

Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities

(Act No. 123 of May 1, 1950)

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Chapter I General Provisions

(Purpose of This Act)

Article 1 The purpose of this Act is to promote the welfare of persons with mental disorders or disabilities and improve the mental health of citizens, by

providing for the medical care and protection of persons with mental disorders or disabilities; by providing necessary aid to promote the social reintegration, independence and participation in socio-economic activities of persons with mental disorders or disabilities, in combination with the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities (Act No. 123 of 2005); and by preventing mental disorders or disabilities and maintaining and improving the mental health of citizens.

(Duties of the National and Local Governments)

Article 2 The national and local governments must endeavor to reintegrate persons with mental disorders or disabilities into society so as to enable them to become independent and participate in socioeconomic activities, by comprehensively implementing measures for their care and protection, and also for their health and welfare, such as the enhancement of medical and educational facilities, in combination with payment of independent living benefits and implementation of community life support services under the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities; and must take the measures to prevent mental disorders or disabilities and improve the mental health of citizens, such as promoting research in mental health, striving to diffuse information in mental health, etc.

(Duties of Citizens)

Article 3 Citizens must strive to maintain and improve their own mental health, deepen their understanding of persons with mental disorders or disabilities, and support their efforts to overcome their disorders or disabilities and seek their reintegration into society, thus becoming independent and participating in economic activities.

(Considerations for the Social Reintegration, Independence, and Participation in Society of Persons with Mental Disorders or Disabilities)

Article 4 (1) In order to promote the social reintegration, independence, and participation in socioeconomic activities of persons with mental disorders or disabilities, the founder of a medical facility must endeavor to perform the following while operating: giving due consideration so as to enable a person with a mental disorder or disability who is receiving medical care at the facility to have unimpeded access to services, such as the business of providing welfare services for persons with disabilities as prescribed in Article 5, paragraph (1) of the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities (hereinafter referred to as the "business of providing welfare services for persons with disabilities"), general consultation

support as prescribed in Article 5, paragraph (18) (hereinafter referred to as the "general consultation support business"), or other business related to the welfare of persons with mental disorders or disabilities; cooperating with persons engaged in any of those businesses and taking measures appropriate for its local community as necessary; and gaining the understanding and cooperation of the local residents.

- (2) The national government, local governments, and the founders of medical facilities must endeavor to coordinate and cooperate with each other to promote the social reintegration, independence, and participation in socioeconomic activities of persons with mental disorders or disabilities.

(Definition)

Article 5 The term "person with a mental disorder or disability" as used in this Act means an individual with schizophrenia, acute addiction to, or dependency on, a psychoactive substance, intellectual disability, psychopathy or any other form of psychiatric disorder.

Chapter II Mental Health and Welfare Centers

(Mental Health and Welfare Centers)

- Article 6 (1) A prefectural government is to establish facilities to improve the mental health and welfare of persons with mental disorders or disabilities (hereinafter referred to as "mental health and welfare centers").
- (2) A mental health and welfare center is to perform the following:
 - (i) diffusing information about, and conducting research in, mental health and the welfare of persons with mental disorders or disabilities;
 - (ii) undertaking complex or difficult counselling or guidance in matters regarding the mental health and the welfare of persons with mental disorders or disabilities;
 - (iii) conducting the affairs of a psychiatric review board;
 - (iv) performing affairs which require specialized knowledge or skills among those regarding the decisions on the application under Article 45, paragraph (1) of this Act and regarding the benefits recipient approval as prescribed in Article 52, paragraph (1) of the Act on Providing Comprehensive Support for Daily Life and Life in Society of Persons with Disabilities (that approval is limited to that for a person with a mental disorder or disability);
 - (v) when a municipal government (including a government of a special ward; the same applies hereinafter, except Article 47, paragraph (3) and paragraph (4) of this Act) decides the necessity for granting benefits under Article 22, paragraph (1) or Article 51-7, paragraph (1) of the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with

Disabilities, the center is to state their opinion on that matter pursuant to Article 22, paragraph (2) or Article 51-7, paragraph (2) of that Act; or (vi) offering cooperation with the municipal governments in technical matters and other necessary assistance pursuant to Article 26, paragraph (1) or Article 51-11 of the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities.

