

介護保険法

Long-Term Care Insurance Act

(平成九年十二月十七日法律第百二十三号)
(Act No. 123 of December 17, 1997)

第一章 総則（第一条—第八条の二）

Chapter I General Provisions (Articles 1 to 8-2)

第二章 被保険者（第九条—第十三条）

Chapter II Insured Persons (Articles 9 to 13)

第三章 介護認定審査会（第十四条—第十七条）

Chapter III Certification Committee of Needed Long-Term Care (Articles 14 to 17)

第四章 保険給付

Chapter IV Insurance Benefits

第一節 通則（第十八条—第二十六条）

Section 1 General Rules (Articles 18 to 26)

第二節 認定（第二十七条—第三十九条）

Section 2 Certification (Articles 27 to 39)

第三節 介護給付（第四十条—第五十一条の三）

Section 3 Long-Term Care Benefits (Articles 40 to 51-3)

第四節 予防給付（第五十二条—第六十一条の三）

Section 4 Prevention Benefits (Articles 52 to 61-3)

第五節 市町村特別給付（第六十二条）

Section 5 Municipal Special Benefits (Article 62)

第六節 保険給付の制限等（第六十三条—第六十九条）

Section 6 Limitation on Insurance Benefits (Articles 63 to 69)

第五章 介護支援専門員並びに事業者及び施設

Chapter V Long-Term Care Support Specialists, Providers, and Facilities

第一節 介護支援専門員

Section 1 Long-Term Care Support Specialists

第一款 登録等（第六十九条の二—第六十九条の十）

Subsection 1 Registrations (Articles 69-2 to 69-10)

第二款 登録試験問題作成機関の登録、指定試験実施機関及び指定研修実施機関の指定等（第六十九条の十一—第六十九条の三十三）

Subsection 2 Registration of an Organization that Prepares Registration Examination Questions, and Appointment of a Designated Testing Agencies and Designated Training Agency (Articles 69-11 to 69-33)

第三款 義務等（第六十九条の三十四—第六十九条の三十九）

Subsection 3 Obligations (Articles 69-34 to 69-39)

第二節 指定居宅サービス事業者（第七十条—第七十八条）	
Section 2 Designated In-Home Service Providers (Articles 70 to 78)	
第三節 指定地域密着型サービス事業者（第七十八条の二—第七十八条の十一）	
Section 3 Designated Community-Based Service Providers (Articles 78-2 to 78-11)	
第四節 指定居宅介護支援事業者（第七十九条—第八十五条）	
Section 4 Designated In-Home Long-Term Care Support Providers (Articles 79 to 85)	
第五節 介護保険施設	
Section 5 Facilities Covered by Long-Term Care Insurance	
第一款 指定介護老人福祉施設（第八十六条—第九十三条）	
Subsection 1 Designated Facilities Covered by Public Aid Providing Long-Term Care to the Elderly (Articles 86 to 93)	
第二款 介護老人保健施設（第九十四条—第一百六条）	
Subsection 2 Long-Term Care Health Facilities (Articles 94 to 106)	
第三款 指定介護療養型医療施設（第一百七条—第一百五十五条）	
Subsection 3 Designated Medical Long-Term Care Sanatoriums (Articles 107 to 115)	
第六節 指定介護予防サービス事業者（第一百五十五条の二—第一百五十五条の十）	
Section 6 Designated Providers of Preventive Service to Long-Term Care (Articles 115-2 to 115-10)	
第七節 指定地域密着型介護予防サービス事業者（第一百五十五条の十一—第一百五十五条の十九）	
Section 7 Designated Providers of Community-Based Preventive Service of Long-Term Care (Articles 115-12 to 115-19)	
第八節 指定介護予防支援事業者（第一百五十五条の二十一—第一百五十五条の二十八）	
Section 8 Designated Providers of Support for Prevention of Long-Term Care (Articles 115-20 to 115-28)	
第九節 介護サービス情報の公表（第一百五十五条の二十九—第一百五十五条の三十七）	
Section 9 Publication of Long-Term Care Service Information (Articles 115-29 to 115-37)	
第六章 地域支援事業等（第一百五十五条の三十八—第一百五十五条の四十一）	
Chapter VI Community Support Projects (Articles 115-38 to 115-41)	
第七章 介護保険事業計画（第一百六条—第一百二十条）	
Chapter VII Insured Long-Term Care Service Plans (Articles 116 to 120)	
第八章 費用等	
Chapter VIII Expenses	
第一節 費用の負担（第二百一十一条—第一百四十六条）	
Section 1 Imposition of Expenses (Articles 121 to 146)	
第二節 財政安定化基金等（第一百四十七条—第一百四十九条）	
Section 2 Fiscal Stability Funds (Articles 147 to 149)	

第三節 医療保険者の納付金（第百五十条—第百五十九条）

Section 3 Levies for Medical Insurers (Articles 150 to 159)

第九章 社会保険診療報酬支払基金の介護保険関係業務（第百六十条—第百七十五条）

Chapter IX Business Related to Insured Long-Term Care for Social Insurance Medical Fee Payment Funds (Articles 160 to 175)

第十章 国民健康保険団体連合会の介護保険事業関係業務（第百七十六条—第百七十八条）

Chapter X Business Related to a Long-Term Care Insurance Project for the Federation of National Health Insurance Associations (Articles 176 to 178)

第十一章 介護給付費審査委員会（第百七十九条—第百八十二条）

Chapter XI Examination Committee for Long-Term Care Benefit Expense (Articles 179 to 182)

第十二章 審査請求（第百八十三条—第百九十六条）

Chapter XII Application for Examination (Articles 183 to 196)

第十三章 雑則（第百九十七条—第二百四条）

Chapter XIII Miscellaneous Provisions (Articles 197 to 204)

第十四章 罰則（第二百五条—第二百十五条）

Chapter XIV Penalty Provisions (Articles 205 to 215)

附 則

Supplementary Provisions

第一章 総則

Chapter I General Provisions

（目的）

(Purposes)

第一条 この法律は、加齢に伴って生ずる心身の変化に起因する疾病等により要介護状態となり、入浴、排せつ、食事等の介護、機能訓練並びに看護及び療養上の管理その他の医療を要する者等について、これらの者が尊厳を保持し、その有する能力に応じ自立した日常生活を営むことができるよう、必要な保健医療サービス及び福祉サービスに係る給付を行うため、国民の共同連帯の理念に基づき介護保険制度を設け、その行う保険給付等に関して必要な事項を定め、もって国民の保健医療の向上及び福祉の増進を図ることを目的とする。

Article 1 The purposes of this Act are to improve health and medical care and to enhance the welfare of citizens. With regard to people who are under condition of need for long-term care due to disease, etc., as a result of physical or emotional changes caused by aging, and who require care such as for bathing, bodily waste elimination, meals, etc., and require the functional training, nursing, management of medical treatment, and other medical care, these purposes are to be accomplished by establishing a long-term care insurance

system based on the principle of the cooperation of citizens, solidarity, and determining necessary matters concerning related insurance benefits, etc., in order to provide benefits pertaining to necessary health and medical services and public aid services so that these people are able to maintain dignity and an independent daily life routine according to each person's own level of abilities.

(介護保険)

(Long-Term Care Insurance)

第二条 介護保険は、被保険者の要介護状態又は要支援状態に関し、必要な保険給付を行うものとする。

Article 2 (1) Long-Term Care Insurance provides necessary insurance benefits for a Condition of Need for Long-Term Care or for a Needed Support Condition of the insured person.

2 前項の保険給付は、要介護状態又は要支援状態の軽減又は悪化の防止に資するよう行われるとともに、医療との連携に十分配慮して行われなければならない。

(2) Insurance benefits as set forth in the preceding paragraph is provided in order to contribute to reduction or prevention of aggravation of a Condition of Need for Long-Term Care or a Needed Support Condition, and must be provided with careful attention to cooperation with medical care.

3 第一項の保険給付は、被保険者の心身の状況、その置かれている環境等に応じて、被保険者の選択に基づき、適切な保健医療サービス及び福祉サービスが、多様な事業者又は施設から、総合的かつ効率的に提供されるよう配慮して行われなければならない。

(3) Insurance benefits as set forth in paragraph (1) must be provided in consideration of the appropriate health and medical services and public aid services that are offered by diverse providers and facilities comprehensively and effectively, according to the physical and mental conditions of the insured person, said person's environment, etc., and based on the preferences of the insured person.

4 第一項の保険給付の内容及び水準は、被保険者が要介護状態となった場合においても、可能な限り、その居宅において、その有する能力に応じ自立した日常生活を営むことができるように配慮されなければならない。

(4) With regard to the contents and level of insurance benefits as set forth in paragraph (1), consideration must be made so that said person is able to live an independent daily life according to that person's own abilities in his or her home as much as possible, although said insured person becomes in a Condition of Need for Long-Term Care.

(保険者)

(Insurers)

第三条 市町村及び特別区は、この法律の定めるところにより、介護保険を行うものと

する。

Article 3 (1) Municipalities and special city wards shall provide Long-Term Care Insurance pursuant to the provisions of this Act.

2 市町村及び特別区は、介護保険に関する収入及び支出について、政令で定めるところにより、特別会計を設けなければならない。

(2) Municipalities and special city wards are to establish a special account for income and expenses regarding Long-Term Care Insurance pursuant to the provisions of Cabinet Orders.

(国民の努力及び義務)

(Citizen's Efforts and Obligations)

第四条 国民は、自ら要介護状態となることを予防するため、加齢に伴って生ずる心身の変化を自覚して常に健康の保持増進に努めるとともに、要介護状態となった場合においても、進んでリハビリテーションその他の適切な保健医療サービス及び福祉サービスを利用することにより、その有する能力の維持向上に努めるものとする。

Article 4 (1) A citizen must be aware of his or her physical and mental changes due to aging and shall always strive to maintain and enhance good health in order to prevent becoming in a Condition of Need for Long-Term Care. In a case of becoming in a Condition of Need for Long-Term Care, a citizen is to strive to maintain and improve his or her existing abilities through the willing use of rehabilitation and other appropriate health and medical services and public aid services.

2 国民は、共同連帯の理念に基づき、介護保険事業に要する費用を公平に負担するものとする。

(2) Citizens are to be equally subjected to the expenses necessary for an Insured Long-Term Care Project, based on the principle of cooperation and solidarity.

(国及び都道府県の責務)

(Responsibilities of the National and Prefectural Governments)

第五条 国は、介護保険事業の運営が健全かつ円滑に行われるよう保健医療サービス及び福祉サービスを提供する体制の確保に関する施策その他の必要な各般の措置を講じなければならない。

Article 5 (1) The national government must undertake measures to ensure the system of providing health and medical services and public aid services, and every other necessary action for the healthy and efficient operation of an Insured Long-Term Care Project.

2 都道府県は、介護保険事業の運営が健全かつ円滑に行われるように、必要な助言及び適切な援助をしなければならない。

(2) Prefectural governments must provide necessary advice and appropriate support for the healthy and efficient operation of an Insured Long-Term Care Project.

(医療保険者の協力)

(Cooperation of Medical Insurers)

第六条 医療保険者は、介護保険事業が健全かつ円滑に行われるよう協力しなければならない。

Article 6 Medical insurers must cooperate for the healthy and efficient operation of an Insured Long-Term Care Project.

(定義)

(Definitions)

第七条 この法律において「要介護状態」とは、身体上又は精神上の障害があるために、入浴、排せつ、食事等の日常生活における基本的な動作の全部又は一部について、厚生労働省令で定める期間にわたり継続して、常時介護を要すると見込まれる状態であって、その介護の必要の程度に応じて厚生労働省令で定める区分（以下「要介護状態区分」という。）のいずれかに該当するもの（要支援状態に該当するものを除く。）をいう。

Article 7 (1) The term "Condition of Need for Long-Term Care" as used in this Act means a condition assumed to require care on a continual and steady basis for the whole or a part of basic movements in daily activities such as bathing, bodily waste elimination, meals, etc., due to physical or mental problems during the period specified by Order of the Ministry of Health, Labour, and Welfare, and said condition that conforms to any of the categories stipulated by Order of the Ministry of Health, Labour, and Welfare according to the degree of needed care (herein referred to as a "Category of Condition of Need for Long-Term Care") (except when said condition is subject to a Needed Support Condition).

2 この法律において「要支援状態」とは、身体上若しくは精神上の障害があるために入浴、排せつ、食事等の日常生活における基本的な動作の全部若しくは一部について厚生労働省令で定める期間にわたり継続して常時介護を要する状態の軽減若しくは悪化の防止に特に資する支援を要すると見込まれ、又は身体上若しくは精神上の障害があるために厚生労働省令で定める期間にわたり継続して日常生活を営むのに支障があると見込まれる状態であって、支援の必要の程度に応じて厚生労働省令で定める区分（以下「要支援状態区分」という。）のいずれかに該当するものをいう。

(2) The term "Needed Support Condition" as used in this Act means a condition assumed to require care on a continual and steady basis during the period specified by Order of the Ministry of Health, Labour, and Welfare that especially contributes to the reduction or prevention of the aggravation of the condition requiring care for the whole or a part of basic movements in daily activities such as bathing, bodily waste elimination, meals, etc., due to physical or mental problems, or a condition assumed to cause continual difficulties in performing daily activities due to physical or mental problems during the

period specified by Order of the Ministry of Health, Labour, and Welfare, and said condition that conforms to any category as stipulated by Order of the Ministry of Health, Labour, and Welfare according to the degree of needed support (herein referred to as "Category of Needed Support Condition").

3 この法律において「要介護者」とは、次の各号のいずれかに該当する者をいう。

(3) The term "Person Requiring Long-Term Care" as used in this Act means a person defined by any of the following items:

一 要介護状態にある六十五歳以上の者

(i) a person that is in a Condition of Need for Long-Term Care and is the age of 65 or older;

二 要介護状態にある四十歳以上六十五歳未満の者であつて、その要介護状態の原因である身体上又は精神上の障害が加齢に伴って生ずる心身の変化に起因する疾病であつて政令で定めるもの（以下「特定疾病」という。）によって生じたものであるもの

(ii) a person that is in a Condition of Need for Long-Term Care and is the age of 40 to less than the age of 65, and the physical or mental problems that are the causes of said Condition of Need for Long-Term Care are a result of diseases that are caused by the physical or mental changes due to aging, specified by a Cabinet Order (herein referred to as "Specified Disease").

4 この法律において「要支援者」とは、次の各号のいずれかに該当する者をいう。

(4) The term "Person Requiring Support" as used in this Act means a person defined by any of the following items:

一 要支援状態にある六十五歳以上の者

(i) a person that is in a Needed Support Condition and is the age of 65 or older;

二 要支援状態にある四十歳以上六十五歳未満の者であつて、その要支援状態の原因である身体上又は精神上の障害が特定疾病によって生じたものであるもの

(ii) a person that is in a Needed Support Condition and is the age of 40 to less than the age of 65, and the physical or mental problems that are the cause of said Needed Support Condition are caused by a Specified Disease.

5 この法律において「介護支援専門員」とは、要介護者又は要支援者（以下「要介護者等」という。）からの相談に応じ、及び要介護者等がその心身の状況等に応じ適切な居宅サービス、地域密着型サービス、施設サービス、介護予防サービス又は地域密着型介護予防サービスを利用できるよう市町村、居宅サービス事業を行う者、地域密着型サービス事業を行う者、介護保険施設、介護予防サービス事業を行う者、地域密着型介護予防サービス事業を行う者等との連絡調整等を行う者であつて、要介護者等が自立した日常生活を営むのに必要な援助に関する専門的知識及び技術を有するものとして第六十九条の七第一項の介護支援専門員証の交付を受けたものをいう。

(5) The term "Long-Term Care Support Specialist" as used in this Act means a person that provides consultation to a Person Requiring Long-Term Care or to a Person Requiring Support (herein referred to as a "Person Requiring Long-Term Care, etc.") and communicates with and coordinates Municipalities, a

person performing In-Home Services, a person performing Community-Based Service Business, a Facility Covered by Long-Term Care Insurance, a person performing Preventive Long-Term Care Service Business, a person performing Community-Based Preventive Long-Term Care, etc., in order for a Person Requiring Long-Term Care, etc., to be able to use appropriate In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service, and Community-Based Service for Preventive Long-Term Care according to the mental and physical conditions, etc., of a Person Requiring Long-Term Care, etc., and who received Long-Term Care Support Specialist Certification as set forth in Article 69-7, paragraph (1) as a person possessing professional knowledge and skills regarding necessary support for a Person Requiring Long-Term Care, etc., to live an independent daily life.

6 この法律において「医療保険各法」とは、次に掲げる法律をいう。

(6) The term "Medical Insurance Acts" as used in this Act means the following acts:

一 健康保険法（大正十一年法律第七十号）

(i) Health Insurance Act (Act No. 70 of 1992);

二 船員保険法（昭和十四年法律第七十三号）

(ii) Seaman's Insurance Act (Act No. 73 of 1939);

三 国民健康保険法（昭和三十三年法律第百九十二号）

(iii) National Health Insurance Act (Act No. 192 of 1958);

四 国家公務員共済組合法（昭和三十三年法律第二百二十八号）

(iv) National Public Servants Mutual Aid Association Act (Act No. 128 of 1958);

五 地方公務員等共済組合法（昭和三十七年法律第百五十二号）

(v) Local Public Service Mutual Aid Association Act (Act No. 152 of 1962);

六 私立学校教職員共済法（昭和二十八年法律第二百四十五号）

(vi) Private School Personnel Mutual Aid Association Act (Act No. 245 of 1953).

7 この法律において「医療保険者」とは、医療保険各法の規定により医療に関する給付を行う政府、健康保険組合、市町村（特別区を含む。）、国民健康保険組合、共済組合又は日本私立学校振興・共済事業団をいう。

(7) The term "Medical Insurers" as used in this Act means the national government, health insurance societies, municipalities (including special city wards), National Health Insurance Society, mutual aid associations, or Promotion and Mutual Aid Society for Private Schools of Japan that provide medical benefits pursuant to the provisions of Medical Insurance Acts.

8 この法律において「医療保険加入者」とは、次に掲げる者をいう。

(8) The term "Medical Insurance Subscriber" as used in this Act means the following persons:

一 健康保険法の規定による被保険者。ただし、同法第三条第二項の規定による日雇特例被保険者を除く。

(i) an insured person pursuant to the provisions of the Health Insurance Act,

- however, provided that this does not apply to specially-insured day laborers pursuant to the provision of Article 3, paragraph (2) of the same Act;
- 二 船員保険法の規定による被保険者
- (ii) an insured person pursuant to the provisions of the Seaman's Insurance Act;
- 三 国民健康保険法の規定による被保険者
- (iii) an insured person pursuant to the provisions of the National Health Insurance Act;
- 四 国家公務員共済組合法又は地方公務員等共済組合法に基づく共済組合の組合員
- (iv) a member of a mutual aid association pursuant to the National Public Servants Mutual Aid Association Law or the Local Public Care Service Mutual Aid Association Act;
- 五 私立学校教職員共済法の規定による私立学校教職員共済制度の加入者
- (v) a subscriber to a Private School Personnel Mutual Aid System pursuant to the provisions of the Private School Personnel Mutual Aid Association Act;
- 六 健康保険法、船員保険法、国家公務員共済組合法（他の法律において準用する場合を含む。）又は地方公務員等共済組合法の規定による被扶養者。ただし、健康保険法第三条第二項の規定による日雇特例被保険者の同法の規定による被扶養者を除く。
- (vi) an insured person's dependent pursuant to the provisions of the Health Insurance Act, Seaman's Insurance Act, National Public Servants Mutual Aid Association Law (including cases when applied mutatis mutandis pursuant to other Acts), or the Local Public Care Service Mutual Aid Association Act, however, provided that this does not apply to a dependent pursuant to the provisions of Article 3, paragraph (2) of the Health Insurance Act of a specially-insured day laborer pursuant to the provisions of the same Act;
- 七 健康保険法第二百二十六条の規定により日雇特例被保険者手帳の交付を受け、その手帳に健康保険印紙をはり付けるべき余白がなくなるに至るまでの間にある者及び同法の規定によるその者の被扶養者。ただし、同法第三条第二項ただし書の規定による承認を受けて同項の規定による日雇特例被保険者とならない期間内にある者及び同法第二百二十六条第三項の規定により当該日雇特例被保険者手帳を返納した者並びに同法の規定によるその者の被扶養者を除く。
- (vii) a person that received a specially-insured day laborer certificate book pursuant to the provisions of Article 126 of the Health Insurance Act and within a certain period until the term when all of the blank space for stamps for proof of health insurance of said certificate book are filled, and said dependent pursuant to the provisions of the same Act, however, provided that this does not apply to a person that is within the period when said person is not a specially-insured day laborer pursuant to the provision of Article 3, paragraph (2) of the same Act with the approval pursuant to the

proviso of the same paragraph, and a person that has returned said specially-insured day laborer certificate book pursuant to the provisions of Article 126, paragraph (3) of the same Act, and said dependent pursuant to the provisions of the same Act.

第八条 この法律において「居宅サービス」とは、訪問介護、訪問入浴介護、訪問看護、訪問リハビリテーション、居宅療養管理指導、通所介護、通所リハビリテーション、短期入所生活介護、短期入所療養介護、特定施設入居者生活介護、福祉用具貸与及び特定福祉用具販売をいい、「居宅サービス事業」とは、居宅サービスを行う事業をいう。

Article 8 (1) The term "In-Home Service" as used in this Act means Home-Visit Long-Term Care, Home-Visit Bathing Long-Term Care, Home-Visit Nursing, Home-Visit Rehabilitation, Guidance for Management of In-Home Medical Long-Term Care, Outpatient Day Long-Term Care, Outpatient Rehabilitation, Short-Term Admission for Daily Life Long-Term Care, Short-Term Admission for Recuperation, Daily Life Long-Term Care Admitted to a Specified Facility, Rental Service of Equipment for Long-Term Care Covered by Public Aid, and Sale of Specified Equipment Covered by Public Aid. The term "In-Home Service Business" as used in this Act means business performing In-Home Service.

2 この法律において「訪問介護」とは、要介護者であつて、居宅（老人福祉法（昭和三十八年法律第百三十三号）第二十条の六に規定する軽費老人ホーム、同法第二十九条第一項に規定する有料老人ホーム（第十一項及び第十九項において「有料老人ホーム」という。）その他の厚生労働省令で定める施設における居室を含む。以下同じ。）において介護を受けるもの（以下「居宅要介護者」という。）について、その者の居宅において介護福祉士その他政令で定める者により行われる入浴、排せつ、食事等の介護その他の日常生活上の世話であつて、厚生労働省令で定めるもの（夜間対応型訪問介護に該当するものを除く。）をいう。

(2) The term "Home-Visit Long-Term Care" as used in this Act means care service that is for bathing, bodily waste elimination, meals, etc., and for other daily activities provided by long-term care public aid workers and other persons who determined by Order of the Ministry of Health, Labour, and Welfare (except for care services defined as Home-Visit at Night for Long-Term Care) and which are provided to a Person Requiring Long-Term Care at his or her home (herein referred to as "In-Home Person Requiring Long-Term Care") (including a residence room at a moderate-fee home for the elderly as provided in Article 20-6 of the Act on Social Welfare for the Elderly (Act No. 133 of 1963); a Fee-Based Home for the Elderly as prescribed in Article 29-1 of the same Act (referred to as a "Fee-Based Home for the Elderly" in paragraphs (11) and (19)); and other facilities as determined by Order of the Ministry of Health, Labour, and Welfare; the same applies hereinafter).

3 この法律において「訪問入浴介護」とは、居宅要介護者について、その者の居宅を

訪問し、浴槽を提供して行われる入浴の介護をいう。

(3) The term "Home-Visit Bathing Long-Term Care" as used in this Act means care service that provides bathing service and a bathtub to a Person Requiring Long-Term Care by visiting his or her home.

4 この法律において「訪問看護」とは、居宅要介護者（主治の医師がその治療の必要の程度につき厚生労働省令で定める基準に適合していると認めたものに限る。）について、その者の居宅において看護師その他厚生労働省令で定める者により行われる療養上の世話又は必要な診療の補助をいう。

(4) The term "Home-Visit Nursing" as used in this Act means medical care or assistance for necessary medical care provided to a Person Requiring Long-Term Care at his or her home (limited to those who are considered by an attending physician to be a person in the degree of need of medical treatment that conforms to standards as determined by Order of the Ministry of Health, Labour, and Welfare) by a nurse or other person as determined by Order of the Ministry of Health, Labour, and Welfare.

5 この法律において「訪問リハビリテーション」とは、居宅要介護者（主治の医師がその治療の必要の程度につき厚生労働省令で定める基準に適合していると認めたものに限る。）について、その者の居宅において、その心身の機能の維持回復を図り、日常生活の自立を助けるために行われる理学療法、作業療法その他必要なりハビリテーションをいう。

(5) The term "Home-Visit Rehabilitation" as used in this Act means physical therapy, occupational therapy, and other necessary rehabilitation that is provided to an In-Home Person Requiring Long-Term Care at his or her home (limited to those who are considered by an attending physician to be a person in the degree of need of medical treatment that conforms to standards as determined by Order of the Ministry of Health, Labour, and Welfare) in order to maintain and recover mental or physical functions and to assist with independently performing daily activities.

6 この法律において「居宅療養管理指導」とは、居宅要介護者について、病院、診療所又は薬局（以下「病院等」という。）の医師、歯科医師、薬剤師その他厚生労働省令で定める者により行われる療養上の管理及び指導であって、厚生労働省令で定めるものをいう。

(6) The term "Guidance for Management of In-Home Medical Long-Term Care" as used in this Act means management and instructions for medical care and as determined by Order of the Ministry of Health, Labour, and Welfare. Said management and instructions are provided to an In-Home Person Requiring Long-Term Care by a physician, dentist, pharmacist or other personnel as determined by Order of the Ministry of Health, Labour, and Welfare that are associated with a hospital, clinic, or pharmacy (herein referred to as "Hospital, etc.")

7 この法律において「通所介護」とは、居宅要介護者について、老人福祉法第五条の

二第三項の厚生労働省令で定める施設又は同法第二十条の二の二に規定する老人デイサービスセンターに通わせ、当該施設において入浴、排せつ、食事等の介護その他の日常生活上の世話であって厚生労働省令で定めるもの及び機能訓練を行うこと（認知症対応型通所介護に該当するものを除く。）をいう。

(7) The term "Outpatient Day Long-Term Care" as used in this Act means care that is for bathing, bodily waste elimination, meals, etc., and other care provided for daily activities and which is provided as defined by Order of the Ministry of Health, Labour, and Welfare, and functional training (except for care defined as Outpatient Long-Term Care for a Dementia Patient) by having an In-Home Person Requiring Long-Term Care commute to a facility as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 5-2, paragraph (3) of the Act on Social Welfare for the Elderly or a Long-term care Day Service Center as provided in Article 20-2-2 of the same Act.

8 この法律において「通所リハビリテーション」とは、居宅要介護者（主治の医師がその治療の必要の程度につき厚生労働省令で定める基準に適合していると認めたものに限る。）について、介護老人保健施設、病院、診療所その他の厚生労働省令で定める施設に通わせ、当該施設において、その心身の機能の維持回復を図り、日常生活の自立を助けるために行われる理学療法、作業療法その他必要なリハビリテーションをいう。

(8) The term "Outpatient Rehabilitation" as used in this Act means physical therapy, occupational therapy, and other necessary rehabilitation that is provided to an In-Home Person Requiring Long-Term Care (limited to those who are considered by an attending physician to be a person in the degree of need of medical treatment that conforms to standards as determined by Order of the Ministry of Health, Labour, and Welfare) by having said person commute to a Long-Term Care Health Facility, hospital, clinic, or other facility as determined by Order of the Ministry of Health, Labour, and Welfare and providing Outpatient Rehabilitation to said facility in order to maintain and recover his or her mental or physical functions and to assist independently performing daily activities.

9 この法律において「短期入所生活介護」とは、居宅要介護者について、老人福祉法第五条の二第四項の厚生労働省令で定める施設又は同法第二十条の三に規定する老人短期入所施設に短期間入所させ、当該施設において入浴、排せつ、食事等の介護その他の日常生活上の世話及び機能訓練を行うことをいう。

(9) The term "Short-Term Admission for Daily Life Long-Term Care" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., and other care for performing daily activities and to provide functional training for an In-Home Person Requiring Long-Term Care by having said person Short-Term Admission at a facility as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 5-2, paragraph

(4) of the Act on Social Welfare for the Elderly or at a Short-Term Admission Facility for the Elderly as provided in Article 20-3 of the same Act.

1 0 この法律において「短期入所療養介護」とは、居宅要介護者（その治療の必要の程度につき厚生労働省令で定めるものに限る。）について、介護老人保健施設、介護療養型医療施設その他の厚生労働省令で定める施設に短期間入所させ、当該施設において看護、医学的管理の下における介護及び機能訓練その他必要な医療並びに日常生活上の世話をを行うことをいう。

(10) The term "Short-Term Admission for Recuperation" as used in this Act means to provide nursing, long-term care and functional training under control of medical management, or other necessary medical treatment, or to provide care for performing daily activities to an In-Home Person Requiring Long-Term Care (limited to persons with the degree of necessity for medical treatment that conforms with standards as determined by Order of the Ministry of Health, Labour, and Welfare) by having said person Short-Term Admission at a Long-Term Care Health Facility, Sanatorium Medical Facility for the Elderly Requiring Long-Term Care or other facility as determined by Order of the Ministry of Health, Labour, and Welfare.

1 1 この法律において「特定施設」とは、有料老人ホームその他厚生労働省令で定める施設であって、第十九項に規定する地域密着型特定施設でないものをいい、「特定施設入居者生活介護」とは、特定施設に入居している要介護者について、当該特定施設が提供するサービスの内容、これを担当する者その他厚生労働省令で定める事項を定めた計画に基づき行われる入浴、排せつ、食事等の介護その他の日常生活上の世話であって厚生労働省令で定めるもの、機能訓練及び療養上の世話をいう。

(11) The term "Specified Facility" as used in this Act means a Fee-Based Home for the Elderly or other facility as determined by Order of the Ministry of Health, Labour, and Welfare that is not a Community-Based Specified Facility as provided in this Article, paragraph (19) of this Act. The term "Daily Life Long-Term Care Admitted to a Specified Facility" as used in this Act means care for bathing, bodily waste elimination, meals, etc., and other care for performing daily activities that is as determined by Order of the Ministry of Health, Labour, and Welfare, functional training, and medical care. Said care is provided to a Person Requiring Long-Term Care who is staying in a Specified Facility and is based on a plan which stipulates the content of services to be provided by said Specified Facility, the personnel in charge of the services, and other items as determined by Order of the Ministry of Health, Labour, and Welfare.

1 2 この法律において「福祉用具貸与」とは、居宅要介護者について福祉用具（心身の機能が低下し日常生活を営むのに支障がある要介護者等の日常生活上の便宜を図るための用具及び要介護者等の機能訓練のための用具であって、要介護者等の日常生活の自立を助けるためのものをいう。次項並びに次条第十二項及び第十三項において同じ。）のうち厚生労働大臣が定めるものの政令で定めるところにより行われる貸与を

いう。

(12) The term "Rental Service of Equipment for Long-Term Care Covered by Public Aid" as used in this Act means the rental of equipment covered by public aid undertaken pursuant to provisions of a Cabinet Order of those types of equipment as determined by the Minister of Health, Labour, and Welfare among equipment covered by public aid for an In-Home Person Requiring Long-Term Care (equipment for the convenience of performing daily activities by a Person Requiring Long-Term Care, etc., whose physical or mental functions are underactive and that cause problems with performing daily activities, equipment to assist an Insured Person Requiring Long-Term Care, etc., independently performing daily activities and equipment for functional training or an Insured Person Requiring Long-Term Care, etc.); the same applies in the following paragraph (13), and to the following Article, paragraph (12) and paragraph (13) of this Act).

1 3 この法律において「特定福祉用具販売」とは、居宅要介護者について福祉用具のうち入浴又は排せつの用に供するものその他の厚生労働大臣が定めるもの（以下「特定福祉用具」という。）の政令で定めるところにより行われる販売をいう。

(13) The term "Sale of Specified Equipment Covered by Public Aid" as used in this Act means the sale, undertaken pursuant to provisions of a Cabinet Order, of equipment covered by public aid among equipment provided for use in bathing or bodily waste elimination and other items provided by the Minister of Health, Labour, and Welfare (herein referred to as "Specified Equipment Covered by Public Aid") to an In-Home Person Requiring Long-Term Care.

1 4 この法律において「地域密着型サービス」とは、夜間対応型訪問介護、認知症対応型通所介護、小規模多機能型居宅介護、認知症対応型共同生活介護、地域密着型特定施設入居者生活介護及び地域密着型介護老人福祉施設入所者生活介護をいい、「地域密着型サービス事業」とは、地域密着型サービスを行う事業をいう。

(14) The term "Community-Based Service" as used in this Act means Home-Visit at Night for Long-Term Care, Outpatient Long-Term Care for a Dementia Patient, Multifunctional Long-Term Care in a Small Group Home, Communal Daily Long-Term Care for a Dementia Patient, Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility, and Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid. The term "Community-Based Service Business" as used in this Act means a business that provides Community-Based Service.

1 5 この法律において「夜間対応型訪問介護」とは、居宅要介護者について、夜間において、定期的な巡回訪問により、又は通報を受け、その者の居宅において介護福祉士その他第二項の政令で定める者により行われる入浴、排せつ、食事等の介護その他の日常生活上の世話であって、厚生労働省令で定めるものをいう。

(15) The term "Home-Visit at Night for Long-Term Care" as used in this Act means care provided for bathing, bodily waste elimination, meals, etc., and for

other daily activities that are as determined by Order of the Ministry of Health, Labour, and Welfare. Said care is provided to an In-Home Person Requiring Long-Term Care at his or her home by a long-term care public aid worker or other personnel specified by a Cabinet Order and as set forth in paragraph (2) of this Article, according to periodic night visits or as requested during the night.

1 6 この法律において「認知症対応型通所介護」とは、居宅要介護者であつて、脳血管疾患、アルツハイマー病その他の要因に基づく脳の器質的な変化により日常生活に支障が生じる程度にまで記憶機能及びその他の認知機能が低下した状態（以下「認知症」という。）であるものについて、老人福祉法第五条の二第三項の厚生労働省令で定める施設又は同法第二十条の二の二に規定する老人デイサービスセンターに通わせ、当該施設において入浴、排せつ、食事等の介護その他の日常生活上の世話であつて厚生労働省令で定めるもの及び機能訓練を行うことをいう。

(16) The term "Outpatient Long-Term Care for a Dementia Patient" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., and for other daily activities as determined by Order of the Ministry of Health, Labour, and Welfare, and functional training for an In-Home Person Requiring Long-Term Care who is in the condition that memory functions and other cognitive functions have become underactive as far as causing disorder with performing daily activities due to organic changes of the brain that are caused by cerebral vascular disease, Alzheimer's disease, or other factors (herein referred to as "Dementia"). This is accomplished by having said person commute to a facility as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 5-2, paragraph (3) of the Act on Social Welfare for the Elderly or Long-Term Care Day Service Centers for the elderly as provided in Article 20-2-2 of the same Act.

1 7 この法律において「小規模多機能型居宅介護」とは、居宅要介護者について、その者の心身の状況、その置かれている環境等に応じて、その者の選択に基づき、その者の居宅において、又は厚生労働省令で定めるサービスの拠点に通わせ、若しくは短期間宿泊させ、当該拠点において、入浴、排せつ、食事等の介護その他の日常生活上の世話であつて厚生労働省令で定めるもの及び機能訓練を行うことをいう。

(17) The term "Multifunctional Long-Term Care in a Small Group Home" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., and for other daily activities as determined by Order of the Ministry of Health, Labour, and Welfare, and functional training to an In-Home Person Requiring Long-Term Care at his or her home, or said bases of services as determined by Order of the Ministry of Health, Labour, and Welfare by having the person commute daily to a location or stay for short-term at said bases, according to the person's mental and physical condition, surroundings, etc., and based on his or her preference.

1 8 この法律において「認知症対応型共同生活介護」とは、要介護者であつて認知症

であるもの（その者の認知症の原因となる疾患が急性の状態にある者を除く。）について、その共同生活を営むべき住居において、入浴、排せつ、食事等の介護その他の日常生活上の世話及び機能訓練を行うことをいう。

(18) The term "Communal Daily Long-Term Care for a Dementia Patient" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., and for other daily activities, and functional training for a Person Requiring Long-Term Care who is suffering from Dementia (except for a person with the cause of Dementia being an acute disease), at a residence where the person lives communally.

19 この法律において「地域密着型特定施設入居者生活介護」とは、有料老人ホームその他第十一項の厚生労働省令で定める施設であつて、その入居者が要介護者、その配偶者その他厚生労働省令で定める者に限られるもの（以下「介護専用型特定施設」という。）のうち、その入居定員が二十九人以下であるもの（以下この項において「地域密着型特定施設」という。）に入居している要介護者について、当該地域密着型特定施設が提供するサービスの内容、これを担当する者その他厚生労働省令で定める事項を定めた計画に基づき行われる入浴、排せつ、食事等の介護その他の日常生活上の世話であつて厚生労働省令で定めるもの、機能訓練及び療養上の世話をいう。

(19) The term "Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., and for other daily activities as determined by Order of the Ministry of Health, Labour, and Welfare, functional training and medical care based on a plan that stipulates the content of services to be provided by said Community-Based Specified Facility, the personnel in charge of the services, and other items as determined by Order of the Ministry of Health, Labour, and Welfare. This service is provided to a Person Requiring Long-Term Care who is staying in a Fee-Based Home for the Elderly and other facilities as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in paragraph (11) of this Article and for which the capacity of the fixed number of said residents is twenty-nine (29) or less (hereinafter referred to as "Community-Based Specified Facility"), among facilities for which residents are limited to a Person Requiring Long-Term Care, said person's spouse, and other personnel as determined by Order of the Ministry of Health, Labour, and Welfare (herein referred to as a "Specialized Long-Term Care Specified Facility").

20 この法律において「地域密着型介護老人福祉施設」とは、老人福祉法第二十条の五に規定する特別養護老人ホーム（入所定員が二十九人以下であるものに限る。以下この項において同じ。）であつて、当該特別養護老人ホームに入所する要介護者に対し、地域密着型施設サービス計画（地域密着型介護老人福祉施設に入所している要介護者について、当該施設が提供するサービスの内容、これを担当する者その他厚生労働省令で定める事項を定めた計画をいう。以下この項において同じ。）に基づいて、入浴、排せつ、食事等の介護その他の日常生活上の世話、機能訓練、健康管理及び療

養上の世話をを行うことを目的とする施設をいい、「地域密着型介護老人福祉施設入所者生活介護」とは、地域密着型介護老人福祉施設に入所する要介護者に対し、地域密着型施設サービス計画に基づいて行われる入浴、排せつ、食事等の介護その他の日常生活上の世話、機能訓練、健康管理及び療養上の世話をいう。

(20) The term "Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care" as used in this Act means an Intensive Care Home for the Elderly (limited to facilities for which the capacity of residents is twenty-nine (29) or less; the same applies hereinafter in this paragraph) provided in Article 20-5 of the Act on Social Welfare for the Elderly that aims to provide care for bathing, bodily waste elimination, meals, etc., and for other daily activities, functional training, health management, and medical care to a Person Requiring Long-Term Care who is staying in said Intensive Care Home for the Elderly based on a Community-Based Facility Service Plan (one that provides the content of services provided to a Person Requiring Long-Term Care who is staying in a Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care by said facility, the personnel in charge of said services, and other items as determined by Order of the Ministry of Health, Labour, and Welfare; the same applies hereinafter in this paragraph). The term "Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., and for other daily activities, functional training, health management, and medical care to a Person Requiring Long-Term Care who is staying in a Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care, based on a Community-Based Facility Service Plan.

2 1 この法律において「居宅介護支援」とは、居宅要介護者が第四十一条第一項に規定する指定居宅サービス又は特例居宅介護サービス費に係る居宅サービス若しくはこれに相当するサービス、第四十二条の二第一項に規定する指定地域密着型サービス又は特例地域密着型介護サービス費に係る地域密着型サービス若しくはこれに相当するサービス及びその他の居宅において日常生活を営むために必要な保健医療サービス又は福祉サービス（以下この項において「指定居宅サービス等」という。）の適切な利用等を行うことができるよう、当該居宅要介護者の依頼を受けて、その心身の状況、その置かれている環境、当該居宅要介護者及びその家族の希望等を勘案し、利用する指定居宅サービス等の種類及び内容、これを担当する者その他厚生労働省令で定める事項を定めた計画（以下この項、第百十五条の三十八第一項第五号及び別表において「居宅サービス計画」という。）を作成するとともに、当該居宅サービス計画に基づく指定居宅サービス等の提供が確保されるよう、第四十一条第一項に規定する指定居宅サービス事業者、第四十二条の二第一項に規定する指定地域密着型サービス事業者その他の者との連絡調整その他の便宜の提供を行い、並びに当該居宅要介護者が地域密着型介護老人福祉施設又は介護保険施設への入所を要する場合にあっては、地域密着型介護老人福祉施設又は介護保険施設への紹介その他の便宜の提供を行うことをい

い、「居宅介護支援事業」とは、居宅介護支援を行う事業をいう。

(21) The term "In-Home Long-Term Care Support" as used in this Act means to establish a plan (herein referred to as an "In-Home Service Plan" in this paragraph, Article 115-38, paragraph (1), item (v), and the appended table to this Act) that provides the types and contents of Designated In-Home Service, etc. (herein referred to as "Designated In-Home Service, etc." in this paragraph), the personnel in charge of said services to be used by an In-Home Person Requiring Long-Term Care, and other items as determined by Order of the Ministry of Health, Labour, and Welfare, at the request of said Person Requiring Long-Term Care and in consideration of his or her mental and physical condition, surroundings, and the person's and his or her family's preferences, etc., in order for an In-Home Person Requiring Long-Term Care to be able to use appropriately the Designated In-Home Service as prescribed in Article 41, paragraph (1) of this Act, In-Home Service related to Exceptional Allowance for In-Home Long-Term Care Service or equivalent services, Designated Community-Based Service as prescribed in Article 42-2, paragraph (1) of this Act, Community-Based Service related to Exceptional Allowance for Community-Based Long-Term Care Service or equivalent services, and other necessary health and medical services or public aid services for performing daily activities at home (hereinafter referred to as "Designated In-Home Service, etc." in this paragraph); the term also means to provide communication and coordination among Designated Providers of In-Home Long-Term Care as prescribed in Article 41, paragraph (1) of this Act, Designated Community-Based Service Provider as prescribed in Article 42-2, paragraph (1) of this Act and other person and to provide other conveniences in order to ensure provisions of the Designated In-Home Service, etc., based on said In-Home Service Plan, and in a case when said In-Home Person Requiring Long-Term Care requires admission to a Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care or a Facility Providing Insured Long-Term Care, the term means to introduce a Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care or Facility Providing Insured Long-Term Care and to provide other conveniences. The term "Designated In-Home Long-Term Care Support Business" as used in this Act means a business to provide In-Home Long-Term Care Support.

22 この法律において「介護保険施設」とは、第四十八条第一項第一号に規定する指定介護老人福祉施設、介護老人保健施設及び同項第三号に規定する指定介護療養型医療施設をいう。

(22) The term "Facility Covered by Long-Term Care Insurance" as used in this Act means a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly or a Long-Term Care Health Facility as prescribed in

Article 48, paragraph (1), item (i) of this Act, and a Designated Medical Long-Term Care Sanatorium as prescribed in item (iii) of the same paragraph.

23 この法律において「施設サービス」とは、介護福祉施設サービス、介護保健施設サービス及び介護療養施設サービスをいい、「施設サービス計画」とは、介護老人福祉施設、介護老人保健施設又は介護療養型医療施設に入所している要介護者について、これらの施設が提供するサービスの内容、これを担当する者その他厚生労働省令で定める事項を定めた計画をいう。

(23) The term "Facility Service" as used in this Act means a Facility Service for Long-Term Care Covered by Public Aid, Long-Term Care Health Facility Service, or Sanatorium Long-Term Care Service. The term "Facility Service Plan" as used in this Act means a plan for a Person Requiring Long-Term Care staying at a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, a Long-Term Care Health Facility, or a Sanatorium Medical Facility for the Elderly Requiring Long-Term Care that stipulates the content of services provided by said facilities, the personnel in charge of said services, and other items as determined by Order of the Ministry of Health, Labour, and Welfare.

24 この法律において「介護老人福祉施設」とは、老人福祉法第二十条の五に規定する特別養護老人ホーム（入所定員が三十人以上であるものに限る。以下この項において同じ。）であって、当該特別養護老人ホームに入所する要介護者に対し、施設サービス計画に基づいて、入浴、排せつ、食事等の介護その他の日常生活上の世話、機能訓練、健康管理及び療養上の世話を行うことを目的とする施設をいい、「介護福祉施設サービス」とは、介護老人福祉施設に入所する要介護者に対し、施設サービス計画に基づいて行われる入浴、排せつ、食事等の介護その他の日常生活上の世話、機能訓練、健康管理及び療養上の世話をいう。

(24) The term "Facility Covered by Public Aid Providing Long-Term Care to the Elderly" as used in this Act means an Intensive Care Home for the Elderly provided in Article 20-5 of the Act on Social Welfare for the Elderly (limited to a facility with a capacity of thirty (30) residents or more; the same applies hereinafter in this paragraph). The purpose of said facility is to provide care for bathing, bodily waste elimination, meals, etc., and for other daily activities, functional training, health management, and medical care to a Person Requiring Long-Term Care who is staying in said Intensive Care Home for the Elderly based on a Facility Service Plan. The term "Facility Service for Long-Term Care Covered by Public Aid" as used in this Act means care that is provided based on a Facility Service Plan for bathing, bodily waste elimination, meals, etc., and for other daily activities, functional training, health management, and medical care to a Person Requiring Long-Term Care who is staying in said Facility Covered by Public Aid Providing Long-Term Care to the Elderly.

25 この法律において「介護老人保健施設」とは、要介護者（その治療の必要の程度

につき厚生労働省令で定めるものに限る。以下この項において同じ。) に対し、施設サービス計画に基づいて、看護、医学的管理の下における介護及び機能訓練その他必要な医療並びに日常生活上の世話をを行うことを目的とする施設として、第九十四条第一項の都道府県知事の許可を受けたものをいい、「介護保健施設サービス」とは、介護老人保健施設に入所する要介護者に対し、施設サービス計画に基づいて行われる看護、医学的管理の下における介護及び機能訓練その他必要な医療並びに日常生活上の世話をいう。

(25) The term "Long-Term Care Health Facility" as used in this Act means a facility which has obtained permission from the prefectural governor as set forth in Article 94, paragraph (1) of this Act as a facility with the purpose of providing nursing, care and functional training under control of medical management, and other necessary care for medical treatment and daily activities to a Person Requiring Long-Term Care (limited to persons whose degree of necessity for medical treatment conforms with standards as determined by Order of the Ministry of Health, Labour, and Welfare; the same applies hereinafter in this paragraph) based on a Facility Service Plan. The term "Long-Term Care Health Facility Service" as used in this Act means nursing, care and functional training under control of medical management, and other necessary care for medical treatment and daily activities for a Person Requiring Long-Term Care who is staying in a Long-Term Care Health Facility, based on a Facility Service Plan.

26 この法律において「介護療養型医療施設」とは、療養病床等（医療法（昭和二十三年法律第二百五号）第七条第二項第四号に規定する療養病床のうち要介護者の心身の特性に応じた適切な看護が行われるものとして政令で定めるもの又は療養病床以外の病院の病床のうち認知症である要介護者の心身の特性に応じた適切な看護が行われるものとして政令で定めるものをいう。以下同じ。）を有する病院又は診療所であつて、当該療養病床等に入院する要介護者（その治療の必要の程度につき厚生労働省令で定めるものに限る。以下この項において同じ。）に対し、施設サービス計画に基づいて、療養上の管理、看護、医学的管理の下における介護その他の世話及び機能訓練その他必要な医療を行うことを目的とする施設をいい、「介護療養施設サービス」とは、介護療養型医療施設の療養病床等に入院する要介護者に対し、施設サービス計画に基づいて行われる療養上の管理、看護、医学的管理の下における介護その他の世話及び機能訓練その他必要な医療をいう。

(26) The term "Sanatorium Medical Facility for the Elderly Requiring Long-Term Care as used in this Act means a facility such as a hospital or clinic that maintains a sanatorium ward or other beds ("Sanatorium Ward, etc.") that are specified by a Cabinet Order to provide appropriate nursing services according to the mental and physical characteristics of a Person Requiring Long-Term Care among Sanatorium Ward, etc., as prescribed in Article 7, paragraph (2) item (iv) of the Medical Care Act (Act No. 205, 1948), or beds which are specified by a Cabinet Order to provide appropriate nursing services according

to the mental and physical characteristics of a Person Requiring Long-Term Care with Dementia among beds other than those for Long-Term Care Beds in the hospital; the same shall apply hereinafter), and with the purpose of providing medical care management, nursing, long-term care and other care under medical management, functional training, and other necessary medical care to a Person Requiring Long-Term Care who is in said bed for long-term care, etc., (limited to a person with the degree of need for medical treatment that conforms with standards as determined by Order of the Ministry of Health, Labour, and Welfare; the same applies hereinafter in this paragraph), based on a Facility Service Plan. The term "Sanatorium Long-Term Care Service" as used in this Act means medical care management, nursing, long-term care under medical management, and other care, functional training, and other necessary medical care provided to a Person Requiring Long-Term Care who is in a Sanatorium Ward, etc., for long-term care of a Sanatorium Medical Facility for the Elderly Requiring Long-Term Care based on a Facility Service Plan.

第八条の二 この法律において「介護予防サービス」とは、介護予防訪問介護、介護予防訪問入浴介護、介護予防訪問看護、介護予防訪問リハビリテーション、介護予防居宅療養管理指導、介護予防通所介護、介護予防通所リハビリテーション、介護予防短期入所生活介護、介護予防短期入所療養介護、介護予防特定施設入居者生活介護、介護予防福祉用具貸与及び特定介護予防福祉用具販売をいい、「介護予防サービス事業」とは、介護予防サービスを行う事業をいう。

Article 8-2 (1) The term "Preventive Long-Term Care Service" as used in this Act means Home-Visit Service for Preventive Long-Term Care, Home-Visit Bathing Service for Preventive Long-Term Care, Home-Visit Nursing Service for Preventive Long-Term Care, Home-Visit Rehabilitation Service for Preventive Long-Term Care, Management and Guidance for In-Home Medical Service for Preventive Long-Term Care, other Outpatient Preventive Long-Term Care, Outpatient Rehabilitation for Preventive Long-Term Care, Short-Term Admission for Daily Preventive Long-Term Care, Short-Term Admission for Recuperation for Preventive Long-Term Care, Daily Preventive Long-Term Care Admitted to a Specified Facility, Rental of Specified Equipment for Preventive Long-Term Care Covered by Public Aid, and the Sale of Specified Equipment for Preventive Long-Term Care Covered by Public Aid. The term "Preventive Long-Term Care Service Business" as used in this Act means a business that provides Preventive Long-Term Care Service.

2 この法律において「介護予防訪問介護」とは、要支援者であつて、居宅において支援を受けるもの（以下「居宅要支援者」という。）について、その者の居宅において、その介護予防（身体上又は精神上の障害があるために入浴、排せつ、食事等の日常生活における基本的な動作の全部若しくは一部について常時介護を要し、又は日常生活

を営むのに支障がある状態の軽減又は悪化の防止をいう。以下同じ。)を目的として、介護福祉士その他政令で定める者により、厚生労働省令で定める期間にわたり行われる入浴、排せつ、食事等の介護その他の日常生活上の支援であって、厚生労働省令で定めるものをいう。

(2) The term "Home-Visit Service for Preventive Long-Term Care" as used in this Act means support for bathing, bodily waste elimination, meals, etc., and for other daily activities as determined by Order of the Ministry of Health, Labour, and Welfare. Said support is provided to a Person Requiring Support who receives support (herein referred to as a "Person Requiring In-Home Support"), at his or her home for the purpose of prevention of long-term care (reduction or prevention of deterioration of conditions for which a person requires continuous care for the whole or a part of basic movements during daily activities, such as bathing, bodily waste elimination, meals, etc., or a person that has difficulty performing daily activities due to physical or mental disabilities; the same applies herein) by a long-term care public aid worker or other personnel as provided by a Cabinet Order and for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

3 この法律において「介護予防訪問入浴介護」とは、居宅要支援者について、その介護予防を目的として、厚生労働省令で定める場合に、その者の居宅を訪問し、厚生労働省令で定める期間にわたり浴槽を提供して行われる入浴の介護をいう。

(3) The term "Home-Visit Bathing Service for Preventive Long-Term Care" as used in this Act means bathing care provided to a Person Requiring In-Home Support with the purpose of preventing the long-term care of said person by visiting said person at his or her home and providing a bathing tub for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

4 この法律において「介護予防訪問看護」とは、居宅要支援者（主治の医師がその治療の必要の程度につき厚生労働省令で定める基準に適合していると認めたものに限る。）について、その者の居宅において、その介護予防を目的として、看護師その他厚生労働省令で定める者により、厚生労働省令で定める期間にわたり行われる療養上の世話又は必要な診療の補助をいう。

(4) The term "Home-Visit Nursing Service for Preventive Long-Term Care" as used in this Act means medical care or assistance of a necessary medical care provided to a Person Requiring In-Home Support (limited to a person that is considered by an attending physician to be a person with the degree of need for medical treatment that conforms to standards as determined by Order of the Ministry of Health, Labour, and Welfare) at his or her home for the purpose of prevention of long-term care, and by a nurse or other personnel as determined by Order of the Ministry of Health, Labour, and Welfare and for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

5 この法律において「介護予防訪問リハビリテーション」とは、居宅要支援者（主治の医師がその治療の必要の程度につき厚生労働省令で定める基準に適合していると認

めたものに限る。) について、その者の居宅において、その介護予防を目的として、厚生労働省令で定める期間にわたり行われる理学療法、作業療法その他必要なりハビリテーションをいう。

(5) The term "Home-Visit Rehabilitation Service for Preventive Long-Term Care" as used in this Act means physical therapy, occupational therapy, and other necessary rehabilitation provided to a Person Requiring In-Home Support (limited to a person that is considered by an attending physician to be a person with the degree of need for medical treatment that conforms to standards as determined by Order of the Ministry of Health, Labour, and Welfare) at his or her home for the purpose of prevention of long-term care and for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

6 この法律において「介護予防居宅療養管理指導」とは、居宅要支援者について、その介護予防を目的として、病院等の医師、歯科医師、薬剤師その他厚生労働省令で定める者により行われる療養上の管理及び指導であって、厚生労働省令で定めるものをいう。

(6) The term "Management and Guidance for In-Home Medical Service for Preventive Long-Term Care" as used in this Act means management and guidance for medical care that is stipulated by Order of the Ministry of Health, Labour, and Welfare and said management and guidance for medical care is provided to a Person Requiring In-Home Support for the purpose of prevention of long-term care, and by a physician in a Hospital, etc., dentist, pharmacist, or other personnel as determined by Order of the Ministry of Health, Labour, and Welfare.

7 この法律において「介護予防通所介護」とは、居宅要支援者について、その介護予防を目的として、老人福祉法第五条の二第三項の厚生労働省令で定める施設又は同法第二十条の二の二に規定する老人デイサービスセンターに通わせ、当該施設において、厚生労働省令で定める期間にわたり、入浴、排せつ、食事等の介護その他の日常生活上の支援であって厚生労働省令で定めるもの及び機能訓練を行うこと（介護予防認知症対応型通所介護に該当するものを除く。）をいう。

(7) The term "Outpatient Preventive Long-Term Care" as used in this Act means care for bathing, bodily waste elimination, meals, etc., and other support for daily activities as determined by Order of the Ministry of Health, Labour, and Welfare and performing functional training (except that which is defined as Preventive Long-Term Care for a Dementia Outpatient) that is provided to a Person Requiring In-Home Support for the purpose of prevention of long-term care by having said person commute to a facility as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 5-2, paragraph (3) of the Act on Social Welfare for the Elderly, or a Long-Term Care Day Service Center as provided in Article 20-2-2 of the same Act, at said facility and for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

8 この法律において「介護予防通所リハビリテーション」とは、居宅要支援者（主治の医師がその治療の必要の程度につき厚生労働省令で定める基準に適合していると認められたものに限る。）について、介護老人保健施設、病院、診療所その他の厚生労働省令で定める施設に通わせ、当該施設において、その介護予防を目的として、厚生労働省令で定める期間にわたり行われる理学療法、作業療法その他必要なリハビリテーションをいう。

(8) The term "Outpatient Rehabilitation for Preventive Long-Term Care" as used in this Act means physical therapy, occupational therapy, and other necessary rehabilitation provided to a Person Requiring In-Home Support (limited to a person that is considered by an attending physician to be a person with the degree of need for medical treatment that conforms to standards as determined by Order of the Ministry of Health, Labour, and Welfare) by having said person commute to a Long-Term Care Health Facility, hospital, clinic, or other facility as determined by Order of the Ministry of Health, Labour, and Welfare at said facility for the purpose of prevention of long-term care for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

9 この法律において「介護予防短期入所生活介護」とは、居宅要支援者について、老人福祉法第五条の二第四項の厚生労働省令で定める施設又は同法第二十条の三に規定する老人短期入所施設に短期間入所させ、その介護予防を目的として、厚生労働省令で定める期間にわたり、当該施設において入浴、排せつ、食事等の介護その他の日常生活上の支援及び機能訓練を行うことをいう。

(9) The term "Short-Term Admission for Daily Preventive Long-Term Care" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., support for other daily activities, and functional training to a Person Requiring In-Home Support by having said person stay for a short-term in a facility as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 5-2, paragraph (4) of the Act on Social Welfare for the Elderly, or in a Short-Term Admission Facility for the Elderly as provided in Article 20-3 of the same Act, for the purpose of prevention of long-term care for the period as determined by Order of the Ministry of Health, Labour, and Welfare at said facility.

10 この法律において「介護予防短期入所療養介護」とは、居宅要支援者（その治療の必要の程度につき厚生労働省令で定めるものに限る。）について、介護老人保健施設、介護療養型医療施設その他の厚生労働省令で定める施設に短期間入所させ、その介護予防を目的として、厚生労働省令で定める期間にわたり、当該施設において看護、医学的管理の下における介護及び機能訓練その他必要な医療並びに日常生活上の支援を行うことをいう。

(10) The term "Short-Term Admission for Recuperation for Preventive Long-Term Care" as used in this Act means to provide nursing, long-term care, functional training and other necessary care for medical treatment under control of medical management, and support for daily activities to a Person Requiring In-

Home Support (limited to a person with the degree of need for medical treatment that conforms with Order of the Ministry of Health, Labour, and Welfare) by having the person stay for a short-term in a Long-Term Care Health Facility, a Sanatorium Medical Facility for the Elderly Requiring Long-Term Care or other facility as determined by Order of the Ministry of Health, Labour, and Welfare for the purpose of prevention of long-term care for the period as determined by Order of the Ministry of Health, Labour, and Welfare at said facility.

1 1 この法律において「介護予防特定施設入居者生活介護」とは、特定施設（介護専用型特定施設を除く。）に入居している要支援者について、その介護予防を目的として、当該特定施設が提供するサービスの内容、これを担当する者その他厚生労働省令で定める事項を定めた計画に基づき行われる入浴、排せつ、食事等の介護その他の日常生活上の支援であって厚生労働省令で定めるもの、機能訓練及び療養上の世話をいう。

(11) The term "Daily Preventive Long-Term Care Admitted to a Specified Facility" as used in this Act means care for bathing, bodily waste elimination, meals, etc., and support for other daily activities as determined by Order of the Ministry of Health, Labour, and Welfare, functional training, and medical care that is provided to a Person Requiring Support who is staying in a Specified Facility (except for a Specialized Long-Term Care Specified Facility) for the purpose of prevention of long-term care, and based on a plan for providing services of specified content by said Specified Facility, the personnel in charge of said services, and other items as determined by Order of the Ministry of Health, Labour, and Welfare.

1 2 この法律において「介護予防福祉用具貸与」とは、居宅要支援者について福祉用具のうちその介護予防に資するものとして厚生労働大臣が定めるものの政令で定めるところにより行われる貸与をいう。

(12) The term "Equipment Rental for Preventive Long-Term Care Covered by Public Aid" as used in this Act means a rental of equipment undertaken for a Person Requiring In-Home Support pursuant to the provisions of a Cabinet Order for equipment covered by public aid that is specified by the Minister of Health, Labour, and Welfare as equipment contributing to the prevention of long-term care to a Person Requiring In-Home Support among equipment covered by public aid.

1 3 この法律において「特定介護予防福祉用具販売」とは、居宅要支援者について福祉用具のうちその介護予防に資するものであって入浴又は排せつの用に供するものその他の厚生労働大臣が定めるもの（以下「特定介護予防福祉用具」という。）の政令で定めるところにより行われる販売をいう。

(13) The term "Sale of Specified Equipment for Preventive Long-Term Care Covered by Public Aid" as used in this Act means sales undertaken for a Person Requiring In-Home Support pursuant to the provisions of a Cabinet

Order of equipment covered by public aid that contributes to the prevention of long-term care that is provided for use in bathing or bodily waste elimination, as specified by the Minister of Health, Labour, and Welfare, among equipment covered by public aid (herein referred to as "Specified Equipment for Preventive Long-Term Care Covered by Public Aid").

14 この法律において「地域密着型介護予防サービス」とは、介護予防認知症対応型通所介護、介護予防小規模多機能型居宅介護及び介護予防認知症対応型共同生活介護をいい、「地域密着型介護予防サービス事業」とは、地域密着型介護予防サービスを行う事業をいう。

(14) The term "Community-Based Service for Preventive Long-Term Care" as used in this Act means Preventive Long-Term Care for a Dementia Outpatient, Multifunctional Preventive Long-Term Care in a Small Group Home, and Preventive Long-Term Care for a Dementia Patient in Communal Living. The term "Community-Based Preventive Long-Term Care Business" as used in this Act means a business that provides Community-Based Service for Preventive Long-Term Care.

15 この法律において「介護予防認知症対応型通所介護」とは、居宅要支援者であって、認知症であるものについて、その介護予防を目的として、老人福祉法第五条の二第三項の厚生労働省令で定める施設又は同法第二十条の二の二に規定する老人デイサービスセンターに通わせ、当該施設において、厚生労働省令で定める期間にわたり、入浴、排せつ、食事等の介護その他の日常生活上の支援であって厚生労働省令で定めるもの及び機能訓練を行うことをいう。

(15) The term "Preventive Long-Term Care for a Dementia Outpatient" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., and support for other daily activities as determined by Order of the Ministry of Health, Labour, and Welfare, and functional training to a Person Requiring In-Home Support who is suffering from Dementia, for the purpose of prevention of long-term care by having the person commute to a facility as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 5-2, paragraph (3) of the Act on Social Welfare for the Elderly or a Long-Term Care Day Service Center as provided in Article 20-2-2 of the same Act, at said facility and for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

16 この法律において「介護予防小規模多機能型居宅介護」とは、居宅要支援者について、その者の心身の状況、その置かれている環境等に応じて、その者の選択に基づき、その者の居宅において、又は厚生労働省令で定めるサービスの拠点に通わせ、若しくは短期間宿泊させ、当該拠点において、その介護予防を目的として、入浴、排せつ、食事等の介護その他の日常生活上の支援であって厚生労働省令で定めるもの及び機能訓練を行うことをいう。

(16) The term "Multifunctional Preventive Long-Term Care in a Small Group Home" as used in this Act means to provide care for bathing, bodily waste

elimination, meals, etc., and support for other daily activities as determined by Order of the Ministry of Health, Labour, and Welfare, and functional training to a Person Requiring In-Home Support according to the mental and physical conditions of said person and according to the environment, etc., of said person based on the preferences of said person at his or her home or at a base of service as determined by Order of the Ministry of Health, Labour, and Welfare by having the person commute daily or stay for a short-term for the purpose of prevention of long-term care.

17 この法律において「介護予防認知症対応型共同生活介護」とは、要支援者（厚生労働省令で定める要支援状態区分に該当する状態である者に限る。）であつて認知症であるもの（その者の認知症の原因となる疾患が急性の状態にある者を除く。）について、その共同生活を営むべき住居において、その介護予防を目的として、入浴、排せつ、食事等の介護その他の日常生活上の支援及び機能訓練を行うことをいう。

(17) The term "Preventive Long-Term Care for a Dementia Patient in Communal Living" as used in this Act means to provide care for bathing, bodily waste elimination, meals, etc., support for other activities, and functional training to a Person Requiring Support (limited to a person that corresponds to a Category of Needed Support Condition as determined by Order of the Ministry of Health, Labour, and Welfare) who are suffering from Dementia (except for a person that cause of Dementia is an acute disease) at a residence where the person lives communally and for the purpose of prevention of long-term care.

18 この法律において「介護予防支援」とは、居宅要支援者が第五十三条第一項に規定する指定介護予防サービス又は特例介護予防サービス費に係る介護予防サービス若しくはこれに相当するサービス、第五十四条の二第一項に規定する指定地域密着型介護予防サービス又は特例地域密着型介護予防サービス費に係る地域密着型介護予防サービス若しくはこれに相当するサービス及びその他の介護予防に資する保健医療サービス又は福祉サービス（以下この項において「指定介護予防サービス等」という。）の適切な利用等を行うことができるよう、第百十五条の三十九第一項に規定する地域包括支援センターの職員のうち厚生労働省令で定める者が、当該居宅要支援者の依頼を受けて、その心身の状況、その置かれている環境、当該居宅要支援者及びその家族の希望等を勘案し、利用する指定介護予防サービス等の種類及び内容、これを担当する者その他厚生労働省令で定める事項を定めた計画（以下この項及び別表において「介護予防サービス計画」という。）を作成するとともに、当該介護予防サービス計画に基づく指定介護予防サービス等の提供が確保されるよう、第五十三条第一項に規定する指定介護予防サービス事業者、第五十四条の二第一項に規定する指定地域密着型介護予防サービス事業者その他の者との連絡調整その他の便宜の提供を行うことをいい、「介護予防支援事業」とは、介護予防支援を行う事業をいう。

(18) The term "Preventive Long-Term Care Support" as used in this Act means that a person as determined by Order of the Ministry of Health, Labour, and Welfare among the personnel of a community general support center as prescribed in Article 115-39, paragraph (1) of this Act, with regard to a Person

Requiring In-Home Support, considers said a Person's mental and physical condition, the present environment of said Person, the preferences, etc., of said Person Requiring In-Home Support and those of his or her family according to the request of said Person Requiring In-Home Support, and establishes a plan that stipulates the type and content of a Designated Provider of a Preventive Service to Long-Term Care Service, etc., that said Person will use, the personnel in charge of said services, and other items as determined by Order of the Ministry of Health, Labour, and Welfare (herein referred to as "Preventive Long-Term Care Service Plan" in this paragraph and the appended table) in order for the Person Requiring In-Home Support to be able to use appropriately those services as prescribed in Article 53, paragraph (1) of this Act that are of a Designated Preventive Long-Term Care Service, Preventive Long-Term Care Service pertaining to Exceptional Allowance for Preventive Service of Long-Term Care or services equivalent to said service, those services as prescribed in Article 54-2, paragraph (1) that are Designated Community-Based Preventive Service of Long-Term Care, Community-Based Service for Preventive Long-Term Care pertaining to Exceptional Allowance for Community-Based Preventive Service of Long-Term Care, or equivalent services to said service, or other health and medical services or public aid services contributing to prevention of long-term care (herein referred to as "Designated Preventive Long-Term Care Service, etc.") and that said personnel provide liaison and coordination among those who are a Designated Provider of a Preventive Service to Long-Term Care prescribed in Article 53, paragraph (1) of this Act, those who are a Designated Person Providing Community-Based Preventive Service of Long-Term Care as prescribed in Article 54-2, paragraph (1), and other personnel, and other convenience in order to ensure the provision of the Designated Preventive Long-Term Care Service, etc., based on said Preventive Long-Term Care Service Plan. The term "Preventive Long-Term Care Support Business" as used in this Act means a business that provides a Preventive Long-Term Care Support.

第二章 被保険者

Chapter II Insured Persons

(被保険者)

(Insured Person)

第九条 次の各号のいずれかに該当する者は、市町村又は特別区（以下単に「市町村」という。）が行う介護保険の被保険者とする。

Article 9 A person that corresponds to any of the following items is to be an Insured Person of Long-Term Care for the Aged Insurance provided by a municipality or special city ward (herein referred to simply as "Municipality"):

一 市町村の区域内に住所を有する六十五歳以上の者（以下「第一号被保険者」という。）

(i) a person that is domiciled in the Municipality and is 65 years of age or more (herein referred to as "Primary Insured Person");

二 市町村の区域内に住所を有する四十歳以上六十五歳未満の医療保険加入者（以下「第二号被保険者」という。）

(ii) a person insured by medical insurance that is domiciled in the Municipality and is 40 years of age or more but less than 65 years of age (herein referred to as "Secondary Insured Person").

（資格取得の時期）

(Time of Acquisition of Qualifications)

第十条 前条の規定による当該市町村が行う介護保険の被保険者は、次の各号のいずれかに該当するに至った日から、その資格を取得する。

Article 10 An Insured Person by Long-Term Care Insurance as provided by a Municipality pursuant to the provisions of the preceding Article shall acquire said eligibility on the date when said Person first corresponds to any of the following items:

一 当該市町村の区域内に住所を有する医療保険加入者が四十歳に達したとき。

(i) when a Medical Insurance Subscriber who is domiciled in said Municipality becomes 40 years of age;

二 四十歳以上六十五歳未満の医療保険加入者又は六十五歳以上の者が当該市町村の区域内に住所を有するに至ったとき。

(ii) when a Medical Insurance Subscriber who is 40 years of age or more but less than 65 years of age acquires domicile in said Municipality;

三 当該市町村の区域内に住所を有する四十歳以上六十五歳未満の者が医療保険加入者となったとき。

(iii) when a person that is domiciled in said Municipality and is 40 years of age or more but less than 65 years of age becomes a Medical Insurance Subscriber;

四 当該市町村の区域内に住所を有する者（医療保険加入者を除く。）が六十五歳に達したとき。

(iv) when a person that is domiciled in said Municipality (other than a Medical Insurance Subscriber) becomes 65 years of age.

（資格喪失の時期）

(Time of Loss of Qualification)

第十一条 第九条の規定による当該市町村が行う介護保険の被保険者は、当該市町村の区域内に住所を有しなくなった日の翌日から、その資格を喪失する。ただし、当該市町村の区域内に住所を有しなくなった日に他の市町村の区域内に住所を有するに至ったときは、その日から、その資格を喪失する。

- Article 11 (1) An Insured Person by Long-Term Care Insurance provided by said Municipality pursuant to the provisions of Article 9 of this Act shall lose said qualification from the day following the date when said person fails to have domicile in said Municipality, however, provided that said person loses this qualification on said date when the person fails to have domicile in said Municipality and obtains domicile in another Municipality on the same day.
- 2 第二号被保険者は、医療保険加入者でなくなった日から、その資格を喪失する。
- (2) A Secondary Insured Person loses this qualification on the date when said person becomes a non-Medical Insurance Subscriber.

(届出等)

(Notifications)

第十二条 第一号被保険者は、厚生労働省令で定めるところにより、被保険者の資格の取得及び喪失に関する事項その他必要な事項を市町村に届け出なければならない。ただし、第十条第四号に該当するに至ったことにより被保険者の資格を取得した場合（厚生労働省令で定める場合を除く。）については、この限りでない。

Article 12 (1) A Primary Insured Person must notify the Municipality of matters regarding acquisition and loss of qualification of Insured Person status and other necessary matters pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, however, provided that this provision does not apply to a case when the Primary Insured Person acquired the qualification of an Insured Person due to becoming subject to Article 10, item (iv) of this Act (except for a case pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare).

2 第一号被保険者の属する世帯の世帯主は、その世帯に属する第一号被保険者に代わって、当該第一号被保険者に係る前項の規定による届出をすることができる。

(2) The householder of said family in which a Primary Insured Person resides may provide the notification pursuant to the provisions of the preceding paragraph regarding said Primary Insured Person on behalf of a Primary Insured Person that resides in the household.

3 被保険者は、市町村に対し、当該被保険者に係る被保険者証の交付を求めることができる。

(3) An Insured Person may request the Municipality to issue a Certificate of Insured Person pertaining to said Insured Person.

4 被保険者は、その資格を喪失したときは、厚生労働省令で定めるところにより、速やかに、被保険者証を返還しなければならない。

(4) An Insured Person must return the Certificate of Insured Person pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare when said Person no longer meets said qualifications.

5 住民基本台帳法（昭和四十二年法律第八十一号）第二十二条から第二十四条まで又は第二十五条の規定による届出があったとき（当該届出に係る書面に同法第二十八条

の二の規定による付記がされたときに限る。)は、その届出と同一の事由に基づく第一項本文の規定による届出があったものとみなす。

(5) When a notification is issued pursuant to the provisions of Articles 22 to 24, or Article 25 of the Basic Resident Registration Act (Act No. 81 of 1967) (limited to a case when a supplementary note is appended to the document pertaining to said notification pursuant to the provisions of Article 28-2 of the same Act), the notification is deemed as a notification pursuant to the main clause of paragraph (1) based on the same reason for said notification.

6 前各項に規定するもののほか、被保険者に関する届出及び被保険者証に関して必要な事項は、厚生労働省令で定める。

(6) In addition to the provisions as prescribed in each of the preceding paragraphs of this Article, necessary matters for notification pertaining to an Insured Person and that pertaining to the Certificate of Insured Person are as determined by Order of the Ministry of Health, Labour, and Welfare.

(住所地特例対象施設に入所又は入居中の被保険者の特例)

(Domicile Exception of an Insured Person that is Admitted to or has been a Resident of a Facility Subject to Domicile Exception)

第十三条 次に掲げる施設（以下「住所地特例対象施設」という。）に入所又は入居（以下この条において「入所等」という。）をすることにより当該住所地特例対象施設の所在する場所に住所を変更したと認められる被保険者（第三号に掲げる施設に入所することにより当該施設の所在する場所に住所を変更したと認められる被保険者にあつては、老人福祉法第十一条第一項第一号の規定による入所措置がとられた者に限る。以下この条において「住所地特例対象被保険者」という。）であつて、当該住所地特例対象施設に入所等をした際他の市町村（当該住所地特例対象施設が所在する市町村以外の市町村をいう。）の区域内に住所を有していたと認められるものは、第九条の規定にかかわらず、当該他の市町村が行う介護保険の被保険者とする。ただし、二以上の住所地特例対象施設に継続して入所等をしている住所地特例対象被保険者であつて、現に入所等をしている住所地特例対象施設（以下この項及び次項において「現入所施設」という。）に入所等をする直前に入所等をしていた住所地特例対象施設（以下この項において「直前入所施設」という。）及び現入所施設のそれぞれに入所等をするにより直前入所施設及び現入所施設のそれぞれの所在する場所に順次住所を変更したと認められるもの（次項において「特定継続入所被保険者」という。）については、この限りでない。

Article 13 (1) An Insured Person for whom it is determined that his or her domicile has changed to a location of one of the following facilities (herein referred to as "Facility Subject to Domicile Exception") and is located by admission or residence (herein referred to as "Admission, etc.") in said Facility Subject to Domicile Exception (an Insured Person for whom it is determined that his or her domicile has changed to a location where said Facility is located by moving into said Facility as listed in item (iii) is limited to a person for

whom the admission measures are pursuant to the provisions of Article 11, paragraph (1), item (i) of the Act on Social Welfare for the Elderly; hereinafter referred to as "Insured Person Subject to Domicile Exception" in this Article) and for whom it is determined to have had domicile in another Municipality (a Municipality other than the Municipality where said Facility Subject to Domicile Exception is located) at the time of moving in for Admission, etc., at said Facility Subject to Domicile Exception, is to an Insured Person of Long-Term Care Insurance provided by said other Municipality of prior domicile, notwithstanding the provisions of Article 9; however, provided that this provision does not apply to an Insured Person Subject to Domicile Exception who moved in for Admission, etc., into two or more of a said Facility Subject to Domicile Exception, and said Person is determined to have moved consecutively from one said Facility Subject to Domicile Exception in which said Insured Person was admitted immediately prior to the said Facility Subject to Domicile Exception where said Insured Person is currently residing for Admission, etc. (herein referred to as the "Facility of First Prior Admission of an Insured Person" in this paragraph) into a Facility Subject to Domicile Exception in which said Insured Person is currently residing (herein referred to as the "Facility of Current Admission of an Insured Person" in this paragraph and the following paragraph) (collectively herein referred to as "Specified Continuous Admission of an Insured Person" in the following paragraph):

一 介護保険施設

(i) Facility Covered by Long-Term Care Insurance;

二 特定施設

(ii) Specified Facility;

三 老人福祉法第二十条の四に規定する養護老人ホーム

(iii) a Care Facility for the Elderly as provided in Article 20-4 of the Act on Social Welfare for the Elderly.

2 特定継続入所被保険者のうち、次の各号に掲げるものは、第九条の規定にかかわらず、当該各号に定める市町村が行う介護保険の被保険者とする。

(2) A person described in any of the following items that corresponds to the conditions of a Specified Continuous Admission of an Insured Person is to be an Insured Person of Long-Term Care Insurance of the Municipality as prescribed respectively in the following items, notwithstanding the provisions of Article 9:

一 継続して入所等をしている二以上の住所地特例対象施設のそれぞれに入所等をするによりそれぞれの住所地特例対象施設の所在する場所に順次住所を変更したと認められる住所地特例対象被保険者であって、当該二以上の住所地特例対象施設のうち最初の住所地特例対象施設に入所等をした際他の市町村（現入所施設が所在する市町村以外の市町村をいう。）の区域内に住所を有していたと認められるもの

当該他の市町村

(i) an Insured Person Subject to Domicile Exception for whom it is determined to have changed his or her domicile consecutively from one location where a Facility Subject to Domicile Exception is located to another such Facility by moving in for Admission, etc., at two or more of a Facility Subject to Domicile Exception, where in each said Facility the Insured Person moved in for Admission, etc., continuously, and is considered to have had domicile in another Municipality (a Municipality other than the Municipality where the Facility of Current Admission of an Insured Person is located) when said Insured Person moved in for Admission, etc., at said Facility of First Prior Admission of an Insured Person, from among two or more of a said Facility Subject to Domicile Exception, said other Municipality;

二 継続して入所等をしている二以上の住所地特例対象施設のうち一の住所地特例対象施設から継続して他の住所地特例対象施設に入所等をする事（以下この号において「継続入所等」という。）により当該一の住所地特例対象施設の所在する場所以外の場所から当該他の住所地特例対象施設の所在する場所への住所の変更（以下この号において「特定住所変更」という。）を行ったと認められる住所地特例対象被保険者であって、最後に行った特定住所変更に係る継続入所等の際他の市町村（現入所施設が所在する市町村以外の市町村をいう。）の区域内に住所を有していたと認められるもの 当該他の市町村

(ii) an Insured Person Subject to Domicile Exception for whom it is determined to have changed domicile from a location other than where one of a Facility Subject to Domicile Exception is located to a place where another said Facility Subject to Domicile Exception is located (herein referred to as "Change of Specified Domicile" in this item) by moving in for continuous Admission, etc., from one of two or more of a said Facility Subject to Domicile Exception where the Insured Person continues Admission, etc., to another said Facility Subject to Domicile Exception (herein referred to as "Continuous Admission, etc." in this item), and is considered to have had a domicile in another Municipality (a Municipality other than the Municipality where the Facility of Current Admission of an Insured Person is located) when moving in for Continuous Admission, etc., pertaining to a Change of Specified Domicile for the most recent occurrence, said other Municipality.

3 住所地特例対象被保険者が入所等をしている住所地特例対象施設は、当該住所地特例対象施設の所在する市町村及び当該住所地特例対象被保険者に対し介護保険を行う市町村に、必要な協力をしなければならない。

(3) A Facility Subject to Domicile Exception where an Insured Person Subject to Domicile Exception is in Admission, etc., must provide the necessary cooperation to the Municipality where said Facility Subject to Domicile Exception is located and is the Municipality that provides Long-Term Care Insurance to said Insured Person Subject to Domicile Exception.

第三章 介護認定審査会

Chapter III Certification Committee of Needed Long-Term Care

(介護認定審査会)

(Certification Committee of Needed Long-Term Care)

第十四条 第三十八条第二項に規定する審査判定業務を行わせるため、市町村に介護認定審査会（以下「認定審査会」という。）を置く。

Article 14 A Certification Committee of Needed Long-Term Care (herein referred to as "Certification Committee") is to be established in a Municipality in order to perform the examination and determination as prescribed in Article 38, paragraph (2) of this Act.

(委員)

(Certification Committee Members)

第十五条 認定審査会の委員の定数は、政令で定める基準に従い条例で定める数とする。

Article 15 (1) The fixed number of Certification Committee members is to be the number specified by prefectural ordinance in accordance with standards specified by a Cabinet Order.

2 委員は、要介護者等の保健、医療又は福祉に関する学識経験を有する者のうちから、市町村長（特別区にあっては、区長。以下同じ。）が任命する。

(2) Certification Committee members are appointed by the mayor of a Municipality (or the ward mayor, for special city wards; the same shall apply hereinafter) and shall be a person with relevant knowledge and experience pertaining to health care, medical care, or for the administration of public aid of an Insured Person Requiring Long-Term Care, etc.

(共同設置の支援)

(Support for Co-Establishment)

第十六条 都道府県は、認定審査会について地方自治法（昭和二十二年法律第六十七号）第二百五十二条の七第一項の規定による共同設置をしようとする市町村の求めに応じ、市町村相互間における必要な調整を行うことができる。

Article 16 (1) A prefecture may perform the necessary coordination among Municipalities according to a request from a Municipality that intends to co-establish a Certification Committee pursuant to Article 252-7, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947).

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

(2) A prefecture may provide to Municipalities that have co-established a Certification Committee the technical advice and other support necessary for ensuring its efficient operation.

(政令への委任規定)

(Provisions Pertaining to Delegation of a Cabinet Order)

第十七条 この法律に定めるもののほか、認定審査会に関し必要な事項は、政令で定める。

Article 17 In addition to the provisions of this Act, necessary matters pertaining to a Certification Committee are provided by a Cabinet Order.

第四章 保険給付

Chapter IV Insurance Benefits

第一節 通則

Section 1 General Rules

(保険給付の種類)

(Types of Insurance Benefits)

第十八条 この法律による保険給付は、次に掲げる保険給付とする。

Article 18 Insurance benefits provided by this Act shall be the following insurance benefits:

一 被保険者の要介護状態に関する保険給付（以下「介護給付」という。）

(i) insurance benefits pertaining to the Condition of Need for Long-Term Care of an Insured Person (hereinafter referred to as "Long-Term Care Benefit");

二 被保険者の要支援状態に関する保険給付（以下「予防給付」という。）

(ii) insurance benefits pertaining to the Needed Support Condition of an Insured Person (herein referred to as "Prevention Benefit");

三 前二号に掲げるもののほか、要介護状態又は要支援状態の軽減又は悪化の防止に資する保険給付として条例で定めるもの（第五節において「市町村特別給付」という。）

(iii) in addition to the provisions of the preceding two items, insurance benefits provided by a municipal ordinance as insurance benefits that contribute to the reduction or prevention of deterioration of a Condition of Need for Long-Term Care or a Needed Support Condition (herein referred to as "Municipal Special Benefit" in Section V).

(市町村の認定)

(Certification by a Municipality)

第十九条 介護給付を受けようとする被保険者は、要介護者に該当すること及びその該当する要介護状態区分について、市町村の認定（以下「要介護認定」という。）を受けなければならない。

Article 19 (1) An Insured Person that intends to receive a Long-Term Care Benefit must obtain certification by a Municipality pertaining to the fact that said Insured Person qualifies as a Person Requiring Long-Term Care and as to

the Category of Condition of Need for Long-Term Care for which said Insured Person qualifies (herein referred to as "Certification of Needed Long-Term Care").

2 予防給付を受けようとする被保険者は、要支援者に該当すること及びその該当する要支援状態区分について、市町村の認定（以下「要支援認定」という。）を受けなければならない。

(2) An Insured Person that intends to receive a Prevention Benefit must obtain certification by a Municipality pertaining to the fact that said Insured Person qualifies as a Person Requiring Support and as to the Category of Needed Support Condition for which said Insured Person qualifies (herein referred to as "Certification of Needed Support").

（他の法令による給付との調整）

(Coordination with Benefits Provided by Other Laws and Regulations)

第二十条 介護給付又は予防給付（以下「介護給付等」という。）は、当該要介護状態又は要支援状態（以下「要介護状態等」という。）につき、労働者災害補償保険法（昭和二十二年法律第五十号）の規定による療養補償給付若しくは療養給付その他の法令に基づく給付であって政令で定めるもののうち介護給付等に相当するものを受けることができるときは政令で定める限度において、又は当該政令で定める給付以外の給付であって国若しくは地方公共団体の負担において介護給付等に相当するものが行われたときはその限度において、行わない。

Article 20 A Long-Term Care Benefit or Prevention Benefit (herein referred to as "Long-Term Care Benefit, etc.") with regard to said Condition of Need for Long-Term Care or Needed Support Condition (herein referred to as "Condition of Need for Long-Term Care, etc.") may not be provided within the limit provided by a Cabinet Order when a benefit equivalent to a Long-Term Care Benefit, etc., can be received from among benefits that is a medical compensation benefit pursuant to the provisions of the Worker Accident Compensation Insurance Act (Act No. 50 of 1947), a medical benefit, or other benefits based on laws and regulations and provided by a Cabinet Order, or within said limit when benefits other than those provided by said a Cabinet Order and those benefits equivalent to a Long-Term Care Benefit, etc., are granted under the covered expenses of a plan of the national government or a local government.

（損害賠償請求権）

(Right to Claim Compensation for Damages)

第二十一条 市町村は、給付事由が第三者の行為によって生じた場合において、保険給付を行ったときは、その給付の価額の限度において、被保険者が第三者に対して有する損害賠償の請求権を取得する。

Article 21 (1) When the basis for benefit claim is caused by the act of a third party and a Municipality provides insurance benefits, the Municipality obtains

the right to claim compensation for the damages which an Insured Person holds against the third party within the limit of the amount of said benefit.

2 前項に規定する場合において、保険給付を受けるべき者が第三者から同一の事由について損害賠償を受けたときは、市町村は、その価額の限度において、保険給付を行う責めを免れる。

(2) In a case as prescribed in the preceding paragraph, when a person to be granted an insurance benefit receives compensation for damages for the same reason from a third party, a Municipality is not responsible for payment of said insurance benefit within the limit of the compensation amount.

3 市町村は、第一項の規定により取得した請求権に係る損害賠償金の徴収又は収納の事務を国民健康保険法第四十五条第五項に規定する国民健康保険団体連合会（以下「連合会」という。）であつて厚生労働省令で定めるものに委託することができる。

(3) A Municipality may entrust affairs of the collection or receipt of compensation for damages pertaining to the claim of right obtained pursuant to the provisions of paragraph (1) of this Article to the Federation of National Health Insurance Associations as prescribed in Article 45, paragraph (5) of the National Health Insurance Act (herein referred to as "Association") as determined by Order of the Ministry of Health, Labour, and Welfare.

（不正利得の徴収等）

(Collection of Fraudulent Gains)

第二十二條 偽りその他不正の行為によつて保険給付を受けた者があるときは、市町村は、その者からその給付の価額の全部又は一部を徴収することができる。

Article 22 (1) In a case when a person receives an insurance benefit by deception or other wrongful act, a Municipality may collect in whole or a portion of said benefit amount from said person.

2 前項に規定する場合において、訪問看護、訪問リハビリテーション、通所リハビリテーション若しくは短期入所療養介護又は介護予防訪問看護、介護予防訪問リハビリテーション、介護予防通所リハビリテーション若しくは介護予防短期入所療養介護についてその治療の必要の程度につき診断する医師その他居宅サービス若しくはこれに相当するサービス、施設サービス又は介護予防サービス若しくはこれに相当するサービスに従事する医師又は歯科医師が、市町村に提出されるべき診断書に虚偽の記載をしたため、その保険給付が行われたものであるときは、市町村は、当該医師又は歯科医師に対し、保険給付を受けた者に連帯して同項の徴収金を納付すべきことを命ずることができる。

(2) In a case as prescribed in the preceding paragraph, with regard to Home-Visit Nursing, Home-Visit Rehabilitation, Outpatient Rehabilitation, Short-Term Admission for Recuperation, Home-Visit Nursing Service for Preventive Long-Term Care, Home-Visit Rehabilitation Service for Preventive Long-Term Care, Outpatient Rehabilitation for Preventive Long-Term Care, Short-Term Admission for Recuperation for Preventive Long-Term Care, when an

insurance benefit for said services is granted because a physician who diagnoses the degree of necessity of said treatment or another physician or dentist who engages in In-Home Long-Term Care or equivalent services, Facility Service, Preventive Long-Term Care Service or equivalent services, has made a false entry on the medical certification which is to be submitted to a Municipality, the Municipality may order said physician or dentist to pay the levy as prescribed by the above paragraph jointly and severally with the person that received the insurance benefit.

3 市町村は、第四十一条第一項に規定する指定居宅サービス事業者、第四十二条の二第一項に規定する指定地域密着型サービス事業者、第四十六条第一項に規定する指定居宅介護支援事業者、介護保険施設、第五十三条第一項に規定する指定介護予防サービス事業者、第五十四条の二第一項に規定する指定地域密着型介護予防サービス事業者又は第五十八条第一項に規定する指定介護予防支援事業者（以下この項において「指定居宅サービス事業者等」という。）が、偽りその他不正の行為により第四十一条第六項、第四十二条の二第六項、第四十六条第四項、第四十八条第四項、第五十一条の二第四項、第五十三条第四項、第五十四条の二第六項、第五十八条第四項又は第六十一条の二第四項の規定による支払を受けたときは、当該指定居宅サービス事業者等に対し、その支払った額につき返還させるほか、その返還させる額に百分の四十を乗じて得た額を支払わせることができる。

(3) When a Designated In-Home Service Provider as prescribed in Article 41, paragraph (1) of this Act; a Designated Community-Based Service Provider as prescribed in Article 42-2, paragraph (1); a Designated In-Home Long-Term Care Support Provider as prescribed in Article 46, paragraph (1); a Facility Covered by Long-Term Care Insurance; a Designated Provider of a Preventive Service to Long-Term Care as prescribed in Article 53, paragraph (1); a Designated Provider of Community-Based Preventive Service of Long-Term Care as prescribed in Article 54-2, paragraph (1); or a Designated Provider of Support for Prevention of Long-Term Care as prescribed in Article 58, paragraph (1) (hereinafter collectively referred to as "Designated In-Home Service Provider, etc." in this paragraph) receives a payment pursuant to the provisions of Article 41, paragraph (6), Article 42-2, paragraph (6), Article 46, paragraph (4), Article 48, paragraph (4), Article 51-2, paragraph (4), Article 53, paragraph (4), Article 54-2, paragraph (6), Article 58, paragraph (4), or Article 61-2, paragraph (4) by deception or other wrongful act, a Municipality may require said Designated In-Home Service Provider, etc., to return the amount paid, or to pay the amount obtained by multiplying 40 percent of the principal amount to be returned.

(文書の提出等)

(Submission of Documents)

第二十三条 市町村は、保険給付に関して必要があると認めるときは、当該保険給付を

受ける者若しくは当該保険給付に係る居宅サービス等（居宅サービス（これに相当するサービスを含む。）、地域密着型サービス（これに相当するサービスを含む。）、居宅介護支援（これに相当するサービスを含む。）、施設サービス、介護予防サービス（これに相当するサービスを含む。）、地域密着型介護予防サービス（これに相当するサービスを含む。）若しくは介護予防支援（これに相当するサービスを含む。）をいう。以下同じ。）を担当する者若しくは保険給付に係る第四十五条第一項に規定する住宅改修を行う者又はこれらの者であった者（第二十四条の二第一項第一号において「照会等対象者」という。）に対し、文書その他の物件の提出若しくは提示を求め、若しくは依頼し、又は当該職員に質問若しくは照会をさせることができる。

Article 23 A Municipality may, when it determines necessity with regard to an insurance benefit, demand or request submission or presentation of documents and other items, or direct its personnel to ask questions and inquiries to a person that receives said insurance benefit, a person that is in charge of In-Home Service, etc. pertaining to said insurance benefit (which means In-Home Service (including equivalent services), Community-Based Service (including equivalent services), In-Home Long-Term Care Support (including equivalent services), Facility Service, Preventive Long-Term Care Service (including equivalent services), Community-Based Service for Preventive Long-Term Care (including equivalent services), or a Preventive Long-Term Care Support (including equivalent services); the same applies hereinafter) , or a person that provides a house modification for in-home care as prescribed in Article 45, paragraph (1) which pertains to an insurance benefit, or a person that was said person (hereinafter referred to as "Person, etc., Subject to Inquiry").

（帳簿書類の提示等）

(Presentation of Record Books and Documents)

第二十四条 厚生労働大臣又は都道府県知事は、介護給付等（居宅介護住宅改修費の支給及び介護予防住宅改修費の支給を除く。次項及び第二百八条において同じ。）に関して必要があると認めるときは、居宅サービス等を行った者又はこれを使用する者に対し、その行った居宅サービス等に関し、報告若しくは当該居宅サービス等の提供の記録、帳簿書類その他の物件の提示を命じ、又は当該職員に質問させることができる。

Article 24 (1) The Minister of Health, Labour, and Welfare or a prefectural governor may, when it is determined that it is necessary as pertaining to a Long-Term Care Benefit, etc. (except for payments of an Allowance for Home Modification for In-Home Long-Term Care and an Allowance for Preventive Long-Term Care Home Modification; the same applies in the following paragraph and Article 208), order a person that has provided In-Home Service, etc., or employees of said Services, etc., to report and provide records of said In-Home Service, etc., to present record books and documents, and other items, and direct personnel to ask questions concerning the In-Home Service, etc., provided by said person.

2 厚生労働大臣又は都道府県知事は、必要があると認めるときは、介護給付等を受けた被保険者又は被保険者であった者に対し、当該介護給付等に係る居宅サービス等（以下「介護給付等対象サービス」という。）の内容に関し、報告を命じ、又は当該職員に質問させることができる。

(2) The Minister of Health, Labour, and Welfare or a prefectural governor, when it is determined that it is necessary, may order an Insured Person that received a Long-Term Care Benefit, etc., and a person that was the Insured Person to report and direct its personnel to ask questions concerning the content of the In-Home Service, etc., pertaining to said Long-Term Care Benefit, etc. (herein referred to as "Service Covered by Long-Term Care Benefits, etc.").

3 前二項の規定による質問を行う場合においては、当該職員は、その身分を示す証明書を携帯し、かつ、関係人の請求があるときは、これを提示しなければならない。

(3) In a case of asking questions pursuant to the provisions of the preceding two paragraphs, said personnel must carry identification and present the same if required by the relevant person to be questioned.

4 第一項及び第二項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない。

(4) The authority granted pursuant to the provisions of paragraphs (1) and (2) may not be construed as an approval of a criminal investigation.

（指定市町村事務受託法人）

(Designated and Entrusted Juridical Person for Municipal Affairs)

第二十四条の二 市町村は、次に掲げる事務の一部を、法人であって厚生労働省令で定める要件に該当し、当該事務を適正に実施することができるものと認められるものとして都道府県知事が指定するもの（以下この条において「指定市町村事務受託法人」という。）に委託することができる。

Article 24-2 (1) A Municipality may entrust a portion of the following affairs to a juridical person that qualifies as per the requirements as determined by Order of the Ministry of Health, Labour, and Welfare, and is designated by a prefectural governor as a person that can perform said affairs appropriately (herein referred to as "Designated and Entrusted Juridical Person for Municipal Affairs" in this Article):

一 第二十三条に規定する事務（照会等対象者の選定に係るものを除く。）

(i) affairs as prescribed in Article 23 of this Act (except for affairs pertaining to the selection of a Person Subject to an Inquiry, etc.);

二 第二十七条第二項（第二十八条第四項、第二十九条第二項、第三十条第二項、第三十一条第二項及び第三十二条第二項（第三十三条第四項、第三十三条の二第二項、第三十三条の三第二項及び第三十四条第二項において準用する場合を含む。）において準用する場合を含む。）の規定による調査に関する事務

(ii) affairs pertaining to an inspection pursuant to the provisions of Article 27,

paragraph (2) (including a case when applied mutatis mutandis pursuant to Article 28, paragraph (4), Article 29, paragraph (2), Article 30, paragraph (2), Article 31, paragraph (2), and Article 32, paragraph (2) (including a case when applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (2), Article 33-3, paragraph (2), and Article 34, paragraph (2)));

三 その他厚生労働省令で定める事務

(iii) other affairs as determined by Order of the Ministry of Health, Labour, and Welfare.

2 指定市町村事務受託法人は、前項第二号の事務を行うときは、介護支援専門員その他厚生労働省令で定める者に当該委託に係る調査を行わせるものとする。

(2) A Designated and Entrusted Juridical Person for Municipal Affairs, when performing affairs as set forth in item (ii) of the preceding paragraph, is to assign a Long-Term Care Support Specialist or other person as determined by Order of the Ministry of Health, Labour, and Welfare to implement the inspection pertaining to said entrustment.

3 指定市町村事務受託法人の役員若しくは職員（前項の介護支援専門員その他厚生労働省令で定める者を含む。次項において同じ。）又はこれらの職にあった者は、正当な理由なしに、当該委託事務に関して知り得た秘密を漏らしてはならない。

(3) An Officer or personnel of a Designated and Entrusted Juridical Person for Municipal Affairs (including a Long-Term Care Support Specialist or other person as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the preceding paragraph; the same shall apply in the following paragraph) or a person that held that position must not divulge any confidential information learned pertaining to said entrusted affairs without a justifiable reason.

4 指定市町村事務受託法人の役員又は職員で、当該委託事務に従事するものは、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

(4) An Officer or personnel of a Designated and Entrusted Juridical Person for Municipal Affairs who engage in said entrusted affairs is deemed as personnel engaged in public service pursuant to the provisions of laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

5 市町村は、第一項の規定により事務を委託したときは、厚生労働省令で定めるところにより、その旨を公示しなければならない。

(5) A Municipality, when entrusting affairs pursuant to the provisions of paragraph (1), must issue public notice of this effect pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

6 前各項に定めるもののほか、指定市町村事務受託法人に関し必要な事項は、政令で定める。

(6) In addition to the provisions as prescribed in each of the preceding paragraphs of this Article, other necessary matters pertaining to a Designated and Entrusted Juridical Person for Municipal Affairs are prescribed by a Cabinet Order.

(受給権の保護)

(Protection of Right to Benefit)

第二十五条 保険給付を受ける権利は、譲り渡し、担保に供し、又は差し押さえることができない。

Article 25 The right to receive an insurance benefit may not be transferred, pledged as collateral, or levied.

(租税その他の公課の禁止)

(Prohibition of Taxation and Other Public Dues)

第二十六条 租税その他の公課は、保険給付として支給を受けた金品を標準として、課することができない。

Article 26 Taxation and other public dues may not be imposed by establishing money or goods that are provided as an insurance benefit as a standard.

第二節 認定

Section 2 Certification

(要介護認定)

(Certification of Needed Long-Term Care)

第二十七条 要介護認定を受けようとする被保険者は、厚生労働省令で定めるところにより、申請書に被保険者証を添付して市町村に申請をしなければならない。この場合において、当該被保険者は、厚生労働省令で定めるところにより、第四十六条第一項に規定する指定居宅介護支援事業者、地域密着型介護老人福祉施設若しくは介護保険施設であって厚生労働省令で定めるもの又は第百十五条の三十九第一項に規定する地域包括支援センターに、当該申請に関する手続を代わって行わせることができる。

Article 27 (1) An Insured Person that intends to obtain a Certification of Needed Long-Term Care, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, must submit an application with attachment of Certificate of Insured Person to a Municipality. In this case, said Insured Person, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may have a Designated In-Home Long-Term Care Support Provider as prescribed in Article 46, paragraph (1), a Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care, or a Facility Covered by Long-Term Care Insurance, and those which are determined by Order of the Ministry of Health, Labour, and Welfare, or a community general support center as prescribed in Article 115-39, paragraph

(1) implement procedures pertaining to said application on behalf of said Insured Person.

