

Act on Social Welfare for the Elderly

(Act No. 133 of July 11, 1963)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to clarify the principles governing welfare for the elderly, to implement measures for elderly persons as may be necessary for the maintenance of their physical and mental health and for the stabilization of their livelihoods, and thereby to promote the welfare of the elderly.

(Basic Principles)

Article 2 Elderly persons, as persons who have contributed to the development of society for many years and who have abundant knowledge and experience, are to be respected as such, and healthy and comfortable lives that make living worthwhile are to be secured for them.

Article 3 (1) Elderly persons are to acknowledge the changes in the mind and body that are caused by aging, and make efforts to participate in social activities by maintaining their physical and mental health at all times or making the most of their knowledge and experience.

(2) Elderly persons are to be afforded opportunities to engage in suitable work or to otherwise participate in social activities, in accordance with their preferences and capabilities.

(Responsibility to Improve the Welfare of the Elderly)

Article 4 (1) The State and local governments have the responsibility to enhance the welfare of the elderly.

- (2) In implementing measures related to the welfare of the elderly, the State and local governments must pay due consideration so that the basic principles set forth in the preceding two Articles will be realized through the measures.
- (3) A person who carries out services that directly affect the lives of elderly persons must endeavor to enhance the welfare of the elderly in operating such services.

Article 5 (1) The State is to establish a senior citizens' day and senior citizens' week for the objective of deepening the citizens' interest in and understanding of the welfare of the elderly and motivating elderly persons to improve their own lives.

- (2) The senior citizens' day is to be on September 15, and the senior citizens' week is to be the period from September 15 to September 21.
- (3) The State must endeavor to implement projects that are appropriate for the purpose of the senior citizens' day on that day and the State and local governments must encourage senior citizens' organizations and other persons to hold events appropriate for the purpose of senior citizens' week during that week.

(Definitions)

- Article 5-2 (1) The term "in-home elderly support services" as used in this Act collectively means in-home elderly long-term care services, elderly day care services, short-term inpatient services for the elderly, multifunctional long-term care services in a small group home, and daily support services for dementia patients in communal living situations.
- (2) The term "in-home elderly long-term care services" as used in this Act means services to provide long-term care, such as that for bathing, excretion, eating meals, and any other conveniences as prescribed by Order of the Ministry of Health, Labour and Welfare as being necessary convenience for leading a daily life for a person for whom the measures set forth in Article 10-4, paragraph (1), item (i) have been implemented, a person covered by the allowance for long-term in-home care services in relation to long-term domiciliary care, the allowance for community-based, long-term care services in relation to long-term overnight domiciliary care, or the long-term preventative care services allowance in relation to domiciliary services for long-term preventative care as provided for in the Long-Term Care Insurance Act (Act No. 123 of 1997) or of any other person provided by Cabinet Order, at the person's own home.
 - (3) The term "elderly day care services" as used in this Act means services to provide convenience, such as that for bathing, excretion, eating meals, functional training and guidance on long-term care methods, and other services as provided by Order of the Ministry of Health, Labour and Welfare, for a

person for whom the measures under Article 10-4, paragraph (1), item (ii) have been implemented, for a person covered by the allowance for long-term in-home care services in relation to long-term outpatient day care, the allowance for community-based long-term care services in relation to long-term outpatient care for dementia patients, the long-term preventative care services allowance in relation to long-term outpatient preventative care or allowance for community-based long-term preventative care services in relation to long-term preventative care for dementia outpatients as set forth in the Long-Term Care Insurance Act or for any other person provided by Cabinet Order (including their actual caregivers), by having the person regularly go to an intensive care home for the elderly or any other facility provided by Order of the Ministry of Health, Labour and Welfare.

(4) The term "short-term inpatient services for the elderly" as used in this Act means services to provide protective care for a person for whom the measures under Article 10-4, paragraph (1), item (iii) have been implemented, a person covered by the allowance for long-term in-home care services in relation to a short-term inpatient admission for long-term care, the long-term preventative care services allowance in relation to a short-term inpatient admission for long-term care as set forth in the Long-Term Care Insurance Act, or for any other person as provided by Cabinet Order, by having them stay for a short term at an intensive care home for the elderly or any other facility provided by Order of the Ministry of Health, Labour and Welfare.

(5) The term "multifunctional long-term care services in a small group home" as used in this Act means services to provide long-term care, such as for bathing, excretion, eating meals, and any other necessary conveniences for leading a daily life as provided by Order of the Ministry of Health, Labour and Welfare, and to provide functional training, for a person for whom the measures set forth in Article 10-4, paragraph (1), item (iv) have been implemented, a person covered by the allowance for community-based long-term care in relation to multifunctional long-term care in a small group home, or the allowance for community-based long-term preventative care in relation to multifunctional long-term preventative care in a small group home as provided for in the Long-Term Care Insurance Act, or for any other person provided by Cabinet Order, at their home, by having them regularly go to the care services facilities as provided by Order of the Ministry of Health, Labour and Welfare, or by having them stay at those facilities for a short term, in accordance with factors such as their mental and physical condition and the environment surrounding them, and based on their choice.

(6) The term "daily support services for dementia patients in communal living situations" as used in this Act means services to provide long-term care, such as for bathing, excretion, eating meals, and any other support for leading a

daily life for a person for whom the measures set forth in Article 10-4, paragraph (1), item (v) have been implemented, or for a person covered by the allowance for community-based long-term care services in relation to long-term daily care for dementia patients in communal living situations or the allowance for community-based long-term preventative care services in relation to long-term preventative care for dementia patients in communal living situations as set forth in the Long-Term Care Insurance Act, or for any other person provided by Cabinet Order, at a residence where those persons are to lead a communal life.

Article 5-3 The term "welfare facility for the elderly" as used in this Act means, collectively, an elderly day care center, short-term inpatient facility for the elderly, nursing home for the elderly, intensive care home for the elderly, low-cost home for the elderly, welfare center for the elderly, and long-term care support center.

(Implementer of Welfare Measures)

Article 5-4 (1) Welfare measures as set forth in Article 10-4 and Article 11 for a person who is 65 years of age or older (including a person who is under 65 years of age but who is found to have special needs; the same applies hereinafter) or a person who actually takes protective care of that person (hereinafter referred to as a "caregiver") is to be implemented by the municipality of the place of residence of the person in cases where the person has a place of residence, or by the municipality of the current residence in cases where the person has no place residence or where the place of residence is unknown; provided, however, that with regard to a person who is 65 years of age or older who has been admitted to a facility pursuant to the provisions of Article 11, paragraph (1), item (i) or (ii) of this Act or the proviso to Article 30, paragraph (1) of the Public Assistance Act (Act No. 144 of 1950), the measures are to be implemented by the municipality where the person had a place of residence before entering the facility in cases where the person had a place of residence, or by the municipality in which the person was living before entering the facility in cases where the person did not have a place of residence before entering the facility or where the place of residence was unknown.

- (2) A municipality must perform the operations set forth in the following items in enforcing this Act:
- (i) to endeavor to gain an understanding of the actual status of welfare for the elderly as necessary; and
 - (ii) to provide the necessary information and consultations, carry out investigations and provide guidance that is necessary for the welfare for the elderly, as well as perform any incidental operations.

(Municipal Welfare Offices)

Article 5-5 A welfare office (meaning a welfare office as defined in the Social Welfare Act (Act No. 45 of 1951); the same applies hereinafter) established by a municipality is to mainly perform the operations set forth in the items of paragraph (2) of the preceding Article in enforcing this Act.