(Subsidies by the National Government)

Article 7 When a prefectural government has established the facilities referred to in the preceding Article, the national government provides one-half the cost of the establishment of those facilities and one-third of their operational costs as subsidies pursuant to the provisions of Cabinet Order.

(Delegation to Prefectural Ordinance)

Article 8 Beyond what is provided for in this Act, the necessary particulars regarding mental health and welfare centers are prescribed by Prefectural Ordinance.

Chapter III Regional Mental Health and Welfare Councils and Psychiatric Review Boards

(Regional Mental Health and Welfare Councils)

Article 9 (1) A prefectural government may establish a council for the mental health and welfare of persons with mental disorders or disabilities or other body with a council system (hereinafter referred to as a "regional mental health and welfare council") by Prefectural Ordinance, in order to have them study and deliberate on matters regarding the mental health and the welfare of persons with mental disorders or disabilities.

(2) The regional mental health and welfare councils may respond to the consultation from the prefectural governor, and also may state their opinions in matters regarding the mental health and welfare of persons with mental disorders or disabilities.

(3) Beyond what is provided for in the preceding two items, the necessary particulars regarding the organization and operation of regional mental health and welfare councils are prescribed by Prefectural Ordinance.

Article 10 and Article 11 deleted

(Psychiatric Review Boards)

Article 12 A psychiatric review board is established in each prefectural government to perform the reviews prescribed in Article 38-3, paragraph (2)

(including as applied mutatis mutandis pursuant to paragraph (6) of the same Article) and Article 38-5, paragraph (2).

(Board Members)

Article 13 (1) A prefectural governor is to appoint members of the psychiatric review board among those who have the relevant expertise on the medical care of persons with mental disorders or disabilities (limited to designated mental health physicians as prescribed in Article 18, paragraph(1)), those who have the relevant expertise on the health and welfare of persons with mental disorders or disabilities, or those who have the relevant expertise on the law, depending on the position.

(2) The term of office of board members is two years (or a period prescribed by Prefectural Ordinance, if the prefectural government prescribes the term of office of board members as a period exceeding two years but not more than three years by that Prefectural Ordinance).

(Handling of Cases for Review)

Article 14 (1) The psychiatric review board handles cases for review at a council organization comprised of five board members that have been appointed by the board.

(2) The persons listed in the following items constitute the board members of which that council organization is comprised, and the number of members for each category is higher than that prescribed below:

(i) two persons with relevant expertise on the medical care of persons with mental disorders or disabilities;

(ii) one person with relevant expertise on the health and welfare of persons with mental disorders or disabilities; and

(iii) one person with relevant expertise on law.

(Delegation to Cabinet Order)

Article 15 Beyond what is provided for in this Act, the necessary particulars regarding the psychiatric review board are prescribed by Cabinet Order.

Article 16 and Article 17 deleted

Chapter IV Designated Mental Health Physicians, Registered Training Organizations, Psychiatric Hospitals, and Emergency Psychiatric Medical Procedures
Section 1 Designated Mental Health Physicians

(Designated Mental Health Physicians)

Article 18 (1) The Minister of Health, Labour and Welfare designates a physician falling under all of the following items and also found to have the necessary knowledge and skills to perform the duties prescribed in Article 19-4, as a designated mental health physician (hereinafter referred to as a "designated physician"), upon their application:

- (i) having five or more years of experience in diagnosis or medical treatment;
 - (ii) having three or more years of experience in the diagnosis or medical treatment of mental disorders or disabilities;
 - (iii) having experience of the degree specified by the Minister of Health, Labour and Welfare in the diagnosis or medical treatment of mental disorders or disabilities specified by the Minister of Health, Labour and Welfare; and
 - (iv) having completed the training course which the person registered by the Minister of Health, Labour and Welfare offered pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare (that training course is limited to that which was offered within one year prior to the application).
- (2) Notwithstanding the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare may choose not to give the designation of the preceding paragraph to a person, if five years have not yet passed since that person had the designation as a designated physician revoked pursuant to Article 19-2, paragraph (1) or paragraph (2); or to any other persons who are found to be extremely inappropriate to be a designated physician.
- (3) The Minister of Health, Labour and Welfare must hear the opinion of the Medical Ethics Council before specifying the mental disabilities provided for in paragraph (1), item (iii) and the degree of experience in the diagnosis or treatment of them provided for in the same item; or giving the designation as a designated physician pursuant to the provisions of that paragraph; or choosing not to give the designation as a designated physician pursuant to the provisions of the preceding paragraph.