2 市町村は、前項の申請があったときは、当該職員をして、当該申請に係る被保険者に面接させ、その心身の状況、その置かれている環境その他厚生労働省令で定める事項について調査をさせるものとする。この場合において、市町村は、当該被保険者が遠隔の地に居所を有するときは、当該調査を他の市町村に嘱託することができる。

(2) A Municipality, when the application as prescribed in the preceding paragraph is submitted, direct its personnel to interview said Insured Person pertaining to said application and investigate the mental and physical condition and surroundings of said Insured Person, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare. In this case, the Municipality may, when said Insured Person has a residence in a remote place, commission said investigation to another Municipality.

3 市町村は、第一項の申請があったときは、当該申請に係る被保険者の主治の医師に対し、当該被保険者の身体上又は精神上の障害の原因である疾病又は負傷の状況等につき意見を求めるものとする。ただし、当該被保険者に係る主治の医師がないときその他当該意見を求めることが困難なときは、市町村は、当該被保険者に対して、その指定する医師又は当該職員で医師であるものの診断を受けるべきことを命ずることができる。

(3) A Municipality, when the application as prescribed in paragraph (1) is submitted, request an attending physician of the Insured Person pertaining to said application for opinions regarding the status of illness or injury that is the cause of the physical or mental problems of said Insured Person, however, provided that the Municipality may, when there is no attending physician of the Insured Person pertaining to said application, or it is difficult to request for said opinion, etc., order said Insured Person to obtain the diagnosis of a designated physician or from the Municipality's personnel who is a physician.

4 市町村は、第二項の調査（第二十四条の二第一項第二号の規定により委託された場合にあつては、当該委託に係る調査を含む。）の結果、前項の主治の医師の意見又は指定する医師若しくは当該職員で医師であるものの診断の結果その他厚生労働省令で定める事項を認定審査会に通知し、第一項の申請に係る被保険者について、次の各号に掲げる被保険者の区分に応じ、当該各号に定める事項に関し審査及び判定を求めるものとする。

(4) A Municipality is to notify the relevant Certification Committee of the result of the investigation as set forth in paragraph (2) (in a case of entrustment pursuant to the provisions of Article 24-2, paragraph (1), item (ii), including an investigation pertaining to said entrustment) of the opinion of the attending physician as prescribed in the preceding paragraph, the result of a diagnosis by the designated physician or its personnel who is a physician, and other matters as specified by Order of the Ministry of Health, Labour, and Welfare, and request an examination and judgment pertaining to matters as prescribed in

each said item according to the Category of the Insured Person as listed in the following items with regard to the Insured Person pertaining to an application as prescribed in paragraph (1):

一 第一号被保険者 要介護状態に該当すること及びその該当する要介護状態区分

(i) Primary Insured Person: those who qualify with a Condition of Need for Long-Term Care and Category of Condition of Need for Long-Term Care that said condition is subject to;

二 第二号被保険者 要介護状態に該当すること、その該当する要介護状態区分及びその要介護状態の原因である身体上又は精神上的の障害が特定疾病によって生じたものであること。

(ii) Secondary Insured Person: those who qualify with a Condition of Need for Long-Term Care and Category of Condition of Need for Long-Term Care that said condition is subject to, and the physical or mental problems causing said Condition of Need for Long-Term Care is caused by a Specified Disease.

5 認定審査会は、前項の規定により審査及び判定を求められたときは、厚生労働大臣が定める基準に従い、当該審査及び判定に係る被保険者について、同項各号に規定する事項に関し審査及び判定を行い、その結果を市町村に通知するものとする。この場合において、認定審査会は、必要があると認めるときは、次に掲げる事項について、市町村に意見を述べることができる。

(5) A Certification Committee, when being requested to conduct an examination and provide judgment pursuant to the provisions of the preceding paragraph, act in compliance with standards as determined by the Minister of Health, Labour, and Welfare, examine and judge matters as prescribed in each item of the same paragraph of the Insured Person pertaining to said examination and judgment, and notify said result to the Municipality. In this case, a Certification Committee may, when it determines it necessary, state opinions to the Municipality regarding the matters listed as follows:

一 当該被保険者の要介護状態の軽減又は悪化の防止のために必要な療養に関する事項

(i) matters concerning the necessary medical care for the reduction or prevention of deterioration of the Condition of Need for Long-Term Care of said Insured Person;

二 第四十一条第一項に規定する指定居宅サービス、第四十二条の二第一項に規定する指定地域密着型サービス又は第四十八条第一項に規定する指定施設サービス等の適切かつ有効な利用等に関し当該被保険者が留意すべき事項

(ii) matters that said Insured Person should give heed for the appropriate and effective use of a Designated In-Home Service as prescribed in Article 41, paragraph (1) of this Act, a Designated Community-Based Service as prescribed in Article 42-2, paragraph (1), or a Designated Facility Service, etc., as prescribed in Article 48, paragraph (1).

6 認定審査会は、前項前段の審査及び判定をするに当たって必要があると認めるとき

は、当該審査及び判定に係る被保険者、その家族、第三項の主治の医師その他の関係者の意見を聴くことができる。

- (6) A Certification Committee may, when it determines it necessary in an examination or judgment referred to in the first sentence of the preceding paragraph, hear opinions of the Insured Person pertaining to said examination and judgment, said Person's family members, the attending physician as set forth in paragraph (3), and other relevant persons.
- 7 市町村は、第五項前段の規定により通知された認定審査会の審査及び判定の結果に基づき、要介護認定をしたときは、その結果を当該要介護認定に係る被保険者に通知しなければならない。この場合において、市町村は、次に掲げる事項を当該被保険者の被保険者証に記載し、これを返付するものとする。
- (7) A Municipality, when providing a Certification of Needed Long-Term Care based on the results of an examination and judgment of a Certification Committee as notified pursuant to the provisions of the first sentence of paragraph (5), must notify the Insured Person pertaining to said Certification of Needed Long-Term Care of said result. In this case, the Municipality shall enter the following items on the Certificate of Insured Person of said Insured Person and return the Certificate of Insured Person to the Insured Person:
- 一 該当する要介護状態区分
 - (i) applicable Category of Condition of Need for Long-Term Care;
 - 二 第五項第二号に掲げる事項に係る認定審査会の意見
 - (ii) opinions of the Certification Committee pertaining to the matters listed in paragraph (5), item (ii).
- 8 要介護認定は、その申請のあった日にさかのぼってその効力を生ずる。
- (8) A Certification of Needed Long-Term Care becomes effective retroactively on the date that said application was submitted.
- 9 市町村は、第五項前段の規定により通知された認定審査会の審査及び判定の結果に基づき、要介護者に該当しないと認めるときは、理由を付して、その旨を第一項の申請に係る被保険者に通知するとともに、当該被保険者の被保険者証を返付するものとする。
- (9) A Municipality, when it determined the Insured Person pertaining to the application as set forth in paragraph (1) fails to be qualified as a Person Requiring Long-Term Care based on the results of an examination and judgment of a Certification Committee as notified pursuant to the provisions of the first sentence of paragraph (5), is to notify said Insured Person of that effect, indicating the reason(s), and return the Certificate of Insured Person of said Insured Person.
- 10 市町村は、第一項の申請に係る被保険者が、正当な理由なしに、第二項の規定による調査（第二十四条の二第一項第二号の規定により委託された場合にあつては、当該委託に係る調査を含む。）に応じないとき、又は第三項ただし書の規定による診断命令に従わないときは、第一項の申請を却下することができる。

(10) A Municipality may dismiss an application submitted pursuant to paragraph (1) when the Insured Person pertaining to the application as set forth in paragraph (1) fails to respond to an investigation pursuant to the provisions of paragraph (2) (in a case of entrustment pursuant to the provisions of Article 24-2, paragraph (1), item (ii), an investigation pertaining to said entrustment) without a justifiable reason or when said Insured Person fails to comply with an order for a diagnosis pursuant to the provisions of the proviso of paragraph (3).

1 1 第一項の申請に対する処分は、当該申請のあった日から三十日以内にしなければならない。ただし、当該申請に係る被保険者の心身の状況の調査に日時を要する等特別な理由がある場合には、当該申請のあった日から三十日以内に、当該被保険者に対し、当該申請に対する処分をするためになお要する期間（次項において「処理見込期間」という。）及びその理由を通知し、これを延期することができる。

(11) Action for an application as set forth in paragraph (1) must be performed within thirty (30) days from the date of submission of said application, however, provided that in a case that there are special reasons that an investigation of the mental or physical conditions of the Insured Person pertaining to said application may require additional hours or days, etc., said action for the matter may be postponed after notifying said Insured Person of the additional period necessary for the action for said application (herein referred to as the "Prospective Processing Period" in the following paragraph) and said reasons within thirty (30) days from the date of submission of said application.

1 2 第一項の申請をした日から三十日以内に当該申請に対する処分がされないとき、若しくは前項ただし書の通知がないとき、又は処理見込期間が経過した日までに当該申請に対する処分がされないときは、当該申請に係る被保険者は、市町村が当該申請を却下したものとみなすことができる。

(12) In a case when the action for an application as set forth in paragraph (1) has not been executed within thirty (30) days from the date of submission of said application or the notification as set forth in the proviso of the preceding paragraph has not been issued, or when the action for said application has not been executed by the date that the Prospective Processing Period expires, the Insured Person pertaining to said application may deem that the Municipality has dismissed said application.

（要介護認定の更新）

(Renewal of Certification of Needed Long-Term Care)

第二十八条 要介護認定は、要介護状態区分に応じて厚生労働省令で定める期間（以下この条において「有効期間」という。）内に限り、その効力を有する。

Article 28 (1) A Certification of Needed Long-Term Care is effective according to the Category of Condition of Need for Long-Term Care during the period as determined by Order of the Ministry of Health, Labour, and Welfare (herein

referred to as the "Effective Period" in this Article).

- 2 要介護認定を受けた被保険者は、有効期間の満了後においても要介護状態に該当すると見込まれるときは、厚生労働省令で定めるところにより、市町村に対し、当該要介護認定の更新（以下「要介護更新認定」という。）の申請をすることができる。
- (2) An Insured Person that is issued a Certification of Needed Long-Term Care, when he or she is expected to be in a Condition of Need for Long-Term Care although after the expiry of the Effective Period, may apply to the Municipality for an application of renewal of said Certification of Needed Long-Term Care (herein referred to as a "Renewal of Certification of Needed Long-Term Care") pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.
- 3 前項の申請をすることができる被保険者が、災害その他やむを得ない理由により当該申請に係る要介護認定の有効期間の満了前に当該申請をすることができなかつたときは、当該被保険者は、その理由のやんだ日から一月以内に限り、要介護更新認定の申請をすることができる。
- (3) In a case when an Insured Person that may apply for the renewal application as set forth in the preceding paragraph was not able to apply for said renewal application prior to the expiry of the Effective Period of Certification of Needed Long-Term Care pertaining to said application due to a disaster or other compelling reason, said Insured Person may apply for a Renewal of Certification of Needed Long-Term Care within one month following the date on which said reason for delay is no longer valid.
- 4 前条（第八項を除く。）の規定は、前二項の申請及び当該申請に係る要介護更新認定について準用する。この場合において、同条の規定に関し必要な技術的読替えは、政令で定める。
- (4) The provisions of the preceding Article (except paragraph (8)) apply mutatis mutandis to an application as set forth in the preceding two paragraphs and to an application for Renewal of Certification of Needed Long-Term Care pertaining to said application. In this case, the necessary technical replacement of terms used in the provisions of the same Article shall be provided by a Cabinet Order.
- 5 市町村は、前項において準用する前条第二項の調査を第四十六条第一項に規定する指定居宅介護支援事業者、地域密着型介護老人福祉施設、介護保険施設その他の厚生労働省令で定める事業者若しくは施設（以下この条において「指定居宅介護支援事業者等」という。）又は介護支援専門員であつて厚生労働省令で定めるものに委託することができる。
- (5) A Municipality may entrust an investigation as set forth in the preceding Article, paragraph (2), as applied mutatis mutandis pursuant to the preceding paragraph, to a Designated In-Home Long-Term Care Support Provider as prescribed in Article 46, paragraph (1), a Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care, a Facility Covered

by Long-Term Care Insurance, other providers or facilities as determined by Order of the Ministry of Health, Labour, and Welfare (herein referred to as "Designated In-Home Long-Term Care Support Provider, etc." in this Article), or to a Long-Term Care Support Specialist as determined by Order of the Ministry of Health, Labour, and Welfare.

6 前項の規定により委託を受けた指定居宅介護支援事業者等は、介護支援専門員その他厚生労働省令で定める者に当該委託に係る調査を行わせるものとする。

(6) A Designated In-Home Long-Term Care Support Provider, etc., entrusted pursuant to the provisions of the preceding paragraphs to direct a Long-Term Care Support Specialist or other person as determined by Order of the Ministry of Health, Labour, and Welfare to perform an investigation pertaining to said entrustment.

7 第五項の規定により委託を受けた指定居宅介護支援事業者等（その者が法人である場合にあつては、その役員。次項において同じ。）若しくはその職員（前項の介護支援専門員その他厚生労働省令で定める者を含む。次項において同じ。）若しくは介護支援専門員又はこれらの職にあつた者は、正当な理由なしに、当該委託業務に関して知り得た個人の秘密を漏らしてはならない。

(7) A Designated In-Home Long-Term Care Support Provider, etc., entrusted pursuant to the provisions of paragraph (5) (in cases when said person is a juridical person, its Officers; the same shall apply in the following paragraph), its personnel (including a Long-Term Care Support Specialist as prescribed in the preceding paragraph or other person as determined by Order of the Ministry of Health, Labour, and Welfare; the same shall apply in the following paragraph), a Long-Term Care Support Specialist or other person that was in said position must not divulge any personal confidential information learned from said entrusted operations without a justifiable reason.

8 第五項の規定により委託を受けた指定居宅介護支援事業者等若しくはその職員又は介護支援専門員で、当該委託業務に従事するものは、刑法その他の罰則の適用については、法令により公務に従事する職員とみなす。

(8) A Designated In-Home Long-Term Care Support Provider, etc., entrusted pursuant to the provisions of paragraph (5), its personnel, or a Long-Term Care Support Specialist that engages in said entrusted operations shall be deemed as personnel who engage in public service pursuant to the provisions of laws and regulations with regard to the application of the Penal Code and other penal provisions.

9 第三項の申請に係る要介護更新認定は、当該申請に係る要介護認定の有効期間の満了日の翌日にさかのぼってその効力を生ずる。

(9) A Renewal of Certification of Needed Long-Term Care pertaining to an application as set forth in paragraph (3) is to be effective retroactively on the date following the date of expiry of the Effective Period of Certification of Needed Long-Term Care pertaining to said renewal application.

10 第一項の規定は、要介護更新認定について準用する。この場合において、同項中「厚生労働省令で定める期間」とあるのは、「有効期間の満了日の翌日から厚生労働省令で定める期間」と読み替えるものとする。

(10) The provisions of paragraph (1) apply mutatis mutandis to a Renewal of Certification of Needed Long-Term Care. In this case, the phrase "period as determined by Order of the Ministry of Health, Labour, and Welfare" in the same paragraph is deemed to be replaced with "period as determined by Order of the Ministry of Health, Labour, and Welfare from the date following the expiry of the Effective Period."

(要介護状態区分の変更の認定)

(Certification of Change of Category of Condition of Need for Long-Term Care)

第二十九条 要介護認定を受けた被保険者は、その介護の必要の程度が現に受けている要介護認定に係る要介護状態区分以外の要介護状態区分に該当すると認めるときは、厚生労働省令で定めるところにより、市町村に対し、要介護状態区分の変更の認定の申請をすることができる。

Article 29 (1) An Insured Person that was issued a Certification of Needed Long-Term Care, when it is determined that the degree of necessity of care qualifies for a Category of Condition of Need for Long-Term Care other than the Category of Condition of Need for Long-Term Care pertaining to the Certification of Needed Long-Term Care which is currently issued, may apply to a Municipality for a Certification of Change of Category of Condition of Need for Long-Term Care, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

2 第二十七条及び前条第五項から第八項までの規定は、前項の申請及び当該申請に係る要介護状態区分の変更の認定について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(2) The provisions of Article 27 and the preceding Article, paragraphs (5) to (8) apply mutatis mutandis to an application as prescribed in the preceding paragraph and to a Certification of Change of Category of Condition of Need for Long-Term Care pertaining to said application. In this case, the necessary technical replacement of the terms of these provisions shall be provided by a Cabinet Order.

第三十条 市町村は、要介護認定を受けた被保険者について、その介護の必要の程度が低下したことにより当該要介護認定に係る要介護状態区分以外の要介護状態区分に該当するに至ったと認めるときは、要介護状態区分の変更の認定をすることができる。この場合において、市町村は、厚生労働省令で定めるところにより、当該変更の認定に係る被保険者に対しその被保険者証の提出を求め、これに当該変更の認定に係る要介護状態区分及び次項において準用する第二十七条第五項後段の規定による認定審査会の意見（同項第二号に掲げる事項に係るものに限る。）を記載し、これを返付する

ものとする。

Article 30 (1) A Municipality, when it is determined that an Insured Person that was issued a Certification of Needed Long-Term Care, qualifies for a Category of Condition of Need for Long-Term Care other than the Category of Condition of Need for Long-Term Care pertaining to said Certification of Needed Long-Term Care due to a lowering of the degree of necessity of long-term care, may certify a change of Category of Condition of Need for Long-Term Care. In this case, the Municipality is to request the Insured Person pertaining to said change of certification to submit said Certificate of Insured Person, shall enter the Category of Condition of Need for Long-Term Care pertaining to said change of certification and the opinion of the Certification Committee pursuant to the provisions of the second sentence of Article 27, paragraph (5) as applied mutatis mutandis pursuant to the following paragraph (limited to those changes pertaining to matters listed in item (ii) of the same paragraph), and then return said Certificate of Insured Person to the Insured Person.

2 第二十七条第二項から第六項まで及び第七項前段並びに第二十八条第五項から第八項までの規定は、前項の要介護状態区分の変更の認定について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(2) The provisions of Article 27, paragraphs (2) to (6), the first sentence of paragraph (7), and Article 28, paragraphs (5) to (8) apply mutatis mutandis to a Certification of Change of Category of Condition of Need for Long-Term Care as prescribed in the preceding paragraph. In this case, the necessary technical replacement of the terms of these provisions shall be provided by a Cabinet Order.

(要介護認定の取消し)

(Rescission of Certification of Needed Long-Term Care)

第三十一条 市町村は、要介護認定を受けた被保険者が次の各号のいずれかに該当するときは、当該要介護認定を取り消すことができる。この場合において、市町村は、厚生労働省令で定めるところにより、当該取消しに係る被保険者に対しその被保険者証の提出を求め、第二十七条第七項各号に掲げる事項の記載を消除し、これを返付するものとする。

Article 31 (1) When an Insured Person that was issued a Certification of Needed Long-Term Care is subject to any of the following items, a Municipality may rescind said Certification of Needed Long-Term Care. In this case, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, the Municipality is to request the Insured Person pertaining to said rescission to submit said Certificate of Insured Person, delete the entry of matters listed in each item of Article 27, paragraph (7), and return the Certificate of Insured Person to the Insured Person:

一 要介護者に該当しなくなったと認めるとき。

(i) when the Municipality determines that the Insured Person fails to or no longer qualifies as a Person Requiring Long-Term Care;

二 正当な理由なしに、前条第二項若しくは次項において準用する第二十七条第二項の規定による調査（第二十四条の二第一項第二号又は前条第二項若しくは次項において準用する第二十八条第五項の規定により委託された場合にあっては、当該委託に係る調査を含む。）に応じないとき、又は前条第二項若しくは次項において準用する第二十七条第三項ただし書の規定による診断命令に従わないとき。

(ii) when the Insured Person fails to comply with an investigation pursuant to the provisions of Article 27, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article, paragraph (2) and the following paragraph (in a case when said investigation is entrusted pursuant to the provisions of Article 28, paragraph (5) as applied mutatis mutandis pursuant to Article 24-2, paragraph (1), item (ii), the preceding Article, paragraph (2), or the following paragraph, including an investigation pertaining to said entrustment) without a justifiable reason, or when the Insured Person fails to act in compliance with an order for diagnosis pursuant to the provisions of the proviso of Article 27, paragraph (3) as applied mutatis mutandis pursuant to the preceding Article, paragraph (2), and the following paragraph.

2 第二十七条第二項から第四項まで、第五項前段、第六項及び第七項前段並びに第二十八条第五項から第八項までの規定は、前項第一号の規定による要介護認定の取消しについて準用する。この場合において、これらの規定に関し必要な技術的読替は、政令で定める。

(2) The provisions of Article 27, paragraphs (2) to (4), the first sentence of paragraph (5), paragraph (6), the first sentence of paragraph (7), and Article 28, paragraphs (5) to (8) apply mutatis mutandis to a rescission of a Certification of Needed Long-Term Care pursuant to the provisions of the preceding paragraph, item (i). In this case, the necessary technical replacement of the terms of these provisions shall be provided by a Cabinet Order.

(要支援認定)

(Certification of Needed Support)

第三十二条 要支援認定を受けようとする被保険者は、厚生労働省令で定めるところにより、申請書に被保険者証を添付して市町村に申請をしなければならない。この場合において、当該被保険者は、厚生労働省令で定めるところにより、第四十六条第一項に規定する指定居宅介護支援事業者、地域密着型介護老人福祉施設若しくは介護保険施設であって厚生労働省令で定めるもの又は第百十五条の三十九第一項に規定する地域包括支援センターに、当該申請に関する手続を代わって行わせることができる。

Article 32 (1) An Insured Person that intends to receive a Certification of Needed Support must submit to a Municipality an application with a Certificate of Insured Person pursuant to the provisions of Order of the

Ministry of Health, Labour, and Welfare. In this case, said Insured Person may, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, have a Designated In-Home Long-Term Care Support Provider, etc., as prescribed in Article 46, paragraph (1), a Community-Based Facility for the Elderly Covered by Public Aid Requiring Long-Term Care or a Facility Covered by Long-Term Care Insurance as determined by Order of the Ministry of Health, Labour, and Welfare, or a community general support center as prescribed in Article 115-39, paragraph (1), perform the procedures of said application on behalf of the Insured Person.

2 第二十七条第二項及び第三項の規定は、前項の申請に係る調査並びに同項の申請に係る被保険者の主治の医師の意見及び当該被保険者に対する診断命令について準用する。

(2) The provisions of Article 27, paragraphs (2) and (3) apply *mutatis mutandis* to an investigation pertaining to an application as prescribed in the preceding paragraph, opinions of an attending physician of the Insured Person pertaining to an application as set forth in the same paragraph, and an order for diagnosis to said Insured Person.

3 市町村は、前項において準用する第二十七条第二項の調査（第二十四条の二第一項第二号の規定により委託された場合にあつては、当該委託に係る調査を含む。）の結果、前項において準用する第二十七条第三項の主治の医師の意見又は指定する医師若しくは当該職員で医師であるものの診断の結果その他厚生労働省令で定める事項を認定審査会に通知し、第一項の申請に係る被保険者について、次の各号に掲げる被保険者の区分に応じ、当該各号に定める事項に関し審査及び判定を求めるものとする。

(3) A Municipality is to notify the Certification Committee of the result of an investigation as set forth in Article 27, paragraph (2) as applied *mutatis mutandis* pursuant to the preceding paragraph (in a case when the investigation is entrusted pursuant to the provisions of Article 24-2, paragraph (1), item (ii), including an investigation pertaining to said entrustment), the opinion of an attending physician as set forth in Article 27, paragraph (2) as applied *mutatis mutandis* pursuant to the preceding paragraph, the result of a diagnosis of a designated physician or its personnel who is a physician, or other matters specified by Order of the Ministry of Health, Labour, and Welfare, and request an examination and judgment pertaining to matters as prescribed in each said item according to the category of Insured Person listed in the following items with regard to the Insured Person pertaining to an application as set forth in paragraph (1):

一 第一号被保険者 要支援状態に該当すること及びその該当する要支援状態区分

(i) Primary Insured Person: those who qualify for a Needed Support Condition and Category of Needed Support Condition for which said condition qualifies;

二 第二号被保険者 要支援状態に該当すること、その該当する要支援状態区分及びその要支援状態の原因である身体上又は精神上的の障害が特定疾病によって生じたも

のであること。

(ii) Secondary Insured Person: those who qualify for a Needed Support Condition, a Category of Needed Support Condition for which said condition qualifies, and the physical or mental problem(s) that is the cause of said Needed Support Condition as caused by a Specified Disease.

4 認定審査会は、前項の規定により審査及び判定を求められたときは、厚生労働大臣が定める基準に従い、当該審査及び判定に係る被保険者について、同項各号に規定する事項に関し審査及び判定を行い、その結果を市町村に通知するものとする。この場合において、認定審査会は、必要があると認めるときは、次に掲げる事項について、市町村に意見を述べることができる。

(4) A Certification Committee, when being requested to perform an examination and judgment pursuant to the provisions of the preceding paragraph, is to act in compliance with standards as determined by the Minister of Health, Labour, and Welfare, examine and judge matters as prescribed in each item of the same paragraph of an Insured Person pertaining to said examination and judgment, and notify the Municipality of said result. In this case, a Certification Committee, when it determines necessary, may state opinions to the Municipality regarding the following matters:

一 当該被保険者の要支援状態の軽減又は悪化の防止のために必要な療養及び家事に係る援助に関する事項

(i) matters of necessary medical care for or support pertaining to domestic home duties for the reduction or prevention of deterioration of a Needed Support Condition of said Insured Person;

二 第五十三条第一項に規定する指定介護予防サービス又は第五十四条の二第一項に規定する指定地域密着型介護予防サービスの適切かつ有効な利用等に関し当該被保険者が留意すべき事項

(ii) matters that said Insured Person should give heed to appropriately and effectively use Designated Preventive Long-Term Care Service as prescribed in Article 53, paragraph (1) or a Designated Community-Based Preventive Service of Long-Term Care as prescribed in Article 54-2, paragraph (1).

5 第二十七条第六項の規定は、前項前段の審査及び判定について準用する。

(5) The provisions of Article 27, paragraph (6) apply mutatis mutandis to an examination and judgment as prescribed in the first sentence of the preceding paragraph.

6 市町村は、第四項前段の規定により通知された認定審査会の審査及び判定の結果に基づき、要支援認定をしたときは、その結果を当該要支援認定に係る被保険者に通知しなければならない。この場合において、市町村は、次に掲げる事項を当該被保険者の被保険者証に記載し、これを返付するものとする。

(6) A Municipality, when providing Certification of Needed Support based on the results of an examination and judgment of a Certification Committee that is notified pursuant to the provisions of the first sentence of paragraph (4), is to

notify the Insured Person pertaining to said Certification of Needed Support of said result. In this case, a Municipality shall enter the following items on the Certificate of Insured Person of said Insured Person and return the Certificate of Insured Person to the Insured Person:

一 該当する要支援状態区分

(i) said Category of Needed Support Condition;

二 第四項第二号に掲げる事項に係る認定審査会の意見

(ii) opinions of the Certification Committee pertaining to matters listed in paragraph (4), item (ii).

7 要支援認定は、その申請のあった日にさかのぼってその効力を生ずる。

(7) A Certification of Needed Support becomes effective retroactively on the date that said application was submitted.

8 市町村は、第四項前段の規定により通知された認定審査会の審査及び判定の結果に基づき、要支援者に該当しないと認めるときは、理由を付して、その旨を第一項の申請に係る被保険者に通知するとともに、当該被保険者の被保険者証を返付するものとする。

(8) A Municipality, when it is determined that the Insured Person predating the application as set forth in paragraph (1) fails to qualify the Person Requiring Support based on the results of an examination and judgment of a Certification Committee that is notified pursuant to the provisions of the first sentence of paragraph (4), is to notify said Insured Person pertaining of the results, indicating the reasons, and return the Certificate of Insured Person to said Insured Person.

9 第二十七条第十項から第十二項までの規定は、第一項の申請及び当該申請に対する処分について準用する。

(9) The provisions of Article 27, paragraph (10) to (12) apply mutatis mutandis to an application as set forth in paragraph (1) and the action for said application.

(要支援認定の更新)

(Renewal of Certification of Needed Support)

第三十三条 要支援認定は、要支援状態区分に応じて厚生労働省令で定める期間（以下この条において「有効期間」という。）内に限り、その効力を有する。

Article 33 (1) A Certification of Needed Support is effective according to the Category of Needed Support Condition during the period as determined by Order of the Ministry of Health, Labour, and Welfare (herein referred to as "Effective Period" in this Article).

2 要支援認定を受けた被保険者は、有効期間の満了後においても要支援状態に該当すると見込まれるときは、厚生労働省令で定めるところにより、市町村に対し、当該要支援認定の更新（以下「要支援更新認定」という。）の申請をすることができる。

(2) An Insured Person that has been issued a Certification of Needed Support, when he or she is expected to be in a Needed Support Condition after the

expiry of the Effective Period, may apply to the Municipality for application of renewal of said Certification of Needed Support (herein referred to as "Renewal of Certification of Needed Support") pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

3 前項の申請をすることができる被保険者が、災害その他やむを得ない理由により当該申請に係る要支援認定の有効期間の満了前に当該申請をすることができなかつたときは、当該被保険者は、その理由のやんだ日から一月以内に限り、要支援更新認定の申請をすることができる。

(3) In a case when an Insured Person that may apply for the application as set forth in the preceding paragraph was not able to apply for said application prior to expiry of the Effective Period of Certification of Needed Support pertaining to said application due to a disaster or other compelling reason, said Insured Person may apply for a Renewal of Certification of Needed Support within one month from the date on which said reasons are no longer valid.

4 前条（第七項を除く。）及び第二十八条第五項から第八項までの規定は、前二項の申請及び当該申請に係る要支援更新認定について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(4) The provisions of the preceding Article (except for paragraph (7)) and Article 28, paragraphs (5) to (8) apply mutatis mutandis to an application as prescribed in the preceding two paragraphs and a Renewal of Certification of Needed Support pertaining to said application. In this case, the necessary technical replacement of the terms of these provisions is specified by a Cabinet Order.

5 第三項の申請に係る要支援更新認定は、当該申請に係る要支援認定の有効期間の満了日の翌日にさかのぼってその効力を生ずる。

(5) A Renewal of Certification of Needed Support pertaining to an application as set forth in paragraph (3) becomes effective retroactively on the date following the date of expiry of the Effective Period of Certification of Needed Support pertaining to said application.

6 第一項の規定は、要支援更新認定について準用する。この場合において、同項中「厚生労働省令で定める期間」とあるのは、「有効期間の満了日の翌日から厚生労働省令で定める期間」と読み替えるものとする。

(6) The provisions of paragraph (1) apply mutatis mutandis to a Renewal of Certification of Needed Support. In this case, the phrase "period as determined by Order of the Ministry of Health, Labour, and Welfare" in the same paragraph is deemed to be replaced with "period as determined by Order of the Ministry of Health, Labour, and Welfare from the date following the expiry of the Effective Period."

(要支援状態区分の変更の認定)

(Certification of Change of Category of Needed Support Condition)

第三十三条の二 要支援認定を受けた被保険者は、その支援の必要の程度が現に受けている要支援認定に係る要支援状態区分以外の要支援状態区分に該当すると認めるときは、厚生労働省令で定めるところにより、市町村に対し、要支援状態区分の変更の認定の申請をすることができる。

Article 33-2 (1) An Insured Person that has been issued a Certification of Needed Support, when it is determined that the degree of Needed Support Condition qualifies for a Category of Needed Support Condition other than the Category of Needed Support Condition pertaining to said Certification of Needed Support that is issued currently, may apply to the Municipality for a certification of change of Category of Needed Support Condition, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

2 第二十八条第五項から第八項まで及び第三十二条の規定は、前項の申請及び当該申請に係る要支援状態区分の変更について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(2) The provisions of Article 28, paragraph (5) to paragraph (8), and Article 33 apply mutatis mutandis to an application as prescribed in the preceding paragraph and change of Category of Needed Support Condition pertaining to said application. In this case, the necessary technical replacement of terms for these provisions is specified by a Cabinet Order.

第三十三条の三 市町村は、要支援認定を受けた被保険者について、その支援の必要の程度が低下したことにより当該要支援認定に係る要支援状態区分以外の要支援状態区分に該当するに至ったと認めるときは、要支援状態区分の変更の認定をすることができる。この場合において、市町村は、厚生労働省令で定めるところにより、当該変更の認定に係る被保険者に対しその被保険者証の提出を求め、これに当該変更の認定に係る要支援状態区分及び次項において準用する第三十二条第四項後段の規定による認定審査会の意見（同項第二号に掲げる事項に係るものに限る。）を記載し、これを返付するものとする。

Article 33-3 (1) A Municipality, when it is determined that an Insured Person that has been issued a Certification of Needed Support qualifies for a Category of Needed Support Condition other than the Category of Needed Support Condition pertaining to said Certification of Needed Support due to a lowering of the degree of Needed Support Condition, may certify a change of Category of Needed Support Condition. In this case, the Municipality is to request the Insured Person pertaining to said change of certification to submit said Certificate of Insured Person, shall enter the Category of Needed Support Condition pertaining to said change of certification and the opinion of the Certification Committee pursuant to the provisions of the second sentence of Article 32, paragraph (4) as applied mutatis mutandis pursuant to the following paragraph (limited to those pertaining to matters listed in item (ii) of the same paragraph), and then return the Certificate of Insured Person to the

Insured Person.

2 第二十八条第五項から第八項まで並びに第三十二条第二項から第五項まで及び第六項前段の規定は、前項の要支援状態区分の変更の認定について準用する。この場合において、これらの規定に関し必要な技術的読替は、政令で定める。

(2) The provisions of Article 28, paragraph (5) to paragraph (8), Article 32, paragraph (2) to paragraph (5), and the first sentence of paragraph (6), apply mutatis mutandis to a certification of Change of Category of Needed Support Condition as prescribed in the preceding paragraph. In this case, the necessary technical replacement of terms of these provisions is specified by a Cabinet Order.

(要支援認定の取消し)

(Rescission of Certification of Needed Support)

第三十四条 市町村は、要支援認定を受けた被保険者が次の各号のいずれかに該当するときは、当該要支援認定を取り消すことができる。この場合において、市町村は、厚生労働省令で定めるところにより、当該取消しに係る被保険者に対しその被保険者証の提出を求め、第三十二条第六項各号に掲げる事項の記載を削除し、これを返付するものとする。

Article 34 (1) When an Insured Person to whom has been issued a Certification of Needed Support is subject to any of the following items, a Municipality may rescind said Certification of Needed Support. In this case, the Municipality, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, is to request the Insured Person pertaining to said rescission to submit said Certificate of Insured Person, delete the entry of matters listed in the each item of Article 32, paragraph (6), and return the Certificate of Insured Person to the Insured Person. These items are:

一 要支援者に該当しなくなったと認めるとき。

(i) when it is determined that the Insured Person fails to qualify as a Person Requiring Support;

二 正当な理由なしに、前条第二項若しくは次項において準用する第三十二条第二項の規定により準用される第二十七条第二項の規定による調査（第二十四条の二第一項第二号又は前条第二項若しくは次項において準用する第二十八条第五項の規定により委託された場合にあつては、当該委託に係る調査を含む。）に応じないとき、又は次項において準用する第三十二条第二項の規定により準用される第二十七条第三項ただし書の規定による診断命令に従わないとき。

(ii) when the Insured Person fails to qualify after an investigation pursuant to the provisions of Article 27, paragraph (2) as applied mutatis mutandis pursuant to the provisions of Article 32, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article, paragraph (2) or the following paragraph (in a case when said investigation is entrusted pursuant to the provisions of Article 28, paragraph (5) as applied mutatis mutandis pursuant

to the provisions of Article 24-2, paragraph (1), item (ii) or paragraph (2) of the preceding Article or the following paragraph, including an investigation pertaining to said entrustment) without a justifiable reason, or when the Insured Person fails to act in compliance with an order for diagnosis pursuant to the provisions of the proviso of Article 27, paragraph (3) as applied mutatis mutandis pursuant to provisions of Article 33, paragraph (2) as applied mutatis mutandis pursuant to the following paragraph.

2 第二十八条第五項から第八項まで並びに第三十二条第二項、第三項、第四項前段、第五項及び第六項前段の規定は、前項第一号の規定による要支援認定の取消しについて準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(2) The provisions of Article 28, paragraph (5) to paragraph (8), Article 32, paragraph (2), paragraph (3), the first sentence of paragraph (4), paragraph (5), and the first sentence of paragraph (6) apply mutatis mutandis to a rescission of Certification of Needed Support pursuant to the provisions of the preceding paragraph, item (i). In this case, the necessary technical replacement of terms for these provisions is specified by a Cabinet Order.

(要介護認定等の手続の特例)

(Exception for Procedures of Certification of Needed Long-Term Care)

第三十五条 認定審査会は、第二十七条第四項（第二十八条第四項において準用する場合を含む。）の規定により審査及び判定を求められた被保険者について、要介護者に該当しないと認める場合であっても、要支援者に該当すると認めるときは、第二十七条第五項（第二十八条第四項において準用する場合を含む。）の規定にかかわらず、その旨を市町村に通知することができる。

Article 35 (1) A Certification Committee, when it is determined that an Insured Person that is the subject of a request for investigation or judgment pursuant to the provisions of Article 27, paragraph (4) (including a case when applied mutatis mutandis pursuant to Article 28, paragraph (4)) qualifies as a Person Requiring Support, although it is determined that said Insured Person fails to qualify as a Person Requiring Long-Term Care, may notify said result to the Municipality, notwithstanding the provisions of Article 27, paragraph (5) (including a case when applied mutatis mutandis pursuant to Article 28, paragraph (4)).

2 市町村は、前項の規定による通知があったときは、当該通知に係る被保険者について、第三十二条第一項の申請がなされ、同条第三項の規定により認定審査会に審査及び判定を求め、同条第四項の規定により認定審査会の通知を受けたものとみなし、要支援認定をすることができる。この場合において、市町村は、当該被保険者に、要支援認定をした旨を通知するとともに、同条第六項各号に掲げる事項を当該被保険者の被保険者証に記載し、これを返付するものとする。

(2) A Municipality, when a notification was issued pursuant to the provisions of

the preceding paragraph, may deem that the Insured Person pertaining to said notification has submitted an application as set forth in Article 32, paragraph (1), the Municipality requested the Certification Committee to conduct an examination or issue a judgment pursuant to the provisions of paragraph (3) of the same Article and the Municipality received a notification by the Certification Committee pursuant to the provisions of paragraph (4) of the same Article, and may issue the Insured Person a Certification of Needed Support. In this case, the Municipality is to notify said Insured Person that a Certification of Needed Support is provided, enter the matters listed in each item of paragraph (6) of the same Article on the Certificate of Insured Person of said Insured Person, and return the Certificate of Insured Person to the Insured Person.

3 認定審査会は、第三十二条第三項（第三十三条第四項において準用する場合を含む。）の規定により審査及び判定を求められた被保険者について、要介護者に該当すると認めるときは、第三十二条第四項（第三十三条第四項において準用する場合を含む。）の規定にかかわらず、その旨を市町村に通知することができる。

(3) A Certification Committee, when it is determined that an Insured Person that is the subject of a requested examination or judgment pursuant to the provisions of Article 32, paragraph (3) (including the case it is applied mutatis mutandis pursuant to Article 33, paragraph (4)) qualifies as a Person Requiring Long-Term Care, may notify said result to the Municipality, notwithstanding the provision of Article 32, paragraph (4) (including a case applied mutatis mutandis pursuant to Article 33, paragraph (4)).

4 市町村は、前項の規定による通知があったときは、当該通知に係る被保険者について、第二十七条第一項の申請がなされ、同条第四項の規定により認定審査会に審査及び判定を求め、同条第五項の規定により認定審査会の通知を受けたものとみなし、要介護認定をすることができる。この場合において、市町村は、当該被保険者に、要介護認定をした旨を通知するとともに、同条第七項各号に掲げる事項を当該被保険者の被保険者証に記載し、これを返付するものとする。

(4) A Municipality, when a notification is issued pursuant to the provisions of the preceding paragraph, may deem that the Insured Person pertaining to said notification submitted an application as set forth in Article 27, paragraph (1), the Municipality requested the Certification Committee for a judgment or to conduct an examination pursuant to the provisions of paragraph (4) of the same Article, and the Municipality is provided a notification of the Certification Committee pursuant to the provisions of paragraph (5) of the same Article, and may issue the Insured Person a Certification of Needed Long-Term Care. In this case, the Municipality is to notify said Insured Person that a Certification of Needed Long-Term Care is provided, enter the matters listed in each item of paragraph (7) of the same Article on the Certificate of Insured Person of said Insured Person, and return the Certificate of Insured

Person to the Insured Person.

- 5 認定審査会は、第三十一条第二項において準用する第二十七条第四項の規定により審査及び判定を求められた被保険者について、要介護者に該当しないと認める場合であっても、要支援者に該当すると認めるときは、第三十一条第二項において準用する第二十七条第五項の規定にかかわらず、その旨を市町村に通知することができる。
- (5) A Certification Committee, when it is determined that an Insured Person that is the subject of a requested examination or judgment pursuant to the provisions of Article 27, paragraph (4) as applied mutatis mutandis pursuant to Article 31, paragraph (2) is certified as a Person Requiring Support although said Insured Person fails to qualify as a Person Requiring Long-Term Care, may notify said result to the Municipality, notwithstanding the provision of Article 27, paragraph (5) as applied mutatis mutandis pursuant to Article 31, paragraph (2).
- 6 市町村は、前項の規定による通知があったときは、当該通知に係る被保険者について、第三十二条第一項の申請がなされ、同条第三項の規定により認定審査会に審査及び判定を求め、同条第四項の規定により認定審査会の通知を受けたものとみなし、要支援認定をすることができる。この場合において、市町村は、厚生労働省令で定めるところにより、当該通知に係る被保険者に対しその被保険者証の提出を求め、これに同条第六項各号に掲げる事項を記載し、これを返付するものとする。
- (6) A Municipality, when a notification is issued pursuant to the provisions of the preceding paragraph, may deem that the Insured Person pertaining to said notification submitted an application as set forth in Article 32, paragraph (1), the Municipality requested the Certification Committee for an examination or judgment pursuant to the provisions of paragraph (3) of the same Article, and the Municipality received a notification of the Certification Committee pursuant to the provisions of paragraph (4) of the same Article, and may issue said Insured Person a Certification of Needed Support. In this case, the Municipality, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, is to request to Insured Person pertaining to said notification to submit such Insured Person's Certificate of Insured Person, enter the matters listed in each item of paragraph (6) of the same Article, and return the Certificate of Insured Person to the Insured Person.

(住所移転後の要介護認定及び要支援認定)

(Certification of Needed Long-Term Care and Certification of Needed Support after Relocation of Domicile)

第三十六条 市町村は、他の市町村による要介護認定又は要支援認定を受けている者が当該市町村の行う介護保険の被保険者となった場合において、当該被保険者が、その資格を取得した日から十四日以内に、当該他の市町村から交付された当該要介護認定又は要支援認定に係る事項を証明する書面を添えて、要介護認定又は要支援認定の申請をしたときは、第二十七条第四項及び第七項前段又は第三十二条第三項及び第六項

前段の規定にかかわらず、認定審査会の審査及び判定を経ることなく、当該書面に記載されている事項に即して、要介護認定又は要支援認定をすることができる。

Article 36 A Municipality, in a case when a person that is issued a Certification of Needed Long-Term Care or a Certification of Needed Support by another Municipality becomes an Insured Person of Long-Term Care Insurance of said Municipality and when said Insured Person submits an application for a Certification of Needed Long-Term Care or a Certification of Needed Support attached with the documents that are issued by said Municipality and the other Municipality and proves matters pertaining to said Certification of Needed Long-Term Care or Certification of Needed Support within fourteen (14) days from the date on which said qualification was obtained, may provide a Certification of Needed Long-Term Care or a Certification of Needed Support according to the matters entered on said documents, notwithstanding the provisions of Article 27, paragraph (4) and the first sentence of paragraph (7), or Article 32, paragraph (3) and the first sentence of paragraph (6), and without awaiting an examination or judgment of a Certification Committee.

(介護給付等対象サービスの種類の指定)

(Specification of Type of Service Covered by Long-Term Care Benefits)

第三十七条 市町村は、要介護認定、要介護更新認定、第二十九条第二項において準用する第二十七条第七項若しくは第三十条第一項の規定による要介護状態区分の変更の認定、要支援認定、要支援更新認定又は第三十三条の二第二項において準用する第三十二条第六項若しくは第三十三条の三第一項の規定による要支援状態区分の変更の認定（以下この項において単に「認定」という。）をするに当たっては、第二十七条第五項第一号（第二十八条第四項、第二十九条第二項及び第三十条第二項において準用する場合を含む。）又は第三十二条第四項第一号（第三十三条第四項、第三十三条の二第二項及び第三十三条の三第二項において準用する場合を含む。）に掲げる事項に係る認定審査会の意見に基づき、当該認定に係る被保険者が受けることができる居宅介護サービス費若しくは特例居宅介護サービス費に係る居宅サービス、地域密着型介護サービス費若しくは特例地域密着型介護サービス費に係る地域密着型サービス、施設介護サービス費若しくは特例施設介護サービス費に係る施設サービス、介護予防サービス費若しくは特例介護予防サービス費に係る介護予防サービス又は地域密着型介護予防サービス費若しくは特例地域密着型介護予防サービス費に係る地域密着型介護予防サービスの種類を指定することができる。この場合において、市町村は、当該被保険者の被保険者証に、第二十七条第七項後段（第二十八条第四項及び第二十九条第二項において準用する場合を含む。）、第三十条第一項後段若しくは第三十五条第四項後段又は第三十二条第六項後段（第三十三条第四項及び第三十三条の二第二項において準用する場合を含む。）、第三十三条の三第一項後段若しくは第三十五条第二項後段若しくは第六項後段の規定による記載に併せて、当該指定に係る居宅サービス、地域密着型サービス、施設サービス、介護予防サービス又は地域密着型介護予防サービスの種類を記載するものとする。

Article 37 (1) A Municipality, when providing a Certification of Needed Long-Term Care; a Renewal of Certification of Needed Long-Term Care; a Certification of Change of Category of Condition of Need for Long-Term Care pursuant to the provisions of Article 27, paragraph (7) or Article 30, paragraph (1) as applied mutatis mutandis pursuant to Article 29, paragraph (2); a Certification of Needed Support; a Renewal of Certification of Needed Support; a Certification of Change of Category of Needed Support Condition pursuant to the provisions of Article 32, paragraph (6) or Article 33-3, paragraph (1) as applied mutatis mutandis pursuant to Article 33-2, paragraph (2); (hereinafter simply referred to as "Certification" in this paragraph) may specify the type of services to be performed for an Insured Person pertaining to said Certification, including In-Home Service pertaining to Allowance for In-Home Long-Term Care Service or Exceptional Allowance for In-Home Long-Term Care Service, Community-Based Service pertaining to Allowance for Community-Based Long-Term Care Service or Exceptional Allowance for Community-Based Long-Term Care Service, Facility Service pertaining to Allowance for Long-Term Care Facility Service or Exceptional Allowance for Long-Term Care Facility Service, Preventive Long-Term Care Service pertaining to Allowance for Preventive Long-Term Care Service or Exceptional Allowance for Preventive Service of Long-Term Care, or Community-Based Service for Preventive Long-Term Care pertaining to Allowance for Community-Based Preventive Long-Term Care Service, or Exceptional Allowance for Community-Based Preventive Service of Long-Term Care, based on the opinion of the Certification Committee pertaining to the matter listed in Article 27, paragraph (5), item (i) (including a case it is applied mutatis mutandis pursuant to Article 28, paragraph (4), Article 29, paragraph (2), or Article 30, paragraph (2)) or Article 32, paragraph (4), item (i) (including a case it is applied mutatis mutandis pursuant to Article 33, paragraph (4), or Article 33-2, paragraph (2)). In this case, the Municipality is to enter on the Certificate of Insured Person of said Insured Person the type of services pertaining to said specification including In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service, or Community-Based Service for Preventive Long-Term Care together with an entry pursuant to the provisions of Article 27, paragraph (7) second sentence (including a case it is applied mutatis mutandis pursuant to Article 28, paragraph (4) or Article 29, paragraph (2)), Article 30, paragraph (1), second sentence, Article 35, paragraph (4), second sentence, or Article 32, paragraph (6) second sentence (including a case it is applied mutatis mutandis pursuant to Article 33, paragraph (4) or Article 33-2, paragraph (2)), Article 33-3, paragraph (1) second sentence, Article 35, paragraph (2), second sentence, or paragraph (6), second sentence.

2 前項前段の規定による指定を受けた被保険者は、当該指定に係る居宅サービス、地

域密着型サービス、施設サービス、介護予防サービス又は地域密着型介護予防サービスの種類の変更の申請をすることができる。

(2) An Insured Person specified pursuant to the provisions of the preceding paragraph, first sentence, may apply for a change of type of services pertaining to said specification including In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service, or Community-Based Service for Preventive Long-Term Care.

3 前項の申請は、厚生労働省令で定めるところにより、被保険者証を添付して行うものとする。

(3) The application as prescribed in the preceding paragraph is to be submitted with the Certificate of Insured Person, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

4 市町村は、第二項の申請があった場合において、厚生労働省令で定めるところにより、認定審査会の意見を聴き、必要があると認めるときは、当該指定に係る居宅サービス、地域密着型サービス、施設サービス、介護予防サービス又は地域密着型介護予防サービスの種類の変更をすることができる。

(4) In a case when the application as set forth in paragraph (2) is submitted, a Municipality, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, when it hears the opinion of the Certification Committee and determines it necessary, may change the type of services pertaining to said specification including In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service, or Community-Based Service for Preventive Long-Term Care.

5 市町村は、前項の規定により第二項の申請に係る被保険者について第一項前段の規定による指定に係る居宅サービス、地域密着型サービス、施設サービス、介護予防サービス又は地域密着型介護予防サービスの種類を変更したときは、その結果を当該被保険者に通知するとともに、当該被保険者の被保険者証に変更後の居宅サービス、地域密着型サービス、施設サービス、介護予防サービス又は地域密着型介護予防サービスの種類を記載し、これを返付するものとする。

(5) When a Municipality, with regard to an Insured Person pertaining to the application as set forth in paragraph (2), has changed the type of services pertaining to the specification pursuant to the provisions of paragraph (1), first sentence, including In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service, or Community-Based Service for Preventive Long-Term Care pursuant to the provisions of the preceding paragraph, it is to notify said Insured Person of said result, enter the type of services, including In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service, or Community-Based Service for Preventive Long-Term Care after amending the Certificate of Insured Person of said Insured Person, and return the Certificate of Insured Person to the Insured Person.

(都道府県の援助等)

(Assistance of Prefectures)

第三十八条 都道府県は、市町村が行う第二十七条から第三十五条まで及び前条の規定による業務に関し、その設置する福祉事務所（社会福祉法（昭和二十六年法律第四十五号）に定める福祉に関する事務所をいう。）又は保健所による技術的事項についての協力その他市町村に対する必要な援助を行うことができる。

Article 38 (1) A prefecture, with regard to affairs pursuant to the provisions of Article 27 to Article 35 and the preceding Article that a Municipality performs, may cooperate regarding technical matters at public aid office (those offices regarding public aid provided by the Social Welfare Act (Act No. 45 of 1951)) or a health center, and provide other necessary assistance to a Municipality.

2 地方自治法第二百五十二条の十四第一項の規定により市町村の委託を受けて審査判定業務（第二十七条から第三十五条まで及び前条の規定により認定審査会が行う業務をいう。以下この条において同じ。）を行う都道府県に、当該審査判定業務を行わせるため、都道府県介護認定審査会を置く。

(2) Pursuant to the provisions of Article 252-14, paragraph (1) of the Local Autonomy Act, a Prefectural Certification Committee of Needed Long-Term Care is to be established by entrustment from a Municipality, in order for the prefecture to perform examinations and judgments (operations that a Certification Committee performs pursuant to the provisions of Article 27 to Article 35 and the preceding Article; the same shall apply hereinafter in this Article).

3 第十五条及び第十七条の規定は、前項の都道府県介護認定審査会について準用する。この場合において、第十五条中「市町村長（特別区にあつては、区長。以下同じ。）」とあるのは、「都道府県知事」と読み替えるものとする。

(3) The provisions of Article 15 and Article 17 apply mutatis mutandis to a Prefectural Certification Committee of Needed Long-Term Care as prescribed in the preceding paragraph. In this case, the phrase "mayor of a Municipality ("ward mayor" for special city wards; the same applies hereinafter)" in Article 15 is deemed to be replaced with "prefectural governor."

4 審査判定業務を都道府県に委託した市町村について第二十七条（第二十八条第四項、第二十九条第二項、第三十条第二項、第三十一条第二項及び第三十二条第五項において準用する場合を含む。）、第三十条、第三十二条（第三十三条第四項、第三十三条の二第二項、第三十三条の三第二項及び第三十四条第二項において準用する場合を含む。）、第三十三条の三及び第三十五条から前条までの規定を適用する場合においては、これらの規定中「認定審査会」とあるのは、「都道府県介護認定審査会」とする。

(4) With regard to a Municipality that entrusts examinations and judgments to a prefecture, in a case of applying the provisions of Article 27 (including a case applied mutatis mutandis pursuant to Article 28, paragraph (4), Article 29, paragraph (2), Article 30, paragraph (2), Article 31, paragraph (2) or Article 32,

paragraph (5)), Article 30, Article 32 (including a case applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (2), Article 33-3, paragraph (2), or Article 34, paragraph (2)), Article 33-3 or Article 35 to the preceding Article, the term "Certification Committee" is deemed to be replaced with "Prefectural Certification Committee of Needed Long-Term Care."

(厚生労働省令への委任)

(Delegation to Order of the Ministry of Health, Labour, and Welfare)

第三十九条 この節に定めるもののほか、要介護認定及び要支援認定の申請その他の手続に関し必要な事項は、厚生労働省令で定める。

Article 39 In addition to those matters provided by this Section, an application for Certification of Needed Long-Term Care and Certification of Needed Support, and other procedures necessary matters are specified by Order of the Ministry of Health, Labour, and Welfare.

第三節 介護給付

Section 3 Long-Term Care Benefits

(介護給付の種類)

(Types of Long-Term Care Benefits)

第四十条 介護給付は、次に掲げる保険給付とする。

Article 40 A Long-Term Care Benefit is to be any of the insurance benefits listed below:

一 居宅介護サービス費の支給

(i) payment of an Allowance for In-Home Long-Term Care Service;

二 特例居宅介護サービス費の支給

(ii) payment of an Exceptional Allowance for In-Home Long-Term Care Service;

三 地域密着型介護サービス費の支給

(iii) payment of an Allowance for Community-Based Long-Term Care Service;

四 特例地域密着型介護サービス費の支給

(iv) payment of an Exceptional Allowance for Community-Based Long-Term Care Service;

五 居宅介護福祉用具購入費の支給

(v) payment of an Allowance for Purchasing Equipment for In-Home Long-Term Care Covered by Public Aid;

六 居宅介護住宅改修費の支給

(vi) payment of an Allowance for Home Modification for In-Home Long-Term Care;

七 居宅介護サービス計画費の支給

(vii) payment of an Allowance for In-Home Long-Term Care Service Plan;

八 特例居宅介護サービス計画費の支給

(viii) payment of an Exceptional Allowance for an In-Home Long-Term Care Service Plan;

九 施設介護サービス費の支給

(ix) payment of an Allowance for Long-Term Care Facility Service;

十 特例施設介護サービス費の支給

(x) payment of an Exceptional Allowance for Long-Term Care Facility Service;

十一 高額介護サービス費の支給

(xi) payment of an Allowance for High-Cost Long-Term Care Service;

十二 特定入所者介護サービス費の支給

(xii) payment of an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility;

十三 特例特定入所者介護サービス費の支給

(xiii) payment of an Exceptional Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility.

(居宅介護サービス費の支給)

(Payment of an Allowance for In-Home Long-Term Care Service)

第四十一条 市町村は、要介護認定を受けた被保険者（以下「要介護被保険者」という。）のうち居宅において介護を受けるもの（以下「居宅要介護被保険者」という。）が、都道府県知事が指定する者（以下「指定居宅サービス事業者」という。）から当該指定に係る居宅サービス事業を行う事業所により行われる居宅サービス（以下「指定居宅サービス」という。）を受けたときは、当該居宅要介護被保険者に対し、当該指定居宅サービスに要した費用（特定福祉用具の購入に要した費用を除き、通所介護、通所リハビリテーション、短期入所生活介護、短期入所療養介護及び特定施設入居者生活介護に要した費用については、食事の提供に要する費用、滞在に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。以下この条において同じ。）について、居宅介護サービス費を支給する。ただし、当該居宅要介護被保険者が、第三十七条第一項の規定による指定を受けている場合において、当該指定に係る種類以外の居宅サービスを受けたときは、この限りでない。

Article 41 (1) A Municipality, when an Insured Person that receives long-term care at his or her home (herein referred to as "Insured In-Home Person Requiring Long-Term Care") among persons who have obtained a Certification of Needed Long-Term Care (herein referred to as "Insured Person Requiring Long-Term Care") receives from a person designated by prefectural governor (hereinafter referred to as "Designated In-Home Service Provider") an In-Home Service provided by an appointed provider that performs In-Home Service Business pertaining to said specification (herein referred to as "Designated In-Home Service"), pays an Allowance for In-Home Long-Term Care Service to said Insured In-Home Person Requiring Long-Term Care regarding expenses required for said Designated In-Home Service (except for expenses required for

purchase of Specified Equipment Covered by Public Aid, and excluding the expenses necessary to provide meals, residence, and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life with regard to the expenses required for Outpatient Day Long-Term Care, Outpatient Rehabilitation, a Short-Term Admission for Daily Life Long-Term Care, Short-Term Admission for Recuperation, and Daily Life Long-Term Care Admitted to a Specified Facility; the same applies hereinafter in this Act), however, provided that this provision does not apply to a case when said Insured In-Home Person Requiring Long-Term Care is specified pursuant to the provisions of Article 37, paragraph (1) and the Person receives In-Home Service other than the type pertaining to said specification.

2 居宅介護サービス費は、厚生労働省令で定めるところにより、市町村が必要と認める場合に限り、支給するものとする。

(2) An Allowance for In-Home Long-Term Care Service, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, are to be paid only when a Municipality determines that it is necessary.

3 指定居宅サービスを受けようとする居宅要介護被保険者は、厚生労働省令で定めるところにより、自己の選定する指定居宅サービス事業者について、被保険者証を提示して、当該指定居宅サービスを受けるものとする。

(3) An Insured In-Home Person Requiring Long-Term Care who intends to receive Designated In-Home Service pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare is to present a Certificate of Insured Person to the Designated In-Home Service Provider that said Insured Person selects and will receive said Designated In-Home Service.

4 居宅介護サービス費の額は、次の各号に掲げる居宅サービスの区分に応じ、当該各号に定める額とする。

(4) The amount of Allowance for In-Home Long-Term Care Service is to be the amount provided by each of the following items according to the category of In-Home Service listed in the said items:

一 訪問介護、訪問入浴介護、訪問看護、訪問リハビリテーション、居宅療養管理指導、通所介護、通所リハビリテーション及び福祉用具貸与これらの居宅サービスの種類ごとに、当該居宅サービスの種類に係る指定居宅サービスの内容、当該指定居宅サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定居宅サービスに要する平均的な費用（通所介護及び通所リハビリテーションに要する費用については、食事の提供に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定居宅サービスに要した費用の額を超えるときは、当該現に指定居宅サービスに要した費用の額とする。）の百分の九十に相当する額

(i) the amount equivalent to 90 percent of the expenses calculated based on the standards provided by the Minister of Health, Labour, and Welfare (the

actual expenses required for Designated In-Home Service in a case when the standard amount exceeds the actual expenses required for said Designated In-Home Service) by considering the average expenses required for said Designated In-Home Service calculated by considering the content of Designated In-Home Service pertaining to the type of said In-Home Service, the area where the provider that performs said Designated In-Home Service business is located, etc. (with regard to the expenses necessary for Outpatient Day Long-Term Care and Outpatient Rehabilitation, excluding the expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare), according to by the type of In-Home Service including Home-Visit Long-Term Care, Home-Visit Bathing Long-Term Care, Home-Visit Nursing, Home-Visit Rehabilitation, Guidance for Management of In-Home Medical Long-Term Care, Outpatient Day Long-Term Care, Outpatient Rehabilitation, and Rental Service of Equipment for Long-Term Care Covered by Public Aid;

二 短期入所生活介護、短期入所療養介護及び特定施設入居者生活介護これらの居宅サービスの種類ごとに、要介護状態区分、当該居宅サービスの種類に係る指定居宅サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定居宅サービスに要する平均的な費用（食事の提供に要する費用、滞在に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定居宅サービスに要した費用の額を超えるときは、当該現に指定居宅サービスに要した費用の額とする。）の百分の九十に相当する額

(ii) the amount equivalent to 90 percent of the expenses calculated based on the standards provided by the Minister of Health, Labour, and Welfare (the actual expenses required for Designated In-Home Service in a case when the standard amount exceeds the actual expenses required for said Designated In-Home Service) by considering the average expenses required for said Designated In-Home Service calculated by considering the Category of Needed Support Condition, , the area where the provider that performs said Designated In-Home Service Business pertaining to the type of said In-Home Service is located, etc. (excluding the expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare), according to by the type of In-Home Service including a Short-Term Admission for Daily Life Long-Term Care, Short-Term Admission for Recuperation, and Daily Life Long-Term Care Admitted to a Specified Facility.

5 厚生労働大臣は、前項各号の基準を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(5) The Minister of Health, Labour, and Welfare, when it intends to determine

the standards as prescribed in the items of the preceding paragraph, must hear the opinion of the Social Security Council in advance.

- 6 居宅要介護被保険者が指定居宅サービス事業者から指定居宅サービスを受けたとき（当該居宅要介護被保険者が第四十六条第四項の規定により指定居宅介護支援を受けることにつきあらかじめ市町村に届け出ている場合であって、当該指定居宅サービスが当該指定居宅介護支援の対象となっている場合その他の厚生労働省令で定める場合に限る。）は、市町村は、当該居宅要介護被保険者が当該指定居宅サービス事業者に支払うべき当該指定居宅サービスに要した費用について、居宅介護サービス費として当該居宅要介護被保険者に対し支給すべき額の限度において、当該居宅要介護被保険者に代わり、当該指定居宅サービス事業者を支払うことができる。

(6) When an Insured In-Home Person Requiring Long-Term Care is provided Designated In-Home Service (limited to a case when said Insured In-Home Person Requiring Long-Term Care has notified the Municipality to receive Designated In-Home Long-Term Care Support pursuant to the provisions of Article 46, paragraph (4) in advance, that said Designated In-Home Service is subject to said Designated In-Home Long-Term Care Support and other cases as determined by Order of the Ministry of Health, Labour, and Welfare) by a Designated In-Home Service Provider, the Municipality may pay expenses required for said Designated In-Home Service that said Insured In-Home Person Requiring Long-Term Care should pay to said Designated In-Home Service Provider on behalf of said Insured In-Home Person Requiring Long-Term Care to said Designated In-Home Service Provider within the specified limit of the amount that should be paid to said Insured In-Home Person Requiring Long-Term Care as Allowance for In-Home Long-Term Care Service.

- 7 前項の規定による支払があったときは、居宅要介護被保険者に対し居宅介護サービス費の支給があったものとみなす。

(7) When the payment pursuant to the provisions of the preceding paragraph is paid, it is to be deemed as an Allowance for In-Home Long-Term Care Service that has been paid to an Insured In-Home Person Requiring Long-Term Care.

- 8 指定居宅サービス事業者は、指定居宅サービスその他のサービスの提供に要した費用につき、その支払を受ける際、当該支払をした居宅要介護被保険者に対し、厚生労働省令で定めるところにより、領収証を交付しなければならない。

(8) A Designated In-Home Service Provider, when accepting payment of the expenses required for providing the Designated In-Home Service and other services, must deliver a receipt to the Insured In-Home Person Requiring Long-Term Care who made said payment, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

- 9 市町村は、指定居宅サービス事業者から居宅介護サービス費の請求があったときは、第四項各号の厚生労働大臣が定める基準及び第七十四条第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準（指定居宅サービスの取扱いに関する部分に限る。）に照らして審査した上、支払うものとする。

(9) A Municipality, when a Designated In-Home Service Provider requests an Allowance for In-Home Long-Term Care Service, is to pay said allowance after conducting an examination according to standards provided by the Minister of Health, Labour, and Welfare as prescribed in the each item of paragraph (4) and the standards of facilities and management of Designated In-Home Service Business as prescribed in Article 74, paragraph (2) (limited to the part regarding the handling of Designated In-Home Service).

1 0 市町村は、前項の規定による審査及び支払に関する事務を連合会に委託することができる。

(10) A Municipality may entrust an examination and payment affairs prescribed in the preceding paragraph to an Association.

1 1 前項の規定による委託を受けた連合会は、当該委託をした市町村の同意を得て、厚生労働省令で定めるところにより、当該委託を受けた事務の一部を、営利を目的としない法人であって厚生労働省令で定める要件に該当するものに委託することができる。

(11) An Association that undertakes entrustment pursuant to the provisions of the preceding paragraph, after obtaining the consent of the Municipality that delegated said entrustment and pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may entrust a part of the affairs that are under said entrustment to a not-for-profit juridical person that qualifies with requirements as determined by Order of the Ministry of Health, Labour, and Welfare.

1 2 前各項に規定するもののほか、居宅介護サービス費の支給及び指定居宅サービス事業者の居宅介護サービス費の請求に関して必要な事項は、厚生労働省令で定める。

(12) In addition to the provisions of the preceding paragraph, necessary matters for payment of an Allowance for In-Home Long-Term Care Service and a request for an Allowance for In-Home Long-Term Care Service by a Designated In-Home Service Provider are prescribed by Order of the Ministry of Health, Labour, and Welfare.

(特例居宅介護サービス費の支給)

(Payment of an Exceptional Allowance for In-Home Long-Term Care Service)

第四十二条 市町村は、次に掲げる場合には、居宅要介護被保険者に対し、特例居宅介護サービス費を支給する。

Article 42 (1) A Municipality pays an Exceptional Allowance for In-Home Long-Term Care Service to an Insured In-Home Person Requiring Long-Term Care in the following cases:

一 居宅要介護被保険者が、当該要介護認定の効力が生じた日前に、緊急その他やむを得ない理由により指定居宅サービスを受けた場合において、必要があると認めるとき。

(i) when a Municipality determines it necessary in a case when an Insured In-

Home Person Requiring Long-Term Care receives Designated In-Home Service prior to the date said Certification of Needed Long-Term Care becomes effective due to an emergency or other compelling reason;

二 居宅要介護被保険者が、指定居宅サービス以外の居宅サービス又はこれに相当するサービス（指定居宅サービスの事業に係る第七十四条第一項の厚生労働省令で定める基準及び同項の厚生労働省令で定める員数並びに同条第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準のうち、厚生労働省令で定めるものを満たすと認められる事業を行う事業所により行われるものに限る。次号において「基準該当居宅サービス」という。）を受けた場合において、必要があると認めるとき。

(ii) when a Municipality determines it necessary in a case when an Insured In-Home Person Requiring Long-Term Care receives In-Home Service other than Designated In-Home Service or service equivalent to said services (limited to those services provided by a provider that performs a business that is judged to satisfy standards as determined by Order of the Ministry of Health, Labour, and Welfare among the standards provided by the Ordinance of the Ministry of Health, Labour, and Welfare as set forth in Article 74, paragraph (1) pertaining to Designated In-Home Service Business, the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the same paragraph, and standards for equipment and the management of the Designated In-Home Service Business as prescribed in paragraph (2) of the same Article; herein referred to as "In-Home Service Applicable to Standards" in the following item);

三 指定居宅サービス及び基準該当居宅サービスの確保が著しく困難である離島その他の地域であって厚生労働大臣が定める基準に該当するものに住所を有する居宅要介護被保険者が、指定居宅サービス及び基準該当居宅サービス以外の居宅サービス又はこれに相当するサービスを受けた場合において、必要があると認めるとき。

(iii) when a Municipality determines it necessary in a case when an Insured In-Home Person Requiring Long-Term Care who is domiciled on an isolated island or other area where it is significantly difficult to secure Designated In-Home Service and In-Home Service Applicable to Standards and is in a location that qualifies with the standards as determined by the Minister of Health, Labour, and Welfare, receives In-Home Service other than Designated In-Home Service or In-Home Service Applicable to Standards, or services equivalent to those services;

四 その他政令で定めるとき。

(iv) when provided by a Cabinet Order.

2 特例居宅介護サービス費の額は、当該居宅サービス又はこれに相当するサービスについて前条第四項各号の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該居宅サービス又はこれに相当するサービスに要した費用（特定福祉用具の購入に要した費用を除き、通所介護、通所リハビリテーション、短期入所生活介護、

短期入所療養介護及び特定施設入居者生活介護並びにこれらに相当するサービスに要した費用については、食事の提供に要する費用、滞在に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。)の額を超えるときは、当該現に居宅サービス又はこれに相当するサービスに要した費用の額とする。)の百分の九十に相当する額を基準として、市町村が定める。

(2) The amount of Exceptional Allowance for In-Home Long-Term Care Service is to be specified by a Municipality with regard to said In-Home Service or services equivalent to said service based on an amount equivalent to 90 percent of the expenses calculated by standards determined by the Minister of Health, Labour, and Welfare as prescribed in each item of the preceding Article, paragraph (4) (but shall be the actual expenses required for said In-Home Service or service equivalent to said services when said calculated standard amount exceeds the actual expenses required for said In-Home Service or service equivalent to said services (except for purchases of Specified Equipment Covered by Public Aid; with regard to expenses necessary for Outpatient Day Long-Term Care, Outpatient Rehabilitation, Short-Term Admission for Daily Life Long-Term Care, Short-Term Admission for Recuperation, Daily Life Long-Term Care Admitted to a Specified Facility, excluding expenses necessary to provide meals, residence, other expenses, other expenses necessary for daily life as determined by Order of the Ministry of Health, Labour, and Welfare)).

3 市町村長は、特例居宅介護サービス費の支給に関して必要があると認めるときは、当該支給に係る居宅サービス若しくはこれに相当するサービスを担当する者若しくは担当した者（以下この項において「居宅サービス等を担当する者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該居宅サービス等を担当する者等の当該支給に係る事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

(3) A Municipality, when it determines the necessity for payment of an Exceptional Allowance for In-Home Long-Term Care Service, may order a person that has been in charge of the In-Home Service pertaining to said payment or equivalent service (herein referred to as "Person, etc., in Charge of In-Home Service, etc." in this paragraph) to report, submit, or present record books and documents, appear before, or direct its personnel to question the relevant person and enter the Business Office of the service provider of said Person, etc., in Charge of In-Home Service, etc., pertaining to said payment in order to inspect said equipment, record books and documents, and other items.

4 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections as prescribed in the preceding paragraph and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the

authority granted as prescribed in the preceding paragraph.

(地域密着型介護サービス費の支給)

(Payment of an Allowance for Community-Based Long-Term Care Service)

第四十二条の二 市町村は、要介護被保険者が、当該市町村の長が指定する者（以下「指定地域密着型サービス事業者」という。）から当該指定に係る地域密着型サービス事業を行う事業所により行われる地域密着型サービス（以下「指定地域密着型サービス」という。）を受けたときは、当該要介護被保険者に対し、当該指定地域密着型サービスに要した費用（認知症対応型通所介護、小規模多機能型居宅介護、認知症対応型共同生活介護、地域密着型特定施設入居者生活介護及び地域密着型介護老人福祉施設入所者生活介護に要した費用については、食事の提供に要する費用、居住に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。以下この条において同じ。）について、地域密着型介護サービス費を支給する。ただし、当該要介護被保険者が、第三十七条第一項の規定による指定を受けている場合において、当該指定に係る種類以外の地域密着型サービスを受けたときは、この限りでない。

Article 42-2 (1) A Municipality, when an Insured Person Requiring Long-Term Care received from a person designated by the mayor of said Municipality (herein referred to as "Designated Community-Based Service Provider") a Community-Based Service from a provider that performs Community-Based Service Business pertaining to said designation (herein referred to as "Designated Community-Based Service"), pays to said Insured Person Requiring Long-Term Care an Allowance for Community-Based Long-Term Care Service with regard to the expenses required for said Designated Community-Based Service (except for expenses necessary to provide meals, residence, and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life with regard to the expenses required for Outpatient Long-Term Care for a Dementia Patient, Multifunctional Long-Term Care in a Small Group Home, Communal Daily Long-Term Care for a Dementia Patient, Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility, and Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid; hereinafter the same applies in this Article), however, provided that this provision does not apply when said Insured Person Requiring Long-Term Care receives Community-Based Service other than the type pertaining to said designation in a case said Insured Person is issued a designation pursuant to the provisions of Article 37, paragraph (1).

2 地域密着型介護サービス費の額は、次の各号に掲げる地域密着型サービスの区分に応じ、当該各号に定める額とする。

(2) The amount of Allowance for Community-Based Long-Term Care Service is to be the amount provided by each item of following, according to the category of Community-Based Service listed in said item:

一 夜間対応型訪問介護及び認知症対応型通所介護 これらの地域密着型サービスの種類ごとに、当該地域密着型サービスの種類に係る指定地域密着型サービスの内容、当該指定地域密着型サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定地域密着型サービスに要する平均的な費用（認知症対応型通所介護に要する費用については、食事の提供に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定地域密着型サービスに要した費用の額を超えるときは、当該現に指定地域密着型サービスに要した費用の額とする。）の百分の九十に相当する額

(i) Home-Visit at Night for Long-Term Care and Outpatient Long-Term Care for a Dementia Patient: the amount equivalent to 90 percent of the expenses calculated based on the standards determined by the Minister of Health, Labour, and Welfare (the actual expenses required for said Designated Community-Based Service in a case such calculated amount exceeds the actual expenses required for said Designated Community-Based Service) by considering the average expenses required for said Designated Community-Based Service calculated by considering the content of the Designated Community-Based Service pertaining to the type of said Community-Based Service, the area where the provider that performs said Designated Community-Based Service Business is located, etc. (except for expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare with regard to the expenses necessary for Outpatient Long-Term Care for a Dementia Patient), according to by the type of Community-Based Service;

二 小規模多機能型居宅介護、認知症対応型共同生活介護、地域密着型特定施設入居者生活介護及び地域密着型介護老人福祉施設入所者生活介護 これらの地域密着型サービスの種類ごとに、要介護状態区分、当該地域密着型サービスの種類に係る指定地域密着型サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定地域密着型サービスに要する平均的な費用（食事の提供に要する費用、居住に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定地域密着型サービスに要した費用の額を超えるときは、当該現に指定地域密着型サービスに要した費用の額とする。）の百分の九十に相当する額

(ii) Multifunctional Long-Term Care in a Small Group Home, Communal Daily Long-Term Care for a Dementia Patient, Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility, and Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid: the amount equivalent to 90 percent of the expenses calculated based on standards determined by the Minister of Health, Labour, and Welfare (the actual expenses required for said Designated Community-Based Service in a case said standard amount

exceeds the actual expenses required for said Designated Community-Based Service) by considering the average expenses required for said Designated Community-Based Service calculated by considering the Category of Condition of Need for Long-Term Care and the area where the provider that performs said Designated Community-Based Service Business is located, etc. (excluding the expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare), according to the type of Community-Based Service.

3 厚生労働大臣は、前項各号の基準を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when providing standards for each item of the preceding paragraph, must hear the opinion of the Social Security Committee in advance.

4 市町村は、第二項各号の規定にかかわらず、同項各号に定める地域密着型介護サービス費の額に代えて、その額を超えない額を、当該市町村における地域密着型介護サービス費の額とすることができる。

(4) A Municipality, notwithstanding the provision of each item of paragraph (2), may determine the amount for the Allowance for Community-Based Long-Term Care Service in said Municipality, in lieu of the amount of Allowance for Community-Based Long-Term Care Service prescribed in the same paragraph and same item, the amount of which that does not exceed the amount of said Allowance for Community-Based Long-Term Care Service prescribed in the same paragraph and same item.

5 市町村は、前項の当該市町村における地域密着型介護サービス費の額を定めようとするときは、あらかじめ、当該市町村が行う介護保険の被保険者その他の関係者の意見を反映させ、及び学識経験を有する者の知見の活用を図るために必要な措置を講じなければならない。

(5) A Municipality, when it intends to determine the amount of Allowance for Community-Based Long-Term Care Service in said Municipality as prescribed in the preceding paragraph, shall reflect the opinions of Insured Persons of Long-Term Care Insurance undertaken by said Municipality and take necessary measures in order to promote the use of knowledge of persons with relevant knowledge and experience, in advance.

6 要介護被保険者が指定地域密着型サービス事業者から指定地域密着型サービスを受けたとき（当該要介護被保険者が第四十六条第四項の規定により指定居宅介護支援を受けることにつきあらかじめ市町村に届け出ている場合であって、当該指定地域密着型サービスが当該指定居宅介護支援の対象となっている場合その他の厚生労働省令で定める場合に限る。）は、市町村は、当該要介護被保険者が当該指定地域密着型サービス事業者に支払うべき当該指定地域密着型サービスに要した費用について、地域密着型介護サービス費として当該要介護被保険者に対し支給すべき額の限度において、

当該要介護被保険者に代わり、当該指定地域密着型サービス事業者に支払うことができる。

(6) When an Insured Person Requiring Long-Term Care receives Designated Community-Based Service from a Designated Community-Based Service Provider (limited to a case when said Insured Person Requiring Long-Term Care notifies the Municipality regarding the receiving of Designated In-Home Long-Term Care Support pursuant to the provisions of Article 46, paragraph (4) in advance, and a case when said Designated Community-Based Service is subject to said Designated In-Home Long-Term Care Support, or other cases as determined by Order of the Ministry of Health, Labour, and Welfare), the Municipality may pay the expenses required for said Designated Community-Based Service that are to be paid to said Designated Community-Based Service Provider by said Insured Person Requiring Long-Term Care on behalf of said Insured Person Requiring Long-Term Care within the limit of the amount to be paid to said Insured Person Requiring Long-Term Care as an Allowance for Community-Based Long-Term Care Service.

7 前項の規定による支払があったときは、要介護被保険者に対し地域密着型介護サービス費の支給があったものとみなす。

(7) When the payment as prescribed in the preceding paragraph is paid, it is to be deemed that an Allowance for Community-Based Long-Term Care Service is paid to Insured Person Requiring Long-Term Care.

8 市町村は、指定地域密着型サービス事業者から地域密着型介護サービス費の請求があったときは、第二項各号の厚生労働大臣が定める基準又は第四項の規定により市町村が定める額及び第七十八条の四第二項又は第四項に規定する指定地域密着型サービスの事業の設備及び運営に関する基準（指定地域密着型サービスの取扱いに関する部分に限る。）に照らして審査した上、支払うものとする。

(8) A Municipality, when a Designated Community-Based Service Provider requests payment for Allowance for Designated Community-Based Service, is to pay said amount after conducting an examination according to the amount specified by the Municipality pursuant to the provisions of the standards determined by the Minister of Health, Labour, and Welfare as set forth in each item of paragraph (2) and pursuant to the provision of paragraph (4), and according to the standards pertaining to facilities and management of Designated Community-Based Service Business as prescribed by Article 78-4, paragraph (2) or paragraph (4) (limited to the part regarding the handling of Designated Community-Based Service).

9 第四十一条第二項、第三項、第十項及び第十一項の規定は地域密着型介護サービス費の支給について、同条第八項の規定は指定地域密着型サービス事業者について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(9) The provisions of Article 41, paragraph (2), paragraph (3), paragraph (10), and paragraph (11) apply mutatis mutandis to the payment of an Allowance for

Designated Community-Based Service and the provisions of paragraph (8) of the same Article shall apply mutatis mutandis to a Designated Community-Based Service Provider. In this case, the necessary technical replacement of terms in these provisions specified by a Cabinet Order.

10 前各項に規定するもののほか、地域密着型介護サービス費の支給及び指定地域密着型サービス事業者の地域密着型介護サービス費の請求に関して必要な事項は、厚生労働省令で定める。

(10) In addition to the provisions as prescribed in each of the preceding items, necessary matters for payment of an Allowance for Designated Community-Based Service and a request by a Designated Community-Based Service Provider for an Allowance for Designated Community-Based Service is as determined by Order of the Ministry of Health, Labour, and Welfare.

(特例地域密着型介護サービス費の支給)

(Payment of an Exceptional Allowance for Community-Based Long-Term Care Service)

第四十二条の三 市町村は、次に掲げる場合には、要介護被保険者に対し、特例地域密着型介護サービス費を支給する。

Article 42-3 (1) A Municipality, in the following cases, pay an Exceptional Allowance for Community-Based Long-Term Care Service to an Insured Person Requiring Long-Term Care:

一 要介護被保険者が、当該要介護認定の効力が生じた日前に、緊急その他やむを得ない理由により指定地域密着型サービスを受けた場合において、必要があると認めるとき。

(i) when the Municipality determines it necessary in a case when an Insured Person Requiring Long-Term Care receives a Designated Community-Based Service prior to the date said Certification of Needed Long-Term Care becomes effective due to an emergency or other compelling reason;

二 指定地域密着型サービス（地域密着型介護老人福祉施設入所者生活介護を除く。以下この号において同じ。）の確保が著しく困難である離島その他の地域であって厚生労働大臣が定める基準に該当するものに住所を有する要介護被保険者が、指定地域密着型サービス以外の地域密着型サービス（地域密着型介護老人福祉施設入所者生活介護を除く。）又はこれに相当するサービスを受けた場合において、必要があると認めるとき。

(ii) when the Municipality determines it necessary in a case when an Insured Person Requiring Long-Term Care has a domicile on an isolated island or other area where it is significantly difficult to secure Designated Community-Based Service (except for Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid; the same applies hereinafter in this item) and in a location that qualifies with standards as determined by the Minister of Health, Labour,

and Welfare, and an Insured Person receives Community-Based Service other than Designated Community-Based Service (except for Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid) or an equivalent service to said services;

三 その他政令で定めるとき。

(iii) when provided by a Cabinet Order.

- 2 特例地域密着型介護サービス費の額は、当該地域密着型サービス又はこれに相当するサービスについて前条第二項各号の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該地域密着型サービス又はこれに相当するサービスに要した費用（認知症対応型通所介護、小規模多機能型居宅介護、認知症対応型共同生活介護、地域密着型特定施設入居者生活介護及び地域密着型介護老人福祉施設入所者生活介護並びにこれらに相当するサービスに要した費用については、食事の提供に要する費用、居住に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を超えるときは、当該現に地域密着型サービス又はこれに相当するサービスに要した費用の額とする。）の百分の九十に相当する額又は同条第四項の規定により市町村が定めた額を基準として、市町村が定める。

- (2) The amount of an Exceptional Allowance for Community-Based Long-Term Care Service shall be provided by a Municipality based on the amount equivalent to 90 percent of the expenses calculated by standards determined by the Minister of Health, Labour, and Welfare as prescribed for each item of the preceding Article, paragraph (2) regarding said Community-Based Service or equivalent service (except when said calculated standard amount exceeds the actual expenses required for said Community-Based Service or equivalent service (excluding the expenses necessary to provide meals, residence, and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life with regard to the expenses required for Outpatient Long-Term Care for a Dementia Patient, Multifunctional Long-Term Care in a Small Group Home, Communal Daily Long-Term Care for a Dementia Patient, Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility, Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid, and equivalent services), said amount is to be the actual expenses required for said Community-Based Service or equivalent service), or the amount specified by the Municipality pursuant to the provisions of paragraph (4) of the same Article.

- 3 市町村長は、特例地域密着型介護サービス費の支給に関して必要があると認めるときは、当該支給に係る地域密着型サービス若しくはこれに相当するサービスを担当する者若しくは担当した者（以下この項において「地域密着型サービス等を担当する者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該地域密着型サービス等を担当する者等の当該支給に係る事業所に立ち入り、その設備若しくは帳簿書

類その他の物件を検査させることができる。

(3) The mayor of a Municipality, when he or she determines the necessity of payment of an Exceptional Allowance for Community-Based Long-Term Care Service, orders a person that has been in charge of said Community-Based Service pertaining to said payment or in charge of an equivalent service (herein referred to as "Person, etc., in Charge of Community-Based Service, etc." in this paragraph) to report, submit or present record books and documents, appear, or direct its personnel to question the relevant person or enter the Business Office of the provider of said Person, etc., in Charge of Community-Based Service, etc., pertaining to said payment in order to inspect said equipment, record books and documents, and other items.

4 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions or inspections as prescribed in the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted as prescribed in the preceding paragraph.

(居宅介護サービス費等に係る支給限度額)

(Maximum Amount of Payment Pertaining to an Allowance for In-Home Long-Term Care Service)

第四十三条 居宅要介護被保険者が居宅サービス等区分（居宅サービス（これに相当するサービスを含む。以下この条において同じ。）及び地域密着型サービス（これに相当するサービスを含み、地域密着型介護老人福祉施設入所者生活介護を除く。以下この条において同じ。））について、その種類ごとの相互の代替性の有無等を勘案して厚生労働大臣が定める二以上の種類からなる区分をいう。以下同じ。）ごとに月を単位として厚生労働省令で定める期間において受けた一の居宅サービス等区分に係る居宅サービスにつき支給する居宅介護サービス費の額の総額及び特例居宅介護サービス費の額の総額並びに地域密着型サービスにつき支給する地域密着型介護サービス費の額の総額及び特例地域密着型介護サービス費の額の総額の合計額は、居宅介護サービス費等区分支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができない。

Article 43 (1) The total sum of allowances that are paid monthly for In-Home Service pertaining to one classification of In-Home Service, etc., that an Insured In-Home Person Requiring Long-Term Care during the period determined by Ordinance of Ministry of Health, Labour, and Welfare for each classification of In-Home Service, etc. (which means with regard to In-Home Service (including equivalent services; hereinafter the same applies in this Article) and Community-Based Service (including equivalent services except for Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid; the same applies hereinafter in this

Article) by categories of two or more types as determined by the Minister of Health, Labour, and Welfare, considering the inter-substitution by each type of category; the same applies hereinafter) may not exceed the amount equivalent to 90 percent of the amount calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the base amount of maximum payment for each category of Allowance for In-Home Long-Term Care Service, etc. The total sum of allowance is the total amount of Allowance for In-Home Long-Term Care Service or Exceptional Allowance for In-Home Long-Term Care Service, or the total amount of Allowance for Community-Based Long-Term Care Service to be paid for Community-Based Service or the total amount of Exceptional Allowance for Community-Based Long-Term Care Service.

2 前項の居宅介護サービス費等区分支給限度基準額は、居宅サービス等区分ごとに、同項に規定する厚生労働省令で定める期間における当該居宅サービス等区分に係る居宅サービス及び地域密着型サービスの要介護状態区分に応じた標準的な利用の態様、当該居宅サービス及び地域密着型サービスに係る第四十一条第四項各号及び第四十二条の二第二項各号の厚生労働大臣が定める基準等を勘案して厚生労働大臣が定める額とする。

(2) The base amount of maximum payment by classification of Allowance for In-Home Long-Term Care Service, etc., as prescribed in the preceding paragraph is to be an amount determined by the Minister of Health, Labour, and Welfare by classification of In-Home Service, etc., and by considering the standard use, according to the categories of Condition of Need for Long-Term Care, of In-Home Service pertaining to the category of said In-Home Service and Community-Based Service, etc., during the period as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the same paragraph, and standards, etc., provided by the Minister of Health, Labour, and Welfare as set forth in each item of Article 41, paragraph (4) and each item of Article 42-2, paragraph (2) pertaining to said In-Home Service and Community-Based Service.

3 市町村は、前項の規定にかかわらず、条例で定めるところにより、第一項の居宅介護サービス費等区分支給限度基準額に代えて、その額を超える額を、当該市町村における居宅介護サービス費等区分支給限度基準額とすることができる。

(3) A Municipality, notwithstanding the provisions of the preceding paragraph and pursuant to the provisions of a municipal ordinance, in lieu of the base amount of maximum payment for the categories of allowances for In-Home Long-Term Care, etc., as prescribed in paragraph (1), may determine an amount exceeding said base amount as the base amount of maximum payment for the categories of allowances for In-Home Long-Term Care, etc., in said Municipality.

4 市町村は、居宅要介護被保険者が居宅サービス及び地域密着型サービスの種類（居

宅サービス等区分に含まれるものであって厚生労働大臣が定めるものに限る。次項において同じ。)ごとに月を単位として厚生労働省令で定める期間において受けた一の種類の居宅サービスにつき支給する居宅介護サービス費の額の総額及び特例居宅介護サービス費の額の総額の合計額並びに一の種類の地域密着型サービスにつき支給する地域密着型介護サービス費の額の総額及び特例地域密着型介護サービス費の額の総額の合計額について、居宅介護サービス費等種類支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができないこととすることができる。

(4) A Municipality, with regard to the total sum of the total amount of allowances for In-Home Long-Term Care and exceptional allowances for In-Home Long-Term Care that are paid by each type of In-Home Service and the total amount of allowances for Community-Based Service and exceptional allowances for Community-Based Service that are paid by each type of Community-Based Service when said allowances are paid monthly to an Insured In-Home Person Requiring Long-Term Care by the type of In-Home Service and Community-Based Service (limited to those types that are included in categories of In-Home Service, etc., and that are determined by the Minister of Health, Labour, and Welfare) during the period as determined by Order of the Ministry of Health, Labour, and Welfare, may determine that said total sum may not exceed 90 percent of the calculated standard amount pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on base amount of maximum payment for the categories of allowances for In-Home Long-Term Care, etc.

5 前項の居宅介護サービス費等種類支給限度基準額は、居宅サービス及び地域密着型サービスの種類ごとに、同項に規定する厚生労働省令で定める期間における当該居宅サービス及び地域密着型サービスの要介護状態区分に応じた標準的な利用の態様、当該居宅サービス及び地域密着型サービスに係る第四十一条第四項各号及び第四十二条の二第二項各号の厚生労働大臣が定める基準等を勘案し、当該居宅サービス及び地域密着型サービスを含む居宅サービス等区分に係る第一項の居宅介護サービス費等区分支給限度基準額（第三項の規定に基づき条例を定めている市町村にあっては、当該条例による措置が講じられた額とする。）の範囲内において、市町村が条例で定める額とする。

(5) The base amount of maximum payment for the categories of allowances for In-Home Long-Term Care, etc., as set forth in the preceding paragraph is to be the amount specified by a municipal ordinance within the limit of the base amount of maximum payment for the categories of allowances for In-Home Long-Term Care, etc., prescribed in paragraph (1) pertaining to the categories of In-Home Service, etc., including said In-Home Service and Community-Based Service (with regard to the Municipality that provides a municipal ordinance pursuant to the provisions of paragraph (3), the base amount is to be the amount for which measures pursuant to the provisions of said municipal

ordinance are undertaken) by considering each type of In-Home Service and Community-Based Service for its standard use according to the categories of Condition of Need for Long-Term Care of said In-Home Service and Community-Based Service during the period as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the preceding paragraph and of standards, etc., provided by the Minister of Health, Labour, and Welfare as set forth in each item of Article 41, paragraph (4) and each item of Article 42-2, paragraph (2) pertaining to said In-Home Service and Community-Based Service.

6 居宅介護サービス費若しくは特例居宅介護サービス費又は地域密着型介護サービス費若しくは特例地域密着型介護サービス費を支給することにより第一項に規定する合計額が同項に規定する百分の九十に相当する額を超える場合又は第四項に規定する合計額が同項に規定する百分の九十に相当する額を超える場合における当該居宅介護サービス費若しくは特例居宅介護サービス費又は地域密着型介護サービス費若しくは特例地域密着型介護サービス費の額は、第四十一条第四項各号若しくは第四十二条第二項又は第四十二条の二第二項各号若しくは第四項若しくは前条第二項の規定にかかわらず、政令で定めるところにより算定した額とする。

(6) In a case when the total sum as prescribed in paragraph (1) exceeds the amount equivalent to 90 percent of the calculated amount as prescribed in the same paragraph for payment of allowances for In-Home Long-Term Care, Exceptional Allowance for In-Home Long-Term Care Service, Allowance for Community-Based Long-Term Care Service, or Exceptional Allowance for Community-Based Long-Term Care Service, or in a case when the total sum as prescribed in paragraph (4) exceeds the amount equivalent to 90 percent of the calculated amount as prescribed in the same paragraph, the amount of allowances of said In-Home Long-Term Care, Exceptional Allowance for In-Home Long-Term Care Service, Allowance for Community-Based Long-Term Care Service, or Exceptional Allowance for Community-Based Long-Term Care Service is to be the amount calculated pursuant to the provisions of a Cabinet Order, notwithstanding the provisions of each item of Article 41, paragraph (4), Article 42, paragraph (2), each item of Article 42-2, paragraph (2) or paragraph (4), or paragraph (2) of the preceding Article.

(居宅介護福祉用具購入費の支給)

(Payment of an Allowance for Purchasing Equipment for In-Home Long-Term Care Covered by Public Aid)

第四十四条 市町村は、居宅要介護被保険者が、特定福祉用具販売に係る指定居宅サービス事業者から当該指定に係る居宅サービス事業を行う事業所において販売される特定福祉用具を購入したときは、当該居宅要介護被保険者に対し、居宅介護福祉用具購入費を支給する。

Article 44 (1) A Municipality, when an Insured In-Home Person Requiring Long-

Term Care purchases from a Designated In-Home Service Provider pertaining to the Sale of Specified Equipment Covered by Public Aid an article of the Specified Equipment Covered by Public Aid that is sold by a provider that performs an In-Home Service pertaining to said designation, pays to said Insured In-Home Person Requiring Long-Term Care an Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid.

2 居宅介護福祉用具購入費は、厚生労働省令で定めるところにより、市町村が必要と認める場合に限り、支給するものとする。

(2) An Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid is to be paid pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare and limited to when the Municipality determines it necessary.

3 居宅介護福祉用具購入費の額は、現に当該特定福祉用具の購入に要した費用の額の百分の九十に相当する額とする。

(3) The amount of Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid is to be the amount equivalent to 90 percent of the actual expenses required for the purchase of said Specified Equipment Covered by Public Aid.

4 居宅要介護被保険者が月を単位として厚生労働省令で定める期間において購入した特定福祉用具につき支給する居宅介護福祉用具購入費の額の総額は、居宅介護福祉用具購入費支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができない。

(4) The total Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid that is paid monthly for Specified Equipment Covered by Public Aid purchased by an Insured In-Home Person Requiring Long-Term Care during the period as determined by Order of the Ministry of Health, Labour, and Welfare may not exceed the amount equivalent to 90 percent of the amount calculated pursuant to the provision of Order of the Ministry of Health, Labour, and Welfare based on the base amount of maximum payment for Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid.

5 前項の居宅介護福祉用具購入費支給限度基準額は、同項に規定する厚生労働省令で定める期間における特定福祉用具の購入に通常要する費用を勘案して厚生労働大臣が定める額とする。

(5) The base amount of maximum payment for Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid as prescribed in the preceding paragraph is to be an amount provided by the Minister of Health, Labour, and Welfare as prescribed in the same paragraph after considering the average expenses required for the purchase of said Specified Equipment Covered by Public Aid during the period as determined by Order of the Ministry of Health, Labour, and Welfare.

6 市町村は、前項の規定にかかわらず、条例で定めるところにより、第四項の居宅介護福祉用具購入費支給限度基準額に代えて、その額を超える額を、当該市町村における居宅介護福祉用具購入費支給限度基準額とすることができる。

(6) A Municipality, notwithstanding the provisions of the preceding paragraph, in lieu of the base amount of maximum payment for Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid as set forth in paragraph (4), may determine an amount that exceeds said base amount as the base amount of maximum payment for Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid in said Municipality.

7 居宅介護福祉用具購入費を支給することにより第四項に規定する総額が同項に規定する百分の九十に相当する額を超える場合における当該居宅介護福祉用具購入費の額は、第三項の規定にかかわらず、政令で定めるところにより算定した額とする。

(7) In a case when the total sum as prescribed in paragraph (4) exceeds the amount equivalent to 90 percent of the calculated amount as prescribed in the same paragraph for payment of an Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid, the amount of said Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid is to be the amount calculated pursuant to the provisions of a Cabinet Order, notwithstanding the provision of paragraph (3).

(居宅介護住宅改修費の支給)

(Payment of an Allowance for Home Modification for In-Home Long-Term Care)

第四十五条 市町村は、居宅要介護被保険者が、手すりの取付けその他の厚生労働大臣が定める種類の住宅の改修（以下「住宅改修」という。）を行ったときは、当該居宅要介護被保険者に対し、居宅介護住宅改修費を支給する。

Article 45 (1) A Municipality, when an Insured In-Home Person Requiring Long-Term Care implements a type of modification determined by the Minister of Health, Labour, and Welfare, such as installing handrails or other fixtures (herein referred to as "Home Modification"), pays an Allowance for Home Modification for In-Home Long-Term Care to said Insured In-Home Person Requiring Long-Term Care.

2 居宅介護住宅改修費は、厚生労働省令で定めるところにより、市町村が必要と認める場合に限り、支給するものとする。

(2) An Allowance for Home Modification for In-Home Long-Term Care is to be paid pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare limited to a case when the Municipality determines it necessary.

3 居宅介護住宅改修費の額は、現に当該住宅改修に要した費用の額の百分の九十に相当する額とする。

(3) The amount of Allowance for Home Modification for In-Home Long-Term Care is to be the amount equivalent to 90 percent of the actual expenses required for said Home Modification.

- 4 居宅要介護被保険者が行った一の種類の住宅改修につき支給する居宅介護住宅改修費の額の総額は、居宅介護住宅改修費支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができない。
- (4) The total amount of Allowance for Home Modification for In-Home Long-Term Care that is paid for a single type of modifying house for in-home care undertaken by an Insured In-Home Person Requiring Long-Term Care may not exceed the amount equivalent to 90 percent of the amount calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the base amount of maximum payment for Allowance for Home Modification for In-Home Long-Term Care.
- 5 前項の居宅介護住宅改修費支給限度基準額は、住宅改修の種類ごとに、通常要する費用を勘案して厚生労働大臣が定める額とする。
- (5) The base amount of maximum payment for Allowance for Home Modification for In-Home Long-Term Care as prescribed in the preceding paragraph is to be the amount specified by the Minister of Health, Labour, and Welfare by type of Home Modification after considering the average expenses required.
- 6 市町村は、前項の規定にかかわらず、条例で定めるところにより、第四項の居宅介護住宅改修費支給限度基準額に代えて、その額を超える額を、当該市町村における居宅介護住宅改修費支給限度基準額とすることができる。
- (6) A Municipality, notwithstanding the provision of the preceding paragraph, pursuant to the provisions of a municipal ordinance, and in lieu of the base amount of maximum payment for Allowance for Home Modification for In-Home Long-Term Care as set forth in paragraph (4), may determine an amount that exceeds said base amount as the base amount of maximum payment for Allowance for Home Modification for In-Home Long-Term Care in said Municipality.
- 7 居宅介護住宅改修費を支給することにより第四項に規定する総額が同項に規定する百分の九十に相当する額を超える場合における当該居宅介護住宅改修費の額は、第三項の規定にかかわらず、政令で定めるところにより算定した額とする。
- (7) In a case when the total amount as prescribed in paragraph (4) exceeds the amount equivalent to 90 percent of the calculated amount as prescribed in the same paragraph due to payment of said Allowance for Home Modification for In-Home Long-Term Care, the amount of said Allowance for Home Modification for In-Home Long-Term Care is to be the amount calculated pursuant to the provisions of a Cabinet Order, notwithstanding the provision of paragraph (3).
- 8 市町村長は、居宅介護住宅改修費の支給に関して必要があると認めるときは、当該支給に係る住宅改修を行う者若しくは住宅改修を行った者（以下この項において「住宅改修を行う者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該住宅改修を行う者等の当該支給に係る事業所に立ち入り、その帳簿書類その他の物件を検査させることができる。

(8) A Municipality, when it determines the necessity for payment of an Allowance for Home Modification for In-Home Long-Term Care, may order a person that implements or implemented the Home Modification pertaining to said payment (herein referred to as "Person, etc., that Implements the Home Modification" in this paragraph) to report, submit or present record books and documents, appear, or direct its personnel to question said relevant Person or enter the Business Office of the provider of said Person, etc., that Implements the Home Modification in order to inspect said books, documents, and other items.

