delegation of Authority)

- Article 107 (1) The authorities of Minister of Health, Labour and Welfare provided in this Act may be delegated to a local welfare commissioner pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The authorities delegated to a local welfare commissioner pursuant to the provision of the preceding paragraph may be delegated to a local welfare chief correspondent pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

(Implementation Provision)

- Article 108 Unless otherwise specially provided in this Act, procedures for enforcement of this Act, and other detailed regulations necessary for execution thereof shall be specified in Ordinance of the Ministry of Health, Labour and Welfare.

Chapter IX Penal Provisions

- Article 109 (1) If a committee of municipal examination boards, prefectural examination boards, or appeal examination boards, or a ex-committee thereof divulges trade secrets of those who conducted object service for Payment for Services and Supports for Persons with Disabilities, or personal secrets, etc. which they may come to possess in the course of duties, without just causes, the person shall be punished by less than imprisonment with work of 1 year or fine of less than 1,000,000 yen.
- (2) A person who violates the provision of paragraph 4 of Article 20 (including the case where it is applied mutatis mutandis pursuant to paragraph 4 of Article 24) shall be punished by not more than 1 year imprisonment with hard labor or a fine of not more than 1,000,000 yen.

- Article 110 Persons who fail to submit or present reports or materials or who submit or present false reports or materials, pursuant to the provisions of paragraph 1 of Article 11, or who fails to answer questions given by the relevant personnel pursuant to the same paragraph, or who give false answers,

shall be punished by a fine of not more than 300,000 yen.

Article 111 A person who fails to submit or present reports or materials or who submit or present false reports or materials pursuant to paragraph 1 of Article 48 (including the cases where it is applied mutatis mutandis pursuant to paragraph 3 and paragraph 4 of the same Article; the same shall apply in this Article.), who fail to answer the questions asked by relevant personnel or give false answers pursuant to paragraph 1 of Article 48 or answer falsely thereto; or refuse, hinder, or avoid the inspections pursuant to the same provision shall be punished by a fine of not more than 300,000 yen.

Article 112 In the event that representative persons of a juridical person or a juridical person, or agents, workers, or other employees of individual conducted the violation set forth the preceding Article with regard to the business of said juridical person or individual, not only the offender shall be punished but also said juridical person or individuals shall be punished by the fine set forth the same Article.

Article 113 In the event that persons who, violated the disposition pursuant to the provision of paragraph 1 of Article 103 do not appear, provide statements, they state or provide false reports, and make diagnoses or conduct other inspection without just cause, they, shall be punished by a fine of not more than 300,000 yen. Provided, however, that, this shall not apply to requesters for the examination procedures that appeal examination board conduct, municipalities or other interested persons who received the notice pursuant to the provision of Article 102.

Article 114 Persons who fail to submit or present reports or materials or who submit or present false reports or materials, pursuant to the provision of paragraph 2 of Article 11, or who fails to answer questions given by the relevant personnel pursuant to the same paragraph, or who give false answers, shall be punished by a non-penal fine of not more than 100,000 yen.

Article 115 (1) Municipalities, etc. may establish provisions in their Municipal Ordinances to impose a non-penal fine of not more than 100,000 yen on persons who fail to submit or present reports or materials, or who submit or present false reports or materials, pursuant to the provision of paragraph 1 of Article 9; provide false reports or; or who fail to answer the questions asked by relevant personnel or give false answers pursuant to the provision of the same paragraph or answer falsely thereto without just causes.

(2) Municipalities, etc. may establish provisions in their Municipal Ordinances to

impose a non-penal fine of not more than 100,000 on the persons who fail to submit or present reports or materials, or who submit or present false reports or, pursuant to the provision of paragraph 1 of Article 10, or who fail to answer the questions asked by relevant personnel or give false answers, pursuant to the provision of the same paragraph; or who refuse, hinder, or avoid the inspections pursuant to the same provision without just causes.

- (3) Municipalities may establish provisions in their Municipal Ordinances to impose a non-penal fine of not more than 100,000 yen on the persons who were required to submit or return the claimant certifications pursuant to the provisions of paragraph 2 of Article 24 or paragraph 2 of Article 25 but do not respond to the requirement.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as from April 1st in 2006; provided, the provisions listed in the following items shall be come into effect as from the date prescribed respectively in those items.

