

老人福祉法

Act on Social Welfare for the Elderly

(昭和三十八年七月十一日法律第百三十三号)
(Act No. 133 of July 11, 1963)

第一章 総則 (第一条—第十条の二)	Chapter I General Provisions (Articles 1 through 10-2)
第二章 福祉の措置 (第十条の三—第十三条の二)	Chapter II Welfare Measures (Articles 10-3 through 13-2)
第三章 事業及び施設 (第十四条—第二十条の七の二)	Chapter III Services and Facilities (Articles 14 through 20-7-2)
第三章の二 老人福祉計画 (第二十条の八—第二十条の十一)	Chapter III-2 Welfare Plan for the Elderly (Articles 20-8 through 20-11)
第四章 費用 (第二十一条—第二十八条)	Chapter IV Expenses (Articles 21 through 28)
第四章の二 指定法人 (第二十八条の二—第二十八条の十四)	Chapter IV-2 Designated Corporations (Articles 28-2 through 28-14)
第四章の三 有料老人ホーム (第二十九条—第三十一条の五)	Chapter IV-3 Fee-Based Homes for the Elderly (Articles 29 through 31-5)
第五章 雑則 (第三十二条—第三十七条)	Chapter V Miscellaneous Provisions (Articles 32 through 37)
第六章 罰則 (第三十八条—第四十三条)	Chapter VI Penal Provisions (Articles 38 through 43)
附 則	Supplementary Provisions

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、老人の福祉に関する原理を明らかにするとともに、老人に対し、その心身の健康の保持及び生活の安定のために必要な措置を講じ、もつて老人の福祉を図ることを目的とする。

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.

(基本的理念)

(Basic Principles)

第二条 老人は、多年にわたり社会の進展に寄与してきた者として、かつ、豊富な知識と経験を有する者として敬愛されるとともに、生きがいを持てる健全で安らかな生活を保障されるものとする。

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.

第三条 老人は、老齢に伴って生ずる心身の変化を自覚して、常に心身の健康を保持し、又は、その知識と経験を活用して、社会的活動に参加するように努めるものとする。

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 老人は、その希望と能力とに応じ、適当な仕事に従事する機会その他社会的活動に参加する機会を与えられるものとする。

(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.

(老人福祉増進の責務)

(Responsibility to Improve the Welfare of the Elderly)

第四条 国及び地方公共団体は、老人の福祉を増進する責務を有する。

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

2 国及び地方公共団体は、老人の福祉に関係のある施策を講ずるに当たっては、その施策を通じて、前二条に規定する基本的理念が具現されるように配慮しなければならない。

(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 老人の生活に直接影響を及ぼす事業を営む者は、その事業の運営に当たっては、老人の福祉が増進されるように努めなければならない。

(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.

第五条 国民の間に広く老人の福祉についての関心と理解を深めるとともに、老人に対し自らの生活の向上に努める意欲を促すため、老人の日及び老人週間を設ける。

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 老人の日は九月十五日とし、老人週間は同日から同月二十一日までとする。

(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 国は、老人の日においてその趣旨にふさわしい事業を実施するよう努めるものとし、国及び地方公共団体は、老人週間において老人の団体その他の者によつてその趣旨にふさわしい行事が実施されるよう奨励しなければならない。

(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.

(定義)

(Definitions)

第五条の二 この法律において、「老人居宅生活支援事業」とは、老人居宅介護等事業、老人デイサービス事業、老人短期入所事業、小規模多機能型居宅介護事業及び認知症対応型老人共同生活援助事業をいう。

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 この法律において、「老人居宅介護等事業」とは、第十条の四第一項第一号の措置に係る者又は介護保険法（平成九年法律第百二十三号）の規定による訪問介護に係る居宅介護サービス費、夜間対応型訪問介護に係る地域密着型介護サービス費若しくは介護予防訪問介護に係る介護予防サービス費の支給に係る者その他の政令で定める者につき、これらの者の居宅において入浴、排せつ、食事等の介護その他の日常生活を営むのに必要な便宜であつて厚生労働省令で定めるものを供与する事業をいう。

(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 この法律において、「老人デイサービス事業」とは、第十条の四第一項第二号の措置に係る者又は介護保険法の規定による通所介護に係る居宅介護サービス費、認知症対応型通所介護に係る地域密着型介護サービス費、介護予防通所介護に係る介護予防サービス費若しくは介護予防認知症対応型通所介護に係る地域密着型介護予防サービス費の支給に係る者その他の政令で定める者（その者を現に養護する者を含む。）を特別養護老人ホームその他の厚生労働省令で定める施設に通わせ、これらの者につき入浴、排せつ、食事等の介護、機能訓練、介護方法の指導その他の厚生労働省令で定める便宜を供与する事業をいう。

(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 この法律において、「老人短期入所事業」とは、第十条の四第一項第三号の措置に係る者又は介護保険法の規定による短期入所生活介護に係る居宅介護サービス費若しくは介護予防短期入所生活介護に係る介護予防サービス費の支給に係る者その他の政令で定める者を特別養護老人ホームその他の厚生労働省令で定める施設に短期間入所させ、養護する事業をいう。

(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 この法律において、「小規模多機能型居宅介護事業」とは、第十条の四第一項第四号の措置に係る者又は介護保険法の規定による小規模多機能型居宅介護に係る地域密着型介護サービス費若しくは介護予防小規模多機能型居宅介護に係る地域密着型介護予防サービス費の支給に係る者その他の政令で定める者につき、これらの者の心身の状況、置かれている環境等に応じて、それらの者の選択に基づき、それら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を営むのに必要な便宜であつて厚生労働省令で定めるもの及び機能訓練を供与する事業をいう。

(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 この法律において、「認知症対応型老人共同生活援助事業」とは、第十条の四第一項第五号の措置に係る者又は介護保険法の規定による認知症対応型共同生活介護に係る地域密着型介護サービス費若しくは介護予防認知症対応型共同生活介護に係る地域密着型介護予防サービス費の支給に係る者その他の政令で定める者につき、これらの者が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援助を行う事業をいう。

(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.

第五条の三 この法律において、「老人福祉施設」とは、老人デイサービスセンター、老人短期入所施設、養護老人ホーム、特別養護老人ホーム、軽費老人ホーム、老人福祉センター及び老人介護支援センターをいう。

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.

(福祉の措置の実施者)

(Implementer of Welfare Measures)

第五条の四 六十五歳以上の者（六十五歳未満の者であつて特に必要があると認められるものを含む。以下同じ。）又はその者を現に養護する者（以下「養護者」という。）に対する第十条の四及び第十一条の規定による福祉の措置は、その六十五歳以上の者が居住地を有するときは、その居住地の市町村が、居住地を有しないか、又はその居住地が明らかでないときは、その所在地の市町村が行うものとする。ただし、同条第一項第一号若しくは第二号又は生活保護法（昭和二十五年法律第百四十四号）第三十条第一項ただし書の規定により入所している六十五歳以上の者については、その六十五歳以上の者が入所前に居住地を有した者であるときは、その居住地の市町村が、その六十五歳以上の者が入所前に居住地を有しないか、又はその居住地が明らかでなかつた者であるときは、入所前におけるその六十五歳以上の者の所在地の市町村が行うものとする。

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 市町村は、この法律の施行に関し、次に掲げる業務を行わなければならない。

(2) A municipality must perform the operations set forth in the following items in enforcing this Act:

一 老人の福祉に関し、必要な実情の把握に努めること。

(i) to endeavor to gain an understanding of the actual status of welfare for the elderly as necessary; and

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

(ii) 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.

