

Act on Public Health Nurses, Midwives, and Nurses

(Act No. 203 of July 30, 1948)

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Supplementary Provisions

Chapter I General Provisions

(Purpose of the Act)

Article 1 The purpose of this Act is to improve the qualities of Public Health Nurses, Midwives, and Nurses, and to thereby promote and improve medical care and public health.

(Definition of Public Health Nurse)

Article 2 The term "public health nurse" as used in this Act means a person who has acquired a public health nurse license from the Minister of Health, Labour and Welfare to use the title of public health nurse and provides health guidance as a profession.

(Definition of Midwife)

Article 3 The term "midwife" as used in this Act means a woman who has acquired a midwife license from the Minister of Health, Labour and Welfare to practice midwifery or provides health guidance for pregnant women, puerperal women, or newborn babies, as a profession.

Article 4 Deletion

(Definition of Nurse)

Article 5 The term "nurse" as used in this Act means a person who has acquired a nursing license from the Minister of Health, Labour and Welfare to provide medical treatment or assists in medical care for injured and ill persons or puerperal women, as a profession.

(Definition of Assistant Nurse)

Article 6 The term "assistant nurse" as used in this Act means a person who has acquired a nursing assistant license from the prefectural governor to nursing practice what is set forth in the preceding Article under the direction of a physician, dentist, or nurse, as a profession.

Chapter II License

(Licenses Issued to Public Health Nurses, Midwives, and Nurses)

Article 7 (1) A person intends to become a public health nurse must pass the National Public Health Nursing Examination and the National Nursing Examination and acquire a license from the Minister of Health, Labour and Welfare.

(2) A person intends to become a midwife must pass the National Midwifery Examination and National Nursing Examination and acquire a license from the Minister of Health, Labour and Welfare.

(3) A person intends to become a nurse must pass the National Nursing Examination and acquire a license from the Minister of Health, Labour and Welfare.

(License Issued to Assistant Nurses)

Article 8 A person intends to become an assistant nurse must pass the Nursing Assistant Examination and acquire a license from the prefectural governor.

(Grounds for Disqualification)

Article 9 A person who falls under any of the following items may be granted the license under the provisions of the preceding two Articles (hereinafter referred to as a "license"):

- (i) a person who has been sentenced to a fine or severer punishment.
- (ii) in addition to a person falling under the preceding item, who has committed a crime or engaged in misconduct in the practice of public health nurses, midwives, nurses, or assistant nurses.
- (iii) a person specified by Order of the Ministry of Health, Labour and Welfare as being unable to appropriately practice nursing as a public health nurse, midwife, nurse, or assistant nurse, due to a physical disability or mental disorder.
- (iv) a person who is addicted to narcotics, marijuana, or opium.

(Public Health Nurse Registry, Midwife Registry, and Nurse Registry)

Article 10 The Public Health Nurse Registry, the Midwife Registry, and the Nurse Registry are kept by the Ministry of Health, Labour and Welfare, and

the registration dates, the particulars of dispositions under the provisions of Article 14, paragraph (1), and other particulars of public health nurse license, midwife licensure, and nursing licensure are registered therein.

(Nursing Assistant Registry)

Article 11 An Nursing Assistant Registry is kept by the prefectural government, and the registration dates, the particulars of dispositions under the provisions of Article 14, paragraph (2), and other particulars of nursing assistant license are registered therein.

(Granting of Licenses and Issuance of Licenses)

Article 12 (1) A public health nurse license is registered in the Public Health Nurse Registry, upon application filed by a person who has passed the National Public Health Nursing Examination and the National Nursing Examination.

(2) A midwife licensure is registered in the midwife registry, upon application filed by a person who has passed the National Midwifery Examination and the National Nursing Examination.

(3) A nurse licensure is registered in the Nurse Registry, upon application filed by a person who has passed the National Nursing Examination.

(4) A nursing assistant license is registered in the Nursing Assistant Registry, upon application filed by a person who has passed the Nursing Assistant Examination.

(5) When the Minister of Health, Labour and Welfare or the prefectural governor grants a licensure, the minister or the prefectural governor issues a public health nurse license, midwife license, nursing license, or nursing assistant license respectively.

(Hearing of Opinions)

Article 13 (1) When the Minister of Health, Labour and Welfare finds that an applicant for a public health nurse licensure, midwife licensure, or nursing licensure falls under a person set forth in Article 9, item (iii) and decides not to grant the license pursuant to the provisions of that Article, the minister must notify the applicant of this, and, if so requested by the applicant, the minister must have the official(s) designated by the minister hear the opinions of the applicant.

(2) When the prefectural governor finds that an applicant for a nursing assistant licensure falls under a person set forth in Article 9 item (iii) and decides not to grant the nursing assistant licensure pursuant to provisions of that Article, the prefectural governor must notify the applicant of this, and, if so requested by the applicant, the prefectural governor must have the official(s) designated by the prefectural governor hear the opinions of the applicant.

(Revocation of Licenses)

Article 14 (1) If a public health nurse, midwife, or nurse falls under any of the items of Article 9, or engages in discreditable conduct as a public health nurse, midwife, or nurse, the Minister of Health, Labour and Welfare may implement the following dispositions:

- (i) admonition.
- (ii) suspension of practice for up to three years.
- (iii) revocation of license.

(2) If a nursing assistant falls under any of the items of Article 9, or engages in discreditable conduct as a nursing assistant, the prefectural governor may implement the following dispositions:

- (i) admonition.
- (ii) suspension of practice for up to three years.
- (iii) revocation of licenses.

(3) Even if a person whose license has been revoked pursuant to the provisions of the preceding two paragraphs (excluding a person whose license has been revoked pursuant to the provisions of the preceding two paragraphs as a person falling under item (i) or (ii) of Article 9 or as a person engaged in discreditable conduct as a public health nurse, midwife, nurse, or nursing assistant, and for whom five years have not elapsed since the date of disposition), the person may be granted a license for the second time when the person does not fall under the particulars of the grounds for revocation, or when it is otherwise found to be appropriate to grant the person a relicensure due to subsequent circumstances. In this case, the provisions of Article 12 apply *mutatis mutandis*.

(Procedures for Revocation of License or Suspension of Nursing License)

Article 15 (1) When the Minister of Health, Labour and Welfare intends to implement any of the dispositions provided for in paragraph (1) or paragraph (3) of the preceding Article, the minister must hear the opinions of the Medical Ethics Council.

(2) When the prefectural governor intends to implement any of the dispositions provided for in paragraph (2) or paragraph (3) of the preceding Article, the prefectural governor must hear the opinions of the Nursing Assistant Examination Board.

(3) When the Minister of Health, Labour and Welfare intends to revoke a license pursuant to the provisions of paragraph (1) of the preceding Article, the minister may request the prefectural governor to hear the opinion of the person subject to the disposition, and may substitute the relevant hearing of opinion for the hearing to be conducted by the Minister of Health, Labour and Welfare.

- (4) The provisions of Chapter III, Section 2 (excluding Article 25, Article 26, Article 28) of the Administrative Procedure Act (Act No.88 of 1993) apply mutatis mutandis to cases when the prefectural governor hears an opinion pursuant to the provisions of the preceding paragraph. In this case, the term "hearing" in that Section is deemed to be replaced with "hearing their opinions,"; the term the "administrative authority" in Article 15, paragraph (1) of that Act is deemed to be replaced with the "prefectural governor"; in paragraph (3) of that Article (including as applied mutatis mutandis pursuant to Article 22, paragraph (3) of that Act) the phrase the "administrative authority must" is deemed to be replaced with the "prefectural governor must," the phrase the "administrative authority" is deemed to be replaced with the "prefectural governor," and the phrase "of the administrative authority" is deemed to be replaced with "of the prefecture"; the phrase "the administrative authority" in Article 16, paragraph (4) and Article 18, paragraphs (1) and (3) of that Act is deemed to be replaced with the "prefectural governor"; the phrase an "official designated by the administrative authority or other persons specified by Cabinet Order" in Article 19, paragraph (1) of that Act is deemed to be replaced with an "official designated by the prefectural governor"; the term the "administrative authority" in Article 20, paragraphs (1), (2), and (4) of that Act is deemed to be replaced with the "prefecture"; and the term the "administrative authority" in paragraph (6) of that Article and in Article 24, paragraph (3) and Article 27, paragraph (1) of that Act is deemed to be replaced with the "prefectural governor."
- (5) If so requested by the prefectural governor, the Minister of Health, Labour and Welfare must promptly send the documents proving the facts that constitute grounds for the relevant disposition and other documents necessary for the hearing of opinions to the prefectural governor.
- (6) If the prefectural governor conducts a hearing of opinions pursuant to the provisions of paragraph (3), and receives the record referred to in Article 24, paragraph (1) of the Administrative Procedure Act and the written report referred to in paragraph (3) of that Article that have been submitted pursuant to the provisions of paragraph (3) of that Article, as applied mutatis mutandis pursuant to paragraph (4) of this Article following the deemed replacement of terms, in addition to preserving the record and written report, the prefectural governor must prepare a written opinion providing their opinion about a decision to implement the relevant disposition, and must submit this written opinion, along with copies of the record and the written report, to the Minister of Health, Labour and Welfare.
- (7) If the Minister of Health, Labour and Welfare finds it necessary to do so in light of the circumstances that have arisen after the official heard the opinions, the minister may return the written opinion that have been submitted