(Training after Designation)

Article 19 (1) A designated physician must complete the training course which the person registered by the Minister of Health, Labour and Welfare offers pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, in the fiscal year (meaning a period which begins on April 1 of the relevant year and ends on March 31 of the following year; hereinafter the same applies in this Article) that the Minister of Health, Labour and Welfare prescribes as one which comes every five fiscal years.

- (2) If a person who has been given the designation prescribed in paragraph (1) of the preceding Article does not take part in the training course prescribed in the preceding paragraph, that designation loses its effect as of the last day of the fiscal year in which that person is to complete that training course; provided,

however, that this does not apply if the Minister of Health, Labour and Welfare has found that there were unavoidable grounds specified by Order of the Ministry of Health, Labour and Welfare for which that person did not take part in that training course.

(Revocation of Designation)

- Article 19-2 (1) If a designated physician has had their medical practitioner's license revoked or has been ordered to suspend their medical practice for a specified period, the Minister of Health, Labour and Welfare must revoke their designation as a designated physician.
- (2) If a designated physician has violated this Act or an order based on it, has performed an extremely inappropriate act for their duties or otherwise has been found to be extremely inappropriate as a designated physician, the Minister of Health, Labour and Welfare may revoke the designation as a designated physician or order the suspension of their duties for a specified period.
- (3) The Minister of Health, Labour and Welfare must hear the opinions of the Medical Ethics Council before taking any of the measures under the preceding paragraph.
- (4) If a prefectural governor considers that a designated physician falls under a case prescribed in paragraph (2), the prefectural governor may notify the Minister of Health, Labour and Welfare to that effect.

Article 19-3 deleted

(Duties)

- Article 19-4 (1) A designated physician performs following duties: judging whether there is a need to continue hospitalization of the relevant person pursuant to Article 21, paragraph (3) or Article 29-5; judging whether there is a need to hospitalize the relevant person pursuant to Article 33, paragraph (1) or Article 33-7, paragraph (1), and whether the relevant case falls under a situation in which that hospitalization does not constitute the hospitalization under Article 20; judging whether there is a need to impose restriction on activities of the relevant person pursuant to Article 36, paragraph (3); giving an examination of a hospitalized person regarding the items to be reported on as prescribed in Article 38-2, paragraph (1) (including as applied *mutatis mutandis* pursuant to paragraph (2) of that Article); and judging whether it is appropriate to discharge the relevant person from hospital temporarily and follow the state of that person's progress pursuant to Article 40.
- (2) In addition to duties prescribed in the preceding paragraph, the designated physician must perform the following duties as a public employee:

- (i) judging whether there is a need to hospitalize their relevant person pursuant to Article 29, paragraph (1) or Article 29-2, paragraph (1);
 - (ii) judging whether there is a need to impose restriction on activities of the relevant person pursuant to Article 29-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 34, paragraph (4));
 - (iii) judging whether there is a need to continue hospitalization of the relevant person pursuant to Article 29-4, paragraph (2);
 - (iv) judging whether there is a need to transfer a relevant person pursuant to Article 34, paragraph (1) or paragraph (3);
 - (v) giving an examination under Article 38-3, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (6) of that Article) or Article 38-5, paragraph (4);
 - (vi) making on-site inspection under Article 38-6, paragraph (1), asking questions under the same paragraph, and giving an examination under the same paragraph;
 - (vii) judging whether there is a need to continue hospitalization of the relevant person pursuant to Article 38-7, paragraph (2); or
 - (viii) giving an examination under Article 45-2, paragraph (4).
- (3) If the prefectural governor requests a designated physician to perform any of the duties listed in items of the preceding paragraphs, the designated physician must perform it, except a case in which it may hinder the operation of the medical facility at which the designated physician is employed or there are any other unavoidable grounds.