(市町村の福祉事務所)

(Municipal Welfare Offices)

第五条の五 市町村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。以下同じ。）は、この法律の施行に関し、主として前条第二項各号に掲げる業務を行うものとする。

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.

(市町村の福祉事務所の社会福祉主事)

(Social Welfare Officers of Municipal Welfare Offices)

第六条 市及び福祉事務所を設置する町村は、その設置する福祉事務所に、福祉事務所の長（以下「福祉事務所長」という。）の指揮監督を受けて、主として次に掲げる業務を行う所員として、社会福祉主事を置かなければならない。

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"):

一 福祉事務所の所員に対し、老人の福祉に関する技術的指導を行うこと。

(i) to provide technical guidance related to welfare for the elderly to officials of the welfare office; and

二 第五条の四第二項第二号に規定する業務のうち、専門的技術を必要とする業務を行うこと。

(ii) to perform operations as prescribed in Article 5-4, paragraph (2), item (ii), which require expert skills.

(連絡調整等の実施者)

(Person in Charge of Liaison and Coordination)

第六条の二 都道府県は、この法律の施行に関し、次に掲げる業務を行わなければならない。

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

一 この法律に基づく福祉の措置の実施に関し、市町村相互間の連絡調整、市町村に対する情報の提供その他必要な援助を行うこと及びこれらに付随する業務を行うこと。

(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

二 老人の福祉に関し、各市町村の区域を超えた広域的な見地から、実情の把握に努めること。

(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 都道府県知事は、この法律に基づく福祉の措置の適切な実施を確保するため必要があると認めるときは、市町村に対し、必要な助言を行うことができる。

(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 都道府県知事は、この法律の規定による都道府県の事務の全部又は一部を、その管理する福祉事務所に委任することができる。

(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.

(都道府県の福祉事務所の社会福祉主事)

(Social Welfare Officers of Prefectural Welfare Offices)

第七条 都道府県は、その設置する福祉事務所に、福祉事務所長の指揮監督を受けて、主として前条第一項第一号に掲げる業務のうち専門的技術を必要とするものを行う所員として、社会福祉主事を置くことができる。

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.

(保健所の協力)

(Cooperation by Health Centers)

第八条 保健所は、老人の福祉に関し、老人福祉施設等に対し、栄養の改善その他衛生に関する事項について必要な協力を行うものとする。

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.

(民生委員の協力)

(Cooperation of Commissioned Welfare Volunteers)

第九条 民生委員法（昭和二十三年法律第九十八号）に定める民生委員は、この法律の施行について、市町村長、福祉事務所長又は社会福祉主事の事務の執行に協力するものとする。

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.

(介護等に関する措置)

(Measures for Long-term Care)

第十条 身体上又は精神上の障害があるために日常生活を営むのに支障がある老人の介護等に関する措置については、この法律に定めるもののほか、介護保険法の定めるところによる。

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.

(連携及び調整)

(Cooperation and Coordination)

第十条の二 この法律に基づく福祉の措置の実施に当たっては、前条に規定する介護保険法に基づく措置との連携及び調整に努めなければならない。

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.

第二章 福祉の措置

Chapter II Welfare Measures

(支援体制の整備等)

(Establishment of Support Systems)

第十条の三 市町村は、六十五歳以上の者であつて、身体上又は精神上の障害があるた

めに日常生活を営むのに支障があるものが、心身の状況、その置かれている環境等に応じて、自立した日常生活を営むために最も適切な支援が総合的に受けられるように、次条及び第十一条の措置その他地域の実情に応じたきめ細かな措置の積極的な実施に努めるとともに、これらの措置、介護保険法に規定する居宅サービス、地域密着型サービス、居宅介護支援、施設サービス、介護予防サービス、地域密着型介護予防サービス及び介護予防支援並びに老人クラブその他老人の福祉を増進することを目的とする事業を行う者の活動の連携及び調整を図る等地域の実情に応じた体制の整備に努めなければならない。

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 市町村は、前項の体制の整備に当たっては、六十五歳以上の者が身体上又は精神上の障害があるために日常生活を営むのに支障が生じた場合においても、引き続き居宅において日常生活を営むことができるよう配慮しなければならない。

(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.

(居宅における介護等)

(Home-Based Long-term Care)

第十条の四 市町村は、必要に応じて、次の措置を採ることができる。

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

一 六十五歳以上の者であつて、身体上又は精神上の障害があるために日常生活を営むのに支障があるものが、やむを得ない事由により介護保険法に規定する訪問介護、夜間対応型訪問介護又は介護予防訪問介護を利用することが著しく困難であると認

めるときは、その者につき、政令で定める基準に従い、その者の居宅において第五条の二第二項の厚生労働省令で定める便宜を供与し、又は当該市町村以外の者に当該便宜を供与することを委託すること。

- (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;

二 六十五歳以上の者であつて、身体上又は精神上の障害があるために日常生活を営むのに支障があるものが、やむを得ない事由により介護保険法に規定する通所介護、認知症対応型通所介護、介護予防通所介護又は介護予防認知症対応型通所介護を利用することが著しく困難であると認めるときは、その者（養護者を含む。）を、政令で定める基準に従い、当該市町村の設置する老人デイサービスセンター若しくは第五条の二第三項の厚生労働省令で定める施設（以下「老人デイサービスセンター等」という。）に通わせ、同項の厚生労働省令で定める便宜を供与し、又は当該市町村以外の者の設置する老人デイサービスセンター等に通わせ、当該便宜を供与することを委託すること。

- (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;

三 六十五歳以上の者であつて、養護者の疾病その他の理由により、居宅において介護を受けることが一時的に困難となつたものが、やむを得ない事由により介護保険法に規定する短期入所生活介護又は介護予防短期入所生活介護を利用することが著

しく困難であると認めるときは、その者を、政令で定める基準に従い、当該市町村の設置する老人短期入所施設若しくは第五条の二第四項の厚生労働省令で定める施設（以下「老人短期入所施設等」という。）に短期間入所させ、養護を行い、又は当該市町村以外の者の設置する老人短期入所施設等に短期間入所させ、養護することを委託すること。

(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;

四 六十五歳以上の者であつて、身体上又は精神上の障害があるために日常生活を営むのに支障があるものが、やむを得ない事由により介護保険法に規定する小規模多機能型居宅介護又は介護予防小規模多機能型居宅介護を利用することが著しく困難であると認めるときは、その者につき、政令で定める基準に従い、その者の居宅において、又は第五条の二第五項の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、同項の厚生労働省令で定める便宜及び機能訓練を供与し、又は当該市町村以外の者に当該便宜及び機能訓練を供与することを委託すること。