pursuant to the provisions of the preceding paragraph and request the prefectural governor to order the presiding official to reopen the hearing of opinions. The provisions of the main clause of Article 22, paragraph (2) and paragraph (3) of the Administrative Procedure Act apply mutatis mutandis in this case.

- (8) The Minister of Health, Labour and Welfare must make a decision on the disposition only after the minister gives due consideration to the contents of the written opinion and the copies of the record and written report submitted pursuant to the provisions of paragraph (6).
- (9) When the Minister of Health, Labour and Welfare intends to issue an order to suspend the license pursuant to the provisions of paragraph (1) of the preceding Article, the minister may request the prefectural governor to hear the explanation of the person subject to the disposition, and may substitute the hearing for the grant of an opportunity for explanation by the minister.
- (10) If the explanation is to be heard pursuant to the provisions of the preceding paragraph, the prefectural governor must notify the person subject to the disposition of the following particulars in writing, by giving the person sufficient time before the date on which the explanation is heard:
 - (i) the fact that a disposition is to be implemented pursuant to the provisions of paragraph (1) of the preceding Article, and the details of the disposition.
 - (ii) the facts that constitute grounds for the relevant disposition.
 - (iii) the time, date, and place where the explanation is to be heard.
- (11) Other than the case prescribed in the preceding paragraph (9), the Minister of Health, Labour and Welfare may have a member of the Medical Ethics Council hear the explanation of the person subject to the disposition, instead of granting an opportunity for explanation by the minister. In this case, the phrase "preceding paragraph" in the preceding paragraph is deemed to be replaced with "following paragraph," the phrase the "prefectural governor" is deemed to be replaced with the "Minister of Health, Labour and Welfare," and the provisions of that paragraph apply.
- (12) A person who has received the notification referred to in paragraph (10) (including as applied mutatis mutandis pursuant to the provisions of the second sentence of the preceding paragraph following the deemed replacement of terms), may have a representative appear in the office, and may submit documentary evidence or articles of evidence.
- (13) If the prefectural governor or a member of the Medical Ethics Council has heard an explanation pursuant to the provisions of paragraph (9) or the first sentence of paragraph (11), in addition to creating and preserving the hearing record, the prefectural governor or member of the Medical Ethics Council must prepare a written report containing an opinion about the decision on the relevant disposition and submit this to the Minister of Health, Labour and

Welfare.

- (14) If the prefectural governor hears person's opinion or explanation pursuant to the provisions of paragraph (3) or paragraph (9), the Minister of Health, Labour and Welfare must notify the prefectural governor of the following particulars in advance:
- (i) the name and address of the person subject to the disposition.
 - (ii) the details of the disposition and the provisions that constitute grounds for the disposition.
 - (iii) The facts that constitute grounds for the relevant disposition.
- (15) The notification referred to in Article 15, paragraph (1) of the Administrative Procedure Act, as applied *mutatis mutandis* pursuant to paragraph (4) following the deemed replacement of terms, or the notification referred to in paragraph (10) that is to be issued when an explanation is to be heard pursuant to paragraph (9), must be based on the contents of the notification issued pursuant to the provisions of the preceding paragraph.
- (16) When the prefectural governor intends to issue an order to suspend nursing practice pursuant to the provisions of paragraph (2) of the preceding Article, the prefectural governor may have a member of the Assistant Nursing Examination Board hear the explanation of the person subject to the disposition, instead of granting an opportunity for explanation by the prefectural governor.
- (17) The provisions of paragraph (10), paragraph (12), and paragraph (13) apply *mutatis mutandis* to cases where a member of the Nursing Assistant Examination Board hears an explanation pursuant to the provisions of the preceding paragraph. In this case, the phrase the "preceding paragraph" in paragraph (10) is deemed to be replaced with "paragraph (16)" and the phrase "paragraph (1) of the preceding Article" in that paragraph is deemed to be replaced with "paragraph (2) of the preceding Article"; the phrase "paragraph (10) (including as applied *mutatis mutandis* pursuant to the provisions of the second sentence of the preceding paragraph following the deemed replacement of terms)" in paragraph (12) is deemed to be replaced with "paragraph (10) as applied *mutatis mutandis* pursuant to paragraph (17)"; the phrase the "prefectural governor or a member of the Medical Ethics Council" in paragraph (13) is deemed to be replaced with a "member of the Nursing Assistant Examination Board", the phrase "paragraph (9) or the first sentence of paragraph (11)" in that paragraph is deemed to be replaced with "paragraph (16)," and the phrase the "Minister of Health, Labour and Welfare" in that paragraph is deemed to be replaced with the "prefectural governor."
- (18) If the prefectural governor hears person's opinion or an explanation pursuant to the provisions of paragraph (3) or paragraph (9), when a member of the Medical Ethics Council hears person's explanation pursuant to the

provisions of the first sentence of paragraph (11), or when a member of the Nursing Assistant Examination Board hears person's explanation pursuant to the provisions of paragraph (16), the provisions of Chapter III (excluding Article 12 and Article 14) of the Administrative Procedure Act do not apply to the relevant disposition.

(Refresher Training for Public Health Nurses)

- Article 15-2 (1) The Minister of Health, Labour and Welfare may order a public health nurse, midwife, or nurse who has been subject to the disposition set forth in Article 14, paragraph (1) or paragraph (2), or a person intends to acquire a license for the second time pursuant to provisions of paragraph (3) of that Article for a public health nurse, midwife, or nurse, to undergo the training specified by Order of the Ministry of Health, Labour and Welfare as a training regarding maintaining ethics of public health nurses, midwives, or nurses, or as a training regarding the knowledge and skills required for a public health nurse, midwife, or nurse (hereinafter referred to as "refresher training for public health nurses, etc.").
- (2) The prefectural governor may order a nursing assistant who has been subject to the disposition set forth in Article 14, paragraph (1) or paragraph (2), or a person who intends to acquire a license for a nursing assistant for the second time, pursuant to the provisions of paragraph (3) of that Article, to undergo the training specified by Order of the Ministry of Health, Labour and Welfare as the training regarding maintaining ethics of nursing assistants, or as the training regarding the knowledge and skills required for a nursing assistant (hereinafter referred to as "refresher training program for nursing assistants").
- (3) The Minister of Health, Labour, and Welfare registers the persons who have completed the refresher training program for public health nurses, etc. under the provisions of paragraph (1) as those having completed the refresher training for public health nurses, etc., in the Public Health Nurse Registry, Midwife Registry, or Nurse Registry.
- (4) The prefectural governor registers the persons who have completed the refresher training for nursing assistants under the provisions of paragraph (2) as those having completed the refresher training for nursing assistants, in the Nursing Assistant Registry.
- (5) After having completed a registration referred to in the preceding two paragraphs, the Minister of Health, Labour, and Welfare or the prefectural governor issues a registration certificate of completion of refresher training.
- (6) A person intends to be registered in the registry referred to in paragraph (3) or a person intending to acquire an updated registration certificate of completion of the refresher training for public health nurses, midwives, or nurses or intends to have the registration certificate reissued, must pay the fee

specified by Cabinet Order based on the actual costs.

(7) The provisions of paragraphs (9) through paragraph (15) (excluding paragraph (11)) and paragraph (18) of the preceding Article apply mutatis mutandis to cases where the relevant person who intends to issue an order under the provisions of paragraph 1. In this case, the necessary technical replacement of terms is specified by Cabinet Order.