- (i) The provisions of Article 24, Article 44, Article 101, Article 103, Article 116 through Article 118 and Article 122 in Supplementary Provisions: the day of promulgation
- (ii) The provisions of paragraph 1 (except the part pertaining to home help service, activity support, day service for children, short-stay service and group home with care) of paragraph 3, paragraph 5, paragraph 6, paragraph 9 through paragraph 15, paragraph 17, and paragraph 19 through paragraph 22 of Article 5, Verse 1 (limited to the part pertaining to grant of service utilization program expense, special benefit for specified persons with disabilities, extraordinary special benefit for specified persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses) of Chapter 2, paragraph 1 (limited to the part pertaining to item 2, item 4, item 5 and item 8 through item 10) and paragraph 2 (limited to the part pertaining to item 1 through item 3) of Article 28, Article 32, Article 34, Article 35, paragraph 4 of Article 36 (including the case it is applied mutatis mutandis pursuant to paragraph 2 of Article 37), Article 38 through Article 40, Article 41 (limited to the part pertaining to designation of designated support facilities for persons with disabilities and designated consultation support business operators), Article 42 (limited to the part pertaining to establishes of designated disability support facilities or designated consultation support business operators), Article 44, Article 45, paragraph 1 of Article 46 (limited to the part pertaining to designated consultation support business operators) and

paragraph 2 of the same Article, Article 47, paragraph 3 and paragraph 4 of Article 48, paragraph 2 and paragraph 3 of Article 49 and paragraph 4 through paragraph 7 of the same Article (limited to the part pertaining to establishments of designated support facilities for persons with disabilities or designated consultation support business operators), paragraph 3 and paragraph 4 of Article 50, Article 51 (limited to the part pertaining to designated support facilities for persons with disabilities and designated consultation support business operators), Article 70 through Article 72, Article 73, paragraph 2 of Article 74 and Article 75 (limited to the part pertaining to medical treatment and appropriate medical treatment); Section 4 of Chapter 2; Chapter 3; Chapter 4 (except the part pertaining to welfare service business for persons with disabilities); Chapter 5; item 1 (limited to the part pertaining to service utilization program expenses, special payment for specified persons with disabilities, and extraordinary special payment for specified persons with disabilities), item 2 (limited to the part pertaining to medical care treatment expenses and appropriate medical care treatment expenses), items 3 and item 4 of Article 92, item 2 of Article 93, item 2 of paragraph 1 (limited to the part pertaining to item 3 of Article 92) and paragraph 2 of Article 94, item 2 of paragraph 1 (except the part pertaining to item 2 of Article 92) and item 2 of paragraph 2 of Article 95, Article 96, Article 110 (limited to the part pertaining to grant of service utilization program expenses, special benefit for specified persons with disabilities, extraordinary special benefit for specified persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses), Article 111 and Article 112 (limited to the part pertaining to the cases where the provision of item 1 of Article 48 is applied *mutatis mutandis* to items 3 and 4 of the same Article), Article 114, paragraph 1 and paragraph 2 (limited to the part pertaining to grant of service utilization program expense, special benefit for specified persons with disabilities, extraordinary special benefit for specified persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses) of Article 115; and Article 18 through Article 23, Article 26, Article, 30 through Article 33, Article 35, Article, 39 through Article 43, Article 46, Article 48 through Article 50, Article 52, Article 56 through Article 60, Article 62, Article 65, Article 68 through Article 70, Article 72 through Article 77, Article 79, Article 81, Article 83, Article 85 through Article 90, Article 92, Article 93, Article 95, Article 96, Article 98 through Article 100, Article 105, Article 108, Article 110, Article 112, Article 113 and Article 115 of Supplementary Provisions: October 1st in 2006,

(iii) The provisions of Article 63, Article 66, Article 97 and Article 111 of

Supplementary Provisions: the date until March 31 in 2012 prescribed by the Cabinet Order

(Exception of Payment for Services and Supports for Persons with Disabilities)

Article 2 Children pertaining to a notice pursuant to the provisions of Article 63-4 and Article 63-5 of Child Welfare Act shall be deemed to be persons with disabilities in application of the provisions of Article 19 through Article 25, Article 29 through Article 35, Article 70, Article 71, Article 92, Article 94 and Article 95.

(Review)

Article 3 (1) Approximately three years after the enforcement of this Act, the government shall consider the execution status of the provisions of this Act and other Acts concerning the welfare of persons with disabilities, or others and the conditions of those organizations responsible for conducting operations relevant to the placement of children with disabilities in child welfare facilities and the like, and shall conduct further review of the provisions of this Act, including the scope of definition of persons with disabilities, or others, and shall take necessary measures based on the results of those considerations and review.

(2) After 5 years have passed from the enforcement of this Act, the government shall review the execution status of the provisions of Subsection 5 of Section 2 of Article 2, Section 3 and Section 4 and take necessary measures based on the results of the review.

(3) The government shall review the appropriateness of policies pertaining to the securement of income for persons with disabilities, or others, including support for employment, with consideration of the execution status of policies concerning the welfare of persons with disabilities, or others, the economic status of persons with disabilities, or others, and other conditions, and shall take necessary measures based on the results of the review.