(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

五 六十五歳以上の者であつて、認知症（介護保険法第八条第十六項に規定する認知症をいう。以下同じ。）であるために日常生活を営むのに支障があるもの（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。）が、やむを得ない事由により同法に規定する認知症対応型共同生活介護又は介護予防認知症対応型共同生活介護を利用することが著しく困難であると認めるときは、その者につき、政令で定める基準に従い、第五条の二第六項に規定する住居において入浴、排せつ、食事等の介護その他の日常生活上の援助を行い、又は当該市町村以外の者に当該住居において入浴、排せつ、食事等の介護その他の日常生活上の援助を行うことを委託すること。

(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 市町村は、六十五歳以上の者であつて、身体上又は精神上の障害があるために日常生活を営むのに支障があるものにつき、前項各号の措置を採るほか、その福祉を図るため、必要に応じて、日常生活上の便宜を図るための用具であつて厚生労働大臣が定めるものを給付し、若しくは貸与し、又は当該市町村以外の者にこれを給付し、若しくは貸与することを委託する措置を採ることができる。

(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.

(老人ホームへの入所等)

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

第十一条 市町村は、必要に応じて、次の措置を採らなければならない。

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

一 六十五歳以上の者であつて、環境上の理由及び経済的理由（政令で定めるものに限る。）により居宅において養護を受けることが困難なものを当該市町村の設置する養護老人ホームに入所させ、又は当該市町村以外の者の設置する養護老人ホームに入所を委託すること。

(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;

二 六十五歳以上の者であつて、身体上又は精神上著しい障害があるために常時の介護を必要とし、かつ、居宅においてこれを受けることが困難なものが、やむを得ない事由により介護保険法に規定する地域密着型介護老人福祉施設又は介護老人福祉施設に入所することが著しく困難であると認めるときは、その者を当該市町村の設置する特別養護老人ホームに入所させ、又は当該市町村以外の者の設置する特別養護老人ホームに入所を委託すること。

(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

三 六十五歳以上の者であつて、養護者がいないか、又は養護者があつてもこれに養護させることが不適當であると認められるものの養護を養護受託者（老人を自己の下に預つて養護することを希望する者であつて、市町村長が適當と認めるものをいう。以下同じ。）のうち政令で定めるものに委託すること。

(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 市町村は、前項の規定により養護老人ホーム若しくは特別養護老人ホームに入所させ、若しくは入所を委託し、又はその養護を養護受託者に委託した者が死亡した場合

において、その葬祭（葬祭のために必要な処理を含む。以下同じ。）を行う者がいないときは、その葬祭を行い、又はその者を入所させ、若しくは養護していた養護老人ホーム、特別養護老人ホーム若しくは養護受託者にその葬祭を行うことを委託する措置を採ることができる。

(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.

（措置の解除に係る説明等）

(Explanation upon Cancellation of Measures)

第十二条 市町村長は、第十条の四又は前条第一項の措置を解除しようとするときは、あらかじめ、当該措置に係る者に対し、当該措置の解除の理由について説明するとともに、その意見を聴かなければならない。ただし、当該措置に係る者から当該措置の解除の申出があつた場合その他厚生労働省令で定める場合においては、この限りでない。

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.

（行政手続法の適用除外）

(Exclusion from Application of the Administrative Procedure Act)

第十二条の二 第十条の四又は第十一条第一項の措置を解除する処分については、行政手続法（平成五年法律第八十八号）第三章（第十二条及び第十四条を除く。）の規定は、適用しない。

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).

(老人福祉の増進のための事業)

(Projects to Enhance the Welfare of the Elderly)

第十三条 地方公共団体は、老人の心身の健康の保持に資するための教養講座、レクリエーションその他広く老人が自主的かつ積極的に参加することができる事業（以下「老人健康保持事業」という。）を実施するように努めなければならない。

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 地方公共団体は、老人の福祉を増進することを目的とする事業の振興を図るとともに、老人クラブその他当該事業を行う者に対して、適当な援助をするように努めなければならない。

(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.

(研究開発の推進)

(Promotion of Research and Development)

第十三条の二 国は、老人の心身の特性に応じた介護方法の研究開発並びに老人の日常生活上の便宜を図るための用具及び機能訓練のための用具であつて身体上又は精神上の障害があるために日常生活を営むのに支障がある者に使用させることを目的とするものの研究開発の推進に努めなければならない。

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.

第三章 事業及び施設

Chapter III Services and Facilities

(老人居宅生活支援事業の開始)

(Commencement of In-Home Elderly Support Services)

第十四条 国及び都道府県以外の者は、厚生労働省令の定めるところにより、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出て、老人居宅生活支援事業を行うことができる。

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.

(変更)

(Changes)

第十四条の二 前条の規定による届出をした者は、厚生労働省令で定める事項に変更を生じたときは、変更の日から一月以内に、その旨を都道府県知事に届け出なければならない。

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.

(廃止又は休止)

(Discontinuance or Suspension)

第十四条の三 国及び都道府県以外の者は、老人居宅生活支援事業を廃止し、又は休止しようとするときは、その廃止又は休止の日の一月前までに、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

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.

(前払金の保全措置)

(Measures to Preserve Advance Payments)

第十四条の四 認知症対応型老人共同生活援助事業を行う者のうち、終身にわたって受領すべき家賃その他厚生労働省令で定めるものの全部又は一部を前払金として一括して受領するものは、当該前払金の算定の基礎を書面で明示し、かつ、当該前払金について返還債務を負うこととなる場合に備えて厚生労働省令で定めるところにより必要な保全措置を講じなければならない。

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.

(施設の設置)

(Establishment of Facilities)

第十五条 都道府県は、老人福祉施設を設置することができる。

Article 15 (1) A prefecture may establish welfare facilities for the elderly.

2 国及び都道府県以外の者は、厚生労働省令の定めるところにより、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出て、老人デイサービスセンター、老人短期入所施設又は老人介護支援センターを設置することができる。

(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 市町村及び地方独立行政法人（地方独立行政法人法（平成十五年法律第百十八号）第二条第一項に規定する地方独立行政法人をいう。第十六条第二項において同じ。）は、厚生労働省令の定めるところにより、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出て、養護老人ホーム又は特別養護老人ホームを設置することができる。

(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 社会福祉法人は、厚生労働省令の定めるところにより、都道府県知事の認可を受けて、養護老人ホーム又は特別養護老人ホームを設置することができる。

(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 国及び都道府県以外の者は、社会福祉法の定めるところにより、軽費老人ホーム又は老人福祉センターを設置することができる。

(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 都道府県知事は、第四項の認可の申請があつた場合において、当該申請に係る養護

老人ホーム若しくは特別養護老人ホームの所在地を含む区域（介護保険法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。）における養護老人ホーム若しくは特別養護老人ホームの入所定員の総数が、第二十条の九第一項の規定により当該都道府県が定める都道府県老人福祉計画において定めるその区域の養護老人ホーム若しくは特別養護老人ホーム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養護老人ホーム若しくは特別養護老人ホームの設置によつてこれを超えることになるかと認めるとき、その他の当該都道府県老人福祉計画の達成に支障を生ずるおそれがあると認めるときは、第四項の認可をしないことができる。

- (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.