(Provisions Governed by Cabinet Order)

Article 16 Beyond what is provided for in this Chapter, other necessary particulars for application for license; registration in, corrections to, and deletions from the Public Health Nurse Registry, Midwife Registry, Nurse Registry, and Nursing Assistant Registry; the issuance, updated issuance, reissuance, return, or submission of a license; and notice of address, are specified by Cabinet Order; and the necessary particulars for implementing the refresher training for public health nurses, etc. referred to in paragraph (1) of the preceding Article and the refresher training for nursing assistants referred to in paragraph (2) of that Article; for registration in the Public Health Nurse Registry, Midwife Registry, or Nurse Registry referred to in paragraph (3) of that Article or registration in the Nursing Assistant Registry referred to in paragraph (4) of that Article; or for the issuance, updated issuance, or reissuance of a registration certificate of completion of the refresher training referred to in paragraph (5) of that Article, are specified by Order of the Ministry of Health, Labour and Welfare.

Chapter III Examinations

(Contents of the Examinations)

Article 17 The National Licensing Examination for Public Health Nurses, National Licensing Examination for Midwives, National Licensing Examination for Nurses, and Licensing Examination for Nursing Assistants, are conducted with regard to the knowledge and skills required for public health nurses, midwives, nurses, and nursing assistants, respectively.

(Administration of the Examinations)

Article 18 The Minister of Health, Labour and Welfare holds the National Licensing Examination for Public Health Nurses, the National Licensing Examination for Midwives, and the National Licensing Examination for Nurses; and the prefectural governor holds the Licensing Examination for Nursing Assistants, at least once a year, in accordance with the criteria specified by the Minister of Health, Labour and Welfare.

(Eligibility Requirements for the National Licensing Examination for Public Health Nurses)

Article 19 Only a person who falls under any of the following items is eligible for the National Licensing Examination for Public Health Nurses:

- (i) a person who has studied the course required to become a public health nurse for at least one year and completed the course, at a school designated by the Minister of Education, Culture, Sports, Science and Technology as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and Technology and Order of the Ministry of Health, Labour and Welfare.
- (ii) a person who has graduated from a public health nurse training school designated by the Minister of Health, Labour and Welfare as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and Technology and Order of the Ministry of Health, Labour and Welfare.
- (iii) a person who has graduated from a school or training school for the practice provided for in Article 2 in a foreign country or who has acquired a licensure equivalent to a public health nurse license in a foreign country, and the Minister of Health, Labour and Welfare finds that the person has knowledge and skills equivalent to or better than those of the persons set forth in the preceding two items.

(Eligibility Requirements for the National Licensing Examination for Midwives)

Article 20 Only a person who falls under any of the following items is eligible for the National Licensing Examination for Midwives:

- (i) a person who has studied a course of midwifery for at least one year and completed the course, at a school designated by the Minister of Education, Culture, Sports, Science and Technology as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and Technology and Ordinance of the Ministry of Health, Labour and Welfare.
- (ii) a person who has graduated from a midwife training school designated by the Minister of Health, Labour and Welfare as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and Technology and Ordinance of the Ministry of Health, Labour and Welfare.
- (iii) a person who has graduated from a school or training school for the nursing practice in a foreign country specified in Article 3 or who has acquired a license comparable to a midwife licensure in a foreign country, and the Minister of Health, Labour and Welfare finds that the person has knowledge and skills equivalent to or better than those of the persons set forth in the preceding two items.

(Eligibility Requirements for the National Licensing Examination for Nurses)

Article 21 Only a person who falls under any of the following items is eligible for the National Licensing Examination for Nurses:

- (i) a person who has completed the course required for becoming a nurse at a university (excluding a junior college; the same applies in item (iv)) under the School Education Act (Act No. 26 of 1947) which is designated by the Minister of Education, Culture, Sports, Science and Technology and graduated the school as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and Technology and Order of the Ministry of Health, Labour and Welfare.
- (ii) a person who has studied the course required for becoming a nurse for at least three years and completed the course, at a school designated by the Minister of Education, Culture, Sports, Science and Technology as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and Technology and Order of the Ministry of Health, Labour and Welfare.
- (iii) a person who has graduated from a training school for nurses designated by the Minister of Health, Labour and Welfare as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and Technology and Order of the Ministry of Health, Labour and Welfare.
- (iv) a nursing assistant who has practiced nursing for at least three years after acquiring the licensure, or a nursing assistant who has graduated from a high school or a secondary school under the School Education Act and gotten trained for at least two years at a university, school, or training school specified in the preceding three items.
- (v) a person who has graduated from a school or training school for nursing practice specified in Article 5 or who has acquired a license comparable to a nurse license in a foreign country, and the Minister of Health, Labour and Welfare finds that the person has knowledge and skills equivalent to or better than those of the persons set forth in items (i) to (iii).

(Eligibility Requirements for the Licensing Examination for Nursing Assistants)

Article 22 Only a person who falls under any of the following items is eligible for the Licensing Examination for Nursing Assistants:

- (i) a person who has studied a course in nursing for two years and completed the course, at a school designated by the Minister of Education, Culture, Sports, Science and Technology as a person who meets the criteria specified by Order of the Ministry of Education, Culture, Sports, Science and

- Technology and Order of the Ministry of Health, Labour and Welfare.
- (ii) a person who has graduated from a training school for nursing assistants designated by the prefectural governor according to the criteria provided by the Minister of Health, Labour and Welfare as a person who meets the criteria provided by Order of the Ministry of Education, Culture, Sports, Science and Technology and Order of the Ministry of Health, Labour and Welfare.
 - (iii) a person who falls under any of items (i) through (iii) or item (v) of the preceding Article.
 - (iv) a person who has graduated from a school or training school for nursing practice specified in Article 5 in a foreign country or who has acquired a licensure comparable to a nurse licensure in a foreign country, who does not fall under item (v) of the preceding Article, and the prefectural governor finds that the person is appropriate for nursing, in accordance with the criteria specified by the Minister of Health, Labour and Welfare.

(Hearing Opinions of the Medical Ethics Council)

Article 22-2 (1) The Minister of Health, Labour and Welfare must hear the opinion of the Medical Ethics Council when the minister intends to establish the methods for deciding the subjects, administration, and successful examinees with regard to the National Licensing Examination for Public Health Nurses, the National Licensing Examination for Midwives, and the National Licensing Examination for Nurses, and to establish the criteria provided for in Article 18.

(2) The Minister of Education, Culture, Sports, Science and Technology or the Minister of Health, Labour and Welfare must hear the opinion of the Medical Ethics Council when the minister intends to establish criteria provided for in Article 19, item (i) or item (ii); Article 20, item (i) or (ii); from Article 21, item (i) to item (iii); or item (i) or item (ii) of the preceding Article.

(Appointment of Members of the Public Health Nurse, Midwife, and Nurse Examination Committee)

Article 23 (1) The Ministry of Health, Labour and Welfare appoints the members of the Public Health Nurse, Midwife, and Nurse Examination Committee, in order to have the committee members handle the functions to implement the National Licensing Examination for Public Health Nurses, National Licensing Examination for Midwives, and National Licensing Examination for Nurses.

(2) The particulars necessary for the members of the Public Health Nurse, Midwife, and Nurse Examination Committee are specified by Cabinet Order.

Article 24 Deletion

(Members of Nursing Assistant Examination Committee)

Article 25 (1) Assistant Nursing Examination Boards are established in The prefectural governments appoint the members of the Nursing Assistant Examination Committee, in order to have them handle the functions to implement the Nursing Assistant Examinations.

(2) The particulars necessary for the members of the Nursing Assistant Examination are provided by Prefectural Ordinance

Article 26 Deletion (Act No. 87 of 1999)

(Prohibition of Misconduct by Persons In Charge Of Examination Administration)

Article 27 A members of the Public Health Nurse, Midwife, and Nurse Examination Committee, a member of the Nursing Assistant Examination Committee, and any other person takes charge of functions to implement the National Licensing Examination for Public Health Nurses, National Licensing Examination for Midwives, National Licensing Examination for Nurses, or Nursing Assistant Examination, must maintain a strictly fair attitude in performing the functions, and must prevent any examination misconduct.