(Social Welfare Officers of Municipal Welfare Offices)

Article 6 A city, town or village that has established a welfare office must assign a social welfare officer at the welfare office it has established, to be an official who mainly performs the following operations under the direction and supervision of the head of the welfare office (hereinafter referred to as the "the welfare office chief"):

- (i) to provide technical guidance related to welfare for the elderly to officials of the welfare office; and
- (ii) to perform operations as prescribed in Article 5-4, paragraph (2), item (ii), which require expert skills.

(Person in Charge of Liaison and Coordination)

Article 6-2 (1) A prefecture must perform the operations set forth in the following items in enforcing this Act:

- (i) to act as a liaison or coordinator among municipalities and to provide municipalities with information or any other necessary assistance, in relation to the implementation of welfare measures under this Act; to perform operations incidental thereto; and
 - (ii) to endeavor to gain an understanding of the actual status of welfare for the elderly, from a broad perspective beyond the jurisdictional areas of each municipality.
- (2) On finding it necessary to ensure the proper implementation of welfare measures based on this Act, a prefectural governor may give necessary advice to municipalities.
- (3) A prefectural governor may delegate all or part of the affairs to be handled by the prefecture pursuant to the provisions of this Act, to the chief of the welfare office under their jurisdiction.

(Social Welfare Officers of Prefectural Welfare Offices)

Article 7 A prefecture may assign a social welfare officer at the welfare office it has established, who is to mainly perform the operations set forth in paragraph (1), item (i) of the preceding Article which require expert skills under the direction and supervision of the welfare office chief.

(Cooperation by Health Centers)

Article 8 With respect to welfare for the elderly, a health center is to provide welfare facilities for the elderly and other such facilities with the necessary cooperation on nutritional improvement and on matters related to sanitation.

(Cooperation of Commissioned Welfare Volunteers)

Article 9 A commissioned welfare volunteer as set forth in the Commissioned Welfare Volunteers Act (Act No. 198 of 1948) is to cooperate with the mayor of the municipality, the welfare office chief or the social welfare officer in the execution of their respective affairs in enforcing this Act.

(Measures for Long-term Care)

Article 10 Beyond what is provided for in this Act, the measures related to long-term care, etc. for an elderly person who suffer difficulty in leading a daily life due to a physical or mental disability are as prescribed by the Long-Term Care Insurance Act.

(Cooperation and Coordination)

Article 10-2 For the purpose of implementing the welfare measures under this Act, effort must be made so that the measures will be implemented in cooperation and coordination with the measures set forth in the Long-Term Care Insurance Act referred to in the preceding Article.

Chapter II Welfare Measures

(Establishment of Support Systems)

Article 10-3 (1) A municipality must endeavor to actively implement the measures under the following Article and Article 11 and any other meticulous measures adapted to the actual circumstances of the region, so that a person who is 65 years of age or older and who suffers difficulty in leading a daily life due to a physical or mental disability may receive comprehensive support, in accordance with their physical and mental condition and the environment surrounding them, which is most appropriate for enabling the person to live an independent daily life. The municipality must also endeavor to develop a system adapted to the actual circumstances of the region, such as ensuring cooperation and coordination among those measures, or among activities of in-home services, community-based services, long-term in-home care support, facility services, long-term preventative care services, community-based services for long-term preventative care, and long-term preventative care support as set forth in the Long-Term Care Insurance Act, or senior citizens' groups and persons who provide any other services aimed at enhancing welfare

for the elderly.

- (2) In developing the system as set forth in the preceding paragraph, a municipality must pay due consideration so that a person who is 65 years of age or older may continue leading a daily life at their own home even in the case where the person has suffered any difficulty in leading a daily life due to any physical or mental disability.

(Home-Based Long-term Care)

Article 10-4 (1) A municipality may implement the following measures as necessary:

- (i) if the municipality finds that, due to any unavoidable circumstances, it is extremely difficult for a person who is 65 years of age or older and who suffers difficulty in leading a daily life due to a physical or mental disability to utilize long-term domiciliary care, long-term overnight domiciliary care, or domiciliary services for long-term preventative care as set forth in the Long-Term Care Insurance Act, a measure to provide the person with the conveniences prescribed by Order of the Ministry of Health, Labour and Welfare as referred to in Article 5-2, paragraph (2) at their own home, or to commission a person other than the municipality to provide the conveniences, in line with the standards as provided by Cabinet Order;
- (ii) if the municipality finds that, due to any unavoidable circumstances, it is extremely difficult for a person who is 65 years of age or older and who suffers difficulty in leading a daily life due to a physical or mental disability to utilize long-term outpatient day care, long-term outpatient care for a dementia patient, long-term outpatient preventative care, or long-term preventative care for a dementia outpatient as set forth in the Long-Term Care Insurance Act, a measure to have the person (including their caregiver) regularly go to an elderly daycare center established by the municipality or a facility provided by Order of the Ministry of Health, Labour and Welfare as referred to in Article 5-2, paragraph (3) (hereinafter collectively referred to as an "elderly daycare center, etc.") and to provide the person with the conveniences provided by Order of the Ministry of Health, Labour and Welfare as referred to in that paragraph, or to have the person regularly go to an elderly daycare center, etc. established by a person other than the municipality and to commission the provision of the conveniences, in line with the standards provided by Cabinet Order;
- (iii) if the municipality finds that, due to any unavoidable circumstances, it is extremely difficult for a person who is 65 years of age or older and for whom it has temporarily become difficult to receive home-based long-term care because of circumstances such as the illness of their caregiver to utilize short-term inpatient admission for daily life care or short-term inpatient

admission for long-term preventative care as set forth in the Long-Term Care Insurance Act, a measure to have the person stay at a short-term inpatient facility for the elderly established by the municipality or a facility provided by Order of the Ministry of Health, Labour and Welfare as referred to in Article 5-2, paragraph (4) (hereinafter collectively referred to as the "short-term inpatient facility for the elderly, etc.") and to take protective care of the person for a short period, or to have the person stay at a short-term inpatient facility for the elderly, etc. established by a person other than the municipality and commission their protective care for a short period, in line with the standards provided by Cabinet Order;

(iv) if the municipality finds that, due to any unavoidable circumstances, it is extremely difficult for a person who is 65 years of age or older and who suffers difficulty in leading a daily life due to a physical or mental disability to utilize multifunctional long-term care in a small group home or multifunctional long-term preventative care in a small group home as set forth in the Long-Term Care Insurance Act, a measure to provide the person with the conveniences and functional training provided by Order of the Ministry of Health, Labour and Welfare as referred to in Article 5-2, paragraph (5) at their own home, or to have the person to regularly go to, or stay for a short period at, a care services facility provided by Order of the Ministry of Health, Labour and Welfare as referred to in that paragraph so as to provide them with the conveniences and functional training, or to commission a person other than the municipality to provide the conveniences and functional training, in line with the criteria provided by Cabinet Order; and

(v) if the municipality finds that, due to any unavoidable circumstances, it is extremely difficult for a person who is 65 years of age or older and who suffers difficulty in leading a daily life due to dementia (meaning dementia as set forth in Article 8, paragraph (16) of the Long-Term Care Insurance Act; the same applies hereinafter) (excluding a person for whom the disease triggering the dementia is in acute condition) to utilize long-term communal care for dementia patients in communal living situations or long-term preventative care for dementia patients in communal living situations as set forth in that Act, to provide the person with long-term care such as for bathing, excretion, eating meals, or any other daily life assistance at their residence as referred to in Article 5-2, paragraph (6), or to commission a person other than the municipality to provide long-term care such as bathing, excretion, eating meals, etc. or any other daily life assistance at that residence, in line with the standards provided by Cabinet Order.

(2) A municipality, in addition to implementing the measures as set forth in each item of the preceding paragraph for a person who is 65 years of age or older

and who suffers difficulty in leading a daily life due to a physical or mental disability, may take measures to provide or lend equipment for facilitating them to lead a daily life as designated by the Minister of Health, Labour and Welfare or to commission a person other than the municipality to provide or lend the equipment, for the purpose of securing the person's welfare, as necessary.