(変更)

(Changes)

第十五条の二 前条第二項の規定による届出をした者は、厚生労働省令で定める事項に変更を生じたときは、変更の日から一月以内に、その旨を都道府県知事に届け出なければならない。

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 前条第三項の規定による届出をし、又は同条第四項の規定による認可を受けた者は、厚生労働省令で定める事項を変更しようとするときは、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) 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.

(廃止、休止若しくは入所定員の減少又は入所定員の増加)

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

第十六条 国及び都道府県以外の者は、老人デイサービスセンター、老人短期入所施設又は老人介護支援センターを廃止し、又は休止しようとするときは、その廃止又は休止の日の一月前までに、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

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 市町村及び地方独立行政法人は、養護老人ホーム又は特別養護老人ホームを廃止し、休止し、若しくはその入所定員を減少し、又はその入所定員を増加しようとするときは、その廃止、休止若しくは入所定員の減少又は入所定員の増加の日の一月前までに、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

(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 社会福祉法人は、養護老人ホーム又は特別養護老人ホームを廃止し、休止し、若しくはその入所定員を減少し、又はその入所定員を増加しようとするときは、厚生労働省令で定めるところにより、その廃止、休止若しくは入所定員の減少の時期又は入所定員の増加について、都道府県知事の認可を受けなければならない。

(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 第十五条第六項の規定は、前項の規定により社会福祉法人が養護老人ホーム又は特別養護老人ホームの入所定員の増加の認可の申請をした場合について準用する。

(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.

(施設の基準)

(Facility Standards)

第十七条 厚生労働大臣は、養護老人ホーム及び特別養護老人ホームの設備及び運営について、基準を定めなければならない。

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 養護老人ホーム及び特別養護老人ホームの設置者は、前項の基準を遵守しなければならない。

(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.

(報告の徴収等)

(Collection of Reports)

第十八条 都道府県知事は、老人の福祉のために必要があると認めるときは、老人居宅生活支援事業を行う者又は老人デイサービスセンター、老人短期入所施設若しくは老人介護支援センターの設置者に対して、必要と認める事項の報告を求め、又は当該職員に、関係者に対して質問させ、若しくはその事務所若しくは施設に立ち入り、設備、帳簿書類その他の物件を検査させることができる。

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 都道府県知事は、前条第一項の基準を維持するため、養護老人ホーム又は特別養護老人ホームの長に対して、必要と認める事項の報告を求め、又は当該職員に、関係者に対して質問させ、若しくはその施設に立ち入り、設備、帳簿書類その他の物件を検査させることができる。

(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 前二項の規定による質問又は立入検査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、関係者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 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 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 under the provisions of paragraph (1) and paragraph (2) must not be construed as having been granted for the purpose of criminal investigation.

(改善命令等)

(Orders for Improvement)

第十八条の二 都道府県知事は、認知症対応型老人共同生活援助事業を行う者が第十四条の四の規定に違反したと認めるときは、当該者に対して、その改善に必要な措置を採るべきことを命ずることができる。

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 都道府県知事は、老人居宅生活支援事業を行う者又は老人デイサービスセンター、老人短期入所施設若しくは老人介護支援センターの設置者が、この法律若しくはこれに基づく命令若しくはこれらに基づいてする処分に違反したとき、又はその事業に関し不当に営利を図り、若しくは第五条の二第二項から第六項まで、第二十条の二の二若しくは第二十条の三に規定する者の処遇につき不当な行為をしたときは、当該事業を行う者又は当該施設の設置者に対して、その事業の制限又は停止を命ずることができる。

(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 都道府県知事は、前項の規定により、老人居宅生活支援事業又は老人デイサービスセンター、老人短期入所施設若しくは老人介護支援センターにつき、その事業の制限又は停止を命ずる場合（第一項の命令に違反したことに基づいて認知症対応型老人共

同生活援助事業の制限又は停止を命ずる場合を除く。)には、あらかじめ、社会福祉法第七条第一項に規定する地方社会福祉審議会の意見を聴かなければならない。

- (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.

第十九条 都道府県知事は、養護老人ホーム又は特別養護老人ホームの設置者がこの法律若しくはこれに基づく命令若しくはこれらに基づいてする処分に違反したとき、又は当該施設が第十七条第一項の基準に適合しなくなつたときは、その設置者に対して、その施設の設備若しくは運営の改善若しくはその事業の停止若しくは廃止を命じ、又は第十五条第四項の規定による認可を取り消すことができる。

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 都道府県知事は、前項の規定により、養護老人ホーム又は特別養護老人ホームにつき、その事業の廃止を命じ、又は設置の認可を取り消す場合には、あらかじめ、社会福祉法第七条第一項に規定する地方社会福祉審議会の意見を聞かなければならない。

- (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.

(措置の受託義務)

(Obligation to Accept Entrustment)

第二十条 老人居宅生活支援事業を行う者並びに老人デイサービスセンター及び老人短期入所施設の設置者は、第十条の四第一項の規定による委託を受けたときは、正当な理由がない限り、これを拒んではならない。

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 養護老人ホーム及び特別養護老人ホームの設置者は、第十一条の規定による入所の委託を受けたときは、正当な理由がない限り、これを拒んではならない。

(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.

(処遇の質の評価等)

(Assessment of the Quality of Treatment and Other Measures)

第二十条の二 老人居宅生活支援事業を行う者及び老人福祉施設の設置者は、自らその行う処遇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、常に処遇を受ける者の立場に立つてこれを行うように努めなければならない。

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.

(老人デイサービスセンター)

(Elderly Day Care Centers)

第二十条の二の二 老人デイサービスセンターは、第十条の四第一項第二号の措置に係る者又は介護保険法の規定による通所介護に係る居宅介護サービス費、認知症対応型通所介護に係る地域密着型介護サービス費、介護予防通所介護に係る介護予防サービス費若しくは介護予防認知症対応型通所介護に係る地域密着型介護予防サービス費の支給に係る者その他の政令で定める者（その者を現に養護する者を含む。）を通わせ、第五条の二第三項の厚生労働省令で定める便宜を供与することを目的とする施設とする。

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.

(老人短期入所施設)

(Short-Term Inpatient Facilities for the Elderly)

第二十条の三 老人短期入所施設は、第十条の四第一項第三号の措置に係る者又は介護保険法の規定による短期入所生活介護に係る居宅介護サービス費若しくは介護予防短期入所生活介護に係る介護予防サービス費の支給に係る者その他の政令で定める者を短期間入所させ、養護することを目的とする施設とする。

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.

(養護老人ホーム)

(Nursing Homes for the Elderly)

第二十条の四 養護老人ホームは、第十一条第一項第一号の措置に係る者を入所させ、養護するとともに、その者が自立した日常生活を営み、社会的活動に参加するために必要な指導及び訓練その他の援助を行うことを目的とする施設とする。

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.