(Provisions Governed by Cabinet Order and Ministerial Order)

Article 28 Beyond what is provided for in this Chapter, other particulars necessary for the designation of a school or training school under the provisions of Articles 19 through 22 are provided by Cabinet Order, and examination subjects, application procedures for the National Licensing Examination for Public Health Nurses, National Licensing Examination for Midwives, National Licensing Examination for Nurses, or Licensing Examination for Nursing Assistants, and other particulars necessary for examinations are provided by Order of the Ministry of Health, Labour and Welfare.

(Training for Public Health Nurses, Midwives, Nurses, and Nursing Assistants)

Article 28-2 Public health nurses, midwives, nurses, and nursing assistants must undergo clinical training and other training (excluding refresher training for public health nurses, and refresher training for nursing assistants), must strive to improve their professional quality, even after having acquired the license.

Chapter IV Nursing Practice

(Restrictions on Public Health Nursing Practice)

Article 29 No person other than a public health nurse may not practice nursing specified in Article 2 by using the title of public health nurse or any title similar thereto.

(Restrictions on Midwifery Practice)

Article 30 No person other than a midwife may engage in practice specified in Article 3; provided, however, that this does not apply if the person engages in the practice pursuant to the provisions of the Medical Practitioners Act (Act No. 201 of 1948).

(Restrictions on Nursing Practice)

Article 31 (1) No person other than a nurse may engage in practice specified in Article 5; provided, however, that this does not apply if the person engages in the practice pursuant to the provisions of the Medical Practitioners Act or Dentists Act (Act No. 202 of 1948).

(2) A public health nurse or midwife may engage in the practice specified in Article 5, notwithstanding the provisions of the preceding paragraph.

(Restrictions on Nursing Assistant Practice)

Article 32 No person other than a nursing assistant may engage in the practice specified in Article 6; provided, however, that this does not apply if the person engages in the practice pursuant to the provisions of the Medical Practitioners Act or Dentists Act.

(Obligation to Notify Name, Address, etc.)

Article 33 A practicing public health nurse, midwife, nurse, or nursing assistant must notify their current name, address, and any other particulars as of December 31 of the alternating years specified by Order of the Ministry of Health, Labour and Welfare, to the governor of the prefecture in which they work, no later than January 15 of the following year.

Article 34 Deletion

(Family Physician's Instructions to a Public Health Nurse)

Article 35 A public health nurse must be instructed by the family physician or dental practitioner, if an injured or ill person has any, in providing guidance to the person receiving medical treatment.

(Health Center Director's Instructions to a Public Health Nurse)

Article 36 If a public health nurse is instructed about their practice by the director of the public health center having jurisdiction over the region in which the public health nurse works, the public health nurse must follow director's instructions; provided, however, that this does not preclude the application of the provisions of the preceding Article.

(Prohibited Conduct)

Article 37 Except the cases where a public health nurse, midwife or nursing assistant is instructed by the family physician or dental practitioner, the public health nurse, midwife, Nurse, or nursing assistant may not use medical equipment, give a person medicine or give instructions about medicine, or take any other medical practice that may harm person's health unless it is done by a physician or dental practitioner; provided, however, that this does not apply when a public health nurse, midwife, nurse, or nursing assistant provides emergency first-aid treatment, or when a midwife cuts an umbilical cord, administers an enema, or provides any other treatment usually accompanied by midwifery practice.

(Prohibition of Treatment of Pregnant Women with Fetal Abnormalities)

Article 38 If a midwife finds that a pregnant woman, parturient woman, or puerperal woman, or a fetus or a newborn baby has abnormality, the midwife is required to direct the relevant person to a physician for medical care, and may not personally provide treatment for the person; provided, however, that this does not apply to a midwife providing emergency first-aid treatment.

(Obligation to Give Health Guidance and Obligation to Issue Certificates)

Article 39 (1) If a practicing midwife is requested to provide midwifery care or health guidance for a pregnant woman, a puerperal woman, or a newborn baby, the practicing midwife must not deny the request without reasonable grounds.
(2) If a midwife who has assisted in a delivery or carried out a postmortem examination of a fetus may not, if requested to issue a birth certificate, certificate of stillbirth, or fetal postmortem examination certificate, the midwife must not deny the request without reasonable grounds.

(Restrictions on the Issuance of Certificates)

Article 40 A midwife must not issue a birth certificate, certificate of stillbirth, or fetal postmortem examination certificate without having personally assisted with the delivery or carried out the postmortem examination of the fetus.

(Obligation to Report Anomalous Stillbirths)

Article 41 If a midwife, having conducted a postmortem examination of a

stillborn fetus after 4 months of pregnancy, finds that the stillborn fetus has an anomaly, the midwife must report this to the competent police station within 24 hours.

(Entries in Midwifery Records and Preservation Thereof)

Article 42 (1) When a midwife assists in a delivery, the midwife must enter the particulars of the delivery that the midwife has assisted in a midwifery record, without delay.

(2) The midwifery record of the delivery that a midwife working at a hospital, clinic or midwifery care center has assisted referred to in the preceding paragraph must be preserved for five years, by the administrator of the hospital, clinic, or midwifery care center, and the midwifery record for other deliveries that a midwife has assisted, must be kept for five years by the midwife personally.

(3) The particulars to be entered in the midwifery record under the provisions of paragraph (1) are specified by Order of the Ministry of Health, Labour and Welfare.

(Duty of Confidentiality)

Article 42-2 A public health nurse, nurse, or nursing assistant may not disclose the confidential information of any person they come to know in the course of their practice without reasonable grounds. The same applies even after the person ceases to be a public health nurse, nurse, or nursing assistant.

Article 42-3 (1) No person other than a public health nurse may use the title of public health nurse or any other similar or misleading title.

(2) No person other than a midwife may use the title of midwife or any other similar or misleading title.

(3) No person other than a nurse may use the title of nurse or any other similar or misleading title.

(4) No person other than a nursing assistant may use the title of nursing assistant or any other similar or misleading title.

Chapter IV-2 Miscellaneous Provisions

(Categories of Administrative Functions)

Article 42-4 Functions that are to be administered by the relevant prefecture pursuant to the provisions of Article 15, paragraph (3), the first clause of Article 15, paragraph (7), and Article 15, paragraphs (9) and (10) (including as applied mutatis mutandis pursuant to Article 15-2, paragraph (7)); Article 15, paragraphs (1) and (3) of the Administrative Procedure Act (including as

applied mutatis mutandis pursuant to Article 22, paragraph (3) of said Act), Article 16, paragraph (4) of that Act, Article 18, paragraphs (1) and (3) of that Act, Article 19, paragraph (1) of that Act, Article 20, paragraph (6) of that Act, and Article 24, paragraph (3) of that Act, as applied mutatis mutandis pursuant to Article 15, paragraph (4) of this Act; and Article 15, paragraph (3) of the Administrative Procedure Act as applied mutatis mutandis pursuant to Article 22, paragraph (3) of that Act, as applied mutatis mutandis pursuant to the second clause of Article 15, paragraph (7) of this Act; are Type 1 statutorily entrusted functions specified in item (i) of paragraph (9) of Article 2 of the Local Autonomy Act (Act No.67 of 1947).

Article 42-5 (1) The authority of the Minister of Health, Labour and Welfare provided for in this Act may be delegated to the Director General of the Regional Bureau of Health and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to the Director General of the Regional Bureau of Health and Welfare pursuant to the provisions of the preceding paragraph may be delegated to the Director General of Regional Branch Bureau of Health and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Chapter V Penal Provisions

Article 43 (1) A person who falls under any of the following items is punished by imprisonment with work for not more than two years, a fine of not more than five hundred thousand yen, or both:

(i) a person who violates any provision of Articles 29 through 32.

(ii) a person who acquires a license based on false or fabricated fact.

(2) If a person who has committed the offenses referred to in item (i) of the preceding paragraph uses the title of public health nurse, midwife, nurse, nursing assistant, or any other similar title, the person is punished by imprisonment with work for not more than 2 years, a fine of not more than one million yen, or both.

Article 44 A person who leaks examination questions intentionally or through gross negligence prior to the examination or who intentionally manipulates the examination scores, in violation of Article 27, is punished by imprisonment with work for not more than 1 year or a fine of not more than five hundred thousand yen.