(Obligation to Keep Medical Records)

Article 19-4-2 A designated physician must record their name and the particulars specified by Order of the Ministry of Health, Labour and Welfare in the patient's medical records without delay, when the designated physician has performed the duties prescribed in paragraph (1) of the preceding Article.

(Need to Have a Designated Mental Health Physician)

Article 19-5 An administrator of a psychiatric hospital (including a non-psychiatric hospital which has a section for the care of persons with mental disorders or disabilities; the same applies hereinafter, except in Article 19-10) in which a person with a mental disorder or disability is hospitalized pursuant to Article 29, paragraph (1), Article 29-2, paragraph (1), Article 33, paragraph (1), paragraph (3) or paragraph (4) or Article 33-7, paragraph (1) or paragraph (2) must have a designated physician work on a full-time basis at the hospital, pursuant to the provisions of Order of the Minister of Health, Labour and Welfare.

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

Article 19-6 Beyond what is provided for in this Act, the necessary particulars regarding the designated physician's designation are specified by Cabinet Order, and the necessary particulars regarding the training course prescribed in Article 18, paragraph (1), item (iv) and Article 19, paragraph (1) are specified by Order of the Ministry of Health, Labour and Welfare.

Section 2 Registered Training Organizations

(Registration)

Article 19-6-2 The registration prescribed in Article 18, paragraph (1), item (iv) or Article 19, paragraph (1) (hereinafter referred to as "registration" in this Section) is performed through an application as prescribed by Order of the Ministry of Health, Labour and Welfare from a person intending to offer the training course prescribed in Article 18, paragraph (1), item (iv) or Article 19, paragraph (1) (hereinafter referred to as a "training course" in this Section).

(Disqualification)

Article 19-6-3 A person falling under any of the following items may not be granted a registration:

- (i) a person punished with a fine or more severe punishment for violation of this Act or an order based on it, or for violation of the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities or an order based on it, if two years have not yet passed since the day on which that person has finished serving the sentence or ceased to be subject to its enforcement;
- (ii) a person whose registration was revoked pursuant to Article 19-6-13, if two years have not yet passed since the day of revocation; or
- (iii) a corporation whose officers engaged in the business fall under either of the preceding two items.

(Requirements for Registration)

Article 19-6-4 (1) The Minister of Health, Labour and Welfare must grant a registration to any person who has applied for the registration pursuant to Article 19-6-2, if the applicant for registration fulfills all the requirements below:

- (i) providing the course set forth in Column 1 of the Appendix for more than the number of hours set forth in Column 3 or 4 of the Appendix; and
- (ii) the subject prescribed in the preceding item is taught by a person with relevant expertise which fulfills the condition specified by Column 2 of the

Appendix.

- (2) The registration is to be performed with the name of the person to receive it, the address of the party, the date of the registration, and the registration number written in the registry book for the registered training organizations,

(Renewal of Registration)

Article 19-6-5 (1) The registration loses its effect with the lapse of time if not renewed every five years.

- (2) The preceding three Articles apply mutatis mutandis to the renewal of a registration set forth in the preceding paragraph.

(Obligation to Offer Training Course)

Article 19-6-6 (1) A person that has been granted a registration (hereinafter referred to as a "registered training organization") must create a plan for offering the training course (hereinafter referred to as a "training plan") for every business year, and must offer the training course in accordance with the training plan, unless there are reasonable grounds for not doing so.

- (2) The registered training institution must offer the training course fairly and in accordance with Order of the Ministry of Health, Labour and Welfare as provided for in Article 18, paragraph (1), item (iv) or Article 19, paragraph (1).
- (3) The registered training organization must notify the Minister of Health, Labour and Welfare of the training plan which it has created pursuant to paragraph (1) before the start of each business year. The same applies if the registered training organization intends to change the plan.