9 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(9) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections as prescribed in the preceding paragraph and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted as prescribed in the preceding paragraph.

(居宅介護サービス計画費の支給)

(Payment of an Allowance for In-Home Long-Term Care Service Plan)

第四十六条 市町村は、居宅要介護被保険者が、都道府県知事が指定する者（以下「指定居宅介護支援事業者」という。）から当該指定に係る居宅介護支援事業を行う事業所により行われる居宅介護支援（以下「指定居宅介護支援」という。）を受けたときは、当該居宅要介護被保険者に対し、当該指定居宅介護支援に要した費用について、居宅介護サービス計画費を支給する。

Article 46 (1) A Municipality, when an Insured In-Home Person Requiring Long-Term Care receives Designated In-Home Long-Term Care Support from a person designated by the prefectural governor (herein referred to as "Designated In-Home Long-Term Care Support Provider") provided by the provider that performs a Designated In-Home Long-Term Care Support Business pertaining to said designation (herein referred to as "Designated In-Home Long-Term Care Support"), may pay to said Insured In-Home Person Requiring Long-Term Care the Allowance for In-Home Long-Term Care Service Plan for the expenses required for said Designated In-Home Long-Term Care Support.

2 居宅介護サービス計画費の額は、指定居宅介護支援の事業を行う事業所の所在する地域等を勘案して算定される指定居宅介護支援に要する平均的な費用の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定居宅介護支援に要した費用の額を超えるときは、当該現に指定居宅介護支援に要した費用の額とする。）とする。

(2) The amount of Allowance for In-Home Long-Term Care Service Plan is to be the amount of expenses calculated by standards as prescribed by the Minister of Health, Labour, and Welfare after considering the average expenses necessary for the Designated In-Home Long-Term Care Support, calculated

after considering the area, etc., where the provider that performs the Designated In-Home Long-Term Care Support Business is located (in a case when said calculated amount exceeds the actual expenses necessary for the Designated In-Home Long-Term Care Support, the amount of Allowance for In-Home Long-Term Care Service Plan is to be the actual expenses necessary for said Designated In-Home Long-Term Care Support.)

3 厚生労働大臣は、前項の基準を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when intending to specify standards as prescribed in the preceding paragraph, must hear the opinions of the Social Security Council in advance.

4 居宅要介護被保険者が指定居宅介護支援事業者から指定居宅介護支援を受けたとき（当該居宅要介護被保険者が、厚生労働省令で定めるところにより、当該指定居宅介護支援を受けることにつきあらかじめ市町村に届け出ている場合に限る。）は、市町村は、当該居宅要介護被保険者が当該指定居宅介護支援事業者に支払うべき当該指定居宅介護支援に要した費用について、居宅介護サービス計画費として当該居宅要介護被保険者に対し支給すべき額の限度において、当該居宅要介護被保険者に代わり、当該指定居宅介護支援事業者に支払うことができる。

(4) When an Insured In-Home Person Requiring Long-Term Care receives Designated In-Home Long-Term Care Support from a Designated In-Home Long-Term Care Support Provider (limited to a case when said Insured In-Home Person Requiring Long-Term Care has notified the Municipality in advance to receive said Designated In-Home Long-Term Care Support pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare), the Municipality may pay to said Designated In-Home Long-Term Care Support Provider on behalf of said Insured In-Home Person Requiring Long-Term Care the expenses required for said Designated In-Home Long-Term Care Support that said Insured In-Home Person Requiring Long-Term Care should pay to said Designated In-Home Long-Term Care Support Provider.

5 前項の規定による支払があったときは、居宅要介護被保険者に対し居宅介護サービス計画費の支給があったものとみなす。

(5) When the payment pursuant to the provisions of the preceding paragraph is paid, it is to be deemed that an Allowance for In-Home Long-Term Care Service Plan is paid to the Insured In-Home Person Requiring Long-Term Care.

6 市町村は、指定居宅介護支援事業者から居宅介護サービス計画費の請求があったときは、第二項の厚生労働大臣が定める基準及び第八十一条第二項に規定する指定居宅介護支援の事業の運営に関する基準（指定居宅介護支援の取扱いに関する部分に限る。）に照らして審査した上、支払うものとする。

(6) A Municipality, when requested to pay an Allowance for In-Home Long-Term Care Service Plan by a Designated In-Home Long-Term Care Support Provider, conducts an examination according to standards provided by the Minister of

Health, Labour, and Welfare as set forth in the paragraph (2) and the standards of business management of a Designated In-Home Long-Term Care Support Provider as prescribed in Article 81, paragraph (2) (limited to the part regarding the handling of Designated In-Home Long-Term Care Support).

7 第四十一条第二項、第三項、第十項及び第十一項の規定は、居宅介護サービス計画費の支給について、同条第八項の規定は、指定居宅介護支援事業者について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(7) The provisions of Article 41, paragraph (2), paragraph (3), paragraph (10) and paragraph (11) apply mutatis mutandis to the payment of an Allowance for In-Home Long-Term Care Service Plan and the provisions of paragraph (8) of the same Article apply mutatis mutandis to the Designated In-Home Long-Term Care Support Provider. In this case, the necessary technical replacement of terms in these provisions is specified by a Cabinet Order.

8 前各項に規定するもののほか、居宅介護サービス計画費の支給及び指定居宅介護支援事業者の居宅介護サービス計画費の請求に関して必要な事項は、厚生労働省令で定める。

(8) In addition to the provisions of each preceding paragraph, other necessary matters for the payment of Allowance for In-Home Long-Term Care Service Plan and for requesting an Allowance for In-Home Long-Term Care Service Plan from a Designated In-Home Long-Term Care Support Provider are prescribed by Order of the Ministry of Health, Labour, and Welfare.

(特例居宅介護サービス計画費の支給)

(Payment of an Exceptional Allowance for In-Home Long-Term Care Service Plan)

第四十七条 市町村は、次に掲げる場合には、居宅要介護被保険者に対し、特例居宅介護サービス計画費を支給する。

Article 47 (1) A Municipality, in the following cases, pay an Allowance for an Exceptional Allowance for In-Home Long-Term Care Service Plan to an Insured In-Home Person Requiring Long-Term Care:

一 居宅要介護被保険者が、指定居宅介護支援以外の居宅介護支援又はこれに相当するサービス（指定居宅介護支援の事業に係る第八十一条第一項の厚生労働省令で定める員数及び同条第二項に規定する指定居宅介護支援の事業の運営に関する基準のうち、厚生労働省令で定めるものを満たすと認められる事業を行う事業所により行われるものに限る。次号において「基準該当居宅介護支援」という。）を受けた場合において、必要があると認めるとき。

(i) when the Municipality determines it necessary in a case when an Insured In-Home Person Requiring Long-Term Care receives In-Home Long-Term Care Support other than Designated In-Home Long-Term Care Support or an equivalent service (limited to those services provided by a provider performing business that is determined to satisfy the standards as

determined by Order of the Ministry of Health, Labour, and Welfare among the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 81, paragraph (1) pertaining to Designated In-Home Long-Term Care Support Business and the standards of management of a Designated In-Home Long-Term Care Support Business as prescribed in paragraph (2) of the same Article; hereinafter referred to as "In-Home Long-Term Care Support Applicable to Standards" in the following item);

二 指定居宅介護支援及び基準該当居宅介護支援の確保が著しく困難である離島その他の地域であって厚生労働大臣が定める基準に該当するものに住所を有する居宅要介護被保険者が、指定居宅介護支援及び基準該当居宅介護支援以外の居宅介護支援又はこれに相当するサービスを受けた場合において、必要があると認めるとき。

(ii) when the Municipality determines it necessary in a case when an Insured In-Home Person Requiring Long-Term Care who is domiciled on an isolated island or other area where it is significantly difficult to secure Designated In-Home Long-Term Care Support or In-Home Long-Term Care Support Applicable to Standards and in a location that qualifies pursuant to standards as determined by the Minister of Health, Labour, and Welfare receives In-Home Long-Term Care other than Designated In-Home Long-Term Care Support and Designated In-Home Long-Term Care Support that qualifies with standards or service equivalent to those services;

三 その他政令で定めるとき。

(iii) when provided by a Cabinet Order.

2 特例居宅介護サービス計画費の額は、当該居宅介護支援又はこれに相当するサービスについて前条第二項の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該居宅介護支援又はこれに相当するサービスに要した費用の額を超えるときは、当該現に居宅介護支援又はこれに相当するサービスに要した費用の額とする。）を基準として、市町村が定める。

(2) The amount of Allowance for an Exceptional Allowance for In-Home Long-Term Care Service Plan is specified by the Municipality based on the expenses calculated by standards determined by the Minister of Health, Labour, and Welfare as set forth in paragraph (2) of the preceding Article for said Designated In-Home Long-Term Care Support or equivalent service (in a case said calculated amount exceeds the amount of actual expenses of said Designated In-Home Long-Term Care Support or equivalent service, the base amount is to be the actual expenses required for said Designated In-Home Long-Term Care Support or equivalent service).

3 市町村長は、特例居宅介護サービス計画費の支給に関して必要があると認めるときは、当該支給に係る居宅介護支援若しくはこれに相当するサービスを担当する者若しくは担当した者（以下この項において「居宅介護支援等を担当する者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又

は当該職員に関係者に対して質問させ、若しくは当該居宅介護支援等を担当する者等の当該支給に係る事業所に立ち入り、その帳簿書類その他の物件を検査させることができる。

(3) A Municipality, when it determines the necessity for payment of an Exceptional Allowance for In-Home Long-Term Care Service Plan, may order a person that has been in charge of the Designated In-Home Long-Term Care Support pertaining to said payment or equivalent service (herein referred to as "Person, etc., in Charge of Designated In-Home Long-Term Care Support" in this paragraph) to report, submit, or present record books and documents, appear, or direct its personnel to question the relevant person and to enter the Business Office of the provider of said Person, etc., in Charge of Designated In-Home Long-Term Care Support pertaining to said payment in order to inspect said books, documents, and other items.

4 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(施設介護サービス費の支給)

(Payment of an Allowance for Long-Term Care Facility Service)

第四十八条 市町村は、要介護被保険者が、次に掲げる施設サービス（以下「指定施設サービス等」という。）を受けたときは、当該要介護被保険者に対し、当該指定施設サービス等に要した費用（食事の提供に要する費用、居住に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。以下この条において同じ。）について、施設介護サービス費を支給する。ただし、当該要介護被保険者が、第三十七条第一項の規定による指定を受けている場合において、当該指定に係る種類以外の施設サービスを受けたときは、この限りでない。

Article 48 (1) A Municipality, when an Insured Person Requiring Long-Term Care receives the following Facility Service (herein referred to as "Designated Facility Service, etc."), pays to said Insured Person Requiring Long-Term Care an Allowance for Long-Term Care Facility Service of the expenses required for said Designated Facility Service, etc. (excluding the expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare; the same applies in this Article), however, provided that this provision does not apply to a case that said Insured Person Requiring Long-Term Care who is designated pursuant to the provisions of Article 37, paragraph (1), received Facility Service other than the type pertaining to said designation:

一 都道府県知事が指定する介護老人福祉施設（以下「指定介護老人福祉施設」という。）により行われる介護福祉施設サービス（以下「指定介護福祉施設サービス」という。）

(i) Facility Service for Long-Term Care Covered by Public Aid (herein referred to as "Designated Facility Service for Long-Term Care Covered by Public Aid") provided by a Facility Covered by Public Aid Providing Long-Term Care to the Elderly that is designated by said prefectural governor (herein referred to as "Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly");

二 介護保健施設サービス

(ii) Long-Term Care Health Facility Service;

三 都道府県知事が指定する介護療養型医療施設（以下「指定介護療養型医療施設」という。）により行われる介護療養施設サービス（以下「指定介護療養施設サービス」という。）

(iii) Sanatorium Long-Term Care Service (herein referred to as "Designated Sanatorium Service for Long-Term Care") provided by a Sanatorium Medical Facility for the Elderly Requiring Long-Term Care that is designated as such by the prefectural governor (herein referred to as "Designated Medical Long-Term Care Sanatorium").

2 施設介護サービス費の額は、施設サービスの種類ごとに、要介護状態区分、当該施設サービスの種類に係る指定施設サービス等を行う介護保険施設の所在する地域等を勘案して算定される当該指定施設サービス等に要する平均的な費用（食事の提供に要する費用、居住に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定施設サービス等に要した費用の額を超えるときは、当該現に指定施設サービス等に要した費用の額とする。）の百分の九十に相当する額とする。

(2) The amount of allowance for Long-Term Care Facility Service is to be 90 percent of the amount of expenses calculated by type of Facility Service with standards as prescribed by the Minister of Health, Labour, and Welfare after considering the average expenses (excluding the expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare; the same applies hereinafter in this Article) necessary for the Designated Facility Service, etc., that are calculated by considering the categories of Condition of Need for Long-Term Care, the area where the Facility Covered by Long-Term Care Insurance that provides the Designated Facility Service, etc., pertaining to the type of said Facility Service is located, etc. (in a case when said calculated amount exceeds the actual expenses necessary for the Designated Facility Service, etc., the amount of Allowance for Long-Term Care Facility Service is to be the actual expenses necessary for said Designated Facility Service, etc.).

3 厚生労働大臣は、前項の基準を定めようとするときは、あらかじめ社会保障審議会

の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when intending to specify standards as prescribed in the preceding paragraph, must hear the opinion of the Social Security Council in advance.

4 要介護被保険者が、介護保険施設から指定施設サービス等を受けたときは、市町村は、当該要介護被保険者が当該介護保険施設に支払うべき当該指定施設サービス等に要した費用について、施設介護サービス費として当該要介護被保険者に支給すべき額の限度において、当該要介護被保険者に代わり、当該介護保険施設に支払うことができる。

(4) When an Insured Person Requiring Long-Term Care receives Designated Facility Service, etc., from a Facility Covered by Long-Term Care Insurance, the Municipality may pay to said Facility Covered by Long-Term Care Insurance on behalf of said Insured In-Home Person Requiring Long-Term Care the expenses required for said Designated Facility Service, etc., that said Insured Person Requiring Long-Term Care should pay to said Facility Covered by Long-Term Care Insurance as an Allowance for Long-Term Care Facility Service within the maximum amount to be paid to said Facility Providing Insured Health Benefits of Long-Term Care.

5 前項の規定による支払があったときは、要介護被保険者に対し施設介護サービス費の支給があったものとみなす。

(5) When a payment pursuant to the provisions of the preceding paragraph is paid, it is to be deemed that an Allowance for Long-Term Care Facility Service is paid to said Insured Person Requiring Long-Term Care.

6 市町村は、介護保険施設から施設介護サービス費の請求があったときは、第二項の厚生労働大臣が定める基準及び第八十八条第二項に規定する指定介護老人福祉施設の設備及び運営に関する基準（指定介護福祉施設サービスの取扱いに関する部分に限る。）、第九十七条第三項に規定する介護老人保健施設の設備及び運営に関する基準（介護保健施設サービスの取扱いに関する部分に限る。）又は第百十条第二項に規定する指定介護療養型医療施設の設備及び運営に関する基準（指定介護療養施設サービスの取扱いに関する部分に限る。）に照らして審査した上、支払うものとする。

(6) A Municipality, when a Facility Covered by Long-Term Care Insurance requests an Allowance for Long-Term Care Facility Service, pays said allowance after conducting an examination according to the standards determined by the Minister of Health, Labour, and Welfare as set forth in paragraph (2), the standards concerning facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly as prescribed in Article 88, paragraph (2) (limited to the part concerning the handling of Designated Facility Service for Long-Term Care Covered by Public Aid), the standards concerning facilities and management of a Long-Term Care Health Facility as prescribed in Article 97, paragraph (3) (limited to the part concerning the handling of a Long-Term Care Health

Facility Service), and standards concerning facilities and management of a Designated Medical Long-Term Care Sanatorium as prescribed in Article 110, paragraph (2) (limited to the part concerning the handling of a Designated Sanatorium Service for Long-Term Care).

7 第四十一条第二項、第三項、第十項及び第十一項の規定は、施設介護サービス費の支給について、同条第八項の規定は、介護保険施設について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(7) The provisions of Article 41, paragraph (2), paragraph (3), paragraph (10), and paragraph (11) apply mutatis mutandis to payment of an Allowance for Long-Term Care Facility Service, and the provisions of paragraph (8) of the same Article apply mutatis mutandis to a Facility Covered by Long-Term Care Insurance. In this case, the necessary technical replacement of terms in these provisions is provided by a Cabinet Order.

8 前各項に規定するもののほか、施設介護サービス費の支給及び介護保険施設の施設介護サービス費の請求に関して必要な事項は、厚生労働省令で定める。

(8) In addition to the provisions as prescribed in the preceding paragraph, other necessary matters for payment of an Allowance for Long-Term Care Facility Service and a request for an Allowance for Long-Term Care Facility Service of a Facility Covered by Long-Term Care Insurance are determined by Order of the Ministry of Health, Labour, and Welfare.

(特例施設介護サービス費の支給)

(Payment of an Exceptional Allowance for Long-Term Care Facility Service)

第四十九条 市町村は、次に掲げる場合には、要介護被保険者に対し、特例施設介護サービス費を支給する。

Article 49 (1) A Municipality, in the following cases, pay to an Insured Person Requiring Long-Term Care an Exceptional Allowance for Long-Term Care Facility Service:

一 要介護被保険者が、当該要介護認定の効力が生じた日前に、緊急その他やむを得ない理由により指定施設サービス等を受けた場合において、必要があると認めるとき。

(i) when the Municipality determines it necessary in a case when an Insured Person Requiring Long-Term Care receives Designated Facility Service, etc., prior to the date said Certification of Needed Long-Term Care becomes effective due to an emergency or other compelling reason;

二 その他政令で定めるとき。

(ii) when provided by a Cabinet Order.

2 特例施設介護サービス費の額は、当該施設サービスについて前条第二項の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該施設サービスに要した費用（食事の提供に要する費用、居住に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を超えるときは、当該現に施設サービ

スに要した費用の額とする。)の百分の九十に相当する額を基準として、市町村が定める。

(2) The amount of Exceptional Allowance for Long-Term Care Facility Service is to be specified by the Municipality based on 90 percent of the amount equivalent to the expenses calculated with regard to said Facility Service according to the standards as prescribed by the Minister of Health, Labour, and Welfare (in a case when said calculated expenses exceed the actual expenses required for said Facility Service (excluding the expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare), the base amount is to be the actual expenses required for said Facility Service).

3 市町村長は、特例施設介護サービス費の支給に関して必要があると認めるときは、当該支給に係る施設サービスを担当する者若しくは担当した者（以下この項において「施設サービスを担当する者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該施設サービスを担当する者等の当該支給に係る施設に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

(3) The mayor of a Municipality, when he or she determines the necessity for payment of an Exceptional Allowance for Long-Term Care Facility Service, may order a person that has been in charge of the Facility Service pertaining to said payment or equivalent service (herein referred to as "Person, etc., in Charge of Facility Service" in this paragraph) to report, submit or present record books and documents, appear, or direct its personnel to question the relevant person or enter the Business Office of the provider of said Person, etc., in Charge of Facility Service pertaining to said payment in order to inspect said equipment, books, documents, and other items.

4 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(居宅介護サービス費等の額の特例)

(Exceptions to the Amount of Allowance for In-Home Long-Term Care Service)

第五十条 市町村が、災害その他の厚生労働省令で定める特別の事情があることにより、居宅サービス（これに相当するサービスを含む。）、地域密着型サービス（これに相当するサービスを含む。）若しくは施設サービス又は住宅改修に必要な費用を負担することが困難であると認めた要介護被保険者が受ける次の各号に掲げる介護給付について当該各号に定める規定を適用する場合には、これらの規定中「百分の九

十」とあるのは、「百分の九十を超え百分の百以下の範囲内において市町村が定めた割合」とする。

Article 50 In a case when a Municipality applies the provisions as prescribed in the following items to a Long-Term Care Benefit as listed in said items received by an Insured Person Requiring Long-Term Care for whom it is deemed difficult to pay the necessary expenses for In-Home Service (including equivalent services), Community-Based Service (including equivalent services), Facility Service, or a Home Modification due to disaster or other special reason as determined by Order of the Ministry of Health, Labour, and Welfare, the term "90 percent" in the referenced provisions is deemed to be replaced with "the percentage determined by the Municipality within the range of more than 90 percent to 100 percent or less":

一 居宅介護サービス費の支給 第四十一条第四項第一号及び第二号並びに第四十三条第一項、第四項及び第六項

(i) payment of an Allowance for In-Home Long-Term Care Service: Article 41, paragraph (4) item (i) and item (ii), and Article 43, paragraph (1), paragraph (4) and paragraph (6);

二 特例居宅介護サービス費の支給 第四十二条第二項並びに第四十三条第一項、第四項及び第六項

(ii) payment of an Exceptional Allowance for In-Home Long-Term Care Service: Article 42, paragraph (2), Article 43, paragraph (1), paragraph (4) and paragraph (6);

三 地域密着型介護サービス費の支給 第四十二条の二第二項第一号及び第二号並びに第四十三条第一項、第四項及び第六項

(iii) payment of an Allowance for Community-Based Long-Term Care Service: Article 42-2, paragraph (2), item (i) and item (ii), and Article 43, paragraph (1), paragraph (4) and paragraph (6);

四 特例地域密着型介護サービス費の支給 第四十二条の三第二項並びに第四十三条第一項、第四項及び第六項

(iv) payment of an Exceptional Allowance for Community-Based Long-Term Care Service: Article 42-3, paragraph (2), and Article 43, paragraph (1), paragraph (4), and paragraph (6);

五 施設介護サービス費の支給 第四十八条第二項

(v) payment of an Allowance for Long-Term Care Facility Service: Article 48, paragraph (2);

六 特例施設介護サービス費の支給 前条第二項

(vi) payment of an Exceptional Allowance for Long-Term Care Facility Service: paragraph (2) of the preceding Article;

七 居宅介護福祉用具購入費の支給 第四十四条第三項、第四項及び第七項

(vii) payment of an Allowance for purchasing Equipment for In-Home Long-Term Care Covered by Public Aid: Article 44, paragraph (3), paragraph (4),

and paragraph (7);

八 居宅介護住宅改修費の支給 第四十五条第三項、第四項及び第七項
(viii) payment for Allowance for Home Modification for In-Home Long-Term
Care: Article 45, paragraph (3), paragraph (4), and paragraph (7).

(高額介護サービス費の支給)

(Payment of an Allowance for High-Cost Long-Term Care Service)

第五十一条 市町村は、要介護被保険者が受けた居宅サービス（これに相当するサービスを含む。）、地域密着型サービス（これに相当するサービスを含む。）又は施設サービスに要した費用の合計額として政令で定めるところにより算定した額から、当該費用につき支給された居宅介護サービス費、特例居宅介護サービス費、地域密着型介護サービス費、特例地域密着型介護サービス費、施設介護サービス費及び特例施設介護サービス費の合計額を控除して得た額が、著しく高額であるときは、当該要介護被保険者に対し、高額介護サービス費を支給する。

Article 51 (1) When the amount that is obtained by deducting the amount calculated pursuant to the provisions of a Cabinet Order as the total amount of expenses required for each of In-Home Service (including equivalent service), Community-Based Service (including equivalent service), or Facility Service that an Insured Person Requiring Long-Term Care receives as the total amount of allowances for In-Home Long-Term Care, Exceptional Allowance for In-Home Long-Term Care Service, Allowance for Community-Based Long-Term Care Service, Exceptional Allowance for Community-Based Long-Term Care Service, Allowance for Long-Term Care Facility Service, and Exceptional Allowance for Long-Term Care Facility Service from the expenses that are actually paid for said calculated expenses is extremely large, a Municipality pays an Allowance for High-Cost Long-Term Care Service to said Insured Person Requiring Long-Term Care.

2 前項に規定するもののほか、高額介護サービス費の支給要件、支給額その他高額介護サービス費の支給に関して必要な事項は、居宅サービス、地域密着型サービス又は施設サービスに必要な費用の負担の家計に与える影響を考慮して、政令で定める。

(2) In addition to the provisions as set forth in the preceding paragraph, requirements for payment of an Allowance for High-Cost Long-Term Care Service, the amount of said allowance, and other matters necessary for the payment of an Allowance for High-Cost Long-Term Care Service are provided by a Cabinet Order after considering the impact on said household budget due to the burden of the expenses necessary for In-Home Service, Community-Based Service, or Facility Service.

(特定入所者介護サービス費の支給)

(Payment of an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility)

第五十一条の二 市町村は、要介護被保険者のうち所得の状況その他の事情をしん酌して厚生労働省令で定めるものが、次に掲げる指定施設サービス等、指定地域密着型サービス又は指定居宅サービス（以下この条及び次条第一項において「特定介護サービス」という。）を受けたときは、当該要介護被保険者（以下この条及び次条第一項において「特定入所者」という。）に対し、当該特定介護サービスを行う介護保険施設、指定地域密着型サービス事業者又は指定居宅サービス事業者（以下この条において「特定介護保険施設等」という。）における食事の提供に要した費用及び居住又は滞在（以下「居住等」という。）に要した費用について、特定入所者介護サービス費を支給する。ただし、当該特定入所者が、第三十七条第一項の規定による指定を受けている場合において、当該指定に係る種類以外の特定介護サービスを受けたときは、この限りでない。

Article 51-2 (1) A Municipality, when a person as determined by Order of the Ministry of Health, Labour, and Welfare due to an extenuating income condition or other circumstances among those who are an Insured Person Requiring Long-Term Care, receives Designated Facility Service, etc., Designated Community-Based Service, or Designated In-Home Service (herein referred to as "Specified Long-Term Care Service" in this Article and the following Article, paragraph (1)) as listed below, pays to said Insured Person Requiring Long-Term Care (herein referred to as "Specified Person Admitted to a Facility" in this Article and the following Article, paragraph (1)) an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility for the expenses required to provide meals and residence or stay (hereinafter referred to as "Residence, etc.") at a Facility Covered by Long-Term Care Insurance, Designated Community-Based Service Provider, or Designated In-Home Service Provider that provides said Specified Long-Term Care Service (herein referred to as "Specified Facility, etc., for Insured Long-Term Care" in this Article), however, provided that this provision does not apply when said Specified Person Admitted to a Facility that is issued a designation pursuant to the provisions of Article 37, paragraph (1) receives Specified Long-Term Care Service other than the type pertaining to said designation:

一 指定介護福祉施設サービス

(i) Designated Facility Service for Long-Term Care Covered by Public Aid;

二 介護保健施設サービス

(ii) Long-Term Care Health Facility Service;

三 指定介護療養施設サービス

(iii) Designated Sanatorium Service for Long-Term Care;

四 地域密着型介護老人福祉施設入所者生活介護

(iv) Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid;

五 短期入所生活介護

(v) Short-Term Admission for Daily Life Long-Term Care;

六 短期入所療養介護

(vi) Short-Term Admission for Recuperation.

2 特定入所者介護サービス費の額は、第一号に規定する額及び第二号に規定する額の合計額とする。

(2) The amount of the Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility is to be the total sum of the amount as prescribed in item (i) and the amount as prescribed in item (ii) below:

一 特定介護保険施設等における食事の提供に要する平均的な費用の額を勘案して厚生労働大臣が定める費用の額（その額が現に当該食事の提供に要した費用の額を超えるときは、当該現に食事の提供に要した費用の額とする。以下この条及び次条第二項において「食費の基準費用額」という。）から、平均的な家計における食費の状況及び特定入所者の所得の状況その他の事情を勘案して厚生労働大臣が定める額（以下この条及び次条第二項において「食費の負担限度額」という。）を控除した額

(i) the amount after the amount determined by the Minister of Health, Labour, and Welfare after considering the status of food expenses for an average household budget, the income status of the Specified Person Admitted to a Facility, and other circumstances (hereinafter referred to as "Maximum Allowance for Meal Expense" in this Article and the following Article, paragraph (2)) is deducted from the amount of expenses determined by the Minister of Health, Labour, and Welfare after considering the average expenses required to provide meals at a Specified Facility, etc., for Insured Long-Term Care (in a case when said amount exceeds the actual expenses of providing said meals, the amount is the actual expenses of providing said meals; herein referred to as "Base Cost for Meal Expenses" in this Article and in the following Article, paragraph (2));

二 特定介護保険施設等における居住等に要する平均的な費用の額及び施設の状況その他の事情を勘案して厚生労働大臣が定める費用の額（その額が現に当該居住等に要した費用の額を超えるときは、当該現に居住等に要した費用の額とする。以下この条及び次条第二項において「居住費の基準費用額」という。）から、特定入所者の所得の状況その他の事情を勘案して厚生労働大臣が定める額（以下この条及び次条第二項において「居住費の負担限度額」という。）を控除した額

(ii) the amount after the amount provided by the Minister of Health, Labour, and Welfare after considering the income status of the Specified Person Admitted to a Facility and other circumstances (herein referred to as "Maximum Allowance for Residence Expenses") is deducted from the amount provided by the Minister of Health, Labour, and Welfare after considering the average expenses necessary for Residence, etc., at a Specified Facility, etc., for Insured Long-Term Care, the status of such facility, and other circumstances (in a case when such amount exceeds the actual expenses for

said Residence, etc., the amount is the actual expenses for said Residence, etc.; herein referred to as "Base Costs for Residence" in this Article and the following Article, paragraph (2)).

3 厚生労働大臣は、食費の基準費用額若しくは食費の負担限度額又は居住費の基準費用額若しくは居住費の負担限度額を定めた後に、特定介護保険施設等における食事の提供に要する費用又は居住等に要する費用の状況その他の事情が著しく変動したときは、速やかにそれらの額を改定しなければならない。

(3) When the expenses necessary of providing meals, Residence, etc., at a Specified Facility, etc., for Insured Long-Term Care, and other circumstances have changed significantly from the Base Cost for Meal Expense or Maximum Allowance for Meal Expense, or Base Costs for Residence or Maximum Allowance for Residence Expenses after the Minister of Health, Labour, and Welfare has issued a determination of these expenses, the Minister must revise those amounts immediately.

4 特定入所者が、特定介護保険施設等から特定介護サービスを受けたときは、市町村は、当該特定入所者が当該特定介護保険施設等に支払うべき食事の提供に要した費用及び居住等に要した費用について、特定入所者介護サービス費として当該特定入所者に対し支給すべき額の限度において、当該特定入所者に代わり、当該特定介護保険施設等に支払うことができる。

(4) When a Specified Person Admitted to a Facility receives Specified Long-Term Care Service from a Specified Facility, etc., for Insured Long-Term Care, a Municipality may pay the expenses required for providing meals and Residence, etc., that said Specified Person Admitted to a Facility should pay to said Specified Facility, etc., for Insured Long-Term Care, within the limit of the amount to be paid to said Specified Person Admitted to a Facility as an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility on behalf of said Specified Person Admitted to a Facility to said Specified Facility, etc., for Insured Long-Term Care

5 前項の規定による支払があったときは、特定入所者に対し特定入所者介護サービス費の支給があったものとみなす。

(5) When the payment pursuant to the provisions of the preceding paragraph is paid, it is to be deemed that an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility is paid to the Specified Person Admitted to a Facility.

6 市町村は、第一項の規定にかかわらず、特定入所者が特定介護保険施設等に対し、食事の提供に要する費用又は居住等に要する費用として、食費の基準費用額又は居住費の基準費用額（前項の規定により特定入所者介護サービス費の支給があったものとみなされた特定入所者にあつては、食費の負担限度額又は居住費の負担限度額）を超える金額を支払った場合には、特定入所者介護サービス費を支給しない。

(6) A Municipality, notwithstanding the provisions of paragraph (1) in a case when a Specified Person Admitted to a Facility paid to a Specified Facility, etc.,

for Insured Long-Term Care, an amount exceeding the Base Cost for Meal Expense or the Base Costs for Residence (with regard to a Specified Person Admitted to a Facility, one who is deemed to be paid an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility pursuant to the provisions of the preceding paragraph, Maximum Allowance for Meal Expense, or Maximum Allowance for Residence Expenses) as the expenses necessary for providing meals or for Residence, etc., does not pay an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility.

7 市町村は、特定介護保険施設等から特定入所者介護サービス費の請求があったときは、第一項、第二項及び前項の定めに照らして審査の上、支払うものとする。

(7) A Municipality, when a Specified Facility, etc., for Insured Long-Term Care, requests an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility, pays said allowance after conducting an examination according to the provisions of paragraph (1), paragraph (2) and the preceding paragraph.

8 第四十一条第三項、第十項及び第十一項の規定は特定入所者介護サービス費の支給について、同条第八項の規定は特定介護保険施設等について準用する。この場合において、これらの規定に関し必要な技術的読替は、政令で定める。

(8) The provisions of Article 41, paragraph (3), paragraph (10), and paragraph (11) apply mutatis mutandis to the payment of an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility and the provisions of paragraph (8) of the same Article apply mutatis mutandis to a Specified Facility, etc., for Insured Long-Term Care in this case, the necessary technical replacement of terms in these provisions is provided by a Cabinet Order.

9 前各項に規定するもののほか、特定入所者介護サービス費の支給及び特定介護保険施設等の特定入所者介護サービス費の請求に関して必要な事項は、厚生労働省令で定める。

(9) In addition to the provisions as prescribed in the preceding paragraphs, the other necessary matters the payment of an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility and a request for an Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility by a Specified Facility, etc., for Insured Long-Term Care, are prescribed by Order of the Ministry of Health, Labour, and Welfare.

(特例特定入所者介護サービス費の支給)

(Payment of an Exceptional Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility)

第五十一条の三 市町村は、次に掲げる場合には、特定入所者に対し、特例特定入所者介護サービス費を支給する。

Article 51-3 (1) A Municipality, in the following cases, pay an Exceptional Allowance for Long-Term Care Service to a Person Admitted to a Specified

Facility to a Specified Person Admitted to a Facility:

一 特定入所者が、当該要介護認定の効力が生じた日前に、緊急その他やむを得ない理由により特定介護サービスを受けた場合において、必要があると認めるとき。

(i) when the Municipality determines it necessary in a case when a Specified Person Admitted to a Facility receives Specified Long-Term Care Service prior to the date said Certification of Needed Long-Term Care becomes effective due to an emergency or other compelling reason;

二 その他政令で定めるとき。

(ii) when provided by a Cabinet Order.

2 特例特定入所者介護サービス費の額は、当該食事の提供に要した費用について食費の基準費用額から食費の負担限度額を控除した額及び当該居住等に要した費用について居住費の基準費用額から居住費の負担限度額を控除した額の合計額を基準として、市町村が定める。

(2) The amount of an Exceptional Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility is established by a Municipality based on the total sum of the amounts remaining after the amount of Base Cost for Meal Expense is deducted from the Maximum Allowance for Meal Expense with regard to the expense required to provide said meal and the amount of Base Costs for Residence is deducted from the amount of Maximum Allowance for Residence Expenses with regard to the expense required for said Residence, etc..

第四節 予防給付

Section 4 Prevention Benefits

(予防給付の種類)

(Type of Prevention Benefits)

第五十二条 予防給付は、次に掲げる保険給付とする。

Article 52 A prevention benefit is to an insurance benefit listed in the following:

一 介護予防サービス費の支給

(i) payment of a Preventive Long-Term Care Service Allowance;

二 特例介護予防サービス費の支給

(ii) payment of an Exceptional Allowance for Preventive Service of Long-Term Care;

三 地域密着型介護予防サービス費の支給

(iii) payment of an Allowance for Community-Based Preventive Long-Term Care Service;

四 特例地域密着型介護予防サービス費の支給

(iv) payment of an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care;

五 介護予防福祉用具購入費の支給

(v) payment of an Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid;

六 介護予防住宅改修費の支給

(vi) payment of an Allowance for Preventive Long-Term Care Home Modification;

七 介護予防サービス計画費の支給

(vii) payment of an Allowance for Preventive Long-Term Care Service Plan;

八 特例介護予防サービス計画費の支給

(viii) payment of an Exceptional Allowance for a Preventive Service Plan of Long-term care;

九 高額介護予防サービス費の支給

(ix) payment of an Allowance for High-Cost Preventive Long-Term Care Service;

十 特定入所者介護予防サービス費の支給

(x) payment of an Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility;

十一 特例特定入所者介護予防サービス費の支給

(xi) payment of an Exceptional Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility.

(介護予防サービス費の支給)

(Payment of an Allowance for Preventive Long-Term Care Service)

第五十三条 市町村は、要支援認定を受けた被保険者のうち居宅において支援を受けるもの（以下「居宅要支援被保険者」という。）が、都道府県知事が指定する者（以下「指定介護予防サービス事業者」という。）から当該指定に係る介護予防サービス事業を行う事業所により行われる介護予防サービス（以下「指定介護予防サービス」という。）を受けたとき（当該居宅要支援被保険者が、第五十八条第四項の規定により同条第一項に規定する指定介護予防支援を受けることにつきあらかじめ市町村に届出ている場合であって、当該指定介護予防サービスが当該指定介護予防支援の対象となっているときその他の厚生労働省令で定めるときに限る。）は、当該居宅要支援被保険者に対し、当該指定介護予防サービスに要した費用（特定介護予防福祉用具の購入に要した費用を除き、介護予防通所介護、介護予防通所リハビリテーション、介護予防短期入所生活介護、介護予防短期入所療養介護及び介護予防特定施設入居者生活介護に要した費用については、食事の提供に要する費用、滞在に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。以下この条において同じ。）について、介護予防サービス費を支給する。ただし、当該居宅要支援被保険者が、第三十七条第一項の規定による指定を受けている場合において、当該指定に係る種類以外の介護予防サービスを受けたときは、この限りでない。

Article 53 (1) A Municipality, when a person that receives support in his or her home is an Insured Person that has been issued a Certification of Needed Support (herein referred to as "Insured In-Home Person Requiring Support")

receives from a person designated by a prefectural governor (herein referred to as "Designated Provider of a Preventive Service to Long-Term Care") a Preventive Service of Long-Term Care provided by a provider that performs Preventive Service of Long-Term Care Business pertaining to said designation (herein referred to as "Designated Preventive Service of Long-Term Care") (limited to a case when said Insured In-Home Person Requiring Support has notified a Municipality in advance pursuant to the provisions of Article 58, paragraph (4) concerning the receipt of a Designated Support for Prevention of Long-Term Care as prescribed in paragraph (1) of the same Article, when said Designated Preventive Service of Long-Term Care is subject to said Designated Support for Prevention of Long-Term Care or when provided by Order of the Ministry of Health, Labour, and Welfare), pays to said Insured In-Home Person Requiring Support an Allowance for Preventive Long-Term Care Service for the expenses required for said Designated Preventive Service of Long-Term Care (except for the expenses required to purchase Specified Equipment for Preventive Long-Term Care Covered by Public Aid, excluding the expenses necessary to provide meals, residence, and other necessary expenses for daily life as determined by Order of the Ministry of Health, Labour, and Welfare with regard to the expenses required for Outpatient Preventive Long-Term Care, Outpatient Rehabilitation for Preventive Long-Term Care, a Short-Term Admission for Daily Preventive Long-Term Care, and Short-Term Admission for Recuperation for Preventive Long-Term Care, Daily Preventive Long-Term Care Admitted to a Specified Facility), provided however, that this provision does not apply to a case when said Insured In-Home Person Requiring Support that has been designated pursuant to the provisions of Article 37, paragraph (1) receives Preventive Service of Long-Term Care other than the type pertaining to said designation.

2 介護予防サービス費の額は、次の各号に掲げる介護予防サービスの区分に応じ、当該各号に定める額とする。

(2) The amount of Allowance for Preventive Long-Term Care Service is to according to the categories of Preventive Service of Long-Term Care listed in each item of the following and the amount as prescribed in said items:

一 介護予防訪問介護、介護予防訪問入浴介護、介護予防訪問看護、介護予防訪問リハビリテーション、介護予防居宅療養管理指導、介護予防通所介護、介護予防通所リハビリテーション及び介護予防福祉用具貸与 これらの介護予防サービスの種類ごとに、当該介護予防サービスの種類に係る指定介護予防サービスの内容、当該指定介護予防サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定介護予防サービスに要する平均的な費用（介護予防通所介護及び介護予防通所リハビリテーションに要する費用については、食事の提供に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定介護予

防サービスに要した費用の額を超えるときは、当該現に指定介護予防サービスに要した費用の額とする。)の百分の九十に相当する額

(i) Home-Visit Service for Preventive Long-Term Care, Home-Visit Bathing Long-Term Care for Preventive Service of Long-Term Care, Home-Visit Nursing for Preventive Service of Long-Term Care, Home-Visit Rehabilitation Service for Preventive Long-Term Care, Management and Guidance for In-Home Medical Service for Preventive Long-Term Care, Outpatient Preventive Long-Term Care, Outpatient Rehabilitation for Preventive Long-Term Care, and Rental Service of Preventive Long-Term Care Covered by Public Aid Equipment: the amount equivalent to 90 percent of the amount calculated by the type of Preventive Service of Long-Term Care and after considering the average expenses necessary for said Designated Preventive Service of Long-Term Care that is calculated after considering the content of the Designated Preventive Service of Long-Term Care pertaining to the type of said Preventive Service of Long-Term Care, the area where the provider that performs said Designated Preventive Service of Long-Term Care Business is located, etc. (excluding the expenses necessary to provide meals and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life with regard to the expenses necessary for Outpatient Preventive Long-Term Care and Outpatient Rehabilitation for Preventive Long-Term Care), based on the standards provided by the Minister of Health, Labour, and Welfare (when said calculated amount exceeds the actual expenses required for said Designated Preventive Service of Long-Term Care, said amount is to the actual expenses that are required for said Designated Preventive Service of Long-Term Care);

二 介護予防短期入所生活介護、介護予防短期入所療養介護及び介護予防特定施設入居者生活介護 これらの介護予防サービスの種類ごとに、要支援状態区分、当該介護予防サービスの種類に係る指定介護予防サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定介護予防サービスに要する平均的な費用（食事の提供に要する費用、滞在に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定介護予防サービスに要した費用の額を超えるときは、当該現に指定介護予防サービスに要した費用の額とする。）の百分の九十に相当する額

(ii) Short-Term Admission for Daily Preventive Long-Term Care, Short-Term Admission for Recuperation for Preventive Long-Term Care, and Daily Preventive Long-Term Care Admitted to a Specified Facility: the amount equivalent to 90 percent of the amount calculated by the type of Preventive Service of Long-Term Care and after considering the average expenses necessary for said Designated Preventive Service of Long-Term Care that is

calculated after considering the categories of Needed Support Condition, the area where the provider that performs said Designated Preventive Service of Long-Term Care Business is located, etc., pertaining the type of said Preventive Service of Long-Term Care (excluding the expenses necessary to provide meals, residence, and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life), based on the standards provided by the Minister of Health, Labour, and Welfare (when said calculated amount exceeds the actual expenses required for said Designated Preventive Service of Long-Term Care, said amount is to the actual expenses required for said Designated Preventive Service of Long-Term Care).

3 厚生労働大臣は、前項各号の基準を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when it intends to determine the standards as prescribed in the items of the preceding paragraph, must hear the opinion of the Social Security Council in advance.

4 居宅要支援被保険者が指定介護予防サービス事業者から指定介護予防サービスを受けたときは、市町村は、当該居宅要支援被保険者が当該指定介護予防サービス事業者に支払うべき当該指定介護予防サービスに要した費用について、介護予防サービス費として当該居宅要支援被保険者に対し支給すべき額の限度において、当該居宅要支援被保険者に代わり、当該指定介護予防サービス事業者に支払うことができる。

(4) When an Insured In-Home Person Requiring Support receives Designated Preventive Service of Long-Term Care from a Designated Provider of a Preventive Service to Long-Term Care, a Municipality may pay the expenses required for said Designated Preventive Service of Long-Term Care that said Insured In-Home Person Requiring Support should pay to said Designated Provider of a Preventive Service to Long-Term Care to said Designated Provider of a Preventive Service to Long-Term Care on behalf of said Insured In-Home Person Requiring Support within the limit of the amount to be paid to said Insured In-Home Person Requiring Support as an Allowance for Preventive Long-Term Care Service.

5 前項の規定による支払があったときは、居宅要支援被保険者に対し介護予防サービス費の支給があったものとみなす。

(5) When the payment pursuant to the provisions of the preceding paragraph is paid, it is to be deemed that an Allowance for Preventive Long-Term Care Service is paid to said Insured In-Home Person Requiring Support.

6 市町村は、指定介護予防サービス事業者から介護予防サービス費の請求があったときは、第二項各号の厚生労働大臣が定める基準並びに第百十五条の四第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防サービスの事業の設備及び運営に関する基準（指定介護予防サービスの取扱いに関する部分に限る。）に照らして審査した上、支払うものとする。

(6) A Municipality, when a Designated Provider of a Preventive Service to Long-Term Care requests an Allowance for Preventive Long-Term Care Service, pays after conducting an examination according to standards provided by the Minister of Health, Labour, and Welfare as set forth in each item of paragraph (2), standards concerning effective support methods for prevention of long-term care pertaining to the Designated Preventive Service of Long-Term Care as prescribed in Article 115-4, paragraph (4), and standards concerning facilities and management of a Designated Preventive Service to Long-Term Care Business (limited to the part concerning the handling of Designated Preventive Service of Long-Term Care).

7 第四十一条第二項、第三項、第十項及び第十一項の規定は、介護予防サービス費の支給について、同条第八項の規定は、指定介護予防サービス事業者について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(7) The provisions of Article 41, paragraph (2), paragraph (3), paragraph (10), and paragraph (11) apply mutatis mutandis to payment of an Allowance for Preventive Long-Term Care Service and the provisions of paragraph (8) of the same Article apply mutatis mutandis to a Designated Provider of a Preventive Service to Long-Term Care. In this case, the necessary technical replacement of terms in these provisions is specified by a Cabinet Order.

8 前各項に規定するもののほか、介護予防サービス費の支給及び指定介護予防サービス事業者の介護予防サービス費の請求に関して必要な事項は、厚生労働省令で定める。

(8) In addition to those matters as prescribed in each of the preceding paragraphs, other necessary matters for payment of an Allowance for Preventive Long-Term Care Service and for the request of an Allowance for Preventive Long-Term Care Service by a Designated Provider of a Preventive Service to Long-Term Care are prescribed by Order of the Ministry of Health, Labour, and Welfare.

(特例介護予防サービス費の支給)

(Payment of an Exceptional Allowance for Preventive Service of Long-Term Care)

第五十四条 市町村は、次に掲げる場合には、居宅要支援被保険者に対し、特例介護予防サービス費を支給する。

Article 54 (1) A Municipality, in the following cases, pays an Exceptional Allowance for Preventive Service of Long-Term Care to an Insured In-Home Person Requiring Support:

一 居宅要支援被保険者が、当該要支援認定の効力が生じた日前に、緊急その他やむを得ない理由により指定介護予防サービスを受けた場合において、必要があると認めるとき。

(i) when a Municipality determines it necessary in a case when an Insured Person Requiring Support receives Designated Preventive Service of Long-

Term Care prior to the date said Certification of Needed Support becomes effective due to an emergency or other compelling reason;

二 居宅要支援被保険者が、指定介護予防サービス以外の介護予防サービス又はこれに相当するサービス（指定介護予防サービスの事業に係る第百十五条の四第一項の厚生労働省令で定める基準及び同項の厚生労働省令で定める員数並びに同条第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防サービスの事業の設備及び運営に関する基準のうち、厚生労働省令で定めるものを満たすと認められる事業を行う事業所により行われるものに限る。次号において「基準該当介護予防サービス」という。）を受けた場合において、必要があると認めるとき。

(ii) when a Municipality determines it necessary in a case when an Insured Person Requiring Support receives Preventive Service of Long-Term Care other than Designated Preventive Service of Long-Term Care or equivalent service (limited to those provided by a provider that performs business that has been determined to satisfy the standards for Preventive Service of Long-Term Care among standards provided by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-4, paragraph (1) pertaining to a Designated Provider of a Preventive Service to Long-Term Care and standards concerning the number of employees provided by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph that concern effective support methods for Prevention of Long-Term Care pertaining to a Designated Preventive Service of Long-Term Care as prescribed in paragraph (2) of the same Article and concerning facilities and management of Designated Preventive Service to Long-Term Care Business; herein referred to as "Preventive Long-Term Care Service Applicable to Standards" in the following item);

三 指定介護予防サービス及び基準該当介護予防サービスの確保が著しく困難である離島その他の地域であって厚生労働大臣が定める基準に該当するものに住所を有する居宅要支援被保険者が、指定介護予防サービス及び基準該当介護予防サービス以外の介護予防サービス又はこれに相当するサービスを受けた場合において、必要があると認めるとき。

(iii) when a Municipality determines it necessary in a case when an Insured In-Home Person Requiring Support who is domiciled on an isolated island or other location where it is significantly difficult to secure Designated Preventive Service of Long-Term Care and Preventive Long-Term Care Service Applicable to Standards and is in a location that is subject to standards as determined by Order of the Minister of Health, Labour, and Welfare receives Preventive Service of Long-Term Care other than Designated Preventive Service of Long-Term Care and Preventive Long-Term Care Service Applicable to Standards or equivalent services;

四 その他政令で定めるとき。

(iv) when provided by a Cabinet Order.

2 特例介護予防サービス費の額は、当該介護予防サービス又はこれに相当するサービスについて前条第二項各号の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該介護予防サービス又はこれに相当するサービスに要した費用（特定介護予防福祉用具の購入に要した費用を除き、介護予防通所介護、介護予防通所リハビリテーション、介護予防短期入所生活介護、介護予防短期入所療養介護及び介護予防特定施設入居者生活介護並びにこれらに相当するサービスに要した費用については、食事の提供に要する費用、滞在に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を超えるときは、当該現に介護予防サービス又はこれに相当するサービスに要した費用の額とする。）の百分の九十に相当する額を基準として、市町村が定める。

(2) The amount of Exceptional Allowance for Preventive Service of Long-Term Care is to be determined by a Municipality based on the amount equivalent to 90 percent of the amount of expenses calculated based on standards provided by the Minister of Health, Labour, and Welfare as set forth in each item of paragraph(2) of the preceding Article pertaining to said Preventive Service of Long-Term Care or equivalent service (when the calculated amount exceeds the actual expenses required for said Preventive Service of Long-Term Care or equivalent service (except for the expenses required to purchase Specified Equipment for Preventive Long-Term Care Covered by Public Aid and excluding the expenses necessary to provide meals, residence, and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life with regard to the expenses required for Outpatient Preventive Long-Term Care, Outpatient Rehabilitation for Preventive Long-Term Care, a Short-Term Admission for Daily Preventive Long-Term Care, Short-Term Admission for Recuperation for Preventive Long-Term Care and Daily Preventive Long-Term Care Admitted to a Specified Facility), said calculated amount is to be the actual expenses required for said Preventive Service of Long-Term Care or equivalent service).

3 市町村長は、特例介護予防サービス費の支給に関して必要があると認めるときは、当該支給に係る介護予防サービス若しくはこれに相当するサービスを担当する者若しくは担当した者（以下この項において「介護予防サービス等を担当する者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該介護予防サービス等を担当する者等の当該支給に係る事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

(3) The mayor of a Municipality, when he or she determines the necessity of payment of an Exceptional Allowance for Preventive Service of Long-Term Care, may order a person that has been in charge of the Preventive Service of Long-Term Care pertaining to said payment or equivalent service (herein referred to as "Person, etc., in Charge of Providing Preventive Long-Term Care

Service" in this paragraph) to report, submit, or present record books and documents, appear, or direct personnel to question the relevant Person or enter the Business Office of the provider of said Person, etc., in Charge of said Preventive Service of Long-Term Care pertaining to said payment in order to inspect said equipment, record books and documents, and other items.

4 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(地域密着型介護予防サービス費の支給)

(Payment of an Allowance for Community-Based Preventive Long-Term Care Service)

第五十四条の二 市町村は、居宅要支援被保険者が、当該市町村の長が指定する者（以下「指定地域密着型介護予防サービス事業者」という。）から当該指定に係る地域密着型介護予防サービス事業を行う事業所により行われる地域密着型介護予防サービス（以下「指定地域密着型介護予防サービス」という。）を受けたとき（当該居宅要支援被保険者が、第五十八条第四項の規定により同条第一項に規定する指定介護予防支援を受けることにつきあらかじめ市町村に届け出ている場合であって、当該指定地域密着型介護予防サービスが当該指定介護予防支援の対象となっているときその他の厚生労働省令で定めるときに限る。）は、当該居宅要支援被保険者に対し、当該指定地域密着型介護予防サービスに要した費用（食事の提供に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。以下この条において同じ。）について、地域密着型介護予防サービス費を支給する。ただし、当該居宅要支援被保険者が、第三十七条第一項の規定による指定を受けている場合において、当該指定に係る種類以外の地域密着型介護予防サービスを受けたときは、この限りでない。

Article 54-2 (1) A Municipality, when an Insured In-Home Person Requiring Support receives from a person designated by the mayor of said Municipality (herein referred to as "Designated Provider of Community-Based Preventive Service of Long-Term Care") the Community-Based Preventive Service of Long-Term Care (herein referred to as "Designated Community-Based Preventive Service of Long-Term Care") provided by a provider that performs Community-Based Preventive Long-Term Care Business pertaining to said designation (limited to a case said Insured In-Home Person Requiring Support has notified the Municipality pursuant to the provisions of Article 58, paragraph (4) to receive a Designated Support for Prevention of Long-Term Care as prescribed in paragraph (1) of the same Article when said Designated Community-Based Preventive Service of Long-Term Care is subject to said Designated Support for

Prevention of Long-Term Care and other matters as determined by Order of the Ministry of Health, Labour, and Welfare), pays to said Insured In-Home Person Requiring Support the Allowance for Community-Based Preventive Long-Term Care Service for the expenses required for said Community-Based Service for Preventive Long-Term Care (excluding the expenses necessary to provide meals and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life; the same applies hereinafter in this Article), however, provided that this provision does not apply to a case when said Insured In-Home Person Requiring Support that has been designated pursuant to the provisions of Article 37, paragraph (1), receives a Community-Based Service for Preventive Long-Term Care other than the type pertaining to said designation.

2 地域密着型介護予防サービス費の額は、次の各号に掲げる地域密着型介護予防サービスの区分に応じ、当該各号に定める額とする。

(2) The amount of Allowance for Community-Based Preventive Long-Term Care Service is to be according to the categories of Community-Based Service for Preventive Long-Term Care listed in the following items and the amount as prescribed in said item:

一 介護予防認知症対応型通所介護 介護予防認知症対応型通所介護に係る指定地域密着型介護予防サービスの内容、当該指定地域密着型介護予防サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定地域密着型介護予防サービスに要する平均的な費用（食事の提供に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定地域密着型介護予防サービスに要した費用の額を超えるときは、当該現に指定地域密着型介護予防サービスに要した費用の額とする。）の百分の九十に相当する額

(i) Preventive Long-Term Care for a Dementia Outpatient: the amount equivalent to 90 percent of the amount calculated after considering the amount of average expenses (excluding the expenses necessary to provide meals and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life) that is calculated after considering the content of the Designated Community-Based Preventive Service of Long-Term Care pertaining to Preventive Long-Term Care for a Dementia Outpatient, the area where the provider that performs said Designated Community-Based Preventive Service of Long-Term Care is located, etc., necessary for said Designated Community-Based Preventive Service of Long-Term Care based on the standards provided by the Minister of Health, Labour, and Welfare (when said calculated amount exceeds the actual amount required for said Designated Community-Based Preventive Service of Long-Term Care, the amount of allowance is to be the actual expenses required for said Designated Community-Based Preventive Service

of Long-Term Care);

二 介護予防小規模多機能型居宅介護及び介護予防認知症対応型共同生活介護 これらの地域密着型介護予防サービスの種類ごとに、要支援状態区分、当該地域密着型介護予防サービスの種類に係る指定地域密着型介護予防サービスの事業を行う事業所の所在する地域等を勘案して算定される当該指定地域密着型介護予防サービスに要する平均的な費用（食事の提供に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定地域密着型介護予防サービスに要した費用の額を超えるときは、当該現に指定地域密着型介護予防サービスに要した費用の額とする。）の百分の九十に相当する額

(ii) Multifunctional Preventive Long-Term Care in a Small Group Home, and Preventive Long-Term Care for a Dementia Patient in Communal Living: the amount equivalent to 90 percent of the amount calculated according to type of Community-Based Preventive Service of Long-Term Care, after considering the average expenses (excluding the expenses necessary to provide meals and other expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life) that is calculated after considering the categories of Needed Support Condition, the location of the provider that performs the Designated Community-Based Preventive Service of Long-Term Care Business pertaining to the type of said Community-Based Preventive Service of Long-Term Care, etc., necessary for said Community-Based Preventive Service of Long-Term Care, based on the standards provided by the Minister of Health, Labour, and Welfare (when said calculated amount exceeds the actual expense required for said Designated Community-Based Preventive Service of Long-Term Care, the allowance is to be the actual amount required for said Designated Community-Based Preventive Service of Long-Term Care).

3 厚生労働大臣は、前項各号の基準を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when it intends to provide standards as prescribed in each item of the preceding paragraph, hear opinions of Social Security Council in advance.

4 市町村は、第二項各号の規定にかかわらず、同項各号に定める地域密着型介護予防サービス費の額に代えて、その額を超えない額を、当該市町村における地域密着型介護予防サービス費の額とすることができる。

(4) A Municipality, notwithstanding the provisions of each item of paragraph (2), on behalf of the amount of Allowance for Community-Based Preventive Long-Term Care Service as prescribed in the same paragraph and same item, may determine that the amount for the allowance of Community-Based Preventive Service of Long-Term Care in said Municipality is an amount that does not exceed the calculated amount of Allowance for said Community-Based

Preventive Service of Long-Term Care.

- 5 市町村は、前項の当該市町村における地域密着型介護予防サービス費の額を定めようとするときは、あらかじめ、当該市町村が行う介護保険の被保険者その他の関係者の意見を反映させ、及び学識経験を有する者の知見の活用を図るために必要な措置を講じなければならない。
- (5) A Municipality, when it intends to determine the amount of Allowance for Community-Based Preventive Long-Term Care Service in said Municipality as prescribed in the preceding paragraph, must reflect the opinions of Insured Persons of Long-Term Care Insurance undertaken by said Municipality and other relevant persons, and take necessary measures in order to promote the use of knowledge of persons with relevant knowledge and experience, in advance.
- 6 居宅要支援被保険者が指定地域密着型介護予防サービス事業者から指定地域密着型介護予防サービスを受けたときは、市町村は、当該居宅要支援被保険者が当該指定地域密着型介護予防サービス事業者に支払うべき当該指定地域密着型介護予防サービスに要した費用について、地域密着型介護予防サービス費として当該居宅要支援被保険者に対し支給すべき額の限度において、当該居宅要支援被保険者に代わり、当該指定地域密着型介護予防サービス事業者に支払うことができる。
- (6) When an Insured In-Home Person Requiring Support receives Designated Preventive Service of Long-Term Care from a Designated Provider of Community-Based Preventive Service of Long-Term Care, a Municipality may pay the expense required for said Designated Preventive Service of Long-Term Care that said Insured In-Home Person Requiring Support should pay to said Designated Provider of a Preventive Service to Long-Term Care, to said Designated Provider of a Preventive Service to Long-Term Care on behalf of said Insured In-Home Person Requiring Support within the limit of the amount to be paid to said Insured In-Home Person Requiring Support as an Allowance for Preventive Long-Term Care Service.
- 7 前項の規定による支払があったときは、居宅要支援被保険者に対し地域密着型介護予防サービス費の支給があったものとみなす。
- (7) When the cost is paid pursuant to the provisions of the preceding paragraph, it is to be deemed that an Allowance for Community-Based Preventive Long-Term Care Service is paid to said Insured In-Home Person Requiring Support.
- 8 市町村は、指定地域密着型介護予防サービス事業者から地域密着型介護予防サービス費の請求があったときは、第二項各号の厚生労働大臣が定める基準又は第四項の規定により市町村が定める額並びに第百十五条の十三第二項又は第四項に規定する指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定地域密着型介護予防サービスの事業の設備及び運営に関する基準（指定地域密着型介護予防サービスの取扱いに関する部分に限る。）に照らして審査した上、支払うものとする。
- (8) A Municipality, when a Designated Provider of Community-Based Service for

Preventive Long-Term Care requests an Allowance for Community-Based Preventive Long-Term Care Service, pay said allowance after conducting an examination according to standards provided by the Minister of Health, Labour, and Welfare as set forth in each item of paragraph (2) or the amount determined by the Municipality pursuant to the provisions of paragraph (4), the standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Community-Based Preventive Service of Long-Term Care as prescribed in Article 115-13, paragraph (2) or paragraph (4), and standards concerning facilities and management of a Designated Community-Based Service for Preventive Long-Term Care Business (limited to the part concerning the handling of Designated Community-Based Preventive Service of Long-Term Care).

9 第四十一条第二項、第三項、第十項及び第十一項の規定は地域密着型介護予防サービス費の支給について、同条第八項の規定は指定地域密着型介護予防サービス事業者について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(9) The provisions of Article 41, paragraph (2), paragraph (3), paragraph (10) and paragraph (11) apply mutatis mutandis to the payment of an Allowance for Community-Based Preventive Long-Term Care Service and the provisions of paragraph (8) of the same Article apply mutatis mutandis to a Designated Service Provider of Community-Based Preventive Approach in Long-Term Care. In this case, the necessary technical replacement of terms in these provisions is provided by a Cabinet Order.

10 前各項に規定するもののほか、地域密着型介護予防サービス費の支給及び指定地域密着型介護予防サービス事業者の地域密着型介護予防サービス費の請求に関して必要な事項は、厚生労働省令で定める。

(10) In addition to the provisions as prescribed in the items of the preceding paragraph, other necessary matters payment of an Allowance for Community-Based Preventive Long-Term Care Service and for requests of Allowance for Community-Based Preventive Long-Term Care Service by a Designated Provider of Community-Based Service for Preventive Long-Term Care is to be provided by Order of the Ministry of Health, Labour, and Welfare.

(特例地域密着型介護予防サービス費の支給)

(Payment of an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care)

第五十四条の三 市町村は、次に掲げる場合には、居宅要支援被保険者に対し、特例地域密着型介護予防サービス費を支給する。

Article 54-3 (1) A Municipality, in the following cases, pay an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care to an Insured In-Home Person Requiring Support:

一 居宅要支援被保険者が、当該要支援認定の効力が生じた日前に、緊急その他やむを得ない理由により指定地域密着型介護予防サービスを受けた場合において、必要があると認めるとき。

(i) when a Municipality determines it necessary in a case when an Insured Person Requiring Support receives Designated Community-Based Preventive Service of Long-Term Care prior to the date said Certification of Needed Support becomes effective due to an emergency or other compelling reason;

二 指定地域密着型介護予防サービスの確保が著しく困難である離島その他の地域であつて厚生労働大臣が定める基準に該当するものに住所を有する居宅要支援被保険者が、指定地域密着型介護予防サービス以外の地域密着型介護予防サービス又はこれに相当するサービスを受けた場合において、必要があると認めるとき。

(ii) when a Municipality determines it necessary in a case when an Insured In-Home Person Requiring Support that is domiciled on an isolated island or other location where it is significantly difficult to secure Designated Community-Based Preventive Service of Long-Term Care and where it is defined by standards provided by an the Minister of Health, Labour, and Welfare, receives Community-Based Preventive Service of Long-Term Care other than Designated Community-Based Preventive Service of Long-Term Care or equivalent services;

三 その他政令で定めるとき。

(iii) when provided by a Cabinet Order.

2 特例地域密着型介護予防サービス費の額は、当該地域密着型介護予防サービス又はこれに相当するサービスについて前条第二項各号の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該地域密着型介護予防サービス又はこれに相当するサービスに要した費用（食事の提供に要する費用その他の日常生活に要する費用として厚生労働省令で定める費用を除く。）の額を超えるときは、当該現に地域密着型介護予防サービス又はこれに相当するサービスに要した費用の額とする。）の百分の九十に相当する額又は同条第四項の規定により市町村が定めた額を基準として、市町村が定める。

(2) The amount of an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care is to be provided by a Municipality based on the amount equivalent to 90 percent of the amount of expenses calculated, with regard to said Community-Based Preventive Service of Long-Term Care or equivalent service, based on standards provided by the Minister of Health, Labour, and Welfare as set forth in each item of paragraph (2) of the preceding Article (when said calculated amount exceeds the amount of actual expenses required for said Community-Based Preventive Service of Long-Term Care or equivalent service (excluding the expenses necessary to provide meals and other necessary expenses as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for daily life), the allowance is to be the actual amount of expenses required for said Community-Based Preventive

Service of Long-Term Care or equivalent service), or based on the amount provided by a Municipality pursuant to the provisions of paragraph (4) of the same Article.

3 市町村長は、特例地域密着型介護予防サービス費の支給に関して必要があると認めるときは、当該支給に係る地域密着型介護予防サービス若しくはこれに相当するサービスを担当する者若しくは担当した者（以下この項において「地域密着型介護予防サービス等を担当する者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該地域密着型介護予防サービス等を担当する者等の当該支給に係る事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

(3) The mayor of a Municipality, when he or she determines the necessary for payment of an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care, may order a person that has been in charge of the Community-Based Preventive Service of Long-Term Care pertaining to said payment or equivalent service (hereinafter referred to as "Person, etc., in Charge of Community-Based Preventive Long-Term Care, etc." in this paragraph) to report, submit or present record books and documents, appear, or direct its personnel to question the relevant person or enter the Business Office of the provider of said Person, etc., in Charge of said Community-Based Preventive Service of Long-Term Care pertaining to said payment in order to inspect said equipment, record books and documents, and other items.

4 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(介護予防サービス費等に係る支給限度額)

(Maximum Payment pertaining to an Allowance for Preventive Long-Term Care Service)

第五十五条 居宅要支援被保険者が介護予防サービス等区分（介護予防サービス（これに相当するサービスを含む。以下この条において同じ。）及び地域密着型介護予防サービス（これに相当するサービスを含む。以下この条において同じ。）について、その種類ごとの相互の代替性の有無等を勘案して厚生労働大臣が定める二以上の種類からなる区分をいう。以下この条において同じ。）ごとに月を単位として厚生労働省令で定める期間において受けた一の介護予防サービス等区分に係る介護予防サービスにつき支給する介護予防サービス費の額の総額及び特例介護予防サービス費の額の総額並びに地域密着型介護予防サービスにつき支給する地域密着型介護予防サービス費の額の総額及び特例地域密着型介護予防サービス費の額の総額の合計額は、介護予防サ

ービス費等区分支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができない。

Article 55 (1) Total sum of the total amounts of the Allowance for Preventive Long-Term Care Service and Exceptional Allowance for Preventive Service of Long-Term Care that are paid for Preventive Service of Long-Term Care, and the Allowance for Community-Based Preventive Long-Term Care Service and Exceptional Allowance for Community-Based Preventive Service of Long-Term Care that are paid for Designated Provider of Community-Based Service for Preventive Long-Term Care, as pertaining to a single category of Preventive Service of Long-Term Care, etc., that an In-Home Person Requiring Support receives monthly by category of Preventive Service of Long-Term Care, etc. (which means categories of two or more types as determined by the Minister of Health, Labour, and Welfare, with regard to Preventive Service of Long-Term Care (including equivalent services; the same applies hereinafter in this Article) and Community-Based Preventive Service of Long-Term Care (including equivalent services; the same applies hereinafter in this Article), after considering the inter-substitution by type; the same applies hereinafter in this Article) during the period provided by Order of the Ministry of Health, Labour, and Welfare, may not exceed the amount equivalent to 90 percent of the amount calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the base amount of maximum benefit for the payment categories of Preventive Service of Long-Term Care, etc.

2 前項の介護予防サービス費等区分支給限度基準額は、介護予防サービス等区分ごとに、同項に規定する厚生労働省令で定める期間における当該介護予防サービス等区分に係る介護予防サービス及び地域密着型介護予防サービスの要支援状態区分に応じた標準的な利用の態様、当該介護予防サービス及び地域密着型介護予防サービスに係る第五十三条第二項各号及び第五十四条の二第二項各号の厚生労働大臣が定める基準等を勘案して厚生労働大臣が定める額とする。

(2) The base amount of maximum benefit for the payment categories of Allowance for Preventive Long-Term Care Service, etc., as set forth in the preceding paragraph is to be the amount determined by the Minister of Health, Labour, and Welfare by category of Preventive Service of Long-Term Care, etc., after considering the types of standard use that are according to the categories of Needed Support Condition, of Preventive Service of Long-Term Care, and of Community-Based Preventive Service of Long-Term Care pertaining to the categories of said Preventive Service of Long-Term Care, etc., during the period as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the same paragraph, standards provided by the Minister of Health, Labour, and Welfare as set forth in each item of Article 53, paragraph (2) and each item of Article 54-2, paragraph (2) pertaining to said Preventive Service of Long-Term Care and Community-Based Preventive Service of Long-

Term Care.

3 市町村は、前項の規定にかかわらず、条例で定めるところにより、第一項の介護予防サービス費等区分支給限度基準額に代えて、その額を超える額を、当該市町村における介護予防サービス費等区分支給限度基準額とすることができる。

(3) A Municipality, notwithstanding the provisions of the preceding paragraph and pursuant to the provisions of a municipal ordinance, in lieu of the base amount of the maximum benefit by payment category of Preventive Service of Long-Term Care, etc., as set forth in paragraph (1), may determine that an amount exceeding said base amount as the base amount of maximum benefit by payment category of Preventive Service of Long-Term Care in said Municipality.

4 市町村は、居宅要支援被保険者が介護予防サービス及び地域密着型介護予防サービスの種類（介護予防サービス等区分に含まれるものであって厚生労働大臣が定めるものに限る。次項において同じ。）ごとに月を単位として厚生労働省令で定める期間において受けた一の種類の介護予防サービスにつき支給する介護予防サービス費の額の総額及び特例介護予防サービス費の額の総額の合計額並びに一の種類の地域密着型介護予防サービスにつき支給する地域密着型介護予防サービス費の額の総額及び特例地域密着型介護予防サービス費の額の総額の合計額について、介護予防サービス費等種類支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができないこととすることができる。

(4) A Municipality may stipulate that the total sum of the total amounts of Allowance for Preventive Long-Term Care Service and Exceptional Allowance for Preventive Service of Long-Term Care that are paid for single type of Preventive Service of Long-Term Care and the total amount of Allowance for Community-Based Preventive Long-Term Care Service and Exceptional Allowance for Community-Based Preventive Service of Long-Term Care that are paid for single type of Community-Based Preventive Service of Long-Term Care as allowances that were paid monthly to an In-Home Person Requiring Support by type of Preventive Service of Long-Term Care and Community-Based Preventive Service of Long-Term Care (limited to those types included in categories of Preventive Service of Long-Term Care, etc., and provided by the Minister of Health, Labour, and Welfare; the same applies in the following paragraph) during the period as determined by Order of the Ministry of Health, Labour, and Welfare may not exceed the amount equivalent to 90 percent of the amount calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the base amount of maximum benefit by payment type of Preventive Service of Long-Term Care, etc.

5 前項の介護予防サービス費等種類支給限度基準額は、介護予防サービス及び地域密着型介護予防サービスの種類ごとに、同項に規定する厚生労働省令で定める期間における当該介護予防サービス及び地域密着型介護予防サービスの要支援状態区分に応じた標準的な利用の態様、当該介護予防サービス及び地域密着型介護予防サービスに係

る第五十三条第二項各号及び第五十四条の二第二項各号の厚生労働大臣が定める基準等を勘案し、当該介護予防サービス及び地域密着型介護予防サービスを含む介護予防サービス等区分に係る第一項の介護予防サービス費等区分支給限度基準額（第三項の規定に基づき条例を定めている市町村にあっては、当該条例による措置が講じられた額とする。）の範囲内において、市町村が条例で定める額とする。

(5) The base amount of maximum benefit by payment type of Preventive Service of Long-Term Care, etc., as set forth in the preceding paragraph is to be the amount that a Municipality stipulates by ordinance, by type of Preventive Service of Long-Term Care and Community-Based Preventive Service of Long-Term Care, after considering the type of standard use that is according to each Category of Needed Support Condition, of said Preventive Service of Long-Term Care and Community-Based Preventive Service of Long-Term Care during the period as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the same paragraph, standards determined by the Minister of Health, Labour, and Welfare as set forth in each item of Article 53, paragraph (2) and each item of Article 54-2, paragraph (2) pertaining to said Preventive Service of Long-Term Care and Community-Based Preventive Service of Long-Term Care, etc., within the base amount of maximum benefit by payment category of Preventive Service of Long-Term Care, etc., as set forth in paragraph (1) pertaining to the categories of Preventive Service of Long-Term Care, etc., that include said Preventive Service of Long-Term Care and Community-Based Preventive Service of Long-Term Care (said base amount, with regard to the Municipality that provides Order pursuant to the provisions of paragraph (3), is to be the amount by which measures pursuant to the provisions of said municipal ordinance are undertaken).

6 介護予防サービス費若しくは特例介護予防サービス費又は地域密着型介護予防サービス費若しくは特例地域密着型介護予防サービス費を支給することにより第一項に規定する合計額が同項に規定する百分の九十に相当する額を超える場合又は第四項に規定する合計額が同項に規定する百分の九十に相当する額を超える場合における当該介護予防サービス費若しくは特例介護予防サービス費又は地域密着型介護予防サービス費若しくは特例地域密着型介護予防サービス費の額は、第五十三条第二項各号若しくは第五十四条第二項又は第五十四条の二第二項各号若しくは第四項若しくは前条第二項の規定にかかわらず、政令で定めるところにより算定した額とする。

(6) In a case when the total amount as prescribed in paragraph (1) exceeds the amount equivalent to 90 percent of the amount as prescribed in the same paragraph or when the total amount as prescribed in paragraph (4) exceeds the amount equivalent to 90 percent of the amount as prescribed in the same paragraph by payment of an Allowance for Preventive Long-Term Care Service or Exceptional Allowance for Preventive Service of Long-Term Care, or an Allowance for Community-Based Preventive Long-Term Care Service or an Exceptional Allowance for Community-Based Preventive Service of Long-Term

Care, the amount of said Allowance for Preventive Long-Term Care Service or Exceptional Allowance for Preventive Service of Long-Term Care, or Allowance for Community-Based Preventive Long-Term Care Service or Exceptional Allowance for Community-Based Preventive Service of Long-Term Care is to be the amount calculated pursuant to the provisions of a Cabinet Order, notwithstanding the provisions of each item of Article 53, paragraph (2), Article 54, paragraph (2), each item of Article 54-2, paragraph (2) or paragraph (4), or paragraph (2) of the preceding Article.

(介護予防福祉用具購入費の支給)

(Payment of an Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid)

第五十六条 市町村は、居宅要支援被保険者が、特定介護予防福祉用具販売に係る指定介護予防サービス事業者から当該指定に係る介護予防サービス事業を行う事業所において販売される特定介護予防福祉用具を購入したときは、当該居宅要支援被保険者に対し、介護予防福祉用具購入費を支給する。

Article 56 (1) A Municipality, when an Insured In-Home Person Requiring Support purchases from a Designated Provider of a Preventive Service to Long-Term Care pertaining to the Sale of Specified Equipment for Preventive Long-Term Care Covered by Public Aid, Specified Equipment for Preventive Long-Term Care Covered by Public Aid that is sold by a Provider that performs Preventive Service of Long-Term Care Business pertaining to said designation, pays an Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid to said Insured In-Home Person Requiring Support.

2 介護予防福祉用具購入費は、厚生労働省令で定めるところにより、市町村が必要と認める場合に限り、支給するものとする。

(2) An Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid is to be paid pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare only when a Municipality determines it necessary.

3 介護予防福祉用具購入費の額は、現に当該特定介護予防福祉用具の購入に要した費用の額の百分の九十に相当する額とする。

(3) The amount of Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid is to be the amount equivalent to 90 percent of the actual expenses required to purchase said Specified Equipment for Preventive Long-Term Care Covered by Public Aid.

4 居宅要支援被保険者が月を単位として厚生労働省令で定める期間において購入した特定介護予防福祉用具につき支給する介護予防福祉用具購入費の額の総額は、介護予防福祉用具購入費支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができない。

(4) The total amount of Allowance for Purchasing Equipment for Preventive

Long-Term Care Covered by Public Aid that is paid monthly for Specified Equipment for Preventive Long-Term Care Covered by Public Aid that an Insured In-Home Person Requiring Support purchases during the period as determined by Order of the Ministry of Health, Labour, and Welfare may not exceed the amount equivalent to 90 percent of the amount calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the base amount of maximum payment of the Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid .

5 前項の介護予防福祉用具購入費支給限度基準額は、同項に規定する厚生労働省令で定める期間における特定介護予防福祉用具の購入に通常要する費用を勘案して厚生労働大臣が定める額とする。

(5) The base amount of maximum payment of the Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid as set forth in the preceding paragraph is to be the amount determined by the Minister of Health, Labour, and Welfare after considering the expenses normally required to purchase Specified Equipment for Preventive Long-Term Care Covered by Public Aid during the period as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph.

6 市町村は、前項の規定にかかわらず、条例で定めるところにより、第四項の介護予防福祉用具購入費支給限度基準額に代えて、その額を超える額を、当該市町村における介護予防福祉用具購入費支給限度基準額とすることができる。

(6) A Municipality, notwithstanding the provisions of the preceding paragraph and pursuant to the provisions of a municipal ordinance, in lieu of the base amount of maximum payment of the Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid as set forth in paragraph (4), may stipulate an amount that exceeds said base amount as the base amount of maximum payment for the Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid in said Municipality.

7 介護予防福祉用具購入費を支給することにより第四項に規定する総額が同項に規定する百分の九十に相当する額を超える場合における当該介護予防福祉用具購入費の額は、第三項の規定にかかわらず、政令で定めるところにより算定した額とする。

(7) In a case when the total amount as prescribed in paragraph (4) exceeds the amount equivalent to 90 percent of the amount as prescribed in the same paragraph due to payment of an Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid , the amount of said Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid is to be the amount calculated pursuant to the provisions of a Cabinet Order, notwithstanding the provisions of paragraph (3).

(介護予防住宅改修費の支給)

(Payment of Allowance for Preventive Long-Term Care Home Modification)

第五十七条 市町村は、居宅要支援被保険者が、住宅改修を行ったときは、当該居宅要支援被保険者に対し、介護予防住宅改修費を支給する。

Article 57 (1) A Municipality, when an Insured In-Home Person Requiring Support modifies his or her home, pay Allowance for Preventive Long-Term Care Home Modification to said Insured In-Home Person Requiring Support.

2 介護予防住宅改修費は、厚生労働省令で定めるところにより、市町村が必要と認める場合に限り、支給するものとする。

(2) Allowance for Preventive Long-Term Care Home Modification, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, be paid only when a Municipality determines it necessary.

3 介護予防住宅改修費の額は、現に当該住宅改修に要した費用の額の百分の九十に相当する額とする。

(3) The amount of Allowance for Preventive Long-Term Care Home Modification are to be the amount equivalent to 90 percent of the actual expenses required for said Home Modification.

4 居宅要支援被保険者が行った一の種類の住宅改修につき支給する介護予防住宅改修費の額の総額は、介護予防住宅改修費支給限度基準額を基礎として、厚生労働省令で定めるところにより算定した額の百分の九十に相当する額を超えることができない。

(4) The total amount of Allowance for Preventive Long-Term Care Home Modification that should be paid for one type of Home Modification that an Insured In-Home Person Requiring Support undertakes may not exceed the amount equivalent to 90 percent of the amount calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the base amount of maximum payment as an Allowance for Preventive Long-Term Care Home Modification.

5 前項の介護予防住宅改修費支給限度基準額は、住宅改修の種類ごとに、通常要する費用を勘案して厚生労働大臣が定める額とする。

(5) The based amount of maximum payment as an Allowance for Preventive Long-Term Care Home Modification as set forth in the preceding paragraph is to be the amount determined by the Minister of Health, Labour, and Welfare by type of Home Modification care after considering the expenses normally required.

6 市町村は、前項の規定にかかわらず、条例で定めるところにより、第四項の介護予防住宅改修費支給限度基準額に代えて、その額を超える額を、当該市町村における介護予防住宅改修費支給限度基準額とすることができる。

(6) A Municipality, notwithstanding the provisions of the preceding paragraph and pursuant to the provisions of a municipal ordinance, in lieu of the base amount of maximum payment as an Allowance for Preventive Long-Term Care Home Modification as set forth in paragraph (4), may stipulate an amount that exceeds said base amount as the base amount of maximum payment as an Allowance for Preventive Long-Term Care Home Modification in said

Municipality.

7 介護予防住宅改修費を支給することにより第四項に規定する総額が同項に規定する百分の九十に相当する額を超える場合における当該介護予防住宅改修費の額は、第三項の規定にかかわらず、政令で定めるところにより算定した額とする。

(7) In a case when the total amount as prescribed by paragraph (4) exceeds the amount equivalent to 90 percent of the amount as prescribed in the same paragraph due to payment of an Allowance for Preventive Long-Term Care Home Modification, the amount of said Allowance for Preventive Long-Term Care Home Modification is to be the amount calculated pursuant to the provisions of a Cabinet Order, notwithstanding the provisions of paragraph (3).

8 市町村長は、介護予防住宅改修費の支給に関して必要があると認めるときは、当該支給に係る住宅改修を行う者若しくは住宅改修を行った者（以下この項において「住宅改修を行う者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該住宅改修を行う者等の当該支給に係る事業所に立ち入り、その帳簿書類その他の物件を検査させることができる。

(8) The mayor of a Municipality, when he or she determines the necessity of the payment of an Allowance for Preventive Long-Term Care Home Modification, may order a person that modifies the home or equivalent service pertaining to said payment (herein referred to as "Person, etc., that Modifies a Home" in this paragraph") to report, submit or present record books and documents, appear, or direct its personnel to question the relevant Person or enter the Business Office of the provider of said Person, etc., that Modifies a Home pertaining to said payment in order to inspect such facilities, record books and documents, and other items.

9 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(9) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections as prescribed in the provisions of the preceding paragraph and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted as prescribed in the provisions of the preceding paragraph.

(介護予防サービス計画費の支給)

(Payment of an Allowance for Preventive Long-Term Care Service Plan)

第五十八条 市町村は、居宅要支援被保険者が、当該市町村の長が指定する者（以下「指定介護予防支援事業者」という。）から当該指定に係る介護予防支援事業を行う事業所により行われる介護予防支援（以下「指定介護予防支援」という。）を受けたときは、当該居宅要支援被保険者に対し、当該指定介護予防支援に要した費用について、介護予防サービス計画費を支給する。

Article 58 (1) A Municipality, when an Insured In-Home Person Requiring

Support receives from a person designated by the mayor of said Municipality (herein referred to as "Designated Provider of Preventive Support of Long-Term Care"), the Preventive Long-Term Care Support provided by a provider that performs the Preventive Long-Term Care Support Business pertaining to said designation (herein referred to as "Designated Support for Prevention of Long-Term Care"), pays to said Insured In-Home Person Requiring Support an Allowance for Preventive Long-Term Care Service Plan for the expenses required for said Designated Support for Prevention of Long-Term Care.

2 介護予防サービス計画費の額は、指定介護予防支援の事業を行う事業所の所在する地域等を勘案して算定される当該指定介護予防支援に要する平均的な費用の額を勘案して厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定介護予防支援に要した費用の額を超えるときは、当該現に指定介護予防支援に要した費用の額とする。）とする。

(2) The amount of the Allowance for Preventive Long-Term Care Service Plan is to be the amount of expenses calculated by standards as prescribed by the Minister of Health, Labour, and Welfare after considering the average expenses necessary for Designated Support for Prevention of Long-Term Care that is calculated after considering the area, etc., where a provider that performs the Designated Support for Prevention of Long-Term Care Business is located (in a case when said calculated amount exceeds the actual expenses necessary for said Designated Support for Prevention of Long-Term Care, the allowance are to be the actual expenses necessary for said Designated Support for Prevention of Long-Term Care).

3 厚生労働大臣は、前項の基準を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when it intends to provide standards as prescribed in the items of the preceding paragraph, must hear opinions of the Social Security Council in advance.

4 居宅要支援被保険者が指定介護予防支援事業者から指定介護予防支援を受けたとき（当該居宅要支援被保険者が、厚生労働省令で定めるところにより、当該指定介護予防支援を受けることにつきあらかじめ市町村に届け出ている場合に限る。）は、市町村は、当該居宅要支援被保険者が当該指定介護予防支援事業者に支払うべき当該指定介護予防支援に要した費用について、介護予防サービス計画費として当該居宅要支援被保険者に対し支給すべき額の限度において、当該居宅要支援被保険者に代わり、当該指定介護予防支援事業者に支払うことができる。

(4) When an Insured In-Home Person Requiring Support receives Designated Support for Prevention of Long-Term Care from a Designated Provider of Preventive Support of Long-Term Care (limited to a case when said Insured In-Home Person Requiring Support has notified in advance the Municipality pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare of receipt of said Designated Support for Prevention of Long-Term

Care), a Municipality may pay the expenses required for said Designated Support for Prevention of Long-Term Care that said Insured In-Home Person Requiring Support should pay to said Designated Provider of Support for Prevention of Long-Term Care, to said Designated Provider of Preventive Support of Long-Term Care on behalf of said Insured In-Home Person Requiring Support within the limit of the amount to be paid to said Insured In-Home Person Requiring Support as an Allowance for Preventive Long-Term Care Service Plan.

5 前項の規定による支払があったときは、居宅要支援被保険者に対し介護予防サービス計画費の支給があったものとみなす。

(5) When the expenses are paid pursuant to the provisions of the preceding paragraph, it is to be deemed that an Allowance for Preventive Long-Term Care Service Plan is paid to said Insured In-Home Person Requiring Support.

6 市町村は、指定介護予防支援事業者から介護予防サービス計画費の請求があったときは、第二項の厚生労働大臣が定める基準並びに第百十五条の二十二第二項に規定する指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防支援の事業の運営に関する基準（指定介護予防支援の取扱いに関する部分に限る。）に照らして審査した上、支払うものとする。

(6) A Municipality, when a Designated Provider of Preventive Support of Long-Term Care requests an Allowance for Preventive Long-Term Care Service Plan, pays said allowance after conducting an examination according to standards determined by the Minister of Health, Labour, and Welfare as set forth in each item of paragraph (2), standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care as prescribed in Article 115-22, paragraph (2), and standards concerning management of the Designated Support for Prevention of Long-Term Care Business (limited to the part concerning the handling of Designated Support for Prevention of Long-Term Care).

7 第四十一条第二項、第三項、第十項及び第十一項の規定は介護予防サービス計画費の支給について、同条第八項の規定は指定介護予防支援事業者について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(7) The provisions of Article 41, paragraph (2), paragraph (3), paragraph (10), and paragraph (11) apply mutatis mutandis to the payment of an Allowance for Preventive Long-Term Care Service Plan and the provisions of paragraph (8) of the same Article apply mutatis mutandis to a Designated Provider of Preventive Support of Long-Term Care. In this case, the necessary technical replacement of terms in these provisions is provided by a Cabinet Order.

8 前各項に規定するもののほか、介護予防サービス計画費の支給及び指定介護予防支援事業者の介護予防サービス計画費の請求に関して必要な事項は、厚生労働省令で定める。

(8) In addition to those provisions as prescribed in each of the preceding

paragraphs, other necessary matters payment of an Allowance for Preventive Long-Term Care Service Plan and the request of an Allowance for Preventive Long-Term Care Service Plan by a Designated Provider of Preventive Support of Long-Term Care are to be as determined by Order of the Ministry of Health, Labour, and Welfare.

(特例介護予防サービス計画費の支給)

(Payment of an Exceptional Allowance for Preventive Long-Term Care Service Plan)

第五十九条 市町村は、次に掲げる場合には、居宅要支援被保険者に対し、特例介護予防サービス計画費を支給する。

Article 59 (1) A Municipality, in the following cases, pay an Exceptional Allowance for Preventive Long-Term Care Service Plan to an Insured In-Home Person Requiring Support:

一 居宅要支援被保険者が、指定介護予防支援以外の介護予防支援又はこれに相当するサービス（指定介護予防支援の事業に係る第百十五条の二十二第一項の厚生労働省令で定める基準及び同項の厚生労働省令で定める員数並びに同条第二項に規定する指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防支援の事業の運営に関する基準のうち、厚生労働省令で定めるものを満たすと認められる事業を行う事業者により行われるものに限る。次号において「基準該当介護予防支援」という。）を受けた場合において、必要があると認めるとき。

(i) when a Municipality determines it necessary in a case when an Insured Person Requiring Support receives a Preventive Long-Term Care Support other than a Designated Support for Prevention of Long-Term Care or equivalent service (limited to services provided by a provider that performs said business in a location that has been determined to satisfy the standards provided by Order of the Ministry of Health, Labour, and Welfare, among the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-22, paragraph (1) pertaining to a Designated Support for Prevention of Long-Term Care and the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, and standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care as prescribed in paragraph (2) of the same Article and standards concerning the management of a business of Designated Support for Prevention of Long-Term Care (herein referred to as "Preventive Long-Term Care Support Applicable to Standards" in the items following);

二 指定介護予防支援及び基準該当介護予防支援の確保が著しく困難である離島その他の地域であって厚生労働大臣が定める基準に該当するものに住所を有する居宅要

支援被保険者が、指定介護予防支援及び基準該当介護予防支援以外の介護予防支援又はこれに相当するサービスを受けた場合において、必要があると認めるとき。

(ii) when a Municipality determines it necessary in a case when an Insured In-Home Person Requiring Support that is domiciled on an isolated island or other location where it is significantly difficult to secure Designated Support for Prevention of Long-Term Care, and Preventive Long-Term Care Support Applicable to Standards, and where it is defined by standards as determined by Order of the Minister of Health, Labour, and Welfare, receives Preventive Long-Term Care Support or equivalent service other than Designated Support for Prevention of Long-Term Care or Preventive Long-Term Care Support Applicable to Standards;

三 その他政令で定めるとき。

(iii) when provided by a Cabinet Order.

2 特例介護予防サービス計画費の額は、当該介護予防支援又はこれに相当するサービスについて前条第二項の厚生労働大臣が定める基準により算定した費用の額（その額が現に当該介護予防支援又はこれに相当するサービスに要した費用の額を超えるときは、当該現に介護予防支援又はこれに相当するサービスに要した費用の額とする。）を基準として、市町村が定める。

(2) The amount of Exceptional Allowance for Preventive Long-Term Care Service Plan is to be specified by a Municipality based on the expenses calculated by standards determined by the Minister of Health, Labour, and Welfare as set forth in paragraph (2) of the preceding Article for said Preventive Long-Term Care Support or equivalent service (in a case said calculated amount exceeds the amount of actual expenses of said Preventive Long-Term Care Support or equivalent service, the base amount is to be the actual expenses required for said Preventive Long-Term Care Support or equivalent service).

3 市町村長は、特例介護予防サービス計画費の支給に関して必要があると認めるときは、当該支給に係る介護予防支援若しくはこれに相当するサービスを担当する者若しくは担当した者（以下この項において「介護予防支援等を担当する者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該介護予防支援等を担当する者等の当該支給に係る事業所に立ち入り、その帳簿書類その他の物件を検査させることができる。

(3) The mayor of a Municipality, when he or she determines the necessity for the payment of an Exceptional Allowance for Preventive Long-Term Care Service Plan, may order a person that is or was in charge of the Preventive Long-Term Care Support pertaining to said payment or equivalent service (herein referred to as "Person, etc., in Charge of Preventive Long-Term Care Support, etc." in this paragraph") to report, submit or present record books and documents, appear, or direct its personnel to question the relevant Person or enter the Business Office of the provider of said Person, etc., in Charge of Preventive

Long-Term Care Support, etc., pertaining to said payment in order to inspect said record books and documents, and other items.

4 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections as prescribed in the preceding paragraph and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted as prescribed in the preceding paragraph.

(介護予防サービス費等の額の特例)

(Exceptions to the Amount of Allowance for Preventive Long-Term Care Service)

第六十条 市町村が、災害その他の厚生労働省令で定める特別の事情があることにより、介護予防サービス（これに相当するサービスを含む。）、地域密着型介護予防サービス（これに相当するサービスを含む。）又は住宅改修に必要な費用を負担することが困難であると認めた居宅要支援被保険者が受ける次の各号に掲げる予防給付について当該各号に定める規定を適用する場合においては、これらの規定中「百分の九十」とあるのは、「百分の九十を超え百分の百以下の範囲内において市町村が定めた割合」とする。

Article 60 In a case when a Municipality applies provisions as prescribed in the following items to a prevention benefit listed in the said items that an Insured Person Requiring Support receives, for whom it is deemed to be difficult to pay necessary expenses for Preventive Long-Term Care Service (including equivalent services), Community-Based Service for Preventive Long-Term Care (including equivalent services), or Home Modification due to a disaster or other special reasons as determined by Order of the Ministry of Health, Labour, and Welfare, the term "90 percent" in these provisions is to be deemed to be replaced with "the percentage provided by a Municipality within the range of more than 90 percent to 100 percent or less":

一 介護予防サービス費の支給 第五十三条第二項第一号及び第二号並びに第五十五条第一項、第四項及び第六項

(i) payment of an Allowance for Preventive Service of Long-Term Care of the Age: Article 53, paragraph (2), item (i), and item (ii), and Article 55, paragraph (1), paragraph (4), and paragraph (6);

二 特例介護予防サービス費の支給 第五十四条第二項並びに第五十五条第一項、第四項及び第六項

(ii) payment of an Exceptional Allowance for Preventive Service of Long-Term Care: Article 54, paragraph (2) and Article 55, paragraph (1), paragraph (4), and paragraph (6);

三 地域密着型介護予防サービス費の支給 第五十四条の二第二項第一号及び第二号並びに第五十五条第一項、第四項及び第六項

(iii) payment of an Allowance for Community-Based Preventive Service of Long-Term Care: Article 54-2, paragraph (2), item (i) and item (ii), and Article 55, paragraph (1), paragraph (4), and paragraph (6);

四 特例地域密着型介護予防サービス費の支給 第五十四条の三第二項並びに第五十五条第一項、第四項及び第六項

(iv) payment of an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care: Article 54-3, paragraph (2), and Article 55, paragraph (1), paragraph (4), and paragraph (6);

五 介護予防福祉用具購入費の支給 第五十六条第三項、第四項及び第七項

(v) payment of an Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid: Article 56, paragraph (3), paragraph (4) and paragraph (7);

六 介護予防住宅改修費の支給 第五十七条第三項、第四項及び第七項

(vi) payment of an Allowance for Preventive Long-Term Care Home Modification: Article 57, paragraph (3), paragraph (4), and paragraph (7).

(高額介護予防サービス費の支給)

(Payment of an Allowance for High-Cost Preventive Long-Term Care Service)

第六十一条 市町村は、居宅要支援被保険者が受けた介護予防サービス（これに相当するサービスを含む。）又は地域密着型介護予防サービス（これに相当するサービスを含む。）に要した費用の合計額として政令で定めるところにより算定した額から、当該費用につき支給された介護予防サービス費、特例介護予防サービス費、地域密着型介護予防サービス費及び特例地域密着型介護予防サービス費の合計額を控除して得た額が、著しく高額であるときは、当該居宅要支援被保険者に対し、高額介護予防サービス費を支給する。

Article 61 (1) When the amount that is obtained by deducting from the amount calculated pursuant to the provisions of a Cabinet Order as the total amount of each expense required for Preventive Long-Term Care Service (including equivalent service), or Community-Based Service for Preventive Long-Term Care (including equivalent service) that an Insured In-Home Person Requiring Support receives, the total amount of Allowance for Preventive Long-Term Care Service, Exceptional Allowance for Preventive Service of Long-Term Care, Community-Based Preventive Service of Long-Term Care, and Exceptional Allowance for Community-Based Preventive Service of Long-Term Care that are actually paid for the said expenses is significantly large, a Municipality pays an Allowance for High-Cost Preventive Long-Term Care Service to said Insured In-Home Person Requiring Support.

2 前項に規定するもののほか、高額介護予防サービス費の支給要件、支給額その他高額介護予防サービス費の支給に関して必要な事項は、介護予防サービス又は地域密着型介護予防サービスに必要な費用の負担の家計に与える影響を考慮して、政令で定める。

(2) In addition to the provisions as set forth in the preceding paragraph, requirements for payment of an Allowance for High-Cost Preventive Long-Term Care Service, the amount of said allowance, and other matters necessary for payment of an Allowance for High-Cost Preventive Long-Term Care Service are prescribed by a Cabinet Order after considering the impact on the household budget from the burden of the expenses necessary for Preventive Long-Term Care Service or Community-Based Service for Preventive Long-Term Care.

(特定入所者介護予防サービス費の支給)

(Payment of an Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility)

第六十一条の二 市町村は、居宅要支援被保険者のうち所得の状況その他の事情をしん酌して厚生労働省令で定めるものが、次に掲げる指定介護予防サービス（以下この条及び次条第一項において「特定介護予防サービス」という。）を受けたときは、当該居宅要支援被保険者（以下この条及び次条第一項において「特定入所者」という。）に対し、当該特定介護予防サービスを行う指定介護予防サービス事業者（以下この条において「特定介護予防サービス事業者」という。）における食事の提供に要した費用及び滞在に要した費用について、特定入所者介護予防サービス費を支給する。ただし、当該特定入所者が、第三十七条第一項の規定による指定を受けている場合において、当該指定に係る種類以外の特定介護予防サービスを受けたときは、この限りでない。

Article 61-2 (1) A Municipality, when a person as determined by Order of the Ministry of Health, Labour, and Welfare due to the extenuating income status and other circumstances among those who are an Insured In-Home Person Requiring Support receives Designated Preventive Long-Term Care Service (herein referred to as "Specified Preventive Service of Long-Term Care" in this Article and the following Article paragraph (1)) as listed below, pays to said Insured In-Home Person Requiring Support (herein referred to as "Specified Person Admitted to a Facility" in this Article and the following Article paragraph (1)) the Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility for the expenses required to provide meals and residence by a Designated Provider of Preventive Long-Term Care Service that provides said Specified Preventive Service of Long-Term Care (herein referred to as "Long-Term Care Preventive Service Specified Provider" in this Article), however, provided that this provision does not apply to when said Specified Person Admitted to a Facility who is assigned a designation pursuant to the provisions of Article 37, paragraph (1) receives Specified Preventive Service of Long-Term Care other than the type pertaining to said designation:

一 介護予防短期入所生活介護

(i) Short-Term Admission for Daily Preventive Long-Term Care;

二 介護予防短期入所療養介護

(ii) Short-Term Admission for Recuperation for Preventive Long-Term Care.