Article 44-2 A person who falls under any of the following items is punished by

imprisonment with work for not more than six months, a fine of not more than five hundred thousand yen, or both:

- (i) a person who has been ordered to suspend the practice pursuant to the provisions of Article 14, paragraph (1) or paragraph (2), but engages in the practice during the period in which the person has been ordered to suspend the practice.
- (ii) a person who violates any of the provisions of Articles 35 through 38.

Article 44-3 (1) A person who discloses the confidential information of any person the person has come to know by professional conduct in violation of the provisions of Article 42-2 is punished by imprisonment with work for not more than six months or a fine of not more than one hundred thousand yen.

(2) A prosecution for the offense referred to in the preceding paragraph may not be instituted without a criminal complaint.

Article 45 A person who falls under any of the following items is punished by a fine not exceeding five hundred thousand yen:

- (i) a person who fails to undergo refresher training for public health nurses, etc. or refresher training for nursing assistant, in violation of an order under the provisions of Article 15 paragraph (1) or (2).
- (ii) A person who violates the provisions of Article 33 or Articles 40 through 42.

Article 45-2 A person who violates the provisions of Article 42-3 is punished by a fine of not more than three hundred thousand yen.

Supplementary Provisions

(Effective Date)

Article 46 The part concerning the designation of a school or training school and the provisions of Articles 47 through 50 of this Act comes into effect on the date on which the Medical Practitioners Act comes into effect (October 27, 1948), and the part concerning female nurses come into effect on September 1, 1950, and all other parts come into effect on September 1, 1951.

(Repeal of the Order on Female Public Health Nurses, Midwives, and Nurses)

Article 47 The Order on Female Public Health Nurses, Midwives, and Nurses (Cabinet Order No. 124 of 1947) is hereby repealed.

(Validity of Designation by the Minister for Education or Minister for Health and Welfare under the Former Order)

Article 48 A designation by the Minister for Education or the Minister for

Health and Welfare under the provisions of Articles 21 through 24 of the Order on Female Public Health Nurses, Midwives, and Nurses is deemed to a designation under the corresponding provisions of this Act respectively.

(Transitional Measures for Female Public Health Nurses and Midwives)

Article 49 (1) On or before August 31, 1951, any particulars necessary for public health nurses and midwives are set forth by Orders.

(2) The Regulations for Female Public Health Nurses (Health and Welfare Ministry Order No. 21 of 1945; hereinafter referred to as the Former regulations for Public Health Nurses) under the National Medical Service Act and the Regulations for Female Midwives (Imperial Order No. 345 of 1899; hereinafter referred to as the Former Regulations for Midwives) under that Act are deemed to be the Orders under the provisions of the preceding paragraph, up to August 31, 1951.

(3) A person who has practiced nursing as a female public health nurse using the title of female public health nurse without acquiring a license, or who has practiced midwifery without being registered, in violation of the provisions of the Orders under the provisions of paragraph (1), is punished by imprisonment with work for not more than 6 months or a fine of not more than five thousand yen.

(4) A person who has failed to fulfill their duties as a female public health nurse or midwife, or a female public health nurse or midwife whose license has been suspended but practiced nursing or midwifery, in violation of the provisions of the Orders under the provisions of paragraph (1), is punished by a fine of not more than five thousand yen.

(5) A person who failed to follow the necessary procedures for licensing, registration, or notification, in violation of the provisions of one of the Orders under the provisions of paragraph (1), is punished by a fine of not more than five hundred yen.

(Transitional Measures for Female Nurses)

Article 50 (1) Up until August 31, 1950, any particulars necessary for female nurses are set forth by Order.

(2) The Regulations for Female Nurses (Home Ministry Order No. 9 of 1915; hereinafter referred as the Regulations for Former Nurses) under the National Medical Care Act are deemed to be the Orders under the preceding paragraph, until August 31, 1950.

(3) A person who practiced as a female nurse without acquiring a license in violation of the provisions of the Order under paragraph (1), is punished by imprisonment without work for not more than 6 months or a fine of not more than five thousand yen.

- (4) A person who failed to fulfill their duties as a female nurse, or a female nurse who practices during a period in which her nursing license has been suspended, in violation of the provisions of the Order under the provisions of paragraph (1), is punished by a fine of not more than five thousand yen.
- (5) A person who failed to follow the necessary procedures for licensing, registration, or notification, in violation of the provisions of the Order under the provisions of paragraph (1), is punished by a fine of not more than five hundred yen.

(Persons Who Acquired Public Health Nurse License under the Former Order)

- Article 51 (1) A person who has acquired the public health nurse license from the prefectural governor pursuant to the Former Regulations for Public Health Nurses may practice the profession provided for in Article 2 using the title Public Health Nurse, notwithstanding the provisions of Article 29.
- (2) The provisions of this Act for public health nurses apply mutatis mutandis to the person referred to in the preceding paragraph.
- (3) The person referred to in paragraph (1) may acquire a license from the Minister of Health, Labour and Welfare, notwithstanding the provisions of Article 7.

(Persons Registered in the Midwife Registry under the Former Order)

- Article 52 (1) A person who has been registered in the Midwife Registry pursuant to the Former Regulations for Midwives may engage in the practice specified in Article 3, notwithstanding the provisions of Article 30.
- (2) The provisions of this Act for midwives (except the provisions of Article 31, paragraph (2)) apply mutatis mutandis to the person referred to in the preceding paragraph.
- (3) The person referred to in paragraph (1) may acquire a license from the Minister of Health, Labour and Welfare, notwithstanding the provisions of Article 7.
- (4) The provisions of paragraph (2) of Article 31 do not apply to a person who has acquired the license pursuant to the provisions of the preceding paragraph.

(Persons Who Acquired Nursing License under the Former Order)

- Article 53 (1) A person who has acquired the nursing license from the prefectural governor pursuant to the Former Regulations for Nurses may engage in the practice specified in Article 5 using the title of nurse, notwithstanding the provisions of Article 31 and paragraph (3) of Article 42-3.
- (2) The provisions of this Act for nursing assistants apply mutatis mutandis to the person referred to in the preceding paragraph with respect to the matters other than the scope of the practice in which the person is permitted to engage.

- (3) The person referred to in paragraph (1) may acquire a licensure from the Minister of Health, Labor and Welfare, notwithstanding the provisions of Article 7.
- (4) A person referred to in paragraph (1) who falls under any of the items of Article 19 is eligible for the National Licensing Examination for Public Health Nurses, notwithstanding the provisions of that Article.
- (5) A person referred to in paragraph (1) who falls under any of the items of Article 20 is eligible for the National Licensing Examination for Midwives, notwithstanding the provisions of that Article.

Articles 54 through 56 Deletion

(Validity of Dispositions Implemented under the Former Order for the Suspension of License)

Article 57 A disposition of suspending a person's license which has been implemented pursuant to the Former Regulations for Public Health Nurses, the Former Regulations for Midwives, or the Former Regulations for Nurses is deemed to have been implemented pursuant to the corresponding provisions of this Act. In this case, prior laws continue to govern the period of suspension.

(Validity of Specific License in Areas That Do Not Have Enough Midwives)

Article 58 Prior laws continue to govern a person who has acquired the license from the prefectural governor pursuant to Article 19 of the Former Regulations for Midwives.

(Nursing Assistants)

Article 59 Prior law continue to govern nursing assistants under the Former Regulations for Nurses.

(Mutatis Mutandis Application to Male Nurses)

Article 60 The provisions of Article 53 apply mutatis mutandis to a male nurse under the Former Regulations for Nurses.

Supplementary Provisions [Act No. 34 of March 31, 1950]

This Act comes into effect as of April 1, 1951.