(Notification of Changes)

Article 19-6-7 If a registered training organization intends to change its name or address, it must notify the Minister of Health, Labour and Welfare of any changes to its name or address at least two weeks prior to the date on which the change is scheduled to be made.

(Operational Rules)

Article 19-6-8 (1) A registered training organization must establish the rules for carrying out the operations of the training course (hereinafter referred to as "operational rules") and notify the Minister of Health, Labour and Welfare thereof before it begins offering the training course. The same applies if the registered training organization intends to change the operational rules.

- (2) Operational rules must set forth the training course approach, fees, and other particulars provided for in Order of the Ministry of Health, Labour and Welfare.

(Suspension or Discontinuation of Operations)

Article 19-6-9 If a registered training organization intends to suspend or discontinue the whole or any part of the operations of the training course, it must notify the Minister of Health, Labour and Welfare to that effect in advance in accordance with Order of the Ministry of Health Labour and Welfare.

(Preparation and Inspection of Financial Statements, etc.)

Article 19-6-10 (1) A registered training organization must prepare, within three months after the end of each business year, an inventory of assets; a balance sheet; a profit and loss statement or an income and expenditure statement; and a business report (these documents include electronic or magnetic records (meaning a record made in an electronic form, a magnetic form or any other form not recognizable to human perception which is used in information processing by computers; the same applies hereinafter), if the electronic or magnetic records are prepared in lieu of the preparation of the documents in question; and are referred to as "financial statements, etc." in the following paragraph and Article 57) for that business year, and must store them at its office for five years.

(2) A person intending to undertake the training course or any other interested person may make any of the following requests at any time during the operational hours of the registered training organization; provided, however, that they must pay the fee determined by the registered training organization, if they make a request prescribed in item (ii) or item (iv):

- (i) a request for an inspection or a copy of financial statements, etc., if the statements, etc. have been prepared in writing;
- (ii) a request for a transcript or extract of the written documents set forth in the preceding item;
- (iii) a request for an inspection or a copy of the items in the electronic or magnetic records after they have been displayed in the manner prescribed by Order of the Ministry of Health, Labour and Welfare, if the financial statements, etc. have been prepared as electronic or magnetic records; or
- (iv) a request for the provision of the items in the electronic or magnetic records set forth in the preceding item by an electronic or magnetic means specified by Order of the Ministry of Health, Labour and Welfare or a request for the delivery of documents containing the referenced items.

(Order for Conformity)

Article 19-6-11 If the Minister of Health, Labour and Welfare finds that a registered training organization ceases to be in compliance with any of the items of Article 19-6-4, paragraph (1), the Minister may order the organization

to take the necessary measures to comply with these provisions.

(Order for Improvement)

Article 19-6-12 If the Minister of Health, Labour and Welfare finds that a registered training organization is in violation of Article 19-6-6, paragraph (1) or paragraph (2), the Minister may order the organization to offer the training course or to take necessary measures to improve the training course approach and the manner in which other duties are being performed.

(Rescission of Revocation)

Article 19-6-13 If the Minister of Health, Labour and Welfare finds that a registered training organization falls under any of the following items, the Minister may revoke the registration of the organization or order the suspension of the whole or a part of the operations of the training course for a specified period:

- (i) if the registered training organization falls under Article 19-6-3, item (i) or item (iii);
- (ii) if the registered training organization is in violation of Article 19-6-6, paragraph (3), Article 19-6-7, Article 19-6-8, Article 19-6-9, Article 19-6-10, paragraph (1) or the following Article;
- (iii) if the registered training organization has refused a request under any of the items in Article 19-6-10, paragraph (2) without reasonable grounds;
- (iv) if the registered training organization is in violation of an order under Article 19-6-1 or the preceding Article; or
- (v) if the relevant organization has been granted its registration by wrongful means.