2 特定入所者介護予防サービス費の額は、第一号に規定する額及び第二号に規定する額の合計額とする。

(2) The amount of Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility is to be the total of the amount as prescribed in item (i) and the amount as prescribed in item (ii):

一 特定介護予防サービス事業者における食事の提供に要する平均的な費用の額を勘案して厚生労働大臣が定める費用の額（その額が現に当該食事の提供に要した費用の額を超えるときは、当該現に食事の提供に要した費用の額とする。以下この条及び次条第二項において「食費の基準費用額」という。）から、平均的な家計における食費の状況及び特定入所者の所得の状況その他の事情を勘案して厚生労働大臣が定める額（以下この条及び次条第二項において「食費の負担限度額」という。）を控除した額

(i) the amount remaining after the amount determined by the Minister of Health, Labour, and Welfare after considering the status of food expenses for an average household budget, the income status of the Specified Person Admitted to a Facility, and other circumstances (herein referred to as "Maximum Allowance for Meal Expense" in this Article and paragraph (2) of the following Article) is deducted from the amount of expenses determined by the Minister of Health, Labour, and Welfare after considering the average expenses required to provide meals at a Long-Term Care Preventive Service Specified Provider (in a case when said amount exceeds the actual expenses of providing said meals, this amount is to be the amount of the actual expenses of providing said meals, herein referred to as "Base Cost for Meal Expense" in this Article and paragraph (2) of the following Article);

二 特定介護予防サービス事業者における滞在に要する平均的な費用の額及び事業所の状況その他の事情を勘案して厚生労働大臣が定める費用の額（その額が現に当該滞中に要した費用の額を超えるときは、当該現に滞中に要した費用の額とする。以下この条及び次条第二項において「滞在費の基準費用額」という。）から、特定入所者の所得の状況その他の事情を勘案して厚生労働大臣が定める額（以下この条及び次条第二項において「滞在費の負担限度額」という。）を控除した額

(ii) the amount remaining after the amount determined by the Minister of Health, Labour, and Welfare after considering the income status of the Special Insured Person Admitted to the Facility and other circumstances (herein referred to as "Maximum Allowance for Room and Board Expense" is deducted from the amount determined by the Ministry of Health, Labour, and Welfare after considering the average expenses necessary for a stay in the Long-Term Care Preventive Service Specified Provider, the status of said facility, and other circumstances (in a case when said amount exceeds the

actual expenses for said stay, this amount is to be the amount of the actual expenses for said stay; herein referred to as "Base Costs for Room and Board" in this Article and paragraph (2) of the following Article).

- 3 厚生労働大臣は、食費の基準費用額若しくは食費の負担限度額又は滞在費の基準費用額若しくは滞在費の負担限度額を定めた後に、特定介護予防サービス事業者における食事の提供に要する費用又は滞在に要する費用の状況その他の事情が著しく変動したときは、速やかにそれらの額を改定しなければならない。
- (3) The Minister of Health, Labour, and Welfare, when the expenses necessary of providing meals and for a stay incurred by a Long-Term Care Preventive Service Specified Provider and other circumstances have changed significantly after the Base Cost for Meal Expense or the Maximum Allowance for Meal Expense, or the Base Costs for Room and Board or the Maximum Allowance for Stay Expense were determined, must revise those amount immediately.
- 4 特定入所者が、特定介護予防サービス事業者から特定介護予防サービスを受けたときは、市町村は、当該特定入所者が当該特定介護予防サービス事業者に支払うべき食事の提供に要した費用及び滞在に要した費用について、特定入所者介護予防サービス費として当該特定入所者に対し支給すべき額の限度において、当該特定入所者に代わり、当該特定介護予防サービス事業者に支払うことができる。
- (4) When a Specified Person Admitted to a Facility receives Specified Preventive Service of Long-Term Care from a Long-Term Care Preventive Service Specified Provider, a Municipality may pay the expenses required to provide meals and residence that said Specified Person Admitted to a Facility should pay to said Long-Term Care Preventive Service Specified Provider, within the limit of amount to be paid to said Specified Person Admitted to a Facility as an Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility to said Long-Term Care Preventive Service Specified Provider on behalf of said Specified Person Admitted to a Facility.
- 5 前項の規定による支払があったときは、特定入所者に対し特定入所者介護予防サービス費の支給があったものとみなす。
- (5) When the allowance is paid pursuant to the provisions of the preceding paragraph, it is to be deemed that an Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility is paid to the Specified Person Admitted to a Facility.
- 6 市町村は、第一項の規定にかかわらず、特定入所者が特定介護予防サービス事業者に対し、食事の提供に要する費用又は滞在に要する費用として、食費の基準費用額又は滞在費の基準費用額（前項の規定により特定入所者介護予防サービス費の支給があったものとみなされた特定入所者にあつては、食費の負担限度額又は滞在費の負担限度額）を超える金額を支払った場合には、特定入所者介護予防サービス費を支給しない。
- (6) A Municipality, notwithstanding the provisions of paragraph (1) in a case when Specified Person Admitted to a Facility pays to a Long-Term Care

Preventive Service Specified Provider the amount exceeding the Base Cost for Meal Expense or the Base Costs for Room and Board (with regard to a Specified Person Admitted to a Facility that was deemed to be paid an Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility pursuant to the provisions of the preceding paragraph, the Maximum Allowance for Meal Expense or the Maximum Allowance for Stay Expense) as the expenses necessary of providing meals or for stay, does not pay the Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility.

7 市町村は、特定介護予防サービス事業者から特定入所者介護予防サービス費の請求があったときは、第一項、第二項及び前項の定めにもとづいて審査の上、支払うものとする。

(7) A Municipality, when a Long-Term Care Preventive Service Specified Provider requests an Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility provided to a Specified Person Admitted to a Facility, pays said allowance after conducting an examination according to provisions of paragraph (1), paragraph (2) and the preceding paragraph.

8 第四十一条第三項、第十項及び第十一項の規定は特定入所者介護予防サービス費の支給について、同条第八項の規定は特定介護予防サービス事業者について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(8) The provisions of Article 41, paragraph (3), paragraph (10), and paragraph (11) apply mutatis mutandis to payment of an Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility and the provisions of paragraph (8) of the same Article apply mutatis mutandis to a Long-Term Care Preventive Service Specified Provider. In this case, the necessary technical replacement of terms in these provisions is specified by a Cabinet Order.

9 前各項に規定するもののほか、特定入所者介護予防サービス費の支給及び特定介護予防サービス事業者の特定入所者介護予防サービス費の請求に関して必要な事項は、厚生労働省令で定める。

(9) In addition to those matters as prescribed in each preceding paragraph, other necessary matters payment of an Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility and for the request of an Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility by a Long-Term Care Preventive Service Specified Provider are prescribed by Order of the Ministry of Health, Labour, and Welfare.

(特例特定入所者介護予防サービス費の支給)

(Payment of an Exceptional Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility)

第六十一条の三 市町村は、次に掲げる場合には、特定入所者に対し、特例特定入所者介護予防サービス費を支給する。

Article 61-3 (1) A Municipality, in the following cases, pay an Exceptional Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility to a Specified Person Admitted to a Facility:

一 特定入所者が、当該要支援認定の効力が生じた日前に、緊急その他やむを得ない理由により特定介護予防サービスを受けた場合において、必要があると認めるとき。

(i) when a Municipality determines it necessary in a case when Specified Person Admitted to a Facility receives Specified Preventive Service of Long-Term Care prior to the date said Certification of Needed Support becomes effective due to an emergency or other compelling reason;

二 その他政令で定めるとき。

(ii) when provided by a Cabinet Order.

2 特例特定入所者介護予防サービス費の額は、当該食事の提供に要した費用について食費の基準費用額から食費の負担限度額を控除した額及び当該滞在に要した費用について滞在費の基準費用額から滞在費の負担限度額を控除した額の合計額を基準として、市町村が定める。

(2) The amount of Exceptional Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility to a Specified Person Admitted to a Facility is established by a Municipality based on the total sum of the amount with regard to the expenses required of providing said meals that is the result of deducting the Base Allowance for Food Expense from the Maximum Cost for Food Expense, and the amount with regard to the expenses required for said stay that is the result of deduction of the Base Allowance for Stay from the Maximum Cost for Stay.

第五節 市町村特別給付

Section 5 Municipal Special Benefits

第六十二条 市町村は、要介護被保険者又は居宅要支援被保険者（以下「要介護被保険者等」という。）に対し、前二節の保険給付のほか、条例で定めるところにより、市町村特別給付を行うことができる。

Article 62 A Municipality may pay a Municipal Special Benefit pursuant to the provisions of a municipal ordinance to an Insured Person Requiring Long-Term Care or an Insured In-Home Person Requiring Support (herein referred to as "Insured Person Requiring Long-Term Care, etc.") in addition to the insurance benefits as set forth in the preceding two sections.

第六節 保険給付の制限等

Section 6 Limitation of Insurance Benefits

(保険給付の制限)

(Limitation of Insurance Benefits)

第六十三条 刑事施設、労役場その他これらに準ずる施設に拘禁された者については、その期間に係る介護給付等は、行わない。

Article 63 With regard to a person that is confined to penal institution, work facility, or other facility mutatis mutandis as these, a Long-Term Care Benefit, etc., pertaining to said period of confinement is not be paid.

第六十四条 市町村は、自己の故意の犯罪行為若しくは重大な過失により、又は正当な理由なしに介護給付等対象サービスの利用若しくは居宅介護住宅改修費若しくは介護予防住宅改修費に係る住宅改修の実施に関する指示に従わないことにより、要介護状態等若しくはその原因となった事故を生じさせ、又は要介護状態等の程度を増進させた被保険者の当該要介護状態等については、これを支給事由とする介護給付等は、その全部又は一部を行わないことができる。

Article 64 With regard to the Condition of Need for Long-Term Care, etc., of an Insured Person that caused the accident that caused a Condition of Need for Long-Term Care, etc., or the cause of said condition, or who increased the degree of Condition of Need for Long-Term Care, etc., by not obeying instructions for the use of Service Covered by Long-Term Care Benefits, etc., or for a Home Modification pertaining to an Allowance for Home Modification for In-Home Long-Term Care or Allowance for Preventive Long-Term Care Home Modification due to an intentional criminal act or gross negligence or without justifiable reasons, a Municipality may not pay the whole or a part of a Long-Term Care Benefit, etc., for which the reason for payment is said Condition of Need for Long-Term Care, etc.

第六十五条 市町村は、介護給付等を受ける者が、正当な理由なしに、第二十三条の規定による求め（第二十四条の二第一項第一号の規定により委託された場合にあっては、当該委託に係る求めを含む。）に応ぜず、又は答弁を拒んだときは、介護給付等の全部又は一部を行わないことができる。

Article 65 A Municipality, when a person that receives a Long-Term Care Benefit, etc., fails to respond to a request pursuant to the provisions of Article 23 (in a case when it is entrusted pursuant to the provisions of Article 24-2, paragraph (1), item (i), including a request pertaining to said entrustment) or refuses to answer without a justifiable reason, may not pay the whole or a part of a Long-Term Care Benefit, etc.

(保険料滞納者に係る支払方法の変更)

(Change of Payment Method Pertaining to Person Delinquent in Payment of an Insurance Premium)

第六十六条 市町村は、保険料を滞納している第一号被保険者である要介護被保険者等

(原子爆弾被爆者に対する援護に関する法律(平成六年法律第百十七号)による一般疾病医療費の支給その他厚生労働省令で定める医療に関する給付を受けることができるものを除く。)が、当該保険料の納期限から厚生労働省令で定める期間が経過するまでの間に当該保険料を納付しない場合においては、当該保険料の滞納につき災害その他の政令で定める特別の事情があると認める場合を除き、厚生労働省令で定めるところにより、当該要介護被保険者等に対し被保険者証の提出を求め、当該被保険者証に、第四十一条第六項、第四十二条の二第六項、第四十六条第四項、第四十八条第四項、第五十一条の二第四項、第五十三条第四項、第五十四条の二第六項、第五十八条第四項及び第六十一条の二第四項の規定を適用しない旨の記載(以下この条及び次条第三項において「支払方法変更の記載」という。)をするものとする。

Article 66 (1) A Municipality, in a case when an Insured Person Requiring Long-Term Care, etc., that is a Primary Insured Person that is a person delinquent in payment of an insurance premium (except for those who can receive a medical allowance for general disease pursuant to the Act for Medical Measures for the Victims of the Atomic Bomb (Act No. 117 of 1994) and other benefits for medical care as determined by Order of the Ministry of Health, Labour, and Welfare) fails to pay said insurance premium from the payment due date of said insurance premium until the expiry of the period as determined by Order of the Ministry of Health, Labour, and Welfare, except for a case when it is determined that there is a special circumstance for said delinquency of insurance premium payment such as a disaster or other special circumstances provided by a Cabinet Order, request said Insured Person Requiring Long-Term Care, etc., to submit the Certificate of Insured Person, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, and enter on said Certificate of Insured Person that the provisions of Article 41, paragraph (6), Article 42-2, paragraph (6), Article 46, paragraph (4), Article 48, paragraph (4), Article 51-2, paragraph (4), Article 53, paragraph (4), Article 54-2, paragraph (6), Article 58, paragraph (4) and Article 61-2, paragraph (4) do not apply (herein referred to as "Entry of Change of Payment Method" in this Article and paragraph (3) of the following Article).

2 市町村は、前項に規定する厚生労働省令で定める期間が経過しない場合においても、同項に規定する政令で定める特別の事情があると認める場合を除き、同項に規定する要介護被保険者等に対し被保険者証の提出を求め、当該被保険者証に支払方法変更の記載をすることができる。

(2) A Municipality, although in a case when the period as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the preceding paragraph has not yet expired, except for a case it is determined that said person delinquent in payment is due to special circumstances provided by a Cabinet Order as prescribed in the same paragraph, may request the Insured Person Requiring Long-Term Care, etc., as prescribed in the same paragraph to submit the Certificate of Insured Person, and include the Entry of Change of

Payment Method on said Certificate of Insured Person.

3 市町村は、前二項の規定により支払方法変更の記載を受けた要介護被保険者等が滞納している保険料を完納したとき、又は当該要介護被保険者等に係る滞納額の著しい減少、災害その他の政令で定める特別の事情があると認めるときは、当該支払方法変更の記載を削除するものとする。

(3) A Municipality, when an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Change of Payment Method pursuant to the provisions of the preceding two paragraphs and has completed payment of said delinquent insurance premium or when it is determined that the delinquent payment amount pertaining to said Insured Person Requiring Long-Term Care, etc., has decreased significantly or due to a disaster or other special circumstances provided by a Cabinet Order, is to delete said Entry of Change of Payment Method.

4 第一項又は第二項の規定により支払方法変更の記載を受けた要介護被保険者等が、当該支払方法の変更の記載がなされている間に受けた指定居宅サービス、指定地域密着型サービス、指定居宅介護支援、指定施設サービス等、指定介護予防サービス、指定地域密着型介護予防サービス及び指定介護予防支援に係る居宅介護サービス費の支給、地域密着型介護サービス費の支給、居宅介護サービス計画費の支給、施設介護サービス費の支給、特定入所者介護サービス費の支給、介護予防サービス費の支給、地域密着型介護予防サービス費の支給、介護予防サービス計画費の支給及び特定入所者介護予防サービス費の支給については、第四十一条第六項、第四十二条の二第六項、第四十六条第四項、第四十八条第四項、第五十一条の二第四項、第五十三条第四項、第五十四条の二第六項、第五十八条第四項及び第六十一条の二第四項の規定は適用しない。

(4) With regard to the payment of an Allowance for In-Home Long-Term Care Service, Allowance for Community-Based Long-Term Care Service, Allowance for In-Home Long-Term Care Service Plan, Allowance for Long-Term Care Facility Service, Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility, Allowance for Preventive Long-Term Care Service, Allowance for Community-Based Preventive Long-Term Care Service, Allowance for Preventive Long-Term Care Service Plan, and Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility, pertaining to a Designated In-Home Service, Designated Community-Based Service, Designated In-Home Long-Term Care Support, Designated Facility Service, etc., Designated Preventive Long-Term Care Service, Designated Community-Based Preventive Service of Long-Term Care, and Designated Support for Prevention of Long-Term Care that an Insured Person Requiring Long-Term Care, etc., who received an Entry of Change of Payment Method pursuant to the provisions of paragraph (1) or paragraph (2), receives during the period said Entry of Change of Payment Method remains on the Certificate of Insured Person, the provisions of Article 41, paragraph (6),

Article 42-2, paragraph (6), Article 46, paragraph (4), Article 48, paragraph (4), Article 51-2, paragraph (4), Article 53, paragraph (4), Article 54-2, paragraph (6), Article 58, paragraph (4), and Article 61-2, paragraph (4) do not apply.

(保険給付の支払の一時差止)

(Temporary Suspension of Payment of Insurance Benefit)

第六十七条 市町村は、保険給付を受けることができる第一号被保険者である要介護被保険者等が保険料を滞納しており、かつ、当該保険料の納期限から厚生労働省令で定める期間が経過するまでの間に当該保険料を納付しない場合においては、当該保険料の滞納につき災害その他の政令で定める特別の事情があると認める場合を除き、厚生労働省令で定めるところにより、保険給付の全部又は一部の支払を一時差し止めるものとする。

Article 67 (1) A Municipality, when an Insured Person Requiring Long-Term Care, etc., that is a Primary Insured Person that can receive an insurance benefit becomes a person delinquent in the payment of an insurance premium and fails to pay said insurance premium from the due date of payment of said insurance premium until the period as determined by Order of the Ministry of Health, Labour, and Welfare expires, is to temporarily suspend the payment of the whole or a part of an insurance benefit, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, except for a case when it is determined that said delinquency of payment of an insurance premium is due to a disaster or other special circumstance as determined by a Cabinet Order.

2 市町村は、前項に規定する厚生労働省令で定める期間が経過しない場合においても、保険給付を受けることができる第一号被保険者である要介護被保険者等が保険料を滞納している場合においては、当該保険料の滞納につき災害その他の政令で定める特別の事情があると認める場合を除き、厚生労働省令で定めるところにより、保険給付の全部又は一部の支払を一時差し止めることができる。

(2) A Municipality, in a case when an Insured Person Requiring Long-Term Care, etc., who is a Primary Insured Person that can receive an insurance benefit becomes a person delinquent in the payment of an insurance premium although the period as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the preceding paragraph has not yet expired, except for a case when it is determined that said delinquency of an insurance premium is due to a disaster or other special circumstance as determined by a Cabinet Order as prescribed, may temporarily suspend the whole or a part of an insurance benefit pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

3 市町村は、前条第一項又は第二項の規定により支払方法変更の記載を受けている要介護被保険者等であって、前二項の規定による保険給付の全部又は一部の支払の一時差止がなされているものが、なお滞納している保険料を納付しない場合においては、厚生労働省令で定めるところにより、あらかじめ、当該要介護被保険者等に通知して、

当該一時差止に係る保険給付の額から当該要介護被保険者等が滞納している保険料額を控除することができる。

- (3) A Municipality, in a case when an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Change of Payment Method pursuant to the provisions of paragraph (1) or paragraph (2) of the preceding Article and whose insurance benefit has been temporarily suspended in whole or in part pursuant to the provisions of the preceding two paragraphs and who has not yet paid the delinquent insurance premium, may notify in advance said Insured Person Requiring Long-Term Care, etc., pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, and deduct the amount of delinquent insurance premium of said Insured Person Requiring Long-Term Care, etc., from the amount of insurance benefit pertaining to said temporary suspension.

(医療保険各法の規定による保険料等に未納がある者に対する保険給付の一時差止)
(Temporary Suspensions of Insurance Benefits to a Person that has not paid an insurance premium as prescribed in the Medical Insurance Acts)

第六十八条 市町村は、保険給付を受けることができる第二号被保険者である要介護被保険者等について、医療保険各法の定めるところにより当該要介護被保険者等が納付義務又は払込義務を負う保険料（地方税法（昭和二十五年法律第二百二十六号）の規定による国民健康保険税を含む。）又は掛金であつてその納期限又は払込期限までに納付しなかったもの（以下この項及び次項において「未納医療保険料等」という。）がある場合においては、未納医療保険料等があることにつき災害その他の政令で定める特別の事情があると認める場合を除き、厚生労働省令で定めるところにより、当該要介護被保険者等に対し被保険者証の提出を求め、当該被保険者証に、第四十一条第六項、第四十二条の二第六項、第四十六条第四項、第四十八条第四項、第五十一条の二第四項、第五十三条第四項、第五十四条の二第六項、第五十八条第四項及び第六十一条の二第四項の規定を適用しない旨並びに保険給付の全部又は一部の支払を差し止める旨の記載（以下この条において「保険給付差止の記載」という。）をすることができる。

Article 68 (1) With regard to an Insured Person Requiring Long-Term Care, etc., that is a Secondary Insured Person that can receive an insurance benefit, in a case when said Insured Person Requiring Long-Term Care, etc., has an obligatory insurance premium pursuant to the provisions of the Medical Insurance Acts (including national health insurance tax pursuant to the provisions of the Local Tax Act (Act No. 226 of 1950)) or when there is a remaining premium installments that was not paid by the deadline for payment (herein referred to as "Unpaid Medical Insurance Premium, etc." in this paragraph and the following paragraph), except for a case said Unpaid Medical Insurance Premium, etc., is due to a disaster or other special circumstance as determined by a Cabinet Order, a Municipality, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may

request said Insured Person Requiring Long-Term Care, etc., to submit the Certificate of Insured Person and to enter on said Certificate of Insured Person that the provisions of Article 41, paragraph (6), Article 42-2, paragraph (6), Article 46, paragraph (4), Article 48, paragraph (4), Article 51-2, paragraph (4), Article 53, paragraph (4), Article 54-2, paragraph (6), Article 58, paragraph (4), and Article 61-2, paragraph (4) do not apply and that the whole or a part of the payment of an insurance benefit is to be suspended (herein referred to as "Entry of Suspension of Insurance Benefit" in this Article).

2 市町村は、前項の規定により保険給付差止の記載を受けた要介護被保険者等が、未納医療保険料等を完納したとき、又は当該要介護被保険者等に係る未納医療保険料等の著しい減少、災害その他の政令で定める特別の事情があると認めるときは、当該保険給付差止の記載を消除するものとする。

(2) When an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Suspension of Insurance Benefit pursuant to the provisions of the preceding paragraph completes payment of an Unpaid Medical Insurance Premium, etc., or when it is determined that there is a significant decrease of an Unpaid Medical Insurance Premium, etc., pertaining to said Insured Person Requiring Long-Term Care, etc., or due to disaster or other special circumstance as provided by a Cabinet Order, said Entry of Suspension of Insurance Benefit is to be deleted.

3 第六十六条第四項の規定は、第一項の規定により保険給付差止の記載を受けた要介護被保険者等について準用する。

(3) The provisions of Article 66, paragraph (4) apply mutatis mutandis to an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Suspension of Insurance Benefit pursuant to the provisions of paragraph (1).

4 市町村は、第一項の規定により保険給付差止の記載を受けた要介護被保険者等について、保険給付の全部又は一部の支払を一時差し止めるものとする。

(4) With regard to an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Suspension of Insurance Benefit pursuant to the provisions of paragraph (1), a Municipality is to temporarily suspend the whole or a part of an insurance benefit.

5 市町村は、要介護被保険者等についての保険給付差止の記載に関し必要があると認めるときは、当該要介護被保険者等の加入する医療保険者に対し、当該要介護被保険者等に係る医療保険各法の規定により徴収される保険料（地方税法の規定により徴収される国民健康保険税を含む。）又は掛金の納付状況その他厚生労働省令で定める事項について、厚生労働省令で定めるところにより、当該要介護被保険者等の加入する医療保険者に対し、情報の提供を求めることができる。

(5) A Municipality, when the necessity is determined for an Entry of Suspension of Insurance Benefit of an Insured Person Requiring Long-Term Care, etc., may request the submission of information pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare to a Medical Insurer of said

Insured Person Requiring Long-Term Care, etc., regarding insurance premium collected pursuant to the provisions of the Medical Insurance Acts pertaining to said Insured Person Requiring Long-Term Care, etc., the status of an insurance premium (including national health insurance tax collected pursuant to the provisions of the Local Tax Act) or installments premium payments, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare.

(保険料を徴収する権利が消滅した場合の保険給付の特例)

(Exception of Insurance Benefit in a Case of Extinction of Right to Collect an Insurance Premium)

第六十九条 市町村は、要介護認定、要介護更新認定、第二十九条第二項において準用する第二十七条第七項若しくは第三十条第一項の規定による要介護状態区分の変更の認定、要支援認定、要支援更新認定、第三十三条の二第二項において準用する第三十二条第六項若しくは第三十三条の三第一項の規定による要支援状態区分の変更の認定（以下この項において単に「認定」という。）をした場合において、当該認定に係る第一号被保険者である要介護被保険者等について保険料徴収権消滅期間（当該期間に係る保険料を徴収する権利が時効によって消滅している期間につき政令で定めるところにより算定された期間をいう。以下この項において同じ。）があるときは、厚生労働省令で定めるところにより、当該要介護被保険者等の被保険者証に、当該認定に係る第二十七条第七項後段（第二十八条第四項及び第二十九条第二項において準用する場合を含む。）、第三十条第一項後段若しくは第三十五条第四項後段又は第三十二条第六項後段（第三十三条第四項及び第三十三条の二第二項において準用する場合を含む。）、第三十三条の三第一項後段若しくは第三十五条第二項後段若しくは第六項後段の規定による記載に併せて、介護給付等（居宅介護サービス計画費の支給、特例居宅介護サービス計画費の支給、介護予防サービス計画費の支給及び特例介護予防サービス計画費の支給、高額介護サービス費の支給及び高額介護予防サービス費の支給並びに特定入所者介護サービス費の支給、特例特定入所者介護サービス費の支給、特定入所者介護予防サービス費の支給及び特例特定入所者介護予防サービス費の支給を除く。）の額の減額を行う旨並びに高額介護サービス費及び高額介護予防サービス費並びに特定入所者介護サービス費、特例特定入所者介護サービス費、特定入所者介護予防サービス費及び特例特定入所者介護予防サービス費の支給を行わない旨並びにこれらの措置がとられる期間（市町村が、政令で定めるところにより、保険料徴収権消滅期間に応じて定める期間をいう。以下この条において「給付額減額期間」という。）の記載（以下この条において「給付額減額等の記載」という。）をするものとする。ただし、当該要介護被保険者等について、災害その他の政令で定める特別の事情があると認めるときは、この限りでない。

Article 69 (1) In a case when a Municipality issues a Certification of Needed Long-Term Care, a Renewal of Certification of Care Need, or Certification of Change of Condition of Need for Long-Term Care pursuant to the provisions of Article 27, paragraph (7) or Article 30, paragraph (1) as applied mutatis

mutandis pursuant to Article 29, paragraph (2), a Certification of Needed Support, a Renewal of Certification of Needed Support, or a Certification of Change of Category of Needed Support Condition pursuant to the provisions of Article 32, paragraph (6) or Article 33-3, paragraph (1) as applied mutatis mutandis pursuant to Article 33-2, paragraph (2) (hereinafter referred to simply as "Certification" in this paragraph) and there is a period when the right to collect an insurance premium has extinguished (which means a period calculated pursuant to the provisions of a Cabinet Order regarding the period when the right to collect an insurance premium pertaining to said period has been extinguished due to a legal proscription) with regard to an Insured Person Requiring Long-Term Care, etc., that is the Primary Insured Person pertaining to said Certification, a Municipality pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare is to enter on the Certificate of Insured Person of said Insured Person Requiring Long-Term Care, etc., in addition to the entry pursuant to the provisions of Article 27, paragraph (7), second sentence (including a case applied mutatis mutandis pursuant to Article 28, paragraph (4) and Article 29, paragraph (2)), Article 30, paragraph (1), second sentence, Article 35, paragraph (4), second sentence, Article 32, paragraph (6), second sentence (including a case applied mutatis mutandis pursuant to Article 33, paragraph (4) or Article 33-2, paragraph (2)), Article 33-3, paragraph (1), second sentence, Article 35, paragraph (2), second sentence, or paragraph (6) second sentence as pertaining to said Certification, that the amount of Long-Term Care Benefit, etc., (except for payment of an Allowance for In-Home Long-Term Care Service, Exceptional Allowance for an In-Home Long-Term Care Service Plan, Allowance for Preventive Long-Term Care Service Plan, Exceptional Allowance for a Preventive Service Plan of Long-term care, Allowance for High-Cost Long-Term Care Service, Allowance for High-Cost Preventive Long-Term Care Service, Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility, Exceptional Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility, Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility, and Exceptional Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility) is to be reduced and that the Allowance for High-Cost Long-Term Care Service, Allowance for High-Cost Preventive Long-Term Care Service, Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility, Exceptional Allowance for Long-Term Care Service to a Person Admitted to a Specified Facility, Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility, and Exceptional Allowance for Long-Term Care Preventive Service of a Person Admitted to a Specified Facility will not be paid, and the period that these measures are applicable (which means a

period that a Municipality determines pursuant to the provisions of a Cabinet Order according to the period during which the right to collect an insurance premium is extinguished; herein referred to as "Benefit Reduction Period" in this Article) (hereinafter said entry is referred to as "Entry of Benefit Reduction Amount, etc." in this Article), however, provided that this provision does not apply to a case when it is determined that said Insured Person Requiring Long-Term Care, etc., suffers due to a disaster or other special circumstance provided by a Cabinet Order.

2 市町村は、前項の規定により給付額減額等の記載を受けた要介護被保険者等について、同項ただし書の政令で定める特別の事情があると認めるとき、又は給付額減額期間が経過したときは、当該給付額減額等の記載を削除するものとする。

(2) A Municipality, when it is determined that an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Benefit Reduction Amount, etc., pursuant to the provisions of the preceding paragraph is subject to a special circumstance as provided by a Cabinet Order as set forth in the proviso of the same paragraph, and when the Benefit Reduction Period expires, is to delete said Entry of Benefit Reduction Amount, etc.

3 第一項の規定により給付額減額等の記載を受けた要介護被保険者等が、当該記載を受けた日の属する月の翌月の初日から当該給付額減額期間が経過するまでの間に利用した居宅サービス（これに相当するサービスを含む。次項において同じ。）、地域密着型サービス（これに相当するサービスを含む。次項において同じ。）、施設サービス、介護予防サービス（これに相当するサービスを含む。次項において同じ。）及び地域密着型介護予防サービス（これに相当するサービスを含む。次項において同じ。）並びに行った住宅改修に係る次の各号に掲げる介護給付等について当該各号に定める規定を適用する場合には、これらの規定中「百分の九十」とあるのは、「百分の七十」とする。

(3) With regard to In-Home Service (including equivalent service; the same applies in the following paragraph), Community-Based Service (including equivalent service; the same applies in the following paragraph), Facility Service, Preventive Long-Term Care Service (including equivalent service; the same applies in the following paragraph), Community-Based Service for Preventive Long-Term Care (including equivalent service; the same shall apply in the following paragraph), and a Long-Term Care Benefit, etc., as listed in the following items pertaining to a Home Modification that is used or implemented by an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Benefit Reduction Amount, etc., pursuant to the provisions of paragraph (1), from the first day of the month following the month in which said Entry was entered until said Benefit Reduction Period expires, when the provisions as prescribed in each said item apply to these services and benefits, etc., the term "90 percent" in the listed provisions is to be "70 percent":

- 一 居宅介護サービス費の支給 第四十一条第四項第一号及び第二号並びに第四十三条第一項、第四項及び第六項
- (i) payment of an Allowance for In-Home Long-Term Care Service: Article 41, paragraph (4), item (i) and item (ii), and Article 43, paragraph (1), paragraph (4) and paragraph (6);
- 二 特例居宅介護サービス費の支給 第四十二条第二項並びに第四十三条第一項、第四項及び第六項
- (ii) payment of an Exceptional Allowance for In-Home Long-Term Care Service: Article 42, paragraph (2) and Article 43, paragraph (1), paragraph (4), and paragraph (6);
- 三 地域密着型介護サービス費の支給 第四十二条の二第二項第一号及び第二号並びに第四十三条第一項、第四項及び第六項
- (iii) payment of an Allowance for Community-Based Long-Term Care Service: Article 42-2, paragraph (2), item (i) and item (ii), and Article 43, paragraph (1), paragraph (4) and paragraph (6);
- 四 特例地域密着型介護サービス費の支給 第四十二条の三第二項並びに第四十三条第一項、第四項及び第六項
- (iv) payment of an Exceptional Allowance for Community-Based Long-Term Care Service: Article 42-3, paragraph (2) and Article 43, paragraph (1), paragraph (4), and paragraph (6);
- 五 施設介護サービス費の支給 第四十八条第二項
- (v) payment of an Allowance for Long-Term Care Facility Service: Article 48, paragraph (2);
- 六 特例施設介護サービス費の支給 第四十九条第二項
- (vi) payment of an Exceptional Allowance for Long-Term Care Facility Service: Article 49, paragraph (2);
- 七 介護予防サービス費の支給 第五十三条第二項第一号及び第二号並びに第五十五条第一項、第四項及び第六項
- (vii) payment of an Allowance for Preventive Long-Term Care Service: Article 53, paragraph (2), item (i) and item (ii), and Article 55, paragraph (1), paragraph (4), and paragraph (6);
- 八 特例介護予防サービス費の支給 第五十四条第二項並びに第五十五条第一項、第四項及び第六項
- (viii) payment of an Exceptional Allowance for Preventive Service of Long-Term Care: Article 54, paragraph (2) and Article 55, paragraph (1), paragraph (4), and paragraph (6);
- 九 地域密着型介護予防サービス費の支給 第五十四条の二第二項第一号及び第二号並びに第五十五条第一項、第四項及び第六項
- (ix) payment of an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care: Article 54-2, paragraph (2), item (i) and item (ii), and Article 55, paragraph (1), paragraph (4), and paragraph (6);

- 十 特例地域密着型介護予防サービス費の支給 第五十四条の三第二項並びに第五十五条第一項、第四項及び第六項
 (x) payment of an Exceptional Allowance for Community-Based Preventive Service of Long-Term Care: Article 54-3, paragraph (2) and Article 55, paragraph (1), paragraph (4), and paragraph (6);
- 十一 居宅介護福祉用具購入費の支給 第四十四条第三項、第四項及び第七項
 (xi) payment of an Allowance for Purchasing Equipment for In-Home Long-Term Care Covered by Public Aid: Article 44, paragraph (3), paragraph (4), and paragraph (7);
- 十二 介護予防福祉用具購入費の支給 第五十六条第三項、第四項及び第七項
 (xii) payment of an Allowance for Purchasing Equipment for Preventive Long-Term Care Covered by Public Aid: Article 56, paragraph (3), paragraph (4), and paragraph (7);
- 十三 居宅介護住宅改修費の支給 第四十五条第三項、第四項及び第七項
 (xiii) payment of an Allowance for Home Modification for In-Home Long-Term Care: Article 45, paragraph (3), paragraph (4) and paragraph (7);
- 十四 介護予防住宅改修費の支給 第五十七条第三項、第四項及び第七項
 (xiv) payment of an Allowance for Preventive Long-Term Care Home Modification: Article 57, paragraph (3), paragraph (4) and paragraph (7).
- 4 第一項の規定により給付額減額等の記載を受けた要介護被保険者等が、当該記載を受けた日の属する月の翌月の初日から当該給付額減額期間が経過するまでの間に受けた居宅サービス、地域密着型サービス、施設サービス、介護予防サービス及び地域密着型介護予防サービスに要する費用については、第五十一条第一項、第五十一条の二第一項、第五十一条の三第一項、第六十一条第一項、第六十一条の二第一項及び第六十一条の三第一項の規定は、適用しない。
- (4) The provisions of Article 51, paragraph (1), Article 51-2, paragraph (1), Article 51-3, paragraph (1), Article 61, paragraph (1), Article 61-2, paragraph (1) and Article 61-3, paragraph (1) do not apply to the allowance for expenses provided to an Insured Person Requiring Long-Term Care, etc., that has received an Entry of Benefit Reduction Amount, etc., pursuant to the provisions of paragraph (1) from the first day of the month following the month when said Entry is entered to when said Benefit Reduction Period expires regarding the expenses that are necessary for In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service and Community-Based Service for Preventive Long-Term Care.

第五章 介護支援専門員並びに事業者及び施設

Chapter V Long-Term Care Support Specialists, Providers, and Facilities

第一節 介護支援専門員

Section 1 Long-Term Care Support Specialists

第一款 登録等

Subsection 1 Registration

(介護支援専門員の登録)

(Registration of Long-Term Care Support Specialists)

第六十九条の二 厚生労働省令で定める実務の経験を有する者であつて、都道府県知事が厚生労働省令で定めるところにより行う試験（以下「介護支援専門員実務研修受講試験」という。）に合格し、かつ、都道府県知事が厚生労働省令で定めるところにより行う研修（以下「介護支援専門員実務研修」という。）の課程を修了したものは、厚生労働省令で定めるところにより、当該都道府県知事の登録を受けることができる。ただし、次の各号のいずれかに該当する者については、この限りでない。

Article 69-2 (1) A person that possesses practical experience as determined by Order of the Ministry of Health, Labour, and Welfare, has passed an examination undertaken pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare as administered by a prefectural governor (herein referred to as "Long-Term Care Support Specialist Examination"), and has completed a training program provided pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare as administered by a prefectural governor (herein referred to as "Long-Term Care Support Specialist Internship") may be issued a registration by said prefectural governor pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, however, provided that this provision does not apply to a person that corresponds to any of following items:

一 成年被後見人又は被保佐人

(i) an adult ward or a person under guardianship;

二 禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者

(ii) a person punished by imprisonment without compulsory labor or to a more severe penalty and the execution of said penalty has not yet been completed or has not yet expired;

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

(iii) a person punished by a fine pursuant to provisions of a Cabinet Order as set forth in this Act or any another Act concerning national insurance, medical service, or welfare, and has not yet completed the execution of said punishment or remains subject to said punishment;

四 登録の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者

(iv) a person that has committed a wrongful act or a significantly unjustifiable act concerning In-Home Service, etc. within five years prior to submitting an application for registration;

五 第六十九条の三十八第三項の規定による禁止の処分を受け、その禁止の期間中に第六十九条の六第一号の規定によりその登録が消除され、まだその期間が経過しない者

(v) a person that was subject to a prohibition pursuant to the provisions of Article 69-38, paragraph (3) whose registration was rescinded pursuant to the provisions of Article 69-6, paragraph (1) during said prohibition period, and said prohibition period has not yet expired;

六 第六十九条の三十九の規定による登録の消除の処分を受け、その処分の日から起算して五年を経過しない者

(vi) a person that was subject to a rescinding of registration pursuant to the provisions of Article 69-39 within five years from the date of said disposition of the matter;

七 第六十九条の三十九の規定による登録の消除の処分に係る行政手続法（平成五年法律第八十八号）第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に登録の消除の申請をした者（登録の消除の申請について相当の理由がある者を除く。）であつて、当該登録が消除された日から起算して五年を経過しないもの

(vii) a person that applied for deletion of registration from the date of said notification pursuant to the provisions of Article 15 of the Administrative Procedures Act (Act No. 88 of 1993) pertaining to a deletion of registration pursuant to the provisions of Article 69-39, and five years as not passed yet from the date of said disposition of the matter.

2 前項の登録は、都道府県知事が、介護支援専門員資格登録簿に氏名、生年月日、住所その他厚生労働省令で定める事項並びに登録番号及び登録年月日を登載してするものとする。

(2) A registration as set forth in the preceding paragraph is to be implemented by a prefectural governor by listing the name, date of birth, domicile, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare, and the registration number and date on a registration list of Long-Term Care Support Specialists.

(登録の移転)

(Transfer of Registration)

第六十九条の三 前条第一項の登録を受けている者は、当該登録をしている都道府県知事の管轄する都道府県以外の都道府県に所在する指定居宅介護支援事業者その他厚生労働省令で定める事業者若しくは施設の業務に従事し、又は従事しようとするときは、当該事業者の事業所又は当該施設の所在地を管轄する都道府県知事に対し、当該登録をしている都道府県知事を経由して、登録の移転の申請をすることができる。ただし、その者が第六十九条の三十八第三項の規定による禁止の処分を受け、その禁止の期間が満了していないときは、この限りでない。

Article 69-3 When a person that is registered as set forth in paragraph (1) of the

preceding Article engages in or intends to engage in Designated In-Home Long-Term Care Support Provider, other provider, or a facility as determined by Order of the Ministry of Health, Labour, and Welfare that located in a prefecture other than the prefecture governed by a prefectural governor where said person is registered, said person may apply for a transfer of registration to the prefectural governor governing the location of the business of said provider or the location of said facility via the prefectural governor who governs said registration, however, provided that this provision does not apply when said person is punished by a prohibition pursuant to the provisions of Article 69-38, paragraph (3) and said prohibition period has not completely expired.

(登録事項の変更の届出)

(Notification of Change of Registration Matter)

第六十九条の四 第六十九条の二第一項の登録を受けている者は、当該登録に係る氏名その他厚生労働省令で定める事項に変更があったときは、遅滞なく、その旨を都道府県知事に届け出なければならない。

Article 69-4 A person that is registered as set forth in Article 69-2, paragraph (1), when his or her name or other matter as determined by Order of the Ministry of Health, Labour, and Welfare pertaining to said registration has changed, must notify the prefectural governor without delay of said fact.

(死亡等の届出)

(Notification of Death)

第六十九条の五 第六十九条の二第一項の登録を受けている者が次の各号のいずれかに該当することとなった場合には、当該各号に定める者は、その日（第一号の場合にあつては、その事実を知った日）から三十日以内に、その旨を当該登録をしている都道府県知事又は当該各号に定める者の住所地を管轄する都道府県知事に届け出なければならない。

Article 69-5 When a person that is registered as set forth in Article 69-2, paragraph (1) becomes as defined by any of the following items, the person as provided by said item must provide notification of said fact to the prefectural governor where said person is registered or the prefectural governor governing the domicile of said person as provided in said item within thirty days from the date (in a case of being defined by item (i), on the day) that said fact is known:

一 死亡した場合 その相続人

(i) when the registered person dies: the successor or executor of the estate of said person;

二 第六十九条の二第一項第一号に該当するに至った場合 その後見人又は保佐人

(ii) when the registered person corresponds to Article 69-2, paragraph (1), item (i): the guardian or curator of said person;

三 第六十九条の二第一項第二号又は第三号に該当するに至った場合 本人

- (iii) when the registered person corresponds to Article 69-2, paragraph (1), item (ii) or item (iii): said registered person.

(申請等に基づく登録の消除)

(Deletion of Registration Based on an Application)

第六十九条の六 都道府県知事は、次の各号のいずれかに該当する場合には、第六十九条の二第一項の登録を消除しなければならない。

Article 69-6 A prefectural governor, in a case defined by any of the following items, delete the registration as set forth in Article 69-2, paragraph (1):

一 本人から登録の消除の申請があった場合

(i) when the registered person applies for the deletion of registration;

二 前条の規定による届出があった場合

(ii) when notified as set forth in the preceding Article;

三 前条の規定による届出がなくて同条各号のいずれかに該当する事実が判明した場合

(iii) when not notified as set forth in the preceding Article but a fact that corresponds to any of the items of the same Article is known;

四 第六十九条の三十一の規定により合格の決定を取り消された場合

(iv) when a judgment of passing an examination is rescinded pursuant to the provisions of Article 69-31.

(介護支援専門員証の交付等)

(Delivery of Long-Term Care Support Specialist Certification)

第六十九条の七 第六十九条の二第一項の登録を受けている者は、都道府県知事に対し、介護支援専門員証の交付を申請することができる。

Article 69-7 (1) A person that is registered as set forth in Article 69-2, paragraph (1) may apply for delivery of a Long-Term Care Support Specialist Certification to the prefectural governor.

2 介護支援専門員証の交付を受けようとする者は、都道府県知事が厚生労働省令で定めるところにより行う研修を受けなければならない。ただし、第六十九条の二第一項の登録を受けた日から厚生労働省令で定める期間以内に介護支援専門員証の交付を受けようとする者については、この限りでない。

(2) A person that intends to receive a Long-Term Care Support Specialist Certification, undertake training provided by the prefectural governor pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, provided however, that this provision does not apply to a person that intends to receive a Long-Term Care Support Specialist Certification within the period as determined by Order of the Ministry of Health, Labour, and Welfare from the date of registration as set forth in Article 69-2, paragraph (1).

3 介護支援専門員証（第五項の規定により交付された介護支援専門員証を除く。）の有効期間は、五年とする。

- (3) The effective period of a Long-Term Care Support Specialist Certification (except for Long-Term Care Support Specialist Certification delivered pursuant to the provisions of paragraph (5)) is to be five years.
- 4 介護支援専門員証が交付された後第六十九条の三の規定により登録の移転があったときは、当該介護支援専門員証は、その効力を失う。
- (4) When registration is transferred pursuant to the provisions of Article 69-3 after delivery of a Long-Term Care Support Specialist Certification, said prior Long-Term Care Support Specialist Certification ceases to be effective.
- 5 前項に規定する場合において、登録の移転の申請とともに介護支援専門員証の交付の申請があったときは、当該申請を受けた都道府県知事は、同項の介護支援専門員証の有効期間が経過するまでの期間を有効期間とする介護支援専門員証を交付しなければならない。
- (5) In a case as prescribed in the preceding paragraph, when the delivery of a Long-Term Care Support Specialist Certification is submitted for together with change of registration, the prefectural governor who receives said application must deliver a Long-Term Care Support Specialist Certification that is effective until the effective period expires of the Long-Term Care Support Specialist Certification as set forth in the same paragraph.
- 6 介護支援専門員は、第六十九条の二第一項の登録が消除されたとき、又は介護支援専門員証が効力を失ったときは、速やかに、介護支援専門員証をその交付を受けた都道府県知事に返納しなければならない。
- (6) A Long-Term Care Support Specialist, when the registration as set forth in Article 69-2, paragraph (1) is rescinded or the Long-Term Care Support Specialist Certification ceases to be effective, must return said Long-Term Care Support Specialist Certification immediately to the prefectural governor that delivered said Long-Term Care Support Specialist Certification.
- 7 介護支援専門員は、第六十九条の三十八第三項の規定による禁止の処分を受けたときは、速やかに、介護支援専門員証をその交付を受けた都道府県知事に提出しなければならない。
- (7) A Long-Term Care Support Specialist, when punished by a prohibition pursuant to the provisions of Article 69-38, paragraph (3), must immediately submit the Long-Term Care Support Specialist Certification to the prefectural governor that issued said certification.
- 8 前項の規定により介護支援専門員証の提出を受けた都道府県知事は、同項の禁止の期間が満了した場合においてその提出者から返還の請求があったときは、直ちに、当該介護支援専門員証を返還しなければならない。
- (8) A prefectural governor who receives a Long-Term Care Support Specialist Certification pursuant to the provisions of the preceding paragraph, when said person that submitted the certification requests the return of said certification in a case when the prohibition period as set forth in the same paragraph expires, must immediately return said Long-Term Care Support Specialist

Certification.

(介護支援専門員証の有効期間の更新)

(Renewal of Effective Period of Long-Term Care Support Specialist Certification)

第六十九条の八 介護支援専門員証の有効期間は、申請により更新する。

Article 69-8 (1) The effective period of a Long-Term Care Support Specialist Certification may be renewable by the submission of an application.

2 介護支援専門員証の有効期間の更新を受けようとする者は、都道府県知事が厚生労働省令で定めるところにより行う研修（以下「更新研修」という。）を受けなければならない。ただし、現に介護支援専門員の業務に従事しており、かつ、更新研修の課程に相当するものとして都道府県知事が厚生労働省令で定めるところにより指定する研修の課程を修了した者については、この限りでない。

(2) A person that intends to renew the effective period of a Long-Term Care Support Specialist Certification must undertake the training provided by a prefectural governor pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare (herein referred to as "Training for Renewal"), provided however, that this provision does not apply to a person that currently engages in the business of a Long-Term Care Support Specialist and has completed the training program designated by the prefectural governor pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare as an equivalent to a program of Training for Renewal.

3 前条第三項の規定は、更新後の介護支援専門員証の有効期間について準用する。

(3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the effective period of a renewed Long-Term Care Support Specialist Certification.

(介護支援専門員証の提示)

(Presentation of Long-Term Care Support Specialist Certification)

第六十九条の九 介護支援専門員は、その業務を行うに当たり、関係者から請求があったときは、介護支援専門員証を提示しなければならない。

Article 69-9 A Long-Term Care Support Specialist, when requested by a relevant person, must present his or her Long-Term Care Support Specialist Certification prior to conducting said business.

(厚生労働省令への委任)

(Delegation to Order of the Ministry of Health, Labour, and Welfare)

第六十九条の十 この款に定めるもののほか、第六十九条の二第一項の登録、その移転及び介護支援専門員証に関し必要な事項は、厚生労働省令で定める。

Article 69-10 In addition to the provisions in this Subsection, matters necessary concerning a registration as set forth in Article 69-2, paragraph (1), said

transfer or a Long-Term Care Support Specialist Certification, are prescribed by Order of the Ministry of Health, Labour, and Welfare.

第二款 登録試験問題作成機関の登録、指定試験実施機関及び指定研修実施機関の指定等

Subsection 2 Registration of Organization that Prepares Registration Examination Questions, and Appointment, etc., of Designated Testing Agencies and Designated Training Agencies

(登録試験問題作成機関の登録)

(Registration of Organization that Prepares Registration Examination Questions)

第六十九条の十一 都道府県知事は、厚生労働大臣の登録を受けた法人（以下「登録試験問題作成機関」という。）に、介護支援専門員実務研修受講試験の実施に関する事務のうち試験の問題の作成及び合格の基準の設定に関するもの（以下「試験問題作成事務」という。）を行わせることができる。

Article 69-11 (1) A prefectural governor may require a juridical person registered with the Minister of Health, Labour, and Welfare (herein referred to as "Organization that Prepares Registration Examination Questions") to undertake affairs concerning the preparation of examination questions and the establishment of criteria for passing (herein referred to as "Examination Question Preparation Affairs") among the affairs concerning the implementation of an Examination for Long-Term Care Support Specialist.

2 前項の登録は、試験問題作成事務を行おうとする者の申請により行う。

(2) A registration as set forth in the preceding paragraph is to be submitted by a person that intends to implement Examination Question Preparation Affairs.

3 都道府県知事は、第一項の規定により登録試験問題作成機関に試験問題作成事務を行わせるときは、試験問題作成事務を行わないものとする。

(3) A prefectural governor, when entrusting an Organization that Prepares Registration Examination Questions with the Examination Question Preparation Affairs pursuant to the provisions of paragraph (1), does not otherwise implement Examination Question Preparation Affairs.

(欠格条項)

(Reasons of Disqualification)

第六十九条の十二 次の各号のいずれかに該当する法人は、前条第一項の登録を受けることができない。

Article 69-12 A juridical person that corresponds to any of the following items may not be granted registration as set forth in paragraph (1) of the preceding paragraph:

一 この法律の規定により刑に処せられ、その執行を終わり、又は執行を受けること

がなくなった日から起算して二年を経過しない者であること。

- (i) a person punished pursuant to provisions of this Act and two years have not elapsed from the date said execution of punishment is completed or expired;
二 第六十九条の二十四第一項又は第二項の規定により登録を取り消され、その取消しの日から起算して二年を経過しない者であること。
- (ii) a person that registration is rescinded pursuant to the provisions of Article 69-2, paragraph (1) or paragraph (2) and two years have not elapsed from the date of rescission;
三 その役員のうち、第一号に該当する者があること。
- (iii) a juridical person that has an Officer a person defined by item (i).

(登録の基準)

(Standard of Registration)

第六十九条の十三 厚生労働大臣は、第六十九条の十一第二項の規定により登録を申請した者が次に掲げる要件のすべてに適合しているときは、同条第一項の登録をしなければならない。この場合において、登録に関して必要な手続は、厚生労働省令で定める。

Article 69-13 The Minister of Health, Labour, and Welfare, when a person that applies for registration pursuant to the provisions of Article 69-11, paragraph (2) conforms to all requirements listed in the following items, must issue the registration as set forth in paragraph (1) of the same Article; in said case, necessary procedures for registration are to be as determined by Order of the Ministry of Health, Labour, and Welfare:

一 別表の上欄に掲げる科目について同表の下欄に掲げる試験委員が試験の問題の作成及び合格の基準の設定を行うものであること。

(i) with regard to the subjects listed in the upper column of the appended table, the examination board listed in the lower column of the same table are to prepare the examination questions and establish criteria for passing the examination;

二 試験の信頼性の確保のための次に掲げる措置がとられていること。

(ii) measures listed in the following sub-items are to be undertaken in order to ensure the reliability of the examination:

イ 試験問題作成事務について専任の管理者を置くこと。

(a) a full-time supervisor for Examination Question Preparation Affairs is assigned;

ロ 試験問題作成事務の管理（試験に関する秘密の保持及び試験の合格の基準に関することを含む。）に関する文書の作成その他の厚生労働省令で定める試験問題作成事務の信頼性を確保するための措置が講じられていること。

(b) measures are undertaken in order to ensure the reliability of the preparation of documents concerning management of Examination Question Preparation Affairs (including maintaining the confidentiality of

the examination and matters concerning the criteria for passing said examination) and other Examination Question Preparation Affairs as determined by Order of the Ministry of Health, Labour, and Welfare;
ハ ロの文書に記載されたところに従い試験問題作成事務の管理を行う専任の部門を置くこと。

(c) a department dedicated to the management of Examination Question Preparation Affairs is established according to the provisions for documents as set forth in sub-item (b);

三 債務超過の状態にないこと。

(iii) said person is not be in a financial condition with liabilities in excess of assets.

(登録の公示等)

(Public Notice of Registration)

第六十九条の十四 厚生労働大臣は、第六十九条の十一第一項の登録をしたときは、当該登録を受けた者の名称及び主たる事務所の所在地並びに当該登録をした日を公示しなければならない。

Article 69-14 (1) The Minister of Health, Labour, and Welfare, when registering a person as set forth in Article 69-11, paragraph (1), issue public notice of the name and location of the main Business Office of said person that is registered and the date of said registration.

2 登録試験問題作成機関は、その名称又は主たる事務所の所在地を変更しようとするときは、変更しようとする日の二週間前までに、その旨を厚生労働大臣及び第六十九条の十一第一項の規定により登録試験問題作成機関にその試験問題作成事務を行わせることとした都道府県知事（以下「委任都道府県知事」という。）に届け出なければならない。

(2) An Organization that Prepares Registration Examination Questions, when it intends to change its name or the location of its main Business Office, must provide notification two (2) weeks prior to the day of said change of said fact to the Minister of Health, Labour, and Welfare and to the prefectural governor who entrusted said Organization that Prepares Registration Examination Questions to conduct Examination Question Preparation Affairs pursuant to the provisions of Article 69-11, paragraph (1) (herein referred to as "Entrusting Prefectural Governor").

3 厚生労働大臣は、前項の届出があったときは、その旨を公示しなければならない。

(3) The Minister of Health, Labour, and Welfare, when a notification of said change is received as set forth in the preceding paragraph, must issue public notice of said fact.

(役員を選任及び解任)

(Appointment and Dismissal of Officers)

第六十九条の十五 登録試験問題作成機関は、役員を選任し、又は解任したときは、遅滞なく、その旨を厚生労働大臣に届け出なければならない。

Article 69-15 An Organization that Prepares Registration Examination

Questions, when it appoints or dismisses an Officer, must notify without delay the Minister of Health, Labour, and Welfare of said fact.

(試験委員の選任及び解任)

(Appointment and Dismissal of Examination Board)

第六十九条の十六 登録試験問題作成機関は、第六十九条の十三第一号の試験委員を選任し、又は解任したときは、遅滞なく、その旨を厚生労働大臣に届け出なければならない。

Article 69-16 An Organization that Prepares Registration Examination

Questions, when it appoints or dismisses an examination board as set forth in Article 69-13, paragraph (1), must notify without delay the Minister of Health, Labour, and Welfare of said fact.

(秘密保持義務等)

(Confidentiality Obligations)

第六十九条の十七 登録試験問題作成機関の役員若しくは職員（第六十九条の十三第一号の試験委員を含む。次項において同じ。）又はこれらの職にあった者は、試験問題作成事務に関して知り得た秘密を漏らしてはならない。

Article 69-17 (1) An Officer or other personnel of an Organization that Prepares Registration Examination Questions (including an examination board as set forth in Article 69-13, paragraph (1); the same applies in the following paragraph) or a person that held this occupation must not divulge any confidential information that said person learns concerning any Examination Question Preparation Affairs.

2 試験問題作成事務に従事する登録試験問題作成機関の役員又は職員は、刑法その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) An Officer or other personnel of an Organization that Prepares Registration Examination Questions who engages in Examination Question Preparation Affairs is deemed as personnel that engage in public service pursuant to the provisions of laws and regulations with regard to application of the Penal Code and other penal provisions.

(試験問題作成事務規程)

(Rules for Examination Question Preparation Affairs)

第六十九条の十八 登録試験問題作成機関は、試験問題作成事務の開始前に、厚生労働省令で定める試験問題作成事務の実施に関する事項について試験問題作成事務規程を定め、厚生労働大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 69-18 (1) An Organization that Prepares Registration Examination Questions, prior to commencing Examination Question Preparation Affairs, must stipulate Rules of Examination Question Preparation Affairs with regard to matters pertaining to the conduct of Examination Question Preparation Affairs as determined by Order of the Ministry of Health, Labour, and Welfare, and obtain the approval of the Minister of Health, Labour, and Welfare; the same applies when said rules are changed.

2 厚生労働大臣は、前項の規定により認可をした試験問題作成事務規程が試験問題作成事務の適正かつ確実な実施上不適當となったと認めるときは、登録試験問題作成機関に対し、これを変更すべきことを命ずることができる。

(2) The Minister of Health, Labour, and Welfare, when it is determined that the Rules of Examination Question Preparation Affairs that are approved pursuant to the provisions of the preceding paragraph have become inappropriate for the proper and assured conduct of Examination Question Preparation Affairs, may order an Organization that Prepares Registration Examination Questions to change said rules.

(財務諸表等の備付け及び閲覧等)

(Maintenance and Inspection of Financial Statements)

第六十九条の十九 登録試験問題作成機関は、毎事業年度経過後三月以内に、その事業年度の財産目録、貸借対照表及び損益計算書又は収支計算書並びに事業報告書（その作成に代えて電磁的記録（電子的方式、磁気的方式その他の人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。以下この条において同じ。）の作成がされている場合における当該電磁的記録を含む。次項及び第二百十一条の二において「財務諸表等」という。）を作成し、五年間登録試験問題作成機関の事務所に備えて置かなければならない。

Article 69-19 (1) An Organization that Prepares Registration Examination Questions, within three months from the end of every fiscal year, must prepare a schedule of inventories, a Statement of Financial Position, Statement of Operations, Cash Flow Statement, and business report of such fiscal year (including an electromagnetic record (a record in an electronic format, a magnetic format, or any other format not recognizable to human perception that is used for information processing by a computer; the same applies herein this Article) when said electromagnetic record is prepared in lieu of said financial statements, etc.; herein referred to as "Financial Statements, etc." in the following paragraph, and Article 211-2) and maintain said Financial Statements, etc., in the Business Office of the Organization that Prepares Registration Examination Questions for five years.

2 介護支援専門員実務研修受講試験を受けようとする者その他の利害関係人は、登録試験問題作成機関の業務時間内は、いつでも、次に掲げる請求をすることができる。

ただし、第二号又は第四号の請求をするには、登録試験問題作成機関の定めた費用を支払わなければならない。

(2) A person that intends to undertake the Examination for Long-Term Care Support Specialist or other interested person may request any time within the business hours of an Organization that Prepares Registration Examination Questions the items listed below, however, provided that said person must pay the expenses specified by and pay to the Organization that Prepares Registration Examination Questions as requested, as set forth in item (ii) and item (iv):

一 財務諸表等が書面をもって作成されているときは、当該書面の閲覧又は謄写の請求

(i) when the Financial Statements, etc., are prepared on paper, a request of inspection or copy of said documents;

二 前号の書面の謄本又は抄本の請求

(ii) a request of transcripts or extracts of the documents as set forth in the preceding paragraph;

三 財務諸表等が電磁的記録をもって作成されているときは、当該電磁的記録に記録された事項を厚生労働省令で定める方法により表示したものの閲覧又は謄写の請求

(iii) when the Financial Statements, etc., are prepared as an electromagnetic record, request inspection or copy of matters recorded in said electromagnetic record and a display shown of the same by a method as determined by Order of the Ministry of Health, Labour, and Welfare;

四 前号の電磁的記録に記録された事項を電磁的方法であって厚生労働省令で定めるものにより提供することの請求又は当該事項を記載した書面の交付の請求

(iv) a request to provide matters in an electromagnetic record as set forth in the preceding paragraph by a method as determined by Order of the Ministry of Health, Labour, and Welfare, or to deliver the documents stated by said matters.

(帳簿の備付け等)

(Maintenance of Records)

第六十九条の二十 登録試験問題作成機関は、厚生労働省令で定めるところにより、試験問題作成事務に関する事項で厚生労働省令で定めるものを記載した帳簿を備え、保存しなければならない。

Article 69-20 An Organization that Prepares Registration Examination Questions, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, must keep and maintain records of all matters concerning Examination Question Preparation Affairs as determined by Order of the Ministry of Health, Labour, and Welfare, and ensure said matters are recorded.

(適合命令)

(Order for Conformity)

第六十九条の二十一 厚生労働大臣は、登録試験問題作成機関が第六十九条の十三各号のいずれかに適合しなくなつたと認めるときは、その登録試験問題作成機関に対し、これらの規定に適合するため必要な措置をとるべきことを命ずることができる。

Article 69-21 The Minister of Health, Labour, and Welfare, when it is determined that an Organization that Prepares Registration Examination Questions is not conforming with any of the items of Article 69-13, may order said Organization that Prepares Registration Examination Questions to take the necessary measures to conform with these provisions.

(報告及び検査)

(Reports and Inspections)

第六十九条の二十二 厚生労働大臣は、試験問題作成事務の適正な実施を確保するため必要があると認めるときは、登録試験問題作成機関に対し、試験問題作成事務の状況に関し必要な報告を求め、又は当該職員に関係者に対して質問させ、若しくは登録試験問題作成機関の事務所に立ち入り、その帳簿書類その他の物件を検査させることができる。

Article 69-22 (1) The Minister of Health, Labour, and Welfare, when it is determined to be necessary to ensure the proper conduct of Examination Question Preparation Affairs, may request an Organization that Prepares Registration Examination Questions to provide necessary reports concerning the status of Examination Question Preparation Affairs, direct said personnel to answer the questions of a relevant person, enter the Business Office of an Organization that Prepares Registration Examination Questions in order to inspect record books and documents, and other items.

2 委任都道府県知事は、その行わせることとした試験問題作成事務の適正な実施を確保するため必要があると認めるときは、登録試験問題作成機関に対し、試験問題作成事務の状況に関し必要な報告を求め、又は当該職員に関係者に対して質問させ、若しくは登録試験問題作成機関の事務所に立ち入り、その帳簿書類その他の物件を検査させることができる。

(2) An Entrusting Prefectural Governor, when it is determined to be necessary to ensure the proper conduct of Examination Question Preparation Affairs that said prefectural governor entrusted, may request an Organization that Prepares Registration Examination Questions to provide necessary reports concerning the status of Examination Question Preparation Affairs, direct its personnel to ask questions to the relevant Persons, enter the Business Office of an Organization that Prepares Registration Examination Questions in order to inspect record books and documents, and other items.

3 第二十四条第三項の規定は前二項の規定による質問又は検査について、同条第四項の規定は前二項の規定による権限について準用する。

(3) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding two paragraphs and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding two paragraphs.

(試験問題作成事務の休廃止)

(Discontinuance and Abolishment of Examination Question Preparation Affairs)

第六十九条の二十三 登録試験問題作成機関は、厚生労働大臣の許可を受けなければ、試験問題作成事務の全部又は一部を休止し、又は廃止してはならない。

Article 69-23 (1) An Organization that Prepares Registration Examination Questions must not discontinue or abolish the whole or a part of the Examination Question Preparation Affairs without the approval of the Minister of Health, Labour, and Welfare.

2 厚生労働大臣は、前項の規定による許可をしようとするときは、関係委任都道府県知事の意見を聴かなければならない。

(2) The Minister of Health, Labour, and Welfare, when granting an approval pursuant to the provisions of the preceding paragraph, must hear the opinions of relevant Entrusting Prefectural Governor.

3 厚生労働大臣は、第一項の規定による許可をしたときは、その旨を、関係委任都道府県知事に通知するとともに、公示しなければならない。

(3) The Minister of Health, Labour, and Welfare, when granting an approval pursuant to the provisions of paragraph (1), must issue public notice of and provide notification of said fact to the relevant Entrusting Prefectural Governor.

(登録の取消し等)

(Rescission of Registration)

第六十九条の二十四 厚生労働大臣は、登録試験問題作成機関が第六十九条の十二第一号又は第三号に該当するに至ったときは、当該登録試験問題作成機関の登録を取り消さなければならない。

Article 69-24 (1) The Minister of Health, Labour, and Welfare, when an Organization that Prepares Registration Examination Questions becomes as defined by Article 69-12, item (i) or item (iii), must rescind the registration of said Organization that Prepares Registration Examination Questions.

2 厚生労働大臣は、登録試験問題作成機関が次の各号のいずれかに該当するときは、当該登録試験問題作成機関に対し、その登録を取り消し、又は期間を定めて試験問題作成事務の全部若しくは一部の停止を命ずることができる。

(2) The Minister of Health, Labour, and Welfare, when an Organization that Prepares Registration Examination Questions corresponds to any of the

following items, may rescind the registration of said Organization that Prepares Registration Examination Questions, or specify a period of suspension for the whole or a part of any Examination Question Preparation Affairs:

一 不正な手段により第六十九条の十一第一項の登録を受けたとき。

(i) when the registration as set forth in Article 69-11, paragraph (1) is performed by wrongful means;

二 第六十九条の十四第二項、第六十九条の十五、第六十九条の十六、第六十九条の十九第一項、第六十九条の二十又は前条第一項の規定に違反したとき。

(ii) when said Organization violates provisions of Article 69-14, paragraph (2), Article 69-15, Article 69-16, Article 69-19, paragraph (1), Article 69-20 or paragraph (1) of the preceding Article;

三 正当な理由がないのに第六十九条の十九第二項各号の規定による請求を拒んだとき。

(iii) when said Organization refuses a request pursuant to the provisions of Article 69-19, paragraph (2) without a justifiable reason;

四 第六十九条の十八第一項の認可を受けた試験問題作成事務規程によらないで試験問題作成事務を行ったとき。

(iv) when said Organization conducts Examination Question Preparation Affairs without conforming to the Rules of Examination Question Preparation Affairs that are approved pursuant to the provisions of Article 69-18, paragraph (1);

五 第六十九条の十八第二項又は第六十九条の二十一の命令に違反したとき。

(v) when said Organization violates an order as set forth in Article 69-18, paragraph (2) or Article 69-21.

3 厚生労働大臣は、前二項の規定により登録を取り消し、又は前項の規定により試験問題作成事務の全部若しくは一部の停止を命じたときは、その旨を、関係委任都道府県知事に通知するとともに、公示しなければならない。

(3) The Minister of Health, Labour, and Welfare, when rescinding a registration pursuant to the provisions of the preceding two paragraphs and ordering a suspension of the whole or a part of Examination Question Preparation Affairs pursuant to the provisions of the preceding paragraph, must issue public notice of the relevant Entrusting Prefectural Governor and publicly give notice of said fact.

(委任都道府県知事による試験問題作成事務の実施)

(Implementation of Examination Question Preparation Affairs by an Entrusting Prefectural Governor)

第六十九条の二十五 委任都道府県知事は、登録試験問題作成機関が第六十九条の二十三第一項の規定により試験問題作成事務の全部若しくは一部を休止したとき、厚生労働大臣が前条第二項の規定により登録試験問題作成機関に対し試験問題作成事務の全

部若しくは一部の停止を命じたとき、又は登録試験問題作成機関が天災その他の事由により試験問題作成事務の全部若しくは一部を実施することが困難となった場合において厚生労働大臣が必要があると認めるときは、第六十九条の十一第三項の規定にかかわらず、当該試験問題作成事務の全部又は一部を行うものとする。

Article 69-25 (1) When an Organization that Prepares Registration Examination Questions discontinues the whole or a part of Examination Question Preparation Affairs pursuant to the provisions of Article 69-23, paragraph (1), or when the Minister of Health, Labour, and Welfare orders an Organization that Prepares Registration Examination Questions pursuant to the provisions of paragraph (2) of the preceding Article to suspend the whole or a part of Examination Question Preparation Affairs, or when it has become difficult for an Organization that Prepares Registration Examination Questions to conduct the whole or a part of Examination Question Preparation Affairs due to a disaster or other reasons, the Entrusting Prefectural Governor, when the Minister of Health, Labour, and Welfare determines it necessary, is to conduct the whole or a part of said Examination Question Preparation Affairs notwithstanding the provisions of Article 69-11, paragraph (3).

2 厚生労働大臣は、委任都道府県知事が前項の規定により試験問題作成事務を行うこととなるとき、又は委任都道府県知事が同項の規定により試験問題作成事務を行うこととなる事由がなくなったときは、速やかにその旨を当該委任都道府県知事に通知しなければならない。

(2) The Minister of Health, Labour, and Welfare, when an Entrusting Prefectural Governor is conducting the Examination Question Preparation Affairs pursuant to the provisions of the preceding paragraph and when the reason is no longer valid for an Entrusting Prefectural Governor to conduct the Examination Question Preparation Affairs pursuant to the provisions of the same paragraph, must provide notice of said fact immediately to said Entrusting Prefectural Governor.

(試験問題作成事務に係る手数料)

(Fee Pertaining to Examination Question Preparation Affairs)

第六十九条の二十六 委任都道府県知事は、地方自治法第二百二十七条の規定に基づき試験問題作成事務に係る手数料を徴収する場合には、第六十九条の十一第一項の規定により登録試験問題作成機関が行う試験問題作成事務に係る介護支援専門員実務研修受講試験を受けようとする者に、条例で定めるところにより、当該手数料を当該登録試験問題作成機関に納めさせ、その収入とすることができる。

Article 69-26 An Entrusting Prefectural Governor, in a case when collecting a fee pertaining to Examination Question Preparation Affairs based on the provisions of Article 227 of the Local Autonomy Act, may direct a person that intends to undertake an Examination for Long-Term Care Support Specialist pertaining to Examination Question Preparation Affairs provided by an

Organization that Prepares Registration Examination Questions pursuant to the provisions of Article 69-11, paragraph (1) and pursuant to the provisions of a prefectural ordinance, to pay said fee to said Organization that Prepares Registration Examination Questions as income.

(指定試験実施機関の指定)

(Appointment of Designated Testing Agency)

第六十九条の二十七 都道府県知事は、その指定する者（以下「指定試験実施機関」という。）に、介護支援専門員実務研修受講試験の実施に関する事務（試験問題作成事務を除く。以下「試験事務」という。）を行わせることができる。

Article 69-27 (1) A prefectural governor may designate a person (herein referred to as "Designated Testing Agency") to operate affairs concerning implementation of an Examination for Long-Term Care Support Specialist (except for Examination Question Preparation Affairs; herein referred to as "Examination Affairs").

2 前条の規定は、指定試験実施機関が行う試験事務に係る手数料について準用する。

(2) The provisions of the preceding Article apply mutatis mutandis to a fee pertaining to Examination Affairs provided by a Designated Testing Agency.

(秘密保持義務等)

(Confidentiality Obligations)

第六十九条の二十八 指定試験実施機関（その者が法人である場合にあつては、その役員。次項において同じ。）若しくはその職員又はこれらの職にあつた者は、試験事務に関して知り得た秘密を漏らしてはならない。

Article 69-28 (1) A Designated Testing Agency (in a case when said person is a juridical person, an Officer of said person; the same applies in the following paragraph) or its personnel, or a person that held this occupation must not divulge any confidential information that was learned pertaining to Examination Affairs.

2 試験事務に従事する指定試験実施機関又はその職員は、刑法その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) A Designated Testing Agency which engages in Examination Affairs or its personnel is deemed as personnel that engage in public service pursuant to the provisions of laws and regulations, with regard to application of the Penal Code or other penal provisions.

(監督命令等)

(Supervisory Orders)

第六十九条の二十九 都道府県知事は、試験事務の適正な実施を確保するため必要があると認めるときは、指定試験実施機関に対し、試験事務に関し監督上必要な命令をすることができる。

Article 69-29 A prefectural governor, when it is determined that it is necessary for ensuring the proper conduct of Examination Affairs, may give necessary orders for supervision concerning Examination Affairs to a Designated Testing Agency.

(報告及び検査)

(Reports and Inspections)

第六十九条の三十 都道府県知事は、試験事務の適正な実施を確保するため必要があると認めるときは、指定試験実施機関に対し、試験事務の状況に関し必要な報告を求め、又は当該職員に関係者に対して質問させ、若しくは指定試験実施機関の事務所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 69-30 (1) A prefectural governor, when it is determined that it is necessary for ensuring proper conduct of Examination Affairs, may request a Designated Testing Agency to submit the necessary reports concerning the status of Examination Affairs, direct its personnel to ask questions of the relevant person, enter the Business Office of a Designated Testing Agency in order to inspect said facility, record books and documents, and other items.

2 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(合格の取消し等)

(Rescission of Passing an Examination)

第六十九条の三十一 都道府県知事は、不正の手段によって介護支援専門員実務研修受講試験を受け、又は受けようとした者に対しては、合格の決定を取り消し、又はその介護支援専門員実務研修受講試験を受けることを禁止することができる。

Article 69-31 (1) A prefectural governor may rescind an application to take an examination or a judgment of passing an examination for a person that completed or intends to complete an Examination for Long-Term Care Support Specialist by wrongful means, or is prohibited from taking said Examination for Long-Term Care Support Specialist.

2 指定試験実施機関は、その指定をした都道府県知事の前項に規定する職権を行うことができる。

(2) A Designated Testing Agency may exercise the authority as prescribed in the preceding paragraph of the prefectural governor who issued said designation to said Designated Testing Agency.

(政令への委任)

(Delegation to a Cabinet Order)

第六十九条の三十二 第六十九条の二十七から前条までに定めるもののほか、指定試験実施機関に関し必要な事項は、政令で定める。

Article 69-32 In addition to the provisions specified in Article 69-27 through the preceding Article, other necessary matters concerning a Designated Testing Agency are specified by a Cabinet Order.

(指定研修実施機関の指定等)

(Appointment of Designated Training Agencies)

第六十九条の三十三 都道府県知事は、その指定する者（以下「指定研修実施機関」という。）に、介護支援専門員実務研修及び更新研修の実施に関する事務（以下「研修事務」という。）を行わせることができる。

Article 69-33 (1) A prefectural governor may designate a person (herein referred to as "Designated Training Agency") to conduct affairs concerning the implementation of a Long-Term Care Support Specialist Internship and Training for Renewal (herein referred to as "Training Affairs").

2 第六十九条の二十七第二項、第六十九条の二十九及び第六十九条の三十の規定は、指定研修実施機関について準用する。この場合において、これらの規定中「指定試験実施機関」とあるのは「指定研修実施機関」と、「試験事務」とあるのは「研修事務」と読み替えるものとする。

(2) The provisions of Article 69-27, paragraph (2), Article 69-29, and Article 69-30 apply mutatis mutandis to a Designated Training Agency. In this case, the terms "Designated Testing Agency" and "Examination Affairs" in these provisions are deemed to be replaced with "Designated Training Agency" and "Training Affairs," respectively.

3 前二項に定めるもののほか、指定研修実施機関に関し必要な事項は、政令で定める。

(3) In addition to the provisions of the preceding two paragraphs, other necessary matters concerning a Designated Training Agency are prescribed by a Cabinet Order.

第三款 義務等

Subsection 3 Obligations, etc.

(介護支援専門員の義務)

(Obligations of a Long-Term Care Support Specialist)

第六十九条の三十四 介護支援専門員は、その担当する要介護者等の人格を尊重し、常に当該要介護者等の立場に立って、当該要介護者等に提供される居宅サービス、地域密着型サービス、施設サービス、介護予防サービス又は地域密着型介護予防サービスが特定の種類又は特定の事業者若しくは施設に不当に偏ることのないよう、公正かつ誠実にその業務を行わなければならない。

Article 69-34 (1) A Long-Term Care Support Specialist must operate said

business correctly and faithfully with respect to the personality of an Insured Person Requiring Long-Term Care, etc., that is under the responsibility of said Specialist, always from the viewpoint of said Insured Person Requiring Long-Term Care, etc., in order to prevent placing inappropriate or false emphasis on a specific type, or a specific provider or facility that provides In-Home Service, Community-Based Service, Facility Service, Preventive Long-Term Care Service, or Community-Based Service for Preventive Long-Term Care that is provided to said Insured Person Requiring Long-Term Care, etc.

2 介護支援専門員は、厚生労働省令で定める基準に従って、介護支援専門員の業務を行わなければならない。

(2) A Long-Term Care Support Specialist must perform the business of Long-Term Care Support Specialist according to standards as determined by Order of the Ministry of Health, Labour, and Welfare.

(名義貸しの禁止等)

(Prohibition on Use of Name)

第六十九条の三十五 介護支援専門員は、介護支援専門員証を不正に使用し、又はその名義を他人に介護支援専門員の業務のため使用させてはならない。

Article 69-35 A Long-Term Care Support Specialist may not permit others to wrongfully use the Long-Term Care Support Specialist Certification or the business name of said Long-Term Care Support Specialist.

(信用失墜行為の禁止)

(Prohibition of Acts to Damage Impartiality)

第六十九条の三十六 介護支援専門員は、介護支援専門員の信用を傷つけるような行為をしてはならない。

Article 69-36 A Long-Term Care Support Specialist must not commit any act that may impair the impartiality of or confidence placed in said Long-Term Care Support Specialist.

(秘密保持義務)

(Confidentiality Obligations)

第六十九条の三十七 介護支援専門員は、正当な理由なしに、その業務に関して知り得た人の秘密を漏らしてはならない。介護支援専門員でなくなった後においても、同様とする。

Article 69-37 A Long-Term Care Support Specialist may not divulge any confidential information of an individual person that is learned pertaining to said business without a justifiable basis. The same provision applies after said person ceases to be a Long-Term Care Support Specialist.

(報告等)

(Reporting)

第六十九条の三十八 都道府県知事は、介護支援専門員の業務の適正な遂行を確保するため必要があると認めるときは、その登録を受けている介護支援専門員及び当該都道府県の区域内でその業務を行う介護支援専門員に対し、その業務について必要な報告を求めることができる。

- Article 69-38 (1) A prefectural governor, when it is determined that it is necessary for ensuring proper execution of the business of a Long-Term Care Support Specialist, may request necessary reports of said business from a registered Long-Term Care Support Specialist and a Long-Term Care Support Specialist that operates within the area governed by said prefectural governor.
- 2 都道府県知事は、その登録を受けている介護支援専門員又は当該都道府県の区域内でその業務を行う介護支援専門員が第六十九条の三十四の規定に違反していると認めるときは、当該介護支援専門員に対し、必要な指示をし、又は当該都道府県知事の指定する研修を受けるよう命ずることができる。
- (2) A prefectural governor, when it is determined that a registered Long-Term Care Support Specialist or a Long-Term Care Support Specialist that operates within the area governed by said prefectural governor violates the provisions of Article 69-34, may provide necessary instructions to said Long-Term Care Support Specialist and order said Specialist to undertake the training designated by said prefectural governor.
- 3 都道府県知事は、その登録を受けている介護支援専門員又は当該都道府県の区域内でその業務を行う介護支援専門員が前項の規定による指示又は命令に従わない場合には、当該介護支援専門員に対し、一年以内の期間を定めて、介護支援専門員として業務を行うことを禁止することができる。
- (3) A prefectural governor, in a case that a registered Long-Term Care Support Specialist or a Long-Term Care Support Specialist that operates within the area governed by said prefectural governor disobeys instructions or orders pursuant to the provisions of the preceding paragraph, may prohibit said Long-Term Care Support Specialist from operating as a Long-Term Care Support Specialist by specifying a period that is less than one (1) year.
- 4 都道府県知事は、他の都道府県知事の登録を受けている介護支援専門員に対して前二項の規定による処分をしたときは、遅滞なく、その旨を、当該介護支援専門員の登録をしている都道府県知事に通知しなければならない。
- (4) A prefectural governor, when he or she executes an action pursuant to the provisions of the preceding two paragraphs to a Long-Term Care Support Specialist who is registered in an area governed by a different prefectural governor, must notify without delay the prefectural governor that is governing the area where said Long-Term Care Support Specialist is registered of said fact.

(登録の消除)

(Deletion and Rescission of Registration)

第六十九条の三十九 都道府県知事は、その登録を受けている介護支援専門員が次の各号のいずれかに該当する場合には、当該登録を削除しなければならない。

Article 69-39 (1) A prefectural governor, when a Long-Term Care Support Specialist that is registered in an area governed by said prefectural governor corresponds to any of the following items, shall delete and rescind said registration:

一 第六十九条の二第一項第一号から第三号までのいずれかに該当するに至った場合
(i) when a Specialist corresponds to any provision of Article 69-2, paragraph (1), item (i) to item (iii);

二 不正の手段により第六十九条の二第一項の登録を受けた場合
(ii) when a Specialist is registered as set forth in Article 69-2, paragraph (1) by a wrongful means;

三 不正の手段により介護支援専門員証の交付を受けた場合
(iii) when the Long-Term Care Support Specialist Certification is issued by a wrongful means;

四 前条第三項の規定による業務の禁止の処分に違反した場合
(iv) when a Specialist violates a prohibition of business ordered pursuant to the provisions of paragraph (3) of the preceding Article.

2 都道府県知事は、その登録を受けている介護支援専門員が次の各号のいずれかに該当する場合には、当該登録を削除することができる。

(2) A prefectural governor, in a case when a registered Long-Term Care Support Specialist corresponds to any of the following items, may delete and rescind said registration:

一 第六十九条の三十四から第六十九条の三十七までの規定に違反した場合
(i) when a Specialist violates provisions listed from Article 69-34 to Article 69-37;

二 前条第一項の規定により報告を求められて、報告をせず、又は虚偽の報告をした場合

(ii) when a Specialist is requested to report pursuant to the provisions of paragraph (1) of the preceding Article, but does not report or submits a false report;

三 前条第二項の規定による指示又は命令に違反し、情状が重い場合
(iii) when a Specialist violates an instruction or order pursuant to the provisions of paragraph (2) of the preceding Article and said circumstances are considered serious.

3 第六十九条の二第一項の登録を受けている者で介護支援専門員証の交付を受けていないものが次の各号のいずれかに該当する場合には、当該登録をしている都道府県知事は、当該登録を削除しなければならない。

(3) When a person is registered as set forth in Article 69-2, paragraph (1) that has not been issued a Long-Term Care Support Specialist Certification as

defined by any of the following items, the prefectural governor that provides said registration must delete said registration:

- 一 第六十九条の二第一項第一号から第三号までのいずれかに該当するに至った場合
(i) when said person corresponds to any provision of Article 69-2, paragraph (1), item (i) to item (iii);
- 二 不正の手段により第六十九条の二第一項の登録を受けた場合
(ii) when said person is registered as set forth in Article 69-2, paragraph (1) by wrongful means;
- 三 介護支援専門員として業務を行った場合
(iii) when said person operates a business as a Long-Term Care Support Specialist.

第二節 指定居宅サービス事業者

Section 2 Designated In-Home Service Providers

(指定居宅サービス事業者の指定)

(Appointment as service provider of a Designated In-Home Service Provider)

第七十条 第四十一条第一項本文の指定は、厚生労働省令で定めるところにより、居宅サービス事業を行う者の申請により、居宅サービスの種類及び当該居宅サービスの種類に係る居宅サービス事業を行う事業所（以下この節において単に「事業所」という。）ごとに行う。

Article 70 (1) An appointment as service provider as set forth in the main clause of Article 41, paragraph (1) is to be provided pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, by the submission of an application of a person that operates an In-Home Service Business, and by type of In-Home Service and provider that operates said In-Home Service Business pertaining to the type of said In-Home Service (hereinafter referred to simply as "Business Office" in this Section).

2 都道府県知事は、前項の申請があった場合において、第一号から第三号まで、第五号から第七号まで、第九号又は第十号（病院等により行われる居宅療養管理指導又は病院若しくは診療所により行われる訪問看護、訪問リハビリテーション、通所リハビリテーション若しくは短期入所療養介護に係る指定の申請にあつては、第二号から第十一号まで）のいずれかに該当するときは、第四十一条第一項本文の指定をしてはならない。

(2) A prefectural governor, in a case of an application to provide service as set forth in the preceding paragraph when defined by any provision of item (i) to item (iii), item (v) to item (vii), or item (ix) to item (x) (with regard to an application of appointment as service provider pertaining to Guidance for Management of In-Home Medical Long-Term Care provided by a Hospital, etc., Home-Visit Nursing provided by a hospital or a clinic, Home-Visit Rehabilitation, Outpatient Rehabilitation, or Short-Term Admission for

Recuperation, item (ii) to item (xi)), must not provide the appointment as service provider as set forth in the main clause of Article 41, paragraph (1):

一 申請者が法人でないとき。

(i) when the applicant is not a juridical person;

二 当該申請に係る事業所の従業者の知識及び技能並びに人員が、第七十四条第一項の厚生労働省令で定める基準及び同項の厚生労働省令で定める員数を満たしていないとき。

(ii) when the knowledge, skill, and number of personnel of the Business Office pertaining to said application do not meet standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 74, paragraph (1) and for the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as provided in the same paragraph;

三 申請者が、第七十四条第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準に従って適正な居宅サービス事業の運営をすることができないと認められるとき。

(iii) when it is determined that the applicant cannot perform a proper In-Home Service Business in accordance with standards pertaining to facilities and management of a Designated In-Home Service Business as prescribed in Article 74, paragraph (2);

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

(iv) a person punished by imprisonment without compulsory labor and the execution of said penalty has not yet been completed or has not yet expired;

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

(v) when the applicant is punished by a fine pursuant to the provisions of this Act or any other Act pertaining to medical service or the welfare of citizens as provided by a Cabinet Order and the execution of said penalty has not yet been completed or has not yet expired;

六 申請者が、第七十七条第一項又は第百十五条の二十九第六項の規定により指定を取り消され、その取消の日から起算して五年を経過しない者（当該指定を取り消された者が法人である場合においては、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内に当該法人の役員（業務を執行する社員、取締役、執行役又はこれらに準ずる者をいい、相談役、顧問その他いかなる名称を有する者であるかを問わず、法人に対し業務を執行する社員、取締役、執行役又はこれらに準ずる者と同様以上の支配力を有するものと認められる者を含む。第五節において同じ。）又はその事業所を管理する者その他の政令で定める使用人（以下「役員等」という。）であった者で当該取消しの日から起算して五年を経過しないものを含み、当該指定を取り消された者が法人でない病院等である場合にお

いては、当該通知があった日前六十日以内に当該病院等の管理者であった者で当該取消しの日から起算して五年を経過しないものを含む。) であるとき。

(vi) when the applicant has been rescinded for an appointment as service provider pursuant to the provisions of Article 77, paragraph (1) or Article 115-29, paragraph (6) and five years have not elapsed from the date of said rescission (in a case when a person that has been rescinded for said appointment as service provider is a juridical person, including a person that is or was an Officer of said juridical person (which means an employee, director, or executive Officer that executes the business, or a person in an equivalent position and includes an employee, director, or executive Officer that executes business for a juridical person, or a person that is to be deemed to have the equivalent or higher ascendancy of position to these persons; the same applies in Section 5), a person that manages said Business Office, or other personnel as provided by a Cabinet Order (herein referred to as "Officers, etc.") within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission, and in a case when a person that has been rescinded for said appointment as service provider, is a Hospital, etc., that is not a juridical person, including a person that is or was a manager of said Hospital, etc., within sixty days prior to the date of said rescission and five years have not elapsed from the date of said rescission;

七 申請者が、第七十七条第一項又は第百十五条の二十九第六項の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第七十五条の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(vii) when the applicant who provided notification of abolishment of business pursuant to the provisions of Article 75 from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 77, paragraph (1) or Article 115-29, paragraph (6) until the date when the appointment as service provider is rescinded or when it is determined not to rescind the appointment as service provider (except for a person that has a reasonable basis for said abolishment of business) and five years have not elapsed from the date of said notification;

八 前号に規定する期間内に第七十五条の規定による事業の廃止の届出があった場合において、申請者が、同号の通知の日前六十日以内に当該届出に係る法人（当該事業の廃止について相当の理由がある法人を除く。）の役員等又は当該届出に係る法人でない病院等（当該事業の廃止について相当の理由があるものを除く。）の管理者であった者で、当該届出の日から起算して五年を経過しないものであるとき。

(viii) in a case when abolishment of business pursuant to the provisions of Article 75 was duly provided by notification during the period pursuant to the provisions of the preceding item, when the applicant who was an Officer, etc., of a juridical person (except for a juridical person that has a reasonable basis for said abolishment of business) pertaining to said notification or a manager of a Hospital, etc., that is not a juridical person pertaining to said notification (except for a juridical person that has a reasonable basis for said abolishment of business) within sixty days before the notification as set forth in the same item, and five years have not elapsed from the date of said notification;

九 申請者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(ix) when the applicant performed a wrongful or significantly unjustifiable act pertaining to In-Home Service, etc., within five years prior to an application of appointment as service provider;

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

(x) when the applicant is a juridical person and any said Officer, etc., corresponds to any of the provisions of item (iv) to the preceding item;

十一 申請者が、法人でない病院等で、その管理者が第四号から第九号までのいずれかに該当する者であるとき。

(xi) when the applicant is a Hospital, etc., which is not a juridical person and a manager of said Provider corresponds to any provision of item (iv) to item (ix).

3 都道府県知事は、介護専用型特定施設入居者生活介護（介護専用型特定施設に入居している要介護者について行われる特定施設入居者生活介護をいう。以下同じ。）につき第一項の申請があった場合において、当該申請に係る事業所の所在地を含む区域（第百十八条第二項第一号の規定により当該都道府県が定める区域とする。）における介護専用型特定施設入居者生活介護の利用定員の総数及び地域密着型特定施設入居者生活介護の利用定員の総数の合計数が、同条第一項の規定により当該都道府県が定める都道府県介護保険事業支援計画において定めるその区域の介護専用型特定施設入居者生活介護の必要利用定員総数及び地域密着型特定施設入居者生活介護の必要利用定員総数の合計数に既に達しているか、又は当該申請に係る事業者の指定によってこれを超えることになると認めるとき、その他の当該都道府県介護保険事業支援計画の達成に支障を生ずるおそれがあると認めるときは、第四十一条第一項本文の指定をしないことができる。

(3) In a case of an application as set forth in paragraph (1) for Daily Life Care of a Patient Admitted to a Specialized Long-Term Care Specified Facility (which means Daily Life Long-Term Care Admitted to a Specified Facility provided to a Person Requiring Long-Term Care who is admitted to a Specialized Long-Term Care Specified Facility; the same applies hereinafter), a prefectural governor, when the total sum of the capacity of users of Daily Life Care of a

Patient Admitted to a Specialized Long-Term Care Specified Facility and the total capacity of users of Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility in the area including the location of the Business Office pertaining to said application has reached or is it determined to exceed due to the appointment as service provider of said business pertaining to said application the total sum of the total capacity of users of Daily Life Care of a Patient Admitted to a Specialized Long-Term Care Specified Facility and the total capacity of users of Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility in the area as prescribed by a Prefectural Insured Long-Term Care Support Project Plan provided by said prefecture pursuant to the provisions of paragraph (1) of the same Article, or when it is determined that said application may interfere with the accomplishment of said Prefectural Insured Long-Term Care Support Project Plan, may determine not to execute the appointment as service provider as set forth in the main clause of Article 41, paragraph (1).

- 4 都道府県知事は、混合型特定施設入居者生活介護（介護専用型特定施設以外の特定施設に入居している要介護者について行われる特定施設入居者生活介護をいう。以下同じ。）につき第一項の申請があった場合において、当該申請に係る事業所の所在地を含む区域（第百十八条第二項第一号の規定により当該都道府県が定める区域とする。）における混合型特定施設入居者生活介護の推定利用定員（厚生労働省令で定めるところにより算定した定員をいう。）の総数が、同条第一項の規定により当該都道府県が定める都道府県介護保険事業支援計画において定めるその区域の混合型特定施設入居者生活介護の必要利用定員総数に既に達しているか、又は当該申請に係る事業者の指定によってこれを超えることになることと認めるとき、その他の当該都道府県介護保険事業支援計画の達成に支障を生ずるおそれがあると認めるときは、第四十一条第一項本文の指定をしないことができる。

- (4) In a case of an application as set forth in paragraph (1) for Daily Life Activities of a Long-Term Care Patient Admitted to a Combined Specified Facility (which means Daily Life Long-Term Care Admitted to a Specified Facility provided for a Person Requiring Long-Term Care who is a resident in a Specified Facility other than a Specialized Long-Term Care Specified Facility; the same applies herein), a prefectural governor, when the total of assumed capacity of users of Daily Life Activities of a Long-Term Care Patient Admitted to a Combined Specified Facility (which means a capacity calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare) in the area including the location of the Business Office pertaining to said application (which means an area provided by said prefecture pursuant to the provisions of Article 118, paragraph (2), item (i)) has been reached or is it determined that said capacity will be exceeded by the appointment as service provider pertaining to said application the total of prospective capacity of necessary users of Daily Life Activities of a Long-Term Care Patient Admitted

to a Combined Specified Facility (which means a capacity calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare) in said area provided by a Prefectural Insured Long-Term Care Support Project Plan provided by said prefecture pursuant to the provisions of paragraph (1) of the same Article, or when it is determined that said application may interfere with the accomplishment of said Prefectural Insured Long-Term Care Support Project Plan, may determine not to execute an appointment as service provider as set forth in the main clause of Article 41, paragraph (1).

5 都道府県知事は、第四十一条第一項本文の指定（特定施設入居者生活介護その他の厚生労働省令で定める居宅サービスに係るものに限る。）をしようとするときは、関係市町村長に対し、厚生労働省令で定める事項を通知し、相当の期間を指定して、当該関係市町村の第百十七条第一項に規定する市町村介護保険事業計画との調整を図る見地からの意見を求めなければならない。

(5) A prefectural governor, when he or she intends to determine an appointment as service provider as set forth in the main clause of Article 41, paragraph (1) (limited to Daily Life Long-Term Care Admitted to a Specified Facility or other In-Home Service as determined by Order of the Ministry of Health, Labour, and Welfare), must provide notice of matters as determined by Order of the Ministry of Health, Labour, and Welfare to the mayor of the relevant Municipality, specify a reasonable period, and request opinions from the perspective of coordination with the Municipal Insured Long-Term Care Service Plan as prescribed in Article 117, paragraph (1) of said relevant Municipality.

(指定の更新)

(Renewal of Appointment as service provider)

第七十条の二 第四十一条第一項本文の指定は、六年ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

Article 70-2 (1) An appointment as service provider as set forth in the main clause of Article 41, paragraph (1), if it is not renewed within a period of six years, ceases to be effective when said period expires.

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

(2) In a case of an application of renewal as set forth in the preceding paragraph, when the disposition of said application does not occur prior to the expiry of the period as set forth in the same paragraph (herein referred to as "Effective Period of Designation as Service Provider" in this Article), the prior appointment as service provider remains effective after expiry of the Effective Period of Designation as Service Provider until a determination is reached

regarding said application.

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

(3) In a case as set forth in the preceding paragraph, when the appointment as service provider is renewed, said Effective Period of Designation as Service Provider is to be from the date following the date of expiry of the prior Effective Period of Designation as Service Provider.

4 前条の規定は、第一項の指定の更新について準用する。

(4) The provisions of the preceding Article apply mutatis mutandis to a renewal of appointment as service provider as set forth in paragraph (1).

(指定居宅サービス事業者の特例)

(Exception of a Designated In-Home Service Provider)

第七十一条 病院等について、健康保険法第六十三条第三項第一号の規定による保険医療機関又は保険薬局の指定があったとき（同法第六十九条の規定により同号の指定があったものとみなされたときを含む。）は、その指定の時に、当該病院等の開設者について、当該病院等により行われる居宅サービス（病院又は診療所にあつては居宅療養管理指導その他厚生労働省令で定める種類の居宅サービスに限り、薬局にあつては居宅療養管理指導に限る。）に係る第四十一条第一項本文の指定があったものとみなす。ただし、当該病院等の開設者が、厚生労働省令で定めるところにより別段の申出をしたとき、又はその指定の時前に第七十七条第一項若しくは第百十五条の二十九第六項の規定により第四十一条第一項本文の指定を取り消されているときは、この限りでない。

Article 71 (1) With regard to a Hospital, etc., when a medical facility that provides insured services or pharmacy that provides insured services is appointed pursuant to the provisions of Article 63, paragraph (3), item (i) of the Health Insurance Act (including when it is determined that appointment as service provider as set forth in the same item was provided pursuant to the provisions of Article 69 of the same Act), it is deemed that the organizer of said Hospital, etc., was provided an appointment as service provider as set forth in the main clause of Article 41, paragraph (1) pertaining to In-Home Service provided by said Hospital, etc., (with regard to a hospital or a clinic, limited to Guidance for Management of In-Home Medical Long-Term Care and other types of In-Home Service as determined by Order of the Ministry of Health, Labour, and Welfare, and with regard to a pharmacy, limited to Guidance for Management of In-Home Medical Long-Term Care) at the time of said appointment as service provider, provided however, that this provision does not apply when the organizer of the Hospital, etc., offers a different notification pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare or when the appointment as service provider as set forth in the main clause of Article 41, paragraph (1) is rescinded pursuant to the provisions of

Article 77, paragraph(1) or Article 115-29, paragraph (6) prior to said appointment as service provider.

2 前項の規定により指定居宅サービス事業者とみなされた者に係る第四十一条第一項本文の指定は、当該指定に係る病院等について、健康保険法第八十条の規定による保険医療機関又は保険薬局の指定の取消しがあったときは、その効力を失う。

(2) An appointment as service provider as set forth in the main clause of Article 41, paragraph (1) pertaining to a person that was deemed as a Designated In-Home Service Provider pursuant to the provisions of the preceding paragraph, when appointment as service provider of a medical facility that provides insured services or pharmacy that provides insured services is rescinded pursuant to the provisions of Article 80 of the Health Insurance Act with regard to said Hospital, etc., pertaining to said appointment as service provider, ceases to be effective.

第七十二条 介護老人保健施設又は介護療養型医療施設について、第九十四条第一項の許可又は第四十八条第一項第三号の指定があったときは、その許可又は指定の時に、当該介護老人保健施設又は介護療養型医療施設の開設者について、当該介護老人保健施設又は介護療養型医療施設により行われる居宅サービス（短期入所療養介護その他厚生労働省令で定める居宅サービスの種類に限る。）に係る第四十一条第一項本文の指定があったものとみなす。ただし、当該介護老人保健施設又は介護療養型医療施設の開設者が、厚生労働省令で定めるところにより、別段の申出をしたときは、この限りでない。

Article 72 (1) With regard to a Long-Term Care Health Facility or Sanatorium Medical Facility for the Elderly Requiring Long-Term Care when it is approved as set forth in Article 94, paragraph (1) or appointed as set forth in Article 48, paragraph (1), item (iii), it is to be deemed that the organizer of said Long-Term Care Health Facility or Sanatorium Medical Facility for the Elderly Requiring Long-Term Care has been appointed as set forth in the main clause of Article 41, paragraph (1) pertaining to In-Home Service (limited to Short-Term Admission for Recuperation or a type of In-Home Service as determined by Order of the Ministry of Health, Labour, and Welfare) provided by said Long-Term Care Health Facility or Sanatorium Medical Facility for the Elderly Requiring Long-Term Care at the time of said approval or appointment as service provider, however, provided that this provision does not apply when the organizer of said Long-Term Care Health Facility or Sanatorium Medical Facility for the Elderly Requiring Long-Term Care offers a different notification pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

2 前項の規定により指定居宅サービス事業者とみなされた者に係る第四十一条第一項本文の指定は、当該指定に係る介護老人保健施設又は介護療養型医療施設について、第九十四条の二第一項の規定により許可の効力が失われたとき若しくは第百四条第一

項若しくは第百十五條の二十九第六項の規定により許可の取消しがあったとき、又は第百七條の二第一項の規定により指定の効力が失われたとき若しくは第百十四條第一項若しくは第百十五條の二十九第六項の規定により指定の取消しがあったときは、その効力を失う。

- (2) The appointment as service provider as set forth in the main clause of Article 41, paragraph (1) pertaining to a person that is deemed as a Designated In-Home Service Provider pursuant to the provisions of the preceding paragraph, ceases to be effective when, with regard to a Long-Term Care Health Facility or a Sanatorium Medical Facility for the Elderly Requiring Long-Term Care pertaining to said appointment as service provider, when the approval ceases to be effective pursuant to the provisions of Article 94-2, paragraph (1), when the approval is rescinded pursuant to the provisions of Article 104, paragraph (1) or Article 115-29, paragraph (6), when the appointment as service provider ceased to be effective pursuant to the provisions of Article 170-2, paragraph (1), or when the appointment as service provider is rescinded pursuant to the provisions of Article 114, paragraph (1) or Article 115-29, paragraph(6).