(特別養護老人ホーム)

(Intensive Care Homes for the Elderly)

第二十条の五 特別養護老人ホームは、第十一条第一項第二号の措置に係る者又は介護保険法の規定による地域密着型介護老人福祉施設入所者生活介護に係る地域密着型介護サービス費若しくは介護福祉施設サービスに係る施設介護サービス費の支給に係る者その他の政令で定める者を入所させ、養護することを目的とする施設とする。

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.

(軽費老人ホーム)

(Low-Cost Homes for the Elderly)

第二十条の六 軽費老人ホームは、無料又は低額な料金で、老人を入所させ、食事の提供その他日常生活上必要な便宜を供与することを目的とする施設（第二十条の二の二から前条までに定める施設を除く。）とする。

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).

(老人福祉センター)

(Welfare Centers for the Elderly)

第二十条の七 老人福祉センターは、無料又は低額な料金で、老人に関する各種の相談に応ずるとともに、老人に対して、健康の増進、教養の向上及びレクリエーションのための便宜を総合的に供与することを目的とする施設とする。

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.

(老人介護支援センター)

(Long-Term Care Support Centers)

第二十条の七の二 老人介護支援センターは、地域の老人の福祉に関する各般の問題につき、老人、その者を現に養護する者、地域住民その他の者からの相談に応じ、必要な助言を行うとともに、主として居宅において介護を受ける老人又はその者を現に養護する者と市町村、老人居宅生活支援事業を行う者、老人福祉施設、医療施設、老人クラブその他老人の福祉を増進することを目的とする事業を行う者等との連絡調整その他の厚生労働省令で定める援助を総合的に行うことを目的とする施設とする。

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 老人介護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。

(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.

第三章の二 老人福祉計画

Chapter III-2 Elderly Welfare Plans

（市町村老人福祉計画）

(Municipal Welfare Plans for the Elderly)

第二十条の八 市町村は、地方自治法（昭和二十二年法律第六十七号）第二条第四項の基本構想に即して、老人居宅生活支援事業及び老人福祉施設による事業（以下「老人福祉事業」という。）の供給体制の確保に関する計画（以下「市町村老人福祉計画」という。）を定めるものとする。

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 市町村老人福祉計画においては、次に掲げる事項を定めるものとする。

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

一 当該市町村の区域において確保すべき老人福祉事業の量の目標

(i) goals for the quantity of welfare services for the elderly that should be secured in the area of the municipality;

二 前号の老人福祉事業の量の確保のための方策

(ii) measures to secure the quantity of welfare services for the elderly as set forth in the preceding item; and

三 その他老人福祉事業の供給体制の確保に関し必要な事項

(iii) any other necessary matters in relation to securing systems for providing welfare services for the elderly.

3 市町村は、前項第一号の目標（老人居宅生活支援事業、老人デイサービスセンター、老人短期入所施設及び特別養護老人ホームに係るものに限る。）を定めるに当たっては、介護保険法第百十七条第二項第一号に規定する介護給付等対象サービスの種類ごとの量の見込み（同法に規定する訪問介護、通所介護、短期入所生活介護、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、地域密着型介護老人福祉施設入所者生活介護及び介護福祉施設サービス並びに介護予防訪問介護、介護予防通所介護、介護予防短期入所生活介護、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に係るものに限る。)を勘案しなければならない。

(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 厚生労働大臣は、市町村が第二項第一号の目標（養護老人ホーム、軽費老人ホーム、老人福祉センター及び老人介護支援センターに係るものに限る。）を定めるに当たつて参酌すべき標準を定めるものとする。

(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 市町村老人福祉計画は、当該市町村の区域における身体上又は精神上的の障害があるために日常生活を営むのに支障がある老人の人数、その障害の状況、その養護の実態その他の事情を勘案して作成されなければならない。

(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 市町村老人福祉計画は、介護保険法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一体のものとして作成されなければならない。

(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 市町村老人福祉計画は、社会福祉法第百七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つて老人の福祉に関する事項を定めるものと調和が保たれたものでなければならない。

(7) 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 市町村は、市町村老人福祉計画を定め、又は変更しようとするときは、あらかじめ、都道府県の意見を聴かななければならない。

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

(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.

(都道府県老人福祉計画)

(Prefectural Welfare Plan for the Elderly)

第二十条の九 都道府県は、市町村老人福祉計画の達成に資するため、各市町村を通ずる広域的な見地から、老人福祉事業の供給体制の確保に関する計画（以下「都道府県老人福祉計画」という。）を定めるものとする。

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 都道府県老人福祉計画においては、次に掲げる事項を定めるものとする。

(2) A prefectural welfare plan for the elderly must provide for the matters listed in the following sub-items:

一 介護保険法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ごとの当該区域における養護老人ホーム及び特別養護老人ホームの必要入所定員総数その他老人福祉事業の量の目標

(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;
- 二 老人福祉施設の整備及び老人福祉施設相互間の連携のために講ずる措置に関する事項
- (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;
- 三 老人福祉事業に従事する者の確保又は資質の向上のために講ずる措置に関する事項
- (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
- 四 その他老人福祉事業の供給体制の確保に関し必要な事項
- (iv) any other necessary matters in connection with securing systems for providing welfare services for the elderly.
- 3 都道府県は、前項第一号の特別養護老人ホームの必要入所定員総数を定めるに当たっては、介護保険法第百十八条第二項第一号に規定する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及び介護保険施設の種類ごとの必要入所定員総数（同法に規定する介護老人福祉施設に係るものに限る。）を勘案しなければならない。
- (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 都道府県老人福祉計画は、介護保険法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と一体のものとして作成されなければならない。
- (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 都道府県老人福祉計画は、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つて老人の福祉に関する事項を定めるものと調和が保たれたものでなければならない。
- (5) 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 都道府県は、都道府県老人福祉計画を定め、又は変更したときは、遅滞なく、これを厚生労働大臣に提出しなければならない。

(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.

(都道府県知事の助言等)

(Advice of the Prefectural Governor)

第二十条の十 都道府県知事は、市町村に対し、市町村老人福祉計画の作成上の技術的事項について必要な助言をすることができる。

Article 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 厚生労働大臣は、都道府県に対し、都道府県老人福祉計画の作成の手法その他都道府県老人福祉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 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.

(援助)

(Assistance)

第二十条の十一 国及び地方公共団体は、市町村老人福祉計画又は都道府県老人福祉計画の達成に資する事業を行う者に対し、当該事業の円滑な実施のために必要な援助を与えるように努めなければならない。

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.

第四章 費用

Chapter IV Expenses

(費用の支弁)

(Payment of Expenses)

第二十一条 次に掲げる費用は、市町村の支弁とする。

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

一 第十条の四第一項第一号から第四号までの規定により市町村が行う措置に要する費用

(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);

一の二 第十条の四第一項第五号の規定により市町村が行う措置に要する費用

(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);

二 第十一条第一項第一号及び第三号並びに同条第二項の規定により市町村が行う措置に要する費用

(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

三 第十一条第一項第二号の規定により市町村が行う措置に要する費用

(iii) expenses required for the measures to be implemented by a municipality pursuant to the provisions of Article 11, paragraph (1), item (ii).