Supplementary Provisions [Act No. 147 of April 14, 1951] [Extract]

- (1) This Act comes into effect as of September 1, 1951.
- (2) The term the "the New Act" as used in this Act means the Act on Public

- Health Nurses, Midwives, and Nurses amended by this Act, and the "Former Act" means the Former Act on Public Health Nurses, Midwives, and Nurses.
- (3) A person who has passed the National Licensing Examination for Class-A Nurses pursuant to the provisions of the Former Act is deemed to have passed the National Licensing Examination for Nurses under the provisions of the New Act.
 - (4) A person who has acquired the license from the Minister for Health and Welfare and been registered in the Class-A Nurse Registry as of the date on which this Act comes into effect, is deemed to be a person who acquires the license from the Minister for Health and Welfare and is registered in the Nurse Registry pursuant to the provisions of the New Act.
 - (5) A person whose name has already been entered on the Class-A Practicing Nurses Register as of the date on which this Act comes into effect, is deemed to be a person who has notified the particulars required to be entered and whose name has been entered on the Practicing Nurse pursuant to the provisions of the New Act by operation of law.
 - (6) Class-A Nursing Licenses and Certificates for Practicing Class-A Nursing issued under the provisions of the Former Act are deemed to be Nursing Licenses and Certificates for Practicing Nursing issued pursuant to the provisions of the New Act.
 - (7) A school or Class-A training school for nurses specified in Article 21, item (i) or (ii) of the Former Act, which already exists on the date on which this Act comes into effect, is deemed to be a school or training school for nurses specified in Article 21, item (i) or (ii) of the New Act, and the provisions necessary for persons currently undergoing training at the school or training school are provided for by the Minister for Education or the Minister for Health and Welfare.
 - (8) A person graduated from a school or Class-A training school for nurses specified in Article 21, item (i) or (ii) of the Former Act is eligible for the National Licensing Examination for Nurses, notwithstanding the provisions of Article 21 of the New Act.
 - (9) A school or Class-B training school for nurses specified in Article 22, item (i) or (ii) of the Former Act, which already exists on the date on which this Act comes into effect, may continue to exist under the provisions of the Former Act until March 31, 1954.
 - (10) Prior laws continue to govern the Licensing Examination for Class-B Nurses under the provisions of the Former Act, until March 31, 1988.
 - (11) With regard to the application of the New Act, a person who has passed the Licensing Examination for Class-B Nurses is deemed to be a person who has passed the Licensing Examination for Nurses under the Regulations for Nurses under the National Medical Care Act (Home Ministry Order No. 9 of 1915;

hereinafter referred to as the Former Regulations for Nurses).

Supplementary Provisions [Act No. 258 of November 6, 1951]

This Act comes into effect on the day of its promulgation.

Supplementary Provisions [Act No. 316 of December 22, 1952] [Extract]

This Act comes into effect on the day of its promulgation.

Supplementary Provisions [Act No. 213 of August 15, 1953] [Extract]

- (1) This Act comes into effect on September 1, 1953. [Further provisions omitted]
- (2) Dispositions such as licenses and authorization which have been granted and procedures such as applications and notifications which have been filed pursuant to the provisions of laws and regulations prior to amendment by this Act, are deemed to be dispositions implemented and procedures followed under the corresponding provisions amended by this Act respectively.

Supplementary Provisions [Act No. 71 of April 22, 1954] [Extract]

(Effective Date)

- (1) This Act comes into effect on May 1, 1954.

Supplementary Provisions [Act No. 136 of June 1, 1954] [Extract]

- (1) This Act comes into effect on the day of its promulgation. [Further provisions omitted]

Supplementary Provisions [Act No. 120 of August 1, 1967] [Extract]

(Effective Date)

- (1) This Act comes into effect on the day of its promulgation.

(Transitional Provisions)

- (3) Prior laws continue to govern the application of penal provisions to conduct in which a person engages before this Act comes into effect.

Supplementary Provisions [Act No. 84 of June 1, 1968] [Extract]

(Effective Date)

(1) This Act comes into effect on the day of its promulgation.

Supplementary Provisions [Act No. 51 of June 25, 1969]

This Act . . . come[s] into effect on November 1, 1969.

Supplementary Provisions [Act No. 51 of May 25, 1981] [Extract]

This Act comes into effect on the day of its promulgation.

Supplementary Provisions [Act No. 69 of July 23, 1982] [Extract]

(Effective Date)

(1) This Act comes into effect on the day of its promulgation. [Further provisions omitted]

Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date on which the Administrative Procedure Act comes into effect (Act No. 88 of 1993).

(Transitional Measures for Adverse Dispositions After Consultation)

Article 2 Notwithstanding the provisions of the relevant Acts amended by this Act, if a request for a consultation or any other request has been filed with a council or other panel, with regard to the necessity for starting the procedure for hearing, procedure for granting an opportunity for explanation, or any other procedure for making a statement specified in Article 13 of the Administrative Procedure Act pursuant to laws and regulations before this Act comes into effect prior to the enforcement of this Act, the provisions then in force remain applicable to any adverse disposition proceedings connected with said request for consultation or other request.

(Transitional Measures for the Partial Amendment to the Act on Public Health Nurses, Midwives, and Nurses)

Article 8 If a notification under the provisions of the latter clause of Article 15, paragraph (3) of the Act on Public Health Nurses, Midwives, and Nurses prior to amendment by that Article is filed prior to the enforcement of the provisions of Article 98, prior laws continue to govern the procedure for revocation or suspension of license pertaining to the notification, notwithstanding the provisions of that Act.

(Transitional Measures for Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions to conduct in which a engages before this Act comes into effect.

(Transitional Measures for the Consolidation of Provisions for Hearings)

Article 14 A hearing, questioning, or hearing by administrative organs (excluding those related to adverse dispositions) that was held, or any procedures therefor that were followed pursuant to the provisions of the Act before this Act comes into effect, is deemed to have been held or followed pursuant to the corresponding provisions of the relevant Acts amended by this Act.

(Provisions Governed by Cabinet Order)

Article 15 Beyond what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are provided for by Cabinet Order.

Supplementary Provisions [Act No. 90 of November 19, 1993] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the day on which ten days have elapsed from the day of its promulgation.

(Transitional Measures)

Article 2 A school or training school for public health nurses that has been designated pursuant to the provisions of Article 19, item (i) or item (ii) of the Act on Public Health Nurses, Midwives, and Nurses as of the date on which this Act comes into effect, is deemed to have been designated pursuant to the provisions of Article 19, item (i) or item (ii) as applied mutatis mutandis pursuant to the provisions of Article 59-2 amended by this Act.

Article 3 A person who has acquired the knowledge and skills required for a public health nurse at a school that has been designated pursuant to the provisions of Article 19, item (i) of the Act on Public Health Nurses, Midwives, and Nurses as of the date on which this Act comes into effect, or who has been acquiring the knowledge and skills required for a public health nurse at the school on the date on which this Act comes into effect and completes the acquisition thereof after the enforcement of this Act, is eligible for the National Licensing Examination for Public Health Nurses.

Supplementary Provisions [Act No. 101 of June 12, 1998] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 1999. [Further provisions omitted]

Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2000; provided, however, that the provisions set forth in the following items come into effect on the date specified in the relevant item:

- (i) . . . the provisions of Articles . . . 160, 163, 164 . . . of the Supplementary Provisions: the date of promulgation. (1999, 1995, 2004)
- (ii) through (vi) [Omitted]

(Administrative Functions of the National Government, etc.)

Article 159 Beyond what is provided for in the respective Acts prior to amendment by this Act, the functions of the national government, a local government, or any other public organization (referred to as the "functions of the national government, etc." in Article 161 of the Supplementary Provisions) administered or performed pursuant to the Acts or Cabinet Orders under the Acts by a local government agency, are to be administered as the functions of the local government pursuant to the Acts or Cabinet Orders under the Acts, after the enforcement of this Act.

(Transitional Measures for Dispositions and Requests)

Article 160 (1) With regard to the application of the respective Acts amended by this Act after the enforcement of this Act, with the exception of what is set forth in the provisions of Article 2 through the preceding Article of the Supplementary Provisions and in the provisions for transitional measures for the respective Acts amended by this Act (including Orders under these Acts), a disposition such as a permission, etc. granted or other actions taken (hereinafter referred to as an "action such as a disposition" in this Act) pursuant to the provisions of the respective Acts prior to amendment by this Act (with regard to the provisions of the items of Article 1 of the Supplementary Provisions, the relevant provisions; hereinafter the same applies in this Article and Article 163 of the Supplementary Provisions), or a request for permission, etc. filed or other action taken pursuant to the provisions of the respective Acts prior to the amendment of this Act when this Act comes into effect (hereinafter referred to as an "action such as a request" in

this Article), if the person who is to perform the relevant functions will be different on the date this Act comes into effect, is deemed to be an action such as a disposition or an action such as a request performed pursuant to the corresponding provisions of the respective Acts amended by this Act.