(Admission to Nursing Homes for the Elderly and Other Measures)

Article 11 (1) A municipality must implement the following measures as necessary:

- (i) to have a person who is 65 years of age or older with environmental and financial reasons (limited to the reasons provided by Cabinet Order) that make it difficult for the person to receive protective care at home, to be admitted to a nursing home for the elderly established by the municipality, or to entrust a nursing home for the elderly established by a person other than the municipality with the admission of such a person;
 - (ii) if the municipality finds that, due to any unavoidable circumstances, it is extremely difficult to admit a person who is 65 years of age or older and who, due to substantial physical or mental disability, requires full-time long-term care which is difficult to receive at their home, to a community-based facility for the elderly covered by public aid requiring long-term care or a facility covered by public aid providing long-term care to the elderly as set forth in the Long-Term Care Insurance Act, measures to admit the person to an intensive care home for the elderly established by the municipality, or to entrust an intensive care home for the elderly established by a person other than the municipality with the admission of such a person; and
 - (iii) to entrust an entrusted caregiver (meaning a person who wishes to take custody of an elderly person and to take protective care of the person, and whom the mayor of the municipality finds to be appropriate; the same applies hereinafter) as provided by Cabinet Order to take care of a person who is 65 years of age or older and who either has no caregiver or who has a caregiver but it is found inappropriate for the caregiver to care for the person.
- (2) In cases of the death of a person whom, pursuant to the provisions of the preceding paragraph, the municipality had admitted to a nursing home for the elderly or an intensive care home for the elderly or had commissioned the admission, or a person for whom, pursuant to the provisions of the preceding paragraph, the municipality had entrusted an entrusted caregiver to provide protective care, if there is no person to perform the funeral service (including processes necessary for funeral service; the same applies hereinafter), the municipality may perform the funeral service, or may implement a measure to entrust the nursing home for the elderly, intensive care home for the elderly or

a consigned caregiver who had admitted or taken protective care of the elderly person to perform the funeral service.

(Explanation upon Cancellation of Measures)

Article 12 When the mayor of municipality seeks to cancel the measure under Article 10-4 or paragraph (1) of the preceding Article, the mayor must provide a person for whom the measure was implemented with an explanation of the reason for cancelling the measure and hear the person's opinions in advance; provided, however, that this does not apply when the person for whom the measure was implemented had requested the cancellation of the measure or in any other cases provided by Order of the Ministry of Health, Labour and Welfare.

(Exclusion from Application of the Administrative Procedure Act)

Article 12-2 The provisions of Chapter III (excluding Article 12 and Article 14) of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to a disposition to cancel the measure implemented under Article 10-4 or Article 11, paragraph (1).

(Projects to Enhance the Welfare of the Elderly)

Article 13 (1) A local government must endeavor to hold educational seminars and recreational events that contribute to the maintenance of elderly persons' physical and mental health, and other projects widely available for elderly persons' voluntary and active participation (hereinafter referred to as "health promotion project for the elderly").

(2) A local government must commit to the advancement of the projects aimed at enhancing the welfare of the elderly, and must endeavor to provide appropriate assistance to senior citizens' groups or any other persons implementing those projects.

(Promotion of Research and Development)

Article 13-2 The State must endeavor to promote research and development of long-term care methods in accordance with the physical and mental characteristics of the elderly, as well as research and development of equipment to facilitate activities in elderly persons' daily lives and equipment for functional training intended for use by a person suffering difficulty in leading a daily life due to a physical or mental disability.

Chapter III Services and Facilities

(Commencement of In-Home Elderly Support Services)

Article 14 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a person other than the State or prefecture may engage in in-home elderly support services, provided that the person notifies the prefectural governor of the matters prescribed in Order of the Ministry of Health, Labour and Welfare in advance.

(Changes)

Article 14-2 A person who has made a notification pursuant to the provisions of the preceding Article must notify the prefectural governor of any changes to the matters prescribed in Order of the Ministry of Health, Labour and Welfare, within one month from the date of the change.

(Discontinuance or Suspension)

Article 14-3 If a person other than the State or prefecture seeks to discontinue or suspend in-home elderly support services, the person must notify the prefectural governor of the matters prescribed in Order of the Ministry of Health, Labour and Welfare no later than one month prior to the day of the discontinuance or suspension.

(Measures to Preserve Advance Payments)

Article 14-4 A person who provides daily support services for dementia patients in communal living situations that receives a lump-sum payment for all or part of the rent periodically receivable during the elderly person's lifetime or any other payment provided by Order of the Ministry of Health, Labour and Welfare as an advance payment, must expressly disclose in writing the basis of the calculation for the advance payment; and in order to be prepared for circumstances in which the provider would bear the obligation to reimburse the advance payment, the person must implement the necessary protective measures, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Establishment of Facilities)

- Article 15 (1) A prefecture may establish welfare facilities for the elderly.
- (2) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a person other than the State or prefecture may establish an elderly daycare center, short-term inpatient facility for the elderly, or a long-term care support center, provided that the person notifies the prefectural governor of the matters prescribed in Order of the Ministry of Health, Labour and Welfare in advance.
- (3) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a municipality or a local incorporated administrative agency (meaning

- a local incorporated administrative agency as set forth in Article 2, paragraph (1) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003); the same applies in Article 16, paragraph (2)) may establish a nursing home for the elderly or an intensive care home for the elderly, provided that the municipality or the agency notifies the prefectural governor of the matters prescribed in Order of the Ministry of Health, Labour and Welfare in advance.
- (4) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a social welfare corporation may establish a nursing home for the elderly or an intensive care home for the elderly, provided that the corporation obtains an authorization from the prefectural governor.
- (5) Pursuant to the provisions of the Social Welfare Act, a person other than the State and prefecture may establish a low-cost home for the elderly or a welfare center for the elderly.
- (6) When the application for authorization under paragraph (4) has been filed, the prefectural governor may decide not to grant an authorization under paragraph (4), when the total maximum capacity of the nursing home for the elderly or intensive care home for the elderly located in the area (meaning the area designated by the prefecture pursuant to the provisions of Article 118, paragraph (2), item (i) of the Long-Term Care Insurance Act) covering the nursing home for the elderly or an intensive care home for the elderly for which the application was filed has already reached the total required maximum capacity for nursing homes for the elderly or intensive care homes for the elderly located in the area as specified in the prefectural welfare plan for the elderly formulated by the prefecture pursuant to the provisions of Article 20-9, paragraph (1); when the prefectural governor finds that the establishment of the nursing home for the elderly or an intensive care home for the elderly for which the application was filed would result in exceeding the maximum capacity of the authorized number of residents; or in any other cases where the prefectural governor finds that the establishment may hinder the achievement of the prefectural welfare plan for the elderly.

(Changes)

- Article 15-2 (1) A person who has made a notification pursuant to the provisions of paragraph (2) of the preceding Article must notify the prefectural governor of any changes to the matters specified in Order of the Ministry of Health, Labour and Welfare, within one month from the date of the change.
- (2) If a person who has made a notification under paragraph (3) of the preceding Article or who has obtained an authorization under paragraph (4) of that Article seeks to make a change to the matters specified in Order of the Ministry of Health, Labour and Welfare, the person must notify the prefectural governor to that effect in advance.

(Discontinuance; Suspension; or Reduction or Increase of Maximum Capacity)

Article 16 (1) If a person other than the State or prefecture seeks to discontinue or suspend an elderly daycare center, short-term inpatient facility for the elderly or long-term care support center, the person must notify the prefectural governor of the matters specified in Order of the Ministry of Health, Labour and Welfare no later than one month prior to the day of the discontinuance or suspension.