(指定居宅サービスの事業の基準)

(Standards of Designated In-Home Service Business)

第七十三條 指定居宅サービス事業者は、次條第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準に従い、要介護者の心身の状況等に応じて適切な指定居宅サービスを提供するとともに、自らその提供する指定居宅サービスの質の評価を行うことその他の措置を講ずることにより常に指定居宅サービスを受ける者の立場に立ってこれを提供するように努めなければならない。

Article 73 (1) A Designated In-Home Service Provider shall act in compliance with the standards concerning facilities and management of a Designated In-Home Service Business as prescribed in paragraph (2) of the following Article, offer appropriate Designated In-Home Service according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated In-Home Service by implementing a self-evaluation of the quality of the Provider's own Designated In-Home Service and other measures.

- 2 指定居宅サービス事業者は、指定居宅サービスを受けようとする被保険者から提示された被保険者証に、第二十七條第七項第二号（第二十八條第四項及び第二十九條第二項において準用する場合を含む。）若しくは第三十二條第六項第二号（第三十三條第四項及び第三十三條の二第二項において準用する場合を含む。）に掲げる意見又は第三十條第一項後段若しくは第三十三條の三第一項後段に規定する意見（以下「認定審査会意見」という。）が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定居宅サービスを提供するように努めなければならない。

- (2) A Designated In-Home Service Provider, when an opinion as listed in Article 27, paragraph (7), item (ii) (including a case applied mutatis mutandis

pursuant to Article 28, paragraph (4) or Article 29, paragraph (2)) or Article 32, paragraph (6), item (ii) (including a case applied mutatis mutandis pursuant to Article 33, paragraph (4) or Article 33-2, paragraph (2)), or an opinion as prescribed in the second sentence of Article 30, paragraph (1) or in the second sentence of Article 33-3, paragraph (1) (herein referred to as "Opinion of the Certification Committee") is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated In-Home Service, must engage in offering said Designated In-Home Service of said Insured Person in consideration of said Opinion of the Certification Committee.

第七十四条 指定居宅サービス事業者は、当該指定に係る事業所ごとに、厚生労働省令で定める基準に従い厚生労働省令で定める員数の当該指定居宅サービスに従事する従業者を有しなければならない。

Article 74 (1) A Designated In-Home Service Provider must employ the number of employees engaging in said Designated In-Home Service as determined by Order of the Ministry of Health, Labour, and Welfare in accordance with standards as determined by Order of the Ministry of Health, Labour, and Welfare, by each Business Office pertaining to said appointment as service provider.

2 前項に規定するもののほか、指定居宅サービスの事業の設備及び運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions as prescribed in the preceding paragraph, standards concerning facilities and management of a Designated In-Home Service Business is prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定居宅サービスの事業の設備及び運営に関する基準（指定居宅サービスの取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when providing standards concerning facilities and management of a Designated In-Home Service Business as prescribed in the preceding paragraph (limited to the part concerning the handling of Designated In-Home Service), must hear the opinion of the Social Security Council in advance.

4 指定居宅サービス事業者は、要介護者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要介護者のため忠実にその職務を遂行しなければならない。

(4) A Designated In-Home Service Provider must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully executes said duty on behalf of the Person Requiring Long-Term Care.

(変更の届出等)

(Notification of Change)

第七十五条 指定居宅サービス事業者は、当該指定に係る事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は当該指定居宅サービスの事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

Article 75 A Designated In-Home Service Provider, when the name or location of the Business Office pertaining to said appointment as service provider or other matters as determined by Order of the Ministry of Health, Labour, and Welfare change, or when said Designated In-Home Service Business is abolished, suspended, or recommenced, must provide notification of said fact to the prefectural governor within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第七十六条 都道府県知事又は市町村長は、居宅介護サービス費の支給に関して必要があると認めるときは、指定居宅サービス事業者若しくは指定居宅サービス事業者であった者若しくは当該指定に係る事業所の従業者であった者（以下この項において「指定居宅サービス事業者であった者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、指定居宅サービス事業者若しくは当該指定に係る事業所の従業者若しくは指定居宅サービス事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定居宅サービス事業者の当該指定に係る事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 76 (1) A prefectural governor or mayor of a Municipality, when it is determined to be necessary concerning the payment of an allowance for In-Home Long-Term Care, may order a Designated In-Home Service Provider, a person that is or was a Designated In-Home Service Provider, or a person that is or was an employee or Officer pertaining to said appointment as service provider (herein referred to as a "Person, etc., that was a Designated In-Home Service Provider" in this paragraph) to report, submit or present record books and documents, request a Designated In-Home Service Provider, an employee of the Business Office pertaining to said appointment as service provider, or a Person that is or was a Designated In-Home Service Provider, etc., to appear, to direct its personnel to ask questions to a relevant person, or enter the Business Office pertaining to said appointment as service provider of said Designated In-Home Service Provider in order to inspect said facilities, record books and documents, or other items.

2 第二十四条第三項の規定は、前項の規定による質問又は検査について、同条第四項の規定は、前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to

questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(勧告、命令等)

(Recommendations, Orders)

第七十六条の二 都道府県知事は、指定居宅サービス事業者が、当該指定に係る事業所の従業者の知識若しくは技能若しくは人員について第七十四条第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数を満たしておらず、又は同条第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準に従って適正な指定居宅サービスの事業の運営をしていないと認めるときは、当該指定居宅サービス事業者に対し、期限を定めて、同条第一項の厚生労働省令で定める基準を遵守し、若しくは同項の厚生労働省令で定める員数の従業者を有し、又は同条第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 76-2 (1) A prefectural governor, when a Designated In-Home Service Provider fails to meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the Article 74, paragraph (1) or the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph with regard to knowledge, skill, or number of employees of the Business Office pertaining to said appointment as service provider, or when it is determined that said Designated In-Home Service Provider does not operate an appropriate Designated In-Home Service in accordance with the standards concerning Facilities and Management of a Designated In-Home Service Business provided by paragraph (2) of the same Article, may specify a due date and recommend to said Designated In-Home Service Provider to act in compliance with the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in paragraph (1) of the same Article, to employ the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, and to act in compliance with the standards concerning Facilities and Management of a Designated In-Home Service Business as prescribed by paragraph (2) of the same Article.

2 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定居宅サービス事業者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) A prefectural governor, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that said Designated In-Home Service Provider that was issued said recommendation did not act in compliance with said recommendation within

the due date as set forth in the same paragraph.

3 都道府県知事は、第一項の規定による勧告を受けた指定居宅サービス事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定居宅サービス事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) When said Designated In-Home Service Provider that was issued a recommendation pursuant to the provisions of paragraph (1) does not implement any measures pertaining to said recommendation without a justifiable cause, a prefectural governor may specify a due date and order said Designated In-Home Service Provider to implement measures pertaining to said recommendation.

4 都道府県知事は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(4) A prefectural governor, when issuing an order pursuant to the provisions of the preceding paragraph, must issue public notice of said fact.

5 市町村は、保険給付に係る指定居宅サービスを行った指定居宅サービス事業者について、第七十四条第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準に従って適正な指定居宅サービスの事業の運営をしていないと認めるときは、その旨を当該指定に係る事業所の所在地の都道府県知事に通知しなければならない。

(5) With regard to a Designated In-Home Service Provider who provided Designated In-Home Service pertaining to an insurance benefit, a Municipality, when it is determined that said Designated In-Home Service Provider does not operate an appropriate Designated In-Home Service Business in accordance with standards concerning Facilities and Management of a Designated In-Home Service Business as prescribed in Article 74, paragraph (2), must provide notification of said fact to the prefectural governor that governs the location of the Business Office pertaining to said appointment as service provider.

(指定の取消し等)

(Rescission of Appointment as service provider)

第七十七条 都道府県知事は、次の各号のいずれかに該当する場合には、当該指定居宅サービス事業者に係る第四十一条第一項本文の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 77 (1) A prefectural governor, in a case that corresponds to any of the following items, may rescind the appointment as service provider as set forth in the main clause of Article 41, paragraph (1) pertaining to said Designated In-Home Service Provider or suspend the whole or a part of the effect of said appointment as service provider by specifying a due date:

一 指定居宅サービス事業者が、第七十条第二項第四号、第五号、第十号又は第十一号のいずれかに該当するに至ったとき。

(i) when a Designated In-Home Service Provider corresponds to any provision

- of Article 70, paragraph (2), item (iv), item (v), item (x), or item (xi);
- 二 指定居宅サービス事業者が、当該指定に係る事業所の従業者の知識若しくは技能又は人員について、第七十四条第一項の厚生労働省令で定める基準又は同項の厚生労働省令で定める員数を満たすことができなくなったとき。
- (ii) when a Designated In-Home Service Provider becomes unable to meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 74, paragraph (1) or the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph with regard to knowledge, skill, or number of employees of the Business Office pertaining to said appointment as service provider;
- 三 指定居宅サービス事業者が、第七十四条第二項に規定する指定居宅サービスの事業の設備及び運営に関する基準に従って適正な指定居宅サービスの事業の運営をすることができなくなったとき。
- (iii) when a Designated In-Home Service Provider becomes unable to operate an appropriate Designated In-Home Service Business in accordance with standards concerning Facilities and Management of a Designated In-Home Service Business as prescribed in Article 74, paragraph (2);
- 四 指定居宅サービス事業者が、第七十四条第四項に規定する義務に違反したと認められるとき。
- (iv) when it is determined that a Designated In-Home Service Provider violates an obligation as prescribed in Article 74, paragraph (4);
- 五 居宅介護サービス費の請求に関し不正があったとき。
- (v) when an Allowance for In-Home Long-Term Care Service is wrongly requested;
- 六 指定居宅サービス事業者が、第七十六条第一項の規定により報告又は帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。
- (vi) when a Designated In-Home Service Provider is ordered to report, submit or present record books and documents pursuant to the provisions of Article 76, paragraph (1), but disobeys said order or submits a false report;
- 七 指定居宅サービス事業者又は当該指定に係る事業所の従業者が、第七十六条第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係る事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定居宅サービス事業者が相当の注意及び監督を尽くしたときを除く。
- (vii) when a Designated In-Home Service Provider or an employee of the Business Office pertaining to said appointment as service provider is requested to appear pursuant to the provisions of Article 76, paragraph (1), fails to respond or fails to reply to questions pursuant to the provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes

with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of the Business Office pertaining to said appointment as service provider performs said act but said Designated In-Home Service Provider is faithfully providing reasonable care and supervision in order to prevent said act of said employee;

八 指定居宅サービス事業者が、不正の手段により第四十一条第一項本文の指定を受けたとき。

(viii) when a Designated In-Home Service Provider is appointed to provide service as set forth in the main clause of Article 41, paragraph (1) by wrongful means;

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

(ix) in addition to the cases listed in the preceding items, when a Designated In-Home Service Provider violates this Act, another Act concerning citizens' health and medical care or public aid that are provided by a Cabinet Order, or an order or disposition of a matter based on these Acts;

十 前各号に掲げる場合のほか、指定居宅サービス事業者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(x) in addition to the cases listed in the preceding items, when a Designated In-Home Service Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

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

(xi) in a case when a Designated In-Home Service Provider is a juridical person, when any said Officer, etc., performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act;

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

(xii) in a case when a Designated In-Home Service Provider is a Hospital, etc., that is not a juridical person, when a manager of said Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

2 市町村は、保険給付に係る指定居宅サービスを行った指定居宅サービス事業者につ

いて、前項各号のいずれかに該当すると認めるときは、その旨を当該指定に係る事業所の所在地の都道府県知事に通知しなければならない。

(2) A Municipality, when it is determined that a Designated In-Home Service Provider that provides Designated In-Home Service pertaining to an insurance benefit corresponds to any provision of the items in the preceding paragraph, must provide notification of said fact to the prefectural governor that governs the location of the Business Office pertaining to said appointment as service provider.

(公示)

(Public Notice)

第七十八条 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。
Article 78 A prefectural governor, in the following cases, provide public notice of the said fact:

一 第四十一条第一項本文の指定をしたとき。

(i) when an appointment as service provider as set forth in the main clause of Article 41, paragraph (1) is determined;

二 第七十五条の規定による届出（同条の厚生労働省令で定める事項の変更並びに同条に規定する事業の休止及び再開に係るものを除く。）があったとき。

(ii) when there is a notification pursuant to the provisions of Article 75 (except for change of matters as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same Article and matters pertaining to abolishment or recommencement of business provided by the same Article);

三 前条第一項又は第百十五条の二十九第六項の規定により第四十一条第一項本文の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iii) when an appointment as service provider as set forth in the main clause of Article 41, paragraph (1) is rescinded, or the effect of the whole or a part of an appointment as service provider is suspended pursuant to the provisions of paragraph (1) of the preceding Article or Article 115-29, paragraph (6).

第三節 指定地域密着型サービス事業者

Section 3 Designated Community-Based Service Providers

(指定地域密着型サービス事業者の指定)

(Appointment as service provider of Designated Community-Based Service Providers)

第七十八条の二 第四十二条の二第一項本文の指定は、厚生労働省令で定めるところにより、地域密着型サービス事業を行う者（地域密着型介護老人福祉施設入所者生活介護を行う事業にあつては、老人福祉法第二十条の五に規定する特別養護老人ホームであつて、その入所定員が二十九人以下であるものの開設者）の申請により、地域密着

型サービスの種類及び当該地域密着型サービスの種類に係る地域密着型サービス事業を行う事業所（以下この節において「事業所」という。）ごとに行い、当該指定をする市町村長がその長である市町村の行う介護保険の被保険者に対する地域密着型介護サービス費及び特例地域密着型介護サービス費の支給について、その効力を有する。

Article 78-2 (1) An appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1) is to be provided, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, based on the application of a person that provides community-based service (with regard to a business to provide Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid, an organizer of an Intensive Care Home for the Elderly as prescribed in Article 20-5 of the Act on Social Welfare for the Elderly for which capacity of users are twenty-nine (29) or less), by type of Community-Based Service and Business Office of Community-Based Service Business pertaining to the type of said Community-Based Service (herein referred to as "Business Office" in this Section), and is to have an effect on the payment of an Allowance for Community-Based Long-Term Care Service or an Exceptional Allowance for Community-Based Long-Term Care Service to an Insured Person by Long-Term Care Insurance provided by a Municipality of which a mayor provided said appointment as service provider.

2 市町村長は、第四十二条の二第一項本文の指定をしようとするときは、厚生労働省令で定めるところにより、あらかじめその旨を都道府県知事に届け出なければならない。

(2) The mayor of a Municipality must, when providing an appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1), provide notification of said fact to the prefectural governor in advance pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

3 都道府県知事は、地域密着型特定施設入居者生活介護につき市町村長から前項の届出があった場合において、当該申請に係る事業所の所在地を含む区域（第百十八条第二項第一号の規定により当該都道府県が定める区域とする。）における介護専用型特定施設入居者生活介護の利用定員の総数及び地域密着型特定施設入居者生活介護の利用定員の総数の合計数が、同条第一項の規定により当該都道府県が定める都道府県介護保険事業支援計画において定めるその区域の介護専用型特定施設入居者生活介護の必要利用定員総数及び地域密着型特定施設入居者生活介護の必要利用定員総数の合計数に既に達しているか、又は当該申請に係る事業者の指定によってこれを超えることになることを認めるとき、その他の当該都道府県介護保険事業支援計画の達成に支障を生ずるおそれがあると認めるときは、当該市町村長に対し、必要な助言又は勧告をすることができる。

(3) A prefectural governor, in a case when a mayor of a Municipality provides notification as set forth in the preceding paragraph regarding Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility,

and when it is determined that the total sum of the total number of maximum users of Daily Life Care of a Patient Admitted to a Specialized Long-Term Care Specified Facility and the total number of maximum users of Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility in the area (an area provided by said prefecture pursuant to the provisions of Article 118, paragraph (2) item (i)) including the location of the Business Office pertaining to said application has been reached or is it determined that said total number of maximum users will be exceeded by the appointment as service provider pertaining to said application to provide service of Daily Life Care of a Patient Admitted to a Specialized Long-Term Care Specified Facility and the total number of the necessary number of users of Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility in said area provided by Prefectural Insured Long-Term Care Support Project Plan that is provided by said prefecture pursuant to the provisions of paragraph (1) of the same Article, or when it is determined that it will be likely to cause a problem with accomplishment of a Prefectural Insured Long-Term Care Support Project Plan, may provide necessary advice or recommendations to said mayor of the Municipality.

4 市町村長は、第一項の申請があった場合において、次の各号のいずれかに該当するときは、第四十二条の二第一項本文の指定をしてはならない。

(4) The mayor of a Municipality, in a case of an application to provide service as set forth in paragraph (1) and when it corresponds to any of the following items, must not provide an appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1):

一 申請者が法人でないとき。

(i) when said applicant is not a juridical person;

二 当該申請に係る事業所の従業者の知識及び技能並びに人員が、第七十八条の四第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数又は同条第四項に規定する指定地域密着型サービスに従事する従業者に関する基準を満たしていないとき。

(ii) when the knowledge, skill, or number personnel of the Business Office pertaining to said application do not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 78-4, paragraph (1) and number of employees as determined by Order of the Ministry of Health, Labour, and Welfare of the same paragraph, or standards concerning employees engaged in Designated Community-Based Service as prescribed in paragraph (4) of the same Article;

三 申請者が、第七十八条の四第二項又は第四項に規定する指定地域密着型サービスの事業の設備及び運営に関する基準に従って適正な地域密着型サービス事業の運営をすることができないと認められるとき。

(iii) when it is determined that said applicant cannot perform proper

Community-Based Service Business in accordance with standards pertaining to Facilities and Management of a Designated Community-Based Service as prescribed in Article 78-4, paragraph (2) or paragraph (4);

四 当該申請に係る事業所が当該市町村の区域の外にある場合であつて、その所在地の市町村長の同意を得ていないとき。

(iv) when the Business Office pertaining to said application is located outside the area of said Municipality and the consent of the mayor of the Municipality of said location have not yet been obtained;

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

(v) when said applicant is punished by a fine pursuant to the provisions of this Act, or as provided by a Cabinet Order, concerning citizens' health and medical care or public aid and the execution of said penalty has not yet been completed or has not yet expired;

六 申請者が、第七十八条の九（第二号から第五号までを除く。）の規定により指定を取り消され、その取消しの日から起算して五年を経過しない者であるとき。

(vi) when said applicant has been rescinded for an appointment as service provider pursuant to the provisions of Article 78-9 (except for item (ii) to item (v)) and five years have not elapsed from the date of said rescission;

七 申請者が、第七十八条の九（第二号から第五号までを除く。）の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があつた日から当該処分をする日又は処分をしないことを決定する日までの間に第七十八条の五の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）又は第七十八条の七の規定による指定の辞退をした者（当該指定の辞退について相当の理由がある者を除く。）で、当該届出又は指定の辞退の日から起算して五年を経過しないものであるとき。

(vii) when said applicant provides notification of an abolishment of business pursuant to the provisions of Article 78-5 (except for a person that has a reasonable basis for abolishment of said business), or declined an appointment as service provider pursuant to the provisions of Article 78-7 (except for a person that has a reasonable basis to decline said appointment as service provider) from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 78-9 (except for item (i) to (v)), and five years have not elapsed from the date of said notification;

八 申請者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(viii) when said applicant performs a wrongful or significantly unjustifiable act concerning In-Home Service within five years prior to the application of

appointment as service provider;

九 申請者の役員等のうちに次のいずれかに該当する者がるとき。

(ix) when any Officer, etc., of said applicant corresponds to any of the following:

イ 禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者

(a) a person punished by imprisonment without compulsory labor and the execution of said penalty has not yet been completed or has not yet expired;

ロ 第五号又は前号に該当する者

(b) a person that corresponds to item (v) or the preceding item;

ハ 第七十八条の九（第二号から第五号までを除く。）の規定により指定を取り消された法人において、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内にその役員等であった者で当該取消しの日から起算して五年を経過しないもの

(c) a person that is or was an Officer, etc., of a juridical person which appointment as service provider is rescinded pursuant to the provisions of Article 78-9 (except for item (ii) to item (v)) within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission;

ニ 第七号に規定する期間内に第七十八条の五の規定による事業の廃止の届出をした法人（当該事業の廃止について相当の理由がある法人を除く。）又は第七十八条の七の規定による指定の辞退をした法人（当該指定の辞退について相当の理由がある法人を除く。）において、同号の通知の日前六十日以内にその役員等であった者で当該届出又は指定の辞退の日から起算して五年を経過しないもの

(d) a person that is or was an Officer, etc., of a juridical person that provided notification of an abolishment of business pursuant to the provisions of Article 78-5 (except for a juridical person that has a reasonable basis for said abolishment of business), or a juridical person that declined an appointment as service provider pursuant to the provisions of Article 78-7 (except for a juridical person that has a reasonable basis for said decline of appointment as service provider) within the period provided by item (vii) and within sixty days prior to the date of notification as set forth in the same item and five years have not elapsed from the date of said notification or decline of appointment as service provider.

5 市町村長は、第一項の申請があった場合において、次の各号のいずれかに該当するときは、第四十二条の二第一項本文の指定をしないことができる。

(5) The mayor of a Municipality, in a case when an application as set forth in paragraph (1) is filed and when it corresponds to any of the following items, may not provide an appointment as service provider as set forth in the main

clause of Article 42-2, paragraph (1):

一 申請者が、第七十八条の九第二号から第五号までの規定により指定を取り消され、その取消しの日から起算して五年を経過しない者であるとき。

(i) when an applicant has rescinded an appointment as service provider pursuant to the provisions of Article 78-9, item (ii) to item (v) and five years have not elapsed from the date of said rescission;

二 申請者が、第七十八条の九第二号から第五号までの規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第七十八条の五の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）又は第七十八条の七の規定による指定の辞退をした者（当該指定の辞退について相当の理由がある者を除く。）で、当該届出又は指定の辞退の日から起算して五年を経過しないものであるとき。

(ii) when an applicant provides notification of abolishment of business pursuant to the provisions of Article 78-5 (except for a person that has a reasonable basis for said abolishment of business) or declined an appointment as service provider pursuant to the provisions of Article 78-7 (except for a person that has a reasonable basis for said decline of appointment as service provider) from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 78-9, item (ii) to item (v) and five years have not elapsed from the date of said notification or decline of appointment as service provider;

三 申請者の役員等のうちに次のいずれかに該当する者があるとき。

(iii) when any Officer, etc., of an applicant corresponds to any of the following:

イ 第七十八条の九第二号から第五号までの規定により指定を取り消された法人において、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内にその役員等であった者で当該取消しの日から起算して五年を経過しないもの

(a) a person that is or was an Officer, etc., of a juridical person that appointment as service provider is rescinded pursuant to the provisions of Article 78-9, item (ii) to item (v) within sixty days prior to the date of rescission pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission;

ロ 前号に規定する期間内に第七十八条の五の規定による事業の廃止の届出をした法人（当該事業の廃止について相当の理由がある法人を除く。）又は第七十八条の七の規定による指定の辞退をした法人（当該指定の辞退について相当の理由がある法人を除く。）において、同号の通知の日前六十日以内にその役員等であった者で当該届出又は指定の辞退の日から起算して五年を経過しないもの

(b) a person that is or was an Officer, etc., of a juridical person that provides

notification of abolishment of business pursuant to the provisions of Article 78-5 (except for a juridical person that has a reasonable basis for said abolishment of business) within the period provided by the preceding item, or a juridical person that declined an appointment as service provider pursuant to the provisions of Article 78-7 (except for a juridical person that has a reasonable basis for said decline of appointment as service provider) within the period provided by the preceding item, within sixty days prior to the date of notification as set forth in the same item, and five years have not elapsed from the date of said notification or said decline of appointment as service provider;

四 認知症対応型共同生活介護、地域密着型特定施設入居者生活介護又は地域密着型介護老人福祉施設入所者生活介護につき第一項の申請があった場合において、当該市町村又は当該申請に係る事業所の所在地を含む区域（第百十七条第二項第一号の規定により当該市町村が定める区域とする。以下この号において「日常生活圏域」という。）における当該地域密着型サービスの利用定員の総数が、同条第一項の規定により当該市町村が定める市町村介護保険事業計画において定める当該市町村又は当該日常生活圏域の当該地域密着型サービスの必要利用定員総数に既に達しているか、又は当該申請に係る事業者の指定によってこれを超えることになると認めるとき、その他の当該市町村介護保険事業計画の達成に支障を生ずるおそれがあると認めるとき。

(iv) in a case when an appointment as service provider as set forth in paragraph (1) was filed for Communal Daily Long-Term Care for a Dementia Patient, Daily Life Long-Term Care for a Person Admitted to a Community-Based Specified Facility, or Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid, when it is determined that the total capacity of users of said Community-Based Service in said Municipality or in the area including the location of the Business Office pertaining to said application (which means an area provided by said Municipality pursuant to the provisions of Article 117, paragraph (2), item (i); herein referred to as "Daily Activities Area" in this item) has been reached or is it determined that said total number will be exceeded by the appointment as service provider pertaining to said application for the total capacity of necessary users for said Community-Based Service in said Municipality or said Daily Activities Area provided by Municipal Insured Long-Term Care Service Plan provided by said Municipality pursuant to the provisions of paragraph (1) of the same Article, or when it is determined that it is likely to cause problems with the accomplishment of said Municipal Insured Long-Term Care Service Plan.

6 市町村長は、第四十二条の二第一項本文の指定を行おうとするとき又は前項第四号の規定により同条第一項本文の指定をしないこととするときは、あらかじめ、当該市町村が行う介護保険の被保険者その他の関係者の意見を反映させるために必要な措置

を講じなければならない。

(6) The mayor of a Municipality, when he or she intends to provide an appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1), or, he or she determines not to provide an appointment as service provider as set forth in the main clause of paragraph (1) of the same Article pursuant to the provisions of item (iv) of the preceding paragraph, must take necessary measures in advance in order to reflect the opinions of Insured Persons of Long-Term Care Insurance provided by said Municipality or other relevant persons.

7 市町村長は、第四十二条の二第一項本文の指定を行うに当たって、当該事業の適正な運営を確保するために必要と認める条件を付することができる。

(7) The mayor of a Municipality, when providing an appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1), may add a provision that is determined to be necessary for ensuring the appropriate conduct of said business.

(指定地域密着型サービスの事業の基準)

(Standards of Designated Community-Based Service Business)

第七十八条の三 指定地域密着型サービス事業者は、次条第二項又は第四項に規定する指定地域密着型サービスの事業の設備及び運営に関する基準に従い、要介護者の心身の状況等に応じて適切な指定地域密着型サービスを提供するとともに、自らその提供する指定地域密着型サービスの質の評価を行うことその他の措置を講ずることにより常に指定地域密着型サービスを受ける者の立場に立ってこれを提供するように努めなければならない。

Article 78-3 (1) A Designated Community-Based Service Provider must act in compliance with the standards concerning Facilities and Management of a Designated Community-Based Service Business as prescribed in paragraph (2) or paragraph (4) of the following Article, offer appropriate Designated Community-Based Service according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated Community-Based Service by implementing a self-evaluation of the quality of the Provider's own Designated Community-Based Service and other measures.

2 指定地域密着型サービス事業者は、指定地域密着型サービスを受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定地域密着型サービスを提供するように努めなければならない。

(2) A Designated Community-Based Service Provider, when an Opinion of the Certification Committee is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated Community-Based Service, must engage in offering said Designated

Community-Based Service of said Insured Person in consideration of said Opinion of the Certification Committee.

第七十八条の四 指定地域密着型サービス事業者は、当該指定に係る事業所ごとに、厚生労働省令で定める基準に従い厚生労働省令で定める員数の当該指定地域密着型サービスに従事する従業者を有しなければならない。

Article 78-4 (1) A Designated Community-Based Service Provider must employ the number of employees that engage in said Designated Community-Based Service as determined by Order of the Ministry of Health, Labour, and Welfare in accordance with the standards as determined by Order of the Ministry of Health, Labour, and Welfare in each Business Office pertaining to said appointment as service provider.

2 前項に規定するもののほか、指定地域密着型サービスの事業の設備及び運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions in the preceding paragraph, standards concerning Facilities and Management of a Designated Community-Based Service Business is prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定地域密着型サービスの事業の設備及び運営に関する基準（指定地域密着型サービスの取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when intending to provide standards concerning Facilities and Management of a Designated Community-Based Service Business pursuant to the provisions of the preceding paragraph (limited to the part concerning the handling of Designated Community-Based Service), must hear the opinion of the Social Security Council in advance.

4 市町村は、第一項及び第二項の規定にかかわらず、厚生労働省令で定める範囲内で、これらの規定に定める基準に代えて、当該市町村における指定地域密着型サービスに従事する従業者に関する基準及び指定地域密着型サービスの事業の設備及び運営に関する基準を定めることができる。

(4) A Municipality, notwithstanding the provisions of paragraph (1) and paragraph (2) and within the scope as determined by Order of the Ministry of Health, Labour, and Welfare, in lieu of standards provided by these provisions, may provide standards concerning employees that engage in Designated Community-Based Service in said Municipality and standards concerning Facilities and Management of a Designated Community-Based Service Business.

5 市町村は、前項の当該市町村における指定地域密着型サービスに従事する従業者に関する基準及び指定地域密着型サービスの事業の設備及び運営に関する基準を定めようとするときは、あらかじめ、当該市町村が行う介護保険の被保険者その他の関係者の意見を反映させ、及び学識経験を有する者の知見の活用を図るために必要な措置を講じなければならない。

(5) A Municipality, when it intends to provide standards concerning employees that engage in Designated Community-Based Service in said Municipality as set forth in the preceding paragraph and standards concerning Facilities and Management of a Designated Community-Based Service Business, must reflect the opinions of Insured Persons of Long-Term Care Insurance provided by said Municipality and take necessary measures in order to promote the use of knowledge of persons with relevant knowledge and experience.

6 指定地域密着型サービス事業者は、要介護者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要介護者のため忠実にその職務を遂行しなければならない。

(6) A Designated Community-Based Service Provider must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

(変更の届出等)

(Notification of Change)

第七十八条の五 指定地域密着型サービス事業者は、当該指定に係る事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は当該指定地域密着型サービス（地域密着型介護老人福祉施設入所者生活介護を除く。）の事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を市町村長に届け出なければならない。

Article 78-5 A Designated Community-Based Service Provider, when the name or location of an Business Office pertaining to an appointment as service provider or other matters as determined by Order of the Ministry of Health, Labour, and Welfare are changed, or when said Designated Community-Based Service Business (except for Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid) is abolished, suspended, or recommenced, must provide notification of said fact to the mayor of the Municipality within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第七十八条の六 市町村長は、地域密着型介護サービス費の支給に関して必要があると認めるときは、指定地域密着型サービス事業者若しくは指定地域密着型サービス事業者であった者若しくは当該指定に係る事業所の従業者であった者（以下この項において「指定地域密着型サービス事業者であった者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、指定地域密着型サービス事業者若しくは当該指定に係る事業所の従業者若しくは指定地域密着型サービス事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定地域密着型

サービス事業者の当該指定に係る事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 78-6 (1) The mayor of a Municipality, when it is determined to be necessary concerning payment of an Allowance for Community-Based Long-Term Care Service, may order a Designated Community-Based Service Provider, a person that is or was a Designated Community-Based Service Provider, or a person that is or was an employee or an Officer pertaining to said appointment as service provider (herein referred to as a "Person that was a Designated Community-Based Service Provider, etc." in this paragraph) to report, submit or present record books and documents, request a Designated Community-Based Service Provider, an employee of the Business Office pertaining to said appointment as service provider or a Person that was a Designated Community-Based Service Provider, etc., to appear, direct its personnel to ask questions to the relevant Person, or enter the Business Office pertaining to said appointment as service provider of said Designated Community-Based Service Provider in order to inspect said facilities, record books and documents, or other items.

2 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(指定の辞退)

(Decline of an Appointment as service provider)

第七十八条の七 第四十二条の二第一項本文の指定を受けて地域密着型介護老人福祉施設入所者生活介護の事業を行う者は、一月以上の予告期間を設けて、その指定を辞退することができる。

Article 78-7 A person that performs the business of Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid under appointment as set forth in Article 42-2, paragraph (1), main clause may decline said appointment as service provider by providing a period of one month or longer of said prior notice.

(勧告、命令等)

(Recommendations and Orders)

第七十八条の八 市町村長は、指定地域密着型サービス事業者が、第七十八条の二第七項の規定により当該指定を行うに当たって付された条件に従わず、当該指定に係る事業所の従業者の知識若しくは技能若しくは人員について第七十八条の四第一項の厚生

労働省令で定める基準若しくは同項の厚生労働省令で定める員数若しくは同条第四項に規定する指定地域密着型サービスに従事する従業者に関する基準を満たしておらず、又は同条第二項若しくは第四項に規定する指定地域密着型サービスの事業の設備及び運営に関する基準に従って適正な指定地域密着型サービスの事業の運営をしていないと認めるときは、当該指定地域密着型サービス事業者に対し、期限を定めて、第七十八條の二第七項の規定により当該指定を行うに当たって付された条件に従い、第七十八條の四第一項の厚生労働省令で定める基準を遵守し、若しくは同項の厚生労働省令で定める員数の従業者を有し、若しくは同条第四項に規定する指定地域密着型サービスに従事する従業者に関する基準を遵守し、又は同条第二項若しくは第四項に規定する指定地域密着型サービスの事業の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 78-8 (1) The mayor of a Municipality, when it is determined that a Designated Community-Based Service Provider does not act in compliance with the provision provided when providing said appointment as service provider pursuant to the provisions of Article 78-2, paragraph (7), that does not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the Article 78-4, paragraph (1) or fixed number as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, or standards concerning employees that engage in Designated Community-Based Service provided by paragraph (4) of the same Article, with regard to knowledge, skill, or number of employee of the Business Office pertaining to said appointment as service provider, or when it is determined that said Designated Community-Based Service Provider does not operate an appropriate Designated Community-Based Service in accordance with the standards concerning Facilities and Management of a Designated Community-Based Service Business provided by paragraph (2) or paragraph (4) of the same Article, may specify a due date and recommend to said Designated Community-Based Service Provider to act in compliance with the provisions provided when determining said appointment as service provider pursuant to the provisions of Article 78-2, paragraph (7), to comply with the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 78-4, paragraph (1), to employ the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, to comply with standards concerning employees that engage in Designated Community-Based Service as prescribed in paragraph (4) of the same Article, and to comply with standards concerning Facilities and Management of a Designated Community-Based Service Business as prescribed by paragraph (2) or paragraph (4) of the same Article.

2 市町村長は、前項の規定による勧告をした場合において、その勧告を受けた指定地域密着型サービス事業者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) The mayor of a Municipality, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that said Designated Community-Based Service Provider that was issued said recommendation did not act in compliance with said recommendation within the due date as set forth in the same paragraph.

3 市町村長は、第一項の規定による勧告を受けた指定地域密着型サービス事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定地域密着型サービス事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) The mayor of a Municipality, when a Designated Community-Based Service Provider that was issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without justifiable reasons may specify a due date and order said Designated Community-Based Service Provider to implement measures pertaining to said recommendation.

4 市町村長は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(4) The mayor of a Municipality, when issuing an order pursuant to the provisions of the preceding paragraph, must issue public notice of the said fact.

(指定の取消し等)

(Rescission of Appointment as service provider)

第七十八条の九 市町村長は、次の各号のいずれかに該当する場合には、当該指定地域密着型サービス事業者に係る第四十二条の二第一項本文の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 78-9 A mayor of a Municipality, in a case that corresponds to any of the following items, may rescind an appointment as service provider as set forth in the main clause of Article 42, paragraph (1) pertaining to said Designated Community-Based Service Provider or suspend the whole or a part of the effect of said appointment as service provider by specifying a due date for compliance:

一 指定地域密着型サービス事業者が、第七十八条の二第四項第五号又は第九号のいずれかに該当するに至ったとき。

(i) when a Designated Community-Based Service Provider corresponds to any provision of Article 78-2, paragraph (4), item (iv), item (v), or item (ix);

二 指定地域密着型サービス事業者が、第七十八条の二第五項第三号に該当するに至ったとき。

(ii) when a Designated Community-Based Service Provider corresponds to any provision of Article 78-2, paragraph (5), item (iii);

三 指定地域密着型サービス事業者が、第七十八条の二第七項の規定により当該指定を行うに当たって付された条件に違反したと認められるとき。

- (iii) when it is determined that a Designated Community-Based Service Provider is in violation of a provision determined when granting said appointment as service provider pursuant to the provisions of the provisions of Article 78-2, paragraph (7);
- 四 指定地域密着型サービス事業者が、当該指定に係る事業所の従業者の知識若しくは技能又は人員について、第七十八条の四第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数又は同条第四項に規定する指定地域密着型サービスに従事する従業者に関する基準を満たすことができなくなったとき。
- (iv) when a Designated Community-Based Service Provider becomes unable to meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 78-4, paragraph (1), employ the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, or standards concerning employees that engage in Designated Community-Based Service as prescribed in paragraph (4) of the same Article, with regard to knowledge, skill, or number of employees of the Business Office pertaining to said appointment as service provider;
- 五 指定地域密着型サービス事業者が、第七十八条の四第二項又は第四項に規定する指定地域密着型サービスの事業の設備及び運営に関する基準に従って適正な指定地域密着型サービスの事業の運営をすることができなくなったとき。
- (v) when a Designated Community-Based Service Provider becomes unable to operate an appropriate Designated Community-Based Service Business in accordance with standards concerning Facilities and Management of a Designated Community-Based Service Business as prescribed in Article 78-4, paragraph (2) or paragraph (4);
- 六 指定地域密着型サービス事業者が、第七十八条の四第六項に規定する義務に違反したと認められるとき。
- (vi) when it is determined that a Designated Community-Based Service Provider violates an obligation as prescribed in Article 78-4, paragraph (6);
- 七 指定地域密着型サービス事業者（地域密着型介護老人福祉施設入所者生活介護を行うものに限る。）が、第二十八条第五項（第二十九条第二項、第三十条第二項、第三十一条第二項、第三十三条第四項、第三十三条の二第二項、第三十三条の三第二項及び第三十四条第二項において準用する場合を含む。第八十四条、第九十二条、第百四条及び第百十四条において同じ。）の規定により調査の委託を受けた場合において、当該調査の結果について虚偽の報告をしたとき。
- (vii) when a Designated Community-Based Service Provider (limited to a Provider that provides Admission to a Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid) is entrusted with an investigation pursuant to the provisions of Article 28, paragraph (5) (including a case applied mutatis mutandis pursuant to Article 29, paragraph (2), Article 30, paragraph (2), Article 31, paragraph (2), Article

33, paragraph (4), Article 33-2, paragraph (2), Article 33-3, paragraph (2), and Article 34, paragraph (2); the same applies to Article 84, Article 92, Article 104 and Article 114), and submits a false report regarding the result of said investigation;

八 地域密着型介護サービス費の請求に関し不正があったとき。

(viii) when an Allowance for Community-Based Long-Term Care Service is wrongly requested;

九 指定地域密着型サービス事業者が、第七十八条の六第一項の規定により報告又は帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(ix) when a Designated Community-Based Service Provider is ordered to report, submit, or present record books and documents pursuant to the provisions of Article 78-6, paragraph (1), but disobeys said order or submits a false report;

十 指定地域密着型サービス事業者又は当該指定に係る事業所の従業者が、第七十八条の六第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係る事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定地域密着型サービス事業者が相当の注意及び監督を尽くしたときを除く。

(x) when a Designated Community-Based Service Provider or an employee of the Business Office pertaining to said appointment as service provider is requested to appear pursuant to the provisions of Article 78-6, paragraph (1), but does not respond or does not reply to questions pursuant to the provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of the Business Office pertaining to said appointment as service provider performed said act and said Designated Community-Based Service Provider was faithfully providing reasonable care and supervision in order to prevent said act of said employee;

十一 指定地域密着型サービス事業者が、不正の手段により第四十二条の二第一項本文の指定を受けたとき。

(xi) when a Designated Community-Based Service Provider is appointed to provide service as set forth in the main clause of Article 42-2, paragraph (1) by wrongful means;

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

(xii) in addition to the cases listed in the preceding items, when a Designated Community-Based Service Provider violates this Act, another Act concerning citizens' health and medical care or public aid as determined by a Cabinet

Order, or other Order or the disposition of a matter based on these Acts;
十三 前各号に掲げる場合のほか、指定地域密着型サービス事業者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(xiii) in addition to the cases listed in the preceding items, when a Designated Community-Based Service Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

十四 指定地域密着型サービス事業者の役員等のうちに、指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者があるとき。

(xiv) when any Officer, etc., of a Designated Community-Based Service Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

(公示)

(Public Notice)

第七十八条の十 市町村長は、次に掲げる場合には、遅滞なく、その旨を都道府県知事に届け出るとともに、これを公示しなければならない。

Article 78-10 A mayor of a Municipality, in the following cases, must provide notification of said fact to the prefectural governor and issue public notice of the said fact without delay:

一 第四十二条の二第一項本文の指定をしたとき。

(i) when an appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1) is determined;

二 第七十八条の五の規定による届出（同条の厚生労働省令で定める事項の変更並びに同条に規定する事業の休止及び再開に係るものを除く。）があったとき。

(ii) when there is a notification pursuant to the provisions of Article 78-5 (except for change of matters as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same Article and matters pertaining to abolishment or recommencement of business provided by the same Article);

三 第七十八条の七の規定による第四十二条の二第一項本文の指定の辞退があったとき。

(iii) when the appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1) is declined pursuant to the provisions of Article 78-7;

四 前条の規定により第四十二条の二第一項本文の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iv) when an appointment as service provider as set forth in the main clause of Article 42-2, paragraph (1) is rescinded, or the effect of the whole or a part of

an appointment as service provider is suspended.

(準用)

(Mutatis Mutandis Application)

第七十八条の十一 第七十条の二の規定は、第四十二条の二第一項本文の指定について準用する。この場合において、必要な技術的読替えは、政令で定める。

Article 78-11 The provisions of Article 70-2 apply mutatis mutandis to the main clause of Article 42-2, paragraph (1). In this case, the necessary technical replacement of terms is specified by a Cabinet Order.

第四節 指定居宅介護支援事業者

Section 4 Designated In-Home Long-Term Care Support Providers

(指定居宅介護支援事業者の指定)

(Appointment as service provider of Designated In-Home Long-Term Care Support Providers)

第七十九条 第四十六条第一項の指定は、厚生労働省令で定めるところにより、居宅介護支援事業を行う者の申請により、居宅介護支援事業を行う事業所（以下この節において単に「事業所」という。）ごとに行う。

Article 79 (1) An appointment as service provider as set forth in Article 46, paragraph (1) is determined pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, by the application of a Person that operates an In-Home Long-Term Care Support Business, and by type of In-Home Service and provider that operates In-Home Long-Term Care Support Business pertaining to the type of said In-Home Service (hereinafter referred to simply as "Business Office" in this Section).

2 都道府県知事は、前項の申請があった場合において、次の各号のいずれかに該当するときは、第四十六条第一項の指定をしてはならない。

(2) A prefectural governor, in a case of an application as set forth in the preceding paragraph, when it corresponds to any of the following items, must not provide appointment as service provider as set forth in Article 46, paragraph (1):

一 申請者が法人でないとき。

(i) when the applicant is not a juridical person;

二 当該申請に係る事業所の介護支援専門員の人員が、第八十一条第一項の厚生労働省令で定める員数を満たしていないとき。

(ii) when the number of Long-Term Care Support Specialist s pertaining to said application does not meet the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 81, paragraph (1);

三 申請者が、第八十一条第二項に規定する指定居宅介護支援の事業の運営に関する

基準に従って適正な居宅介護支援事業の運営をすることができないと認められるとき。

(iii) when it is determined that the applicant cannot perform proper In-Home Long-Term Care Support Business in accordance with standards pertaining to Management of a Designated In-Home Long-Term Care Support Business as prescribed in Article 81, paragraph (2);

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

(iv) when the applicant is punished by a fine pursuant to the provisions of this Act or another Act pertaining to citizens' health and medical care and public aid as determined by a Cabinet Order and the execution of said penalty has not yet been completed or has not yet expired;

五 申請者が、第八十四条第一項又は第百十五条の二十九第六項の規定により指定を取り消され、その取消の日から起算して五年を経過しない者であるとき。

(v) when the applicant has rescinded appointment as service provider pursuant to the provisions of Article 84, paragraph (1) or Article 115-29, paragraph (6) and five years have not elapsed from the date of said rescission;

六 申請者が、第八十四条第一項又は第百十五条の二十九第六項の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第八十二条の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(vi) when the applicant provides notification of abolishment of business pursuant to the provisions of Article 82 from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 84, paragraph (1) or Article 115-29, paragraph (6) to the date when the appointment as service provider is rescinded or when it is determined not to rescind the appointment as service provider (except for a person that has a reasonable basis for said abolishment of business) and five years have not elapsed yet from the date of said notification;

七 申請者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(vii) when the applicant performs a wrongful or significantly unjustifiable act pertaining to In-Home Service, etc., within five years prior to said application of appointment as service provider;

八 申請者の役員等のうちに次のいずれかに該当する者があるとき。

(viii) when any Officer, etc., of the applicant corresponds to any of the following items:

イ 禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくな

るまでの者

(a) a person punished by imprisonment without compulsory labor and the execution of said penalty has not yet been completed or has not yet expired;

ロ 第四号又は前号に該当する者

(b) a person that corresponds to item (iv) or the preceding item;

ハ 第八十四条第一項又は第百十五条の二十九第六項の規定により指定を取り消された法人において、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内にその役員等であった者で当該取消しの日から起算して五年を経過しないもの

(c) a person that is or was an Officer, etc., of a juridical person that appointment as service provider is rescinded pursuant to the provisions of Article 84, paragraph (1) or Article 115-29, paragraph (6) within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission;

ニ 第六号に規定する期間内に第八十二条の規定による事業の廃止の届出をした法人（当該事業の廃止について相当の理由がある法人を除く。）において、同号の通知の日前六十日以内にその役員等であった者で当該届出の日から起算して五年を経過しないもの

(d) a person that is or was an Officer, etc., of a juridical person that provided notification of an abolishment of business pursuant to the provisions of Article 82 (except for a juridical person that has a reasonable basis for said abolishment of business), within the period provided by item (vi), within sixty days prior to the date of notification as set forth in the same item and five years have not elapsed from the date of said notification or decline of appointment as service provider.

(指定の更新)

(Renewal of Appointment as service provider)

第七十九条の二 第四十六条第一項の指定は、六年ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

Article 79-2 (1) An appointment as service provider as set forth in Article 46, paragraph (1), if it is not renewed within a period of six years, ceases to be effective when said period expires.

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

(2) In a case of application for renewal as set forth in the preceding paragraph, when a final determination of the application does not occur prior to the expiry

of the period as set forth in the same paragraph (herein referred to as "Effective Period of Designation as Service Provider" in this Article), the prior appointment as service provider remains effective after expiry of the Effective Period of Designation as Service Provider until a determination is reached regarding said application.

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

(3) In a case as set forth in the preceding paragraph, when the appointment as service provider is renewed, said Effective Period of Designation as Service Provider is to be from the date following the date of expiry of the prior Effective Period of Designation as Service Provider.

4 前条の規定は、第一項の指定の更新について準用する。

(4) The provisions of the preceding Article apply mutatis mutandis to a renewal of appointment as service provider as set forth in paragraph (1).

(指定居宅介護支援の事業の基準)

(Standards of Designated In-Home Long-Term Care Support Business)

第八十条 指定居宅介護支援事業者は、次条第二項に規定する指定居宅介護支援の事業の運営に関する基準に従い、要介護者の心身の状況等に応じて適切な指定居宅介護支援を提供するとともに、自らその提供する指定居宅介護支援の質の評価を行うことその他の措置を講ずることにより常に指定居宅介護支援を受ける者の立場に立ってこれを提供するように努めなければならない。

Article 80 (1) A Designated In-Home Long-Term Care Support Provider must act in compliance with the standards concerning Management of a Designated In-Home Long-Term Care Support Business as prescribed in paragraph (2) of the following Article, offer appropriate Designated In-Home Long-Term Care Support according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated Community-Based Service by implementing self-evaluation of the quality of the Provider's own Designated Community-Based Service and other measures.

2 指定居宅介護支援事業者は、指定居宅介護支援を受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定居宅介護支援を提供するように努めなければならない。

(2) A Designated In-Home Long-Term Care Support Provider, when an Opinion of the Certification Committee is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated In-Home Long-Term Care Support, must engage in offering said Designated Community-Based Service of said Insured Person in consideration of said Opinion of the Certification Committee.

第八十一条 指定居宅介護支援事業者は、当該指定に係る事業所ごとに、厚生労働省令で定める員数の介護支援専門員を有しなければならない。

Article 81 (1) A Designated In-Home Long-Term Care Support Provider must employ the number of Long-Term Care Support Specialists as determined by Order of the Ministry of Health, Labour, and Welfare by each Business Office pertaining to said appointment as service provider.

2 前項に規定するもののほか、指定居宅介護支援の事業の運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions in the preceding paragraph, standards concerning Facilities and Management of a Designated In-Home Long-Term Care Support Business are prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定居宅介護支援の事業の運営に関する基準（指定居宅介護支援の取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when intending to provide standards concerning Management of a Designated In-Home Long-Term Care Support Business pursuant to the provisions of the preceding paragraph (limited to the part concerning the handling of Designated In-Home Long-Term Care Support), must hear the opinion of the Social Security Council in advance.

4 指定居宅介護支援事業者は、要介護者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要介護者のため忠実にその職務を遂行しなければならない。

(4) A Designated In-Home Long-Term Care Support Provider must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

(変更の届出等)

(Notification of Change)

第八十二条 指定居宅介護支援事業者は、当該指定に係る事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は当該指定居宅介護支援の事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

Article 82 A Designated In-Home Long-Term Care Support Provider, when the name or location of an Business Office pertaining to said appointment as service provider or other matters as determined by Order of the Ministry of Health, Labour, and Welfare are changed, or when said Designated In-Home Long-Term Care Support Business is abolished, suspended, or recommenced, must provide notification of said fact to the mayor of the Municipality within

ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第八十三条 都道府県知事又は市町村長は、必要があると認めるときは、指定居宅介護支援事業者若しくは指定居宅介護支援事業者であった者若しくは当該指定に係る事業所の従業者であった者（以下この項において「指定居宅介護支援事業者であった者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、指定居宅介護支援事業者若しくは当該指定に係る事業所の従業者若しくは指定居宅介護支援事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定居宅介護支援事業者の当該指定に係る事業所に立ち入り、その帳簿書類その他の物件を検査させることができる。

Article 83 (1) A prefectural governor or mayor of a Municipality, when it is determined to be necessary, may order a Designated In-Home Long-Term Care Support Provider, a Person that is or was a Designated In-Home Long-Term Care Support Provider, etc., or a person that is or was an employee or an Officer, etc., pertaining to said appointment as service provider (herein referred to as a "Person that is or was a Designated In-Home Long-Term Care Support Provider, etc., etc." in this paragraph) to report, submit, or present record books and documents, request a Designated In-Home Long-Term Care Support Provider, an employee of the Business Office pertaining to said appointment as service provider or a Person that is or was a Designated In-Home Long-Term Care Support Provider, etc., etc., to appear, direct its personnel to ask questions to the relevant Person, or enter the Business Office pertaining to said appointment as service provider of said Designated Community-Based Service Provider in order to inspect said record books and documents, or other items.

2 第二十四条第三項の規定は、前項の規定による質問又は検査について、同条第四項の規定は、前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(勧告、命令等)

(Recommendations and Orders)

第八十三条の二 都道府県知事は、指定居宅介護支援事業者が、当該指定に係る事業所の介護支援専門員の人員について第八十一条第一項の厚生労働省令で定める員数を満たしておらず、又は同条第二項に規定する指定居宅介護支援の事業の運営に関する基

準に従って適正な指定居宅介護支援の事業の運営をしていないと認めるときは、当該指定居宅介護支援事業者に対し、期限を定めて、同条第一項の厚生労働省令で定める員数の介護支援専門員を有し、又は同条第二項に規定する指定居宅介護支援の事業の運営に関する基準を遵守すべきことを勧告することができる。

Article 83-2 (1) A prefectural governor, when it is determined that a Designated In-Home Long-Term Care Support Provider does not meet the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 81, paragraph (1) with regard to the number of Long-Term Care Support Specialist s of an Business Office pertaining to said appointment as service provider, or does not operate an appropriate Designated In-Home Long-Term Care Support Business in accordance with standards concerning Management of a Designated In-Home Long-Term Care Support Business as prescribed in paragraph (2) of the same Article, may specify a due date and recommend to said Designated In-Home Long-Term Care Support Provider to employ the fixed minimum number of employees of Long-Term Care Support Specialist s as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in paragraph (1) of the same Article and to comply with the standards concerning management of a Designated In-Home Long-Term Care Support Business provided by paragraph (2) of the same Article.

2 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定居宅介護支援事業者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) A prefectural governor, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that said Designated In-Home Long-Term Care Support Provider that is issued said recommendation did not act in compliance with said recommendation within the due date as set forth in the same paragraph.

3 都道府県知事は、第一項の規定による勧告を受けた指定居宅介護支援事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定居宅介護支援事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) A prefectural governor, when a Designated In-Home Long-Term Care Support Provider that is issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without a justifiable reason, may specify a due date and order said Designated In-Home Long-Term Care Support Provider to implement measures pertaining to said recommendation.

4 都道府県知事は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(4) A prefectural governor, when issuing an order pursuant to the provisions of

the preceding paragraph, must issue public notice of the said fact.

5 市町村は、保険給付に係る指定居宅介護支援を行った指定居宅介護支援事業者について、第八十一条第二項に規定する指定居宅介護支援の事業の運営に関する基準に従って適正な指定居宅介護支援の事業の運営をしていないと認めるときは、その旨を当該指定に係る事業所の所在地の都道府県知事に通知しなければならない。

(5) With regard to a Designated In-Home Long-Term Care Support Provider that performs Designated In-Home Long-Term Care Support pertaining to an insurance benefit, a Municipality, when it is determined that said Designated In-Home Long-Term Care Support Provider does not operate an appropriate Designated In-Home Long-Term Care Support Business in accordance with standards concerning Management of a Designated In-Home Long-Term Care Support Business as prescribed in Article 81, paragraph (2), must provide notification of said fact to the prefectural governor that governs the location of the Business Office pertaining to said appointment as service provider.

(指定の取消し等)

(Rescission of Appointment as service provider)

第八十四条 都道府県知事は、次の各号のいずれかに該当する場合には、当該指定居宅介護支援事業者に係る第四十六条第一項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 84 (1) A prefectural governor, in a case that corresponds to any of the following items, may rescind the appointment as service provider as set forth in Article 46, paragraph (1) pertaining to said Designated In-Home Long-Term Care Support Provider or suspend the whole or a part of the effect of said appointment as service provider by specifying the due date for compliance:

一 指定居宅介護支援事業者が、第七十九条第二項第四号又は第八号のいずれかに該当するに至ったとき。

(i) when a Designated In-Home Long-Term Care Support Provider corresponds to any provision of Article 79, paragraph (2), item (iv), or item (viii);

二 指定居宅介護支援事業者が、当該指定に係る事業所の介護支援専門員の人員について、第八十一条第一項の厚生労働省令で定める員数を満たすことができなくなったとき。

(ii) when a Designated In-Home Long-Term Care Support Provider becomes unable to meet the fixed minimum number of employees of Long-Term Care Support Specialist s as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 81, paragraph (1) with regard to the number of Long-Term Care Support Specialist s of the Business Office pertaining to said appointment as service provider;

三 指定居宅介護支援事業者が、第八十一条第二項に規定する指定居宅介護支援の事業の運営に関する基準に従って適正な指定居宅介護支援の事業の運営をすることができなくなったとき。

- (iii) when a Designated In-Home Long-Term Care Support Provider becomes unable to operate an appropriate Designated In-Home Long-Term Care Support Business in accordance with standards concerning Management of a Designated In-Home Long-Term Care Support Business as prescribed in Article 81, paragraph (2);
- 四 指定居宅介護支援事業者が、第八十一条第四項に規定する義務に違反したと認められるとき。
- (iv) when it is determined that a Designated In-Home Long-Term Care Support Provider violates an obligation as prescribed in Article 81, paragraph (4);
- 五 第二十八条第五項の規定により調査の委託を受けた場合において、当該調査の結果について虚偽の報告をしたとき。
- (v) when a Designated In-Home Long-Term Care Support Provider is entrusted with an investigation pursuant to the provisions of Article 28, paragraph (5), and submits a false report regarding the result of said investigation;
- 六 居宅介護サービス計画費の請求に関し不正があったとき。
- (vi) when an Allowance for In-Home Long-Term Care Service Plan is wrongly requested;
- 七 指定居宅介護支援事業者が、第八十三条第一項の規定により報告又は帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。
- (vii) when a Designated In-Home Long-Term Care Support Provider is ordered to report, submit or present record books and documents pursuant to the provisions of Article 83, paragraph (1), but disobeys said order or submits a false report;
- 八 指定居宅介護支援事業者又は当該指定に係る事業所の従業者が、第八十三条第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係る事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定居宅介護支援事業者が相当の注意及び監督を尽くしたときを除く。
- (viii) when a Designated In-Home Long-Term Care Support Provider or an employee of the Business Office pertaining to said appointment as service provider is requested to appear pursuant to the provisions of Article 83, paragraph (1), but does not respond or does not reply to questions pursuant to the provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of the Business Office pertaining to said appointment as service provider performed said act and said Designated In-Home Long-Term Care Support Provider was faithfully providing reasonable care and supervision in order to prevent said act of said employee;
- 九 指定居宅介護支援事業者が、不正の手段により第四十六条第一項の指定を受けた

とき。

(ix) when a Designated In-Home Long-Term Care Support Provider is appointed to provide service as set forth in the main clause of Article 46, paragraph (1) by wrongful means;

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

(x) in addition to the cases listed in the preceding items, when a Designated In-Home Long-Term Care Support Provider violates this Act, another Act concerning citizens' health and medical care or public aid as determined by a Cabinet Order, or an Order or disposition of a matter based on these Acts;

十一 前各号に掲げる場合のほか、指定居宅介護支援事業者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(xi) in addition to the cases listed in the preceding items, when a Designated In-Home Long-Term Care Support Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

十二 指定居宅介護支援事業者の役員等のうちに、指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者があるとき。

(xii) when any Officer, etc., of a Designated In-Home Long-Term Care Support Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

2 市町村は、保険給付に係る指定居宅介護支援又は第二十八条第五項の規定により委託した調査を行った指定居宅介護支援事業者について、前項各号のいずれかに該当すると認めるときは、その旨を当該指定に係る事業所の所在地の都道府県知事に通知しなければならない。

(2) With regard to a Designated In-Home Long-Term Care Support Provider of Designated In-Home Long-Term Care Support pertaining to an insurance benefit or the implementation of an entrusted investigation pursuant to the provisions of Article 28, paragraph (5), a Municipality, when it is determined said Provider corresponds to any provision of the items in the preceding paragraph, must provide notification of said fact to the prefectural governor that governs the location of the Business Office pertaining to said appointment as service provider.

(公示)

(Public Notice)

第八十五条 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。
Article 85 A prefectural governor, in the following cases, must provide public

notice of the fact as prescribed in each of the following items:

一 第四十六条第一項の指定をしたとき。

(i) when an appointment as service provider as set forth in the main clause of Article 46, paragraph (1) is determined;

二 第八十二条の規定による届出（同条の厚生労働省令で定める事項の変更並びに同条に規定する事業の休止及び再開に係るものを除く。）があったとき。

(ii) when there is a notification pursuant to the provisions of Article 82 (except for change of matters as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same Article and matters pertaining to abolishment or recommencement of business provided by the same Article);

三 前条第一項又は第百十五条の二十九第六項の規定により第四十六条第一項の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iii) when an appointment as service provider as set forth in Article 46, paragraph (1) is rescinded pursuant to the provisions of paragraph (1) of the preceding Article or Article 115-29, paragraph (6), or the effect of the whole or a part of an appointment as service provider is suspended.

第五節 介護保険施設

Section 5 Facilities Covered by Long-Term Care Insurance

第一款 指定介護老人福祉施設

Subsection 1 Designated Facilities Covered by Public Aid Providing Long-Term Care to the Elderly

(指定介護老人福祉施設の指定)

(Appointment as Service Provider of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly)

第八十六条 第四十八条第一項第一号の指定は、厚生労働省令で定めるところにより、老人福祉法第二十条の五に規定する特別養護老人ホームであって、その入所定員が三十人以上であるものの開設者の申請があったものについて行う。

Article 86 (1) The appointment as a service provider as set forth in Article 48, paragraph (1), item (i) is to be provided, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, to an application filed by an organizer of an Intensive Care Home for the Elderly as prescribed in Article 20-5 of the Act on Social Welfare for the Elderly with an admission capacity of said facility that is thirty (30) or more.

2 都道府県知事は、前項の申請があった場合において、当該特別養護老人ホームが次の各号のいずれかに該当するときは、第四十八条第一項第一号の指定をしてはならない。

(2) A prefectural governor, in a case of an application as set forth in the preceding paragraph, when said Intensive Care Home for the Elderly

corresponds to any of the following items, must not provide appointment as service provider as set forth in the main clause of Article 48, paragraph (1), item (i):

- 一 第八十八条第一項に規定する人員を有しないとき。
(i) when it does not employ personnel as provided by Article 88, paragraph (1);
- 二 第八十八条第二項に規定する指定介護老人福祉施設の設備及び運営に関する基準に従って適正な介護老人福祉施設の運営をすることができないと認められるとき。
(ii) when it is determined that said Intensive Care Home for the Elderly cannot properly manage a Facility Covered by Public Aid Providing Long-Term Care to the Elderly in accordance with standards pertaining to facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly as prescribed in Article 88, paragraph (2);
- 三 当該特別養護老人ホームの開設者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるものの規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。
(iii) when the organizer of said Intensive Care Home for the Elderly was punished by a fine pursuant to the provisions of this Act, provided by a Cabinet Order, concerning citizens' health and medical care or public aid and execution of said penalty has not yet been completed or has not yet expired;
- 四 当該特別養護老人ホームの開設者が、第九十二条第一項又は第百十五条の二十九第六項の規定により指定を取り消され、その取消の日から起算して五年を経過しない者であるとき。
(iv) when an organizer of said Intensive Care Home for the Elderly is rescinded as the appointed service provider pursuant to the provisions of Article 92, paragraph (1) or Article 115-29, paragraph (6) and five years have not elapsed from the date of said rescission;
- 五 当該特別養護老人ホームの開設者が、第九十二条第一項又は第百十五条の二十九第六項の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第九十一条の規定による指定の辞退をした者（当該指定の辞退について相当の理由がある者を除く。）で、当該指定の辞退の日から起算して五年を経過しないものであるとき。
(v) when an organizer of said Intensive Care Home for the Elderly declined an appointment as service provider of business pursuant to the provisions of article 91 (except for a person that has a reasonable basis for abolishment of said business) from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 92, paragraph (1) or Article 115-29, paragraph (6) to the date of said rescission or the date it is determined that said termination of appointment will not be accepted, and five years have not elapsed from the date of said notification or

decline of appointment as service provider;

六 当該特別養護老人ホームの開設者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(vi) when an organizer of said Intensive Care Home for the Elderly performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years prior to an application of appointment as service provider;

七 当該特別養護老人ホームの開設者の役員又はその長のうちに次のいずれかに該当する者があるとき。

(vii) when any Officer, etc., or the chairperson of an organizer of said Intensive Care Home for the Elderly corresponds to any of the following:

イ 禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者

(a) a person punished by imprisonment without compulsory labor and execution of said penalty has not yet been completed or has not yet expired;

ロ 第三号又は前号に該当する者

(b) a person that corresponds to item (iii) or the preceding item;

ハ 第九十二条第一項又は第百十五条の二十九第六項の規定により指定を取り消された特別養護老人ホームにおいて、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前三十日以内にその開設者の役員又はその長であった者で当該取消しの日から起算して五年を経過しないもの

(c) a person that is or was an Officer, etc., of an organizer or the chairperson of the board of an Intensive Care Home for the Elderly for which appointment as service provider is rescinded pursuant to the provisions of Article 92, paragraph (1) or Article 115-29, paragraph (6) within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission;

ニ 第五号に規定する期間内に第九十一条の規定による指定の辞退をした特別養護老人ホーム（当該指定の辞退について相当の理由がある特別養護老人ホームを除く。）において、同号の通知の日前三十日以内にその開設者の役員又はその長であった者で当該指定の辞退の日から起算して五年を経過しないもの

(d) a person that is or was an Officer, etc., of an organizer or the chairperson of the board of an Intensive Care Home for the Elderly that declined an appointment as service provider pursuant to the provisions of Article 91 within the period provided by item (v) (except for an Intensive Care Home for the Elderly which has a reasonable basis for said decline of appointment as service provider) within sixty days prior to the date of notification as set forth in the same item and five years have not elapsed from the date of said decline of appointment as service provider.

3 都道府県知事は、第四十八条第一項第一号の指定をしようとするときは、関係市町

村長に対し、厚生労働省令で定める事項を通知し、相当の期間を指定して、当該関係市町村の第百十七条第一項に規定する市町村介護保険事業計画との調整を図る見地からの意見を求めなければならない。

- (3) A prefectural governor, when he or she intends to provide appointment as service provider as set forth in Article 48, paragraph (1), item (i), must provide notice of matters as determined by Order of the Ministry of Health, Labour, and Welfare to the mayor of the relevant Municipality, specify a reasonable period, and request opinions from the perspective of coordination with the Municipal Insured Long-Term Care Service Plan as prescribed in Article 117, paragraph (1) of said relevant Municipality.

(指定の更新)

(Renewal of Appointment as Service Provider)

第八十六条の二 第四十八条第一項第一号の指定は、六年ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

Article 86-2 (1) Appointment as service provider as set forth in Article 48, paragraph (1), item (i), if it is not renewed within a period of six years, ceases to be effective when said period expires.

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

- (2) In a case of application of renewal as set forth in the preceding paragraph, when a final determination of the application does not occur prior to the expiry of the period as set forth in the same paragraph (herein referred to as "Effective Period of Designation as Service Provider" in this Act), the prior appointment as service provider remains effective after expiry of the Effective Period of Designation as Service Provider until a determination is reached regarding said application.

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

- (3) In a case as set forth in the preceding paragraph, when the appointment as service provider is renewed, said Effective Period of Designation as Service Provider is to be from the date following the date of expiry of the prior Effective Period of Designation as Service Provider.

4 前条の規定は、第一項の指定の更新について準用する。

- (4) The provisions of the preceding Article apply mutatis mutandis to renewal of appointment as service provider as set forth in paragraph (1).

(指定介護老人福祉施設の基準)

(Standards of a Designated Facility Covered by Public Aid Providing Long-

Term Care to the Elderly)

第八十七条 指定介護老人福祉施設の開設者は、次条第二項に規定する指定介護老人福祉施設の設備及び運営に関する基準に従い、要介護者の心身の状況等に応じて適切な指定介護福祉施設サービスを提供するとともに、自らその提供する指定介護福祉施設サービスの質の評価を行うことその他の措置を講ずることにより常に指定介護福祉施設サービスを受ける者の立場に立ってこれを提供するように努めなければならない。

Article 87 (1) An organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly must act in compliance with the standards concerning facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly as prescribed in paragraph (2) of the following Article, offer an appropriate Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly by implementing self-evaluation of the quality of the Provider's own Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly and other measures.

2 指定介護老人福祉施設の開設者は、指定介護福祉施設サービスを受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定介護福祉施設サービスを提供するように努めなければならない。

(2) An organizer of a Designated Facility Service for Long-Term Care Covered by Public Aid, when an Opinion of the Certification Committee is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated Facility Service for Long-Term Care Covered by Public Aid, must engage in offering said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly of said Insured Person in consideration of said Opinion of the Certification Committee.

第八十八条 指定介護老人福祉施設は、厚生労働省令で定める員数の介護支援専門員その他の指定介護福祉施設サービスに従事する従業者を有しなければならない。

Article 88 (1) Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly must employ the number of Long-Term Care Support Specialist or other employees that engage in said Designated Facility Service for Long-Term Care Covered by Public Aid, as determined by Order of the Ministry of Health, Labour, and Welfare.

2 前項に規定するもののほか、指定介護老人福祉施設の設備及び運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions as prescribed in the preceding paragraph, standards concerning facilities and management of a Designated Facility

Covered by Public Aid Providing Long-Term Care to the Elderly are prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定介護老人福祉施設の設備及び運営に関する基準（指定介護福祉施設サービスの取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when providing standards concerning facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly prescribed in the preceding paragraph (limited to the part concerning the handling of Designated Facility Service for Long-Term Care Covered by Public Aid), hear the opinion of the Social Security Council in advance.

4 指定介護老人福祉施設の開設者は、要介護者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要介護者のため忠実にその職務を遂行しなければならない。

(4) An organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

(変更の届出)

(Notification of Change)

第八十九条 指定介護老人福祉施設の開設者は、開設者の住所その他の厚生労働省令で定める事項に変更があったときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

Article 89 An organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, when the domicile of an organizer or other matters as determined by Order of the Ministry of Health, Labour, and Welfare are changed, provide notification of said fact to the prefectural governor within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第九十条 都道府県知事又は市町村長は、必要があると認めるときは、指定介護老人福祉施設若しくは指定介護老人福祉施設の開設者若しくはその長その他の従業者であった者（以下この項において「開設者であった者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、指定介護老人福祉施設の開設者若しくはその長その他の従業者若しくは開設者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは指定介護老人福祉施設に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 90 (1) A prefectural governor or mayor of a Municipality, when it is

determined to be necessary, may order a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, a person that is or was an organizer, the chairperson, or other employee of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly (hereinafter referred to as a "Person that is or was an Organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, etc." in this paragraph) to report, submit or present record books and documents, request a person that is or was an organizer, the chairperson, or an employee of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, etc., to appear, to direct personnel to ask questions to the relevant Person, or enter the Business Office pertaining to said appointment as service provider of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly in order to inspect said facility, record books and documents, or other items.

2 第二十四条第三項の規定は、前項の規定による質問又は検査について、同条第四項の規定は、前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(指定の辞退)

(Decline of Appointment as Service Provider)

第九十一条 指定介護老人福祉施設は、一月以上の予告期間を設けて、その指定を辞退することができる。

Article 91 A Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly may decline an appointment as service provider by offering one month or more of prior notice.

(勧告、命令等)

(Recommendations and Orders)

第九十一条の二 都道府県知事は、指定介護老人福祉施設が、その行う指定介護福祉施設サービスに従事する従業者の人員について第八十八条第一項の厚生労働省令で定める員数を満たしておらず、又は同条第二項に規定する指定介護老人福祉施設の設備及び運営に関する基準に従って適正な指定介護老人福祉施設の運営をしていないと認めるときは、当該指定介護老人福祉施設の開設者に対し、期限を定めて、同条第一項の厚生労働省令で定める員数の従業者を有し、又は同条第二項に規定する指定介護老人福祉施設の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 91-2 (1) A prefectural governor, when a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly does not meet the fixed

minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 88 paragraph (1), with regard to the number of employees that engage in Designated Facility Service for Long-Term Care Covered by Public Aid provided by said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, or when it is determined that said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly does not operate an appropriate Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly in accordance with the standards concerning facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly as prescribed in paragraph (2) of the same Article, may specify a due date and recommend to an organizer of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly to employ the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in paragraph (1) of the same Article, or to act in compliance with standards concerning facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly as prescribed by paragraph (2) of the same Article.

2 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定介護老人福祉施設の開設者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) A prefectural governor, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that the organizer of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly that was issued said recommendation did not act in compliance with said recommendation within the due date as set forth in the same paragraph.

3 都道府県知事は、第一項の規定による勧告を受けた指定介護老人福祉施設の開設者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定介護老人福祉施設の開設者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) A prefectural governor, when an organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly that was issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without a justifiable basis, may order to an organizer of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly to implement measures pertaining to said recommendation within a period specified by a due date.

4 都道府県知事は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(4) A prefectural governor, when issuing an order pursuant to the provisions of

the preceding paragraph, must issue public notice of the said fact.

- 5 市町村は、保険給付に係る指定介護福祉施設サービスを行った指定介護老人福祉施設について、第八十八条第二項に規定する指定介護老人福祉施設の設備及び運営に関する基準に従って適正な指定介護老人福祉施設の運営をしていないと認めるときは、その旨を当該指定介護老人福祉施設の所在地の都道府県知事に通知しなければならない。

- (5) With regard to a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly that provided Designated Facility Service for Long-Term Care Covered by Public Aid pertaining to an Insurance Benefit, a Municipality, when it is determined that said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly does not operate an appropriate Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly in accordance with standards concerning facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly as prescribed in Article 88, paragraph (2), must provide notification of said fact to the prefectural governor that governs the location of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly.

(指定の取消し等)

(Rescission of Appointment as Service Provider)

- 第九十二条 都道府県知事は、次の各号のいずれかに該当する場合には、当該指定介護老人福祉施設に係る第四十八条第一項第一号の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 92 (1) A prefectural governor, in a case that corresponds to any of the following items, may rescind the appointment as service provider as set forth in the main clause of Article 48, paragraph (1), item (i) pertaining to said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly or suspend the whole or a part of the effect of said appointment as service provider by specifying the due date for compliance:

- 一 指定介護老人福祉施設が、第八十六条第二項第三号又は第七号のいずれかに該当するに至ったとき。

(i) when a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly corresponds to any provision of Article 86, paragraph (2), item (iii) or item (vii);

- 二 指定介護老人福祉施設が、その行う指定介護福祉施設サービスに従事する従業者の人員について、第八十八条第一項の厚生労働省令で定める員数を満たすことができなくなったとき。

(ii) when a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly becomes unable to meet the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and

- Welfare as set forth in Article 88, paragraph (1), with regard to the number of employees that engage in Designated Facility Service for Long-Term Care Covered by Public Aid provided by said Designated Facility;
- 三 指定介護老人福祉施設が、第八十八条第二項に規定する指定介護老人福祉施設の設備及び運営に関する基準に従って適正な指定介護老人福祉施設の運営をすることができなくなったとき。
- (iii) when a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly becomes unable to operate an appropriate Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly in accordance with standards concerning facilities and management of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly as prescribed in Article 88, paragraph (2);
- 四 指定介護老人福祉施設の開設者が、第八十八条第四項に規定する義務に違反したと認められるとき。
- (iv) when it is determined that an organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly violates an obligation as prescribed in Article 88, paragraph (4);
- 五 第二十八条第五項の規定により調査の委託を受けた場合において、当該調査の結果について虚偽の報告をしたとき。
- (v) when a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly is entrusted with an investigation pursuant to the provisions of Article 28, paragraph (5), and submits a false report regarding the result of said investigation;
- 六 施設介護サービス費の請求に関し不正があったとき。
- (vi) when an Allowance for Long-Term Care Facility Service is wrongly requested;
- 七 指定介護老人福祉施設が、第九十条第一項の規定により報告又は帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。
- (vii) when a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly is ordered to report, submit or present record books and documents pursuant to the provisions of Article 90, paragraph (1), but disobeys said order or submits a false report;
- 八 指定介護老人福祉施設の開設者又はその長若しくは従業者が、第九十条第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定介護老人福祉施設の従業者がその行為をした場合において、その行為を防止するため、当該指定介護老人福祉施設の開設者又はその長が相当の注意及び監督を尽くしたときを除く。
- (viii) when the organizer, the chairperson, or an employee of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly is requested to appear pursuant to the provisions of Article 90, paragraph (1),

but does not respond or does not reply to questions pursuant to the provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly performed said act and an organizer or the chairperson of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly was faithfully providing reasonable care and supervision in order to prevent said act of said employee;

九 指定介護老人福祉施設の開設者が、不正の手段により第四十八条第一項第一号の指定を受けたとき。

(ix) when an organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly is appointed to provide service as set forth in the main clause of Article 48, paragraph (1) by wrongful means;

十 前各号に掲げる場合のほか、指定介護老人福祉施設の開設者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分に違反したとき。

(x) in addition to the cases listed in the preceding items, when an organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly violates this Act, another Act concerning citizens' health and medical care and public aid as provided by a Cabinet Order, or an Order or disposition of a matter based on these Acts;

十一 前各号に掲げる場合のほか、指定介護老人福祉施設の開設者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(xi) in addition to the cases listed in the preceding items, when an organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

十二 指定介護老人福祉施設の開設者の役員又はその長のうちに、指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者があるとき。

(xii) when any Officers or chairperson of the organizer of a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

2 市町村は、保険給付に係る指定介護福祉施設サービス又は第二十八条第五項の規定により委託した調査を行った指定介護老人福祉施設について、前項各号のいずれかに該当すると認めるときは、その旨を当該指定介護老人福祉施設の所在地の都道府県知事に通知しなければならない。

(2) With regard to a Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly that provided Designated Facility Service for Long-Term Care Covered by Public Aid pertaining to an Insurance Benefit or the implementation of an entrusted investigation pursuant to the provisions of Article 28, paragraph (5), a Municipality, when it determines said Designated Facility Service for Long-Term Care Covered by Public Aid corresponds to any provision of the items in the preceding paragraph, must provide notification of said fact to the prefectural governor that governs the location of said Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly.

(公示)

(Public Notice)

第九十三条 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

Article 93 A prefectural governor, in the following cases, must issue public notice of the said fact:

一 第四十八条第一項第一号の指定をしたとき。

(i) when an appointment as service provider as set forth in the main clause of Article 48, paragraph (1), item (i) is determined;

二 第九十一条の規定による第四十八条第一項第一号の指定の辞退があったとき。

(ii) when the appointment as service provider as set forth in Article 48, paragraph (1), item (i) is declined pursuant to the provisions of Article 91;

三 前条第一項又は第百十五条の二十九第六項の規定により第四十八条第一項第一号の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iii) when an appointment as service provider as set forth in Article 48, paragraph (1), item (i) is rescinded pursuant to the provisions of paragraph (1) of the preceding Article or Article 115-29, paragraph (6), or the effect of the whole or a part of an appointment as service provider is suspended.

第二款 介護老人保健施設

Subsection 2 Long-Term Care Health Facilities

(開設許可)

(Approval for Establishment)

第九十四条 介護老人保健施設を開設しようとする者は、厚生労働省令で定めるところにより、都道府県知事の許可を受けなければならない。

Article 94 (1) A person that intends to establish a Long-Term Care Health Facility must obtain approval of the prefectural governor pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

2 介護老人保健施設を開設した者（以下「介護老人保健施設の開設者」という。）が、当該介護老人保健施設の入所定員その他厚生労働省令で定める事項を変更しようとする

るときも、前項と同様とする。

(2) The provisions of the preceding paragraph apply to when a person that established a Long-Term Care Health Facility (hereinafter referred to as an "Organizer of a Long-Term Care Health Facility"), intends to change the fixed limit of the number of persons who may be admitted to said Long-Term Care Health Facility and other matters as determined by Order of the Ministry of Health, Labour, and Welfare.

3 都道府県知事は、前二項の許可の申請があった場合において、次の各号（前項の申請にあっては、第二号又は第三号）のいずれかに該当するときは、前二項の許可を与えることができない。

(3) A prefectural governor, in a case when the application of approval as set forth in the preceding two paragraphs is filed and when it corresponds to any of the following items (with regard to the application as set forth in the preceding paragraph, item (ii) or item (iii)), may not provide approval as set forth in the preceding two paragraphs:

一 当該介護老人保健施設を開設しようとする者が、地方公共団体、医療法人、社会福祉法人その他厚生労働大臣が定める者でないとき。

(i) when a person that intends to establish said Long-Term Care Health Facility is not a local government, a medical juridical person, a social welfare juridical person, or other person as determined by Order of the Minister of Health, Labour, and Welfare;

二 当該介護老人保健施設が第九十七条第一項に規定する施設又は同条第二項に規定する人員を有しないとき。

(ii) when said Long-Term Care Health Facility does not possess a facility as prescribed in Article 97, paragraph (1) or the number of personnel as prescribed in paragraph (2) of the same Article;

三 第九十七条第三項に規定する介護老人保健施設の設備及び運営に関する基準に従って適正な介護老人保健施設の運営をすることができないと認められるとき。

(iii) when it is determined that the Long-Term Care Health Facility cannot properly manage the Long-Term Care Health Facility in accordance with standards pertaining to facilities and management as prescribed in Article 97, paragraph (3);

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

(iv) when the applicant is punished by imprisonment without compulsory labor or to a more severe penalty, and said execution of the penalty has not been completed or has not yet expired;

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

(v) when the applicant is punished by a fine pursuant to the provisions of this

Act or another Act pertaining to health and medical care or public aid for citizens as determined by a Cabinet Order and execution of said penalty has not yet been completed or has not yet expired;

六 申請者が、第百四条第一項又は第百十五条の二十九第六項の規定により許可を取り消され、その取消しの日から起算して五年を経過しない者（当該許可を取り消された者が法人である場合においては、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内に当該法人の役員又はその開設した介護老人保健施設を管理する者（以下「介護老人保健施設の管理者」という。）であった者で当該取消しの日から起算して五年を経過しないものを含み、当該許可を取り消された者が第一号の厚生労働大臣が定める者のうち法人でないものである場合においては、当該通知があった日前六十日以内に当該者の開設した介護老人保健施設の管理者であった者で当該取消しの日から起算して五年を経過しないものを含む。）であるとき。

(vi) when the applicant has been rescinded approval pursuant to the provisions of Article 104, paragraph (1) or Article 115-29, paragraph (6) and five years have not elapsed from the date of said rescission (in a case when a person that has been rescinded for said appointment as service provider is a juridical person, including a person that is or was an Officer of said juridical person or who managed the established Long-Term Care Health Facility (hereinafter referred to as "Manager of a Long-Term Care Health Facility") and within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission, and in a case when a person that has been rescinded said approval, is a person as determined by Order of the Minister of Health, Labour, and Welfare, but not a juridical person, including a person that is or was a Manager of a Long-Term Care Health Facility, which was established by said person, within sixty days prior to the date of said notification and five years have not elapsed from the date of said rescission;

七 申請者が、第百四条第一項又は第百十五条の二十九第六項の規定による許可の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第百五条において準用する医療法第九条第一項の規定による廃止の届出をした者（当該廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(vii) when the applicant who provided notification of abolishment pursuant to the provisions of Article 9, paragraph (1) of the Medical Care Act as applied mutatis mutandis pursuant to Article 105 from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of approval pursuant to the provisions of Article 104, paragraph (1) or Article 115-29, paragraph (6) to the date when said approval

is rescinded or when it is determined not to rescind the approval (except for a person that has a reasonable basis for said abolishment) and five years have not elapsed from the date of said notification;

八 前号に規定する期間内に第百五条において準用する医療法第九条第一項の規定による廃止の届出があった場合において、申請者が、同号の通知の日前六十日以内に当該届出に係る法人（当該廃止について相当の理由がある法人を除く。）の役員若しくはその開設した介護老人保健施設の管理者又は当該届出に係る第一号の厚生労働大臣が定める者のうち法人でないもの（当該廃止について相当の理由がある者を除く。）の開設した介護老人保健施設の管理者であった者で、当該届出の日から起算して五年を経過しないものであるとき。

(viii) in a case when abolishment pursuant to the provisions of Article 9, paragraph (1) of the Medical Treatment Act as applied mutatis mutandis pursuant to Article 105 within the period as prescribed in the preceding paragraph was duly provided by notification, when the applicant was an Officer of a juridical person pertaining to said notification (except for a juridical person that has a reasonable basis for said abolishment) or an established Manager of a Long-Term Care Health Facility, within sixty days prior to the date of notification as set forth in the same item, or is not a Manager of a Long-Term Care Health Facility established by a non-juridical person among those who are provided by the Minister of Health, Labour, and Welfare as set forth in item (i) pertaining to said notification (except for a juridical person that has a reasonable basis for said abolishment) and five years have not elapsed from the date of said notification;

九 申請者が、許可の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(ix) when the applicant performs a wrongful or significantly unjustifiable act pertaining to In-Home Service, etc., within five years prior to an application of appointment as service provider;

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

(x) when the applicant is a juridical person and any said Officer, etc., corresponds to any provision of item (iv) in the preceding item;

十一 申請者が、第一号の厚生労働大臣が定める者のうち法人でないもので、その事業所を管理する者その他の政令で定める使用者のうちに第四号から第九号までのいずれかに該当する者のあるものであるとき。

(xi) when the applicant is not a juridical person among those who are provided by the Minister of Health, Labour, and Welfare as set forth in item (i), and any person that manages said Business Office and other employees provided by a Cabinet Order are defined by item (iv) to item (ix).

4 都道府県知事は、営利を目的として、介護老人保健施設を開設しようとする者に対しては、第一項の許可を与えないことができる。

(4) A prefectural governor may not provide approval as set forth in item (i) to a person that intends to establish a Long-Term Care Health Facility for the purpose of profit;

5 都道府県知事は、第一項の許可又は第二項の許可（入所定員の増加に係るものに限る。以下この項及び次項において同じ。）の申請があった場合において、当該申請に係る施設の所在地を含む区域（第百十八条第二項第一号の規定により当該都道府県が定める区域とする。）における介護老人保健施設の入所定員の総数が、同条第一項の規定により当該都道府県が定める都道府県介護保険事業支援計画において定めるその区域の介護老人保健施設の必要入所定員総数に既に達しているか、又は当該申請に係る施設の開設若しくは入所定員の増加によってこれを超えることになると認めるとき、その他の当該都道府県介護保険事業支援計画の達成に支障を生ずるおそれがあると認めるときは、第一項の許可又は第二項の許可を与えないことができる。

(5) In a case when an approval as set forth in paragraph (1) and an approval as set forth in paragraph (2) (limited to those pertaining to increase of the maximum number of persons who may be admitted to the facility; hereinafter the same applies in this paragraph and the following paragraph) is applied, the prefectural governor, when it is determined that total number of maximum number of persons who may be admitted to Long-Term Care Health Facility in the area (which means an area provided by said prefecture pursuant to the provisions of Article 118, paragraph (2), item (i)) including the location of facility pertaining to said application has already reached the total number of necessary number of persons who may be admitted to the Long-Term Care Health Facility in the area as prescribed by the Prefectural Insured Long-Term Care Support Project Plan provided by said prefecture pursuant to the provisions of paragraph (1) of the same Article, or will exceed said total number by establishment of the facility pertaining to said application or increase the maximum number of persons who may be admitted to the facility, or when it is determined that it is likely to cause problems with accomplishment of said Prefectural Insured Long-Term Care Support Project Plan, may not provide an approval as set forth in paragraph (1) or an approval as set forth in paragraph (2).

6 都道府県知事は、第一項の許可又は第二項の許可をしようとするときは、関係市町村長に対し、厚生労働省令で定める事項を通知し、相当の期間を指定して、当該関係市町村の第百十七条第一項に規定する市町村介護保険事業計画との調整を図る見地からの意見を求めなければならない。

(6) A prefectural governor, when he or she intends to provide an approval as set forth in paragraph (1) or an approval as set forth in paragraph (2), must provide notice of matters as determined by Order of the Ministry of Health, Labour, and Welfare to the mayor of the relevant Municipality, specify a reasonable period, and request opinions from the perspective of coordination with the Municipal Insured Long-Term Care Service Plan as prescribed in

Article 117, paragraph (1) of said relevant Municipality.

(許可の更新)

(Renewal of Approval)

第九十四条の二 前条第一項の許可は、六年ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

Article 94-2 (1) Approval as set forth in paragraph (1) of the preceding Article, if it is not renewed within a period of six years, ceases to be effective when said period expires.

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

(2) In a case of approval of renewal as set forth in the preceding paragraph, when a final determination of the application does not occur prior to the expiry of the period as set forth in the same paragraph (hereinafter referred to as "Effective Period of Approval" in this Article), the prior appointment as service provider remains effective after expiry of the Effective Period of Approval until a determination is reached regarding said application.

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

(3) In a case as set forth in the preceding paragraph, when the approval is renewed, said Effective Period of Approval is to be from the date following the date of expiry of the prior Effective Period of Approval.

4 前条の規定は、第一項の許可の更新について準用する。

(4) The provisions of the preceding Article apply mutatis mutandis to renewal of appointment as service provider as set forth in paragraph (1).

(介護老人保健施設の管理)

(Management of a Long-Term Care Health Facility)

第九十五条 介護老人保健施設の開設者は、都道府県知事の承認を受けた医師に当該介護老人保健施設を管理させなければならない。

Article 95 (1) An Organizer of a Long-Term Care Health Facility must employ physicians approved by the prefectural governor to manage said Long-Term Care Health Facility.

2 前項の規定にかかわらず、介護老人保健施設の開設者は、都道府県知事の承認を受け、医師以外の者に当該介護老人保健施設を管理させることができる。

(2) Notwithstanding the provisions of the preceding paragraph, an Organizer of a Long-Term Care Health Facility may obtain approval of the prefectural governor and direct a person other than a physician to manage said Long-Term Care Health Facility.

(介護老人保健施設の基準)

(Standards of a Long-Term Care Health Facility)

第九十六条 介護老人保健施設の開設者は、次条第三項に規定する介護老人保健施設の設備及び運営に関する基準に従い、要介護者の心身の状況等に応じて適切な介護保健施設サービスを提供するとともに、自らその提供する介護保健施設サービスの質の評価を行うことその他の措置を講ずることにより常に介護保健施設サービスを受ける者の立場に立ってこれを提供するように努めなければならない。

Article 96 (1) An Organizer of a Long-Term Care Health Facility must act in compliance with the standards concerning facilities and management of a Long-Term Care Health Facility as prescribed in paragraph (3) of the following Article, offer appropriate Long-Term Care Health Facility Service according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Long-Term Care Health Facility Service by implementing self-evaluation of the quality of the Provider's own Long-Term Care Health Facility Service and other measures.

2 介護老人保健施設の開設者は、介護保健施設サービスを受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該介護保健施設サービスを提供するように努めなければならない。

(2) An Organizer of a Long-Term Care Health Facility, when an Opinion of the Certification Committee is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Long-Term Care Health Facility Service, must engage in offering said Long-Term Care Health Facility Service of said Insured Person in consideration of said Opinion of the Certification Committee.

第九十七条 介護老人保健施設は、厚生労働省令で定めるところにより、療養室、診察室、機能訓練室、談話室その他厚生労働省令で定める施設を有しなければならない。

Article 97 (1) A Long-Term Care Health Facility possesses, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, a medical care room, consultation room, functional training room, lounge and other facilities as determined by Order of the Ministry of Health, Labour, and Welfare.

2 介護老人保健施設は、厚生労働省令で定める員数の医師、看護師、介護支援専門員及び介護その他の業務に従事する従業者を有しなければならない。

(2) A Long-Term Care Health Facility must employ the fixed minimum number, as determined by Order of the Ministry of Health, Labour, and Welfare, of physicians, nurses, Long-Term Care Support Specialists, and employees that engage in long-term care or other operations.

3 前二項に規定するもののほか、介護老人保健施設の設備及び運営に関する基準は、厚生労働大臣が定める。

(3) In addition to the provisions as prescribed in the preceding two paragraphs, standards concerning facilities and management of a Long-Term Care Health Facility are to be provided by the Minister of Health, Labour, and Welfare.

4 厚生労働大臣は、前項に規定する介護老人保健施設の設備及び運営に関する基準（介護保健施設サービスの取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(4) The Minister of Health, Labour, and Welfare, when providing standards concerning facilities and management of a Long-Term Care Health Facility as prescribed in the preceding paragraph (limited to the part concerning the handling of a Long-Term Care Health Facility Service), must hear the opinion of the Social Security Council in advance.

5 介護老人保健施設の開設者は、要介護者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要介護者のため忠実にその職務を遂行しなければならない。

(5) An Organizer of a Long-Term Care Health Facility must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

（広告制限）

(Restraint of Advertisement)

第九十八条 介護老人保健施設に関しては、文書その他いかなる方法によるを問わず、何人も次に掲げる事項を除くほか、これを広告してはならない。

Article 98 (1) With regard to a Long-Term Care Health Facility, regardless of documents or any other methods, no person may advertise the Facility, except for the following matters:

一 介護老人保健施設の名称、電話番号及び所在の場所を表示する事項

(i) matters that display the name, telephone number, and location of a Long-Term Care Health Facility;

二 介護老人保健施設に勤務する医師及び看護師の氏名

(ii) names of physicians and nurses who are employed at the Long-Term Care Health Facility;

三 前二号に掲げる事項のほか、厚生労働大臣の定める事項

(iii) in addition to matters listed in the preceding two items, matters as determined by Order of the Minister of Health, Labour, and Welfare;

四 その他都道府県知事の許可を受けた事項

(iv) other matters approved by the prefectural governor.

2 厚生労働大臣は、前項第三号に掲げる事項の広告の方法について、厚生労働省令で定めるところにより、必要な定めをすることができる。

(2) The Minister of Health, Labour, and Welfare, with regard to method of advertisement of matters listed in the preceding three items, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may specify necessary matters.

(変更の届出)

(Notification of Change)

第九十九条 介護老人保健施設の開設者は、第九十四条第二項の規定による許可に係る事項を除き、当該介護老人保健施設の開設者の住所その他の厚生労働省令で定める事項に変更があったときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

Article 99 An Organizer of a Long-Term Care Health Facility, except for matters pertaining to approval pursuant to the provisions of Article 94, paragraph (2), when the domicile of an Organizer of said Long-Term Care Health Facility or other matters as determined by Order of the Ministry of Health, Labour, and Welfare are changed, must provide notification of said fact to the prefectural governor within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第一百条 都道府県知事又は市町村長は、必要があると認めるときは、介護老人保健施設の開設者、介護老人保健施設の管理者若しくは医師その他の従業者（以下「介護老人保健施設の開設者等」という。）に対し報告若しくは診療録その他の帳簿書類の提出若しくは提示を命じ、介護老人保健施設の開設者等に対し出頭を求め、又は当該職員に、介護老人保健施設の開設者等に対して質問させ、若しくは介護老人保健施設に立ち入り、その設備若しくは診療録、帳簿書類その他の物件を検査させることができる。

Article 100 (1) A prefectural governor or mayor of a Municipality, when it is determined to be necessary, may order a person that is or was an organizer of a Long-Term Care Health Facility, a manager of a Long-Term Care Health Facility, physician and other employee (herein referred to as an "Organizer of a Long-Term Care Health Facility, etc.") to report, submit or present medical records or record books and documents, request an Organizer of a Long-Term Care Health Facility, etc., to appear, to direct personnel to ask questions of an Organizer of a Long-Term Care Health Facility, etc., or enter Long-Term Care Health Facility in order to inspect said facilities, record books and documents, or other items.

2 第二十四条第三項の規定は、前項の規定による質問又は立入検査について、同条第四項の規定は、前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding

paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

3 第一項の規定により、介護老人保健施設の開設者等に対し報告若しくは提出若しくは提示を命じ、若しくは出頭を求め、又は当該職員に介護老人保健施設の開設者等に対し質問させ、若しくは介護老人保健施設に立入検査をさせた市町村長は、当該介護老人保健施設につき次条、第百二条、第百三条第三項又は第百四条第一項の規定による処分が行われる必要があると認めるときは、理由を付して、その旨を都道府県知事に通知しなければならない。

(3) Pursuant to the provisions of paragraph (1), the mayor of the Municipality that ordered an Organizer of a Long-Term Care Health Facility, etc., to report, submit, or present records, or appear, to direct personnel to ask questions of an Organizer of a Long-Term Care Health Facility, etc., or enter the Long-Term Care Health Facility for inspection, when it is determined that it is necessary to terminate said Long-Term Care Health Facility pursuant to the provisions of the following Article, Article 102, Article 103, paragraph (3), or Article 104, paragraph (1), must provide notification of said fact to the prefectural governor indicating said reasons.

(設備の使用制限等)

(Restriction on Use of Facility)

第百一条 都道府県知事は、介護老人保健施設が、第九十七条第一項に規定する施設を有しなくなったとき、又は同条第三項に規定する介護老人保健施設の設備及び運営に関する基準（設備に関する部分に限る。）に適合しなくなったときは、当該介護老人保健施設の開設者に対し、期間を定めて、その全部若しくは一部の使用を制限し、若しくは禁止し、又は期限を定めて、修繕若しくは改築を命ずることができる。

Article 101 A prefectural governor, when a Long-Term Care Health Facility does not possess the facilities as prescribed in Article 97, paragraph (1) or does not conform with the standards concerning facilities and management of a Long-Term Care Health Facility as prescribed in paragraph (3) of the same Article (limited to the part concerning said Facility) to an Organizer of a Long-Term Care Health Facility, may restrict or prohibit the use of the whole or a part of said facility within a period limited by a due date, or order to repair or modify said facility within the period limited by a due date.

(変更命令)

(Order to Change)

第百二条 都道府県知事は、介護老人保健施設の管理者が介護老人保健施設の管理者として不適当であると認めるときは、当該介護老人保健施設の開設者に対し、期限を定めて、介護老人保健施設の管理者の変更を命ずることができる。

Article 102 (1) A prefectural governor, when it is determined that a Manager of

a Long-Term Care Health Facility is inappropriate as a Manager of a Long-Term Care Health Facility, may order the Organizer of said Long-Term Care Health Facility to change the Manager of the Long-Term Care Health Facility within a period limited by a due date.

2 厚生労働大臣は、前項に規定する都道府県知事の権限に属する事務について、介護老人保健施設に入所している者の生命又は身体の安全を確保するため緊急の必要があると認めるときは、都道府県知事に対し同項の事務を行うことを指示することができる。

(2) The Minister of Health, Labour, and Welfare, with regard to the affairs pertaining to the authority of a prefectural governor as prescribed in the preceding paragraph, when it determines the urgent necessity to ensure life and the physical safety of a person that may be admitted to a Long-Term Care Health Facility, may order the prefectural governor to conduct the affairs as set forth in the same paragraph.

(業務運営の勧告、命令等)

(Recommendations and Orders on Business Operations)

第百三条 都道府県知事は、介護老人保健施設が、その業務に従事する従業者の人員について第九十七条第二項の厚生労働省令で定める員数を満たしておらず、又は同条第三項に規定する介護老人保健施設の設備及び運営に関する基準（運営に関する部分に限る。以下この条において同じ。）に適合していないと認めるときは、当該介護老人保健施設の開設者に対し、期限を定めて、第九十七条第二項の厚生労働省令で定める員数の従業者を有し、又は同条第三項に規定する介護老人保健施設の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 103 (1) A prefectural governor, when it is determined that a Long-Term Care Health Facility does not meet the fixed minimum numbers as prescribed in Order of the Ministry of Health, Labour, and Welfare as set forth in Article 97, paragraph (2) with regard to the number of employees that engage in said business and that the Facility does not meet the standards concerning facilities and management of a Long-Term Care Health Facility as prescribed in paragraph (3) of the same Article (limited to the part concerning management; the same applies hereinafter in this Article), may recommend to the Organizer of said Long-Term Care Health Facility to employ the fixed minimum number of employees as prescribed in Order of the Ministry of Health, Labour, and Welfare as set forth in Article 97, paragraph (2) within the period limited by a due date, and to comply with the standards concerning facilities and management of a Long-Term Care Health Facility as prescribed in paragraph (3) of the same Article.