- (2) Unless otherwise prescribed by this Act or by Cabinet Order under this Act, any particular which needs to be reported, notified, or submitted to a national or local government agency or for which the procedure required by the agency must be followed pursuant to the provisions of the respective Acts prior to amendment of this Act, before the enforcement of this Act, a particular is deemed to be a particular for which the procedure, such as reporting, notification, or submission to a national or local government agency has not been followed pursuant to the corresponding provisions of the respective Acts amended by this Act, and the provisions of the respective Acts amended by this Act apply.

(Transitional Measures for Appeals)

Article 161 (1) For an appeal under the Administrative Appeals Act against a disposition, implemented prior to the effective date, pertaining to the functions of the national government, etc., in connection with which the administrative authority that implemented the disposition (hereinafter referred to as the "administrative authority reaching the disposition" in this Article) had a higher administrative authority specified in the Administrative Appeals Act (hereinafter referred to as a "higher administrative authority" in this Article) before the effective date, the relevant administrative authority reaching the disposition is deemed to continuously have a higher administrative authority even after the effective date, and the provisions of the Administrative Appeals Act apply. In this case, the administrative authority deemed to be the higher administrative authority of the administrative authority reaching the disposition is the administrative authority that was the higher administrative authority of the administrative authority reaching the disposition before the effective date.

- (2) In the case referred to in the preceding paragraph, if the administrative authority deemed to be the higher administrative authority is a local government agency, the functions that are to be administered pursuant to the provisions of the Administrative Complaint Review Act are Type 1 statutorily entrusted functions specified in Article 2, paragraph (9), item (i) of the New Local Autonomy Act.

(Transitional Measures for Fees)

Article 162 Unless otherwise provided by the respective Acts prior to amendment by this Act, prior laws continue to govern any fees that must have

been paid pursuant to the provisions of the respective Acts (including any Order under those Acts) before the effective date.

(Transitional Measures for Penal Provisions)

Article 163 Prior laws continue to govern the application of the penal provisions to conduct in which a person engages before this Act comes into effect.

(Other Transitional Measures Governed by Cabinet Order)

Article 164 (1) Beyond what is provided for in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures for penal provisions) are provided for by Cabinet Order.
(2) Particulars necessary for the application of the provisions of Article 18, Article 51 and Article 184 of the Supplementary Provisions are provided for by Cabinet Order.

(Reviews)

Article 250 A new type 1 statutorily entrusted functions specified in Article 2, paragraph (9), item (i) of the New Local Autonomy Act must not be created whenever possible, and, the functions listed in Appended Table 1 of the New Local Autonomy Act and functions specified by Cabinet Order under the New Local Autonomy Act are to be examined from the perspective of promoting decentralization, and must be revised as appropriate.

Article 251 The government is to examine how to secure adequate sources of local tax revenue based on the sharing of roles between the national and local governments in consideration of the changes in economic environment, and take the necessary measures based on the results of examination, so that the local governments may perform their functions and undertakings autonomously and independently.

Article 252 The government is to review the system to administer social insurance programs and the officials engaged therein along with the reforms in the medical insurance programs, the pension programs, etc., from the perspective of securing convenience for insured persons, etc. and improving the efficiency, etc. in performing the functions, and, whenever the government finds it necessary, is to take the necessary measures based on the results of the review.

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act . . . comes into effect on January 6, 2001; provided, however, that the provisions of the following items come into effect on the day set forth in the relevant item:

- (i) . . . the provisions of Article 1305, . . . and Article 1344: the date of promulgation.
- (ii) [Omitted]

Supplementary Provisions [Act No. 87 of June 29, 2001] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one month from the day of its promulgation, [July 16, 2001 by Cabinet Order No. 235 of 2001].

(Review)

Article 2 In approximately five years after the enforcement of this Act, the government is to conduct a review on the grounds for disqualification of persons with disability in the respective Acts amended by this Act, in consideration of the implementation status of the provisions for the relevant grounds for disqualification, and is to take the necessary measures based on the results of the review.

(Transitional Measures for Reissued Licenses)

Article 3 If the grounds for revocation pertaining to a person whose license has been revoked based on the grounds for revoking license provided for in the respective Acts prior to amendment by this Act fall under the grounds for revoking the license, wherein the license may be reissued pursuant to the respective Acts amended by this Act (hereinafter referred to as the "grounds for revoking the license which may be reissued" in this Article), the person is deemed to be the person whose license has been revoked based on the grounds for revoking the license which may be reissued, and the provisions for reissuance of license of the respective Acts amended by this Act apply.

(Transitional Measures for Penal Provisions)

Article 4 Prior laws continue to govern the application of the penal provisions to conduct in which a person engages before this Act comes into effect.

Supplementary Provisions [Act No. 153 of December 12, 2001] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the day specified b Cabinet Order within

a period not exceeding six months from the day of its promulgation [March 1, 2002 by Cabinet Order No. 3].

(Persons Who Acquired Licenses Under the Provisions of the Former Act)

Article 2 A person who, as of the time this Act comes into effect, has acquired a public health nurse license or a license for male public health nurse, midwife license, nursing license or a license for male nurse, or a license for nursing assistant or a license for male nursing assistant under the provisions of Act on Public Health Nurses, Midwives, and Nurses (hereinafter referred to as the "Former Act") prior to amendment by this Act, is deemed to be a person who has acquired a public health nurse license, midwife license, nursing licensure, or nursing assistant licensure under the provisions of the Act on Public Health Nurses, Midwives, and Nurses amended by this Act (hereinafter referred to as the "New Act").

(Persons Who Have Passed Examinations Under the Provisions of the Former Act)

Article 3 A person who has passed the National Licensing Examination for Public Health Nurses (including the National Licensing Examination for becoming a public health nurse; hereinafter the same applies in Article 6 and Article 7 of the Supplementary Provisions), the National Licensing Examination for Midwives, the National Licensing Examination for Nurses (including the National Licensing Examination for becoming a nurse; hereinafter the same applies in Article 6 and Article 7 of the Supplementary Provisions), or the Licensing Examination for Nursing Assistants (including the Licensing Examination for becoming a nursing assistant nurse; hereinafter the same applies in Article 6 and Article 7) under the provisions of the Former Act, is deemed to be a person who has passed the National Licensing Examination for Public Health Nurses, the National Licensing Examination for Midwives, the National Licensing Examination for Nurses, or the Licensing Examination for Nursing Assistants under the provisions of the New Act.

(Registries Under the Former Act)

Article 4 The Public Health Nurse Registry and the Male Public Health Nurse Registry, the Midwife Registry, the Nurse Registry and the Male Nurse Registry, and the Nursing Assistant Registry and the Male Nursing Assistant Registry under the provisions of the Former Act are deemed to be the Public Health Nurse Registry, the Midwife Registry, the Nurse Registry, and the Nursing Assistant Registry under the provisions of the New Act; and the person who has been registered in the Public Health Nurse Registry or the Male Public Health Nurse Registry, the Midwife Registry, the Nurse Registry

or the Male Nurse Registry, or the Nursing Assistant Registry or the Male Nursing Assistant Registry pursuant to the provisions of the Former Act is deemed to be the person who is registered in the Public Health Nurse Registry, the Midwife Registry, the Nurse Registry, or the Nursing Assistant Registry pursuant to the provisions of the New Act.

(Licenses Under the Provisions of the Former Act)

Article 5 A public health nurse license or a male public health nurse license, a midwife license, a nurse license or a male nurse license, or a nursing assistant license or a male nursing assistant license that has been issued pursuant to the provisions of the Former Act is deemed to be a public health nurse license, midwife license, nurse License, or nursing assistant license issued pursuant to the provisions of the New Act.

(Transitional Measures for Examinations)

Article 6 The National Licensing Examination for Public Health Nurses, National Licensing Examination for Midwives, National Licensing Examination for Nurses, and Licensing Examinations for Nursing Assistants that have been conducted pursuant to the provisions of the Former Act in the year of the date on which this Act comes into effect, are deemed to be the National Licensing Examination for Public Health Nurses, National Licensing Examination for Midwives, National Licensing Examination for Nurses, and Licensing Examination for Nursing Assistants conducted pursuant to the provisions of the New Act.

(Transitional Measures for Eligibility Requirements for Examinations)

Article 7 A person who, as of the date on which this Act comes into effect, is eligible for the National Licensing Examination for Public Health Nurses, the National Licensing Examination for Midwives, the National Licensing Examination for Nurses, or the Licensing Examination for Nursing Assistants is eligible for the National Licensing Examination for Public Health Nurses, the National Licensing Examination for Midwives, the National Licensing Examination for Nurses, or the Licensing Examination for Nursing Assistants.