(2) If a municipality or a local incorporated administrative agency seeks to discontinue or suspend a nursing home for the elderly or an intensive care home for the elderly, or to reduce or increase the maximum capacity of the home, the municipality or the agency must notify the prefectural governor of the matters specified in Order of the Ministry of Health, Labour and Welfare no later than one month prior to the day of the discontinuance, suspension, or the reduction or increase of the maximum capacity of the home.

(3) If a social welfare corporation seeks to discontinue or suspend a nursing home for the elderly or an intensive care home for the elderly, or to reduce or increase the maximum capacity of the home, the corporation must obtain authorization from the prefectural governor with regard to the timing of the discontinuance, suspension or the reduction or increase of the maximum capacity of the home, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(4) The provisions of Article 15, paragraph (6) apply mutatis mutandis to the case where the social welfare corporation has filed an application for authorization to increase the maximum capacity of a nursing home for the elderly or an intensive care home for the elderly pursuant to the provisions of the preceding paragraph.

(Facility Standards)

Article 17 (1) The Minister of Health, Labour and Welfare must specify standards for the equipment and management of nursing homes for the elderly and intensive care homes for the elderly.

(2) The establisher of a nursing home for the elderly or an intensive care home for the elderly must comply with the standards as set forth in the preceding paragraph.

(Collection of Reports)

Article 18 (1) If a prefectural governor finds it necessary for the welfare of the elderly, the governor may seek a report on any matters that they find necessary, from the person who provides in-home elderly support services or from the establisher of an elderly day care center, short-term inpatient facility

for the elderly, or long-term care support center; or may have the prefecture's officials to question the relevant persons, to enter into their offices or facilities, and to inspect equipment, books and documents, and any other objects.

- (2) A prefectural governor may, with the objective of maintaining the standards set forth in paragraph (1) of the preceding Article, seek a report on any matters that the governor finds necessary, from the head of a nursing home for the elderly or an intensive care home for the elderly; or may have the prefecture's officials question the relevant persons, enter into the facilities, and inspect equipment, books and documents, and any other objects.
- (3) In cases where an official is to conduct questioning or an on-site inspection pursuant to the provisions of the preceding two paragraphs, the official must carry their identification card and present it to the relevant person if requested to do so by the person.
- (4) The authority under the provisions of paragraph (1) and paragraph (2) must not be construed as having been granted for the purpose of criminal investigation.

(Orders for Improvement)

- Article 18-2 (1) When a prefectural governor finds that a person who provides daily support services for dementia patients in communal living situations has violated any provisions of Article 14-4, the governor may order the person to implement necessary measures for the improvement of those services.
- (2) When a person who provides in-home elderly support services or the establisher of an elderly daycare center, short-term in-patient facility for the elderly or long-term care support center has violated this Act, or orders issued under this Act, or dispositions issued based on this Act, has improperly attempted to gain profit in connection with its services, or has performed any unjust act in connection with the treatment of the persons specified in Article 5-2, paragraphs (2) to (6), Article 20-2-2, or Article 20-3, the prefectural governor may order the provider of the services or the establisher of the facility to restrict or suspend its services.
 - (3) If a prefectural governor seeks to issue an order to restrict or suspend an in-home elderly support services or the business of an elderly daycare center, short-term in-patient facility for the elderly, or long-term care support center pursuant to the provision of the preceding paragraph (excluding the cases where the prefectural governor seeks to order a restriction or suspension of daily support services for dementia patients in communal living situations on the grounds of the violation of the order issued under paragraph (1)), the governor must, in advance, hear the opinions of the local social welfare council set forth in Article 7, paragraph (1) of the Social Welfare Act.

Article 19 (1) If an establisher of a nursing home for the elderly or an intensive care home for the elderly has violated this Act or orders issued based on this Act or of any disposition issued based on this Act or orders under the Act, or when the facility no longer complies with the standards set forth in Article 17, paragraph (1), the prefectural governor may issue an order to the provider to improve their equipment or management or to suspend or discontinue their services, or may rescind the authorization granted under Article 15, paragraph (4).

(2) If, pursuant to the provisions of the preceding paragraph, the prefectural governor seeks to order the discontinuance of the services of a nursing home for the elderly or an intensive care home for the elderly, or to rescind authorization on its establishment, the governor must, in advance, hear the opinions of the local social welfare council set forth in Article 7, paragraph (1) of the Social Welfare Act.

(Obligation to Accept Entrustment)

Article 20 (1) When a person who provides in-home elderly support services or the establisher of an elderly day care center or short-term inpatient facility for the elderly has received entrustment pursuant to the provisions of Article 10-4, paragraph (1), the person may not refuse the entrustment unless there is a legitimate reason.

(2) When the establisher of a nursing home for the elderly or an intensive care home for the elderly has been entrusted with an admission pursuant to the provisions of Article 11, the establisher may not refuse the entrustment unless there is a legitimate reason.

(Assessment of the Quality of Treatment and Other Measures)

Article 20-2 Persons who provide in-home elderly support services and establishers of welfare facilities for the elderly must endeavor at all times to provide treatment from the viewpoint of the person receive the treatment, by such means as assessing the quality of the treatment they provide and implementing any other measures.

(Elderly Day Care Centers)

Article 20-2-2 An elderly day care center is a facility to which a person for whom the measure under Article 10-4, paragraph (1), item (ii) had been implemented, a person covered by the payment of an allowance for long-term in-home care services pertaining to long-term outpatient day care, an allowance for community-based long-term care services pertaining to long-term outpatient care for a dementia patient, a long-term preventative care services allowance pertaining to long-term outpatient preventative care, or an allowance for

community-based long-term preventative care pertaining to long-term preventative care for a dementia outpatient as set forth in the Long-Term Care Insurance Act, or by any other person specified by Cabinet Order (including their actual caregivers) regularly goes, and provides the convenience specified in Order of the Ministry of Health, Labour and Welfare as referred to in Article 5-2, paragraph (3) to the person.

(Short-Term Inpatient Facilities for the Elderly)

Article 20-3 A short-term inpatient facility for the elderly is a facility intended for admitting for a short term and providing protective care to a person for whom the measure under Article 10-4, paragraph (1), item (iii) has been implemented or a person covered by the payment of an allowance for long-term in-home care services pertaining to a short-term in-patient admission for long-term daily care or long-term preventative care services allowance pertaining to the short-term in-patient admission for preventative care as set forth in the Long-Term Care Insurance Act, or any other person provided by Cabinet Order.

(Nursing Homes for the Elderly)

Article 20-4 A nursing home for the elderly is a facility intended for admitting and providing protective care to a person for whom the measures under Article 11, paragraph (1), item (i) have been implemented, and for providing necessary guidance, training and any other assistance to enable the person to live an independent daily life and to participate in social activities.

(Intensive Care Homes for the Elderly)

Article 20-5 An intensive care home for the elderly is a facility intended for admitting and protective care to a person for whom the measures under Article 11, paragraph (1), item (ii) have been implemented, a person covered by the payment of the allowance for community-based long-term preventative care in relation to in-patient admission to a community-based facility for the preventive daily long-term care of the elderly covered by public aid or an allowance for long-term care facility services in relation to services at facilities for long-term care covered by public aid as set forth in the Long-Term Care Insurance Act, or any other person provided by Cabinet Order.

(Low-Cost Homes for the Elderly)

Article 20-6 A low-cost home for the elderly is a facility intended for admitting elderly persons as inpatients and providing meals and any other conveniences necessary for daily life, free of charge or for a moderate fee (excluding the facilities set forth in Articles 20-2-2 through the preceding Article).