2 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた介護老人保健施設の開設者が、同項の期限内にこれに従わなかったときは、その旨を公表することができる。

- (2) A prefectural governor, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that the Organizer of said Long-Term Care Health Facility that is issued said recommendation did not act in compliance with said recommendation within the due date as set forth in the same paragraph.
- 3 都道府県知事は、第一項の規定による勧告を受けた介護老人保健施設の開設者が、正当な理由がなくてその勧告に係る措置をとらなかつたときは、当該介護老人保健施設の開設者に対し、期限を定めて、その勧告に係る措置をとるべきことを命じ、又は期間を定めて、その業務の停止を命ずることができる。
- (3) A prefectural governor, when an Organizer of a Long-Term Care Health Facility that was issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without a justifiable basis, may order the Organizer of said Long-Term Care Health Facility to implement measures pertaining to said recommendation within a period specified by a due date or to suspend said operation for a period of time.
- 4 都道府県知事は、前項の規定による命令をした場合においては、その旨を公示しなければならない。
- (4) A prefectural governor, when issuing an order pursuant to the provisions of the preceding paragraph, must issue public notice of said fact.
- 5 市町村は、保険給付に係る介護保健施設サービスを行った介護老人保健施設について、第九十七条第三項に規定する介護老人保健施設の設備及び運営に関する基準に適合しなくなつたと認めるときは、その旨を当該介護老人保健施設の所在地の都道府県知事に通知しなければならない。
- (5) With regard to a Long-Term Care Health Facility that provides Long-Term Care Health Facility Service pertaining to an Insurance Benefit, a Municipality, when it is determined that said Long-Term Care Health Facility does not conform with standards concerning facilities and management of a Long-Term Care Health Facility as prescribed in Article 97, paragraph (3), must provide notification of said fact to the prefectural governor that governs the location of said Long-Term Care Health Facility.

(許可の取消し等)

(Rescission of Approval)

第百四条 都道府県知事は、次の各号のいずれかに該当する場合においては、当該介護老人保健施設に係る第九十四条第一項の許可を取り消し、又は期間を定めてその許可の全部若しくは一部の効力を停止することができる。

Article 104 (1) A prefectural governor, in a case that corresponds to any of the following items, may rescind the approval as set forth in Article 94, paragraph (1) pertaining to said Long-Term Care Health Facility or suspend the whole or a part of the effect of said appointment as service provider within the period

limited by a due date:

一 介護老人保健施設の開設者が、第九十四条第一項の許可を受けた後正当の理由がないのに、六月以上その業務を開始しないとき。

(i) when an Organizer of a Long-Term Care Health Facility does not commence said operation for six months or more after obtaining approval as set forth in Article 94, paragraph (1) without a reasonable basis;

二 介護老人保健施設が、第九十四条第三項第四号、第五号、第十号又は第十一号のいずれかに該当するに至ったとき。

(ii) when a Long-Term Care Health Facility corresponds to any provision of Article 94, paragraph (3), item (iv), item (v), item (x), or item (ix);

三 介護老人保健施設の開設者が、第九十七条第五項に規定する義務に違反したと認められるとき。

(iii) when it is determined that an Organizer of a Long-Term Care Health Facility violates an obligation as prescribed in Article 97, paragraph (5);

四 介護老人保健施設の開設者に犯罪又は医事に関する不正行為があったとき。

(iv) when an Organizer of a Long-Term Care Health Facility committed a crime or act of dishonesty concerning medical business;

五 第二十八条第五項の規定により調査の委託を受けた場合において、当該調査の結果について虚偽の報告をしたとき。

(v) when a Long-Term Care Health Facility is entrusted with an investigation pursuant to the provisions of Article 28, paragraph (5) and submits a false report regarding the result of said investigation;

六 施設介護サービス費の請求に関し不正があったとき。

(vi) when an Allowance for Long-term care Facility Service is wrongly requested;

七 介護老人保健施設の開設者等が、第百条第一項の規定により報告又は診療録その他の帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(vii) when an Organizer, etc., of a Long-Term Care Health Facility is ordered to report, submit or present medical records or record books and documents pursuant to the provisions of Article 100, paragraph (1), but disobeys said order or submits a false report;

八 介護老人保健施設の開設者等が、第百条第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該介護老人保健施設の従業者がその行為をした場合において、その行為を防止するため、当該介護老人保健施設の開設者又は当該介護老人保健施設の管理者が相当の注意及び監督を尽くしたときを除く。

(viii) when an Organizer, etc., of a Long-Term Care Health Facility is requested to appear pursuant to the provisions of Article 100, paragraph (1) but does not respond or does not reply to questions pursuant to the

provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of said Long-Term Care Health Facility performed said act and the Organizer of the Long-Term Care Health Facility or said Manager of a Long-Term Care Health Facility was faithfully providing reasonable care and supervision in order to prevent said act of said employee;

九 前各号に掲げる場合のほか、介護老人保健施設の開設者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分に違反したとき。

(ix) in addition to the cases listed in the preceding items, when an Organizer of a Long-Term Care Health Facility violates this Act, another Act concerning citizens' health and medical care and public aid as provided by a Cabinet Order, or an Order or disposition of a matter based on these Acts;

十 前各号に掲げる場合のほか、介護老人保健施設の開設者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(x) in addition to the cases listed in the preceding items, when an Organizer of a Long-Term Care Health Facility performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

十一 介護老人保健施設の開設者が法人である場合において、その役員又は当該介護老人保健施設の管理者のうちに許可の取消し又は許可の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者があるとき。

(xi) in a case when an Organizer of a Long-Term Care Health Facility is a juridical person, when any of said Officer, etc., or said Manager of a Long-Term Care Health Facility performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act;

十二 介護老人保健施設の開設者が第九十四条第三項第一号の厚生労働大臣が定める者のうち法人でないものである場合において、その管理者が許可の取消し又は許可の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(xii) in a case when an Organizer of a Long-Term Care Health Facility is not a juridical person among those provided by the Minister of Health, Labour, and Welfare as set forth in Article 94, paragraph (3), item (i), a manager of said Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

2 市町村は、第二十八条第五項の規定により委託した調査又は保険給付に係る介護保

健施設サービスを行った介護老人保健施設について、前項各号のいずれかに該当すると認めるときは、その旨を当該介護老人保健施設の所在地の都道府県知事に通知しなければならない。

(2) With regard to a Long-Term Care Health Facility that conducts an entrusted investigation or provided Long-Term Care Health Facility Service pertaining to an Insurance Benefit pursuant to the provisions of Article 28, paragraph (5), a Municipality, when it determines said Long-Term Care Health Facility corresponds to any provision of the items in the preceding paragraph, must provide notification of said fact to the prefectural governor that governs the location of said Long-Term Care Health Facility.

3 厚生労働大臣は、第一項に規定する都道府県知事の権限に属する事務について、介護老人保健施設に入所している者の生命又は身体の安全を確保するため緊急の必要があると認めるときは、都道府県知事に対し同項の事務を行うことを指示することができる。

(3) The Minister of Health, Labour, and Welfare, with regard to the affair that belongs to the authority of the prefectural governor as prescribed in paragraph (1), when it determines the urgent necessity to secure life and the physical safety of a person that may be admitted to the Long-Term Care Health Facility, may order the prefectural governor to conduct the affairs as set forth in the same paragraph.

(医療法の準用)

(Mutatis Mutandis Application of the Medical Care Act)

第百五条 医療法第八条の二第二項及び第九条の規定は、介護老人保健施設の開設者について、同法第十五条第一項及び第三項の規定は、介護老人保健施設の管理者について、同法第三十条の規定は、第百一条から前条までの規定に基づく処分について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

Article 105 The provisions of Article 8-2, paragraph (2) and Article 9 of the Medical Care Act apply mutatis mutandis to an Organizer of a Long-Term Care Health Facility and the provisions of Article 15, paragraph (1) and paragraph (3) of the same Act apply mutatis mutandis to a Manager of a Long-Term Care Health Facility, and the provisions of Article 30 of the same Act apply mutatis mutandis to the disposition of a matter based on the provisions of Article 101 to the preceding Article. In this case, necessary technical replacement of the terms of these provisions is specified by a Cabinet Order.

(医療法との関係等)

(Relationship with the Medical Care Act)

第百六条 介護老人保健施設は、医療法にいう病院又は診療所ではない。ただし、医療法及びこれに基づく命令以外の法令の規定（健康保険法、国民健康保険法その他の法令の政令で定める規定を除く。）において「病院」又は「診療所」とあるのは、介護

老人保健施設（政令で定める法令の規定にあつては、政令で定めるものを除く。）を含むものとする。

Article 106 A Long-Term Care Health Facility is not a hospital or a clinic as used in the Medical Care Act, however, provided that the terms "hospital" and "clinic" in the Medical Care Act and provisions of laws and regulations other than orders based on the Medical Care Act (except for the Health Insurance Act, National Health Insurance Act and provisions provided by a Cabinet Order as set forth in other laws and regulations) include a Long-Term Care Health Facility (in the provisions of laws and regulations provided by a Cabinet Order, except for those provided by a Cabinet Order).

第三款 指定介護療養型医療施設

Subsection 3 Designated Medical Long-Term Care Sanatoriums

（指定介護療養型医療施設の指定）

(Appointment as Service Provider of a Designated Medical Long-Term Care Sanatorium)

第百七条 第四十八条第一項第三号の指定は、厚生労働省令で定めるところにより、療養病床等を有する病院又は診療所（以下この条において「療養病床病院等」という。）であつて、その開設者の申請があつたものについて行う。

Article 107 (1) Appointment as service provider as set forth in Article 48, paragraph (1), item (iii) is to be provided, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, to a hospital or a clinic that possesses Sanatorium Ward, etc., (hereinafter referred to as "Sanatorium Ward Hospital, etc." in this Article) for which Organizer submitted for said appointment as service provider.

2 前項の申請は、第四十八条第一項第三号の指定に係る療養病床等の入所定員を定めてするものとする。

(2) The application as set forth in the preceding paragraph is to be implemented by specifying the maximum number of persons who may be admitted to the Sanatorium Ward, etc., pertaining to an appointment as service provider as set forth in Article 48, paragraph (1), item (iii).

3 都道府県知事は、第一項の申請があつた場合において、当該療養病床病院等が次の各号のいずれかに該当するときは、第四十八条第一項第三号の指定をしてはならない。

(3) A prefectural governor, in a case of an application as set forth in paragraph (1), when said Sanatorium Ward Hospital, etc., corresponds to any of the following items, must not provide appointment as service provider as set forth in Article 48, paragraph (1), item (iii):

一 第百十条第一項に規定する人員を有しないとき。

(i) when it does not employ the personnel provided by Article 110, paragraph (1);

二 第一百十条第二項に規定する指定介護療養型医療施設の設備及び運営に関する基準に従って適正な介護療養型医療施設の運営をすることができないと認められるとき。

(ii) when it is determined that said Sanatorium Ward Hospital, etc., cannot properly manage the Sanatorium Medical Care Facilities for the Elderly Requiring Care in accordance with standards pertaining to management of a Designated Medical Long-Term Care Sanatorium as prescribed in Article 110, paragraph (2);

三 当該療養病床病院等の開設者が、禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(iii) when an Organizer of said Sanatorium Ward Hospital, etc., is punished by imprisonment without compulsory labor or to a more severe penalty and said execution of the penalty has not been completed or has not yet expired;

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

(iv) when an Organizer of said Sanatorium Ward Hospital, etc., is punished by a fine pursuant to the provisions of this Act or another Act pertaining to health and medical care or public aid for citizens as determined by a Cabinet Order and execution of said penalty has not yet been completed or has not yet expired;

五 当該療養病床病院等の開設者が、第百十四条第一項又は第百十五条の二十九第六項の規定により指定を取り消され、その取消の日から起算して五年を経過しない者（当該指定を取り消された者が法人である場合においては、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内に当該法人の役員又はその開設した療養病床病院等の管理者であった者で当該取消しの日から起算して五年を経過しないものを含み、当該指定を取り消された者が法人でない療養病床病院等である場合においては、当該通知があった日前六十日以内に当該療養病床病院等の管理者であった者で当該取消しの日から起算して五年を経過しないものを含む。）であるとき。

(v) when an organizer of said Sanatorium Ward Hospital, etc., rescinds its appointment as service provider pursuant to the provisions of Article 114, paragraph (1) or Article 115-29, paragraph (6) and five years have not elapsed from the date of said rescission (in a case when a person that rescinds said appointment as service provider is a juridical person, including an Officer of said juridical person or a manager of the established Sanatorium Ward Hospital, etc., within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission, and in a case that a person that rescinds said appointment as service provider is not a juridical person, including a person that is or was a manager of said Sanatorium Ward Hospital, etc.,

within sixty days prior to said notification and five years have not elapsed from the date of said rescission);

六 当該療養病床病院等の開設者が、第百十四条第一項又は第百十五条の二十九第六項の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第百十三条の規定による指定の辞退をした者（当該指定の辞退について相当の理由がある者を除く。）で、当該指定の辞退の日から起算して五年を経過しないものであるとき。

(vi) when an organizer of said Sanatorium Ward Hospital, etc., is a person that declined an appointment as service provider pursuant to the provisions of Article 113 from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to the rescission of appointment as service provider pursuant to the provisions of Article 114, paragraph (1) or Article 115-29, paragraph (6) to the date when said appointment as service provider is rescinded or when it is determined not to rescind the approval (except for a person that has a reasonable basis for said abolishment) and five years have not elapsed from the date of said decline of appointment as service provider;

七 前号に規定する期間内に第百十三条の規定による指定の辞退があった場合において、当該療養病床病院等の開設者が、同号の通知の日前六十日以内に当該指定の辞退に係る法人（当該指定の辞退について相当の理由がある法人を除く。）の役員若しくはその開設した療養病床病院等の管理者又は当該指定の辞退に係る法人でない療養病床病院等（当該指定の辞退について相当の理由があるものを除く。）の管理者であった者で、当該指定の辞退の日から起算して五年を経過しないものであるとき。

(vii) in a case when a decline of appointment as service provider pursuant to the provisions of Article 113 is duly provided by notification within the period provided in the preceding paragraph, when an Organizer of said Sanatorium Ward Hospital, etc., is or was an Officer of a juridical person pertaining to said decline of appointment (except for a juridical person that has a reasonable basis for said abolishment) or a manager of the established Sanatorium Ward Hospital, etc., or is or was a Manager of a Sanatorium Ward Hospital, etc., that is not a juridical person pertaining to decline of said appointment as service provider (except for a person that has a reasonable basis for said abolishment) within sixty days prior to the date of notification as set forth in the same item, and five years have not elapsed from the date of said decline of appointment as service provider;

八 当該療養病床病院等の開設者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(viii) when an Organizer of said Sanatorium Ward Hospital, etc., performs a wrongful or significantly unjustifiable act pertaining to In-Home Service, etc.,

- within five years prior to an application of appointment as service provider;
- 九 当該療養病床病院等の開設者が、法人で、その役員又は当該療養病床病院等の管理者のうちに第三号から前号までのいずれかに該当する者のあるものであるとき。
- (ix) when an Organizer of said Sanatorium Ward Hospital, etc., is a juridical person and any Officer, etc., or managers of said Sanatorium Ward Hospital, etc., corresponds to any provision of item (iii) to the preceding item;
- 十 当該療養病床病院等の開設者が、法人でない療養病床病院等で、その管理者が第三号から第八号までのいずれかに該当する者であるとき。
- (x) when an Organizer of said Sanatorium Ward Hospital, etc., is a Sanatorium Ward Hospital, etc., which is not juridical person, and a manager of said provider is defined by item (iii) to item (viii).
- 4 都道府県知事は、第一項の申請があった場合において、当該申請に係る施設の所在地を含む区域（第百十八条第二項第一号の規定により当該都道府県が定める区域とする。）における指定介護療養型医療施設の療養病床等に係る入所定員の総数が、同条第一項の規定により当該都道府県が定める都道府県介護保険事業支援計画において定めるその区域の指定介護療養型医療施設の療養病床等に係る必要入所定員総数に既に達しているか、又は当該申請に係る施設の指定によってこれを超えることになると認めるとき、その他の当該都道府県介護保険事業支援計画の達成に支障を生ずるおそれがあると認めるときは、第四十八条第一項第三号の指定をしないことができる。
- (4) In a case when an application as set forth in paragraph (1) is submitted, the prefectural governor, when it is determined that the total capacity of persons who may be admitted to the Sanatorium Ward, etc., of a Designated Medical Long-Term Care Sanatorium in the area (which means an area provided by said prefecture pursuant to the provisions of Article 118, paragraph (2), item (i) including the location of the Facility pertaining to said application has reached the total necessary capacity of persons who may be admitted to the Sanatorium Ward, etc., of the Designated Medical Long-Term Care Sanatorium in the area as prescribed in the Prefectural Insured Long-Term Care Support Project Plan provided by said prefecture pursuant to the provisions of paragraph (1) of the same Article, or will exceed said total number by said appointment as service provider of the facility pertaining to said application, or when it is determined that it is likely to cause problems with the accomplishment of said Prefectural Insured Long-Term Care Support Project Plan, may determine not to provide an appointment as service provider as set forth in Article 48, paragraph (1), item (iii).
- 5 都道府県知事は、第四十八条第一項第三号の指定をしようとするときは、関係市町村長に対し、厚生労働省令で定める事項を通知し、相当の期間を指定して、当該関係市町村の第百十七条第一項に規定する市町村介護保険事業計画との調整を図る見地からの意見を求めなければならない。
- (5) A prefectural governor, when he or she intends to provide an appointment as service provider as set forth in Article 48, paragraph (1), item (iii), must

provide notice of matters as determined by Order of the Ministry of Health, Labour, and Welfare to the mayor of the relevant Municipality, specify a reasonable period, and request opinions from the perspective of coordination with the Municipal Insured Long-Term Care Service Plan as prescribed in Article 117, paragraph (1) of said relevant Municipality.

(指定の更新)

(Renewal of Appointment as Service Provider)

第百七条の二 第四十八条第一項第三号の指定は、六年ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。

Article 107-2 (1) An appointment as service provider as set forth in Article 48, paragraph (1), item (iii), if it is not renewed within a period of six years, ceases to be effective when said period expires.

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

(2) In a case of application of renewal as set forth in the preceding paragraph, when a final determination of the application does not occur prior to the expiry of the period as set forth in the same paragraph (hereinafter referred to as "Effective Period of Designation as Service Provider" in this Article), the prior appointment as service provider remains effective after expiry of the Effective Period of Designation as Service Provider until a determination is reached regarding said application.

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

(3) In a case as set forth in the preceding paragraph, when the appointment as service provider is renewed, said Effective Period of Designation as Service Provider is to be from the date following the date of expiry of the prior Effective Period of Designation as Service Provider.

4 前条の規定は、第一項の指定の更新について準用する。

(4) The provisions of the preceding Article apply mutatis mutandis to a renewal of appointment as service provider as set forth in paragraph (1).

(指定の変更)

(Change of Appointment as Service Provider)

第百八条 指定介護療養型医療施設の開設者は、第四十八条第一項第三号の指定に係る療養病床等の入所定員を増加しようとするときは、あらかじめ、厚生労働省令で定めるところにより、当該指定介護療養型医療施設に係る同号の指定の変更を申請することができる。

Article 108 (1) An organizer of a Designated Medical Long-Term Care

Sanatorium may, when intending to increase the capacity of Sanatorium Ward, etc., pertaining to an appointment as service provider pursuant to Article 48, paragraph (1), item (iii), may apply in advance for a change of appointment as service provider as set forth in the same item pertaining to said Designated Medical Long-Term Care Sanatorium, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

2 第百七条第四項の規定は、前項の指定の変更の申請があった場合について準用する。この場合において、同条第四項中「指定をしない」とあるのは、「指定の変更を拒む」と読み替えるものとする。

(2) The provisions of Article 107, paragraph (4) apply mutatis mutandis to a case when the change of appointment as service provider as set forth in the preceding paragraph is submitted. In this case the phrase "not to provide an appointment as service provider" in paragraph (4) of the same Article is deemed to be replaced with "to refuse the change of appointment as service provider."

(指定介護療養型医療施設の基準)

(Standards of a Designated Medical Long-Term Care Sanatorium)

第百九条 指定介護療養型医療施設の開設者は、次条第二項に規定する指定介護療養型医療施設の設備及び運営に関する基準に従い、要介護者の心身の状況等に応じて適切な指定介護療養施設サービスを提供するとともに、自らその提供する指定介護療養施設サービスの質の評価を行うことその他の措置を講ずることにより常に指定介護療養施設サービスを受ける者の立場に立ってこれを提供するように努めなければならない。

Article 109 (1) An organizer of a Designated Medical Long-Term Care Sanatorium must act in compliance with the standards concerning facilities and management of a Designated Medical Long-Term Care Sanatorium as prescribed in paragraph (2) of the following Article, offer appropriate Designated Sanatorium Service for Long-Term Care according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated Sanatorium Service for Long-Term Care by implementing self-evaluation of the quality of the organizer's own Designated Sanatorium Service for Long-Term Care and other measures.

2 指定介護療養型医療施設の開設者は、指定介護療養施設サービスを受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定介護療養施設サービスを提供するように努めなければならない。

(2) An organizer of a Designated Medical Long-Term Care Sanatorium, when an opinion is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated Sanatorium Service for Long-Term Care, engage in offering said Designated Sanatorium Service for

Long-Term Care of said Insured Person in consideration of said Opinion of the Certification Committee.

第百十条 指定介護療養型医療施設は、厚生労働省令で定める員数の介護支援専門員その他の指定介護療養施設サービスに従事する従業者を有しなければならない。

Article 110 (1) A Designated Medical Long-Term Care Sanatorium must employ the number of Long-Term Care Support Specialists or other employees that engage in said Designated Sanatorium Service for Long-Term Care, as determined by Order of the Ministry of Health, Labour, and Welfare.

2 前項に規定するもののほか、指定介護療養型医療施設の設備及び運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions as prescribed in the preceding paragraph, standards concerning facilities and management of a Designated Medical Long-Term Care Sanatorium are prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定介護療養型医療施設の設備及び運営に関する基準（指定介護療養施設サービスの取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かななければならない。

(3) The Minister of Health, Labour, and Welfare, when providing standards concerning facilities and management of a Designated Medical Long-Term Care Sanatorium as prescribed in the preceding paragraph (limited to the part concerning the handling of Designated Sanatorium Service for Long-Term Care), must hear the opinion of the Social Security Council in advance.

4 指定介護療養型医療施設の開設者は、要介護者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要介護者のため忠実にその職務を遂行しなければならない。

(4) An organizer of a Designated Medical Long-Term Care Sanatorium must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

(変更の届出)

(Notification of Change)

第百十一条 指定介護療養型医療施設の開設者は、開設者の住所その他の厚生労働省令で定める事項に変更があったときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

Article 111 An organizer of a Designated Medical Long-Term Care Sanatorium, when the domicile of the organizer or other matters as determined by Order of the Ministry of Health, Labour, and Welfare have changed, must provide notification of said fact to the prefectural governor within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第百十二条 都道府県知事又は市町村長は、必要があると認めるときは、指定介護療養型医療施設若しくは指定介護療養型医療施設の開設者若しくは管理者、医師その他の従業者であった者（以下この項において「開設者であった者等」という。）に対し、報告若しくは診療録その他の帳簿書類の提出若しくは提示を命じ、指定介護療養型医療施設の開設者若しくは管理者、医師その他の従業者若しくは開設者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは指定介護療養型医療施設に立ち入り、その設備若しくは診療録、帳簿書類その他の物件を検査させることができる。

Article 112 (1) A prefectural governor or mayor of a Municipality, when it is determined to be necessary, may order a Designated Medical Long-Term Care Sanatorium, a person that is or was an organizer, a manager, a physician, or other employee of the Designated Medical Long-Term Care Sanatorium (hereinafter referred to as a "person that is an organizer, etc." in this paragraph) to report, submit or present medical records and other record books and documents, request a person that is an organizer, etc., of the Designated Medical Long-Term Care Sanatorium to appear, to direct personnel to ask questions to the relevant person, or enter said Designated Medical Long-Term Care Sanatorium in order to inspect said medical records, record books and documents, or other items.

2 第二十四条第三項の規定は、前項の規定による質問又は検査について、同条第四項の規定は、前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(指定の辞退)

(Decline of Appointment as Service Provider)

第百十三条 指定介護療養型医療施設は、一月以上の予告期間を設けて、その指定を辞退することができる。

Article 113 A Designated Medical Long-Term Care Sanatorium may decline said appointment as service provider by offering one month or more of prior notice.

(勧告、命令等)

(Recommendations and Orders)

第百十三条の二 都道府県知事は、指定介護療養型医療施設が、その行う指定介護療養施設サービスに従事する従業者の人員について第百十条第一項の厚生労働省令で定め

る員数を満たしておらず、又は同条第二項に規定する指定介護療養型医療施設の設備及び運営に関する基準に従って適正な指定介護療養型医療施設の運営をしていないと認めるときは、当該指定介護療養型医療施設の開設者に対し、期限を定めて、同条第一項の厚生労働省令で定める員数の従業者を有し、又は同条第二項に規定する指定介護療養型医療施設の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 113-2 (1) A prefectural governor, when a Designated Medical Long-Term Care Sanatorium does not meet the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 110, paragraph (1), with regard to the number of employees that engage in Designated Sanatorium Service for Long-Term Care provided by said Designated Medical Long-Term Care Sanatorium, or when it is determined that said Designated Medical Long-Term Care Sanatorium does not operate an appropriate Designated Medical Long-Term Care Sanatorium in accordance with the standards concerning facilities and management of Designated Medical Long-Term Care Sanatorium as prescribed in paragraph (2) of the same Article, may specify a due date and recommend to an organizer of said Designated Medical Long-Term Care Sanatorium to employ the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the paragraph (1) of the same Article, or to act in compliance with standards concerning facilities and management of Designated Medical Long-Term Care Sanatorium as prescribed by paragraph (2) of the same Article.

2 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定介護療養型医療施設の開設者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) A prefectural governor, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that an organizer of said Designated Medical Long-Term Care Sanatorium, that is issued said recommendation, did not act in compliance with said recommendation within the due date as set forth in the same paragraph.

3 都道府県知事は、第一項の規定による勧告を受けた指定介護療養型医療施設の開設者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定介護療養型医療施設の開設者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) A prefectural governor, when an organizer of a Designated Medical Long-Term Care Sanatorium that is issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without a justifiable basis, may order an organizer of said Designated Medical Long-Term Care Sanatorium to implement measures pertaining to said recommendation within a period specified by a due date.

4 都道府県知事は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(4) A prefectural governor, when issuing an order pursuant to the provisions of the preceding paragraph, must issue public notice of said fact.

5 市町村は、保険給付に係る指定介護療養施設サービスを行った指定介護療養型医療施設について、第百十条第二項に規定する指定介護療養型医療施設の設備及び運営に関する基準に従って適正な指定介護療養型医療施設の運営をしていないと認めるときは、その旨を当該指定介護療養型医療施設の所在地の都道府県知事に通知しなければならない。

(5) With regard to a Designated Medical Long-Term Care Sanatorium that provides Designated Sanatorium Service for Long-Term Care pertaining to an Insurance Benefit, a Municipality, when it is determined that said Designated Medical Long-Term Care Sanatorium does not operate an appropriate Designated Medical Long-Term Care Sanatorium in accordance with standards concerning facilities and management of a Designated Medical Long-Term Care Sanatorium as prescribed in Article 110, paragraph (2), must provide notification of said fact to the prefectural governor that governs the location of said Designated Medical Long-Term Care Sanatorium.

(指定の取消し等)

(Rescission of Appointment as Service Provider, etc.)

第百十四条 都道府県知事は、次の各号のいずれかに該当する場合においては、当該指定介護療養型医療施設に係る第四十八条第一項第三号の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 114 (1) A prefectural governor, in a case that corresponds to any of the following items, may rescind the appointment as service provider as set forth in the main clause of Article 48, paragraph (1), item (iii) pertaining to said Designated Medical Long-Term Care Sanatorium or suspend the whole or a part of the effect of said appointment as service provider by specifying the due date for compliance:

一 指定介護療養型医療施設が、第百七条第三項第三号、第四号、第九号又は第十号のいずれかに該当するに至ったとき。

(i) when a Designated Medical Long-Term Care Sanatorium corresponds to any provision of Article 107, paragraph (3), item (iii), item (iv), item (ix) or item (x);

二 指定介護療養型医療施設が、その行う指定介護療養施設サービスに従事する従業者の人員について、第百十条第一項の厚生労働省令で定める員数を満たすことができなくなったとき。

(ii) when a Designated Medical Long-Term Care Sanatorium becomes unable to meet the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 110,

- paragraph (1), with regard to the number of employees that engage in Designated Sanatorium Service for Long-Term Care provided by said Designated Medical Long-Term Care Sanatorium;
- 三 指定介護療養型医療施設が、第百十条第二項に規定する指定介護療養型医療施設の設備及び運営に関する基準に従って適正な指定介護療養型医療施設の運営をすることができなくなったとき。
- (iii) when a Designated Medical Long-Term Care Sanatorium becomes unable to operate an appropriate Designated Medical Long-Term Care Sanatorium in accordance with standards concerning facilities and management of a Designated Medical Long-Term Care Sanatorium as prescribed in Article 110, paragraph (2);
- 四 指定介護療養型医療施設の開設者が、第百十条第四項に規定する義務に違反したと認められるとき。
- (iv) when it is determined that an organizer of a Designated Medical Long-Term Care Sanatorium violates an obligation as prescribed in Article 110, paragraph (4);
- 五 第二十八条第五項の規定により調査の委託を受けた場合において、当該調査の結果について虚偽の報告をしたとき。
- (v) when a Designated Medical Long-Term Care Sanatorium is entrusted with an investigation pursuant to the provisions of Article 28, paragraph (5), and submits a false report regarding the result of said investigation;
- 六 施設介護サービス費の請求に関し不正があったとき。
- (vi) when an Allowance for Long-Term Care Facility Service is wrongly requested;
- 七 指定介護療養型医療施設が、第百十二条第一項の規定により報告又は診療録その他の帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。
- (vii) when a Designated Medical Long-Term Care Sanatorium is ordered to report, submit or present medical records and other record books and documents pursuant to the provisions of Article 112, paragraph (1), but disobeys said order or submits a false report;
- 八 指定介護療養型医療施設の開設者又は管理者、医師その他の従業者が、第百十二条第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定介護療養型医療施設の従業者がその行為をした場合において、その行為を防止するため、当該指定介護療養型医療施設の開設者又は管理者が相当の注意及び監督を尽くしたときを除く。
- (viii) when an organizer, a manager, a physician, or other employee of a Designated Medical Long-Term Care Sanatorium is requested to appear pursuant to the provisions of Article 112, paragraph (1), but does not respond or does not reply to questions pursuant to the provisions of the same

paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of said Designated Medical Long-Term Care Sanatorium performed said act and an organizer or a manager of said Designated Medical Long-Term Care Sanatorium was faithfully providing reasonable care and supervision in order to prevent said act of said employee;

九 指定介護療養型医療施設の開設者が、不正の手段により第四十八条第一項第三号の指定を受けたとき。

(ix) when an organizer of a Designated Medical Long-Term Care Sanatorium is appointed to provide service as set forth in Article 48, paragraph (1), item (iii) by wrongful means;

十 前各号に掲げる場合のほか、指定介護療養型医療施設の開設者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分に違反したとき。

(x) in addition to the cases listed in the preceding items, when an organizer of a Designated Medical Long-Term Care Sanatorium violates this Act, another Act concerning citizens' health and medical care and public aid as provided by a Cabinet Order, or an Order or disposition of a matter based on these Acts;

十一 前各号に掲げる場合のほか、指定介護療養型医療施設の開設者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(xi) in addition to the cases listed in the preceding items, when an organizer of a Designated Medical Long-Term Care Sanatorium performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

十二 指定介護療養型医療施設の開設者が法人である場合において、その役員又は当該指定介護療養型医療施設の管理者のうちに指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者があるとき。

(xii) in a case when an organizer of a Designated Medical Long-Term Care Sanatorium is a juridical person, when any said Officer or manager of said Designated Medical Long-Term Care Sanatorium performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act;

十三 指定介護療養型医療施設の開設者が法人でない療養病床病院等である場合において、その管理者が指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(xiii) in a case when an organizer of a Designated Medical Long-Term Care

Sanatorium is not a juridical person, when a manager of said Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

2 市町村は、保険給付に係る指定介護療養施設サービス又は第二十八条第五項の規定により委託した調査を行った指定介護療養型医療施設について、前項各号のいずれかに該当すると認めるときは、その旨を当該指定介護療養型医療施設の所在地の都道府県知事に通知しなければならない。

(2) With regard to a Designated Medical Long-Term Care Sanatorium that conducts an entrusted investigation pursuant to the provisions of Article 28, paragraph (5), a Municipality, when it determines said Designated Medical Long-Term Care Sanatorium corresponds to any provision of the items in the preceding paragraph, must provide notification of said fact to the prefectural governor that governs the location of said Designated Medical Long-Term Care Sanatorium.

(公示)

(Public Notice)

第百十五条 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

Article 115 A prefectural governor, in the following cases, must issue public notice of said fact:

一 第四十八条第一項第三号の指定をしたとき。

(i) when an appointment as service provider as set forth in the main clause of Article 48, paragraph (1), item (i) is determined;

二 第百十三条の規定による第四十八条第一項第三号の指定の辞退があったとき。

(ii) when an appointment as service provider as set forth in Article 48, paragraph (1), item (iii) is declined pursuant to the provisions of Article 113;

三 前条第一項又は第百十五条の二十九第六項の規定により第四十八条第一項第三号の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iii) when an appointment as service provider as set forth in Article 48, paragraph (1), item (iii) is rescinded pursuant to the provisions of paragraph (1) of the preceding Article or Article 115-29, paragraph (6), or the effect of the whole or a part of an appointment as service provider is suspended.

第六節 指定介護予防サービス事業者

Section 6 Designated Providers of a Preventive Service to Long-Term Care

(指定介護予防サービス事業者の指定)

(Appointment as Designated Provider of Preventive Long-Term Care Service)

第百十五条の二 第五十三条第一項本文の指定は、厚生労働省令で定めるところにより、介護予防サービス事業を行う者の申請により、介護予防サービスの種類及び当該介護予防サービスの種類に係る介護予防サービス事業を行う事業所（以下この節において「事業所」という。）ごとに行う。

Article 115-2 (1) An appointment as service provider as set forth in the main clause of Article 53, paragraph (1) is provided pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare by the application of a person performing Preventive Long-Term Care Service Business, for each type of Preventive Long-Term Care Service, and Business Office that operates a business of Preventive Long-Term Care Service pertaining to said Preventive Long-Term Care Service (hereinafter referred to as "Business Office" in this Section).

2 都道府県知事は、前項の申請があった場合において、第一号から第三号まで、第五号から第七号まで、第九号又は第十号（病院等により行われる介護予防居宅療養管理指導又は病院若しくは診療所により行われる介護予防訪問看護、介護予防訪問リハビリテーション、介護予防通所リハビリテーション若しくは介護予防短期入所療養介護に係る指定の申請にあっては、第二号から第十一号まで）のいずれかに該当するときは、第五十三条第一項本文の指定をしてはならない。

(2) A prefectural governor, in a case of an application as set forth in the preceding paragraph, when the application corresponds to any provision of item (i) to item (iii), item (v) to item (vii), item (ix) or item (x) (in a case of application for appointment as a service provider pertaining to Management and Guidance for In-Home Medical Service for Preventive Long-Term Care provided by a Hospital, etc., or Home-Visit Nursing Service for Preventive Long-Term Care, Home-Visit Rehabilitation Service for Preventive Long-Term Care, Outpatient Rehabilitation for Preventive Long-Term Care provided by a clinic, or Short-Term Admission for Recuperation for Preventive Long-Term Care, item (ii) to item (xi)), must not provide an appointment as service provider as set forth in the main clause of Article 53, paragraph (1):

一 申請者が法人でないとき。

(i) when the applicant is not a juridical person;

二 当該申請に係る事業所の従業者の知識及び技能並びに人員が、第百十五条の四第一項の厚生労働省令で定める基準及び同項の厚生労働省令で定める員数を満たしていないとき。

(ii) when knowledge, skill, and the number of employees of the Business Office pertaining to said application does not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115, paragraph (4), item (i) or the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare;

三 申請者が、第百十五条の四第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準又は指定介護予防サービスの事業の設

備及び運営に関する基準に従って適正な介護予防サービス事業の運営をすることができないと認められるとき。

(iii) when it is determined that the applicant cannot perform appropriate business of Preventive Long-Term Care Service in accordance with standards concerning effective methods of support for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care and the standards concerning facilities and management of Designated Preventive Service of Long-Term Care as prescribed in Article 115, paragraph (4), item (ii);

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

(iv) when the applicant is punished by imprisonment without compulsory labor or to a more severe penalty and said execution of the penalty has not been completed or has not yet expired;

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

(v) when the applicant is punished by a fine pursuant to the provisions of this Act or another Act pertaining to health and medical care or public aid for citizens as determined by a Cabinet Order and execution of said penalty has not yet been completed or has not yet expired;

六 申請者が、第百十五条の八第一項又は第百十五条の二十九第六項の規定により指定を取り消され、その取消しの日から起算して五年を経過しない者（当該指定を取り消された者が法人である場合においては、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内に当該法人の役員等であった者で当該取消しの日から起算して五年を経過しないものを含み、当該指定を取り消された者が法人でない病院等である場合においては、当該通知があった日前六十日以内に当該病院等の管理者であった者で当該取消しの日から起算して五年を経過しないものを含む。）であるとき。

(vi) when an approval of the applicant has been rescinded pursuant to the provisions of Article 105-8, paragraph (1) or Article 115-29, paragraph (6) and five years have not elapsed from the date of said rescission (in a case when a person that has been rescinded for said appointment as service provider is a juridical person, including a person that is or was an Officer, etc., of said juridical person within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission, and in a case when a person that has been rescinded said approval, is a Hospital, etc., that is not a juridical person, including a person that is or was a manager of said Hospital, etc., within sixty days prior to the date of said notification and five years have not elapsed from the date of said

rescission);

七 申請者が、第百十五条の八第一項又は第百十五条の二十九第六項の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第百十五条の五の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(vii) when the applicant who provided notification of abolishment of business pursuant to the provisions of Article 115-5 from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 115-8, paragraph (1) or Article 115-29, paragraph (6) to the date when the appointment as service provider is rescinded or when it is determined not to rescind the appointment as service provider (except for a person that has a reasonable basis for said abolishment of business) and five years have not elapsed from the date of said notification;

八 前号に規定する期間内に第百十五条の五の規定による事業の廃止の届出があった場合において、申請者が、同号の通知の日前六十日以内に当該届出に係る法人（当該事業の廃止について相当の理由がある法人を除く。）の役員等又は当該届出に係る法人でない病院等（当該事業の廃止について相当の理由があるものを除く。）の管理者であった者で、当該届出の日から起算して五年を経過しないものであるとき。

(viii) in a case when abolishment of business pursuant to the provisions of Article 115-5 was duly provided by notification during the period pursuant to the provisions of the preceding paragraph, when the applicant who was an Officer, etc., of a juridical person pertaining to said notification (except for a juridical person that has a reasonable basis for said abolishment of business) or a manager of Hospital, etc., which is not a juridical person pertaining to said notification (except for a juridical person, within sixty days prior to the date of notification as set forth in the same item, that has a reasonable basis for said abolishment of business) and five years have not elapsed from the date of said notification;

九 申請者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(ix) when the applicant performs a wrongful or significantly unjustifiable act pertaining to In-Home Service, etc., within five years prior to an application of appointment as service provider;

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

(x) when the applicant is a juridical person and any said Officer, etc., corresponds to any provision of item (iv) to the preceding item;

十一 申請者が、法人でない病院等で、その管理者が第四号から第九号までのいずれかに該当する者であるとき。

(xi) when the applicant is a Hospital, etc., which is not a juridical person and a manager of said Provider corresponds to any provision of item (iv) to item (ix).

(指定介護予防サービスの事業の基準)

(Standards of the business of Designated Preventive Service of Long-Term Care)

第百十五条の三 指定介護予防サービス事業者は、次条第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防サービスの事業の設備及び運営に関する基準に従い、要支援者の心身の状況等に応じて適切な指定介護予防サービスを提供するとともに、自らその提供する指定介護予防サービスの質の評価を行うことその他の措置を講ずることにより常に指定介護予防サービスを受ける者の立場に立ってこれを提供するように努めなければならない。

Article 115-3 (1) A Designated Provider of Preventive Service of Long-Term Care must act in compliance with the standards concerning effective methods of support for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care as prescribed in paragraph (2) of the following Article and standards concerning facilities and management of a business of Designated Preventive Service of Long-Term Care, offer appropriate Designated Preventive Service of Long-Term Care according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated Preventive Service of Long-Term Care by implementing self-evaluation of the quality of the Provider's own Designated Preventive Service of Long-Term Care and other measures.

2 指定介護予防サービス事業者は、指定介護予防サービスを受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定介護予防サービスを提供するように努めなければならない。

(2) A Designated Provider of Preventive Long-Term Care Service, when an Opinion of the Certification Committee is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated Preventive Service of Long-Term Care, must engage in offering said Designated Preventive Service of Long-Term Care of said Insured Person in consideration of said Opinion of the Certification Committee.

第百十五条の四 指定介護予防サービス事業者は、当該指定に係る事業所ごとに、厚生労働省令で定める基準に従い厚生労働省令で定める員数の当該指定介護予防サービスに従事する従業者を有しなければならない。

Article 115-4 (1) A Designated Provider of Preventive Long-Term Care Service must employ in the Business Office pertaining to said appointment as service provider, the fixed minimum number of employees that engage in said

Designated Preventive Service of Long-Term Care, as determined by Order of the Ministry of Health, Labour, and Welfare in accordance with the standards as determined by Order of the Ministry of Health, Labour, and Welfare.

2 前項に規定するもののほか、指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防サービスの事業の設備及び運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions in the preceding paragraph, standards concerning effective support methods for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care and standards concerning facilities and management of the business of Designated Preventive Service of Long-Term Care are prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防サービスの事業の設備及び運営に関する基準（指定介護予防サービスの取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when intending to provide standards concerning effective support methods for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care standards concerning facilities and management of a business of Designated Preventive Service of Long-Term Care as prescribed in the preceding paragraph (limited to the part concerning the handling of Designated Preventive Service of Long-Term Care), must hear the opinion of the Social Security Council in advance.

4 指定介護予防サービス事業者は、要支援者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要支援者のため忠実にその職務を遂行しなければならない。

(4) A Designated Provider of Preventive Long-Term Care Service must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

(変更の届出等)

(Notification of Change)

第百十五条の五 指定介護予防サービス事業者は、当該指定に係る事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は当該指定介護予防サービスの事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

Article 115-5 A Designated Provider of Preventive Long-Term Care Service, when the name or location of the Business Office pertaining to said appointment as service provider or other matters as determined by Order of

the Ministry of Health, Labour, and Welfare are changed, or when the business of said Designated Preventive Service of Long-Term Care is abolished, suspended, or recommenced, must provide notification of said fact to the mayor of the Municipality within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第百十五条の六 都道府県知事又は市町村長は、介護予防サービス費の支給に関して必要があると認めるときは、指定介護予防サービス事業者若しくは指定介護予防サービス事業者であった者若しくは当該指定に係る事業所の従業者であった者（以下この項において「指定介護予防サービス事業者であった者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、指定介護予防サービス事業者若しくは当該指定に係る事業所の従業者若しくは指定介護予防サービス事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定介護予防サービス事業者の当該指定に係る事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 115-6 (1) A mayor of a Municipality, when it is determined to be necessary concerning payment of an allowance for Preventive Long-Term Care Service, may order a Designated Provider of Preventive Long-Term Care Service, a person that is or was a Designated Provider of Preventive Long-Term Care Service, or a person that is or was an employee of the Business Office pertaining to said appointment as service provider (hereinafter referred to as a "Person that is or was a Designated Provider of Preventive Long-Term Care Service, etc." in this paragraph) to report, submit or present record books and documents, request to said Designated Provider of Preventive Long-Term Care Service, an employee of the Business Office pertaining to said appointment as service provider, or a Person that is or was a Designated Provider of Preventive Long-Term Care Service, etc., to appear, to direct personnel to ask questions to the relevant Person, or enter the Business Office pertaining to said appointment as service provider of said Designated Provider of Preventive Long-Term Care Service in order to inspect said facility, record books and documents, or other items.

2 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(勧告、命令等)

(Recommendations and Orders)

第百十五条の七 都道府県知事は、指定介護予防サービス事業者が、当該指定に係る事業所の従業者の知識若しくは技能若しくは人員について第百十五条の四第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数を満たしておらず、又は同条第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準若しくは指定介護予防サービスの事業の設備及び運営に関する基準に従って適正な指定介護予防サービスの事業の運営をしていないと認めるときは、当該指定介護予防サービス事業者に対し、期限を定めて、同条第一項の厚生労働省令で定める基準を遵守し、若しくは同項の厚生労働省令で定める員数の従業者を有し、又は同条第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準若しくは指定介護予防サービスの事業の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 115-7 (1) A prefectural governor, when it is determined that a Designated Provider of Preventive Long-Term Care Service does not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-4, paragraph (1) or the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, with regard to knowledge, skill, or number of employees of the Business Office pertaining to said appointment as service provider, or does not operate an appropriate business of Designated Preventive Service of Long-Term Care in accordance with standards concerning effective support methods for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care or standards concerning facilities and management of the business of Designated Preventive Service of Long-Term Care as prescribed in paragraph (2) of the same Article, may specify a due date and recommend to said Designated Provider of Preventive Long-Term Care Service to comply with the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in paragraph (1) of the same Article, to employ the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, to comply with standards concerning effective support methods for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care or standards concerning facilities and management of the business of Designated Preventive Service of Long-Term Care, and to comply with standards concerning facilities and management of a Designated Preventive Long-Term Care Service as prescribed in paragraph (2) of the same Article.

2 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定介護予防サービス事業者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

- (2) A prefectural governor may, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, provide public notice of the fact that said Designated Provider of Preventive Long-Term Care Service that is issued said recommendation did not act in compliance with said recommendation within the due date as set forth in the same paragraph.
- 3 都道府県知事は、第一項の規定による勧告を受けた指定介護予防サービス事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定介護予防サービス事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。
- (3) A prefectural governor, when the Designated Provider of Preventive Long-Term Care Service that is issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without a justifiable basis, may specify a due date and order said Designated Provider of Preventive Long-Term Care Service to implement measures pertaining to said recommendation.
- 4 都道府県知事は、前項の規定による命令をした場合においては、その旨を公示しなければならない。
- (4) A prefectural governor, when issuing an order pursuant to the provisions of the preceding paragraph, must issue public notice of said fact.
- 5 市町村は、保険給付に係る指定介護予防サービスを行った指定介護予防サービス事業者について、第百十五条の四第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準又は指定介護予防サービスの事業の設備及び運営に関する基準に従って適正な指定介護予防サービスの事業の運営をしていないと認めるときは、その旨を当該指定に係る事業所の所在地の都道府県知事に通知しなければならない。
- (5) With regard to a Designated Provider of Preventive Long-Term Care Service that provides Designated Preventive Service of Long-Term Care pertaining to an Insurance Benefit, a Municipality, when it is determined that said Designated Provider of Preventive Long-Term Care Service does not operate an appropriate business of Designated Preventive Service of Long-Term Care in accordance with standards concerning effective support methods for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care or standards concerning facilities and management of the business of Designated Preventive Service of Long-Term Care as prescribed in Article 115-4, paragraph (2), must provide notification of said fact to the prefectural governor that governs the location of the Business Office pertaining to said appointment as service provider.

(指定の取消し等)

(Rescission of Appointment as Service Provider)

第百十五条の八 都道府県知事は、次の各号のいずれかに該当する場合には、当

該指定介護予防サービス事業者に係る第五十三条第一項本文の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 115-8 (1) A prefectural governor, in a case that corresponds to any of the following items, may rescind the appointment as service provider as set forth in the main clause of Article 53, paragraph (1) pertaining to said Designated Provider of Preventive Long-Term Care Service or suspend the whole or a part of the effect of said appointment as service provider within the period specified by a due date:

一 指定介護予防サービス事業者が、第百十五条の二第二項第四号、第五号、第十号又は第十一号のいずれかに該当するに至ったとき。

(i) when a Designated Provider of Preventive Long-Term Care Service corresponds to any provision of Article 115-2, paragraph (2), item (iv), item (v), item (x) or item (xi);

二 指定介護予防サービス事業者が、当該指定に係る事業所の従業者の知識若しくは技能又は人員について、第百十五条の四第一項の厚生労働省令で定める基準又は同項の厚生労働省令で定める員数を満たすことができなくなったとき。

(ii) when a Designated Provider of Preventive Long-Term Care Service becomes unable to meet standards as determined by Order of the Ministry of Health, Labour, and Welfare or the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-4, paragraph (1), with regard to knowledge, skill and number of employees of the Business Office pertaining to said appointment as service provider;

三 指定介護予防サービス事業者が、第百十五条の四第二項に規定する指定介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準又は指定介護予防サービスの事業の設備及び運営に関する基準に従って適正な介護予防サービスの事業の運営をすることができなくなったとき。

(iii) when a Designated Provider of Preventive Long-Term Care Service becomes unable to operate an appropriate business of Designated Preventive Service of Long-Term Care in accordance with standards concerning effective support methods for Preventive Long-Term Care Service pertaining to Designated Preventive Service of Long-Term Care or standards concerning facilities and management of the business of Designated Preventive Service of Long-Term Care as prescribed in Article 115-4, paragraph (2);

四 指定介護予防サービス事業者が、第百十五条の四第四項に規定する義務に違反したと認められるとき。

(iv) when it is determined that an organizer of Designated Provider of Preventive Long-Term Care Service violates an obligation as prescribed in Article 115-4, paragraph (4), item (iv);

五 介護予防サービス費の請求に関し不正があったとき。

(v) when an allowance for Preventive Long-Term Care Service is wrongly

requested;

六 指定介護予防サービス事業者が、第百十五条の六第一項の規定により報告又は帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(vi) when a Designated Provider of Preventive Long-Term Care Service is ordered to report, submit or present record books and documents pursuant to the provisions of Article 115-6, paragraph (1), but disobeys said order or submits a false report;

七 指定介護予防サービス事業者又は当該指定に係る事業所の従業者が、第百十五条の六第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係る事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定介護予防サービス事業者が相当の注意及び監督を尽くしたときを除く。

(vii) when a Designated Provider of Preventive Long-Term Care Service or an employee of the location of a Business Office pertaining to said appointment as service provider is requested to appear pursuant to the provisions of Article 115-6, paragraph (1) but does not respond or does not reply to questions pursuant to the provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of the Business Office pertaining to said appointment as service provider performed said act and said Designated Provider of Preventive Long-Term Care Service was faithfully providing reasonable care and supervision in order to prevent said act of said employee;

八 指定介護予防サービス事業者が、不正の手段により第五十三条第一項本文の指定を受けたとき。

(viii) when a Designated Provider of Preventive Long-Term Care Service is appointed to provide service as set forth in the main clause of Article 53, paragraph (1) by wrongful means;

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

(ix) in addition to the cases listed in the preceding items, when a Designated Provider of Preventive Long-Term Care Service violates this Act, another Act concerning citizens' health and medical care and public aid as provided by a Cabinet Order, or an Order or disposition of a matter based on these Acts;

十 前各号に掲げる場合のほか、指定介護予防サービス事業者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(x) in addition to the cases listed in the preceding items, when a Designated Provider of Preventive Long-Term Care Service performs a wrongful or

significantly unjustifiable act concerning In-Home Service, etc.;

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

(xi) in a case when a Designated Provider of Preventive Long-Term Care Service is a juridical person, when any said Officer, etc., performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act;

十二 指定介護予防サービス事業者が法人でない病院等である場合において、その管理者が指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(xii) in a case when a Designated Provider of Preventive Long-Term Care Service is a Hospital, etc., which is not a juridical person, a manager of said Provider performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

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

(2) With regard to a Designated Provider of Preventive Long-Term Care Service that provides Designated Preventive Service of Long-Term Care pertaining to an Insurance Benefit, a Municipality, when it determines said Designated Provider of Preventive Long-Term Care Service corresponds to any provision of the items in the preceding paragraph, provide notification of said fact to the prefectural governor that governs the location of Business Office pertaining to said appointment.

(公示)

(Public Notice)

第百十五条の九 都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

Article 115-9 A prefectural governor, in the following cases, must issue public notice of said fact:

一 第五十三条第一項本文の指定をしたとき。

(i) when an appointment as service provider as set forth in the main clause of Article 53, paragraph (1) is determined;

二 第百十五条の五の規定による届出（同条の厚生労働省令で定める事項の変更並びに同条に規定する事業の休止及び再開に係るものを除く。）があったとき。

(ii) when there is a notification pursuant to the provisions of Article 115-5 (except for those pertaining to change of matters as determined by Order of the Ministry of Health, Labour, and Welfare in the same Article and suspension or recommencement of business as prescribed in the same Article);

三 前条第一項又は第百十五条の二十九第六項の規定により第五十三条第一項本文の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iii) when an appointment as service provider as set forth in the main clause of Article 53, paragraph (1) is rescinded pursuant to the provisions of paragraph (1) of the preceding Article or Article 115-29, paragraph (6), or the effect of the whole or a part of an appointment as service provider is suspended.

(準用)

(Mutatis Mutandis Application)

第百十五条の十 第七十条の二から第七十二条までの規定は、第五十三条第一項本文の指定について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

Article 115-10 The provisions of Article 70-2 to Article 72 apply mutatis mutandis to appointment as service provider as set forth in the main clause of Article 53, paragraph (1). In this case, necessary technical replacement of terms is provided by a Cabinet Order.

第七節 指定地域密着型介護予防サービス事業者

Section 7 Designated Providers of Community-Based Preventive Service of Long-Term Care

(指定地域密着型介護予防サービス事業者の指定)

(Appointment as Service Provider of Designated Provider of Community-Based Preventive Service of Long-Term Care)

第百十五条の十一 第五十四条の二第一項本文の指定は、厚生労働省令で定めるところにより、地域密着型介護予防サービス事業を行う者の申請により、地域密着型介護予防サービスの種類及び当該地域密着型介護予防サービスの種類に係る地域密着型介護予防サービス事業を行う事業所（以下この節において「事業所」という。）ごとに行い、当該指定をする市町村長がその長である市町村の行う介護保険の被保険者に対する地域密着型介護予防サービス費及び特例地域密着型介護予防サービス費の支給について、その効力を有する。

Article 115-11 (1) An appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1) is to be provided, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, by application of a person that performs a Community-Based Service for

Preventive Long-Term Care Business, for each type of Community-Based Preventive Service of Long-Term Care Service and Business Office that performs a Community-Based Service of Preventive Long-Term Care Business pertaining to the type of said Community-Based Preventive Long-Term Care Service (hereinafter referred to as "Business Office" in this Section), and is to have effect with regard to payment of an allowance for Community-Based Preventive Long-Term Care Service and an exceptional allowance for Community-Based Service of Preventive Long-Term Care Service to an Insured Person by Long-Term Care Insurance provided by a Municipality, for which the mayor of the Municipality that provides said appointment as service provider, is chairperson.

2 市町村長は、前項の申請があった場合において、次の各号のいずれかに該当するときは、第五十四条の二第一項本文の指定をしてはならない。

(2) A mayor of a Municipality, in a case of an application as set forth in the preceding paragraph, when the application corresponds to any of the following items, may not provide appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1):

一 申請者が法人でないとき。

(i) when the applicant is not a juridical person;

二 当該申請に係る事業所の従業者の知識及び技能並びに人員が、第百十五条の十三第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数又は同条第四項に規定する指定地域密着型介護予防サービスに従事する従業者に関する基準を満たしていないとき。

(ii) when knowledge, skill and number of employees of the Business Office pertaining to said application does not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-13, paragraph (1) and the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare of standards concerning employees that engage in Designated Community-Based Preventive Service of Long-Term Care as prescribed in paragraph (4) of the same Article;

三 申請者が、第百十五条の十三第二項又は第四項に規定する指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準又は指定地域密着型介護予防サービスの事業の設備及び運営に関する基準に従って適正な地域密着型介護予防サービス事業の運営をすることができないと認められるとき。

(iii) when it is determined that the applicant cannot perform appropriate Community-Based Service of Preventive Long-Term Care Business in accordance with standards concerning effective support methods for Preventive Long-Term Care Service pertaining to Designated Community-Based Preventive Service of Long-Term Care and the standards concerning facilities and management of the business of Designated Community-Based

Preventive Service of Long-Term Care as prescribed in Article 115-13, paragraph (2) or paragraph (4);

四 当該申請に係る事業所が当該市町村の区域の外にある場合であって、その所在地の市町村長の同意を得ていないとき。

(iv) when the Business Office pertaining to said application is located outside the area of said Municipality and the consent of the mayor of the Municipality of said location has not yet obtained;

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

(v) when an applicant is punished by a fine pursuant to the provisions of this Act, as provided by a Cabinet Order, concerning citizens' health and medical care or public aid and execution of said penalty has not yet been completed or has not yet expired;

六 申請者が、第百十五条の十七（第二号から第五号までを除く。）の規定により指定を取り消され、その取消の日から起算して五年を経過しない者であるとき。

(vi) when an applicant is rescinded as the appointed service provider pursuant to the provisions of Article 115-17 (except for item (ii) to item (v)) and five years have not elapsed from the date of said rescission;

七 申請者が、第百十五条の十七（第二号から第五号までを除く。）の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第百十五条の十四の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(vii) when an applicant provides notification of abolishment of business pursuant to the provisions of Article 115-14 (except for a person that has a reasonable basis for abolishment of said business) from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 115-17 (except for item (ii) to item (v)) to the date of said rescission or the date it is determined that said termination of appointment will not be accepted, and five years have not elapsed from the date of said notification or decline of appointment as service provider;

八 申請者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(viii) when an applicant performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc. within five years prior to an application of appointment as service provider;

九 申請者の役員等のうちに次のいずれかに該当する者があるとき。

(ix) when any Officer, etc., of the applicant corresponds to any of the following:

イ 禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者

(a) a person punished by imprisonment without compulsory labor and execution of said penalty has not yet been completed or has not yet expired;

ロ 第五号又は前号に該当する者

(b) a person that corresponds to item (v) or the preceding item;

ハ 第百十五条の十七（第二号から第五号までを除く。）の規定により指定を取り消された法人において、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内にその役員等であった者で当該取消しの日から起算して五年を経過しないもの

(c) a person that is or was an Officer, etc. of a juridical person that appointment as service provider is rescinded pursuant to the provisions of Article 115-17 (except for item (ii) to item (v)) within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission;

ニ 第七号に規定する期間内に第百十五条の十四の規定による事業の廃止の届出をした法人（当該事業の廃止について相当の理由がある法人を除く。）において、同号の通知の日前六十日以内にその役員等であった者で当該届出の日から起算して五年を経過しないもの

(d) a person that is or was an Officer, etc., of a juridical person that provided notification of an abolishment of business pursuant to the provisions of Article 115-14 (except for a juridical person that has a reasonable basis for said abolishment of business) within the period provided by item (vii), within sixty days prior to the date of notification as set forth in the same item and five years have not elapsed from the date of said notification or decline of appointment as service provider.

3 市町村長は、第一項の申請があった場合において、次の各号のいずれかに該当するときは、第五十四条の二第一項本文の指定をしないことができる。

(3) A mayor of a Municipality, in a case when an application as set forth in paragraph (1) is filed and the application corresponds to any of the following items, may determine not to provide an appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1):

一 申請者が、第百十五条の十七第二号から第五号までの規定により指定を取り消され、その取消しの日から起算して五年を経過しない者であるとき。

(i) when an applicant has been rescinded the appointment as service provider pursuant to the provisions of Article 115-17 item (ii) to item (v) and five years have not elapsed from the date of said rescission;

二 申請者が、第百十五条の十七第二号から第五号までの規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日

又は処分をしないことを決定する日までの間に第百十五条の十四の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(ii) when an applicant provides notification of abolishment of business pursuant to the provisions of Article 115-14 (except for a person that has a reasonable basis for said abolishment of business) from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 115-17, item (ii) to item (v) to the date of said rescission or the date it is determined that said termination of appointment will not be accepted, and five years have not elapsed from the date of said notification or decline of appointment as service provider;

三 申請者の役員等のうちに次のいずれかに該当する者があるとき。

(iii) when any Officer, etc., of an applicant corresponds to any of the following:

イ 第百十五条の十七第二号から第五号までの規定により指定を取り消された法人において、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内にその役員等であった者で当該取消しの日から起算して五年を経過しないもの

(a) a person that is or was an Officer, etc., of a juridical person that appointment as service provider is rescinded pursuant to the provisions of Article 115-17 item (ii) to item (v), within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission;

ロ 前号に規定する期間内に第百十五条の十四の規定による事業の廃止の届出をした法人（当該事業の廃止について相当の理由がある法人を除く。）において、同号の通知の日前六十日以内にその役員等であった者で当該届出の日から起算して五年を経過しないもの

(b) a person that is or was an Officer, etc., of a juridical person that has provides notification of abolishment of business pursuant to the provisions of Article 115-14 (except for a juridical person that has a reasonable basis for said abolishment of business) within the period provided by the preceding item, within sixty days prior to the date of notification as set forth in the same item, and five years have not elapsed from the date of said notification or said decline of appointment as service provider.

4 市町村長は、第五十四条の二第一項本文の指定を行おうとするときは、あらかじめ、当該市町村が行う介護保険の被保険者その他の関係者の意見を反映させるために必要な措置を講じなければならない。

(4) A mayor of a Municipality, when intending to designate an appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1), must take necessary measures in advance in order to reflect opinions of

Insured Persons by Long-Term Care Insurance provided by said Municipality or other relevant persons.

5 市町村長は、第五十四条の二第一項本文の指定を行うに当たって、当該事業の適正な運営を確保するために必要と認める条件を付することができる。

(5) A mayor of a Municipality, when providing an appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1), may add a provision that is determined to be necessary for ensuring appropriate operation of said business.

(指定地域密着型介護予防サービスの事業の基準)

(Standards of a Designated Community-Based Preventive Service of Long-Term Care Business)

第百十五条の十二 指定地域密着型介護予防サービス事業者は、次条第二項又は第四項に規定する指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定地域密着型介護予防サービスの事業の設備及び運営に関する基準に従い、要支援者の心身の状況等に応じて適切な指定地域密着型介護予防サービスを提供するとともに、自らその提供する指定地域密着型介護予防サービスの質の評価を行うことその他の措置を講ずることにより常に指定地域密着型介護予防サービスを受ける者の立場に立ってこれを提供するように努めなければならない。

Article 115-12 (1) A Designated Provider of Community-Based Service for Preventive Long-Term Care must act in compliance with the standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Provider of Community-Based Service for Preventive Long-Term Care and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care as prescribed in paragraph (2) and paragraph (4) of the following Article, offer appropriate Designated Community-Based Preventive Service of Long-Term Care according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated Community-Based Preventive Service of Long-Term Care by implementing self-evaluation of the quality of the Provider's own Designated Community-Based Preventive Service of Long-Term Care and other measures.

2 指定地域密着型介護予防サービス事業者は、指定地域密着型介護予防サービスを受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定地域密着型介護予防サービスを提供するように努めなければならない。

(2) A Designated Provider of Community-Based Service for Preventive Long-Term Care, when an Opinion of the Certification Committee is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated Community-Based Preventive Service of Long-

Term Care, must engage in offering said Designated Community-Based Preventive Service of Long-Term Care of said Insured Person in consideration of said Opinion of the Certification Committee.

第百十五条の十三 指定地域密着型介護予防サービス事業者は、当該指定に係る事業所ごとに、厚生労働省令で定める基準に従い厚生労働省令で定める員数の当該指定地域密着型介護予防サービスに従事する従業者を有しなければならない。

Article 115-13 (1) A Designated Provider of Community-Based Service for Preventive Long-Term Care must employ the fixed minimum number of employees that engage in said Designated Community-Based Preventive Service of Long-Term Care, as determined by Order of the Ministry of Health, Labour, and Welfare in accordance with the standards as determined by Order of the Ministry of Health, Labour, and Welfare, by each place of business pertaining to said appointment as service provider.

2 前項に規定するもののほか、指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定地域密着型介護予防サービスの事業の設備及び運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions in the preceding paragraph, standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Community-Based Service for Preventive Long-Term Care and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care are prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定地域密着型介護予防サービスの事業の設備及び運営に関する基準（指定地域密着型介護予防サービスの取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かななければならない。

(3) The Minister of Health, Labour, and Welfare, when intending to provide standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Community-Based Service for Preventive Long-Term Care and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care as prescribed in the preceding paragraph (limited to the part concerning the handling of Designated Community-Based Preventive Service of Long-Term Care), must hear the opinion of the Social Security Council in advance.

4 市町村は、第一項及び第二項の規定にかかわらず、厚生労働省令で定める範囲内で、これらの規定に定める基準に代えて、当該市町村における指定地域密着型介護予防サービスに従事する従業者に関する基準並びに指定地域密着型介護予防サービスに係る

介護予防のための効果的な支援の方法に関する基準及び指定地域密着型介護予防サービスの事業の設備及び運営に関する基準を定めることができる。

(4) A Municipality, notwithstanding the provisions of paragraph (1) and paragraph (2), within the scope as determined by Order of the Ministry of Health, Labour, and Welfare, in lieu of standards provided by these provisions, may provide standards concerning employees that engage in Designated Community-Based Preventive Service of Long-Term Care and standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Community-Based Service for Preventive Long-Term Care, and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care in said Municipality.

5 市町村は、前項の当該市町村における指定地域密着型介護予防サービスに従事する従業者に関する基準並びに指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準及び指定地域密着型介護予防サービスの事業の設備及び運営に関する基準を定めようとするときは、あらかじめ、当該市町村が行う介護保険の被保険者その他の関係者の意見を反映させ、及び学識経験を有する者の知見の活用を図るために必要な措置を講じなければならない。

(5) A Municipality, when it intends to promulgate standards concerning employees that engage in Designated Community-Based Preventive Service of Long-Term Care, standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Community-Based Service for Preventive Long-Term Care, and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care in said Municipality as set forth in the preceding paragraph, must reflect opinions of Insured Persons by Long-Term Care Insurance provided by said Municipality and take necessary measures in order to promote to use knowledge of persons with relevant knowledge and experience.

6 指定地域密着型介護予防サービス事業者は、要支援者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要支援者のため忠実にその職務を遂行しなければならない。

(6) A Designated Provider of Community-Based Service for Preventive Long-Term Care must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

(変更の届出等)

(Notification of Change)

第百十五条の十四 指定地域密着型介護予防サービス事業者は、当該指定に係る事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は当該指

定地域密着型介護予防サービスの事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を市町村長に届け出なければならない。

Article 115-14 A Designated Provider of Community-Based Service for Preventive Long-Term Care Service, when the name or location of the Business Office pertaining to said appointment as service provider or other matters as determined by Order of the Ministry of Health, Labour, and Welfare are changed, or when the business of said Designated Community-Based Preventive Service of Long-Term Care is abolished, suspended, or recommenced, must provide notification of said fact to the mayor of the Municipality within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第百十五条の十五 市町村長は、地域密着型介護予防サービス費の支給に関して必要があると認めるときは、指定地域密着型介護予防サービス事業者若しくは指定地域密着型介護予防サービス事業者であった者若しくは当該指定に係る事業所の従業者であった者（以下この項において「指定地域密着型介護予防サービス事業者であった者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、指定地域密着型介護予防サービス事業者若しくは当該指定に係る事業所の従業者若しくは指定地域密着型介護予防サービス事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定地域密着型介護予防サービス事業者の当該指定に係る事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 115-15 (1) A mayor of a Municipality, when it is determined to be necessary concerning payment of an Allowance for Community-Based Preventive Service of Long-Term Care, may order a Designated Provider of Community-Based Service for Preventive Long-Term Care, a person that is or was a Designated Provider of Community-Based Service for Preventive Long-Term Care, or a person that is or was an employee of the Business Office pertaining to said appointment as service provider (hereinafter referred to as a "Person that is or was a Designated Provider of Community-Based Service for Preventive Long-Term Care, etc." in this paragraph) to report, submit or present record books and documents, as requested to the Designated Provider of Community-Based Service for Preventive Long-Term Care, an employee of the Business Office pertaining to said appointment as service provider or a Person that is or was a Designated Provider of Community-Based Service for Preventive Long-Term Care, etc., to appear, to direct personnel to ask questions to the relevant Person, or enter the Business Office pertaining to said appointment as service provider of said Designated Provider of

Community-Based Service for Preventive Long-Term Care in order to inspect said facilities, record books and documents, or other items.

2 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(勧告、命令等)

(Recommendations and Orders)

第百十五条の十六 市町村長は、指定地域密着型介護予防サービス事業者が、第百十五条の十一第五項の規定により当該指定を行うに当たって付された条件に従わず、当該指定に係る事業所の従業者の知識若しくは技能若しくは人員について第百十五条の十三第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数若しくは同条第四項に規定する指定地域密着型介護予防サービスに従事する従業者に関する基準を満たしておらず、又は同条第二項若しくは第四項に規定する指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準若しくは指定地域密着型介護予防サービスの事業の設備及び運営に関する基準に従って適正な指定地域密着型介護予防サービスの事業の運営をしていないと認めるときは、当該指定地域密着型介護予防サービス事業者に対し、期限を定めて、第百十五条の十一第五項の規定により当該指定を行うに当たって付された条件に従い、第百十五条の十三第一項の厚生労働省令で定める基準を遵守し、若しくは同項の厚生労働省令で定める員数の従業者を有し、若しくは同条第四項に規定する指定地域密着型介護予防サービスに従事する従業者に関する基準を遵守し、又は同条第二項若しくは第四項に規定する指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準若しくは指定地域密着型介護予防サービスの事業の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 115-16 (1) A mayor of a Municipality, when it is determined that a Designated Provider of Community-Based Service for Preventive Long-Term Care does not act in compliance with the provision provided when providing said appointment as service provider pursuant to the provisions of Article 115-11, paragraph (5), does not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-13, paragraph (1) or the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph or standards concerning employees that engage in Designated Community-Based Preventive Service of Long-Term Care provided by paragraph (4) of the same Article, with regard to knowledge, skill, or number of employees of the Business Office pertaining to said appointment as service

provider, or when it is determined that said Community-Based Preventive Long-Term Care Service does not operate an appropriate Designated Community-Based Preventive Service of Long-Term Care in accordance with standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Community-Based Service for Preventive Long-Term Care and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care as prescribed in paragraph (2) or paragraph (4) of the same Article, may specify a due date and recommend to said Designated Provider of Community-Based Service for Preventive Long-Term Care to act in compliance with the provisions provided when determining said appointment as service provider pursuant to the provisions of Article 115-11, paragraph (5), to comply with the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-13, paragraph (1), to employ the number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, to comply with standards concerning employees that engage in Designated Community-Based Preventive Service of Long-Term Care as prescribed in paragraph (4) of the same Article, and to comply with standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Community-Based Service for Preventive Long-Term Care and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care as prescribed by paragraph (2) and paragraph (4) of the same Article.

2 市町村長は、前項の規定による勧告をした場合において、その勧告を受けた指定地域密着型介護予防サービス事業者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) A mayor of a Municipality, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that said Designated Provider of Community-Based Service for Preventive Long-Term Care that is issued said recommendation did not act in compliance with said recommendation within the due date as set forth in the same paragraph.

3 市町村長は、第一項の規定による勧告を受けた指定地域密着型介護予防サービス事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定地域密着型介護予防サービス事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) A mayor of a Municipality, when the Designated Provider of Community-Based Service for Preventive Long-Term Care that is issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without a justifiable basis, may specify a

due date and order said Designated Provider of Community-Based Service for Preventive Long-Term Care to implement measures pertaining to said recommendation.

4 市町村長は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(4) A mayor of a Municipality, when issuing an order pursuant to the provisions of the preceding paragraph, must issue public notice of the said fact.

(指定の取消し等)

(Rescission of Appointment as Service Provider)

第百十五条の十七 市町村長は、次の各号のいずれかに該当する場合には、当該指定地域密着型介護予防サービス事業者に係る第五十四条の二第一項本文の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 115-17 A mayor of a Municipality, in a case that corresponds to any of the following items, may rescind the appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1) pertaining to said Designated Provider of Community-Based Service for Preventive Long-Term Care or suspend the whole or a part of the effect of said appointment as service provider for a period as specified within the period specified by a due date:

一 指定地域密着型介護予防サービス事業者が、第百十五条の十一第二項第五号又は第九号のいずれかに該当するに至ったとき。

(i) when a Designated Provider of Community-Based Service for Preventive Long-Term Care corresponds to any provision of Article 115-12, paragraph (2), item (v) or item (ix);

二 指定地域密着型介護予防サービス事業者が、第百十五条の十一第三項第三号に該当するに至ったとき。

(ii) when a Designated Provider of Community-Based Service for Preventive Long-Term Care corresponds to any provision of Article 115-11, paragraph (3), item (iii);

三 指定地域密着型介護予防サービス事業者が、第百十五条の十一第五項の規定により当該指定を行うに当たって付された条件に違反したと認められるとき。

(iii) when it is determined that a Designated Provider of Community-Based Service for Preventive Long-Term Care is in violation of a provision determined when granting said appointment as service provider pursuant to the provisions of the provisions of Article 115-11, paragraph (5);

四 指定地域密着型介護予防サービス事業者が、当該指定に係る事業所の従業者の知識若しくは技能又は人員について、第百十五条の十三第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数又は同条第四項に規定する指定地域密着型介護予防サービスに従事する従業者に関する基準を満たすことができなくなったとき。

(iv) when a Designated Provider of Community-Based Service for Preventive Long-Term Care becomes unable to meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-13, paragraph (1), the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, or standards concerning employees that engage in Designated Community-Based Preventive Service of Long-Term Care as prescribed in paragraph (4) of the same Article, with regard to knowledge, skill, or number of employees of the Business Office pertaining to said appointment as service provider;

五 指定地域密着型介護予防サービス事業者が、第百十五条の十三第二項又は第四項に規定する指定地域密着型介護予防サービスに係る介護予防のための効果的な支援の方法に関する基準又は指定地域密着型介護予防サービスの事業の設備及び運営に関する基準に従って適正な指定地域密着型介護予防サービスの事業の運営をすることができなくなったとき。

(v) when a Designated Provider of Community-Based Service for Preventive Long-Term Care becomes unable to operate an appropriate business of Designated Community-Based Preventive Service of Long-Term Care in accordance with standards concerning effective support methods for Prevention of Long-Term Care pertaining to a Designated Provider of Community-Based Service for Preventive Long-Term Care and standards concerning facilities and management of the business of Designated Community-Based Preventive Service of Long-Term Care as prescribed in Article 115-13, paragraph (2) or paragraph (4);

六 指定地域密着型介護予防サービス事業者が、第百十五条の十三第六項に規定する義務に違反したと認められるとき。

(vi) when it is determined that a Designated Provider of Community-Based Service for Preventive Long-Term Care violates an obligation as prescribed in Article 115-13, paragraph (6);

七 地域密着型介護予防サービス費の請求に関し不正があったとき。

(vii) when an allowance for Community-Based Preventive Long-Term Care Service is wrongly requested;

八 指定地域密着型介護予防サービス事業者が、第百十五条の十五第一項の規定により報告又は帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(viii) when a Designated Provider of Community-Based Service for Preventive Long-Term Care is ordered to report, submit or present record books and documents pursuant to the provisions of Article 115-15, paragraph (1), but disobeys said order or submits a false report;

九 指定地域密着型介護予防サービス事業者又は当該指定に係る事業所の従業者が、第百十五条の十五第一項の規定により出頭を求められてこれに応ぜず、同項の規定

による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係る事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定地域密着型介護予防サービス事業者が相当の注意及び監督を尽くしたときを除く。

(ix) when a Designated Provider of Community-Based Service for Preventive Long-Term Care or an employee of the Business Office pertaining to said appointment as service provider is requested to appear pursuant to the provisions of Article 115-15, paragraph (1), but does not respond or does not reply to questions pursuant to the provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of the Business Office pertaining to said appointment as service provider performed said act and said Designated Provider of Community-Based Service for Preventive Long-Term Care was faithfully providing reasonable care and supervision in order to prevent said act of said employee;

十 指定地域密着型介護予防サービス事業者が、不正の手段により第五十四条の二第一項本文の指定を受けたとき。

(x) when a Designated Provider of Community-Based Service for Preventive Long-Term Care is appointed to provide service as set forth in the main clause of Article 54-2, paragraph (1) by wrongful means;

十一 前各号に掲げる場合のほか、指定地域密着型介護予防サービス事業者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分違反したとき。

(xi) in addition to the cases listed in the preceding items, when a Designated Provider of Community-Based Service for Preventive Long-Term Care violates this Act, another Act concerning citizens' health and medical care and public aid as provided by a Cabinet Order, or an Order or disposition of a matter based on these Acts;

十二 前各号に掲げる場合のほか、指定地域密着型介護予防サービス事業者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(xii) in addition to the cases listed in the preceding items, when a Designated Provider of Community-Based Service for Preventive Long-Term Care performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

十三 指定地域密着型介護予防サービス事業者の役員等のうちに、指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者があるとき。

(xiii) when any Officer, etc., of a Designated Provider of Community-Based Service for Preventive Long-Term Care performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the

appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

(公示)

(Public Notice)

第百十五条の十八 市町村長は、次に掲げる場合には、遅滞なく、その旨を都道府県知事に届け出るとともに、これを公示しなければならない。

Article 115-18 A mayor of a Municipality, in the following cases, must provide notification of said fact to the prefectural governor and issue public notice of said fact without delay:

一 第五十四条の二第一項本文の指定をしたとき。

(i) when an appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1) is determined;

二 第百十五条の十四の規定による届出（同条の厚生労働省令で定める事項の変更並びに同条に規定する事業の休止及び再開に係るものを除く。）があつたとき。

(ii) when there is a notification pursuant to the provisions of Article 115-14 (except for change of matters as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same Article and matters pertaining to suspension and recommencement of business provided by the same Article);

三 前条の規定により第五十四条の二第一項本文の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iii) when an appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1) is rescinded, or the effect of the whole or a part of an appointment as service provider is suspended.

(準用)

(Mutatis Mutandis Application)

第百十五条の十九 第七十条の二の規定は、第五十四条の二第一項本文の指定について準用する。この場合において、必要な技術的読替は、政令で定める。

Article 115-19 The provisions of Article 70-2 apply mutatis mutandis to appointment as service provider as set forth in the main clause of Article 54-2, paragraph (1). In this case, necessary technical replacement of terms is provided by a Cabinet Order.

第八節 指定介護予防支援事業者

Section 8 Designated Providers of Support for Prevention of Long-Term Care

(指定介護予防支援事業者の指定)

(Appointment as Designated Service Provider of Preventive Support of Long-

Term Care)

第百十五条の二十 第五十八条第一項の指定は、厚生労働省令で定めるところにより、第百十五条の三十九第一項に規定する地域包括支援センターの設置者の申請により、介護予防支援事業を行う事業所（以下この節において「事業所」という。）ごとに行い、当該指定をする市町村長がその長である市町村の行う介護保険の被保険者に対する介護予防サービス計画費及び特例介護予防サービス計画費の支給について、その効力を有する。

Article 115-20 (1) An appointment as service provider as set forth in Article 58, paragraph (1) is to be provided, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare by an application by institution personnel of a community general support center as prescribed in Article 115-39, paragraph (1) from each place of business that performs Preventive Support of Long-Term Care Business (hereinafter referred to as "Business Office" in this Section), and is to have effect with regard to payment of an Allowance for Preventive Long-Term Care Service Plan and an Exceptional Allowance for Preventive Long-Term Care Service Plan to an Insured Person by Long-Term Care Insurance provided by a Municipality, for which the mayor of the Municipality that provides said appointment as service provider, is chairperson.

2 市町村長は、前項の申請があった場合において、次の各号のいずれかに該当するときは、第五十八条第一項の指定をしてはならない。

(2) A mayor of a Municipality, in a case of an application as set forth in the preceding paragraph, when it corresponds to any of the following items, must not provide appointment as service provider as set forth in the main clause of Article 58, paragraph (1):

一 申請者が法人でないとき。

(i) when the applicant is not a juridical person;

二 当該申請に係る事業所の従業者の知識及び技能並びに人員が、第百十五条の二十二第一項の厚生労働省令で定める基準及び同項の厚生労働省令で定める員数を満たしていないとき。

(ii) when knowledge, skill and the number of employees of the Business Office pertaining to said application does not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-22, paragraph (1) and the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as prescribed in the same paragraph;

三 申請者が、第百十五条の二十二第二項に規定する指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準又は指定介護予防支援の事業の運営に関する基準に従って適正な介護予防支援事業の運営をすることができないと認められるとき。

(iii) when it is determined that the applicant cannot perform appropriate

business of Prevention Support for Long-Term Care in accordance with standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care and standards concerning management of the business of Designated Support for Prevention of Long-Term Care as prescribed in Article 115-22, paragraph (2);

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

(iv) when an applicant is punished by a fine pursuant to the provisions of this Act as provided by a Cabinet Order, concerning citizens' health and medical care and public aid and execution of said penalty has not yet been completed or has not yet expired;

五 申請者が、第百十五条の二十六の規定により指定を取り消され、その取消の日から起算して五年を経過しない者であるとき。

(v) when an applicant is rescinded as the appointed service provider pursuant to the provisions of Article 115-26 and five years have not elapsed from the date of said rescission;

六 申請者が、第百十五条の二十六の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第百十五条の二十三の規定による事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないものであるとき。

(vi) when an applicant provides notification of abolishment of business pursuant to the provisions of Article 115-23 (except for a person that has a reasonable basis for abolishment of said business) from the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to rescission of appointment as service provider pursuant to the provisions of Article 115-26 to the date of said rescission or the date it is determined that said termination of appointment will not be accepted, and five years have not elapsed from the date of said notification or decline of appointment as service provider;

七 申請者が、指定の申請前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者であるとき。

(vii) when an applicant performs a wrongful or significantly unjustifiable act concerning In-Home, etc. Service within five years prior to an application of appointment as service provider;

八 申請者の役員等のうちに次のいずれかに該当する者があるとき。

(viii) when any Officer, etc., of the applicant corresponds to any of the following:

イ 禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくな

るまでの者

(a) a person punished by imprisonment without compulsory labor and execution of said penalty has not yet been completed or has not yet expired;

ロ 第四号又は前号に該当する者

(b) a person that corresponds to item (iv) or the preceding item;

ハ 第百十五条の二十六の規定により指定を取り消された法人において、当該取消しの処分に係る行政手続法第十五条の規定による通知があった日前六十日以内にその役員等であった者で当該取消しの日から起算して五年を経過しないもの

(c) a person that is or was an Officer, etc., of a juridical person that appointment as service provider is rescinded pursuant to the provisions of Article 115-26, within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to said rescission and five years have not elapsed from the date of said rescission;

ニ 第六号に規定する期間内に第百十五条の二十三の規定による事業の廃止の届出をした法人（当該事業の廃止について相当の理由がある法人を除く。）において、同号の通知の日前六十日以内にその役員等であった者で当該届出の日から起算して五年を経過しないもの

(d) a person that is or was an Officer, etc., of a juridical person that provided notification of an abolishment of business pursuant to the provisions of Article 115-23 (except for a juridical person that has a reasonable basis for said abolishment of business) within the period provided by item (vi), within sixty days prior to the date of notification as set forth in the same item and five years have not elapsed from the date of said notification or decline of appointment as service provider.

3 市町村長は、第五十八条第一項の指定を行おうとするときは、あらかじめ、当該市町村が行う介護保険の被保険者その他の関係者の意見を反映させるために必要な措置を講じなければならない。

(3) A mayor of a Municipality, when intending to designate an appointment as service provider as set forth in the main clause of Article 58, paragraph (1), must take necessary measures in advance in order to reflect the opinion of relevant persons and those of Insured Persons by Long-Term Care Insurance provided by said Municipality.

(指定介護予防支援の事業の基準)

(Standards of the Business of Designated Support for Prevention of Long-Term Care)

第百十五条の二十一 指定介護予防支援事業者は、次条第二項に規定する指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防支援の事業の運営に関する基準に従い、要支援者の心身の状況等に応じて適切な指定介護

予防支援を提供するとともに、自らその提供する指定介護予防支援の質の評価を行うことその他の措置を講ずることにより常に指定介護予防支援を受ける者の立場に立ってこれを提供するように努めなければならない。

Article 115-21 (1) A Designated Provider of Support for Prevention of Long-Term Care must act in compliance with the standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care and standards concerning management of the business of Designated Support for Prevention of Long-Term Care as prescribed in paragraph (2) of the following Article, offer appropriate Designated Support for Prevention of Long-Term Care according to the mental and physical condition, etc., of a Person Requiring Long-Term Care, and always engage in offering said services from the viewpoint of the person that receives Designated Support for Prevention of Long-Term Care by implementing self-evaluation of the quality of the Provider's own Designated Support for Prevention of Long-Term Care and other measures.

2 指定介護予防支援事業者は、指定介護予防支援を受けようとする被保険者から提示された被保険者証に、認定審査会意見が記載されているときは、当該認定審査会意見に配慮して、当該被保険者に当該指定介護予防支援を提供するように努めなければならない。

(2) A Designated Provider of Support for Prevention of Long-Term Care, when an Opinion of the Certification Committee is entered on the Certificate of Insured Person that is presented by an Insured Person that intends to receive Designated Support for Prevention of Long-Term Care, must engage in offering said Designated Support for Prevention of Long-Term Care of said Insured Person in consideration of said Opinion of the Certification Committee.

3 指定介護予防支援事業者は、厚生労働省令で定めるところにより、指定介護予防支援の一部を、厚生労働省令で定める者に委託することができる。

(3) A Designated Provider of Support for Prevention of Long-Term Care, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may entrust a part of Designated Support for Prevention of Long-Term Care to a person as determined by Order of the Ministry of Health, Labour, and Welfare.

第百十五条の二十二 指定介護予防支援事業者は、当該指定に係る事業所ごとに、厚生労働省令で定める基準に従い厚生労働省令で定める員数の当該指定介護予防支援に従事する従業者を有しなければならない。

Article 115-22 (1) A Designated Provider of Support for Prevention of Long-Term Care must employ the fixed minimum number of employees that engage in said Designated Support for Prevention of Long-Term Care, as determined by Order of the Ministry of Health, Labour, and Welfare in accordance with the standards as determined by Order of the Ministry of Health, Labour, and

Welfare, at each place of business pertaining to said appointment as service provider.

2 前項に規定するもののほか、指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防支援の事業の運営に関する基準は、厚生労働大臣が定める。

(2) In addition to the provisions in the preceding paragraph, standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care and standards concerning management of the business of Designated Support for Prevention of Long-Term Care are prescribed by the Minister of Health, Labour, and Welfare.

3 厚生労働大臣は、前項に規定する指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準及び指定介護予防支援の事業の運営に関する基準（指定介護予防支援の取扱いに関する部分に限る。）を定めようとするときは、あらかじめ社会保障審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour, and Welfare, when intending to provide standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care and standards concerning management of the business of Designated Support for Prevention of Long-Term Care as prescribed in the preceding paragraph (limited to the part concerning the handling of Designated Support for Prevention of Long-Term Care), must hear the opinion of the Social Security Council in advance.

4 指定介護予防支援事業者は、要支援者の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、要支援者のため忠実にその職務を遂行しなければならない。

(4) A Designated Provider of Support for Prevention of Long-Term Care must respect the personality of a Person Requiring Long-Term Care, act in compliance with this Act or an Order based on this Act, and faithfully perform said duty for a Person Requiring Long-Term Care.

(変更の届出等)

(Notification of Change)

第百十五条の二十三 指定介護予防支援事業者は、当該指定に係る事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は当該指定介護予防支援の事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を市町村長に届け出なければならない。

Article 115-23 A Designated Provider of Support for Prevention of Long-Term Care, when the name or location of the Business Office pertaining to said appointment as service provider or other matters as determined by Order of the Ministry of Health, Labour, and Welfare are changed, or when the business

of said Designated Support for Prevention of Long-Term Care is abolished, suspended, or recommenced, must provide notification of said fact to the mayor of the Municipality within ten days pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reporting)

第百十五条の二十四 市町村長は、必要があると認めるときは、指定介護予防支援事業者若しくは指定介護予防支援事業者であった者若しくは当該指定に係る事業所の従業者であった者（以下この項において「指定介護予防支援事業者であった者等」という。）に対し、報告若しくは帳簿書類の提出若しくは提示を命じ、指定介護予防支援事業者若しくは当該指定に係る事業所の従業者若しくは指定介護予防支援事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定介護予防支援事業者の当該指定に係る事業所に立ち入り、その帳簿書類その他の物件を検査させることができる。

Article 115-24 (1) A mayor of a Municipality, when it is determined to be necessary, may order a Designated Provider of Support for Prevention of Long-Term Care, a person that is or was a Designated Provider of Support for Prevention of Long-Term Care, or an employee of the Business Office pertaining to said appointment as service provider (hereinafter referred to as a "Person that is or was a Designated Support Provider for Prevention of Long-Term Care, etc." in this paragraph) to report, submit or present record books and documents, request to said Designated Provider of Support for Prevention of Long-Term Care, an employee of the Business Office pertaining to said appointment as service provider, or a Person that is or was a Designated Support Provider for Prevention of Long-Term Care, etc., to appear, to direct personnel to ask questions to the relevant Person, or enter the Business Office pertaining to said appointment as service provider of said Designated Provider of Support for Prevention of Long-Term Care in order to inspect said facility, record books and documents, or other items.

2 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(勧告、命令等)

(Recommendations and Orders)

第百十五条の二十五 市町村長は、指定介護予防支援事業者が、当該指定に係る事業所

の従業者の知識若しくは技能若しくは人員について第百十五条の二十二第一項の厚生労働省令で定める基準若しくは同項の厚生労働省令で定める員数を満たしておらず、又は同条第二項に規定する指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準若しくは指定介護予防支援の事業の運営に関する基準に従って適正な指定介護予防支援の事業の運営をしていないと認めるときは、当該指定介護予防支援事業者に対し、期限を定めて、同条第一項の厚生労働省令で定める基準を遵守し、若しくは同項の厚生労働省令で定める員数の従業者を有し、又は同条第二項に規定する指定介護予防支援に係る介護予防のための効果的な支援の方法に関する基準若しくは指定介護予防支援の事業の運営に関する基準を遵守すべきことを勧告することができる。

Article 115-25 (1) A mayor of a Municipality, when it is determined that a Designated Provider of Support for Prevention of Long-Term Care does not meet the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the Article 115-22, paragraph (1) or fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph with regard to knowledge, skill, or employee of the Business Office pertaining to said appointment as service provider, or does not operate an appropriate business of Designated Support for Prevention of Long-Term Care in accordance with standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care and standards concerning management of the business of Designated Support for Prevention of Long-Term Care prescribed in paragraph (2) of the same Article, may specify a due date and recommend to said Designated Provider of Support for Prevention of Long-Term Care to comply with the standards as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in paragraph (1) of the same Article, to employ the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in the same paragraph, to comply with standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care and standards concerning management of the business of Designated Support for Prevention of Long-Term Care as prescribed in paragraph (2) of the same Article.

2 市町村長は、前項の規定による勧告をした場合において、その勧告を受けた指定介護予防支援事業者が同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) A mayor of a Municipality, in a case of providing a recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that said Designated Provider of Support for Prevention of Long-Term Care that is issued said recommendation did not act in compliance with said recommendation within the due date as set forth in the same paragraph.

3 市町村長は、第一項の規定による勧告を受けた指定介護予防支援事業者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定介護予防支援事業者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) A mayor of a Municipality, when the Designated Provider of Support for Prevention of Long-Term Care that is issued a recommendation pursuant to the provisions of paragraph (1) does not implement the measures pertaining to said recommendation without a justifiable basis, may specify a due date and order said Designated Provider of Support for Prevention of Long-Term Care to implement measures pertaining to said recommendation.

4 市町村長は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(4) A mayor of a Municipality, when issuing an order pursuant to the provisions of the preceding paragraph, must issue public notice of said fact.

(指定の取消し等)

(Rescission of Appointment as Service Provider)

第百十五条の二十六 市町村長は、次の各号のいずれかに該当する場合には、当該指定介護予防支援事業者に係る第五十八条第一項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

Article 115-26 A mayor of a Municipality, in a case that corresponds to any of the following items, may rescind the appointment as service provider as set forth in Article 58, paragraph (1) pertaining to said Designated Provider of Support for Prevention of Long-Term Care or suspend the whole or a part of the effect of said appointment as service provider within the period specified by a due date:

一 指定介護予防支援事業者が、第百十五条の二十第二項第四号又は第八号のいずれかに該当するに至ったとき。

(i) when a Designated Provider of Support for Prevention of Long-Term Care corresponds to any provision of Article 115-20, paragraph (2), item (iv) or item (viii);

二 指定介護予防支援事業者が、当該指定に係る事業所の従業者の知識若しくは技能又は人員について、第百十五条の二十二第一項の厚生労働省令で定める基準又は同項の厚生労働省令で定める員数を満たすことができなくなったとき。

(ii) when a Designated Provider of Support for Prevention of Long-Term Care becomes unable to meet standards as determined by Order of the Ministry of Health, Labour, and Welfare or the fixed minimum number of employees as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in Article 115-22, paragraph (1) with regard to knowledge, skill and number of employees of the Business Office pertaining to said appointment as service provider;

三 指定介護予防支援事業者が、第百十五条の二十二第二項に規定する指定介護予防

支援に係る介護予防のための効果的な支援の方法に関する基準又は指定介護予防支援の事業の運営に関する基準に従って適正な指定介護予防支援の事業の運営をすることができなくなったとき。

(iii) when a Designated Provider of Support for Prevention of Long-Term Care becomes unable to operate an appropriate business of Designated Support for Prevention of Long-Term Care in accordance with standards concerning effective support methods for Prevention of Long-Term Care pertaining to Designated Support for Prevention of Long-Term Care and standards concerning management of the business of Designated Support for Prevention of Long-Term Care as prescribed in Article 115-22, paragraph (2);

四 指定介護予防支援事業者が、第百十五条の二十二第四項に規定する義務に違反したと認められるとき。

(iv) when it is determined that an organizer of a Designated Provider of Preventive Support for Long-Term Care violates an obligation as prescribed in Article 115-22, paragraph (4);

五 介護予防サービス計画費の請求に関し不正があったとき。

(v) when an Allowance for Preventive Long-Term Care Service Plan is wrongly requested;

六 指定介護予防支援事業者が、第百十五条の二十四第一項の規定により報告又は帳簿書類の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(vi) when a Designated Provider of Support for Prevention of Long-Term Care is ordered to report, submit or present record books and documents pursuant to the provisions of Article 115-24, paragraph (1), but disobeys said order or submits a false report;

七 指定介護予防支援事業者又は当該指定に係る事業所の従業者が、第百十五条の二十四第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係る事業所の従業者がその行為をした場合において、その行為を防止するため、当該指定介護予防支援事業者が相当の注意及び監督を尽くしたときを除く。

(vii) when a Designated Provider of Support for Prevention of Long-Term Care or an employee of the Business Office pertaining to said appointment as service provider is requested to appear pursuant to the provisions of Article 115-24, paragraph (1) but does not respond or does not reply to questions pursuant to the provisions of the same paragraph or submits a false reply, or refuses, interrupts, or interferes with an inspection pursuant to the provisions of the same paragraph, however, provided that this provision does not apply when an employee of the Business Office pertaining to said appointment as service provider performed said act and said Designated Provider of Support for Prevention of Long-Term Care was faithfully providing reasonable care and supervision in order to prevent said act of said

employee;

八 指定介護予防支援事業者が、不正の手段により第五十八条第一項の指定を受けたとき。

(viii) when a Designated Provider of Support for Prevention of Long-Term Care is appointed to provide service as set forth in Article 58, paragraph (1) by wrongful means;

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

(ix) in addition to the cases listed in the preceding items, when a Designated Provider of Support for Prevention of Long-Term Care violates this Act, another Act concerning citizens' health and medical care and public aid as provided by a Cabinet Order, or an Order or disposition of a matter based on these Acts;

十 前各号に掲げる場合のほか、指定介護予防支援事業者が、居宅サービス等に関し不正又は著しく不当な行為をしたとき。

(x) in addition to the cases listed in the preceding items, when a Designated Provider of Support for Prevention of Long-Term Care performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc.;

十一 指定介護予防支援事業者の役員等のうちに、指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に居宅サービス等に関し不正又は著しく不当な行為をした者があるとき。

(xi) when any Officer, etc., of a Designated Provider of Support for Prevention of Long-Term Care performs a wrongful or significantly unjustifiable act concerning In-Home Service, etc., within five years and the appointment as service provider is rescinded or the whole or a part of the effect of the appointment as service provider is suspended due to said act.

(公示)

(Public Notice)

第百十五条の二十七 市町村長は、次に掲げる場合には、その旨を公示しなければならない。

Article 115-27 A mayor of a Municipality, in the following cases, must issue public notice of the said fact:

一 第五十八条第一項の指定をしたとき。

(i) when an appointment as service provider as set forth in Article 58, paragraph (1) is determined;

二 第百十五条の二十三の規定による届出（同条の厚生労働省令で定める事項の変更並びに同条に規定する事業の休止及び再開に係るものを除く。）があったとき。

(ii) when there is a notification pursuant to the provisions of Article 115-23 (except for those pertaining to change of matters as determined by Order of

the Ministry of Health, Labour, and Welfare in the same Article and suspension or recommencement of business as prescribed in the same Article);

三 前条の規定により第五十八条第一項の指定を取り消し、又は指定の全部若しくは一部の効力を停止したとき。

(iii) when an appointment as service provider as set forth in Article 58, paragraph (1) is rescinded pursuant to the provisions of the preceding Article, or the effect of the whole or a part of an appointment as service provider is suspended.

(準用)

(Mutatis Mutandis Application)

第百十五条の二十八 第七十条の二の規定は、第五十八条第一項の指定について準用する。この場合において、必要な技術的読替えは、政令で定める。

Article 115-28 The provisions of Article 70-2 apply mutatis mutandis to appointment as service provider as set forth in Article 58, paragraph (1). In this case, necessary technical replacement of terms is provided by a Cabinet Order;

第九節 介護サービス情報の公表

Section 9 Publication of Long-Term Care Service Information

(介護サービス情報の報告及び公表)

(Report and Public Notice of Long-Term Care Service Information)

第百十五条の二十九 指定居宅サービス事業者、指定地域密着型サービス事業者、指定居宅介護支援事業者、指定介護予防サービス事業者、指定地域密着型介護予防サービス事業者及び指定介護予防支援事業者並びに指定介護老人福祉施設、介護老人保健施設及び指定介護療養型医療施設の開設者（以下「介護サービス事業者」という。）は、指定居宅サービス事業者、指定地域密着型サービス事業者、指定居宅介護支援事業者、指定介護老人福祉施設、指定介護療養型医療施設、指定介護予防サービス事業者、指定地域密着型介護予防サービス事業者若しくは指定介護予防支援事業者の指定又は介護老人保健施設の許可を受け、訪問介護、訪問入浴介護その他の厚生労働省令で定めるサービス（以下「介護サービス」という。）の提供を開始しようとするときその他厚生労働省令で定めるときは、政令で定めるところにより、その提供する介護サービスに係る介護サービス情報（介護サービス内容及び介護サービスを提供する事業者又は施設の運営状況に関する情報であつて、介護サービスを利用し、又は利用しようとする要介護者等が適切かつ円滑に当該介護サービスを利用する機会を確保するために公表されることが必要なものとして厚生労働省令で定めるものをいう。以下同じ。）を、当該介護サービスを提供する事業所又は施設の所在地を管轄する都道府県知事に報告しなければならない。

Article 115-29 (1) An Organizer of a Designated In-Home Service Provider,

Designated Community-Based Service Provider, Designated In-Home Long-Term Care Support Provider, Designated Provider of Preventive Long-Term Care Service, Designated Provider of Community-Based Service for Preventive Long-Term Care, Designated Provider of Support for Prevention of Long-Term Care, Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, Long-Term Care Health Facility, and Designated Medical Long-Term Care Sanatorium (herein referred to as "Long-Term Care Service Provider"), when said institution personnel obtain an appointment as service provider of Designated In-Home Service Provider, Designated Community-Based Service Provider, Designated In-Home Long-Term Care Support Provider, Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, Designated Medical Long-Term Care Sanatorium, Designated Provider of Preventive Long-Term Care Service, Designated Provider of Community-Based Service for Preventive Long-Term Care, and Designated Provider of Support for Prevention of Long-Term Care and an approval of a Long-Term Care Health Facility, and intends to commence offering Home-Visit Long-Term Care, Home-Visit Bathing Long-Term Care and other services as determined by Order of the Ministry of Health, Labour, and Welfare, or when it is as determined by Order of the Ministry of Health, Labour, and Welfare, (herein "Long-Term Care Service") pursuant to the provisions of a Cabinet Order, must report long-term care information pertaining to Long-Term Care Service to be offered (which means contents of Long-Term Care Service and information concerning the management status of the provider or facility that offers Long-Term Care Service, those which are as determined by Order of the Ministry of Health, Labour, and Welfare as necessary to be provided public notice in order for an Insured Person Requiring Long-Term Care, etc., that uses or intends to use Long-term care to secure an opportunity to use said Long-Term Care Service appropriately and efficiently, the same applies herein) to the prefectural governor that governs the location of the Business Office or a facility which provides said Long-Term Care Service.