(Schools and Training Schools Designated Under the Provisions of the Former Act)

Article 8 As of the date on which this Act comes into effect, a schools that has been designated pursuant to the provisions of Article 19, item (i); Article 20, item (i); Article 21, item (i); or Article 22, item (i) of the Former Act (including as applied mutatis mutandis pursuant to the provisions of Article 59-2 or Article 60, paragraph (1) of the Former Act (excluding Article 20, item (i) of the

Former Act) or a training school that has been designated pursuant to the provisions of Article 19, item (ii); Article 20, item (ii); Article 21, item (ii); or Article 22, item (ii) of the Former Act (including as applied mutatis mutandis pursuant to the provisions of Article 59-2 or Article 60, paragraph (1) of the Former Act (excluding Article 20, item (ii) of the Former Act) is deemed to be a school that is designated pursuant to the provisions of Article 19, item (i); Article 20, item (i); Article 21, item (i); or Article 22, item (i) of the New Act or a training school that is designated pursuant to Article 19, item (ii); Article 20, item (ii); Article 21, item (ii); or Article 22, item (ii) of the New Act.

(Transitional Measures for the Practice of Midwives)

Article 9 (1) Prior laws continue to govern the report under the provisions of Article 41 of the Former Act on a postmortem examination specified in that Article that has been conducted by a female midwife before this Act comes into effect.

(2) Prior laws continue to govern the entries in midwifery records and the keeping of midwifery records under the provisions of Article 42 of the Former Act for delivery during which assistance was provided by a midwife before this Act comes into effect.

(Transitional Measures for Duty of Confidentiality)

Article 10 The provisions of Article 42-2 of the Former Act (including the relevant penal provisions) remain in effect on or after the date on which this Act comes into effect with regard to the confidential information of any person that a public health nurse or male public health nurse, a nurse or male nurse, or a nursing assistant or male nursing assistant who is no longer a practitioner came to know in the course of their duties specified in Article 42-2 of the Former Act (including as applied mutatis mutandis pursuant to the provisions of Article 59-2 and Article 60, paragraph (1) of the Former Act; hereinafter the same applies in this Article) before this Act came into effect.

(Transitional Measures for Dispositions and Procedures)

Article 42 Unless otherwise provided for in these Supplementary Provisions, a disposition implemented, a procedure followed, or other action taken pursuant to the provisions of the respective Acts prior to amendment by this Act before this Act comes into effect (including Orders under these Acts; hereinafter the same applies in this Article) for which there are corresponding provisions of the respective Acts amended by this Act is deemed to a disposition implemented, a procedure followed, or other action taken pursuant to the corresponding provisions of the respective Acts amended by this Act.

(Transitional Measures for Penal Provisions)

Article 43 Prior laws continue to govern the application of the penal provisions for conduct in which a person engages before this Act comes into effect and for conduct in which a person engages after this Act comes into effect in the cases where prior laws continue to govern pursuant to the provisions of these Supplementary Provisions.

(Transitional Measures Governed by Cabinet Order)

Article 44 Beyond what is provided for in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are provided by Cabinet Order.

Supplementary Provisions [Act No. 84 of June 21, 2006] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2007; provided, however, that the provisions set forth in the following items come into effect as of the date set forth in the respective items:

- (i) . . . the provisions of Article 31 of the Supplementary Provisions, and the provisions of Article 32 of the Supplementary Provisions: the date of promulgation.
- (ii) [Omitted]
- (iii) . . . the provisions of Article 7, . . . the provisions of Article 14, paragraph (3) . . . of the Supplementary Provisions, . . . : April 1, 2008.

(Reviews)

Article 2 In approximately five years after the enforcement of this Act, the government is to conduct a review on the regulations that are based on the provisions of the Medical Care Act amended by this Act in consideration of the implementation status of this Act, and is to take the necessary measures based on the results of the review when the government finds this to be necessary.

(Transitional Measures for Reissuance of Licenses)

Article 14 (1) I. [Omitted]

(2) [Omitted]

(3) Prior laws continue to govern the application of the provisions of Article 14, paragraph (3) of the Act on Public Health Nurses, Midwives, and Nurses amended by this Act under the provisions of Article 7, to the person whose license was revoked pursuant to the provisions of Article 14, paragraph (1) or paragraph (2) of the Act on Public Health Nurses, Midwives, and Nurses prior to amendment by this Act under the provisions of Article 7 before the

provisions of Article 1, item (iii) of the Supplementary Provisions come into effect.

(4) [Omitted]

(Transitional Measures for Restrictions on the Use of Titles)

Article 15 The provisions of Article 42-3 of the Act on Public Health Nurses, Midwives, and Nurses amended by this Act under the provisions of Article 6 do not apply to any person who has been using the title of public health nurse, midwife, nurse, nursing assistant, or any other similar or misleading title as of the date on which this Act comes into effect, for six months following the effective date.

(Transitional Measures for the Application of Penal Provisions)

Article 31 Prior laws continue to govern the application of the penal provisions for conduct in which a person engages before this Act comes into effect (with regard to the provisions of items of Article 1 of the Supplementary Provisions, the relevant provisions), and conduct in which a person engages after this Act comes into effect in the case where prior laws continue to govern pursuant to the provisions of these Supplementary Provisions, and for conduct in which a person engages in the case where the provisions remain in effect pursuant to these Supplementary Provisions.

(Other Transitional Measures Governed by Cabinet Order)

Article 32 Beyond what is provided for in Article 3 through Article 16 and the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are provided for by Cabinet Order.

Supplementary Provisions [Act No. 78 of July 15, 2009] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2010.

(Transitional Measures for the Partial Amendment to the Act on Public Health Nurses, Midwives, and Nurses)

Article 2 A person falling under any of the following items is eligible for the National Licensing Examination for Public Health Nurses, notwithstanding the provisions of Article 19 of the Act on Public Health Nurses, Midwives, and Nurses amended by this Act under Article 1 (hereinafter referred to as the "New Act"):

(i) a person falling under Article 19, item (i) of the Act on Public Health Nurses, Midwives, and Nurses prior to amendment by this Act under the provisions

of Article 1 (hereinafter referred to as the "Former Act") as of the date on which this Act comes into effect.

- (ii) a person who was a student at a school specified in Article 19, item (i) of the Former Act before the date on which this Act comes into effect (hereinafter referred to as the "effective date"), who meets the requirements set forth in that item on or after the effective date (excluding a person who has entered a school specified in that item on or after the effective date and studied the course required for becoming a public health nurse at the school for at least six months and completed the course).

Article 3 A person falling under any of the following items is eligible for the National Licensing Examination for Midwives, notwithstanding the provisions of Article 20 of the New Act:

- (i) a person falling under the provisions of Article 20, item (i) of the Former Act as of the date on which this Act comes into effect.
- (ii) a person who was a student at a school specified in Article 20, item (i) of the Former Act before the effective date, who meets the requirements set forth in that Article on or after the effective date (excluding a person who has entered a school specified in that item on or after the effective date, and studied a course in midwifery at the school for at least six months and completed the course).

Article 4 (1) A university (excluding junior colleges; hereinafter the same applies in this Article) under the School Education Act (Act No. 26 of 1947) which has been designated pursuant to the provisions of Article 21, item (i) of the Former Act as of the date on which this Act comes into effect is deemed to be a university designated pursuant to the provisions of Article 21, item (i) of the New Act; a school (excluding universities) that has been designated pursuant to Article 21, item (i) of the Former Act as of the date on which this Act comes into effect is deemed to be a school designated pursuant to the provisions of Article 21, item (ii) of the New Act; and a training school that has been designated pursuant to the provisions of Article 21, item (ii) of the Former Act as of the date on which this Act comes into effect is deemed to be a training school designated pursuant to the provisions of Article 21, item (iii) of the New Act.

- (2) With regard to the application of the provisions of Article 21, item (i) of the New Act to a university that is deemed to have been designated pursuant to the provisions Article 21, item (i) of the New Act, pursuant to the provisions of the preceding paragraph, the term, a "person who has graduated from university" in that item is deemed to be replaced with a "person who has graduated from university or a person who has studied the course at least

three years and completed the course," until otherwise provided for by law.