(Welfare Centers for the Elderly)

Article 20-7 A welfare center for the elderly is a facility intended for providing various consultations related to elderly persons, and providing elderly persons with comprehensive convenience for improving their health, enhancing their culture, and for recreation, free of charge or for a moderate fee.

(Long-Term Care Support Centers)

Article 20-7-2 (1) A long-term care support center is a facility intended for providing elderly persons, their actual caregivers, local residents, or any other persons with consultations and necessary advice on various issues related to the welfare of elderly people living in the community; providing liaison and coordination between elderly persons provided protective care mainly at their own homes or their actual caregivers, and municipalities, providers of in-home elderly support services, welfare facilities for the elderly, medical facilities, senior citizens' groups and any other persons carrying out services aimed at enhancing the welfare of the elderly; and comprehensively providing any other assistance specified in Order of the Ministry of Health, Labour and Welfare.

(2) The establisher of a long-term care support center (if the establisher is a corporation, its officer), its employee, or a person who was formerly in any of those positions may not, without legitimate grounds, divulge any confidential information which have come to their knowledge in the course of their duties.

Chapter III-2 Elderly Welfare Plans

(Municipal Welfare Plans for the Elderly)

Article 20-8 (1) A municipality is to, in line with the basic concept set forth in Article 2, paragraph (4) of the Local Autonomy Act (Act No. 67 of 1947), formulate a plan (hereinafter referred to as a "municipal welfare plan for the elderly") on securing systems for providing in-home elderly support services and services at welfare facilities for the elderly (hereinafter collectively referred to as "welfare services for the elderly").

(2) A municipal welfare plan for the elderly is to provide for the matters listed in the following sub-items:

- (i) goals for the quantity of welfare services for the elderly that should be secured in the area of the municipality;
- (ii) measures to secure the quantity of welfare services for the elderly as set forth in the preceding item; and
- (iii) any other necessary matters in relation to securing systems for providing welfare services for the elderly.

(3) In setting the goal as set forth in item (i) of the preceding paragraph (limited to goals related to in-home elderly support services, elderly day care centers,

short-term admission facilities for the elderly, and intensive care homes for the elderly), the municipality must take into account the prospective quantity of each type of services covered by long-term care benefits, etc. as set forth in Article 117, paragraph (2), item (i) of the Long-Term Care Insurance Act (limited to the services pertaining to long-term domiciliary care, long-term outpatient day care, short-term in-patient admission within long-term daily care, long-term overnight domiciliary care, long-term outpatient care for a dementia patient, multifunctional long-term care in a small group home, long-term communal care for dementia patients in communal living situations, admission to a community-based facility for preventive daily long-term care of the elderly covered by public aid and facility services for long-term care covered by public aid as referred to in the same Act; and the services related to domiciliary services for long-term preventative care, long-term outpatient preventative care, short-term inpatient admission for daily long-term preventative care, long-term preventative care for a dementia outpatient, multifunctional long-term preventative care in a small group home, and long-term preventative care for a dementia patient in communal living situations as referred to in the same Act).

- (4) The Minister of Health, Labour and Welfare is to specify the standards to be taken into account by municipalities in setting the goals under paragraph (2), item (i) (limited to the goals related to nursing homes for the elderly, low-cost homes for the elderly, welfare centers for the elderly, and long-term care support centers).
- (5) A municipal welfare plan for the elderly must be formulated by taking into consideration the number of elderly persons in the area of the municipality suffering difficulty in leading their daily lives due to physical or mental disabilities, the state of their disabilities, the actual situation of the protective care, and any other circumstances.
- (6) A municipal welfare plan for the elderly must be formulated as an integral part of the municipal insured long-term care services plan referred to in Article 117, paragraph (1) of the Long-Term Care Insurance Act.
- (7) A municipal welfare plan for the elderly must be in harmony with the municipal welfare plan set forth in Article 107 of the Social Welfare Act, and any other plan that provides for matters related to welfare for the elderly formulated under other laws.
- (8) If a municipality seeks to formulate its municipal welfare plan for the elderly or to make any changes to the plan, it must hear the opinion of the prefecture in advance.
- (9) If a municipality has formulated a municipal welfare plan for the elderly or has made any changes the plan, it must submit the plan to the prefectural governor without delay.

(Prefectural Welfare Plan for the Elderly)

- Article 20-9 (1) A prefecture is to, with the objective of contributing to the achievement of the municipal welfare plan for the elderly and from a cross-regional viewpoint across the respective municipalities, formulate a plan for securing a system for providing welfare services for the elderly (hereinafter referred to as a "prefectural welfare plan for the elderly").
- (2) A prefectural welfare plan for the elderly must provide for the matters listed in the following sub-items:
- (i) goals on the total required maximum capacity of a nursing home for the elderly and an intensive care home for the elderly located in each of the areas specified by the prefecture pursuant to the provision of Article 118, paragraph (2), item (i) of the Long-Term Care Insurance Act, and any other goals on the quantity of welfare services for the elderly;
 - (ii) matters related to measures to be implemented for the purpose of the development of welfare facilities for the elderly and mutual coordination among welfare facilities for the elderly;
 - (iii) matters related to measures to be implemented for the purpose of securing the employees to be engaged in welfare services for the elderly or for the improvement of their competences; and
 - (iv) any other necessary matters in connection with securing systems for providing welfare services for the elderly.
- (3) In determining the total required maximum capacity of the intensive care homes for the elderly referred to in item (i) of the preceding paragraph, the prefecture must take into account the required maximum capacity related to the admission to a community-based facility for preventive daily long-term care of the elderly covered by public aid as referred to in Article 118, paragraph (2), item (i) of the Long-Term Care Insurance Act and the required maximum capacity for each type of facility covered by long-term care insurance (limited to the maximum capacity related to a facility covered by public aid providing long-term care to the elderly as referred to in the same Act).
- (4) A prefectural welfare plan for the elderly must be formulated as an integral part of the prefectural insured long-term care services plan set forth in Article 118, paragraph (1) of the Long-Term Care Insurance Act.
- (5) A prefectural welfare plan for the elderly must be in harmony with the prefectural plans for supporting local welfare set forth in Article 108 of the Social Welfare Act and any other plan providing for matters related to welfare for the elderly which is formulated under other laws.
- (6) If a prefecture has formulated its prefectural welfare plan for the elderly or has made any changes to the plan, it must submit the plan to the Minister of Health, Labour and Welfare without delay.

(Advice of the Prefectural Governor)

Article 20-10 (1) A prefectural governor may provide municipalities with the necessary advice on technical matters related to the formulation of a municipal welfare plan for the elderly.

(2) The Minister of Health, Labour and Welfare may provide a prefecture with the necessary advice on methods for the formulation of a prefectural welfare plan for the elderly and any other advice on significant technical matters related to the formulation of a prefectural welfare plan for the elderly.

(Assistance)

Article 20-11 The State and local governments must endeavor to provide a person carrying out a service which contributes to the achievement of a municipal welfare plan for the elderly or prefectural welfare plan for the elderly with any assistance required for the smooth implementation of the service.

Chapter IV Expenses

(Payment of Expenses)

Article 21 The following expenses are to be paid by the municipalities:

- (i) expenses required for the measures to be implemented by a municipality pursuant to the provisions of Article 10-4, paragraph (1), items (i) through (iv);
- (i)-2 expenses required for the measures to be implemented by a municipality pursuant to the provisions of Article 10-4, paragraph (1), item (v);
- (ii) expenses required for the measures to be implemented by a municipality pursuant to the provisions of Article 11, paragraph (1), item (i) and item (iii) and Article 11, paragraph (2); and
- (iii) expenses required for the measures to be implemented by a municipality pursuant to the provisions of Article 11, paragraph (1), item (ii).