(Keeping of Books)

Article 19-6-14 A registered training organization must keep the books, recording the particulars regarding the training course as specified by Order of the Ministry of Health, Labour and Welfare, and preserve them, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Implementation of Operations of Training Course by the Minister of Health, Labour and Welfare)

Article 19-6-15 (1) If there are no applicants for a registration; there has been a notification of suspension or discontinuation of the whole or a part of the operations of the training course under Article 19-6-9; the Minister of Health, Labour and Welfare has revoked the registered training organization's registration or has ordered a registered training organization to suspend the whole or a part of the operations of the training course pursuant to Article 19-

6-13; it has become difficult for a registered training organization to carry out the whole or a part of the training course due to a natural disaster or other reason; or otherwise the Minister finds it necessary, the Minister may carry out the whole or a part of the operations of the training course themselves.

- (2) A person intending to undertake the training course which the Minister of Health, Labour and Welfare offers pursuant to the provisions of the preceding paragraph must pay the fee which is specified by Cabinet Order in consideration of the actual costs.
- (3) The succession of the operations of the training course and other necessary particulars in a case in which the Minister of Health, Labour and Welfare carries out the whole or a part of the operations of the training course themselves pursuant to paragraph (1) are specified by Order of the Ministry of Health, Labour and Welfare.

(Collection of Reports and On-site Inspections)

Article 19-6-16 (1) The Minister of Health, Labour and Welfare may require the registered training organization to provide a report of particulars found necessary thereto, or may have the relevant personnel enter the offices of the organization and have them inspect the circumstances of the work, or inspect books and other documents, to the extent necessary to ensure appropriate management of the operations of the training course.

- (2) The relevant personnel conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry their identification card and display the identification card if requested by the interested persons.
- (3) The authority prescribed in the provisions of paragraph (1) must not be construed as being granted for criminal investigation.

(Public Notice)

Article 19-6-17 In a case falling under any of the following, the Minister of Health, Labour and Welfare must provide public notice to that effect:

- (i) if the Minister has made the registration;
- (ii) if a notification under Article 19-6-7 has been received;
- (iii) if a notification under Article 19-6-9 has been received;
- (iv) if the Minister has revoked the relevant organization's registration pursuant to Article 19-6-13 or has ordered suspension of the operations of the training course; or
- (v) if the Minister of Health, Labour and Welfare carries out the whole or a part of the operations of the training course themselves pursuant to Article 19-6-15 or ceases to carry out the whole or a part of the operations of the training course that the Minister has offered.

Section 3 Psychiatric Hospitals

(Prefectural Psychiatric Hospitals)

- Article 19-7 (1) A prefectural government must establish a psychiatric hospital; provided, however, that, if a designated hospital under the following Article already exists, the establishment of the psychiatric hospital may be postponed.
- (2) If a local incorporated administrative agency (meaning a local incorporated administrative agency prescribed in Article 2, paragraph (1) of the Act for Local Incorporated Administrative Agency (Act No.118 of 2003); the same applies to the following Article) founded either by a prefectural government or by a prefectural government and a non- prefectural local government has established a psychiatric hospital, the provisions of the preceding paragraph do not apply to the prefectural government.

(Designated Hospital)

- Article 19-8 A prefectural governor may designate the whole or a part of a psychiatric hospital which is established by a person other than the national government, a prefectural government, or a local incorporated administrative agency founded either by a prefectural government or by a prefectural government and a non-prefectural local government (the national government, a prefectural government, or a local incorporated administrative agency is hereinafter collectively referred to as "the national government, etc.") and fulfills the requirements specified by the Minister of Health, Labour and Welfare, as a substitute for a psychiatric hospital which the prefectural governor was expected to establish (hereinafter referred to as a "designated hospital"), with the consent of the founder of that hospital.

(Revocation of Designation)

- Article 19-9 (1) A prefectural governor may revoke a designated hospital's designation, if that hospital ceases to fulfill the requirements set forth in the preceding Article or its management is found to be inappropriate to fulfill its duties.
- (2) When the prefectural governor is considering to revoke the designation pursuant to the provisions of the preceding paragraph, the governor must hear the opinions of the regional mental health and welfare council (or of a prefectural council on medical service facilities prescribed in Article 71-2, paragraph (1) of the Medical Care Act (Act No. 205 of 1948), if a regional mental health and welfare council is not established in that prefecture) in advance.
- (3) With regard to the matter under the prefectural governor's authority as prescribed in paragraph (1), if the Minister of Health, Labour and Welfare has

found that there is an urgent necessity to ensure that a person hospitalized in a designated hospital is treated respectfully, the Minister may instruct the governor to perform that matter.