(介護保険法による給付との調整)

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

第二十一条の二 第十条の四第一項各号又は第十一条第一項第二号の措置に係る者が、介護保険法の規定により当該措置に相当する居宅サービス、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に係る保険給付を受けることができる者であるときは、市町村は、その限度において、前条第一号、第一号の二又は第三号の規定による費用の支弁をすることを要しない。

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.

第二十二條 削除

Article 22 Deleted

第二十三條 削除

Article 23 Deleted

(都道府県の補助)

(Subsidies from the Prefecture)

第二十四條 都道府県は、政令の定めるところにより、市町村が第二十一条第一号の規

定により支弁する費用については、その四分の一以内（居住地を有しないか、又は明らかでない第五条の四第一項に規定する六十五歳以上の者についての措置に要する費用については、その二分の一以内）を補助することができる。

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 都道府県は、前項に規定するもののほか、市町村又は社会福祉法人に対し、老人の福祉のための事業に要する費用の一部を補助することができる。

(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.

(準用規定)

(Mutatis Mutandis Application)

第二十五条 社会福祉法第五十八条第二項から第四項までの規定は、前条の規定により補助金の交付を受け、又は国有財産特別措置法（昭和二十七年法律第二百十九号）第二条第二項第四号の規定若しくは同法第三条第一項第四号及び同条第二項の規定により普通財産の譲渡若しくは貸付けを受けた社会福祉法人に準用する。

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.

(国の補助)

(State Subsidies)

第二十六条 国は、政令の定めるところにより、市町村が第二十一条第一号の規定により支弁する費用については、その二分の一以内を補助することができる。

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 国は、前項に規定するもののほか、都道府県又は市町村に対し、この法律に定める老人の福祉のための事業に要する費用の一部を補助することができる。

(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.

(遺留金品の処分)

(Disposition of Money and Goods Left Behind)

第二十七条 市町村は、第十一条第二項の規定により葬祭の措置を採る場合においては、その死者の遺留の金銭及び有価証券を当該措置に要する費用に充て、なお足りないときは、遺留の物品を売却してその代金をこれに充てることができる。

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 市町村は、前項の費用について、その遺留の物品の上に他の債権者の先取特権に対して優先権を有する。

(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.

(費用の徴収)

(Collection of Expenses)

第二十八条 第十条の四第一項及び第十一条の規定による措置に要する費用については、これを支弁した市町村の長は、当該措置に係る者又はその扶養義務者（民法（明治二十九年法律第八十九号）に定める扶養義務者をいう。以下同じ。）から、その負担能力に応じて、当該措置に要する費用の全部又は一部を徴収することができる。

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 前項の規定による費用の徴収は、徴収されるべき者の居住地又は財産所在地の市町村に囑託することができる。

(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.

第四章の二 指定法人

Chapter IV-2 Designated Corporations

(指定法人)

(Designated Corporations)

第二十八条の二 厚生労働大臣は、老人健康保持事業を実施する者の活動を促進すること等により老人の心身の健康の保持を図ることを目的とする一般社団法人又は一般財団法人であつて、次条に規定する業務に関し次に掲げる基準に適合すると認められるものを、その申請により、全国を通じて一個に限り、同条に規定する業務を行う者として指定することができる。

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:

一 職員、業務の方法その他の事項についての業務の実施に関する計画が適正なものであり、かつ、その計画を確実に遂行するに足りる知識及び能力並びに経理的基礎を有すると認められること。

(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

二 前号に定めるもののほか、業務の運営が適正かつ確実に行われ、老人健康保持事業の促進その他老人の心身の健康の保持に資すると認められること。

(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 厚生労働大臣は、前項の規定による指定をしたときは、当該指定を受けた者（以下「指定法人」という。）の名称及び住所並びに事務所の所在地を公示しなければならない。

(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 指定法人は、その名称及び住所並びに事務所の所在地を変更しようとするときは、あらかじめ、その旨を厚生労働大臣に届け出なければならない。

(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 厚生労働大臣は、前項の規定による届出があつたときは、当該届出に係る事項を公示しなければならない。

(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.

(業務)

(Operations)

第二十八条の三 指定法人は、次に掲げる業務を行うものとする。

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

一 老人健康保持事業に関する啓発普及を行うこと。

(i) implement activities to raise awareness of health promotion projects for the elderly;

二 老人健康保持事業を実施すること。

(ii) implement health promotion projects for the elderly;

三 老人健康保持事業を実施する者に対して、援助を行うこと。

(iii) provide assistance to persons who implement health promotion projects for the elderly;

四 老人健康保持事業に関する調査研究を行い、及び老人健康保持事業に従事する者の研修を行うこと。

(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;

五 次条第一項に規定する業務を行うこと。

(v) perform the operations set forth in paragraph (1) of the following Article; and

六 前各号に掲げるもののほか、老人健康保持事業の促進を図るために必要な業務を行うこと。

(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.

(指定法人による助成業務の実施)

(Implementation of Subsidy Operations by a Designated Corporation)

第二十八条の四 独立行政法人福祉医療機構は、第二十八条の二第一項の規定による指定がされたときは、独立行政法人福祉医療機構法（平成十四年法律第百六十六号）第十二条第一項第七号の規定による助成の業務のうち、老人健康保持事業の振興上必要と認められる事業を行う者に係るもの（以下「助成業務」という。）の全部又は一部を指定法人に行わせるものとする。

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 前項の規定により指定法人が行う助成業務に係る助成に関する基準は、厚生労働省令で定める。

(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 厚生労働大臣は、前項の厚生労働省令を定めようとするときは、財務大臣に協議しなければならない。

(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.

(業務規程の認可)

(Authorization of Operational Rules)

第二十八条の五 指定法人は、助成業務を行うときは、当該業務の開始前に、当該業務の実施に関する規程（以下「業務規程」という。）を作成し、厚生労働大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

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 厚生労働大臣は、前項の認可をした業務規程が助成業務の適正かつ確実な実施上不相当となつたと認めるときは、その業務規程を変更すべきことを命ずることができる。

(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 業務規程に記載すべき事項は、厚生労働省令で定める。

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

(事業計画等)

(Business Plans)

第二十八条の六 指定法人は、毎事業年度、厚生労働省令の定めるところにより、事業計画書及び収支予算書を作成し、厚生労働大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

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 指定法人は、厚生労働省令の定めるところにより、毎事業年度終了後、事業報告書、貸借対照表、収支決算書及び財産目録を作成し、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。

(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.

(区分経理)

(Separate Accounting)

第二十八条の七 指定法人は、助成業務を行う場合には、助成業務に係る経理とその他の経理とを区分して整理しなければならない。

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.

(交付金)

(Grants)

第二十八条の八 独立行政法人福祉医療機構は、予算の範囲内において、指定法人に対して、助成業務に必要な資金に充てるため、独立行政法人福祉医療機構法第二十三条第一項の基金の運用によつて得られた収益の一部を、交付金として交付することができる。

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.