(Adjustment with Benefits under the Long-Term Care Insurance Act)

Article 21-2 If a person for whom the measures under one of the items of Article 10-4, paragraph (1) or Article 11, paragraph (1), item (ii) apply falls under the category of a person who, pursuant to the provisions of the Long-Term Care Insurance Act, is entitled to receive payment of insurance proceeds related to in-home services, community-based services, services in facilities, long-term preventative care services or community-based services for long-term preventative care, the municipality is not required to pay the expenses set forth in item (i), (i)-2, or (iii) of the preceding Article, to the extent covered by

the insurance proceeds.

Article 22 Deleted

Article 23 Deleted

(Subsidies from the Prefecture)

Article 24 (1) Pursuant to the provisions of Cabinet Order, a prefecture may subsidize up to one-fourth (or up to half, in the case of the expenses required for implementing measures for a person who is 65 years of age or older set forth in Article 5-4, paragraph (1), and who does not have a place of residence or whose place of residence is unknown) of the expenses to be paid by the municipality pursuant to the provisions of Article 21, item (i).

(2) Beyond what is prescribed in the preceding paragraph, a prefecture may subsidize a part of the expenses required for services for the welfare of the elderly by a municipality or a social welfare corporation.

(Mutatis Mutandis Application)

Article 25 The provisions of Article 58, paragraphs (2) through (4) of the Social Welfare Act apply mutatis mutandis to a social welfare corporation that has received a subsidy pursuant to the provisions of the preceding Article, or to which regular property was transferred or lent pursuant to the provisions of Article 2, paragraph (2), item (iv) of the Act on Special Measures concerning National Property (Act No. 219 of 1952) or pursuant to Article 3, paragraph (1), item (iv) and Article 3, paragraph (2) of that Act.

(State Subsidies)

Article 26 (1) Pursuant to the provisions of Cabinet Order, the State may subsidize up to half of the expenses to be borne by municipalities pursuant to the provisions of Article 21, item (i).

(2) Beyond what is prescribed in the preceding paragraph, the State may subsidize a part of the expenses required for services for the welfare of the elderly set forth in this Act, by a prefecture or municipality.

(Disposition of Money and Goods Left Behind)

Article 27 (1) If a municipality implements measures for funeral services pursuant to the provisions of Article 11, paragraph (2), it may allocate the money and securities left by the deceased for covering the expenses required for the measures; and, when the appropriation does not meet the expenses, the municipality may sell the goods left behind and allocate the proceeds for the expenses.

- (2) A municipality is entitled to receive payment of the expenses set forth in the preceding paragraph out of the proceeds of the goods left behind by the deceased, in priority over the statutory lien of any other creditor.

(Collection of Expenses)

- Article 28 (1) With regard to the expenses required for the measures under Article 10-4, paragraph (1) and Article 11, the mayor of the municipality that has paid the expenses may collect all or part of the expenses required for the measures from a person for whom the measures were implemented or from a person under duty to support the person (meaning a person under duty to support the person set forth in the Civil Code (Act No. 89 of 1896); the same applies hereinafter), in accordance with the financial capacity of the person.
- (2) The collection of expenses as set forth in the preceding paragraph may be commissioned to a municipality where the person liable for the collection of expenses has a place of residence or where their property is located.

Chapter IV-2 Designated Corporations

(Designated Corporations)

- Article 28-2 (1) The Minister of Health, Labour and Welfare may designate a general incorporated association or a general incorporated foundation aimed at maintaining elderly persons' physical and mental health by such means as promoting the activities of persons implementing health promotion projects for the elderly which, in regard to the operations set forth in the following Article, the Minister finds to conform to the following standards, as a person providing the services set forth in that Article, subject to the filing of an application by the corporation and provided that there is only one such designee throughout Japan:
- (i) that the plan for the implementation of operations related to the employees, operational methods and any other matters is appropriate, and that the corporation is found to possess the knowledge, competences and financial basis sufficient to reliably carry out the plan; and
 - (ii) beyond what is provided for in the preceding item, it is found that the corporation would properly and reliably carry out the operations and would contribute to the advancement of health promotion projects for the elderly, or otherwise contribute to the maintenance of elderly persons' physical and mental health.
- (2) When the Minister of Health, Labour and Welfare has made a designation pursuant to the provisions of the preceding paragraph, the Minister must give a public notice of the name, address and location of the office of the designee (hereinafter referred to as the "designated corporation").

- (3) When the designated corporation seeks to make any changes to its name, address or location of the office, it must notify the Minister of Health, Labour and Welfare to that effect in advance.
- (4) When the notification under the preceding paragraph has been filed, the Minister of Health, Labour and Welfare must give a public notice of the matters so notified.

(Operations)

Article 28-3 A designated corporation is to perform the following operations:

- (i) implement activities to raise awareness of health promotion projects for the elderly;
- (ii) implement health promotion projects for the elderly;
- (iii) provide assistance to persons who implement health promotion projects for the elderly;
- (iv) conduct research and study on health promotion projects for the elderly, and training of the employees engaged in health promotion projects for the elderly;
- (v) perform the operations set forth in paragraph (1) of the following Article; and
- (vi) beyond what is set forth in each of the preceding items, to perform the operations necessary for facilitating the advancement of health promotion projects for the elderly.

(Implementation of Subsidy Operations by a Designated Corporation)

Article 28-4 (1) When a designation as set forth in Article 28-2, paragraph (1) has been made, the Welfare and Medical Service Agency, an incorporated administrative agency, is to have the designated corporation handle all or part of the subsidy operation referred to in Article 12, paragraph (1), item (vii) of the Welfare and Medical Services Agency Act (Act No. 166 of 2002), related to a person who undertakes operations found necessary for the advancement of health promotion projects for the elderly (hereinafter referred to as the "subsidy operation").

- (2) The standards for subsidies to be granted in relation to the subsidy operation handled by the designated corporation pursuant to the provisions of the preceding paragraph are provided by Order of the Ministry of Health, Labour and Welfare.
- (3) When the Minister of Health, Labour and Welfare intends to specify the Order of the Ministry of Health, Labour and Welfare set forth in the preceding paragraph, the Minister of Health, Labour and Welfare must consult the Minister of Finance.

(Authorization of Operational Rules)

Article 28-5 (1) When a designated corporation seeks to perform a subsidy operation, the corporation must, prior to the commencement of the operation, prepare rules concerning its implementation (hereinafter referred to as "operational rules") and obtain authorization from the Minister of Health, Labour and Welfare. The same applies when the designated corporation seeks to make any changes to the rules.

(2) If the Minister of Health, Labour and Welfare finds that the operational rules authorized under the preceding paragraph have become inappropriate in light of the proper and reliable implementation of the subsidy operation, the Minister may order the corporation to change the operational rules.

(3) The matters to be stated in the operational rules are specified by Order of the Ministry of Health, Labour and Welfare.

(Business Plans)

Article 28-6 (1) For each business year and pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a designated corporation must prepare a business plan and an income and expenditure budget, and obtain authorization from the Minister of Health, Labour and Welfare. The same applies to the case in which the designated corporation seeks to make any changes to them.

(2) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a designated corporation must prepare its business report, balance sheet, income and expenditure budget, and inventory of assets after the end of each business year and submit them to the Minister of Health, Labour and Welfare to obtain their approval.

(Separate Accounting)

Article 28-7 When a designated corporation performs a subsidy operation, it must separately prepare the accounting for the subsidy operation from accounting for other operations.

(Grants)

Article 28-8 The Welfare and Medical Service Agency, an incorporated administrative agency may, within the budgetary limit, provide the designated corporation with a part of the profits obtained from the investment of the fund specified in Article 23, paragraph (1) of the Welfare and Medical Service Agency Act, as a grant to be allocated to the fund required for the subsidy operation.