2 都道府県知事は、前項の規定による報告を受けたときは、当該報告をした介護サービス事業者に対し、介護サービス情報のうち厚生労働省令で定めるものについて、調査を行うものとする。

(2) A prefectural governor, when a report is received pursuant to the provisions of the preceding paragraph, must investigate the Long-Term Care Service Provider of said report, regarding those items as determined by Order of the Ministry of Health, Labour, and Welfare among Long-Term Care Service information.

3 都道府県知事は、前項の規定による調査が終了した後、第一項の規定による報告の内容及び前項の規定による調査の結果のうち厚生労働省令で定めるものを公表しなければならない。

- (3) A prefectural governor, after an investigation pursuant to the provisions of the preceding paragraph is completed, must issue public notice of those items as determined by Order of the Ministry of Health, Labour, and Welfare among contents of the report pursuant to the provisions of paragraph (1) and the results of the investigation pursuant to the provisions of the preceding paragraph.
- 4 都道府県知事は、介護サービス事業者が第一項の規定による報告をせず、若しくは虚偽の報告をし、又は第二項の規定による調査を受けず、若しくは調査の実施を妨げたときは、期間を定めて、当該介護サービス事業者に対し、その報告を行い、若しくはその報告の内容を是正し、又はその調査を受けることを命ずることができる。
- (4) A prefectural governor, when a Long-Term Care Service Provider does not report pursuant to the provisions of paragraph (1) or reports falsely, or does not permit the investigation pursuant to the provisions of paragraph (2) or interrupted the investigation, may specify a due date and order said Long-Term Care Service Provider to provide said report, correct the contents of said report, or permit such investigation.
- 5 都道府県知事は、指定地域密着型サービス事業者、指定地域密着型介護予防サービス事業者又は指定介護予防支援事業者に対して前項の規定による処分をしたときは、遅滞なく、その旨を、当該指定地域密着型サービス事業者、指定地域密着型介護予防サービス事業者又は指定介護予防支援事業者の指定をした市町村長に通知しなければならない。
- (5) A prefectural governor, when the disposition of a matter is determined pursuant to the provisions of the preceding paragraph, pertaining to a Designated Community-based Service Provider, Designated Provider of Community-Based Service for Preventive Long-Term Care, and Designated Provider of Support for Prevention of Long-Term Care, must provide notification of such fact to the mayor of the Municipality that provided appointment as service provider to said Designated Community-Based Service Provider, Designated Provider of Community-Based Service for Preventive Long-Term Care, or Designated Provider of Support for Prevention of Long-Term Care.
- 6 都道府県知事は、指定居宅サービス事業者、指定居宅介護支援事業者若しくは指定介護予防サービス事業者又は指定介護老人福祉施設、介護老人保健施設若しくは指定介護療養型医療施設の開設者が第四項の規定による命令に従わないときは、当該指定居宅サービス事業者、指定居宅介護支援事業者、指定介護予防サービス事業者、指定介護老人福祉施設若しくは指定介護療養型医療施設の指定若しくは介護老人保健施設の許可を取り消し、又は期間を定めてその指定若しくは許可の全部若しくは一部の効力を停止することができる。
- (6) A prefectural governor, when institution personnel of a Designated In-Home Service Provider, Designated In-Home Long-Term Care Support Provider, Designated Provider of Preventive Long-Term Care Service, Designated

Facility Covered by Public Aid Providing Long-Term Care to the Elderly, Long-Term Care Health Facility, or Designated Medical Long-Term Care Sanatorium do not act in compliance with an order pursuant to the provisions of paragraph (4), may rescind the appointment as service provider of said Designated In-Home Service Provider, Designated In-Home Long-Term Care Support Provider, Designated Provider of Preventive Long-Term Care Service, Designated Facility Covered by Public Aid Providing Long-Term Care to the Elderly, and Designated Medical Long-Term Care Sanatorium or an approval for a Long-Term Care Health Facility, or suspend the whole or a part of the effect of said appointment as service provider or approval within the period specified by a due date.

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

- (7) A prefectural governor, in a case when a Designated Community-Based Service Provider, Designated Provider of Community-Based Preventive Service for Long-Term Care, or Designated Provider of Support for Prevention of Long-Term Care does not act in compliance with an order pursuant to the provisions of paragraph (4), rescind appointment as service provider of said Designated Community-Based Service Provider, Designated Provider of Community-Based Preventive Service for Long-Term Care, or Designated Provider of Support for Prevention of Long-Term Care, or when he or she determines appropriate, suspend the whole or a part of its effect within the period specified by a due date, and must provide notification of said effect indicating said reasons to the mayor of the Municipality that provided said appointment as service provider.

(指定調査機関の指定)

(Appointment of Designated Investigative Agency)

第百十五条の三十 都道府県知事は、その指定する者（以下「指定調査機関」という。）に、前条第二項の調査の実施に関する事務（以下「調査事務」という。）を行わせることができる。

Article 115-30 (1) A prefectural governor may assign a person that the prefectural governor appoints (hereinafter referred to as "Designated Investigative Agency") to conduct affairs pertaining to an investigation as set forth in paragraph (2) of the preceding Article (hereinafter referred to as "Investigation Affairs").

- 2 前項の指定は、都道府県の区域ごとに、その指定を受けようとする者の申請により、当該都道府県知事が行う。

(2) Appointment as service provider as set forth in the preceding paragraph is to be provided by said prefectural governor in each prefecture, by application of a person that intends to obtain said appointment as service provider.

3 都道府県は、地方自治法第二百二十七条の規定に基づき調査事務に係る手数料を徴収する場合には、第一項の規定により指定調査機関が行う前条第二項の調査を受けようとする者に、条例で定めるところにより、当該手数料を当該指定調査機関に納めさせ、その収入とすることができる。

(3) A prefecture, in a case when collection fees pertaining to Investigation Affairs based on the provisions of Article 227 of the Local Autonomy Act, may have said person that accepts the investigation as set forth in paragraph (2) in the preceding Article provided by a Designated Investigative Agency pursuant to the provisions of paragraph (1) pay said fee to said Designated Investigative Agency pursuant to the provisions of a prefectural ordinance and determine said fee as income of said Designated Investigative Agency.

(調査員)

(Investigator)

第百十五条の三十一 指定調査機関は、調査事務を行うときは、厚生労働省令で定める方法に従い、調査員に調査事務を実施させなければならない。

Article 115-31 (1) A Designated Investigative Agency, when implementing Investigation Affairs, act in compliance with the method as determined by Order of the Ministry of Health, Labour, and Welfare and assign investigator to Investigation Affairs.

2 調査員は、調査事務に関する専門的知識及び技術を有するものとして政令で定める要件を備える者のうちから選任しなければならない。

(2) Investigator must be selected from those who possess expert knowledge and skill concerning Investigation Affairs and meet the requirements provided by a Cabinet Order.

(秘密保持義務等)

(Confidentiality Obligations)

第百十五条の三十二 指定調査機関（その者が法人である場合にあっては、その役員。次項において同じ。）若しくはその職員（調査員を含む。同項において同じ。）又はこれらの職にあった者は、調査事務に関して知り得た秘密を漏らしてはならない。

Article 115-32 (1) A Designated Investigative Agency (in a case when said person is a juridical person, said Officer; the same applies in the following paragraph), said personnel, or a person that was in these occupation must not divulge any confidential information that said person learned concerning Investigation Affairs.

2 指定調査機関及びその職員で調査事務に従事する者は、刑法その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) A Designated Investigative Agency and said personnel who engage in Investigation Affairs is deemed as personnel that engages in public service pursuant to the provisions of laws and regulations with regard to application of the Penal Code and other penal provisions.

(帳簿の備付け等)

(Maintenance of Books)

第百十五条の三十三 指定調査機関は、厚生労働省令で定めるところにより、調査事務に関する事項で厚生労働省令で定めるものを記載した帳簿を備え、保存しなければならない。

Article 115-33 A Designated Investigative Agency, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, must keep and maintain books where matters concerning Investigation Affairs and as determined by Order of the Ministry of Health, Labour, and Welfare are recorded.

(報告等)

(Reporting)

第百十五条の三十四 都道府県知事は、調査事務の公正かつ適確な実施を確保するため必要があると認めるときは、指定調査機関に対し、調査事務に関し必要な報告を求め、又は当該職員に関係者に対して質問させ、若しくは指定調査機関の事務所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 115-34 (1) A prefectural governor, when it is determined to be necessary for ensuring fair and appropriate conduct of Investigation Affairs, may request a Designated Investigative Agency to report concerning Investigation Affairs, direct personnel to ask questions to a relevant person, or enter the Business Office of said Designated Investigative Agency in order to inspect said facilities, record books and documents, or other items.

2 第二十四条第三項の規定は前項の規定による質問又は検査について、同条第四項の規定は前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions and inspections pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(業務の休廃止等)

(Suspension and Abolition of Business)

第百十五条の三十五 指定調査機関は、都道府県知事の許可を受けなければ、調査事務の全部又は一部を休止し、又は廃止してはならない。

Article 115-35 A Designated Investigative Agency shall not suspend or abolish the whole or a part of Investigation Affairs without obtaining approval from

prefectural governor.

(指定情報公表センターの指定)

(Appointment of Designated Public Information Center)

第百十五条の三十六 都道府県知事は、その指定する者（以下「指定情報公表センター」という。）に、介護サービス情報の報告の受理及び公表並びに指定調査機関の指定に関する事務で厚生労働省令で定めるもの（以下「情報公表事務」という。）の全部又は一部を行わせることができる。

Article 115-36 (1) A prefectural governor may appoint a person (hereinafter referred to as "Designated Public Information Center") the whole or a part of those Investigation Affairs, as determined by Order of the Ministry of Health, Labour, and Welfare, concerning acceptance of reports of Long-Term Care Service information and appointment as service provider as a Designated Investigative Agency (hereinafter referred to as "Public Information Business Office").

2 前項の指定は、都道府県の区域ごとに、その指定を受けようとする者の申請により、当該都道府県知事が行う。

(2) Appointment as service provider as set forth in the preceding paragraph is provided in each prefectural area, by an application of a person that intends to obtain said appointment as service provider, by the governor of said prefecture.

3 第百十五条の三十第三項及び第百十五条の三十二から前条までの規定は、指定情報公表センターについて準用する。この場合において、これらの規定中「調査事務」とあるのは「情報公表事務」と、「指定調査機関」とあるのは「指定情報公表センター」と、「職員（調査員を含む。同項において同じ。）」とあるのは「職員」と読み替えるものとするほか、必要な技術的読替えは、政令で定める。

(3) The provisions of Article 115-30, paragraph (3) and Article 115-32 to the preceding Article apply mutatis mutandis to a Designated Public Information Center. In this case, the terms "Investigation Affairs," "Designated Investigative Agency," and "personnel (including an investigator; the same applies in the same paragraph)" in these provisions are deemed to be replaced with "Public Information Business Office," "Designated Public Information Center," and "personnel" respectively, and the necessary technical replacement of terms is provided by a Cabinet Order.

(政令への委任)

(Delegation to a Cabinet Order)

第百十五条の三十七 この節に定めるもののほか、指定調査機関及び指定情報公表センターに関し必要な事項は、政令で定める。

Article 115-37 In addition to those matters provided in this Section, other necessary matters concerning a Designated Investigative Agency and Designated Public Information Center are provided by a Cabinet Order.

第六章 地域支援事業等

Chapter VI Community Support Projects

(地域支援事業)

(Community Support Projects)

第百十五条の三十八 市町村は、被保険者が要介護状態等となることを予防するとともに、要介護状態等となった場合においても、可能な限り、地域において自立した日常生活を営むことができるよう支援するため、地域支援事業として、次に掲げる事業を行うものとする。

Article 115-38 (1) A Municipality is to prevent an Insured Person from being in a Condition of Need for Long-Term Care, and implement the following projects as Community Support Projects in order to support said persons to be able to live an independent daily life in each area, as much as possible, although said person becomes in a Condition of Need for Long-Term Care, etc.:

一 被保険者（第一号被保険者に限る。）の要介護状態等となることの予防又は要介護状態等の軽減若しくは悪化の防止のため必要な事業（介護予防サービス事業及び地域密着型介護予防サービス事業を除く。）

(i) a project necessary for preventing an Insured Person (limited to a Primary Insured Person) from becoming in a Condition of Need for Long-Term Care, etc., reduction of a Condition of Need for Long-Term Care, etc., or prevention of deterioration (except for business of Preventive Long-Term Care Service and Community-Based Preventive Long-Term Care Business);

二 被保険者が要介護状態等となることを予防するため、その心身の状況、その置かれている環境その他の状況に応じて、その選択に基づき、前号に掲げる事業その他の適切な事業が包括的かつ効率的に提供されるよう必要な援助を行う事業

(ii) a project to provide necessary assistance for providing businesses listed in the preceding item and other appropriate business comprehensively and effectively, in order to prevent an Insured Person from being in a Condition of Need for Long-Term Care, etc., according to the mental and physical condition, surroundings, and other conditions of said person, and based on a said selection;

三 被保険者の心身の状況、その居宅における生活の実態その他の必要な実情の把握、保健医療、公衆衛生、社会福祉その他の関連施策に関する総合的な情報の提供、関係機関との連絡調整その他の被保険者の保健医療の向上及び福祉の増進を図るための総合的な支援を行う事業

(iii) a project to understand the mental and physical conditions of an Insured Person, the actual living status in his or her home, and other necessary actual conditions, to provide comprehensive information concerning health and medical care, public health, social public aid service and other relevant measures, to coordinate with relevant facilities, and to provide

comprehensive support in order to improve health and medical care of Insured Person and to promote public aid service;

四 被保険者に対する虐待の防止及びその早期発見のための事業その他の被保険者の権利擁護のため必要な援助を行う事業

(iv) a project to provide the necessary assistance for prevention of abuse of an Insured Person, a business for early detection of said abuse and other advocacy for an Insured Person;

五 保健医療及び福祉に関する専門的知識を有する者による被保険者の居宅サービス計画及び施設サービス計画の検証、その心身の状況、介護給付等対象サービスの利用状況その他の状況に関する定期的な協議その他の取組を通じ、当該被保険者が地域において自立した日常生活を営むことができるよう、包括的かつ継続的な支援を行う事業

(v) a project to provide comprehensive and continuous support, through review of the In-Home Service Plan and Facility Service Plan for an Insured Person, said Person's mental and physical condition, use status of services subject to Long-Term Care Benefit and periodical consultation with people possessing expert knowledge concerning health and medical care and public aid, in order for said Insured Person to live said daily life independently in the community.

2 市町村は、前項各号に掲げる事業のほか、地域支援事業として、次に掲げる事業を行うことができる。

(2) A Municipality, in addition to the projects listed in the items of the preceding paragraph, may implement the following projects as Community Support Projects:

一 介護給付等に要する費用の適正化のための事業

(i) a project to appropriate allowances necessary for Long-Term Care Benefit, etc.;

二 介護方法の指導その他の要介護被保険者を現に介護する者の支援のため必要な事業

(ii) a project necessary for supporting the guidance of long-term care method and for supporting personnel that are actually providing care to the Insured Persons Requiring Long-Term Care;

三 その他介護保険事業の運営の安定化及び被保険者の地域における自立した日常生活の支援のため必要な事業

(iii) a project necessary for stabilization of management of Long-Term Care Insurance business and for supporting an Insured Person for an independent daily life in the community.

3 地域支援事業は、当該市町村における介護予防に関する事業の実施状況、介護保険の運営の状況その他の状況を勘案して政令で定める額の範囲内で行うものとする。

(3) A Community Support Project is to be implemented by taking into consideration the current conditions of business concerning Preventive Long-Term Care Service in said Municipality, the business conditions of Long-Term

Care Insurance and other conditions within the scope of amounts provided by a Cabinet Order.

4 市町村は、地域支援事業の利用者に対し、厚生労働省令で定めるところにより、利用料を請求することができる。

(4) A Municipality may request a fee to user of a Community Support Project pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

5 厚生労働大臣は、第一項第一号の規定により市町村が行う事業に関して、その適切かつ有効な実施を図るため必要な指針を公表するものとする。

(5) The Minister of Health, Labour, and Welfare is to provide public notice of guidelines necessary for promoting appropriate and effective implementation of a project implemented by a Municipality pursuant to the provisions of paragraph (1), item (i).

6 前各項に規定するもののほか、地域支援事業の実施に関し必要な事項は、政令で定める。

(6) In addition to the provisions of the items in the preceding paragraph, other necessary matters concerning implementation of a Community Support Project are prescribed by a Cabinet Order.

(地域包括支援センター)

(Community General Support Center)

第百十五条の三十九 地域包括支援センターは、前条第一項第二号から第五号までに掲げる事業（以下「包括的支援事業」という。）その他厚生労働省令で定める事業を実施し、地域住民の心身の健康の保持及び生活の安定のために必要な援助を行うことにより、その保健医療の向上及び福祉の増進を包括的に支援することを目的とする施設とする。

Article 115-39 (1) A community general support center aims to provide comprehensive support for improvement of health and medical care and promotion of the public of local residents through implementation of projects listed in paragraph (1), item (ii) to item (v) of the preceding paragraph (hereinafter "Comprehensive Support Project") and other projects as determined by Order of the Ministry of Health, Labour, and Welfare, and provide assistance necessary for maintaining mental and physical health and for stabilization of the lives of local residents.

2 市町村は、地域包括支援センターを設置することができる。

(2) A Municipality may establish a community general support center.

3 次条第一項の委託を受けた者は、包括的支援事業その他第一項の厚生労働省令で定める事業を実施するため、厚生労働省令で定めるところにより、あらかじめ、厚生労働省令で定める事項を市町村長に届け出て、地域包括支援センターを設置することができる。

(3) A person that is entrusted with the implementation of a project as set forth in

paragraph (1) of the following Article, may provide notice of matters as determined by Order of the Ministry of Health, Labour, and Welfare to the mayor of the Municipality in advance and establish a community general support center pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, in order to implement a Comprehensive Support Project and other projects as determined by Order of the Ministry of Health, Labour, and Welfare as set forth in paragraph (1).

4 地域包括支援センターの設置者は、包括的支援事業を実施するために必要なものとして厚生労働省令で定める基準を遵守しなければならない。

(4) Institution personnel of a community general support center must comply with standards as determined by Order of the Ministry of Health, Labour, and Welfare as necessary for the implementation of a Comprehensive Support Project.

5 地域包括支援センターの設置者（設置者が法人である場合にあつては、その役員）若しくはその職員又はこれらの職にあつた者は、正当な理由なしに、その業務に関して知り得た秘密を漏らしてはならない。

(5) Institution personnel of a community general support center (in a case when the institution personnel refers to a juridical person, said Officers) or the personnel or a person that were in said occupation must not divulge any confidential information that said person learned concerning said business without justifiable reasons.

6 第六十九条の十四の規定は、地域包括支援センターについて準用する。この場合において、同条の規定に関し必要な技術的読替は、政令で定める。

(6) The provisions of Article 69-14 apply mutatis mutandis to a community general support center. In this case, the necessary technical replacement of terms is provided by a Cabinet Order.

7 前各項に規定するもののほか、地域包括支援センターに関し必要な事項は、政令で定める。

(7) In addition to the provisions as prescribed in each of the preceding paragraph, other necessary matters concerning a community general support center are prescribed by a Cabinet Order.

(実施の委託)

(Entrustment of Implementation)

第百十五条の四十 市町村は、老人福祉法第二十条の七の二第一項に規定する老人介護支援センターの設置者その他の厚生労働省令で定める者に対し、包括的支援事業の実施を委託することができる。

Article 115-40 (1) A Municipality may entrust implementation of a Comprehensive Support Project to the institution personnel of a Long-Term Care Support Center as prescribed in Article 20-7, paragraph (1) of the Act on Social Welfare for the Elderly and other persons as determined by Order of the

Ministry of Health, Labour, and Welfare.

2 前項の規定による委託は、包括的支援事業のすべてにつき一括して行わなければならない。

(2) Entrustment pursuant to the provisions of the preceding paragraph must be implemented for all Comprehensive Support Projects collectively.

3 前条第五項の規定は、第一項の委託を受けた者について準用する。

(3) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to a person that accepted an entrustment as set forth in paragraph (1).

4 市町村は、第百十五条の三十八第一項第一号及び第二項各号に掲げる事業の全部又は一部について、老人福祉法第二十条の七の二第一項に規定する老人介護支援センターの設置者その他の当該市町村が適当と認める者に対し、その実施を委託することができる。

(4) A Municipality may entrust implementation of the whole or a part of project listed in Article 115-38, paragraph (1), item (i) and each item listed in paragraph (2) to the institution personnel of a Long-Term Care Support Center as prescribed in Article 20-7, paragraph (1) of the Act on Social Welfare for the Elderly and other person that said Municipality determines appropriate.

(保健福祉事業)

(Health Care and Public Aid Projects)

第百十五条の四十一 市町村は、地域支援事業のほか、要介護被保険者を現に介護する者の支援のために必要な事業、被保険者が要介護状態等となることを予防するために必要な事業、指定居宅サービス及び指定居宅介護支援の事業並びに介護保険施設の運営その他の保険給付のために必要な事業、被保険者が利用する介護給付等対象サービスのための費用に係る資金の貸付けその他の必要な事業を行うことができる。

Article 115-41 A Municipality may implement, in addition to Community Support Projects, a project necessary for supporting a person that actually provides care for an Insured Person Requiring Long-Term Care, a project necessary for preventing an Insured Person from being in a Condition of Need for Long-Term Care, etc., a project of Designated In-Home Service or Designated In-Home Long-Term Care Support, a project necessary for management of a Facility Covered by Long-Term Care Insurance and other Insurance Benefits, a project necessary for the loan of funds for Services Subject to Long-Term Care Benefits, etc., that an Insured Person utilizes, and other projects.

第七章 介護保険事業計画

Chapter VII Insured Long-Term Care Service Plans

(基本指針)

(Basic Guidelines)

第百十六条 厚生労働大臣は、介護保険事業に係る保険給付の円滑な実施を確保するための基本的な指針（以下「基本指針」という。）を定めるものとする。

Article 116 (1) The Minister of Health, Labour, and Welfare is to provide basic guidelines for ensuring the efficient implementation of Insurance Benefits pertaining to Long-Term Care Projects Covered by Insurance (hereinafter referred to as "Basic Guidelines").

2 基本指針においては、次に掲げる事項について定めるものとする。

(2) Basic Guidelines are to provide matters as listed in the following:

一 介護給付等対象サービスを提供する体制の確保及び地域支援事業の実施に関する基本的事項

(i) basic matters for ensuring a system to provide Services Subject to Long-Term Care Benefits, etc., and concerning implementation of a Community Support Project;

二 次条第一項に規定する市町村介護保険事業計画において同条第二項第一号の介護給付等対象サービスの種類ごとの量の見込みを定めるに当たって参酌すべき標準その他当該市町村介護保険事業計画及び第百十八条第一項に規定する都道府県介護保険事業支援計画の作成に関する事項

(ii) for matters that concern the Municipal Insured Long-Term Care Service Plan as set forth in paragraph (1) of the following Article, standards to be considered when determining the prospective service amounts by type of Service Covered by Long-Term Care Benefits, etc., as set forth in paragraph (2), item (i) of the same Article, and matters concerning preparation of a Prefectural Insured Long-Term Care Service Plan as set forth in Article 118, paragraph (1);

三 その他介護保険事業に係る保険給付の円滑な実施を確保するために必要な事項

(iii) matters necessary for ensuring the efficient implementation of Insurance Benefits pertaining to an Insured Long-Term Care Project.

3 厚生労働大臣は、基本指針を定め、又はこれを変更するに当たっては、あらかじめ、総務大臣その他関係行政機関の長に協議しなければならない。

(3) The Minister of Health, Labour, and Welfare must provide Basic Guidelines, and when changing said guidelines, must consult with the Minister of Public Management, Home Affairs, Posts and Telecommunications and other chairpersons of related administrative organizations.

4 厚生労働大臣は、基本指針を定め、又はこれを変更したときは、遅滞なく、これを公表しなければならない。

(4) The Minister of Health, Labour, and Welfare must provide Basic Guidelines and when providing said Guidelines, provide public notice of said Guidelines without delay.

(市町村介護保険事業計画)

(Municipal Insured Long-Term Care Service Plan)

第百十七条 市町村は、基本指針に即して、三年を一期とする当該市町村が行う介護保険事業に係る保険給付の円滑な実施に関する計画（以下「市町村介護保険事業計画」という。）を定めるものとする。

Article 117 (1) A Municipality, for Basic Guidelines, provide a plan concerning the efficient implementation of Insurance Benefits pertaining to an Insured Long-Term Care Project that is implemented by said Municipality by specifying three years as one project term (hereinafter referred to as "Municipal Insured Long-Term Care Service Plan").

2 市町村介護保険事業計画においては、次に掲げる事項を定めるものとする。

(2) A Municipal Insured Long-Term Care Service Plan is to provide the matters listed as follows:

一 当該市町村が、その住民が日常生活を営んでいる地域として、地理的条件、人口、交通事情その他の社会的条件、介護給付等対象サービスを提供するための施設の整備の状況その他の条件を総合的に勘案して定める区域ごとの当該区域における各年度の認知症対応型共同生活介護、地域密着型特定施設入居者生活介護及び地域密着型介護老人福祉施設入所者生活介護に係る必要利用定員総数その他の介護給付等対象サービスの種類ごとの量の見込み並びにその見込量の確保のための方策

(i) the total of the necessary fixed number of persons that utilize Communal Daily Long-Term Care for A Dementia Patient, Daily Life Long-Term Care for A Person Admitted to A Community-Based Specified Facility, and Admission to A Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid, said prospective numbers by type of Service Covered by Long-Term Care Benefits, etc., and measures to secure said prospective numbers for each fiscal year by each area that is specified by said Municipality by comprehensively taking into consideration geographical conditions, population, transportation, other social conditions, status of facility conditions for providing Service Covered by Long-Term Care Benefits, etc., and other conditions within the area where said residents live their daily life;

二 各年度における地域支援事業に要する費用の額並びに地域支援事業の量の見込み及びその見込量の確保のための方策

(ii) amount of cost necessary for a Community Support Project, prospective quantities of a Community Support Project, and measures for ensuring said prospective quantities;

三 指定居宅サービスの事業、指定地域密着型サービスの事業又は指定居宅介護支援の事業を行う者相互間の連携の確保に関する事業その他の介護給付等対象サービス（介護給付に係るものに限る。）の円滑な提供を図るための事業に関する事項

(iii) matters concerning a project for ensuring cooperation among organizations that are a Designated In-Home Service Provider, Designated Community-Based Service Provider, and Designated In-Home Long-Term Care Support

Provider and concerning other projects for promoting the efficient provision of Service Covered by Long-Term Care Benefits, etc., (limited to those pertaining to Long-Term Care Benefits);

四 指定介護予防サービスの事業、指定地域密着型介護予防サービスの事業又は指定介護予防支援の事業を行う者相互間の連携の確保に関する事業その他の介護給付等対象サービス（予防給付に係るものに限る。）の円滑な提供及び地域支援事業の円滑な実施を図るための事業に関する事項

(iv) matters concerning a project for ensuring cooperation among organizations that are a Designated Provider of Preventive Long-Term Care Service, Designated Provider of Community-Based Service for Preventive Long-Term Care, and Designated Provider of Support for Prevention of Long-Term Care and other projects for promoting the efficient provision of Service Covered by Long-Term Care Benefits, etc., (limited to those pertaining to Prevention Benefits) and efficient implementation of a Community Support Project;

五 その他介護保険事業に係る保険給付の円滑な実施を図るために市町村が必要と認める事項

(v) matters that a Municipality determines are necessary for promoting efficient implementation of Insurance Benefits pertaining to an Insured Long-Term Care Project.

3 市町村介護保険事業計画は、当該市町村の区域における要介護者等の人数、要介護者等の介護給付等対象サービスの利用に関する意向その他の事情を勘案して作成されなければならない。

(3) A Municipal Insured Long-Term Care Service Plan must be prepared by taking into consideration the number of Insured Persons Requiring Long-Term Care, etc., in the area of said Municipality, the intentions of a Person Requiring Long-Term Care concerning use of the Service Covered by Long-Term Care Benefits, etc., and other conditions.

4 市町村介護保険事業計画は、老人福祉法第二十条の八第一項に規定する市町村老人福祉計画及び老人保健法（昭和五十七年法律第八十号）第四十六条の十八第一項に規定する市町村老人保健計画と一体のものとして作成されなければならない。

(4) A Municipal Insured Long-Term Care Service Plan must be prepared in conjunction with a Municipal Welfare Plan for the Elderly as prescribed in Article 20-8, paragraph (1) of the Act on Social Welfare for the Elderly and a Municipal Health Plan for the Elderly as prescribed in Article 46-18, paragraph (1) of the Health and Medical Services Act for the Aged (Act No. 80 of 1982).

5 市町村介護保険事業計画は、社会福祉法第七十条に規定する市町村地域福祉計画その他の法律の規定による計画であって要介護者等の保健、医療又は福祉に関する事項を定めるものと調和が保たれたものでなければならない。

(5) A Municipal Insured Long-Term Care Service Plan must maintain harmony and balance with a Municipal Community Welfare Plan as prescribed in Article

107 of the Social Welfare Act and plans pursuant to the provisions of other Acts, and those that provide matters concerning health, medical care, or welfare of an Insured Person Requiring Long-Term Care, etc.

6 市町村は、市町村介護保険事業計画を定め、又は変更しようとするときは、あらかじめ、被保険者の意見を反映させるために必要な措置を講ずるものとする。

(6) A Municipality, when providing or changing a Municipal Insured Long-Term Care Service Plan, is to undertake the necessary measures in advance in order to reflect the opinions of Insured Persons.

7 市町村は、市町村介護保険事業計画を定め、又は変更しようとするときは、あらかじめ、都道府県の意見を聴かなければならない。

(7) A Municipality, when providing or changing a Municipal Insured Long-Term Care Service Plan, must hear opinions of the prefecture in advance.

8 市町村は、市町村介護保険事業計画を定め、又は変更したときは、遅滞なく、これを都道府県知事に提出しなければならない。

(8) A Municipality, when providing or changing a Municipal Insured Long-Term Care Service Plan, must submit said Plan to the prefectural governor without delay.

(都道府県介護保険事業支援計画)

(Prefectural Insured Long-Term Care Service Plan)

第百十八条 都道府県は、基本指針に即して、三年を一期とする介護保険事業に係る保険給付の円滑な実施の支援に関する計画（以下「都道府県介護保険事業支援計画」という。）を定めるものとする。

Article 118 (1) A prefecture, with regard to Basic Guidelines, is to provide a plan concerning efficient implementation of Insurance Benefits pertaining to an Insured Long-Term Care Project by specifying three years as one term (hereinafter referred to as "Prefectural Insured Long-Term Care Service Plan").

2 都道府県介護保険事業支援計画においては、次に掲げる事項を定めるものとする。

(2) A Prefectural Insured Long-Term Care Service Plan is to provide the matters listed as follows:

一 当該都道府県が定める区域ごとに当該区域における各年度の介護専用型特定施設入居者生活介護、地域密着型特定施設入居者生活介護及び地域密着型介護老人福祉施設入所者生活介護に係る必要利用定員総数、介護保険施設の種類ごとの必要入所定員総数（指定介護療養型医療施設にあつては、当該指定介護療養型医療施設の療養病床等に係る必要入所定員総数）その他の介護給付等対象サービスの量の見込み

(i) the total necessary capacity of persons to utilize Daily Life Care of A Patient Admitted to A Specialized Long-Term Care Specified Facility, Daily Life Long-Term Care for A Person Admitted to A Community-Based Specified Facility, and Admission to A Community-Based Facility for Preventive Daily Long-Term Care of the Elderly Covered by Public Aid in each fiscal year by each area provided by said prefecture, the total necessary capacity of persons

- that may be admitted to a facility by type of Facility Covered by Long-Term Care Insurance (with regard to a Designated Medical Long-Term Care Sanatorium, the total necessary capacity of persons for admission to a facility pertaining to Sanatorium Ward, etc., of said Designated Medical Long-Term Care Sanatorium) and prospective quantity of other Service Covered by Long-Term Care Benefits, etc.;
- 二 介護保険施設その他の介護給付等対象サービスを提供するための施設における生活環境の改善を図るための事業に関する事項
- (ii) matters concerning a project to promote improvement of the living environment at a Facility Covered by Long-Term Care Insurance and other facilities that are to provide Service Covered by Long-Term Care Benefits, etc.;
- 三 介護サービス情報の公表に関する事項
- (iii) matters concerning publication of Long-Term Care Service information;
- 四 介護支援専門員その他の介護給付等対象サービス及び地域支援事業に従事する者の確保又は資質の向上に資する事業に関する事項
- (iv) matters concerning a Long-Term Care Support Specialist and other Service Covered by Long-Term Care Benefits, etc., ensuring adequate personnel qualified to engage in Community Support Projects, and business contributing to the improvement of quality;
- 五 介護保険施設相互間の連携の確保に関する事業その他の介護給付等対象サービスの円滑な提供を図るための事業に関する事項
- (v) matters concerning a project ensuring cooperation among organizations that are a Facility Covered by Long-Term Care Insurance and other projects for promoting the efficient provision of Service Covered by Long-Term Care Benefits, etc.;
- 六 その他介護保険事業に係る保険給付の円滑な実施を支援するために都道府県が必要と認める事項
- (vi) other matters that a prefecture determines necessary for supporting efficient implementation of Insurance Benefits pertaining to Long-Term Care Projects Covered by Insurance.
- 3 都道府県介護保険事業支援計画においては、前項各号に掲げる事項のほか、同項第一号の規定により当該都道府県が定める区域ごとに当該区域における各年度の混合型特定施設入居者生活介護に係る必要利用定員総数を定めることができる。
- (3) A Prefectural Insured Long-Term Care Service Plan, in addition to matters listed in each item of the preceding paragraph, may provide the total necessary capacity of persons who utilize Daily Life Activities of A Long-Term Care Patient Admitted to A Combined Specified Facility in each fiscal year by area specified by said prefecture pursuant to the provisions of item (i) of the same paragraph;
- 4 都道府県介護保険事業支援計画は、老人福祉法第二十条の九第一項に規定する都道

府県老人福祉計画及び老人保健法第四十六条の十九第一項に規定する都道府県老人保健計画と一体のものとして作成されなければならない。

(4) A Prefectural Insured Long-Term Care Service Plan must be prepared in conjunction with a Prefectural Welfare Plan for Elderly as prescribed in Article 20-9, paragraph (1) of the Act on Social Welfare for the Elderly and Prefectural Health Plan for Elderly as prescribed in Article 46-19, paragraph (1) of Health and Medical Services Act for the Aged.

5 都道府県介護保険事業支援計画は、医療法第三十条の四第一項に規定する医療計画、社会福祉法第百八条に規定する都道府県地域福祉支援計画その他の法律の規定による計画であって要介護者等の保健、医療又は福祉に関する事項を定めるものと調和が保たれたものでなければならない。

(5) A Prefectural Insured Long-Term Care Service Plan must maintain a harmonious balance with a medical care plan as prescribed in Article 30-4, paragraph (1) of the Medical Care Act, a Prefectural Community Welfare Support Plan as prescribed in Article 108 of Social Welfare Act and plan pursuant to the provisions of other Acts and those provides matters concerning health, medical care, and welfare of an Insured Person Requiring Long-Term Care, etc.

6 都道府県は、都道府県介護保険事業支援計画を定め、又は変更したときは、遅滞なく、これを厚生労働大臣に提出しなければならない。

(6) A prefecture, when providing or changing a Prefectural Insured Long-Term Care Service Plan, submit said plan to the Minister of Health, Labour, and Welfare without delay.

(都道府県知事の助言等)

(Advice of a Prefectural Governor)

第百十九条 都道府県知事は、市町村に対し、市町村介護保険事業計画の作成上の技術的事項について必要な助言をすることができる。

Article 119 (1) A prefectural governor may provide necessary advice to a Municipality regarding technical matters for preparation of a Municipal Insured Long-Term Care Service Plan.

2 厚生労働大臣は、都道府県に対し、都道府県介護保険事業支援計画の作成の手法その他都道府県介護保険事業支援計画の作成上重要な技術的事項について必要な助言をすることができる。

(2) The Minister of Health, Labour, and Welfare may provide necessary advice to a prefecture regarding technical matters for preparation of a Prefectural Insured Long-Term Care Service Plan.

(国の援助)

(Assistance of the National Government)

第百二十条 国は、市町村又は都道府県が、市町村介護保険事業計画又は都道府県介護

保険事業支援計画に定められた事業を実施しようとするときは、当該事業が円滑に実施されるように必要な情報の提供、助言その他の援助の実施に努めるものとする。

Article 120 The national government, when a Municipality or a prefecture intends to implement projects as prescribed in a Municipal Insured Long-Term Care Service Plan or a Prefectural Insured Long-Term Care Service Plan, must endeavor to provide necessary information, advice, and other assistance for the efficient implementation of said projects.

第八章 費用等

Chapter VIII Expenses

第一節 費用の負担

Section 1 Imposition of Expenses

(国の負担)

(Costs Imposed upon the National Government)

第二百一十一条 国は、政令で定めるところにより、市町村に対し、介護給付及び予防給付に要する費用の額について、次の各号に掲げる費用の区分に応じ、当該各号に定める割合に相当する額を負担する。

Article 121 (1) The national government, pursuant to the provisions of a Cabinet Order, is subject to defray the costs incurred by a Municipality for the amount equivalent to the percentage as prescribed in each of the following items for the amount of expenses necessary for Long-Term Care Benefits and Prevention Benefits, according to the categories of allowance listed in said items:

一 介護給付（次号に掲げるものを除く。）及び予防給付（同号に掲げるものを除く。）に要する費用 百分の二十

(i) costs necessary for Long-Term Care Benefits (except for those listed in the following item) and Prevention Benefits (except for those listed in the same item): 20 percent of the necessary costs;

二 介護給付（介護保険施設及び特定施設入居者生活介護に係るものに限る。）及び予防給付（介護予防特定施設入居者生活介護に係るものに限る。）に要する費用 百分の十五

(ii) costs necessary for Long-Term Care Benefits (limited to those pertaining to a Facility Covered by Long-Term Care Insurance and Daily Life Long-Term Care for A Person Admitted to A Community-Based Specified Facility) and Prevention Benefits (limited to those pertaining to Daily Preventive Long-Term Care Admitted to A Specified Facility): 15 percent of the necessary costs.

2 第四十三条第三項、第四十四条第六項、第四十五条第六項、第五十五条第三項、第五十六条第六項又は第五十七条第六項の規定に基づき条例を定めている市町村に対する前項の規定の適用については、同項に規定する介護給付及び予防給付に要する費用の額は、当該条例による措置が講ぜられないものとして、政令で定めるところにより

算定した当該介護給付及び予防給付に要する費用の額に相当する額とする。

- (2) With regard to application of the provisions of the preceding paragraph to a Municipality that provides Order based on the provisions of Article 43, paragraph (3), Article 44, paragraph (6), Article 45, paragraph (6), Article 55, paragraph (3), Article 56, paragraph (6), or Article 57, paragraph (6), measures pursuant to the provisions of said ordinance are not implemented to those amount of costs necessary for Long-Term Care Benefits and Prevention Benefits as prescribed in the same paragraph, and said amount of costs are equivalent to the amount of expenses necessary for said Long-Term Care Benefit and Prevention Benefit, which are calculated pursuant to the provisions of a Cabinet Order;

(調整交付金等)

(Adjusting Subsidies)

第百二十二条 国は、介護保険の財政の調整を行うため、第一号被保険者の年齢階級別の分布状況、第一号被保険者の所得の分布状況等を考慮して、政令で定めるところにより、市町村に対して調整交付金を交付する。

Article 122 (1) The national government provides Adjusting Subsidies to a Municipality pursuant to the provisions of a Cabinet Order, in order to adjust the finances of Long-Term Care Insurance by taking into consideration the distribution by age group of Primary Insured Persons, distribution of income of Primary Insured Persons, etc.;

2 前項の規定による調整交付金の総額は、各市町村の前条第一項に規定する介護給付及び予防給付に要する費用の額（同条第二項の規定の適用がある場合にあっては、同項の規定を適用して算定した額。次項において同じ。）の総額の百分の五に相当する額とする。

(2) The total amount of Adjusting Subsidies pursuant to the provisions of the preceding paragraph is to be the amount equivalent to 5 percent of the total amount of costs necessary for Long-Term Care Benefits and Prevention Benefits as prescribed in paragraph (1) of the preceding paragraph for each Municipality (in a case when the provisions of paragraph (2) of the same Article apply, the amount calculated by applying the provisions of the same paragraph; the same applies in the following paragraph).

3 毎年度分として交付すべき調整交付金の総額は、当該年度における各市町村の前条第一項に規定する介護給付及び予防給付に要する費用の額の見込額の総額の百分の五に相当する額に当該年度の前年度以前の年度における調整交付金で、まだ交付していない額を加算し、又は当該前年度以前の年度において交付すべきであった額を超えて交付した額を当該見込額の総額の百分の五に相当する額から減額した額とする。

(3) The total amount of Adjusting Subsidies to be granted as a portion of each fiscal year is to be the amount equivalent to 5 percent of the total prospective amount of costs necessary for Long-Term Care Benefits and Prevention

Benefits as prescribed in paragraph (1) of the preceding paragraph in each Municipality in said fiscal year, plus the amount of Adjusting Subsidies for the fiscal year prior to the year previous to said fiscal year that have not yet been provided, or the amount equivalent to 5 percent of said total prospective amount, minus an amount that is the portion provided that exceeded the amount to be provided in prior fiscal years of the year previous to said fiscal year.

第百二十二条の二 国は、政令で定めるところにより、市町村に対し、地域支援事業（第百十五条の三十八第一項第一号に掲げる事業に限る。以下「介護予防事業」という。）に要する費用の額の百分の二十五に相当する額を交付する。

Article 122-2 (1) The national government, pursuant to the provisions of a Cabinet Order, provides an amount equivalent to 25 percent of costs necessary for a Community Support Project (limited to projects listed in Article 115-38, paragraph (1), item (i); hereinafter referred to as "Long-Term Care Prevention Project") to a Municipality.

2 国は、政令で定めるところにより、市町村に対し、地域支援事業（介護予防事業を除く。）に要する費用の額に、第百二十五条第一項の第二号被保険者負担率に百分の五十を加えた率を乗じて得た額（以下「包括的支援事業等支援額」という。）の百分の五十に相当する額を交付する。

(2) The national government, pursuant to the provisions of a Cabinet Order, grants an amount equivalent to 50 percent of the amount (hereinafter referred to as "Economic Assistance to A Comprehensive Support Business, etc.") that is obtained by multiplying the percentage that is the result of the sum of the cost payment percentage of the Secondary Insured Person group as set forth in Article 125, paragraph (1) and 50 percent, by the amount of expenses necessary for a Community Support Project (except for Long-Term Care Prevention Project) to a Municipality.

（都道府県の負担等）

(Cost Impositions upon a Prefecture)

第百二十三条 都道府県は、政令で定めるところにより、市町村に対し、介護給付及び予防給付に要する費用の額について、次の各号に掲げる費用の区分に応じ、当該各号に定める割合に相当する額を負担する。

Article 123 (1) A prefecture, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, is subject to defray to a Municipality the amount equivalent to the portion as prescribed in each of the following items for the amount of expenses necessary for Long-Term Care Benefits and Prevention Benefits, according to the categories of costs listed in each said item:

一 介護給付（次号に掲げるものを除く。）及び予防給付（同号に掲げるものを除

く。)に要する費用 百分の十二・五

(i) costs necessary for Long-Term Care Benefits (except for those listed in the following item) and Prevention Benefits (except for those listed in the same item): 12.5 percent of the necessary costs;

二 介護給付（介護保険施設及び特定施設入居者生活介護に係るものに限る。）及び予防給付（介護予防特定施設入居者生活介護に係るものに限る。）に要する費用 百分の十七・五

(ii) costs necessary for Long-Term Care Benefits (limited to those pertaining to a Facility Covered by Long-Term Care Insurance and Living Care for the Elderly Admitted to a Special Facility for Preventive Long-Term Care Service) and Prevention Benefits (limited to those pertaining to Daily Preventive Long-Term Care Admitted to A Specified Facility): 17.5 percent of the necessary costs.

2 第二十一条第二項の規定は、前項に規定する介護給付及び予防給付に要する費用の額について準用する。

(2) The provisions of Article 121, paragraph (2) apply mutatis mutandis to the amount of expenses necessary for Long-Term Care Benefits and Prevention Benefits as prescribed in the preceding paragraph.

3 都道府県は、政令で定めるところにより、市町村に対し、介護予防事業に要する費用の額の百分の十二・五に相当する額を交付する。

(3) A prefecture, pursuant to the provisions of a Cabinet Order, provides an amount equivalent to 12.5 percent of the costs necessary for a Long-Term Care Prevention Project to a Municipality;

4 都道府県は、政令で定めるところにより、市町村に対し、包括的支援事業等支援額の百分の二十五に相当する額を交付する。

(4) A prefecture, pursuant to the provisions of a Cabinet Order, subsidize an amount equivalent to 25 percent of Economic Assistance to A Comprehensive Support Business, etc., to a Municipality.

(市町村の一般会計における負担)

(Costs Imposed on the General Fund of a Municipality)

第二百二十四条 市町村は、政令で定めるところにより、その一般会計において、介護給付及び予防給付に要する費用の額の百分の十二・五に相当する額を負担する。

Article 124 (1) A Municipality, pursuant to the provisions of a Cabinet Order, bears an amount equivalent to 12.5 percent of the amount of expenses necessary for Long-Term Care Benefits and Prevention Benefits by said general fund.

2 第二十一条第二項の規定は、前項に規定する介護給付及び予防給付に要する費用の額について準用する。

(2) The provisions of Article 21, paragraph (2) apply mutatis mutandis to the amount of expenses necessary for Long-Term Care Benefits and Prevention

Benefits as prescribed in the preceding paragraph.

3 市町村は、政令で定めるところにより、その一般会計において、介護予防事業に要する費用の額の百分の十二・五に相当する額を負担する。

(3) A Municipality, pursuant to the provisions of a Cabinet Order, bears the cost of the amount equivalent to 12.5 percent of the amount of expenses necessary for Long-Term Care Prevention Project by said general fund.

4 市町村は、政令で定めるところにより、その一般会計において、包括的支援事業等支援額の百分の二十五に相当する額を負担する。

(4) A Municipality, pursuant to the provisions of a Cabinet Order, bears the cost of the amount equivalent to 25 percent of Economic Assistance to A Comprehensive Support Business, etc., by the general fund.

(介護給付費交付金)

(Grant for Long-Term Care Benefit Expenses)

第二百五条 市町村の介護保険に関する特別会計において負担する費用のうち、介護給付及び予防給付に要する費用の額に第二号被保険者負担率を乗じて得た額（以下この章において「医療保険納付対象額」という。）については、政令で定めるところにより、社会保険診療報酬支払基金法（昭和二十三年法律第二百二十九号）による社会保険診療報酬支払基金（以下「支払基金」という。）が市町村に対して交付する介護給付費交付金をもって充てる。

Article 125 (1) With regard to the amount (hereinafter referred to as "Amount Subject to Medical Insurance Premium Payment" in this Chapter) that is obtained by multiplying the payment percentage of the Secondary Insured Person group to the amount of expense necessary for Long-Term Care Benefits and Prevention Benefits among the expenses that are imposed upon a special account pertaining to Municipal Long-Term Care Insurance, pursuant to the provisions of a Cabinet Order, a Grant for Long-Term Care Benefit Expenses that is provided to a Municipality by the Social Insurance Medical Fee Payment Fund (hereinafter referred to as "Payment Fund") pursuant to the provisions of the Social Insurance Medical Fee Payment Fund Act (Act No. 129 of 1948) is to be allocated to said amount.

2 前項の第二号被保険者負担率は、すべての市町村に係る被保険者の見込数の総数に対するすべての市町村に係る第二号被保険者の見込数の総数の割合に二分の一を乗じて得た率を基準として設定するものとし、三年ごとに、当該割合の推移を勘案して政令で定める。

(2) The payment proportion of a Secondary Insured Person group as prescribed in the preceding paragraph is to be established based on the percentage obtained by multiplying 50 percent to the percentage of the total prospective number of Secondary Insured Persons pertaining to all Municipalities to the total prospective number of Insured Persons pertaining to all Municipalities and is to be specified by a Cabinet Order by taking into consideration the changes of

said proportion every three years.

3 第二百十一条第二項の規定は、第一項に規定する介護給付及び予防給付に要する費用の額について準用する。

(3) The provisions of Article 121, paragraph (2) apply mutatis mutandis to the amount of expenses necessary for Long-Term Care Benefits and Prevention Benefits as prescribed in paragraph (1).

4 第一項の介護給付費交付金は、第百五十条第一項の規定により支払基金が徴収する納付金をもって充てる。

(4) The payment that is collected by the Payment Fund pursuant to the provisions of Article 150, paragraph (1) is to be allocated to the Grant for Long-Term Care Benefit Expenses as set forth in paragraph (1).

(地域支援事業支援交付金)

(Grants for Supporting Community Support Projects)

第二百二十六条 市町村の介護保険に関する特別会計において負担する費用のうち、介護予防事業に要する費用の額に前条第一項の第二号被保険者負担率を乗じて得た額（以下この章において「介護予防事業医療保険納付対象額」という。）については、政令で定めるところにより、支払基金が市町村に対して交付する地域支援事業支援交付金をもって充てる。

Article 126 (1) With regard to the amount that is obtained by multiplying the payment proportion of the Secondary Insured Person group as set forth in paragraph (1) of the preceding Article to the amount of expenses necessary for a Long-Term Care Prevention Project among the expenses that are imposed on a special account pertaining to Municipal Long-Term Care Insurance (hereinafter referred to as "Amount Subject to Medical Insurance Premium Payment for Long-Term Care Prevention Project" in this Chapter), pursuant to the provisions of a Cabinet Order, the Grants for Supporting Community Support Projects that the Payment Fund provides to a Municipality, are allocated to said amount.

2 前項の地域支援事業支援交付金は、第百五十条第一項の規定により支払基金が徴収する納付金をもって充てる。

(2) Payments that are collected by the Payment Fund pursuant to the provisions of Article 150, paragraph (1) is to be allocated to Grants for Supporting Community Support Projects as set forth in the preceding paragraph.

(国の補助)

(Assistance by National Government)

第二百二十七条 国は、第二百十一条、第二百二十二条及び第二百二十二条の二に規定するもののほか、予算の範囲内において、介護保険事業に要する費用の一部を補助することができる。

Article 127 The national government, in addition to those items as prescribed in

Article 121, Article 122, and Article 122-2, may assist with a portion of the expenses necessary for an Insured Long-Term Care Project within the budget.

(都道府県の補助)

(Assistance by a Prefecture)

第百二十八条 都道府県は、第百二十三条に規定するもののほか、介護保険事業に要する費用の一部を補助することができる。

Article 128 A prefecture, in addition to those items as prescribed in Article 123, may assist with a portion of the expenses necessary for an Insured Long-Term Care Project.

(保険料)

(Insurance Premiums)

第百二十九条 市町村は、介護保険事業に要する費用（財政安定化基金拠出金の納付に要する費用を含む。）に充てるため、保険料を徴収しなければならない。

Article 129 (1) A Municipality must collect insurance premiums in order to allocate these amounts to the disbursements necessary for an Insured Long-Term Care Project (including the disbursements necessary for payment of a Fiscal Stability Fund contribution).

2 前項の保険料は、第一号被保険者に対し、政令で定める基準に従い条例で定めるところにより算定された保険料率により算定された保険料額によって課する。

(2) Insurance premiums as prescribed in the preceding paragraph are imposed upon a Primary Insured Person with the amount of an insurance premium calculated by the rate of an insurance premium that is calculated pursuant to the provisions of Order in accordance with the standards provided by a Cabinet Order.

3 前項の保険料率は、市町村介護保険事業計画に定める介護給付等対象サービスの見込量等に基づいて算定した保険給付に要する費用の予想額、財政安定化基金拠出金の納付に要する費用の予想額、第百四十七条第一項第二号の規定による都道府県からの借入金の償還に要する費用の予定額並びに地域支援事業及び保健福祉事業に要する費用の予定額、第一号被保険者の所得の分布状況及びその見通し並びに国庫負担等の額等に照らし、おおむね三年を通じ財政の均衡を保つことができるものでなければならない。

(3) The rate of an insurance premium as set forth in the preceding paragraph is to be determined in order to be able to maintain fiscal balance of revenue and expenses approximated through three years in consideration of the estimated amount of disbursements necessary for Insurance Benefits calculated based on the prospective volume, etc., of the Service Covered by Long-Term Care Benefits, etc., as prescribed in a Municipal Insured Long-Term Care Service Plan, the estimated amount of disbursements necessary for payment of a Fiscal Stability Fund contribution, the approximate amount of disbursements

necessary for repayment of borrowings from a prefecture pursuant to the provisions of Article 147, paragraph (1), item (ii), and estimated amount of disbursements necessary for Community Support Projects and Health Care and Welfare Projects, the distribution of income of the Primary Insured Person group and said prospective amount, and the amount of national treasury impositions, etc.

- 4 市町村は、第一項の規定にかかわらず、第二号被保険者からは保険料を徴収しない。
(4) A Municipality, notwithstanding the provisions of paragraph (1), does not collect an insurance premium from a Secondary Insured Person.

(賦課期日)

(Base Date for Assessment)

第百三十条 保険料の賦課期日は、当該年度の初日とする。

Article 130 The base date for assessment of an insurance premium is to be the first date of said fiscal year.

(保険料の徴収の方法)

(Insurance Premium Collection Method)

第百三十一条 第百二十九条の保険料の徴収については、第百三十五条の規定により特別徴収（国民年金法（昭和三十四年法律第四百十一号）による老齢基礎年金その他の同法、厚生年金保険法（昭和二十九年法律第百十五号）、国家公務員共済組合法、地方公務員等共済組合法若しくは私立学校教職員共済法に基づく老齢若しくは退職、障害又は死亡を支給事由とする年金たる給付であって政令で定めるもの及びその他これらの年金たる給付に類する老齢若しくは退職、障害又は死亡を支給事由とする年金たる給付であって政令で定めるもの（以下「老齢等年金給付」という。）の支払をする者（以下「年金保険者」という。）に保険料を徴収させ、かつ、その徴収すべき保険料を納入させることをいう。以下同じ。）の方法による場合を除くほか、普通徴収（市町村が、保険料を課せられた第一号被保険者又は当該第一号被保険者の属する世帯の世帯主若しくは当該第一号被保険者の配偶者（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にある者を含む。以下同じ。）に対し、地方自治法第二百三十一条の規定により納入の通知をすることによって保険料を徴収することをいう。以下同じ。）の方法によらなければならない。

Article 131 With regard to the collection of an insurance premium as set forth in Article 129, except for a case when the insurance premium is collected by a method of special collection (which means having a person (hereinafter referred to as "Pension Insurer") that pays an Old Age Basic Pension pursuant to the provisions of the National Pension Act (Act No. 141 of 1959), other benefits for a pension with the reason of payment, such as old age, retirement, disability, or death that are provided by a Cabinet Order and based on the same Act, Employees Pension Insurance Act (Act No. 115 of 1954), National Public Service Mutual Aid Association Act, Local Public Service Mutual Aid

Association Act, and Private School Personnel Mutual Aid Association Act, and other benefits as a pension with the reason of payment, such as old age, retirement, disability, or death that are similar to those benefits as a pension and are provided by a Cabinet Order (hereinafter referred to as "Old Age, etc., Pension Benefit"), collect insurance premiums and pay to the government said insurance premiums to be collected; the same applies herein) pursuant to the provisions of Article 135, the insurance premium must be by a method of ordinary collection (which means that a Municipality collects an insurance premium by providing notification of the payment pursuant to the provisions of Article 231 of the Local Autonomy Act to a Primary Insured Person that is subject to an insurance premium, the householder of said family where said Primary Insured Person resides, or the spouse of said Primary Insured Person (including a person that has not submitted a notification of marriage, but is under virtually the same circumstances in a marital relationship); the same applies herein).

(普通徴収に係る保険料の納付義務)

(Payment Obligation of an Insurance Premium Pertaining to General Collection)

第百三十二条 第一号被保険者は、市町村がその者の保険料を普通徴収の方法によって徴収しようとする場合においては、当該保険料を納付しなければならない。

Article 132 (1) The Primary Insured Person, when a Municipality intends to collect an insurance premium of said person by the method of general collection, must pay said insurance premium.

2 世帯主は、市町村が当該世帯に属する第一号被保険者の保険料を普通徴収の方法によって徴収しようとする場合において、当該保険料を連帯して納付する義務を負う。

(2) A household, when a Municipality intends to collect an insurance premium of a Primary Insured Person who resides with said family by the method of general collection, is subject to the obligation of payment of said insurance premium jointly and severally.

3 配偶者の一方は、市町村が第一号被保険者たる他方の保険料を普通徴収の方法によって徴収しようとする場合において、当該保険料を連帯して納付する義務を負う。

(3) A spouse, when a Municipality intends to collect an insurance premium of the other spouse who is a Primary Insured Person by the method of general collection, is subject to the obligation of payment of said insurance premium jointly and severally.

(普通徴収に係る保険料の納期)

(Due Date of an Insurance Premium Pertaining to General Collection)

第百三十三条 普通徴収の方法によって徴収する保険料の納期は、当該市町村の条例で定める。

Article 133 The due date of an insurance premium collected by the method of general collection is specified by Order of said Municipality.

(年金保険者の市町村に対する通知)

(Notification of a Pension Insurer to a Municipality)

第百三十四条 年金保険者は、毎年厚生労働省令で定める期日までに、当該年の四月一日現在において当該年金保険者から老齢等年金給付の支払を受けている者であつて六十五歳以上のもの（次に掲げるものを除く。）の氏名、住所その他厚生労働省令で定める事項を、その者が同日現在において住所を有する市町村（第十三条第一項又は第二項の規定によりその者が他の市町村が行う介護保険の第一号被保険者であるときは、当該他の市町村とする。次項（第三号を除く。）から第六項までにおいて同じ。）に通知しなければならない。

Article 134 (1) A Pension Insurer, by the due date as determined by Order of the Ministry of Health, Labour, and Welfare every year, must provide notice of the name, domicile and other matters, as determined by Order of the Ministry of Health, Labour, and Welfare, of a person that has received an Old Age, etc., Pension Benefit from said Pension Insurer as of April 1 of said year and is the age of 65 years or older (except for those persons listed in the following) to the Municipality where said person is domiciled as of the same date (in a case when said person is a Primary Insured Person of Long-Term Care Insurance provided by another Municipality pursuant to the provisions of Article 13, paragraph (1) or paragraph (2), notification of said fact is to be provided to said other Municipality; the same applies from the following item to item (vi) (except for item (iii)):

一 当該年の六月一日から翌年の五月三十一日までの間に支払を受けるべき当該老齢等年金給付の額の総額が、当該年の四月一日の現況において政令で定める額未満である者

(i) a person for whom the total amount of said Old Age, etc., Pension Benefit to be received during the period from June 1 of said year to May 31 of the following year is less than the amount as of April 1 of said year as determined by a Cabinet Order;

二 当該老齢等年金給付を受ける権利を別に法律で定めるところにより担保に供していることその他の厚生労働省令で定める特別の事情を有する者

(ii) a person who has pledged the right to receive said Old Age, etc., Pension Benefit as collateral pursuant to the provisions specified separately by the Act or other special circumstances as determined by Order of the Ministry of Health, Labour, and Welfare.

2 年金保険者は、毎年厚生労働省令で定める期日までに、当該年の四月二日から六月一日までの間に次の各号のいずれかに該当するに至った者（当該年の三月一日から四月一日までの間に第一号に該当するに至った者であつて、当該年の四月一日現在において当該年金保険者から老齢等年金給付の支払を受けていないものを含み、当該年の

八月一日から翌年の五月三十一日までの間に支払を受けるべき当該老齢等年金給付の額の総額を基礎として厚生労働省令で定めるところにより算定した年金額の見込額が、当該年の六月一日の現況において政令で定める額未満である者及び前項第二号に該当する者を除く。)の氏名、住所その他厚生労働省令で定める事項を、その者が当該年の六月一日現在において住所を有する市町村に通知しなければならない。

(2) A Pension Insurer must provide notice of the name, domicile and other circumstances as determined by Order of the Ministry of Health, Labour, and Welfare of a person that is defined by any of the following items from April 2 to June 1 of said year (including a person who is defined by item (i) during the period from March 1 to April 1 of said year that has not yet received the payment of an Old Age, etc., Pension Benefit from said Pension Insurer as of April 1 of said year, and excluding a person whose prospective amount of pension benefit that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the total amount of said Old Age, etc., Pension Benefit to be received during the period from August 1 of said year to May 31 of the following year is less than the amount determined by a Cabinet Order as of June 1 of said year, and a person that corresponds to item (ii) of the preceding paragraph) by the due date as determined by Order of the Ministry of Health, Labour, and Welfare every year to the Municipality where said person is domiciled as of June 1 of said year:

一 老齢等年金給付を受ける権利の裁定を受け、当該年金保険者から当該老齢等年金給付の支払を受けることとなった六十五歳以上の者

(i) a person that has acquired the right to receive payment of said Old Age, etc., Pension Benefit from said Pension Insurer based on a ruling of the right to receive an Old Age, etc., Pension Benefit and is the age of 65 years or older;

二 当該年金保険者から老齢等年金給付の支払を受けている者のうち六十五歳に達したものの(六十五歳以後も引き続き当該老齢等年金給付の受給権を有する者に限る。)

(ii) a person that has become the age of 65 years among those who receive payment of an Old Age, etc., Pension Benefit from said Pension Insurer (limited to a person who has the right to receive said Old Age, etc., Pension Benefit continuously after the age of 65 years);

三 当該年金保険者から老齢等年金給付の支払を受けている者のうち、当該年金保険者に対し市町村の区域を越える住所の変更の届出を行った六十五歳以上のもの

(iii) a person that submitted a notification of change of domicile to outside the area of a Municipality to said Pension Insurer and is the age of 65 years or older among those who receive an Old Age, etc., Pension Benefit from said Pension Insurer.

3 年金保険者は、毎年厚生労働省令で定める期日までに、当該年の六月二日から八月一日までの間に前項各号のいずれかに該当するに至った者(当該年の十月一日から翌年の五月三十一日までの間に支払を受けるべき当該老齢等年金給付の額の総額を基礎

として厚生労働省令で定めるところにより算定した年金額の見込額が、当該年の八月一日の現況において政令で定める額未満である者及び第一項第二号に該当する者を除く。)の氏名、住所その他厚生労働省令で定める事項を、その者が当該年の八月一日現在において住所を有する市町村に通知しなければならない。

(3) A Pension Insurer, by the date specified by Order of the Ministry of Health, Labour, and Welfare must provide notice every year of the name, domicile, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare of a person (except for a person whose prospective amount of pension benefit is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on total amount of said Old Age, etc., Pension Benefit to be received during the period October 1 of said year to May 31 of the following year that is less than the amount specified by a Cabinet Order as of August 1 of said year and a person that corresponds to paragraph (1), item (ii)) who corresponds to any items in the preceding paragraph during the period from June 2 to August 1 of said year to the Municipality where said person is domiciled as of August 1 of said year;

4 年金保険者は、毎年厚生労働省令で定める期日までに、当該年の八月二日から十月一日までの間に第二項各号のいずれかに該当するに至った者（当該年の十二月一日から翌年の五月三十一日までの間に支払を受けるべき当該老齢等年金給付の額の総額を基礎として厚生労働省令で定めるところにより算定した年金額の見込額が、当該年の十月一日の現況において政令で定める額未満である者及び第一項第二号に該当する者を除く。）の氏名、住所その他厚生労働省令で定める事項を、その者が当該年の十月一日現在において住所を有する市町村に通知しなければならない。

(4) A Pension Insurer, by the date specified by Order of the Ministry of Health, Labour, and Welfare must provide notice every year of the name, domicile, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare of a person (except for a person whose prospective amount of pension benefit that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the total amount of said Old Age, etc., Pension Benefit to be received during the period from December 1 of said year to May 31 of the following year is less than the amount provided by a Cabinet Order as of October 1 of said year, and a person that corresponds to paragraph (1), item (ii)) who corresponds to any provision of the items of paragraph (2) during the period from August 2 to October 1 of said year to the Municipality where said person is domiciled as of October 1 of said year.

5 年金保険者は、毎年厚生労働省令で定める期日までに、当該年の前年の十月二日から十二月一日までの間に第二項各号のいずれかに該当するに至った者（当該年の二月一日から五月三十一日までの間に支払を受けるべき当該老齢等年金給付の額の総額を基礎として厚生労働省令で定めるところにより算定した年金額の見込額が、当該年の前年の十二月一日の現況において政令で定める額未満である者及び第一項第二号に該当する者を除く。）の氏名、住所その他厚生労働省令で定める事項を、その者が当該

年の前年の十二月一日現在において住所を有する市町村に通知しなければならない。

(5) A Pension Insurer, by the date specified by Order of the Ministry of Health, Labour, and Welfare must provide notice every year of the name, domicile, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare of a person (except for a person whose prospective amount of pension benefit that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the total amount of said Old Age, etc., Pension Benefit to be received during the period from February 1 to May 31 of said year is less than the amount provided by a Cabinet Order as of December 1 of the previous year of said year, and a person that corresponds to paragraph (1), item (ii)) who corresponds to any provision of the items of paragraph (2) during the period from October 2 to December 1 of the previous year of said year to the Municipality where said person is domiciled as of December 1 of the previous year of said year.

6 年金保険者は、毎年厚生労働省令で定める期日までに、当該年の前年の十二月二日から当該年の二月一日までの間に第二項各号のいずれかに該当するに至った者（当該年の四月一日から五月三十一日までの間に支払を受けるべき当該老齢等年金給付の額の総額を基礎として厚生労働省令で定めるところにより算定した年金額の見込額が、当該年の二月一日の現況において政令で定める額未満である者及び第一項第二号に該当する者を除く。）の氏名、住所その他厚生労働省令で定める事項を、その者が当該年の二月一日現在において住所を有する市町村に通知しなければならない。

(6) A Pension Insurer, by the date specified by Order of the Ministry of Health, Labour, and Welfare must provide notice of every year of the name, domicile, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare of a person (except for a person whose prospective amount of pension benefit that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on the total amount of said Old Age, etc., Pension Benefit to be received during the period from April 1 to May 31 of said year is less than the amount determined by a Cabinet Order as of February 1 of said year, and a person that corresponds to paragraph (1), item (ii)) who corresponds to any items of paragraph (2) during the period from December 2 of the previous year of said year to February 1 of said year to the Municipality where said person is domiciled as of February 1 of said year.

7 年金保険者（社会保険庁長官及び地方公務員共済組合（全国市町村職員共済組合連合会を含む。次項、第百三十六条第三項及び第六項並びに第百三十七条第二項において同じ。）を除く。）は、前各項の規定による通知を行う場合においては、社会保険庁長官の同意を得て、当該年金保険者が行う当該通知の全部を社会保険庁長官を経由して行うことができる。

(7) A Pension Insurer (except for the secretary of a Social Insurance Agency or a Local Public Service Mutual Aid Association (including the National Federation of Mutual Aid Associations for Municipal Personnel; the same

applies in the following paragraphs, Article 136, paragraph (3) and paragraph (6), and Article 137, paragraph (2))), in a case when a notification is issued pursuant to the provisions of the preceding paragraph, may obtain the consent of the secretary of said Social Insurance Agency and issue all of said notifications that are issued by said Pension Insurer, via the secretary of said Social Insurance Agency.

8 地方公務員共済組合は、第一項から第六項までの規定による通知を行う場合においては、地方公務員共済組合連合会を経由して行うものとする。

(8) A Local Public Service Mutual Aid Association, in a case when a notification is issued pursuant to the provisions of paragraph (1) to paragraph (6), is to issue said notification via the Pension Fund Association for Local Government Officials.

9 社会保険庁長官は、第七項の同意をしたときは、当該同意に係る年金保険者（第三十六条において「特定年金保険者」という。）を公示しなければならない。

(9) The secretary of said Social Insurance Agency, when providing consent as set forth in paragraph (7), must issue a public notice of the Pension Insurer pertaining to said consent (hereinafter referred to as "Specified Pension Insurer" in Article 136).

（保険料の特別徴収）

(Special Collection of Insurance Premiums)

第三百三十五条 市町村は、前条第一項の規定による通知が行われた場合においては、当該通知に係る第一号被保険者（災害その他の特別の事情があることにより、特別徴収の方法によって保険料を徴収することが著しく困難であると認めるものを除く。次項及び第三項において同じ。）に対して課する当該年度の保険料の全部（厚生労働省令で定める場合にあつては、その一部）を、特別徴収の方法によって徴収するものとする。ただし、当該通知に係る第一号被保険者が少ないことその他の特別の事情があることにより、特別徴収を行うことが適当でないと認められる市町村においては、特別徴収の方法によらないことができる。

Article 135 (1) A Municipality, in a case when notification is issued pursuant to the provisions of paragraph (1) of the preceding Article, is to collect all of an insurance premium (in a case as determined by Order of the Ministry of Health, Labour, and Welfare, a portion of said insurance premium) of said fiscal year that is imposed upon a Primary Insured Person pertaining to said notification (except a person for whom it is determined significantly difficult to pay the insurance premium by the method of special collection due to disaster or other special circumstances; the same applies in the following paragraph and paragraph (3)) by the method of special collection, however, provided that an insurance premium may not be collected by the method of special collection in a Municipality that is determined inappropriate to implement special collection due to a limited number of Primary Insured Persons pertaining to said

notification or other special circumstances.

2 市町村（前項ただし書に規定する市町村を除く。次項において同じ。）は、前条第二項又は第三項の規定による通知が行われた場合においては、当該通知に係る第一号被保険者に対して課する当該年度の保険料の一部を、特別徴収の方法によって徴収することができる。

(2) A Municipality (except for a Municipality as prescribed in the proviso of the preceding paragraph; the same applies in the following paragraph), in a case when notification is issued pursuant to the provisions of paragraph (2) or paragraph (3) of the preceding Article, may collect a portion of an insurance premium of said fiscal year that is imposed upon a Primary Insured Person pertaining to said notification by the method of special collection.

3 市町村は、前条第二項若しくは第三項の規定による通知が行われた場合（前項の規定により当該通知に係る第一号被保険者に対して課する当該年度の保険料の一部を特別徴収の方法によって徴収する場合を除く。）又は同条第四項から第六項までの規定による通知が行われた場合において、当該通知に係る第一号被保険者について、翌年度の初日から九月三十日までの間において当該通知に係る老齢等年金給付が支払われるときは、その支払に係る保険料額として、支払回数割保険料額の見込額（当該額によることが適当でないと認められる特別な事情がある場合においては、所得の状況その他の事情を勘案して市町村が定める額とする。）を、厚生労働省令で定めるところにより、特別徴収の方法によって徴収するものとする。

(3) In a case when notification is issued pursuant to the provisions of paragraph (2) or paragraph (3) of the preceding Article (except for a case when a portion of an insurance premium of said fiscal year which is imposed upon a Primary Insured Person pertaining to said notification is collected by the method of special collection pursuant to the provisions of the preceding paragraph) or when a notification is issued pursuant to the provisions of paragraph (4) to paragraph (6) of the same Article, a Municipality, when an Old Age, etc., Pension Benefit pertaining to said notification is paid to the Primary Insured Person pertaining to said notification during the period from the first day until September 30 of the following fiscal year, is to collect the prospective amount of an insurance premium that is divided by the number of payments (in a case when there are special reasons to determine said amount is inappropriate, it is to be the amount specified by a Municipality by taking into consideration the status of income and other circumstances) for the amount of said insurance premium pertaining to said payments by the method of special collection, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

4 前項の支払回数割保険料額の見込額は、当該第一号被保険者につき、当該年度の保険料額を基礎として厚生労働省令で定めるところにより算定した額を、当該年度の翌年度の初日（前条第五項の規定による通知に係る第一号被保険者については同年度の六月一日とし、同条第六項の規定による通知に係る第一号被保険者については同年度

の八月一日とする。) から九月三十日までの間における当該老齢等年金給付の支払の回数で除して得た額とする。

(4) The prospective amount of an insurance premium amount which is divided by the number of payments as set forth in the preceding paragraph, with respect to said Primary Insured Person, is the amount that is to be the amount obtained by dividing the amount which is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare based on said insurance premium amount of said fiscal year by the number of payments of said Old Age, etc., Pension Benefit during the period from the first day to September 30 of the year following of said fiscal year (with regard to a Primary Insured Person pertaining to a notification pursuant to the provisions of paragraph (5) of the preceding Article, the date is to be June 1 of the same fiscal year, and with regard to a Primary Insured Person pertaining to the notification pursuant to the provisions of paragraph (6) of the same Article, the date is to be August 1 of the same fiscal year).

5 市町村は、第一項本文、第二項又は第三項の規定により特別徴収の方法によって保険料を徴収しようとする場合においては、第一項本文、第二項又は第三項に規定する第一号被保険者（以下「特別徴収対象被保険者」という。）について、当該特別徴収対象被保険者に係る年金保険者（以下「特別徴収義務者」という。）に当該保険料を徴収させなければならない。

(5) A Municipality, in a case when it intends to collect an insurance premium by the method of special collection pursuant to the provisions of the main clause of paragraph (1), paragraph (2), or paragraph (3), with regard to a Primary Insured Person as prescribed in the main clause of paragraph (1), paragraph (2), or paragraph (3) (hereinafter referred to as "Insured Person Subject to Special Collection"), must direct said Pension Insurer pertaining to said Insured Person Subject to Special Collection (hereinafter referred to as a "Person Under Obligation of Special Collection") to collect said insurance premium.

6 市町村は、同一の特別徴収対象被保険者について前条第一項から第六項までの規定による通知に係る老齢等年金給付（以下「特別徴収対象年金給付」という。）が二以上ある場合においては、政令で定めるところにより一の特別徴収対象年金給付について保険料を徴収させるものとする。

(6) A Municipality, in a case when there are two or more Old Age, etc., Pension Benefit plans pertaining to a notification pursuant to the provisions of paragraph (1) to paragraph (6) of the preceding Article (hereinafter referred to as "Pension Payment Subject to Special Collection") for the same Insured Person Subject to Special Collection, is to direct an agent to collect the insurance premium for each Pension Payment Subject to Special Collection, pursuant to a Cabinet Order.

(特別徴収額の通知等)

(Notification of Amount of Special Collection)

第百三十六条 市町村は、第百三十四条第一項の規定による通知が行われた場合において、前条第一項並びに第五項及び第六項（同条第一項に係る部分に限る。）の規定により特別徴収の方法によって保険料を徴収しようとするときは、特別徴収対象被保険者に係る保険料を特別徴収の方法によって徴収する旨、当該特別徴収対象被保険者に係る支払回数割保険料額その他厚生労働省令で定める事項を、特別徴収義務者及び特別徴収対象被保険者に通知しなければならない。

Article 136 (1) In a case when notification is issued pursuant to the provisions of Article 134, paragraph (1), a Municipality, when it intends to collect an insurance premium by the method of special collection pursuant to the provisions of paragraph (1), paragraph (5), and paragraph (6) of the preceding Article (limited to the part pertaining to paragraph (1) of the same Article), must notify the fact of collection of an insurance premium pertaining to an Insured Person Subject to Special Collection, the insurance premium amount divided by the number of payments pertaining to said Insured Person Subject to Special Collection, and other matters as determined by Order of the Ministry of Health, Labour, and Welfare to said Person Under Obligation of Special Collection or to said Insured Person Subject to Special Collection.

2 前項の支払回数割保険料額は、厚生労働省令で定めるところにより、当該特別徴収対象被保険者につき、特別徴収の方法によって徴収する保険料額（以下「特別徴収対象保険料額」という。）から、前条第三項並びに第百四十条第一項及び第二項の規定により当該年の四月一日から九月三十日までの間に徴収される保険料額の合計額を控除して得た額を、当該年の十月一日から翌年三月三十一日までの間における当該特別徴収対象年金給付の支払の回数で除して得た額とする。

(2) The amount of an insurance premium divided by the number of payments as set forth in the preceding paragraph, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, is to be the amount obtained by dividing the amount that is obtained by deducting from the total insurance premium amount to be collected during the period from April 1 to September 30 of said year pursuant to the provisions of paragraph (3) of the preceding Article, and Article 140, paragraph (1) and paragraph (2) the insurance premium amount to be collected by the method of special collection from said Insured Person Subject to Special Collection (hereinafter referred to as "Insurance Premium Amount Subject to Special Collection"), by the number of payments of said Insurance Premium Amount Subject to Special Collection during the period from October 1 of said year to March 31 of the year following said year.

3 第一項の規定による特別徴収義務者に対する通知（社会保険庁長官及び特定年金保険者並びに地方公務員共済組合に係るものを除く。）は、当該年度の初日の属する年の八月三十一日までにしなければならない。

- (3) A notification issued to a Person Under Obligation of Special Collection pursuant to the provisions of paragraph (1) (except for a notification pertaining to the secretary of a Social Insurance Agency, a Specified Pension Insurer, or a Local Public Service Mutual Aid Association) must be issued by August 31 of the year that includes the first day of said fiscal year.
- 4 第一項の規定による特別徴収義務者に対する通知（社会保険庁長官に係るものに限る。）は、当該年度の初日の属する年の七月三十一日までにしなければならない。
- (4) A notification issued to a Person Under Obligation of Special Collection pursuant to the provisions of paragraph (1) (limited to a notification pertaining to the secretary of a Social Insurance Agency) must be issued by July 31 of the year that includes the first day of said fiscal year.
- 5 第一項の規定による特別徴収義務者に対する通知（特定年金保険者に係るものに限る。）は、当該年度の初日の属する年の七月三十一日までに、社会保険庁長官を経由してしなければならない。
- (5) A notification to a Person Under Obligation of Special Collection pursuant to the provisions of paragraph (1) (limited to notifications pertaining to a Specified Pension Insurer) must be issued by the secretary of a Social Insurance Agency by July 31 of the year that includes the first day of said fiscal year.
- 6 第一項の規定による特別徴収義務者に対する通知（地方公務員共済組合に係るものに限る。）は、当該年度の初日の属する年の七月三十一日までに、地方公務員共済組合連合会を経由してしなければならない。
- (6) A notification to a Person Under Obligation of Special Collection pursuant to the provisions of paragraph (1) (limited to those pertaining to a Local Public Service Mutual Aid Association) must be issued by the Pension Fund Association for Local Government Officials by July 31 of the year that includes the first day of said fiscal year.

（特別徴収の方法によって徴収した保険料額の納入の義務等）

(Obligation of Payment of an Insurance Premium Amount Collected by the Method of Special Collection)

第百三十七条 特別徴収義務者は、前条第一項の規定による通知を受けた場合においては、同項に規定する支払回数割保険料額を、厚生労働省令で定めるところにより、当該年の十月一日から翌年三月三十一日までの間において特別徴収対象年金給付の支払をする際徴収し、その徴収した日の属する月の翌月の十日までに、これを当該市町村に納入する義務を負う。

Article 137 (1) A Person Under Obligation of Special Collection, in a case when the Person receives a notification pursuant to the provisions of paragraph (1) of the preceding Article, is to be under an obligation pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, to pay the insurance premium amount divided by the number of payments as prescribed in the same

paragraph when the Person pays an Insurance Premium Amount Subject to Special Collection during the period from October 1 of said year to March 31 of the year following said year, and to pay said amount to said Municipality by the 10th day of the month following the month that includes said day of collection.

2 地方公務員共済組合は、前項の規定により市町村に納入する場合には、地方公務員共済組合連合会を経由して行うものとする。

(2) A Local Public Service Mutual Aid Association, in a case of paying an insurance premium to a Municipality pursuant to the provisions of the preceding paragraph, is to pay the insurance premium via the Pension Fund Association for Local Government Officials.

3 特別徴収義務者が、特別徴収対象年金給付の支払をする際特別徴収対象被保険者から徴収しなかった保険料額に相当する額を第一項の規定により市町村に納入した場合には、その徴収しなかった保険料額に相当する額を、当該納入をしたとき以後に当該特別徴収対象被保険者に支払うべき当該特別徴収対象年金給付から控除することができる。

(3) A Person Under Obligation of Special Collection, in a case when paying to a Municipality pursuant to the provisions of paragraph (1) the amount equivalent to the insurance premium amount that has not been collected from an Insured Person Subject to Special Collection, upon the payment of a Pension Payment Subject to Special Collection, may deduct the equivalent amount to said insurance premium amount that has not been collected from said Pension Payment Subject to Special Collection to be paid to said Insured Person Subject to Special Collection after a Person Under Obligation of Special Collection has completed said payment.

4 特別徴収義務者は、第百三十五条の規定により当該特別徴収義務者が徴収すべき保険料に係る特別徴収対象被保険者が当該特別徴収義務者から特別徴収対象年金給付の支払を受けないこととなった場合その他厚生労働省令で定める場合においては、その事由が発生した日の属する月の翌月以降徴収すべき保険料額は、これを徴収して納入する義務を負わない。

(4) A Person Under Obligation of Special Collection, in a case when said Insured Person Subject to Special Collection pertaining to an insurance premium that said Person Under Obligation of Special Collection should collect pursuant to the provisions of Article 135 has reasonable cause not to collect said Pension Payment Subject to Special Collection from said Person Under Obligation of Special Collection and in other cases as determined by Order of the Ministry of Health, Labour, and Welfare, will have no obligation to collect and pay the insurance premium amount that should be paid, after the month following the month that includes the day that said reasonable cause is first valid.

5 前項に規定する場合においては、特別徴収義務者は、厚生労働省令で定めるところにより、特別徴収対象年金給付の支払を受けないこととなった特別徴収対象被保険者

その他厚生労働省令で定める者の氏名、当該特別徴収対象被保険者に係る保険料徴収の実績その他必要な事項を、特別徴収に係る納入金を納入すべき市町村に通知しなければならない。

(5) In a case as prescribed in the preceding paragraph, a Person Under Obligation of Special Collection, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, must provide notification of the name of said Insured Person Subject to Special Collection that has become unable to receive said Pension Payment Subject to Special Collection or other person as prescribed in Order of the Ministry of Health, Labour, and Welfare, and of the result of an insurance premium collection pertaining to said Person Under Obligation of Special Collection and other necessary matters to the Municipality that said insurance premium amount pertaining to special collection is due to be paid.

6 第三百四十四条第七項から第九項までの規定は、前項の規定による通知について準用する。

(6) The provisions of Article 134, paragraph (7) to paragraph (9) apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

7 特別徴収義務者は、厚生労働省令で定めるところにより、第一項の規定により徴収する支払回数割保険料額を、特別徴収対象被保険者に対し通知するものとする。

(7) A Person Under Obligation of Special Collection, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, is to provide notice of the insurance premium amount divided by the number of payments that is to be collected pursuant to the provisions of paragraph (1) to an Insured Person Subject to Special Collection.

(被保険者資格喪失等の場合の市町村の特別徴収義務者等に対する通知)

(Notification to Persons under Duty of Special Collection by a Municipality in the Case of Loss of Status of Insured Person)

第三百八条 市町村は、第三百六条第一項の規定により支払回数割保険料額を特別徴収義務者に通知した後に当該通知に係る特別徴収対象被保険者が被保険者資格を喪失した場合その他厚生労働省令で定める場合においては、厚生労働省令で定めるところにより、その旨を当該特別徴収義務者及び当該特別徴収対象被保険者に通知しなければならない。

Article 138 (1) A Municipality, in a case when an Insured Person Subject to Special Collection pertaining to said notification has lost status as an Insured Person after notification of an insurance premium amount divided by the number of payments to a Person Under Obligation of Special Collection pursuant to the provisions of Article 136, paragraph (1) or other cases as determined by Order of the Ministry of Health, Labour, and Welfare, must provide notification of said fact, pursuant to the provisions of Order of the

Ministry of Health, Labour, and Welfare, to said Person Under Obligation of Special Collection and said Insured Person Subject to Special Collection.

2 第百三十六条第四項から第六項までの規定は、前項の規定による特別徴収義務者に対する通知について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(2) The provisions of Article 136, paragraph (4) to paragraph (6) apply mutatis mutandis to a notification to a Person Under Obligation of Special Collection pursuant to the provisions of the preceding paragraph. In this case, necessary technical replacement of the terms of these provisions shall be provided by a Cabinet Order.

3 特別徴収義務者は、第一項の規定による通知を受けた場合においては、その通知を受けた日以降特別徴収対象保険料額を徴収して納入する義務を負わない。この場合において、特別徴収義務者は、直ちに当該通知に係る特別徴収対象被保険者に係る保険料徴収の実績その他必要な事項を当該通知をした市町村に通知しなければならない。

(3) A Person Under Obligation of Special Collection, in a case when said Person received a notification pursuant to the provisions of paragraph (1), has no obligation to collect and pay an Insurance Premium Amount Subject to Special Collection after the date of said notification. In this case, a Person Under Obligation of Special Collection must provide notice of the result of an insurance premium collection pertaining to an Insured Person Subject to Special Collection pertaining to said notification and other necessary matters, immediately to the Municipality which issued said notification.

4 第百三十四条第七項から第九項までの規定は、前項の規定による通知について準用する。

(4) The provisions of Article 134, paragraph (7) to paragraph (9) apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

(普通徴収保険料額への繰入)

(Transfer to Insurance Premium of an Amount Subject to Collection)

第百三十九条 市町村は、第一号被保険者が特別徴収対象年金給付の支払を受けなくなったこと等により保険料を特別徴収の方法によって徴収されないこととなった場合においては、特別徴収の方法によって徴収されないこととなった額に相当する保険料額を、その特別徴収の方法によって徴収されないこととなった日以後において到来する第百三十三条の納期がある場合においてはそのそれぞれの納期において、その日以後に到来する同条の納期がない場合においては直ちに、普通徴収の方法によって徴収しなければならない。

Article 139 (1) A Municipality, in a case when an insurance premium has not been collected by the method of special collection as the result of a Primary Insured Person that is not receiving a Pension Payment Subject to Special Collection, etc., must collect the insurance premium amount equivalent to the

amount that has become uncollected by the method of special collection, by a general collection on each due date, when there are due dates as set forth in Article 133 that will occur after the date that the insurance premium has become uncollected by the method of special collection, or collect said amount immediately when there is no other due date after the said date.

2 特別徴収義務者から当該市町村に納入された第一号被保険者についての保険料額の合計額が当該第一号被保険者について特別徴収の方法によって徴収すべき保険料額を超える場合（特別徴収の方法によって徴収すべき保険料額がない場合を含む。）においては、市町村は、当該過納又は誤納に係る保険料額（当該過納又は誤納に係る保険料額が当該第一号被保険者が死亡したことにより生じたものであるときは、当該過納又は誤納に係る保険料額から厚生労働省令で定めるところにより算定した額を控除した額とする。次項において「過誤納額」という。）を当該第一号被保険者に還付しなければならない。

(2) In a case when the total amount of an insurance premium of a Primary Insured Person that was paid by a Person Under Obligation of Special Collection to said Municipality exceeds the amount of said insurance premium of said Primary Insured Person that should be collected by the method of special collection, (including a case there is no amount of said insurance premium to be collected by the method of special collection), a Municipality must refund the amount of said insurance premium pertaining to said payment in excess or collected in error (when said amount of said insurance premium pertaining to a payment in excess or in error is caused by the death of said Primary Insured Person, the amount is to be obtained by deducting the amount calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare from the amount of said insurance premium pertaining to said payment in excess or in error; hereinafter referred to as "Amount Paid in Excess or in Error" in the following paragraph) to said Primary Insured Person.

3 市町村は、前項の規定により過誤納額を還付すべき場合において、当該第一号被保険者の未納に係る保険料その他この法律の規定による徴収金があるときは、同項の規定にかかわらず、厚生労働省令で定めるところにより、当該過誤納額をこれに充当することができる。

(3) A Municipality, in a case when an Amount Paid in Excess or in Error should be refunded pursuant to the provisions of the preceding paragraph, when there is an unpaid amount of insurance premium pertaining to said Primary Insured Person or other levy pursuant to the provisions of this Act, notwithstanding the provisions of the same paragraph, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may allocate said Amount Paid in Excess or in Error to said insurance premium.

(仮徴収)

(Provisional Collection)

第百四十条 市町村は、前年度の初日の属する年の十月一日から翌年の三月三十一日までの間における特別徴収対象年金給付の支払の際第百三十六条第一項に規定する支払回数割保険料額を徴収されていた第一号被保険者について、当該年度の初日からその日の属する年の五月三十一日までの間において当該支払回数割保険料額の徴収に係る老齢等年金給付が支払われるときは、その支払に係る保険料額として、当該支払回数割保険料額に相当する額を、厚生労働省令で定めるところにより、特別徴収の方法によって徴収するものとする。

Article 140 (1) A Municipality, with regard to a Primary Insured Person that for whom was collected the amount of an insurance premium divided by the number of payments as prescribed in Article 136, paragraph (1) upon the payment of a Pension Payment Subject to Special Collection during the period from October 1 of the year that includes the first day of the year previous to said fiscal year until March 31 of the year following said fiscal year, when an Old Age, etc., Pension Benefit pertaining to said collection of said insurance premium amount divided by the number of payments will be paid during the period from the first day of said fiscal year until May 31 of the year that includes the said first day, is to collect the amount equivalent to said amount of said insurance premium divided by the number of payments, as the amount of insurance premium pertaining to said payment, by the method of special collection pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

2 市町村は、前項に規定する第一号被保険者について、当該年度の初日の属する年の六月一日から九月三十日までの間において同項に規定する老齢等年金給付が支払われるときは、それぞれの支払に係る保険料額として、当該第一号被保険者に係る同項に規定する支払回数割保険料額に相当する額（当該額によることが適当でない認められる特別な事情がある場合においては、所得の状況その他の事情を勘案して市町村が定める額とする。）を、厚生労働省令で定めるところにより、特別徴収の方法によって徴収するものとする。

(2) A Municipality, with regard to a Primary Insured Person as prescribed in the preceding paragraph, when an Old Age, etc., Pension Benefit as prescribed in the same paragraph is paid during the period from June 1 to September 30 of the year including the said first day of said fiscal year, is to collect as the insurance premium amount pertaining to each payment, the amount equivalent to the amount of said insurance premium pertaining to said Primary Insured Person divided by the number of payments as prescribed in the same paragraph (in a case of special circumstances in which it is determined inappropriate to pay said amount, the amount is to be the amount specified by said Municipality by taking into consideration the income status and other circumstances) pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, by the method of special collection.

3 第百三十六条から前条まで（第百三十六条第二項を除く。）の規定は、前二項の規

定による特別徴収について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(3) The provisions of Article 136 to the preceding Article (except for Article 136, paragraph (2)) apply mutatis mutandis to a special collection pursuant to the provisions of the preceding two paragraphs. In this case, the necessary technical replacement of the terms of these provisions is provided by a Cabinet Order.

4 第一項の規定による特別徴収については、前項において準用する第百三十六条の規定による通知があったものとみなし、第二項の規定による特別徴収については、前項において準用する同条の規定による通知が期日までに行われなときは、第一項に規定する老齢等年金給付のそれぞれの支払に係る保険料額として、第二項に規定する支払回数割保険料額に相当する額を特別徴収の方法によって徴収する旨の同条の規定による通知があったものとみなす。

(4) With regard to a special collection pursuant to the provisions of paragraph (1), it is to be deemed that there was a notification pursuant to the provisions of Article 136, as applied mutatis mutandis to the preceding paragraph, and with regard to a special collection pursuant to the provisions of paragraph (2), in a case when the notification pursuant to the provisions of the same Article as applied mutatis mutandis to the preceding paragraph is not issued by the due date, it is to be deemed that there was a notification, pursuant to the provisions of the same Article that prescribe that the amount equivalent to the amount of said insurance premium divided by the number of payments as prescribed in paragraph (2) is to be collected by the method of special collection as the insurance premium amount pertaining to each payment of an Old Age, etc., Pension Benefit as prescribed in paragraph (1).

(住所地特例対象施設に入所又は入居中の被保険者の特例に係る特別徴収義務者への通知)

(Notification to a Person under Obligation of Special Collection pertaining to an Exception of Insured Person that is Staying at or in Residence of a Facility Subject to Domicile Exception)

第百四十一条 市町村は、その行う介護保険の特別徴収対象被保険者が第十三条第一項又は第二項の規定の適用を受ける被保険者に該当するに至ったときは、速やかに、当該特別徴収対象被保険者に係る特別徴収義務者に、その旨を通知するものとする。

Article 141 (1) A Municipality, when an Insured Person Subject to Special Collection of Long-Term Care Insurance provided by said Municipality corresponds to an Insured Person to which are applicable Article 13, paragraph (1) or paragraph (2), is to provide notice of said fact immediately to said Person Under Obligation of Special Collection pertaining to said Insured Person Subject to Special Collection.

2 第百三十六条第四項から第六項までの規定は、前項の規定による特別徴収義務者に

対する通知について準用する。この場合において、これらの規定に関し必要な技術的読替えは、政令で定める。

(2) The provisions of Article 136, paragraph (4) to paragraph (6) apply *mutatis mutandis* to a notification to a Person Under Obligation of Special Collection pursuant to the provisions of the preceding paragraph. In this case, the necessary technical replacement of the terms of these provisions is provided by a Cabinet Order.

(政令への委任)

(Delegation to a Cabinet Order)

第百四十一条の二 第百三十四条第二項から第六項までの規定により通知が行われた場合において、市町村が第百三十五条第二項から第六項までの規定により特別徴収の方法によって保険料を徴収しようとするときの特別徴収額の通知、特別徴収の方法によって徴収した保険料額の納入の義務その他の取扱いについては、政令で定める。

Article 141-2 In a case of issuance of the notification pursuant to the provisions of Article 134, paragraph (2) to paragraph (6), when a Municipality intends to collect an insurance premium by the method of special collection pursuant to the provisions of Article 135, paragraph (2) to paragraph (6), notification of the amount to be collected by said special collection, the obligation of payment of an insurance premium amount which is collected by the method of said special collection, and other procedures are determined by a Cabinet Order.

(保険料の減免等)

(Reduction and Exception of an Insurance Premium)

第百四十二条 市町村は、条例で定めるところにより、特別の理由がある者に対し、保険料を減免し、又はその徴収を猶予することができる。

Article 142 A Municipality, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may reduce an insurance premium or suspend said collection for a person in special circumstances.

(地方税法の準用)

(*Mutatis Mutandis* Application of the Local Tax Act)

第百四十三条 保険料その他この法律の規定による徴収金（第百五十条第一項に規定する納付金及び第百五十七条第一項に規定する延滞金を除く。）については、地方税法第九条、第十三条の二、第二十条、第二十条の二及び第二十条の四の規定を準用する。

Article 143 With regard to an insurance premium and other levies pursuant to the provisions of this Act (except for a payment as prescribed in Article 150, paragraph (1) and a delinquent charge as prescribed in Article 157, paragraph (1)), provisions of Article 9, Article 13-2, Article 20, Article 20-2, and Article 20-4 of the Local Tax Act apply.

(滞納処分)

(Disposition of Delinquency)

第百四十四条 市町村が徴収する保険料その他この法律の規定による徴収金は、地方自治法第二百三十一条の三第三項に規定する法律で定める歳入とする。

Article 144 An Insurance Premium and other levies as prescribed in this Act that a Municipality collects are to be revenue as prescribed in Article 231-3, paragraph (3) of the Local Autonomy Act.

(保険料の収納の委託)

(Entrustment of Receipt of an Insurance Premium)

第百四十四条の二 市町村は、普通徴収の方法によって徴収する保険料の収納の事務については、収入の確保及び第一号被保険者の便益の増進に寄与すると認める場合に限り、政令で定めるところにより、私人に委託することができる。

Article 144-2 A Municipality, with regard to the affairs of receipt of an insurance premium that is collected by the method of general collection, may entrust said collection to a private person, pursuant to the provisions of a Cabinet Order, limited to a case when it is determined to contribute to secure the income and to promote the convenience of said Primary Insured Person.

(保険料納付原簿)

(Register of Insurance Premium Payments)

第百四十五条 市町村は、保険料納付原簿を備え、これに第一号被保険者の氏名、住所、保険料の納付状況その他厚生労働省令で定める事項を記録するものとする。

Article 145 A Municipality is to maintain a register of insurance premium payments and record the name, domicile, payment status of said insurance premium of a Primary Insured Person, and other matters as prescribed by Order of the Ministry of Health, Labour, and Welfare pertaining to said register.

(条例等への委任)

(Delegation to Ordinance)

第百四十六条 この節に規定するもののほか、保険料の賦課及び徴収等に関する事項（特別徴収に関するものを除く。）は政令で定める基準に従って条例で、特別徴収に関して必要な事項は政令又は政令で定める基準に従って条例で定める。

Article 146 In addition to the provisions as prescribed in this Section, matters concerning imposition and collection, etc., of an insurance premium (except for those matters concerning special collection) are specified by Order in accordance with standards determined by a Cabinet Order, and the necessary matters concerning special collection are specified by a Cabinet Order or ordinance in accordance with standards determined by a Cabinet Order.

第二節 財政安定化基金等 Section 2 Fiscal Stability Funds

(財政安定化基金)

(Fiscal Stability Funds)

第百四十七条 都道府県は、次に掲げる介護保険の財政の安定化に資する事業に必要な費用に充てるため、財政安定化基金を設けるものとする。

Article 147 (1) A Municipality is to establish a Fiscal Stability Fund in order to allocate necessary funding to a project contributing to the stabilization of the finances of Long-Term Care Insurance as listed in the following:

一 実績保険料収納額が予定保険料収納額に不足すると見込まれ、かつ、基金事業対象収入額が基金事業対象費用額に不足すると見込まれる市町村に対し、政令で定めるところにより、イに掲げる額（イに掲げる額がロに掲げる額を超えるときは、ロに掲げる額とする。）の二分の一に相当する額を基礎として、当該市町村及びその他の市町村における保険料の収納状況を勘案して政令で定めるところにより算定した額を交付すること。

(i) the amount of deficiency when the amount of insurance premiums actually received are an amount that is less than the expected insurance premiums, and for the deficit remaining when revenue subject to a fund project is an amount that is less than the disbursements subject to said fund project, pursuant to the provisions of a Cabinet Order, to allocate to a Municipality the amount which is calculated pursuant to the provisions of a Cabinet Order by taking into consideration the receipt status of insurance premiums of said Municipality and other Municipalities based on the amount equivalent to 50 percent of the amount listed in sub-item (a) (when the amount listed in sub-item (a) exceeds the amount listed in sub-item (b), the amount is to be the amount listed in sub-item (b)):

イ 実績保険料収納額が予定保険料収納額に不足すると見込まれる額

(a) the amount of insurance premiums actually received that is forecast to be less than the amount of expected insurance premiums;

ロ 基金事業対象収入額が基金事業対象費用額に不足すると見込まれる額

(b) the amount of revenue subject to a fund project that is forecast to be deficient with regard to the disbursements subject to said fund project;

二 基金事業対象収入額及び基金事業交付額の合計額が、基金事業対象費用額に不足すると見込まれる市町村に対し、政令で定めるところにより、当該不足すると見込まれる額を基礎として、当該市町村及びその他の市町村における保険料の収納状況を勘案して政令で定めるところにより算定した額の範囲内の額を貸し付けること。

(ii) to lend to a Municipality with regard to the total amount of revenue subject to a fund project and grants to a fund project that is forecast to be deficient with regard to the disbursements subject to said fund project, pursuant to the provisions of a Cabinet Order, an amount within the amount which is

calculated pursuant to the provisions of a Cabinet Order, by taking into consideration the receipt status of insurance premiums of said Municipality and other Municipalities based on said amounts of deficiency.