(厚生労働省令への委任)

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

第二十八条の九 この章に定めるもののほか、指定法人が助成業務を行う場合における指定法人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 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.

(解任命令)

(Dismissal Order)

第二十八条の十 厚生労働大臣は、指定法人の役員が、この章の規定若しくは当該規定に基づく命令若しくは処分に違反したとき、第二十八条の五第一項の認可を受けた業務規程に違反する行為をしたとき、又は第二十八条の三に規定する業務に関し著しく不適当な行為をしたときは、指定法人に対して、その役員を解任すべきことを命ずることができる。

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.

(役員及び職員の公務員たる地位)

(Status of Officers and Employees as Public Employees)

第二十八条の十一 助成業務に従事する指定法人の役員及び職員は、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。

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.

(報告及び検査)

(Reports and Inspections)

第二十八条の十二 厚生労働大臣は、第二十八条の三に規定する業務の適正な運営を確保するために必要な限度において、指定法人に対して、必要と認める事項の報告を求め、又は当該職員に、関係者に対して質問させ、若しくはその事務所に立ち入り、業務の状況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 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 第十八条第三項及び第四項の規定は、前項の規定による質問又は立入検査について準用する。この場合において、これらの規定中「前二項」とあるのは「前項」と、「第一項及び第二項」とあるのは「第一項」と読み替えるものとする。

(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)."

(監督命令)

(Supervisory Orders)

第二十八条の十三 厚生労働大臣は、この章の規定を施行するため必要な限度において、指定法人に対して、第二十八条の三に規定する業務に関し監督上必要な命令をすることができる。

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.

(指定の取消し等)

(Rescission of Designation)

第二十八条の十四 厚生労働大臣は、指定法人が次の各号のいずれかに該当するときは、第二十八条の二第一項の規定による指定を取り消し、又は期間を定めて第二十八条の三に規定する業務の全部若しくは一部の停止を命ずることができる。

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:

一 第二十八条の三に規定する業務を適正かつ確実に実施することができないと認められるとき。

(i) when the Minister finds the designated corporation unable to implement the operations set forth in Article 28-3 properly and reliably;

二 指定に関し不正な行為があつたとき。

(ii) when the designated corporation has performed any wrongful act in obtaining its designation;

三 この章の規定又は当該規定による命令若しくは処分に違反したとき。

(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

四 第二十八条の五第一項の認可を受けた業務規程によらないで助成業務を行つたとき。

(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 厚生労働大臣は、前項の規定により指定を取り消し、又は第二十八条の三に規定する業務の全部若しくは一部の停止を命じたときは、その旨を公示しなければならない。

(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.

第四章の三 有料老人ホーム

Chapter IV-3 Fee-Based Homes for the Elderly

(届出等)

(Notifications)

第二十九条 有料老人ホーム（老人を入居させ、入浴、排せつ若しくは食事の介護、食事の提供又はその他の日常生活上必要な便宜であつて厚生労働省令で定めるもの（以下「介護等」という。）の供与（他に委託して供与をする場合及び将来において供与をすることを約する場合を含む。）をする事業を行う施設であつて、老人福祉施設、認知症対応型老人共同生活援助事業を行う住居その他厚生労働省令で定める施設でないものをいう。以下同じ。）を設置しようとする者は、あらかじめ、その施設を設置しようとする地の都道府県知事に、次の各号に掲げる事項を届け出なければならない。

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:

- 一 施設の名称及び設置予定地
(i) the name of the facility and the location where the facility is to be established;
 - 二 設置しようとする者の氏名及び住所又は名称及び所在地
(ii) the name of the person who seeks to establish the facility; and the address or name and the location;
 - 三 条例、定款その他の基本約款
(iii) prefectural or municipal ordinances, the articles of incorporation, and any other certificate of incorporation;
 - 四 事業開始の予定年月日
(iv) the year, month and day when services are to commence;
 - 五 施設の管理者の氏名及び住所
(v) the name and address of the manager of the facility;
 - 六 施設において供与される介護等の内容
(vi) the details of the long-term care, etc. to be provided at the facility; and
 - 七 その他厚生労働省令で定める事項
(vii) any other matter provided by Order of the Ministry of Health, Labour and Welfare.
- 2 前項の規定による届出をした者は、同項各号に掲げる事項に変更を生じたときは、変更の日から一月以内に、その旨を当該都道府県知事に届け出なければならない。
- (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 第一項の規定による届出をした者は、その事業を廃止し、又は休止しようとするときは、その廃止又は休止の日の一月前までに、その旨を当該都道府県知事に届け出なければならない。
- (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 有料老人ホームの設置者は、当該有料老人ホームの事業について、厚生労働省令で定めるところにより、帳簿を作成し、これを保存しなければならない。
- (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 有料老人ホームの設置者は、厚生労働省令で定めるところにより、当該有料老人ホームに入居する者又は入居しようとする者に対して、当該有料老人ホームにおいて供与する介護等の内容その他の厚生労働省令で定める事項に関する情報を開示しなければならない。

- (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 有料老人ホームの設置者のうち、終身にわたって受領すべき家賃その他厚生労働省令で定めるものの全部又は一部を前払金として一括して受領するものは、当該前払金の算定の基礎を書面で明示し、かつ、当該前払金について返還債務を負うこととなる場合に備えて厚生労働省令で定めるところにより必要な保全措置を講じなければならない。
- (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 都道府県知事は、この法律の目的を達成するため、有料老人ホームの設置者若しくは管理者若しくは設置者から介護等の供与を委託された者（以下「介護等受託者」という。）に対して、その運営の状況に関する事項その他必要と認める事項の報告を求め、又は当該職員に、関係者に対して質問させ、若しくは当該有料老人ホーム若しくは当該介護等受託者の事務所若しくは事業所に立ち入り、設備、帳簿書類その他の物件を検査させることができる。
- (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 第十八条第三項及び第四項の規定は、前項の規定による質問又は立入検査について準用する。
- (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 都道府県知事は、有料老人ホームの設置者が第四項から第六項までの規定に違反したと認めるとき、当該有料老人ホームに入居している者（以下「入居者」という。）

の処遇に関し不当な行為をし、又はその運営に関し入居者の利益を害する行為をしたと認めるとき、その他入居者の保護のため必要があると認めるときは、当該設置者に対して、その改善に必要な措置を採るべきことを命ずることができる。

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

(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.

(有料老人ホーム協会)

(Associations of Fee-Based Homes for the Elderly)

第三十条 その名称中に有料老人ホーム協会という文字を用いる一般社団法人は、有料老人ホームの入居者の保護を図るとともに、有料老人ホームの健全な発展に資することを目的とし、かつ、有料老人ホームの設置者を社員（以下この章において「会員」という。）とする旨の定款の定めがあるものに限り、設立することができる。

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 前項に規定する定款の定めは、これを変更することができない。

(2) The provisions of the articles of incorporation prescribed in the preceding paragraph may not be changed.