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

Article 28-9 Beyond what is provided for in this Chapter, the necessary matters in relation to the finances and accounting of a designated corporation when the corporation carries out the subsidy operation are provided by Order of the Ministry of Health, Labour and Welfare.

(Dismissal Order)

Article 28-10 If an officer of a designated corporation has committed a violation of any of the provisions of this Chapter or of any order or disposition issued under the provisions, has performed an act in violation of the operational rules authorized under Article 28-5, paragraph (1), or has performed a particularly inappropriate act in relation to the operations set forth in Article 28-3, the Minister of Health, Labour and Welfare may order the designated corporation to dismiss the officer.

(Status of Officers and Employees as Public Employees)

Article 28-11 For the purpose of the application of the Penal Code (Act No. 45 of 1907) and any other penal provisions, the officers and employees of a designated corporation engaged in a subsidy operation are deemed to be officials engaged in public duties pursuant to the provisions of laws and regulations.

(Reports and Inspections)

Article 28-12 (1) The Minister of Health, Labour and Welfare may, to the extent necessary for ensuring proper management of the operations set forth in Article 28-3, request the designated corporation to report on matters that the Minister finds necessary; or have the Ministry's officials question the relevant persons or enter into their offices and to inspect the status of the business and books and documents, and other objects.

(2) The provisions of Article 18, paragraph (3) and paragraph (4) apply mutatis mutandis to the questioning or on-site inspection set forth in the preceding paragraph. In such case, the term "the preceding two paragraphs" in these provisions are deemed to be replaced with "the preceding paragraph"; and the term "paragraph (1) and paragraph (2)" is deemed to be replaced with "paragraph (1)."

(Supervisory Orders)

Article 28-13 The Minister of Health, Labour and Welfare may, to the extent necessary for the enforcement of the provisions of this Chapter, issue to a designated corporation orders necessary for the supervision of the operations set forth in Article 28-3.

(Rescission of Designation)

Article 28-14 (1) If a designated corporation falls under any of the following items, the Minister of Health, Labour and Welfare may rescind its designation pursuant to Article 28-2, paragraph (1), or may specify a period and order the suspension of all or part of the operations set forth in Article 28-3:

- (i) when the Minister finds the designated corporation unable to implement the operations set forth in Article 28-3 properly and reliably;
- (ii) when the designated corporation has performed any wrongful act in obtaining its designation;
- (iii) when the designated corporation has committed a violation of any of the provisions of this Chapter, or of any order or disposition issued the provisions; or
- (iv) when the designated corporation has carried out its subsidy operation without complying with the operational rules authorized under Article 28-5, paragraph (1).

(2) If the Minister of Health, Labour and Welfare has rescinded the designation pursuant to the provisions of the preceding paragraph, or has issued an order to suspend all or part of the operations set forth in Article 28-3, the Minister must give a public notice to that effect.

Chapter IV-3 Fee-Based Homes for the Elderly

(Notifications)

Article 29 (1) A person who seeks to establish a fee-based home for the elderly (meaning a facility to provide services for admitting elderly persons and providing them with long-term care services such as bathing, excretion, eating meals, and any other services as prescribed by Order of the Ministry of Health, Labour and Welfare that are necessary conveniences for their daily lives (hereinafter referred to as "long-term care, etc.") (including the provision of those services through the entrustment to a third person and also a promise to provide those services in the future), excluding welfare facilities for the elderly, residences for daily support services for dementia patients in communal living situations, or any other facilities provided by Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter) must notify the prefectural governor of the place where the facility is to be established of the matters listed in the following items in advance:

- (i) the name of the facility and the location where the facility is to be established;
- (ii) the name of the person who seeks to establish the facility; and the address or name and the location;
- (iii) prefectural or municipal ordinances, the articles of incorporation, and any

- other certificate of incorporation;
- (iv) the year, month and day when services are to commence;
 - (v) the name and address of the manager of the facility;
 - (vi) the details of the long-term care, etc. to be provided at the facility; and
 - (vii) any other matter provided by Order of the Ministry of Health, Labour and Welfare.
- (2) A person who has made a notification pursuant to the provisions of the preceding paragraph must notify the prefectural governor of any changes to the matters set forth in the items of that paragraph, within one month from the date of the change.
- (3) If a person who has filed a notification pursuant to the provisions of paragraph (1) seeks to discontinue or suspend its services, the person must, no later than one month prior to the day of the discontinuance or suspension, notify the prefectural governor to that effect.
- (4) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the establisher of a fee-based home for the elderly must prepare and keep books related to the business activities of the fee-based home for the elderly.
- (5) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the establisher of a fee-based home for the elderly must disclose to a person who is or plans to become a resident of the fee-based home for the elderly the details of the long-term care, etc. provided, and information on any other matters specified by Order of the Ministry of Health, Labour and Welfare.
- (6) The establisher of a fee-based home for the elderly that has received, as an advance payment, a lump-sum payment for all or part of the rent periodically receivable during the elderly person's lifetime or any other payment specified by Order of the Ministry of Health, Labour and Welfare, must expressly disclose in writing the basis of the calculation of the advance payment; and, in order to be prepared for circumstances in which the establisher would bear the obligation to reimburse the advance payment, must implement necessary protective measures pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (7) For the purpose of achieving the purposes of this Act, a prefectural governor may request the establisher or manager of a fee-based home for the elderly or from a person who has been entrusted by the establisher to provide long-term care, etc. (hereinafter referred to as the "entrusted long-term care provider, etc.") to report the matters related to the state of the management of the home or any other matter found to be necessary; or have the prefecture's officials question the relevant persons or enter into the office or place of business of the fee-based home for the elderly or the entrusted long-term care provider, etc. and inspect the equipment, books and documents, and any other objects.

- (8) The provisions of Article 18, paragraph (3) and paragraph (4) apply mutatis mutandis to the questioning and on-site inspection pursuant to the provisions of the preceding paragraph.
- (9) If a prefectural governor finds that an establisher of a fee-based home for the elderly to have committed a violation of any of the provisions of paragraphs (4) through (6), to have performed any unjust act in connection with the treatment of a resident of the fee-based home for the elderly (hereinafter referred to as a "resident"), or to have performed any act which would harm the interests of a resident in the course of the management of the home, or in any other cases where the governor finds it necessary for protecting the residents, the governor may order the establisher to implement the necessary measures for its improvement.
- (10) If a prefectural governor has issued an order pursuant to the provisions of the preceding paragraph, the governor must give a public notice to that effect.

(Associations of Fee-Based Homes for the Elderly)

Article 30 (1) A general incorporated association which uses in its name the characters "有料老人ホーム協会 (association of fee-based homes for the elderly)" may be incorporated, provided that its articles of incorporation provide that it aims to protect the residents of fee-based homes for the elderly and to contribute to the sound development of fee-based homes for the elderly, and also provides that the establisher of the fee-based home for the elderly is an employee (hereinafter referred to as "member" in this Chapter) of the fee-based homes for the elderly.

- (2) The provisions of the articles of incorporation prescribed in the preceding paragraph may not be changed.
- (3) A general incorporated association referred to in paragraph (1) (hereinafter referred to as an "association"), upon its incorporation, must notify the Minister of Health, Labour and Welfare to that effect within two weeks from the incorporation date, by attaching copies of its certificate of registered information and articles of incorporation.
- (4) The association must make the members list available for public inspection.

(Restrictions on Use of Name)

- Article 31 (1) No person other than an association may use in its name the characters "有料老人ホーム協会 (association of fee-based homes for the elderly)."
- (2) A person who is not a member of an association may not use in its name the characters "有料老人ホーム協会会員 (member of the association of fee-based homes for the elderly)."