2 前項において次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(2) Terms used in the preceding paragraph that are listed in the following items are to be defined pursuant to the provisions of each said item:

一 予定保険料収納額 市町村において当該市町村が定める市町村介護保険事業計画の計画期間（以下「計画期間」という。）中に収納が見込まれた保険料の額の合計額のうち、介護給付及び予防給付に要する費用の額、地域支援事業に要する費用の額、財政安定化基金拠出金の納付に要する費用の額並びに前項第二号の規定による都道府県からの借入金（以下この項及び次条において「基金事業借入金」という。）の償還に要する費用の額に充てるものとして政令で定めるところにより算定した額

(i) expected insurance premiums: the amount which is calculated, pursuant to the provisions of a Cabinet Order, to be allocated for the amount of funding necessary to provide for Long-Term Care Benefits and Prevention Benefits, the amount of funding necessary for Community Support Projects, the amount of funding necessary for payment of Fiscal Stability Fund contributions, and the amount of funding necessary for repayment of borrowings from a prefecture pursuant to the provisions of paragraph (2) of the preceding paragraph (hereinafter referred to as "Borrowings for Fund Project" in this paragraph and in the following Article), from among the total amount of insurance premiums which are expected to be received by a Municipality as determined during the term of a Municipal Insured Long-Term Care Service Plan (hereinafter referred to as "Plan Term") specified by said Municipality;

二 実績保険料収納額 市町村において計画期間中に収納した保険料の額の合計額のうち、介護給付及び予防給付に要した費用の額、地域支援事業に要した費用の額、財政安定化基金拠出金の納付に要した費用の額並びに基金事業借入金の償還に要した費用の額に充てるものとして政令で定めるところにより算定した額

(ii) insurance premiums actually received: the amount which is calculated pursuant to the provisions of a Cabinet Order to be allocated for the amount of funding necessary to provide for Long-Term Care Benefits and Prevention Benefits, the amount of funding necessary for Community Support Projects, the amount of funding necessary for payment of Fiscal Stability Fund contributions, and the amount of funding necessary for repayment of Borrowings for Fund Project from among the total amount of insurance premiums actually received during said Plan Term of the Municipality;

三 基金事業対象収入額 市町村の介護保険に関する特別会計において計画期間中に収入した金額（第五号の基金事業交付額及び基金事業借入金の額を除く。）の合計額のうち、介護給付及び予防給付に要した費用の額、地域支援事業に要した費用の

額、財政安定化基金拠出金の納付に要した費用の額並びに基金事業借入金の償還に要した費用の額に充てるものとして政令で定めるところにより算定した額

(iii) revenue subject to a fund project: the amount which is calculated pursuant to the provisions of a Cabinet Order to be allocated for the amount of funding necessary to provide for Long-Term Care Benefits and Prevention Benefits, the amount of funding necessary for Community Support Projects, the amount of funding necessary for payment of Fiscal Stability Fund contributions, and the amount of funding necessary for repayment of Borrowings for Fund Project from among the total amount which is received (excluding the amount of grants to a fund project and the amount of Borrowings for Fund Project as set forth in item (v)) during said Plan Term of a special account concerning Long-Term Care Insurance of the Municipality,;

四 基金事業対象費用額 市町村において計画期間中に介護給付及び予防給付に要した費用の額、地域支援事業に要した費用の額、財政安定化基金拠出金の納付に要した費用の額並びに基金事業借入金の償還に要した費用の額の合計額として政令で定めるところにより算定した額

(iv) disbursements subject to fund project: the amount which is calculated pursuant to the provisions of a Cabinet Order as the total of the amount of disbursements necessary to provide Long-Term Care Benefits and Prevention Benefits, the amount of disbursements necessary for Community Support Projects, the amount of disbursements necessary for payment of Fiscal Stability Funds contributions, and the amount of disbursements necessary for repayment of Borrowings for Fund Project, of said Municipality during said Plan Term;

五 基金事業交付額 市町村が計画期間中に前項第一号の規定により交付を受けた額

(v) grants to a fund project: the amount that said Municipality receives during said Plan Term pursuant to the provisions of item (i) of the preceding paragraph.

3 都道府県は、財政安定化基金に充てるため、政令で定めるところにより、市町村から財政安定化基金拠出金を徴収するものとする。

(3) A prefecture is to collect a Fiscal Stability Fund contribution from a Municipality in order to allocate said contribution to said Fiscal Stability Fund, pursuant to the provisions of a Cabinet Order.

4 市町村は、前項の規定による財政安定化基金拠出金を納付する義務を負う。

(4) A Municipality is subject to the obligation to pay a Fiscal Stability Fund contribution pursuant to the provisions of the preceding paragraph.

5 都道府県は、政令で定めるところにより、第三項の規定により市町村から徴収した財政安定化基金拠出金の総額の三倍に相当する額を財政安定化基金に繰り入れなければならない。

(5) A prefecture must transfer the amount equivalent to three times the total

amount of Fiscal Stability Fund contribution collected from a Municipality pursuant to the provisions of paragraph (3) to a Fiscal Stability Fund, pursuant to the provisions of a Cabinet Order.

6 国は、政令で定めるところにより、前項の規定により都道府県が繰り入れた額の三分の一に相当する額を負担する。

(6) The national government, pursuant to the provisions of a Cabinet Order, defray an amount equivalent to one-third (1/3) of the amount which a prefecture transfers pursuant to the provisions of the preceding paragraph.

7 財政安定化基金から生ずる収入は、すべて財政安定化基金に充てなければならない。

(7) All revenue received by a Fiscal Stability Fund must be allocated to said Fiscal Stability Fund disbursements.

8 第二百一十一条第二項の規定は、第二項第一号に規定する介護給付及び予防給付に要する費用の額並びに同項第二号から第四号までに規定する介護給付及び予防給付に要した費用の額について準用する。

(8) The provisions of Article 121, paragraph (2) apply mutatis mutandis to the amount of disbursements necessary to provide for Long-Term Care Benefits and Prevention Benefits as prescribed in paragraph (2), item (i) and the amount of disbursements required to provide for Long-Term Care Benefits and Prevention Benefits as prescribed in item (ii) to item (iv) of the same paragraph.

(市町村相互財政安定化事業)

(Municipal Mutual Fiscal Stabilization Project)

第四百四十八条 市町村は、介護保険の財政の安定化を図るため、その介護保険に関する特別会計において負担する費用のうち介護給付及び予防給付に要する費用（第四十三条第三項、第四十四条第六項、第四十五条第六項、第五十五条第三項、第五十六条第六項又は第五十七条第六項の規定に基づき条例を定めている市町村に係る当該介護給付及び予防給付に要する費用については、当該条例による措置が講じられないものとして政令で定めるところにより算定した当該介護給付及び予防給付に要する費用とする。次項において同じ。）、地域支援事業に要する費用、財政安定化基金拠出金の納付に要する費用並びに基金事業借入金の償還に要する費用の財源について、政令で定めるところにより、他の市町村と共同して、調整保険料率に基づき、市町村相互間において調整する事業（以下この条及び次条において「市町村相互財政安定化事業」という。）を行うことができる。

Article 148 (1) A Municipality, in order to promote fiscal stabilization of Long-Term Care Insurance, with regard to financial resources for the disbursements necessary to provide for Long-Term Care Benefits and Prevention Benefits (with regard to the disbursements necessary for said Long-Term Care Benefits and Prevention Benefits pertaining to a Municipality that provides Order based on Article 43, paragraph (3), Article 44, paragraph (6), Article 45, paragraph (6), Article 55, paragraph (3), Article 56, paragraph (6), Article 57,

paragraph (6), are to be the disbursements necessary for said Long-Term Care Benefits and Prevention Benefits calculated pursuant to the provisions of a Cabinet Order, as a Municipality may not undertake measures promulgated by said ordinance; the same applies in the following paragraph), the disbursements necessary for Community Support Projects, the disbursements necessary for payment of Fiscal Stability Funds contribution, and the expense necessary for repayment of Borrowings for Fund Project among those disbursements to be imposed by a special account concerning said Long-Term Care Insurance, pursuant to the provisions of a Cabinet Order, in cooperation with other Municipalities based on an adjustment rate of insurance premiums, may conduct a project to provide adjustments mutually among Municipalities (hereinafter referred to as "Municipal Mutual Fiscal Stabilization Project" in this Article and the following Article).

- 2 前項の調整保険料率は、市町村相互財政安定化事業を行う市町村（以下この条及び次条第二項において「特定市町村」という。）のそれぞれが、それぞれの第一号被保険者に対し、当該調整保険料率により算定した保険料額によって保険料を課するとしたならば、当該特定市町村につき事業実施期間（市町村相互財政安定化事業を実施する期間として特定市町村が次項の規約により定める三年を一期とする期間をいう。以下この項及び第四項において同じ。）において収納される保険料の額の合計額が、当該事業実施期間における当該特定市町村の介護給付及び予防給付に要する費用の額（当該介護給付及び予防給付に要する費用の額につき第二百一十一条第一項、第二百二十二条第一項、第二百二十三条第一項、第二百二十四条第一項及び第二百五条第一項の規定により、国、都道府県、市町村の一般会計及び支払基金が負担し、又は交付する額を除く。）、地域支援事業に要する費用の額（当該地域支援事業に要する費用の額につき第二百二十二条の二、第二百二十三条第三項及び第四項、第二百二十四条第三項及び第四項並びに第二百二十六条第一項の規定により、国、都道府県、市町村の一般会計及び支払基金が負担し、又は交付する額を除く。）、財政安定化基金拠出金の納付に要する費用の額並びに基金事業借入金の償還に要する費用の額の合計額と均衡を保つことができるものであって、当該特定市町村が政令で定める基準に従い定めるものとする。

- (2) The adjustment rate of insurance premiums as set forth in the preceding paragraph, if each Municipality that participates in said Municipal Mutual Fiscal Stabilization Project (hereinafter referred to as "Specified Municipality" in this Article and paragraph (2) of the following Article) imposes upon each Primary Insured Person an insurance premium according to the amount of insurance premium that is calculated by using the rate of adjustment of insurance premiums, is to be the total amount of insurance premiums received during the project implementation period (which means a period that is deemed to be three years that is provided by a Specified Municipality pursuant to the provisions of the constitution referred to in the following paragraph as one period to implement said Municipal Mutual Fiscal Stabilization Project; the same applies hereinafter in this paragraph and paragraph (4)) for each said

Specified Municipality to be able to maintain a balance of the total amount of the disbursements necessary to provide for Long-Term Care Benefits and Prevention Benefits (except with regard to the disbursements necessary for said Long-Term Care Benefits and Prevention Benefits, the amount defrayed or granted to a general fund or Payment Fund by the national government, a prefecture, or Municipality, pursuant to the provisions of Article 121, paragraph (1), Article 122, paragraph (1), Article 123, paragraph (1), Article 124, paragraph (1) and Article 125, paragraph (1)), the disbursements necessary for Community Support Projects (except with regard to the disbursements necessary for said Community Support Projects, the amount defrayed or granted to the general fund or Payment Fund by the national government, a prefecture, or Municipality, pursuant to the provisions of Article 122-2, Article 123, paragraph (3) and paragraph (4), Article 124, paragraph (3) and paragraph (4), and Article 126, paragraph (1)), the disbursements necessary for payment of a Fiscal Stability Fund contribution, and the disbursements necessary for repayment of Borrowings for Fund Project during said project implementation period in said Municipality, and be determined by said Specified Municipality in accordance with the standards provided by a Cabinet Order.

3 市町村は、市町村相互財政安定化事業を行おうとするときは、その議会の議決を経る協議により規約を定め、これを都道府県知事に届け出なければならない。

(3) A Municipality, when it intends to implement a Municipal Mutual Fiscal Stabilization Project, must prescribe a constitution by deliberations held per a resolution of said municipal council and provide notification of said fact to the prefectural governor.

4 前項の規約には、次に掲げる事項につき規定を設けなければならない。

(4) The constitution as set forth in the preceding paragraph must establish provisions for the matters listed in the following:

一 特定市町村

(i) Specified Municipality;

二 調整保険料率

(ii) adjustment rate of insurance premiums;

三 事業実施期間

(iii) Project Implementation Period;

四 市町村相互財政安定化事業に係る資金の負担及び交付の方法

(iv) method of imposition and grant of financial resources pertaining to said Municipal Mutual Fiscal Stabilization Project;

五 前各号に掲げる事項のほか、市町村相互財政安定化事業の実施に関し必要な事項

(v) in addition to the matters listed in each of the preceding items in this paragraph, other necessary matters for implementation of said Municipal Mutual Fiscal Stabilization Project.

5 第三項の規定は、同項の規約を変更し、又は市町村相互財政安定化事業をとりやめようとする場合について準用する。

(5) The provisions as set forth in paragraph (3) apply mutatis mutandis to a change of said constitution as set forth in the same paragraph or when rescinding said Municipal Mutual Fiscal Stabilization Project.

6 特定市町村が第二百二十九条第二項の規定によりその条例で定める保険料率について同条第三項の規定を適用する場合においては、同項中「償還に要する費用の予定額」とあるのは「償還に要する費用の予定額、第四百四十八条第一項に規定する市町村相互財政安定化事業により負担する額の予想額」と、「並びに国庫負担等の額等に照らし、おおむね三年」とあるのは「、国庫負担等の額並びに同項に規定する市町村相互財政安定化事業により交付される額の予想額等に照らし、おおむね第四百四十八条第二項に規定する事業実施期間」とする。

(6) In a case when a Specified Municipality, pursuant to the provisions of Article 129, paragraph (2), and provisions of paragraph (3) of the same Article, applies a rate of insurance premium provided by said ordinance, the phrase "approximate amount of the disbursements necessary for repayment" in the same paragraph is to be deemed to be replaced with "approximate amount of the disbursements necessary for repayment, the prospective amount of disbursements imposed by said Municipal Mutual Fiscal Stabilization Project as prescribed in Article 148, paragraph (1)," and the phrase "approximated through three years in consideration of..., and the amount of national treasury impositions, etc." is to be deemed to be replaced with "approximated during the Project Implementation Period as prescribed in Article 148, paragraph (2) in consideration of..., and the amount of national treasury impositions, etc., and prospective amount, etc., granted by said Municipal Mutual Fiscal Stabilization Project as prescribed in the same paragraph."

7 特定市町村について前条第二項の規定を適用する場合においては、同項第一号中「並びに前項第二号の規定による都道府県からの借入金（以下「基金事業借入金」という。）の償還に要する費用の額」とあるのは「、前項第二号の規定による都道府県からの借入金（以下「基金事業借入金」という。）の償還に要する費用の額並びに市町村相互財政安定化事業（次条第一項に規定する市町村相互財政安定化事業をいう。以下この項において同じ。）により負担する額」と、同項第二号中「並びに基金事業借入金の償還に要した費用の額」とあるのは「、基金事業借入金の償還に要した費用の額並びに市町村相互財政安定化事業により負担した額」と、同項第三号中「収入した金額（第五号の基金事業交付額及び基金事業借入金の額を除く。）」とあるのは「収入した金額（市町村相互財政安定化事業により交付された額を含み、第五号の基金事業交付額及び基金事業借入金の額を除く。）」と、「並びに基金事業借入金の償還に要した費用の額」とあるのは「、基金事業借入金の償還に要した費用の額並びに市町村相互財政安定化事業により負担した額」と、同項第四号中「並びに基金事業借入金の償還に要した費用の額」とあるのは「、基金事業借入金の償還に要した費用の額並びに市町村相互財政安定化事業により負担した額」とする。

(7) In a case when applying the provisions of paragraph (2) of the preceding Article to a Specified Municipality, the phrase "and the amount of disbursements necessary for repayment of borrowings from a prefecture pursuant to the provisions of paragraph (2) of the preceding paragraph (hereinafter referred to as "Borrowings for Fund Project")" in item (i) of the same paragraph is deemed to be replaced with "the amount of disbursements necessary for repayment of borrowings from a prefecture pursuant to the provisions of paragraph (2) of the preceding paragraph (hereinafter referred to as "Borrowings for Fund Project"), and the expense to be imposed by a Municipal Insured Long-Term Care Service Plan (which means a Municipal Insured Long-Term Care Service Plan as prescribed in paragraph (1) of the following Article; hereinafter the same applies)," the phrase "and the amount of disbursements required for repayment of Borrowings for Fund Project" in item (ii) of the same paragraph is deemed to be replaced with "the amount of disbursements required for repayment of Borrowings for Fund Project, and the expense imposed by a Municipal Insured Long-Term Care Service Plan," the phrase "revenue (except for the amount of grants for a fund project and Borrowings for Fund Project as set forth in item (v))" in item (iii) of the same Article is deemed to be replaced with "revenue (including the amount granted by said Municipal Mutual Fiscal Stabilization Project, but except for the amount of grants to a fund project and Borrowings for Fund Project as set forth in item (v))," the phrase "and the amount of disbursements necessary for repayment of Borrowings for Fund Project" is deemed to be replaced with "..., the amount of disbursements required for repayment of Borrowings for Fund Project and the amount imposed by said Municipal Mutual Fiscal Stabilization Project," the phrase "and the amount of disbursements necessary for repayment of Borrowings for Fund Project" in item (iv) of the same paragraph shall be deemed to be replaced with "the amount of disbursements required for repayment of Borrowings for Fund Project and the amount imposed by said Municipal Mutual Fiscal Stabilization Project."

8 特定市町村は、厚生労働省令で定めるところにより、市町村相互財政安定化事業のうち資金の負担及び交付に関する事務の一部を、当該特定市町村が出資者又は構成員となっている営利を目的としない法人であって、厚生労働省令で定める要件に該当するものに委託することができる。

(8) A Specified Municipality, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may entrust a portion of affairs concerning imposition and grant of funds among a Municipal Mutual Fiscal Stabilization Project to a not-for-profit juridical person in which said Municipality is a contributing participant or a member and which is defined by requirements as prescribed in Order of the Ministry of Health, Labour, and Welfare;

第百四十九条 都道府県は、市町村相互財政安定化事業を行おうとする市町村の求めに応じ、市町村相互間における必要な調整を行うものとする。

Article 149 (1) A prefecture, according to the request of a Municipality which intends to implement a Municipal Mutual Fiscal Stabilization Project, is to conduct the necessary coordination among said Municipalities.

2 都道府県は、特定市町村の求めに応じ、当該市町村相互財政安定化事業に係る調整保険料率についての基準を示す等必要な助言又は情報の提供をすることができる。

(2) A prefecture, according to the request of a Specified Municipality, may provide necessary advice or information such as indicating standards for an adjustment percentage of insurance premiums pertaining to said Municipal Mutual Fiscal Stabilization Project.

第三節 医療保険者の納付金

Section 3 Levies for Medical Insurers

(納付金の徴収及び納付義務)

(Obligation of Collection of Payment and Obligation of Payment)

第百五十条 支払基金は、第百六十条第一項に規定する業務に要する費用に充てるため、年度（毎年四月一日から翌年三月三十一日までをいう。以下この節及び次章において同じ。）ごとに、医療保険者から、介護給付費・地域支援事業支援納付金（以下「納付金」という。）を徴収する。

Article 150 (1) The Payment Fund, in order to allocate to the costs, expenses, and disbursements necessary for operation as prescribed in Article 160, paragraph (1), collects Long-Term Care Benefit Expense and supporting payments of a Community Support Project (hereinafter referred to as "Levy") from a medical care insurer for each fiscal year (which means from April 1 to March 31 of the following year, in each year; hereinafter the same applies in this Section and the following Chapter).

2 医療保険者は、納付金の納付に充てるため医療保険各法又は地方税法の規定により保険料若しくは掛金又は国民健康保険税を徴収し、納付金を納付する義務を負う。

(2) A medical care insurer, in order to allocate to said Levy, pursuant to the provisions of each Act related to medical insurance or the Local Tax Act, is to be subject to an obligation to collect insurance premiums, installments premium, or taxes for National Health Insurance and to pay said Levy.

(納付金の額)

(Amount of Levy)

第百五十一条 前条第一項の規定により各医療保険者から徴収する納付金の額は、当該年度の概算納付金の額とする。ただし、前々年度の概算納付金の額が前々年度の確定納付金の額を超えるときは、当該年度の概算納付金の額からその超える額とその超える額に係る調整金額との合計額を控除して得た額とするものとし、前々年度の概算納

付金の額が前々年度の確定納付金の額に満たないときは、当該年度の概算納付金の額にその満たない額とその満たない額に係る調整金額との合計額を加算して得た額とする。

Article 151 (1) The amount of Levy to be collected from each medical insurer pursuant to the provisions of paragraph (1) of the preceding Article is to be the amount of estimated Levy in said fiscal year, however, provided that when the amount of estimated Levy of the year prior to the first preceding fiscal year exceeds the fixed Levy of the year prior to the first preceding fiscal year, the amount is to be the amount obtained by deducting the total amount of said exceeding amount and the Adjustment amount pertaining to said exceeding amount from the amount of estimated Levy of said year, and when the amount of estimated Levy of the year prior to the first preceding fiscal year is deficient with regard to the amount of fixed Levy of the year prior to the first preceding fiscal year, the amount is to be the amount obtained by adding the amount of estimated Levy of said year to the total amount of said amount of deficit and the Adjustment amount pertaining to said amount of deficit.

2 前項ただし書の調整金額は、前々年度におけるすべての医療保険者に係る概算納付金の額と確定納付金の額との過不足額につき生ずる利子その他の事情を勘案して厚生労働省令で定めるところにより各医療保険者ごとに算定される額とする。

(2) The Adjustment amount as set forth in the proviso of the preceding paragraph is to be the amount calculated for each medical insurer by taking into consideration the interest that is generated from the deficit or surplus amount of the amounts of estimated Levy and fixed Levy pertaining to all medical insurers in the year prior to the first preceding fiscal year and other circumstances, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(概算納付金)

(Estimated Levy)

第百五十二条 前条第一項の概算納付金の額は、当該年度におけるすべての市町村の医療保険納付対象額及び介護予防事業医療保険納付対象額の見込額の総額を厚生労働省令で定めるところにより算定した当該年度におけるすべての医療保険者に係る第二号被保険者の見込数の総数で除して得た額に、厚生労働省令で定めるところにより算定した当該年度における当該医療保険者に係る第二号被保険者の見込数を乗じて得た額とする。

Article 152 The amount of estimated Levy as set forth in paragraph (1) of the preceding Article is to be the amount obtained by multiplying the prospective number of Secondary Insured Persons pertaining to all said medical insurers in said fiscal year that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, by the amount obtained as a result of dividing the total prospective amount of the Amount Subject to Medical

Insurance Premium Payment and Amount Subject to Medical Insurance Premium Payment for Long-Term Care Prevention Project in all Municipalities in said fiscal year by the total prospective number of Secondary Insured Persons pertaining to all medical insurers in said fiscal year that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(確定納付金)

(Fixed Levy)

第百五十三条 第百五十一条第一項ただし書の確定納付金の額は、前々年度におけるすべての市町村の医療保険納付対象額及び介護予防事業医療保険納付対象額の総額を厚生労働省令で定めるところにより算定した前々年度におけるすべての医療保険者に係る第二号被保険者の総数で除して得た額に、厚生労働省令で定めるところにより算定した前々年度における当該医療保険者に係る第二号被保険者の数を乗じて得た額とする。

Article 153 The mount of fixed Levy as set forth in the proviso of Article 151, paragraph (1), is to be the amount obtained by multiplying the number of Secondary Insured Persons pertaining to said medical insurer in the year prior to the first preceding fiscal year that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, by the amount obtained as a result of dividing the total amount of the Amount Subject to Medical Insurance Premium Payment and Amount Subject to Medical Insurance Premium Payment for Long-Term Care Prevention Project in all Municipalities in the year prior to the first preceding fiscal year, by the total number of Secondary Insured Persons pertaining to all medical insurers the year prior to the first preceding fiscal year that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare.

(医療保険者が合併、分割及び解散をした場合における納付金の額の特例)

(Exception of Amount of Levy in the Case of a Merger, Split, or Dissolution of a Medical Insurer)

第百五十四条 合併又は分割により成立した医療保険者、合併又は分割後存続する医療保険者及び解散をした医療保険者の権利義務を承継した医療保険者に係る納付金の額の算定の特例については、政令で定める。

Article 154 Exceptions to the calculation of the amount of Levy pertaining to a medical insurer that is incorporated by merger or split, a medical insurer remaining after a merger or split, or a medical insurer that has succeeded to the rights and obligations of a dissolved medical insurer, are determined by a Cabinet Order.

(納付金の額の決定、通知等)

(Determination and Notification of Amount of Levy)

第百五十五条 支払基金は、各年度につき、各医療保険者が納付すべき納付金の額を決定し、当該各医療保険者に対し、その者が納付すべき納付金の額、納付の方法及び納付すべき期限その他必要な事項を通知しなければならない。

Article 155 (1) The Payment Fund must determine the amount of Levy to be paid by each medical insurer for each fiscal year, and notify each said medical insurer of the amount of Levy to be paid by said medical insurer, the method of Levy, the due date of the Levy, and other necessary matters.

2 前項の規定により納付金の額が定められた後、納付金の額を変更する必要があるときは、支払基金は、当該各医療保険者が納付すべき納付金の額を変更し、当該各医療保険者に対し、変更後の納付金の額を通知しなければならない。

(2) When the amount of Levy is required to change after an amount is determined for the Levy pursuant to the provisions of the preceding paragraph, the Payment Fund must change the amount of Levy to be paid by each said medical insurer and notify each said medical insurer of the new amount of Levy, as necessary.

3 支払基金は、医療保険者が納付した納付金の額が、前項の規定による変更後の納付金の額に満たない場合には、その不足する額について、同項の規定による通知とともに納付の方法及び納付すべき期限その他必要な事項を通知し、同項の規定による変更後の納付金の額を超える場合には、その超える額について、未納の納付金その他この法律の規定による支払基金の徴収金があるときはこれに充当し、なお残余があれば還付し、未納の徴収金がないときはこれを還付しなければならない。

(3) The Payment Fund, in a case when the amount of Levy paid by medical insurers is deficit with regard to the amount of Levy after a change pursuant to the provisions of the preceding paragraph, must notify the method of Levy, the due date of Levy, and other necessary matters for said amount of deficit together with the notification pursuant to the provisions of the same paragraph. In a case when said paid amount exceeds the revised amount of Levy after a change pursuant to the provisions of the same paragraph, when there is unpaid Levy and other levies of the Payment Fund pursuant to the provisions of this Act, said excess amount shall be allocated to the unpaid Levy, and if there is still an excess amount remaining, the amount must be reimbursed, and in the case that there are no unpaid levies, said excess amount must be reimbursed.

(督促及び滞納処分)

(Demand for Levy and Disposition to Delinquency)

第百五十六条 支払基金は、医療保険者が、納付すべき期限までに納付金を納付しないときは、期限を指定してこれを督促しなければならない。

Article 156 (1) The Payment Fund, when a medical insurer does not pay the Levy by the due date of said Levy, must specify the due date and present a demand for said Levy to said medical insurer.

2 支払基金は、前項の規定により督促をするときは、当該医療保険者に対し、督促状を発する。この場合において、督促状により指定すべき期限は、督促状を発する日から起算して十日以上経過した日でなければならない。

(2) The Payment Fund, when presenting a demand pursuant to the provisions of the preceding paragraph, must deliver a demand note. In this case, the due date to be specified by the demand note must be a date more than ten days after the date of issuance of said demand note.

3 支払基金は、第一項の規定による督促を受けた医療保険者がその指定期限までにその督促状に係る納付金及び次条の規定による延滞金を完納しないときは、政令で定めるところにより、その徴収を、厚生労働大臣又は都道府県知事に請求するものとする。

(3) The Payment Fund, when a medical insurer that is presented a demand for Levy pursuant to the provisions of paragraph (1) does not pay the full amount of the Levy pertaining to said demand note or the delinquent charge pursuant to the provisions of the following Article by said specified due date, is to demand said collection from the Minister of Health, Labour, and Welfare or the prefectural governor, pursuant to the provisions of a Cabinet Order.

4 前項の規定による徴収の請求を受けたときは、厚生労働大臣又は都道府県知事は、国税滞納処分の例により処分することができる。

(4) The Minister of Health, Labour, and Welfare or the prefectural governor, when receiving a demand for collection pursuant to the provisions of the preceding paragraph, may dispose of the demand as governed by the disposition of a matter with regard to a failure to pay a national tax.

(延滞金)

(Delinquent Charge)

第百五十七条 前条第一項の規定により納付金の納付を督促したときは、支払基金は、その督促に係る納付金の額につき年十四・五パーセントの割合で、納付期日の翌日からその完納又は財産差押えの日の前日までの日数により計算した延滞金を徴収する。ただし、督促に係る納付金の額が千円未満であるときは、この限りでない。

Article 157 (1) When payment of the Levy is demanded pursuant to the provisions of paragraph (1) of the preceding Article, the Payment Fund collects a delinquent charge that is calculated by using the percentage of 14.5 percent per annum of the amount of Levy pertaining to said demand for the number of days from the date following the due date of said Levy until the date prior to the date of an attachment of property, however, provided that this provision does not apply when the amount of Levy pertaining to said demand is less than 1,000 yen.

2 前項の場合において、納付金の額の一部につき納付があったときは、その納付の日以降の期間に係る延滞金の額の計算の基礎となる納付金の額は、その納付のあった納付金の額を控除した額とする。

(2) In a case of the preceding paragraph, when a portion of the amount of Levy is

paid, the amount of Levy that is the principal amount for the calculation of the delinquent charge pertaining to the period after the date of said payment is to be the amount remaining after deducting the amount of said payment from the amount of said Levy.

3 延滞金の計算において、前二項の納付金の額に千円未満の端数があるときは、その端数は、切り捨てる。

(3) In calculations of the delinquent charge, when the amount of Levy as set forth in the preceding two paragraphs contains a fractional portion that is less than 1,000 yen, said fractional portion is rounded down to the nearest 1,000 yen increment.

4 前三項の規定によって計算した延滞金の額に百円未満の端数があるときは、その端数は、切り捨てる。

(4) When the amount of delinquent charge calculated pursuant to the provisions of the preceding three paragraphs contains a fractional portion that is less than 100 yen, said fractional portion is rounded down to the nearest 100 yen increment.

5 延滞金は、次の各号のいずれかに該当する場合には、徴収しない。ただし、第三号の場合には、その執行を停止し、又は猶予した期間に対応する部分の金額に限る。

(5) A delinquent charge are not collected when the case corresponds to any of the following items, however, provided that in a case as set forth in item (iii), said execution of judgment is suspended or limited to the portion of the amount corresponding to the suspension period:

一 督促状に指定した期限までに納付金を完納したとき。

(i) when the Levy is paid in full by the due date specified in said demand note;

二 延滞金の額が百円未満であるとき。

(ii) when the amount of delinquent charge is less than 100 yen;

三 納付金について滞納処分の執行を停止し、又は猶予したとき。

(iii) when the disposition of the matter of said delinquency pertaining to Levy is discontinued or suspended;

四 納付金を納付しないことについてやむを得ない理由があると認められるとき。

(iv) when it is determined that there are compelling reasons for not paying the Levy.

(納付の猶予)

(Grace Period of Levy)

第百五十八条 支払基金は、やむを得ない事情により、医療保険者が納付金を納付することが著しく困難であると認められるときは、厚生労働省令で定めるところにより、当該医療保険者の申請に基づき、厚生労働大臣の承認を受けて、その納付すべき期限から一年以内の期間を限り、その一部の納付を猶予することができる。

Article 158 (1) The Payment Fund, when it is determined that payment is significantly difficult for a medical insurer to pay the Levy due to compelling

reasons, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may suspend a portion of said Levy by specifying a period within one year from the due date of said Levy based on the application of said medical insurer, after obtaining the approval of the Minister of Health, Labour, and Welfare,.

2 支払基金は、前項の規定による猶予をしたときは、その旨、猶予に係る納付金の額、猶予期間その他必要な事項を医療保険者に通知しなければならない。

(2) The Payment Fund, when issuing a suspension pursuant to the provisions of the preceding paragraph, must provide notification of said fact, the amount of Levy pertaining the suspension, the grace period, and other necessary matters to said medical insurer.

3 支払基金は、第一項の規定による猶予をしたときは、その猶予期間内は、その猶予に係る納付金につき新たに第百五十六条第一項の規定による督促及び同条第三項の規定による徴収の請求をすることができない。

(3) The Payment Fund, when issuing a suspension pursuant to the provisions of paragraph (1), may not present additional demands for payment of said Levy pertaining to said suspension pursuant to the provisions of Article 156, paragraph (1), and may not present a demand for collection pursuant to the provisions of paragraph (3) of the same Article.

(通知)

(Notification)

第百五十九条 市町村は、厚生労働省令で定めるところにより、支払基金に対し、各年度における医療保険納付対象額その他厚生労働省令で定める事項を通知しなければならない。

Article 159 (1) A Municipality, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, must notify the Payment Fund of the Amount Subject to Medical Insurance Premium Payment in each fiscal year and other matters as determined by Order of the Ministry of Health, Labour, and Welfare.

2 市町村は、前項の規定による通知の事務を連合会に委託することができる。

(2) A Municipality may entrust the affairs of said notification pursuant to the provisions of the preceding paragraph to the Association.

第九章 社会保険診療報酬支払基金の介護保険関係業務

Chapter IX Business Related to Insured Long-Term Care for Social Insurance Medical Fee Payment Funds

(支払基金の業務)

(Operation of the Payment Fund)

第百六十条 支払基金は、社会保険診療報酬支払基金法第十五条に規定する業務のほか、

第一条に規定する目的を達成するため、次に掲げる業務を行う。

Article 160 (1) The Payment Fund is to conduct operations listed in the following items in order to accomplish the purposes as prescribed in Article 1 in addition to operations as prescribed in Article 15 of the Social Insurance Medical Fee Payment Fund Act:

一 医療保険者から納付金を徴収すること。

(i) to collect a Levy from a medical insurer;

二 市町村に対し第百二十五条第一項の介護給付費交付金を交付すること。

(ii) to grant the Long-Term Care Benefit Expense as set forth in Article 125, paragraph (1) to a Municipality;

三 市町村に対し第百二十六条第一項の地域支援事業支援交付金を交付すること。

(iii) to provide supporting grants for Community Support Projects as set forth in Article 126, paragraph (1) to a Municipality;

四 前三号に掲げる業務に附帯する業務を行うこと。

(iv) to conduct operations incidental to the operations listed in the preceding three items.

2 前項に規定する業務は、介護保険関係業務という。

(2) Operations as prescribed in the preceding paragraph are referred to as business related to insured long-term care.

(業務の委託)

(Entrustment of Operations)

第百六十一条 支払基金は、厚生労働大臣の認可を受けて、介護保険関係業務の一部を医療保険者が加入している団体で厚生労働大臣が定めるものに委託することができる。

Article 161 The Payment Fund, after obtaining the approval of the Minister of Health, Labour, and Welfare, may entrust a portion of the business related to insured long-term care to an organization to which a medical insurer belongs and to those organizations specified by the Minister of Health, Labour, and Welfare.

(業務方法書)

(Statement of Operating Procedures)

第百六十二条 支払基金は、介護保険関係業務に関し、当該業務の開始前に、業務方法書を作成し、厚生労働大臣の認可を受けなければならない。これを変更するときも、同様とする。

Article 162 (1) The Payment Fund, with respect to business related to insured long-term care, must prepare a statement of operating procedures and obtain the approval of the Minister of Health, Labour, and Welfare prior to commencement of said operations; the same applies when changing said statement.

2 前項の業務方法書に記載すべき事項は、厚生労働省令で定める。

(2) Matters to be included in the statement of operating procedures as set forth in the preceding paragraph are determined by Order of the Ministry of Health, Labour, and Welfare.

(報告等)

(Reports)

第百六十三条 支払基金は、医療保険者に対し、毎年度、医療保険加入者（四十歳以上六十五歳未満のものに限る。）の数その他の厚生労働省令で定める事項に関する報告を求めるほか、第百六十条第一項第一号に掲げる業務に関し必要があると認めるときは、文書その他の物件の提出を求めることができる。

Article 163 The Payment Fund may request a medical insurer to submit a report every fiscal year of the number of medical insurance memberships (limited to those persons of the age of 40 years or more and less than the age of 65 years) and other matters as determined by Order of the Ministry of Health, Labour, and Welfare, and when it is determined to be necessary for operations listed in Article 160, paragraph (1), item (i), may request the submission of documents and other items.

(区分経理)

(Separate Accounting)

第百六十四条 支払基金は、介護保険関係業務に係る経理については、その他の業務に係る経理と区分して、特別の会計を設けて行わなければならない。

Article 164 The Payment Fund, with regard to the accounting procedures pertaining to business related to insured long-term care, must separate said business from the accounting pertaining to other operations and conduct said procedures by creating a special account and accounts.

(予算等の認可)

(Approval of Budgets)

第百六十五条 支払基金は、介護保険関係業務に関し、毎事業年度、予算、事業計画及び資金計画を作成し、当該事業年度の開始前に、厚生労働大臣の認可を受けなければならない。これを変更するときも、同様とする。

Article 165 The Payment Fund must prepare a budget, business plan, and fund plan for every fiscal year concerning business related to insured long-term care and obtain the approval of the Minister of Health, Labour, and Welfare prior to beginning of said fiscal year; the same apply when amending these items.

(財務諸表等)

(Financial Statements)

第百六十六条 支払基金は、介護保険関係業務に関し、毎事業年度、財産目録、貸借対照表及び損益計算書（以下この条において「財務諸表」という。）を作成し、当該事

業年度の終了後三月以内に厚生労働大臣に提出し、その承認を受けなければならない。

Article 166 (1) The Payment Fund, with respect to business related to insured long-term care, must prepare an inventory of property, Statement of Financial Position, and Statement of Operating Results (hereinafter referred to as "Financial Statements" in this Article) for every fiscal year, and submit said Financial Statements to the Minister of Health, Labour, and Welfare within three months after the end of said fiscal year, and obtain the approval of said Minister.

2 支払基金は、前項の規定により財務諸表を厚生労働大臣に提出するときは、厚生労働省令で定めるところにより、これに当該事業年度の事業報告書及び予算の区分に従い作成した決算報告書並びに財務諸表及び決算報告書に関する監事の意見書を添付しなければならない。

(2) The Payment Fund, when submitting Financial Statements to the Minister of Health, Labour, and Welfare pursuant to the provisions of the preceding paragraph, must attach a business report of said fiscal year, financial results that are prepared in accordance with categories of the budget, Financial Statements, and a statement of opinion of an auditor concerning the financial results, pursuant to the provisions of Order of the Minister of Health, Labour, and Welfare.

3 支払基金は、第一項の規定による厚生労働大臣の承認を受けたときは、遅滞なく、財務諸表又はその要旨を官報に公告し、かつ、財務諸表及び附属明細書並びに前項の事業報告書、決算報告書及び監事の意見書を、各事務所に備えて置き、厚生労働省令で定める期間、一般の閲覧に供しなければならない。

(3) The Payment Fund, when it obtains the approval of the Minister of Health, Labour, and Welfare pursuant to the provisions of paragraph (1), must provide public notice of the Financial Statements or a summary of the Financial Statements published in an official gazette without delay, and maintain said Financial Statements and supporting detailed statements, and the business report, financial results, and statement of the auditor as set forth in the preceding paragraph at each Business Office, and offer them for public perusal for the period as determined by Order of the Ministry of Health, Labour, and Welfare.

(利益及び損失の処理)

(Disposition of Surplus and Deficit)

第百六十七条 支払基金は、介護保険関係業務に関し、毎事業年度、損益計算において利益を生じたときは、前事業年度から繰り越した損失をうめ、なお残余があるときは、その残余の額は、積立金として整理しなければならない。

Article 167 (1) The Payment Fund, with respect to business related to insured long-term care, in the event that a surplus is recorded according the calculation of surplus and deficit for every fiscal year, must apply said surplus

to offset any remaining deficit carried forward from the previous fiscal year, and, if there still remains a surplus, settle said surplus as a reserve fund.

2 支払基金は、介護保険関係業務に関し、毎事業年度、損益計算において損失を生じたときは、前項の規定による積立金を減額して整理し、なお不足があるときは、その不足額は繰越欠損金として整理しなければならない。

(2) The Payment Fund, with respect to the business related to insured long-term care, in the event that a deficit is incurred according to the calculation of surplus and deficit for every fiscal year, must settle said deficit by reducing the reserve fund pursuant to the provisions of the preceding paragraph, and, if there still remains a deficit, settle said deficit as an item to be carried forward to the following fiscal year.

3 支払基金は、予算をもって定める金額に限り、第一項の規定による積立金を第一百六十条第一項第二号及び第三号に掲げる業務に要する費用に充てることができる。

(3) The Payment Fund may allocate said reserve fund pursuant to the provisions of paragraph (1) to the expenses necessary for operations listed in Article 160, paragraph (1), item (ii) and item (iii), within the amount as prescribed by a budget.

(借入金及び債券)

(Debt and Bonds)

第一百六十八条 支払基金は、介護保険関係業務に関し、厚生労働大臣の認可を受けて、長期借入金若しくは短期借入金をし、又は債券を発行することができる。

Article 168 (1) The Payment Fund, with respect to business related to insured long-term care, may borrow long-term debt, short-term debt, or issue bonds, after obtaining the approval of the Minister of Health, Labour, and Welfare.

2 前項の規定による長期借入金及び債券は、二年以内に償還しなければならない。

(2) Long-term debt and bonds pursuant to the provisions of the preceding paragraph must be repaid within two years.

3 第一項の規定による短期借入金は、当該事業年度内に償還しなければならない。ただし、資金の不足のため償還することができないときは、その償還することができない金額に限り、厚生労働大臣の認可を受けて、これを借り換えることができる。

(3) Short-term debt pursuant to the provisions of paragraph (1) must be repaid within said fiscal year, however, provided that when said short-term debt fails to be repaid due to a lack of funds, only said lack of funds portion may be refinanced, after obtaining the approval of the Minister of Health, Labour, and Welfare.

4 前項ただし書の規定により借り換えられた短期借入金は、一年以内に償還しなければならない。

(4) Short-term debt that is refinanced pursuant to the proviso of the preceding paragraph must be repaid within one year.

5 支払基金は、第一項の規定による債券を発行する場合には、割引の方法によ

ることができる。

(5) The Payment Fund, in a case when issuing bonds pursuant to the provisions of paragraph (1), may issue said bonds subject to a bond discount.

6 第一項の規定による債券の債権者は、支払基金の財産について他の債権者に先立って自己の債権の弁済を受ける権利を有する。

(6) A creditor holding bonds pursuant to the provisions of paragraph (1) has the right to receive payment of the creditor's own claim in preference to that of other creditors with regard to the property of the Payment Fund.

7 前項の先取特権の順位は、民法（明治二十九年法律第八十九号）の規定による一般の先取特権に次ぐものとする。

(7) The order of statutory lien as set forth in the preceding paragraph is to be in the first subordinate position of priority to a general statutory lien pursuant to the provisions of the Civil Code (Act No. 89 of 1896).

8 支払基金は、厚生労働大臣の認可を受けて、第一項の規定による債券の発行に関する事務の全部又は一部を銀行又は信託会社に委託することができる。

(8) The Payment Fund may entrust the whole or a portion of affairs concerning issuance of bonds pursuant to the provisions of paragraph (1) to banks and trust companies after obtaining the approval of the Minister of Health, Labour, and Welfare.

9 会社法（平成十七年法律第八十六号）第七百五条第一項及び第二項並びに第七百九条の規定は、前項の規定により委託を受けた銀行又は信託会社について準用する。

(9) The provisions of Article 705, paragraph (1) and paragraph (2), and Article 709 of the Companies Act (Act No. 86 of 2005) apply mutatis mutandis to banks and trust companies that are entrusted pursuant to the provisions of the preceding paragraph.

10 第一項及び第二項並びに第五項から前項までに定めるもののほか、第一項の規定による債券に関し必要な事項は、政令で定める。

(10) In addition to those items as prescribed in paragraph (1), paragraph (2), and paragraph (5) through paragraph (9), other necessary matters concerning bonds pursuant to the provisions of paragraph (1) are provided by a Cabinet Order.

（政府保証）

(Government Guarantee)

第百六十九条 政府は、法人に対する政府の財政援助の制限に関する法律（昭和二十一年法律第二十四号）第三条の規定にかかわらず、国会の議決を経た金額の範囲内で、支払基金による第二百五条第一項の介護給付費交付金及び第二百六条第一項の地域支援事業支援交付金の円滑な交付のために必要があると認めるときは、前条の規定による支払基金の長期借入金、短期借入金又は債券に係る債務について、必要と認められる期間の範囲において、保証することができる。

Article 169 The national government, notwithstanding the provisions of Article 3

of the Act Concerning Restrictions on Financial Assistance by the Government to Corporations (Act No. 24 of 1946), when it determines necessary for efficient payments by the Payment Fund of the grants for Long-Term Care Benefits pursuant to the provisions of Article 125, paragraph (1) and supporting grants for Community Support Projects pursuant to the provisions of Article 126, paragraph (1), may provide guarantees within the scope of the period that is determined to be necessary with regard to liabilities pertaining to long-term debt, short-term debt, or bonds of the Payment Fund pursuant to the provisions of the preceding paragraph.

(余裕金の運用)

(Investment of Surplus Funds)

第七十条 支払基金は、次の方法によるほか、介護保険関係業務に係る業務上の余裕金を運用してはならない。

Article 170 The Payment Fund must not invest surplus funds in the course of business pertaining to business related to insured long-term care, except by the following methods:

- 一 国債、地方債その他厚生労働大臣が指定する有価証券の保有
(i) retention of national government bonds, local government bonds and other securities specified by the Minister of Health, Labour, and Welfare;
- 二 銀行その他厚生労働大臣が指定する金融機関への預金又は郵便貯金
(ii) as deposits in banks or other financial institutions specified by the Minister of Health, Labour, and Welfare, or as postal deposits;
- 三 信託業務を営む金融機関（金融機関の信託業務の兼営等に関する法律（昭和十八年法律第四十三号）第一条第一項の認可を受けた金融機関をいう。）への金銭信託
(iii) as a money trust in financial institutions (which means financial institutions that obtain approval as set forth in Article 1, paragraph (1) of the Act Concerning Additional Operations of Trust Business by Financial Institutions, etc., (Act No. 43 of 1943)) that operate trust business.

(協議)

(Consultation)

第七十条の二 厚生労働大臣は、次の場合には、あらかじめ、財務大臣に協議しなければならない。

Article 170-2 The Minister of Health, Labour, and Welfare must consult with the Minister of Finance in advance, in the following cases:

- 一 第六十八条第一項、第三項又は第八項の認可をしようとするとき。
(i) when intending to provide an approval as set forth in Article 168, paragraph (1), paragraph (3), or paragraph (8);
- 二 前条第一号又は第二号の指定をしようとするとき。
(ii) when intending to provide an appointment as set forth in paragraph (1) or

paragraph (2) of the preceding Article.

(厚生労働省令への委任)

(Delegation to Order of the Ministry of Health, Labour, and Welfare)

第一百七十一条 この章に定めるもののほか、介護保険関係業務に係る支払基金の財務及び会計に関し必要な事項は、厚生労働省令で定める。

Article 171 In addition to those matters provided in this Chapter, the necessary matters concerning finance and accounting of the Payment Fund pertaining to business related to insured long-term care are determined by Order of the Ministry of Health, Labour, and Welfare.

(報告の徴収等)

(Collection of Reports)

第一百七十二条 厚生労働大臣又は都道府県知事は、支払基金又は第六十一条の規定による委託を受けた者（以下この項及び第二百七条第二項において「受託者」という。）について、介護保険関係業務に関し必要があると認めるときは、その業務又は財産の状況に関する報告を徴し、又は当該職員に実地にその状況を検査させることができる。ただし、受託者に対しては、当該受託業務の範囲内に限る。

Article 172 (1) The Minister of Health, Labour, and Welfare or a prefectural governor, with regard to a person that is entrusted by the Payment Fund or pursuant to the provisions of Article 161 (hereinafter referred to as "Trustee" in this paragraph and Article 207, paragraph (2)), when he or she determines it necessary with respect to business related to insured long-term care, may collect a report concerning the status of said operations or property, or direct personnel to inspect said condition in practice, however, provided that with regard to a Trustee, this provision applies as within the business of said Trustee business.

2 第二十四条第三項の規定は、前項の規定による検査について、同条第四項の規定は、前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to an inspection pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

3 都道府県知事は、支払基金につき介護保険関係業務に関し社会保険診療報酬支払基金法第二十九条の規定による処分が行われる必要があると認めるとき、又は支払基金の理事長、理事若しくは監事につき介護保険関係業務に関し同法第十一条第二項若しくは第三項の規定による処分が行われる必要があると認めるときは、理由を付して、その旨を厚生労働大臣に通知しなければならない。

(3) A prefectural governor, with regard to the Payment Fund, when it is determined necessary with respect to business related to insured long-term care to conduct the disposition of a matter pursuant to the provisions of Article

29 of the Social Insurance Medical Fee Payment Fund Act, or when it is determined necessary to execute an action for the president, the chairperson or a director, or an inspector of the Payment Fund or business related to insured long-term care, pursuant to the provisions of Article 11, paragraph (2) or paragraph (3) of the same Act, must provide notification of said fact to the Minister of Health, Labour, and Welfare and provide the reasons thereof.

(社会保険診療報酬支払基金法の適用の特例)

(Exception of Application of the Social Insurance Medical Fee Payment Fund Act)

第七十三条 介護保険関係業務は、社会保険診療報酬支払基金法第三十二条第二項の規定の適用については、同法第十五条に規定する業務とみなす。

Article 173 Business related to insured long-term care, with regard to application of the provisions of Article 32, paragraph (2) of the Social Insurance Medical Fee Payment Fund Act, be deemed as operations as prescribed in Article 15 of the same Act.

(審査請求)

(Application for Examination)

第七十四条 この法律に基づいてした支払基金の処分に不服のある者は、厚生労働大臣に対し、行政不服審査法（昭和三十七年法律第百六十号）による審査請求をすることができる。

Article 174 A person that is dissatisfied with the action executed by the Payment Fund based on this Act may submit an application for examination pursuant to the provisions of the Administrative Appeal Act (Act No. 160 of 1962) to the Minister of Health, Labour, and Welfare.

第七十五条 削除

Article 175 [Article repealed, deleted]

第十章 国民健康保険団体連合会の介護保険事業関係業務

Chapter X Business Related to a Long-Term Care Insurance Project from the Federation of National Health Insurance Associations

(連合会の業務)

(Operation of an Association)

第七十六条 連合会は、国民健康保険法の規定による業務のほか、次に掲げる業務を行う。

Article 176 (1) An Association conducts the following business in addition to the business pursuant to the provisions of the National Health Insurance Act:

一 第四十一条第十項（第四十二条の二第九項、第四十六条第七項、第四十八条第七

項、第五十一条の二第八項、第五十三条第七項、第五十四条の二第九項、第五十八条第七項及び第六十一条の二第八項において準用する場合を含む。)の規定により市町村から委託を受けて行う居宅介護サービス費、地域密着型介護サービス費、居宅介護サービス計画費、施設介護サービス費、特定入所者介護サービス費、介護予防サービス費、地域密着型介護予防サービス費、介護予防サービス計画費及び特定入所者介護予防サービス費の請求に関する審査及び支払

(i) pursuant to the provisions of Article 41, paragraph (10) (including a case applied mutatis mutandis pursuant to Article 42-2, paragraph (9), Article 46, paragraph (7), Article 48, paragraph (7), Article 51-2, paragraph (8), Article 53, paragraph (7), Article 54-2, paragraph (9), Article 58, paragraph (7) and Article 61-2, paragraph (8)), examination and payment concerning a demand of Allowance for In-Home Long-Term Care Service, Allowance for Community-Based Long-Term Care Service, Allowance for In-Home Long-Term Care Service Plan, Allowance for Long-Term Care Facility Service, Allowance for Long-Term Care Service to A Person Admitted to A Specified Facility, Allowance for Preventive Long-Term Care Service, Allowance for Community-Based Preventive Long-Term Care Service, Allowance for Preventive Service Plan for Long-Term Care, and Allowance for Preventive Long-Term Care Service to a Person Admitted to a Specified Facility that are entrusted by a Municipality;

二 指定居宅サービス、指定地域密着型サービス、指定居宅介護支援、指定施設サービス等、指定介護予防サービス、指定地域密着型介護予防サービス及び指定介護予防支援の質の向上に関する調査並びに指定居宅サービス事業者、指定地域密着型サービス事業者、指定居宅介護支援事業者、介護保険施設、指定介護予防サービス事業者、指定地域密着型介護予防サービス事業者及び指定介護予防支援事業者に対する必要な指導及び助言

(ii) investigation of the improvement of quality of Designated In-Home Service, Designated Community-Based Service, Designated In-Home Long-Term Care Support, Designated Facility Service, etc., Designated Preventive Long-Term Care Service, Designated Community-Based Preventive Long-Term Care Service, and Designated Support for Prevention of Long-Term Care, and the necessary instruction and advice to a Designated In-Home Service Provider, Designated Community-Based Service Provider, Designated In-Home Long-Term Care Support Provider, Long-Term Care Insurance Facility, Designated Provider of Preventive Long-Term Care Service, Designated Provider of Community-Based Preventive Service of Long-Term Care, and Designated Provider of Support for Prevention of Long-Term Care.

2 連合会は、前項各号に掲げる業務のほか、介護保険事業の円滑な運営に資するため、次に掲げる業務を行うことができる。

(2) An Association, in addition to those operations listed in each item of the preceding paragraph, may conduct the businesses listed in the following items,

in order to contribute to efficient operation of an Insured Long-Term Care Project:

一 第二十一条第三項の規定により市町村から委託を受けて行う第三者に対する損害賠償金の徴収又は収納の事務

(i) affairs of collection or payment of compensation for damages to a third party that is conducted based on the entrustment of a Municipality pursuant to the provisions of Article 21, paragraph (3);

二 指定居宅サービス、指定地域密着型サービス、指定居宅介護支援、指定介護予防サービス及び指定地域密着型介護予防サービスの事業並びに介護保険施設の運営

(ii) operation of the business of Designated In-Home Service, Designated Community-Based Service, Designated In-Home Long-Term Care Support, Designated Preventive Service of Long-Term Care, Designated Community-Based Preventive Long-Term Care Service, and a Long-Term Care Insurance Facility;

三 前二号に掲げるもののほか、介護保険事業の円滑な運営に資する事業

(iii) in addition to the operations listed in the preceding two paragraphs, business that contributes to the efficient operation of an Insured Long-Term Care Project.

(議決権の特例)

(Exception of Voting Rights)

第百七十七条 連合会が前条の規定により行う業務（以下「介護保険事業関係業務」という。）については、国民健康保険法第八十六条において準用する同法第二十九条の規定にかかわらず、厚生労働省令で定めるところにより、規約をもって議決権に関する特段の定めをすることができる。

Article 177 With regard to business that an Association conducts pursuant to the provisions of the preceding Article (hereinafter referred to as "Business Relevant to A Long-Term Care Insurance Project"), notwithstanding the provisions of Article 29 of the National Health Insurance Act as applied mutatis mutandis pursuant to Article 86 of the same Act, a special provision concerning voting rights may be provided by the constitution.

(区分経理)

(Separate Accounting)

第百七十八条 連合会は、介護保険事業関係業務に係る経理については、その他の経理と区分して整理しなければならない。

Article 178 An Association, with regard to accounting procedures pertaining to Business Related to A Long-Term Care Insurance Project, must separate said records from other accounting records.

第十一章 介護給付費審査委員会

Chapter XI Examination Committee for Long-Term Care Benefit Expense

(給付費審査委員会)

(Examination Committee for Benefit Expense)

第百七十九条 第四十一条第十項（第四十二条の二第九項、第四十六条第七項、第四十八条第七項、第五十一条の二第八項、第五十三条第七項、第五十四条の二第九項、第五十八条第七項及び第六十一条の二第八項において準用する場合を含む。）の規定による委託を受けて介護給付費請求書の審査を行うため、連合会に、介護給付費審査委員会（以下「給付費審査委員会」という。）を置く。

Article 179 In order to conduct the examination of invoices for Long-Term Care Benefit Expense based on the entrustment pursuant to the provisions of Article 41, paragraph (10) (including a case applied mutatis mutandis pursuant to Article 42-2, paragraph (9), Article 46, paragraph (7), Article 48, paragraph (7), Article 51-2, paragraph (8), Article 53, paragraph (7), Article 54-2, paragraph (9), Article 58, paragraph (7) and Article 61-2, paragraph (8)), an examination committee for Long-Term Care Benefit Expense (hereinafter referred to as "Examination Committee for Long-Term Care Benefit Expense") is to be established by an Association.

(給付費審査委員会の組織)

(Organization of Examination Committee for Benefit Expense)

第百八十条 給付費審査委員会は、規約で定めるそれぞれ同数の介護給付等対象サービス担当者（指定居宅サービス、指定地域密着型サービス、指定居宅介護支援、指定施設サービス等、指定介護予防サービス、指定地域密着型介護予防サービス又は指定介護予防支援を担当する者をいう。第三項及び次条第一項において同じ。）を代表する委員、市町村を代表する委員及び公益を代表する委員をもって組織する。

Article 180 (1) An Examination Committee for Benefit Expense is to be comprised of groups of committee members, with each group having the same number of committee members, to represent the following: committee members that represent Municipalities; committee members that represent the public interest; and committee members that represent persons that are in charge of Service Covered by Long-Term Care Benefits, etc., (which means a person in charge of Designated In-Home Service, Designated Community-Based Service, Designated In-Home Long-Term Care Support, Designated Facility Service, etc., Designated Preventive Service of Long-Term Care, Designated Community-Based Preventive Long-Term Care Service, or Designated Support for Prevention of Long-Term Care; the same applies in paragraph (3) and paragraph (1) of the following Article) respectively, as prescribed by the constitution.

2 委員は、連合会が委嘱する。

(2) Committee members are commissioned by an Association.

3 前項の委嘱は、介護給付等対象サービス担当者を代表する委員及び市町村を代表する委員については、それぞれ関係団体の推薦によって行わなければならない。

(3) The commission as set forth in the preceding paragraph, with regard to committee members who represent persons in charge of services subject to Long-Term Care Benefit, etc., and committee members who represent Municipalities, must be conducted by the nomination of concerned organizations, respectively.

(給付費審査委員会の権限)

(Authority of Examination Committee for Benefit Expense)

第百八十一条 給付費審査委員会は、介護給付費請求書の審査を行うため必要があると認めるときは、都道府県知事の承認を得て、当該指定居宅サービス事業者、指定居宅介護支援事業者、指定介護予防サービス事業者若しくは介護保険施設に対して、報告若しくは帳簿書類の提出若しくは提示を求め、又は当該指定居宅サービス事業者、指定居宅介護支援事業者、指定介護予防サービス事業者若しくは介護保険施設の開設者若しくは管理者若しくはその長若しくは当該指定居宅サービスの事業、指定居宅介護支援の事業若しくは指定介護予防サービスの事業に係る事業所若しくは介護保険施設における介護給付等対象サービス担当者に対して、出頭若しくは説明を求めることができる。

Article 181 (1) An Examination Committee for Benefit Expense, when it is determined necessary for the examination of invoices for Long-Term Care Benefit Expense, after obtaining the approval of the prefectural governor, may request to report, submit or present record books and documents to said Designated In-Home Service Provider, Designated In-Home Long-Term Care Support Provider, Designated Provider of Preventive Long-Term Care Service, or Long-Term Care Insurance Facility, or issue a request to appear or explain to an organizer, manager, or said chairperson or director of said Designated In-Home Service Provider, Designated In-Home Long-Term Care Support Provider, Designated Provider of Preventive Long-Term Care Service, or Long-Term Care Insurance Facility, or the location of a Business Office pertaining to the business of said Designated In-Home Service, the business of Designated In-Home Long-Term Care Support, the business of Designated Preventive Long-Term Care Service, or a person in charge of Service Covered by Long-Term Care Benefits, etc., of a Long-Term Care Insurance Facility.

2 連合会は、前項の規定により給付費審査委員会に出頭した者に対し、旅費、日当及び宿泊料を支給しなければならない。ただし、当該指定居宅サービス事業者、指定居宅介護支援事業者、指定介護予防サービス事業者又は介護保険施設が提出した介護給付費請求書又は帳簿書類の記載が不備又は不当であったため出頭を求められて出頭した者に対しては、この限りでない。

(2) An Association must pay the travel expenses, a daily allowance, and accommodation charges of a person that appears before an Examination

Committee for Benefit Expense pursuant to the provisions of the preceding paragraph, however, provided that this provision does not apply to those who appear pursuant to a request for appearance due to a defective or misleading entry of an invoice for Long-Term Care Benefit Expense, or the record books and documents that are submitted by said Designated In-Home Service Provider, Designated In-Home Long-Term Care Support Provider, Designated Provider of Preventive Long-Term Care Service, or Long-Term Care Insurance Facility.

3 前二項の規定は、指定地域密着型サービス事業者、指定地域密着型介護予防サービス事業者及び指定介護予防支援事業者並びに指定地域密着型サービスの事業、指定地域密着型介護予防サービスの事業及び指定介護予防支援の事業について準用する。この場合において、第一項中「都道府県知事」とあるのは、「市町村長」と読み替えるものとする。

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to a Designated Community-Based Service Provider, Designated Provider of Community-Based Preventive Service of Long-Term Care, or Designated Provider of Support for Prevention of Long-Term Care, and the business of Designated Community-Based Service, the business of Community-Based Preventive Long-Term Care Service, and the business of Designated Support for Prevention of Long-Term Care. In this case, the term "prefectural governor" in paragraph (1) is deemed to be replaced with "mayor of the Municipality."

(厚生労働省令への委任)

(Delegation to Order of Ministry of Health, Labour, and Welfare)

第百八十二条 この章に規定するもののほか、給付費審査委員会に関して必要な事項は、厚生労働省令で定める。

Article 182 In addition to those matters as provided in this Chapter, necessary matters for an Examination Committee for Benefit Expense are determined by Order of the Ministry of Health, Labour, and Welfare.

第十二章 審査請求

Chapter XII Application for Examination

(審査請求)

(Application for Examination)

第百八十三条 保険給付に関する処分（被保険者証の交付の請求に関する処分及び要介護認定又は要支援認定に関する処分を含む。）又は保険料その他この法律の規定による徴収金（財政安定化基金拠出金、納付金及び第百五十七条第一項に規定する延滞金を除く。）に関する処分に不服がある者は、介護保険審査会に審査請求をすることができる。

Article 183 (1) A person that is dissatisfied with the action executed concerning

an Insurance Benefit (including the action pertaining to a request for issuance of a Certificate of Insured Person and action concerning a Certification of Needed Long-Term Care or Needed Support Certification) or an action concerning an insurance premium and other levies pursuant to the provisions of this Act (except for a Fiscal Stability Fund contribution, payment and delinquent charge as prescribed in Article 157, paragraph (1)), may apply to a Certification Committee for Long-Term Care Insurance for an examination.

2 前項の審査請求は、時効の中断に関しては、裁判上の請求とみなす。

(2) An application for examination as set forth in the preceding paragraph is deemed as a judicial request with respect to interruption of a prescription.

(介護保険審査会の設置)

(Establishment of Certification Committee for Long-Term Care Insurance)

第百八十四条 介護保険審査会（以下「保険審査会」という。）は、各都道府県に置く。

Article 184 A Certification Committee for Long-Term Care Insurance

(hereinafter referred to as "Certification Committee for Insurance") is to be organized in each prefecture.

(組織)

(Organization)

第百八十五条 保険審査会は、次の各号に掲げる委員をもって組織し、その定数は、当該各号に定める数とする。

Article 185 (1) A Certification Committee for Insurance is to be comprised of groups of committee members as listed in each of following items and said fixed number is the number provided by said each item:

一 被保険者を代表する委員 三人

(i) committee members who represent Insured Persons: three;

二 市町村を代表する委員 三人

(ii) committee members who represent Municipalities: three;

三 公益を代表する委員 三人以上であって政令で定める基準に従い条例で定める員数

(iii) committee members who represent the public interest: a fixed number determined by ordinance in accordance with the standards provided by a Cabinet Order.

2 委員は、都道府県知事が任命する。

(2) A committee member is appointed by the prefectural governor.

3 委員は、非常勤とする。

(3) A committee member is part-time.

(委員の任期)

(Terms of Committee Members)

第百八十六条 委員の任期は、三年とする。ただし、補欠の委員の任期は、前任者の残任期間とする。

Article 186 (1) The term of a committee member is to be three years, however, provided that the term of a member filling a vacancy is for the duration of the remaining term of said predecessor.

2 委員は、再任されることができる。

(2) A committee member may be reappointed.

(会長)

(Chairperson)

第百八十七条 保険審査会に、公益を代表する委員のうちから委員が選挙する会長一人を置く。

Article 187 (1) A Certification Committee for Insurance is to have one chairperson that is elected by the committee members, from among the committee members representing the public interest.

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

(2) In the event that a chairperson becomes unable to serve, a member that has been elected in accordance with the provisions as set forth in the preceding paragraph performs the duties of the chairperson.

(専門調査員)

(Expert Investigator)

第百八十八条 保険審査会に、要介護認定又は要支援認定に関する処分に対する審査請求の事件に関し、専門の事項を調査させるため、専門調査員を置くことができる。

Article 188 (1) Expert investigators may be appointed to a Certification Committee for Insurance in order for said expert to investigate special matters concerning a case of an application for examination of action executed concerning a Certification of Needed Long-Term Care or a Certification of Needed Support.

2 専門調査員は、要介護者等の保健、医療又は福祉に関する学識経験を有する者のうちから、都道府県知事が任命する。

(2) Expert investigators shall be appointed by a prefectural governor from among persons with relevant knowledge and experience concerning the health, medical care, or public aid of an Insured Person Requiring Long-Term Care, etc.

3 専門調査員は、非常勤とする。

(3) Expert investigators are part-time.

(合議体)

(Council)

第百八十九条 保険審査会は、会長、被保険者を代表する委員及び市町村を代表する委

員の全員並びに会長以外の公益を代表する委員のうちから保険審査会が指名する二人をもって構成する合議体で、審査請求（要介護認定又は要支援認定に関する処分に対するものを除く。）の事件を取り扱う。

Article 189 (1) A Certification Committee for Insurance is a council consisting of two (2) members, and selected for appointment to said Certification Committee for Insurance from among the chairperson, all the members representing Insured Persons and members representing Municipalities, and from among the members representing the public interest except for the chairperson, and administers the cases of application for examination (except for those cases requiring action concerning Certification of Needed Long-Term Care or Certification of Needed Support).

2 要介護認定又は要支援認定に関する処分に対する審査請求の事件は、公益を代表する委員のうちから、保険審査会が指名する三人をもって構成する合議体で取り扱う。

(2) A case of an application for examination regarding an action concerning Certification of Needed Long-Term Care or Certification of Needed Support is to be administered by a council consisting of three members selected for appointment to the Certification Committee for Insurance from among members representing the public interest.

第九十条 前条第一項の合議体は、被保険者を代表する委員、市町村を代表する委員及び公益を代表する委員各一人以上を含む過半数の委員の、同条第二項の合議体は、これを構成するすべての委員の出席がなければ、会議を開き、議決をすることができない。

Article 190 (1) A council as set forth in paragraph (1) of the preceding Article may not conduct a meeting nor make any decisions without the attendance of a majority of members including one or more member representing Insured Persons, a member representing Municipalities, and a member representing the public interest respectively, and a council as set forth in paragraph (2) may not conduct a meeting nor make any decisions without the attendance of all members that comprise said council.

2 前条第一項の合議体の議事は、出席した委員の過半数をもって決し、可否同数のときは、会長の決するところによる。

(2) A decision of a council as set forth in paragraph (1) of the preceding Article is determined by a majority of the members present, and in case of a tie vote, matters are decided by the chairperson.

3 前条第二項の合議体の議事は、その合議体を構成する委員の過半数をもって決する。

(3) A decision of a council as set forth in paragraph (2) of the preceding Article is decided by a majority of the members who constitute said council.

(管轄保険審査会)

(Jurisdictional Certification Committee for Insurance)

第百九十一条 審査請求は、当該処分をした市町村をその区域に含む都道府県の保険審査会に対してしなければならない。

Article 191 (1) An application for examination must be conducted by a Certification Committee for Insurance of the prefecture that includes the area of the Municipality that executed the action for said matter.

2 審査請求が管轄違いであるときは、保険審査会は、速やかに、事件を所轄の保険審査会に移送し、かつ、その旨を審査請求人に通知しなければならない。

(2) In a case that a Certification Committee for Insurance lacks jurisdiction in the matters of an application for examination, the Committee must immediately transfer said case to the competent Certification Committee for Insurance and provide notification of said fact to said applicant of said examination.

3 事件が移送されたときは、はじめから、移送を受けた保険審査会に審査請求があったものとみなす。

(3) When a case is transferred, it is deemed that said application for examination was submitted originally to the Certification Committee for Insurance that accepts said transfer.

(審査請求の期間及び方式)

(Term and Method of Application for Examination)

第百九十二条 審査請求は、処分があったことを知った日の翌日から起算して六十日以内に、文書又は口頭でしなければならない。ただし、正当な理由により、この期間内に審査請求をすることができなかつたことを疎明したときは、この限りでない。

Article 192 An application for examination must be requested with a document or orally within sixty days from the day following the date when the applicant learns that the action regarding a matter was executed, however, provided that this provision does not apply to a case when there is prima facie evidence to prove that said application for examination was not submitted within said period due to justifiable cause.

(市町村に対する通知)

(Notification to Municipality)

第百九十三条 保険審査会は、審査請求を受理したときは、原処分をした市町村及びその他の利害関係人に通知しなければならない。

Article 193 A Certification Committee for Insurance, when accepting an application for examination, must notify the Municipality that executed the original action and other interested persons.

(審理のための処分)

(Disposition for Proceedings)

第百九十四条 保険審査会は、審理を行うため必要があると認めるときは、審査請求人

若しくは関係人に対して報告若しくは意見を求め、その出頭を命じて審問し、又は医師その他保険審査会の指定する者（次項において「医師等」という。）に診断その他の調査をさせることができる。

Article 194 (1) A Certification Committee for Insurance, when it determines necessary to conduct proceedings, may request reports or opinions of the person requesting said examination or other relevant person, order to appear and conduct hearings, or direct a physician or other person appointed by said Certification Committee for Insurance (referred to as "Physician, etc." in the following paragraph) to conduct a diagnosis or other investigations.

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

(2) A prefecture must pay the travel expenses, a daily allowance, and accommodation charges, or pay remuneration, pursuant to the provisions of a Cabinet Order, to said relevant person that appears before said Certification Committee for Insurance pursuant to the provisions of the preceding paragraph or Physician, etc., that conducted said diagnosis or other investigation.

(政令への委任)

(Delegation to a Cabinet Order)

第百九十五条 この章及び行政不服審査法に規定するもののほか、審査請求の手續及び保険審査会に関して必要な事項は、政令で定める。

Article 195 In addition to those items as prescribed in this Chapter or in the Administrative Appeal Act, other necessary matters and procedures of an application for examination and a Certification Committee for Insurance are determined by a Cabinet Order.

(審査請求と訴訟との関係)

(Relationship between Application for Examination and Litigation)

第百九十六条 第百八十三条第一項に規定する処分の取消しの訴えは、当該処分についての審査請求に対する裁決を経た後でなければ、提起することができない。

Article 196 An action of rescission or disposition of a matter as prescribed in Article 183, paragraph (1) may not be filed until a ruling with regard to the application for examination pertaining to said disposition of a matter has been determined.

第十三章 雑則

Chapter XIII Miscellaneous Provisions

(報告の徴収等)

(Collection of Reports)

第百九十七条 厚生労働大臣又は都道府県知事は、市町村に対し、保険給付の効果に関する評価のためその他必要があると認めるときは、その事業の実施の状況に関する報告を求めることができる。

Article 197 (1) The Minister of Health, Labour, and Welfare or the prefectural governor may, when it is determined necessary for an evaluation concerning the effect of Insurance Benefits or other matter, request a Municipality to submit a report concerning the performance of said project.

2 厚生労働大臣は、都道府県知事又は市町村長に対し、当該都道府県知事又は市町村長が第五章の規定により行う事務に関し必要があると認めるときは、報告を求め、又は助言若しくは勧告をすることができる。

(2) The Minister of Health, Labour, and Welfare may request a prefectural governor or the mayor of a Municipality, when it is determined to be necessary with respect to the affairs to be conducted pursuant to the provisions of Chapter V by said prefectural governor or mayor of said Municipality, to submit a report, or may provide advice or recommendation.

3 厚生労働大臣又は都道府県知事は、医療保険者に対し、納付金の額の算定に関して必要があると認めるときは、その業務に関する報告を徴し、又は当該職員に実地にその状況を検査させることができる。

(3) The Minister of Health, Labour, and Welfare or a prefectural governor, as pertaining to a medical insurer, when he or she determines the necessity for a calculation of an amount of payment, may collect reports concerning said operation, or direct personnel to investigate said conditions in practice.

4 第二十四条第三項の規定は、前項の規定による検査について、同条第四項の規定は、前項の規定による権限について準用する。

(4) The provisions of Article 24, paragraph (3) apply mutatis mutandis to an inspection pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

第百九十七条の二 市町村長は、政令で定めるところにより、その事業の実施の状況を厚生労働大臣に報告しなければならない。

Article 197-2 A mayor of a Municipality, pursuant to the provisions of a Cabinet Order, must report the performance of said business to the Minister of Health, Labour, and Welfare.

(連合会に対する監督)

(Supervision of Association)

第百九十八条 連合会について国民健康保険法第百六条及び第百八条の規定を適用する場合において、これらの規定中「事業」とあるのは、「事業（介護保険法（平成九年法律第百二十三号）第百七十七条に規定する介護保険事業関係業務を含む。）」とす

る。

Article 198 In a case when the provisions of Article 106 and Article 108 of the National Health Insurance Act apply to an Association, the term "business" in these provisions is deemed to be replaced with "business (including Business Relevant to A Long-Term Care Insurance Project that is as prescribed in Article 177 of the Long-Term Care Insurance Act (Act No.123 of 1997))."

(先取特権の順位)

(Order of Statutory Lien)

第百九十九条 保険料その他この法律の規定による徴収金の先取特権の順位は、国税及び地方税に次ぐものとする。

Article 199 An order of a statutory lien related to an insurance premium or other levy pursuant to the provisions of this Act has priority subordinate to national tax and local tax.

(時効)

(Prescription)

第二百条 保険料、納付金その他この法律の規定による徴収金を徴収し、又はその還付を受ける権利及び保険給付を受ける権利は、二年を経過したときは、時効によって消滅する。

Article 200 (1) The right to collect an insurance premium, payment, and other levies pursuant to the provisions of this Act, to receive said refund, or to receive an Insurance Benefit is extinguished by prescription, due to the statute to limitations after two years have elapsed from the date of issuance.

2 保険料その他この法律の規定による徴収金の督促は、民法第一百五十三条の規定にかかわらず、時効中断の効力を生ずる。

(2) A demand for an insurance premium and other levies pursuant to the provisions of this Act, notwithstanding the provisions of Article 153 of Civil Code, have the effect of interruption of a prescription.

(期間の計算)

(Calculation of Periods)

第二百一条 この法律又はこの法律に基づく命令に規定する期間の計算については、民法の期間に関する規定を準用する。

Article 201 With regard to the calculation of periods as prescribed by this Act or an Order based on this Act, said calculation applies mutatis mutandis to the provisions concerning said periods as set forth in Civil Code.

(被保険者等に関する調査)

(Investigation Concerning an Insured Person)

第二百二条 市町村は、被保険者の資格、保険給付及び保険料に関して必要があると認

めるときは、被保険者、第一号被保険者の配偶者若しくは第一号被保険者の属する世帯の世帯主その他その世帯に属する者又はこれらであった者に対し、文書その他の物件の提出若しくは提示を命じ、又は当該職員に質問させることができる。

Article 202 (1) A Municipality, when it determines it necessary with respect to qualification of an Insured Person, an Insurance Benefit, or an insurance premium, may order an Insured Person, the spouse of a Primary Insured Person, the householder of said family where said Primary Insured Person resides, or other person who belongs or belonged to said family, to submit or present documents and other items, or direct personnel to make inquiries.

2 第二十四条第三項の規定は、前項の規定による質問について、同条第四項の規定は、前項の規定による権限について準用する。

(2) The provisions of Article 24, paragraph (3) apply mutatis mutandis to questions pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) of the same Article apply mutatis mutandis to the authority granted pursuant to the provisions of the preceding paragraph.

(資料の提供等)

(Provision of Data)

第二百三条 市町村は、保険給付及び保険料に関して必要があると認めるときは、被保険者、第一号被保険者の配偶者若しくは第一号被保険者の属する世帯の世帯主その他その世帯に属する者の資産若しくは収入の状況又は被保険者に対する老齢等年金給付の支給状況につき、郵便局その他の官公署若しくは年金保険者に対し必要な文書の閲覧若しくは資料の提供を求め、又は銀行、信託会社その他の機関若しくは被保険者の雇用主その他の関係人に報告を求めることができる。

Article 203 A Municipality, when it determines it necessary with regard to an Insurance Benefit or an insurance premium, with respect to the property or income condition of said Insured Person, the spouse of said Primary Insured Person, the householder of said family where said Primary Insured Person resides, or other person who belong to said family, or with regard to the payment status of an Old Age, etc., Pension Benefit to an Insured Person, may request the submission of necessary documents or to submit other materials of a post office or other public agency, or the employer of said pension insurer, or request the submission of a report from a bank, trust company, and other institutions, or said employer of said Insured Person, or other relevant person.

(緊急時における厚生労働大臣の事務執行)

(Execution of Affairs by the Minister of Health, Labour, and Welfare in an Emergency)

第二百三条の二 第百条第一項の規定により都道府県知事又は市町村長の権限に属するものとされている事務は、介護老人保健施設に入所している者の生命又は身体の安全を確保するため緊急の必要があると厚生労働大臣が認める場合にあっては、厚生労働

大臣又は都道府県知事若しくは市町村長が行うものとする。この場合において、この法律の規定中都道府県知事に関する規定（当該事務に係るものに限る。）は、厚生労働大臣に関する規定として厚生労働大臣に適用があるものとする。

Article 203-2 (1) Affairs that belong to the authority of a prefectural governor or mayor of a Municipality pursuant to the provisions of Article 100, paragraph(1), in a case when the Minister of Health, Labour, and Welfare determines that there is an urgent need for protection of the safety of a person's life or the physical condition of the body of a person who may be admitted to a Long-Term Care Health Facility, are to be executed by the Minister of Health, Labour, and Welfare, or a prefectural governor or mayor of a Municipality. In this case, the provisions concerning a prefectural governor in the provisions of this Act (limited to those pertaining to said Affairs) apply to the Minister of Health, Labour, and Welfare as provisions concerning the Minister of Health, Labour, and Welfare.

2 前項の場合において、厚生労働大臣又は都道府県知事若しくは市町村長が当該事務を行うときは、相互に密接な連携の下に行うものとする。

(2) In a case as set forth in the preceding paragraph, when the Minister of Health, Labour, and Welfare, or a prefectural governor or mayor of a Municipality execute said Affairs, said Affairs are to be performed under mutual and close cooperation.

（事務の区分）

(Classification of Affairs)

第二百三条の三 第一百五十六条第四項、第七十二条第一項及び第三項並びに第九十七条第三項の規定により都道府県が処理することとされている事務は、地方自治法第二条第九項第一号に規定する第一号法定受託事務とする。

Article 203-3 Affairs that are executed by a prefecture pursuant to the provisions of Article 156, paragraph (4), Article 172, paragraph (1), and paragraph (3), and Article 197, paragraph (3), item (i) are to be legally delegated affairs, as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

（権限の委任）

(Delegation of Authority)

第二百三条の四 この法律に規定する厚生労働大臣の権限は、厚生労働省令で定めるところにより、地方厚生局長に委任することができる。

Article 203-4 (1) The authority of the Minister of Health, Labour, and Welfare as provided in this Act, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may be delegated to the chief of the relevant Regional Bureau of Health and Welfare.

2 前項の規定により地方厚生局長に委任された権限は、厚生労働省令で定めるところ

により、地方厚生支局長に委任することができる。

(2) The authority that is delegated to the chief of said Regional Bureau of Health and Welfare pursuant to the provisions of the preceding paragraph, pursuant to the provisions of Order of the Ministry of Health, Labour, and Welfare, may be delegated to a branch manager of said Regional Bureau of Health and Welfare

(実施規定)

(Operative Provisions)

第二百四条 この法律に特別の規定があるものを除くほか、この法律の実施のための手続その他その執行について必要な細則は、厚生労働省令で定める。

Article 204 Excluding the special provisions as provided in this Act, the procedures for execution of this Act and other detailed regulations necessary with regard to execution are determined by Order of the Ministry of Health, Labour, and Welfare.

第十四章 罰則

Chapter XIV Penalty Provisions

第二百五条 認定審査会、都道府県介護認定審査会、給付費審査委員会若しくは保険審査会の委員、保険審査会の専門調査員若しくは連合会若しくは連合会から第四十一条第十一項（第四十二条の二第九項、第四十六条第七項、第四十八条第七項、第五十一条の二第八項、第五十三条第七項、第五十四条の二第九項、第五十八条第七項及び第六十一条の二第八項において準用する場合を含む。）の規定により第四十一条第九項、第四十二条の二第八項、第四十六条第六項、第四十八条第六項、第五十一条の二第七項、第五十三条第六項、第五十四条の二第八項、第五十八条第六項若しくは第六十一条の二第七項に規定する審査及び支払に関する事務の委託を受けた法人の役員若しくは職員又はこれらの職にあった者が、正当な理由なしに、職務上知り得た指定居宅サービス事業者、指定地域密着型サービス事業者、指定居宅介護支援事業者、介護保険施設の開設者、指定介護予防サービス事業者、指定地域密着型介護予防サービス事業者、指定介護予防支援事業者若しくは居宅サービス等を行った者の業務上の秘密又は個人の秘密を漏らしたときは、一年以下の懲役又は百万円以下の罰金に処する。

Article 205 (1) When a Certification Committee, Prefectural Certification Committee of Needed Long-Term Care, or Examination Committee for Benefit Expense, or member of a Certification Committee for Insurance, professional investigator of a Certification Committee for Insurance, Association, Officer, or personnel of a juridical person which is entrusted with affairs by an Association concerning an examination or payment as prescribed in Article 41, paragraph (9), Article 42-2, paragraph (8), Article 46, paragraph (6), Article 48, paragraph (6), Article 51-2, paragraph (7), Article 53, paragraph (6), Article 54-2, paragraph (8), Article 58, paragraph (6), or Article 61-2, paragraph (7),

pursuant to the provisions of Article 41, paragraph (11) (including a case applied mutatis mutandis pursuant to Article 42-2, paragraph (9), Article 46, paragraph (7), Article 48, paragraph (7), Article 51-2, paragraph (8), Article 53, paragraph (7), Article 54-2, paragraph (9), Article 58, paragraph (7), and Article 61-2, paragraph (8)), or a person that held said occupation divulges, without justifiable cause, any business confidential information or personal confidential information of a Designated In-Home Service Provider, Designated Community-Based Service Provider, Designated In-Home Long-Term Care Support Provider, an organizer of a Long-Term Care Insurance Facility, Designated Provider of Preventive Long-Term Care Service, Designated Provider of Community-Based Preventive Service of Long-Term Care, Designated Provider of Support for Prevention of Long-Term Care or a person that provided In-Home Service, etc., that said person has come to learn, is imprisoned with compulsory labor for less than one year or fined an amount not to exceed one million yen.

2 第二十四条の二第三項、第二十八条第七項（第二十九条第二項、第三十条第二項、第三十一条第二項、第三十三条第四項、第三十三条の二第二項、第三十三条の三第二項及び第三十四条第二項において準用する場合を含む。）、第六十九条の十七第一項、第六十九条の二十八第一項、第六十九条の三十七、第百十五条の三十二第一項（第百十五条の三十六第三項において準用する場合を含む。）又は第百十五条の三十九第五項（第百十五条の四十第三項において準用する場合を含む。）の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

(2) Any person that violates the provisions of Article 24-2, paragraph (3), Article 28, paragraph (7) (including a case applied mutatis mutandis pursuant to Article 29, paragraph (2), Article 30, paragraph (2), Article 31, paragraph (2), Article 33, paragraph (4), Article 33-2, paragraph (2), Article 33-3, paragraph (2) and Article 34, paragraph (2)), Article 69-17, paragraph (1), Article 69-28, paragraph (1), Article 69-37, Article 115-32, paragraph (1) (including a case applied mutatis mutandis pursuant to Article 115-36, paragraph (3)) or Article 115-39, paragraph (5) (including a case applied mutatis mutandis pursuant to Article 115-40, paragraph (3)), is imprisoned with compulsory labor for less than one year or fined an amount not to exceed one million yen.

第二百五条の二 第六十九条の二十四第二項の規定による命令に違反したときは、その違反行為をした者は、一年以下の懲役又は百万円以下の罰金に処する。

Article 205-2 Any person that violates an order pursuant to the provisions of Article 69-24, paragraph (2) is imprisoned with compulsory labor for less than one year or fined an amount not to exceed one million yen.

第二百六条 次の各号のいずれかに該当する場合には、その違反行為をした者は、六月以下の懲役又は五十万円以下の罰金に処する。

Article 206 In a case that corresponds to any item of the following, a person that committed said violation is imprisoned with compulsory labor for less than six months or fined an amount not to exceed 500,000 yen:

一 第九十八条第一項各号に掲げる事項以外の事項を広告し、同項各号に掲げる事項に関し虚偽の広告をし、又は同項第三号に掲げる事項の広告の方法が同条第二項の規定による定めを違反したとき。

(i) when a person advertises matters other than those listed in each item of Article 98, paragraph (1), advertised falsely with regard to the matter listed in each item of the same Article, or the method of advertisement of matters listed in item (iii) of the same Article violates the provisions pursuant to item (ii) of the same Article;

二 第百一条又は第百二条の規定に基づく命令に違反したとき。

(ii) when a person violates an order based on the provisions of Article 101 or Article 102

第二百六条の二 次の各号のいずれかに該当する場合には、その違反行為をした者は、五十万円以下の罰金に処する。

Article 206-2 In a case defined by any item of the following, a person that committed said violation is fined an amount not to exceed 500,000 yen:

一 第六十九条の二十又は第百十五条の三十三（第百十五条の三十六第三項において準用する場合を含む。）の規定に違反して帳簿を備えず、帳簿に記載せず、若しくは帳簿に虚偽の記載をし、又は帳簿を保存しなかったとき。

(i) when a person fails to prepare a record book, fails to enter an entry in said book, or entered a false entry in said book, or fails to maintain said book in violation of the provisions of Article 69-20 or Article 115-33 (including a case applied mutatis mutandis pursuant to Article 115-36, paragraph (3));

二 第六十九条の二十二第一項若しくは第二項、第六十九条の三十第一項（第六十九条の三十三第二項において準用する場合を含む。）又は第百十五条の三十四第一項（第百十五条の三十六第三項において準用する場合を含む。）の規定による報告をせず、若しくは虚偽の報告をし、又はこれらの規定による質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくはこれらの規定による検査を拒み、妨げ、若しくは忌避したとき。

(ii) when a person fails to report pursuant to the provisions of Article 69-22, paragraph (1) or paragraph (2), Article 69-30, paragraph (1) (including a case applied mutatis mutandis pursuant to Article 69-33, paragraph (2)) or Article 115-34, paragraph (1) (including a case applied mutatis mutandis pursuant to Article 115-36, paragraph (3)) or submits a false report, or fails to reply to questions pursuant to these provisions or replies falsely, or refuses, interrupts, or evades an inspection pursuant to these provisions;

三 第六十九条の二十三第一項の規定による許可を受けないで試験問題作成事務の全部を廃止し、第百十五条の三十五の規定による許可を受けないで調査事務の全部を

廃止し、又は第百十五条の三十六第三項において準用する第百十五条の三十五の規定による許可を受けずに情報公表事務の全部を廃止したとき。

- (iii) when a person abolishes all Examination Question Preparation Affairs without obtaining the approval pursuant to the provisions of Article 69-23, paragraph (1), abolishes all Investigation Affairs without obtaining the approval pursuant to the provisions of Article 115-35, or abolishes all Public Information affairs without obtaining the approval pursuant to the provisions of Article 115-35 as applied mutatis mutandis pursuant to Article 115-36, paragraph (3).

第二百七条 次の各号の一に該当する場合には、その違反行為をした健康保険組合、国民健康保険組合、共済組合又は日本私立学校振興・共済事業団の役員、清算人又は職員は、三十万円以下の罰金に処する。

Article 207 (1) When corresponding to any one item of the following, an Officer, liquidator, or personnel of a health insurance society, national health insurance society, mutual aid association, or the Promotion and Mutual Aid Corporation for Private Schools of Japan is fined an amount not to exceed 300,000 yen:

一 第百六十三条の規定による報告若しくは文書その他の物件の提出をせず、又は虚偽の報告をし、若しくは虚偽の記載をした文書を提出したとき。

(i) when a person fails to report or submit a document or other item pursuant to the provisions of Article 163, or reports falsely or submits a document with a false entry;

二 第百九十七条第三項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。

(ii) when a person fails to report pursuant to the provisions of Article 197, paragraph (3), or submits a false report, or refuses, interrupts, or evades an inspection pursuant to the provisions of the same paragraph.

2 第百七十二条第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した場合には、その違反行為をした支払基金又は受託者の役員又は職員は、三十万円以下の罰金に処する。

(2) In a case when a person fails to report pursuant to the provisions of Article 172, paragraph (1) or submits a false report, or refuses, interrupts, or evades an inspection pursuant to the provisions of the same paragraph, the Payment Fund, Officer, or personnel of a Trustee that commits said violation is fined an amount not to exceed 200,000 yen.

第二百八条 介護給付等を受けた者が、第二十四条第二項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をしたときは、三十万円以下の罰金に処する。

Article 208 When a person that receives Long-Term Care Benefit, etc., fails to

report pursuant to the provisions of Article 24, paragraph (2) or submits a false report, or refuses, interrupts, or evades an inspection pursuant to the provisions of the same paragraph, said person shall be fined an amount not to exceed 300,000 yen.

第二百九条 次の各号のいずれかに該当する場合には、その違反行為をした者は、三十万円以下の罰金に処する。

Article 209 When corresponding to any item of the following, a person that commits said violation is fined an amount not to exceed 300,000 yen:

一 第九十五条の規定に違反したとき。

(i) when a person violates the provisions of Article 95;

二 第四十二条第三項、第四十二条の三第三項、第四十五条第八項、第四十七条第三項、第四十九条第三項、第五十四条第三項、第五十四条の三第三項、第五十七条第八項、第五十九条第三項、第七十六条第一項、第七十八条の六第一項、第八十三条第一項、第九十条第一項、第一百条第一項、第一百十二条第一項、第一百五十五条の六第一項、第一百五十五条の十五第一項又は第一百五十五条の二十四第一項の規定による報告若しくは帳簿書類の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の帳簿書類の提出若しくは提示をし、又はこれらの規定による質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくはこれらの規定による検査を拒み、妨げ、若しくは忌避したとき。

(ii) when a person fails to submit a report or does not submit record books and documents, submits a false report or submits or presents false record books or documents, pursuant to the provisions of Article 42, paragraph (3), Article 42-3, paragraph (3), Article 45, paragraph (8), Article 47, paragraph (3), Article 49, paragraph (3), Article 54, paragraph (3), Article 54-3, paragraph (3), Article 57, paragraph (8), Article 59, paragraph (3), Article 76, paragraph (1), Article 78-6, paragraph (1), Article 83, paragraph (1), Article 90, paragraph (1), Article 100, paragraph (1), Article 112, paragraph (1), Article 115-6, paragraph (1), Article 115-15, paragraph (1), or Article 115-24, paragraph (1), or fails to reply or submits a false reply to questions pursuant to these provisions or refuses, interrupts, or evades an inspection pursuant to these provisions;

三 第一百五十五条において準用する医療法第八条の二第二項及び第九条の規定に違反したとき。

(iii) when a person violates the provisions of Article 8-2, paragraph (2) and paragraph (9) of the Medical Care Act as applied mutatis mutandis pursuant to Article 105 of this Act.

第二百十条 正当な理由なしに、第九十四条第一項の規定による処分に違反して、出頭せず、陳述をせず、報告をせず、若しくは虚偽の陳述若しくは報告をし、又は診断その他の調査をしなかった者は、二十万円以下の罰金に処する。ただし、保険審査会

の行う審査の手續における請求人又は第九十三條の規定により通知を受けた市町村その他の利害関係人は、この限りでない。

Article 210 A person that fails to appear, fails to submit a statement, fails to submit a report or submits a false statement or report, or fails to perform a diagnosis or other investigation in violation of the actions pursuant to the provisions of Article 194, paragraph (1), is fined an amount not to exceed 200,000 yen, however, provided that this provision does not apply to an applicant of procedures of an examination conducted by a Certification Committee for Insurance, a Municipality which is notified pursuant to the provisions of Article 193, or other interested person.

第二百一十條 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して第二百五條の二から第二百六條の二まで又は第二百九條の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本條の罰金刑を科する。

Article 211 When a representative person of a juridical person, or an agent of a juridical person or an individual, employee, or other worker commits a violation as set forth in Article 205-2 to Article 206-2, or Article 209 with regard to the business of said juridical person or an individual, not only the offender is punished, but also said juridical person or said individual is punished by the fine as prescribed in the respective Articles.

第二百一十條の二 第六十九條の十九第一項の規定に違反して財務諸表等を備えて置かず、財務諸表等に記載すべき事項を記載せず、若しくは虚偽の記載をし、又は正当な理由がないのに同條第二項各号の規定による請求を拒んだ者は、二十万円以下の過料に処する。

Article 211-2 When a person fails to keep Financial Statements, etc., fails to enter the matters to be entered in Financial Statements, etc., or submits a false entry in violation of the provisions of Article 69-19, paragraph (1), or refuses a demand pursuant to the provisions of any item of paragraph (2) without justifiable cause, said person is punished by a fine of an amount not to exceed 200,000 yen.

第二百十二條 次の各号の一に該当する場合には、その違反行為をした支払基金の役員は、二十万円以下の過料に処する。

Article 212 When a person corresponds to one respective item of the following, an Officer of the Payment Fund that commits said violation is punished by a fine in an amount not to exceed 200,000 yen:

一 この法律により厚生労働大臣の認可又は承認を受けなければならない場合において、その認可又は承認を受けなかったとき。

(i) in a case when said person is required to obtain the authorization or

approval of the Minister of Health, Labour, and Welfare pursuant to the provisions of this Act, when said person fails to obtain said authorization or approval;

二 第七十条の規定に違反して業務上の余裕金を運用したとき。

(ii) when a person invests surplus funds of a business in violation of the provisions of Article 170.

第二百十三条 居宅サービス等を行った者又はこれを使用する者が、第二十四条第一項の規定による報告若しくは提示をせず、若しくは虚偽の報告をし、又は同項の規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をしたときは、十万円以下の過料に処する。

Article 213 (1) When a person that provides In-Home Service, etc., or a person that employs said person fails to report or submit a report pursuant to the provisions of Article 24, paragraph (1) or submits a false report, or fails to reply or submits a false reply to the questions of said personnel pursuant to the provisions of the same paragraph, said person is punished by a non-penal fine in an amount not to exceed 100,000 yen.

2 第六十九条の七第六項又は第七項の規定に違反した者は、十万円以下の過料に処する。

(2) A person that violates the provisions of Article 69-7, paragraph (6) or paragraph (7) is punished by a non-penal fine in an amount not to exceed 100,000 yen.

第二百十四条 市町村は、条例で、第一号被保険者が第十二条第一項本文の規定による届出をしないとき（同条第二項の規定により当該第一号被保険者の属する世帯の世帯主から届出がなされたときを除く。）又は虚偽の届出をしたときは、十万円以下の過料を科する規定を設けることができる。

Article 214 (1) A Municipality, when a Primary Insured Person fails to provide a notification pursuant to the provisions of the main clause of Article 12, paragraph (1) (except for a case when the householder of said family of said Primary Insured Person resides, fails to provide a notification pursuant to the provisions of paragraph (2) of the same Article) or provides a false notification, may enact a provision to punish said offender by a non-penal fine in an amount not to exceed 100,000 yen.

2 市町村は、条例で、第三十条第一項後段、第三十一条第一項後段、第三十三条の三第一項後段、第三十四条第一項後段、第三十五条第六項後段、第六十六条第一項若しくは第二項又は第六十八条第一項の規定により被保険者証の提出を求められてこれに応じない者に対し十万円以下の過料を科する規定を設けることができる。

(2) A Municipality may enact by ordinance a provision to punish by a non-penal fine in an amount not to exceed 100,000 yen a person that fails to respond to a request to submit a Certificate of Insured Person pursuant to the provisions of

the second sentence of Article 30, paragraph (1), second sentence of Article 31, paragraph (1), Article 33-3, paragraph (1), second sentence of Article 34, paragraph (1), second sentence of Article 35, paragraph (6), Article 66, paragraph (1) or paragraph (2), or Article 68, paragraph (1).

3 市町村は、条例で、被保険者、第一号被保険者の配偶者若しくは第一号被保険者の属する世帯の世帯主その他その世帯に属する者又はこれらであった者が正当な理由なしに、第二百二条第一項の規定により文書その他の物件の提出若しくは提示を命ぜられてこれに従わず、又は同項の規定による当該職員の質問に対して答弁せず、若しくは虚偽の答弁をしたときは、十万円以下の過料を科する規定を設けることができる。

(3) A Municipality, when an Insured Person, the spouse of said Primary Insured Person, the householder of said family where said Primary Insured Person resides, or other person that belongs or belonged to said family fails to act in compliance with an order to submit or present documents or other items pursuant to the provisions of Article 202, paragraph (1) or fails to reply or submits a false reply to the questions asked by said personnel, may enact by ordinance a provision to punish said person by non-penal fine in an amount not to exceed 100,000 yen.

4 市町村は、条例で、偽りその他不正の行為により保険料その他この法律の規定による徴収金（納付金及び第一百五十七条第一項に規定する延滞金を除く。）の徴収を免れた者に対し、その徴収を免れた金額の五倍に相当する金額以下の過料を科する規定を設けることができる。

(4) A Municipality may enact by ordinance a provision to a person that was exempted from the collection of an insurance premium and other levies pursuant to the provisions of this Act (except for the payment and the delinquent charge as prescribed in Article 157, paragraph (1)) to punish said person by non-penal fine in an amount not to exceed the amount equivalent to five times the amount that was exempted from said collection.

5 地方自治法第二百五十五条の三の規定は、前各項の規定による過料の処分について準用する。

(5) The provisions of Article 255-3 of the Local Autonomy Act apply mutatis mutandis to actions of non-penal fines pursuant to the provisions of the respective preceding paragraphs.

第二百五十五条 連合会は、規約の定めるところにより、その施設（介護保険事業関係業務に限る。）の使用に関し十万円以下の過怠金を徴収することができる。

Article 215 An Association, pursuant to the provisions of a constitution, may collect a fine for default in an amount not to exceed 100,000 yen with respect to the use of said facility (limited to Business Relevant to A Long-Term Care Insurance Project).