3 第一項に規定する一般社団法人（以下「協会」という。）は、成立したときは、成立の日から二週間以内に、登記事項証明書及び定款の写しを添えて、その旨を、厚生労働大臣に届け出なければならない。

(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 協会は、会員の名簿を公衆の縦覧に供しなければならない。

(4) The association must make the members list available for public inspection.

(名称の使用制限)

(Restrictions on Use of Name)

第三十一条 協会でない者は、その名称中に有料老人ホーム協会という文字を用いてはならない。

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 協会に加入していない者は、その名称中に有料老人ホーム協会会員という文字を用いてはならない。

(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)."

(協会の業務)

(Operations of an Association)

第三十一条の二 協会は、その目的を達成するため、次に掲げる業務を行う。

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

一 有料老人ホームを運営するに当たり、この法律その他の法令の規定を遵守させるための会員に対する指導、勧告その他の業務

(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;

二 会員の設置する有料老人ホームの運営に関し、契約内容の適正化その他入居者の保護を図り、及び入居者の立場に立つた処遇を行うため必要な指導、勧告その他の業務

(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;

三 会員の設置する有料老人ホームの設備及び運営に対する入居者等からの苦情の解決

(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;

四 有料老人ホームの職員の資質の向上のための研修

(iv) training aimed at the improvement of the competences of the employees of

fee-based homes for the elderly; and

五 有料老人ホームに関する広報その他協会の目的を達成するため必要な業務

(v) public relations concerning fee-based homes for the elderly and any other operations necessary for achieving the purposes of the association.

2 協会は、その会員の設置する有料老人ホームの入居者等から当該有料老人ホームの設備及び運営に関する苦情について解決の申出があつた場合において必要があると認めるときは、当該会員に対して、文書若しくは口頭による説明を求め、又は資料の提出を求めることができる。

(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 会員は、協会から前項の規定による求めがあつたときは、正当な理由がない限り、これを拒んではならない。

(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.

(監督)

(Supervision)

第三十一条の三 協会の業務は、厚生労働大臣の監督に属する。

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

2 厚生労働大臣は、前条第一項に規定する業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、協会に対し、当該業務に関し監督上必要な命令をすることができる。

(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.

(厚生労働大臣に対する協力)

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

第三十一条の四 厚生労働大臣は、この章の規定の円滑な実施を図るため、厚生労働省令の定めるところにより、当該規定に基づく届出、報告その他必要な事項について、協会に協力させることができる。

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.

(立入検査等)

(On-Site Inspections)

第三十一条の五 厚生労働大臣は、この章の規定の施行に必要な限度において、協会に対して、その業務若しくは財産に関して報告若しくは資料の提出を命じ、又は当該職員に、関係者に対して質問させ、若しくは協会の事務所に立ち入り、その業務若しくは財産の状況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 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 第十八条第三項及び第四項の規定は、前項の規定による質問又は立入検査について準用する。この場合において、同条第三項中「前二項」とあり、及び同条第四項中「第一項及び第二項」とあるのは、「第三十一条の五第一項」と読み替えるものとする。

(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)."

第五章 雑則

Chapter V Miscellaneous Provisions

(審判の請求)

(Requests for a Ruling)

第三十二条 市町村長は、六十五歳以上の者につき、その福祉を図るため特に必要があると認めるときは、民法第七条、第十一条、第十三条第二項、第十五条第一項、第十七条第一項、第八百七十六条の四第一項又は第八百七十六条の九第一項に規定する審判の請求をすることができる。

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.

(町村の一部事務組合等)

(Special District Authority of Towns and Villages)

第三十三条 町村が一部事務組合又は広域連合を設けて福祉事務所を設置した場合には、この法律の適用については、その一部事務組合又は広域連合を福祉事務所を設置する町村とみなす。

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.

(大都市等の特例)

(Special Provisions for Large Cities)

第三十四条 この法律中都道府県が処理することとされている事務で政令で定めるものは、地方自治法第二百五十二条の十九第一項の指定都市（以下「指定都市」という。）及び同法第二百五十二条の二十二第一項の中核市（以下「中核市」という。）においては、政令の定めるところにより、指定都市又は中核市（以下「指定都市等」という。）が処理するものとする。この場合においては、この法律中都道府県に関する規定は、指定都市等に関する規定として、指定都市等に適用があるものとする。

Article 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.

(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 Cases of Emergency)

第三十四条の二 第十八条第二項及び第十九条第一項の規定により都道府県知事の権限に属するものとされている事務（同項の規定による認可の取消しを除く。）又は第二十九条第七項及び第九項の規定により都道府県知事の権限に属するものとされている事務は、養護老人ホーム若しくは特別養護老人ホーム又は有料老人ホームの入居者の保護の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つては、厚生労働大臣又は都道府県知事が行うものとする。

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 前項の場合において、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（第十九条第二項を除く。）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。

(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 第一項の場合において、厚生労働大臣又は都道府県知事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。

(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.

(日本赤十字社)

(The Japanese Red Cross Society)

第三十五条 日本赤十字社は、この法律の適用については、社会福祉法人とみなす。

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

(調査の囑託及び報告の請求)

(Commissioning of Investigations and Request for Reports)

第三十六条 市町村は、福祉の措置に関し必要があると認めるときは、当該措置を受け、若しくは受けようとする老人又はその扶養義務者の資産又は収入の状況につき、官公署に調査を囑託し、又は銀行、信託会社、当該老人若しくはその扶養義務者、その雇主その他の関係人に報告を求めることができる。

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.

(実施命令)

(Order for Enforcement)

第三十七条 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 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.

第六章 罰則

Chapter VI Penal Provisions

第三十八条 第二十条の七の二第二項の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

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.

第三十九条 第十八条の二第一項又は第二十九条第九項の規定による命令に違反した者は、六月以下の懲役又は五十万円以下の罰金に処する。

Article 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.

第四十条 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 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:

一 第二十八条の十二第一項若しくは第二十九条第七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。

(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;

二 第二十九条第一項から第三項までの規定による届出をせず、又は虚偽の届出をしたとき。

(ii) a person who has failed to make a notification under Article 29, paragraphs (1) through (3) or has made a false notification;

三 第三十一条第二項の規定に違反して、その名称中に有料老人ホーム協会会員とい

う文字を用いたとき。

(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

四 第三十一条の五第一項の規定による報告若しくは資料の提出をせず、若しくは虚偽の報告若しくは虚偽の資料の提出をし、又は同項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。

(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.

第四十一条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関し、前二条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

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.

第四十二条 次の各号のいずれかに該当する者は、五十万円以下の過料に処する。

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:

一 第三十条第三項の規定による届出をせず、又は虚偽の届出をした者

(i) a person who has failed to make a notification under Article 30, paragraph (3) or has made a false notification;

二 第三十条第四項の規定に違反して、同項の会員の名簿を公衆の縦覧に供しない者

(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

三 第三十一条の三第二項の命令に違反した者

(iii) a person who has committed a violation of an order issued under Article 31-3, paragraph (2).

第四十三条 第三十一条第一項の規定に違反して、その名称中に有料老人ホーム協会という文字を用いた者は、十万円以下の過料に処する。

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.