(Operations of an Association)

Article 31-2 (1) In order to achieve its purposes, an association is to carry out the following operations:

- (i) operations to provide members with guidance and recommendations or any other operations to have the members comply with the provisions of this Act and other laws and regulations in managing a fee-based home for the elderly;
 - (ii) operations to provide necessary guidance and recommendations or any other operations so as to ensure the appropriateness of the terms and conditions of the contract and the protection of residents, and to provide treatment from the viewpoint of the residents, in managing the fee-based home for the elderly established by the member;
 - (iii) resolution of complaints raised by residents, etc. in relation to the equipment and management of fee-based homes for the elderly established by members;
 - (iv) training aimed at the improvement of the competences of the employees of fee-based homes for the elderly; and
 - (v) public relations concerning fee-based homes for the elderly and any other operations necessary for achieving the purposes of the association.
- (2) If the association finds it necessary when it has received requests for resolving complaints about the equipment and the management of the fee-based homes for the elderly from a resident, etc. of the fee-based home for the elderly managed by its member, it may ask for a written or oral explanation from that member or request the member to submit materials.
- (3) If the association has made a request pursuant to the provisions of the preceding paragraph, the member so requested may not refuse the request unless there are legitimate grounds.

(Supervision)

Article 31-3 (1) The operations of the association are subject to the supervision of the Minister of Health, Labour and Welfare.

- (2) If the Minister of Health, Labour and Welfare finds it necessary for ensuring the proper implementation of the operations set forth in paragraph (1) of the preceding Article, the Minister may issue an order that is necessary for the supervision of the operation to the association.

(Cooperation to the Minister of Health, Labour and Welfare)

Article 31-4 For the purpose of the smooth enforcement of the provisions of this Chapter and pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the Minister of Health, Labour and Welfare may have the association provide cooperation on the notification, reporting, or any other necessary matters as provided for in the provisions.

(On-Site Inspections)

Article 31-5 (1) The Minister of Health, Labour and Welfare may, to the extent necessary for the enforcement of the provisions of this Chapter, order an association to submit a report or materials related to its business or properties; or to have the Ministry's officials question the relevant persons or to enter into the association's office, and to inspect the state of its business or properties, books and documents, and other objects.

(2) The provisions of Article 18, paragraph (3) and paragraph (4) apply mutatis mutandis to the questioning or on-site inspection referred to in the preceding paragraph. In this case, the term "the preceding two paragraphs" in paragraph (3) of the same Article and the term "paragraph (1) and paragraph (2)" in paragraph (4) of that Article are deemed to be replaced with "Article 31-5, paragraph (1)."

Chapter V Miscellaneous Provisions

(Requests for a Ruling)

Article 32 If the mayor of a municipality finds it especially necessary for promoting the welfare of a person who is 65 years of age or older, the mayor may file a request for a ruling as set forth in Article 7, Article 11, Article 13, paragraph (2), Article 15, paragraph (1), Article 17, paragraph (1), Article 876-4, paragraph (1), or Article 876-9, paragraph (1) of the Civil Code.

(Special District Authority of Towns and Villages)

Article 33 For the purpose of the application of this Act, if a town or village has established a welfare office by forming a special district authority or cross-regional federation, the special district authority or cross-regional federation is deemed to be a town or village that has established the welfare office.

(Special Provisions for Large Cities)

Article 34 With regard to designated cities as set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (hereinafter referred to as a "designated city") and core cities as set forth in Article 252-22, paragraph (1) of that Act (hereinafter collectively referred to as a "core city"), the affairs provided for in this Act that are to be handled by prefectures and that are specified by Cabinet Order are to be handled by the designated city or core city (hereinafter referred to as the "designated city, etc."), pursuant to the provisions of Cabinet Order. In this case, the provisions of this Act which refer to a prefecture apply to a designated city, etc. as provisions that refer to the designated city, etc.

(Execution of Affairs by the Minister of Health, Labour and Welfare in Cases of Emergency)

Article 34-2 (1) When the Minister of Health, Labour and Welfare finds it urgently necessary for the protection of the residents of a nursing home for the elderly, intensive care home for the elderly, or fee-based home for the elderly, the Minister or the prefectural governor is to carry out the affairs which fall within the scope of the authority granted to a prefectural governor pursuant to the provisions of Article 18, paragraph (2) and Article 19, paragraph (1) (excluding the rescission of authorization pursuant to the provisions of the paragraph) or affairs which fall within the scope of the authority granted to a prefectural governor pursuant to the provisions of Article 29, paragraph (7) and paragraph (9).

(2) In the case referred to in the preceding paragraph, the provisions of this Act which refer to a prefectural governor (limited to provisions pertaining to the relevant affairs (excluding Article 19, paragraph (2))) are to apply to the Minister of Health, Labour and Welfare, as provisions that refer to the Minister of Health, Labour and Welfare.

(3) In the case referred to in paragraph (1), if the Minister of Health, Labour and Welfare or the prefectural governor is to carry out the affairs, they are to do so in close coordination with each other.

(The Japanese Red Cross Society)

Article 35 For the purpose of the application of this Act, the Japanese Red Cross Society is deemed to be a social welfare corporation.

(Commissioning of Investigations and Request for Reports)

Article 36 When a municipality finds it necessary in relation to welfare measures, it may commission public agencies to conduct an investigation or request a report from a bank, trust company, the elderly person or a person under duty to support the elderly, the elderly person's employer, or any other relevant persons, on the state of assets or income of the elderly person who is or will be subject to the measures or a person under duty to support the elderly.

(Order for Enforcement)

Article 37 Unless otherwise specifically provided for in this Act, the procedures for the enforcement of this Act and any other detailed regulations necessary for the execution thereof are provided by Order of the Ministry of Health, Labour and Welfare.

Chapter VI Penal Provisions

Article 38 A person who has violated the provisions of Article 20-7-2, paragraph (2) is punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 39 A person who has violated an order issued under Article 18-2, paragraph (1) or Article 29, paragraph (9) is punished by imprisonment with work for not more than six months or a fine of not more than five hundred thousand yen.

Article 40 If a person falls under any of the following items, the person who has committed the violation is punished by fine of not more than three hundred thousand yen:

- (i) a person who has failed to make a report under Article 28-12, paragraph (1) or Article 29, paragraph (7) or has made a false report, has failed to answer or given a false answer to the question set forth in those provisions, or has refused, obstructed or evaded the inspection set forth in those provisions;
- (ii) a person who has failed to make a notification under Article 29, paragraphs (1) through (3) or has made a false notification;
- (iii) in violation of the provisions of Article 31, paragraph (2), a person who has used in their name the characters "有料老人ホーム協会会員 (member of an association of fee-based homes for the elderly)"; or
- (iv) a person who has failed to submit a report or materials under Article 31-5, paragraph (1) or has submitted a false report or materials, has refused to answer or given a false answer to the question set forth in that paragraph, or has refused, obstructed, or evaded the inspection set forth in the same paragraph.

Article 41 If the representative of a corporation, or an agent, employee or any other workers of a corporation or an individual has committed a violation set forth in the preceding two Articles in relation to the business of the corporation or individual, the corporation or individual is punished by fine as set forth respectively in those Articles, in addition to punishing the offender of the act.

Article 42 A person who falls under any of the following items is punished by a civil fine of not more than five hundred thousand yen:

- (i) a person who has failed to make a notification under Article 30, paragraph (3) or has made a false notification;
- (ii) in violation of the provisions of Article 30, paragraph (4), a person who has failed to make the members' list set forth in that paragraph available for public inspection; or
- (iii) a person who has committed a violation of an order issued under Article

31-3, paragraph (2).

Article 43 A person who, in violation of the provisions of Article 31, paragraph (1), has used in their name the characters "有料老人ホーム協会 (association of fee-based home for the elderly)" is punished by a civil fine of not more than one hundred thousand yen.