(Subsidies the National Government)

Article 19-10 (1) The national government provides, as subsidies, pursuant to the provisions of Cabinet Order, one-half of the cost required for the establishment and management of a psychiatric hospital which a prefectural government has established, and for the establishment and management of rooms for the care of persons with mental disorders or disabilities set up in a non-psychiatric hospital which a prefectural government has established (that cost excludes the cost borne by the prefectural government pursuant to Article 30, paragraph (1); the same applies in the following paragraph).

(2) The national government may provide, as subsidies, pursuant to the provisions of Cabinet Order, the amount of not more than one-half the cost required for the establishment and management of a psychiatric hospital which a non-profit corporation has established, and for the establishment and management of rooms for the care of persons with mental disorders or disabilities set up in a non-psychiatric hospital which a non-profit corporation has established.

Section 4 Ensuring Emergency Psychiatric Care

Article 19-11 (1) In order to ensure that emergency medical care for a person with a mental disorder or disability is provided appropriately and effectively, a prefectural government is to endeavor to develop a procedure based on the actual situation of its region, such as responding to requests during nighttime hours or on holidays from a person with a mental disorder or disability who comes to need medical care for their mental disorder or disability, from their family member or others prescribed in Article 33, paragraph (2) or from other relevant persons; and ensuring that medical facilities providing emergency medical care for mental disorders or disabilities cooperate with each other.

(2) When establishing the procedure set forth in the preceding paragraph, the prefectural governor may request necessary assistance from the administrator of a psychiatric hospital or a facility providing medical care for mental disorders or disabilities, from a designated physician at the facility or from other relevant persons.

Chapter V Medical Care and Protection

Section 1 Voluntary Hospitalization

Article 20 If an administrator of a psychiatric hospital admits a person with a mental disorder or disability, the administrator must endeavor to ensure that the hospitalization is performed based on the consent of that person.

Article 21 (1) If a person with a mental disorder or disability is hospitalized voluntarily, an administrator of a psychiatric hospital must inform the person of the particulars regarding requests for discharge or other measures as prescribed in Article 38-4 and other particulars specified by Order of the Ministry of Health, Labour and Welfare in writing, and must receive a document from the person stating to the effect that the person will be hospitalized voluntarily, at the time of the person's hospitalization.

(2) If a person with a mental disorder or disability who has been hospitalized voluntarily (hereinafter "voluntary inpatient") requests to be discharged from the psychiatric hospital, its administrator must discharge that person.

(3) In the case prescribed in the preceding paragraph, if the administrator of the psychiatric hospital finds it necessary to keep the voluntary inpatient hospitalized for that inpatient's medical care and protection, as a result of an examination by a designated physician, the administrator may keep that inpatient from being discharged for up to 72 hours, notwithstanding the provisions of the preceding paragraph.

(4) In the case prescribed in the preceding paragraph, in the event of an emergency or unavoidable circumstances, the administrator of the psychiatric hospital (limited to a psychiatric hospital that a prefectural governor has found to fulfill the requirements specified by Order of the Ministry of Health, Labour and Welfare) may have a physician other than a designated physician (that physician is limited to a person who has received a registration under Article 16-4, paragraph (1) of the Medical Practitioners' Act (Act No. 201 of 1948), and satisfies the requirements specified by Order of the Ministry of Health, Labour and Welfare; and is also hereinafter referred to as a "specified physician") examine the voluntary inpatient, in lieu of having the designated physician do so. In this case, if that administrator finds it necessary to keep the voluntary inpatient hospitalized for that inpatient's medical care and protection as a result of that examination, the administrator may keep that inpatient from being discharged for up to 12 hours, notwithstanding the provisions of the preceding two paragraphs.

(5) The provisions set forth in Article 19-4-2 apply mutatis mutandis to cases in which an examination has been performed pursuant to the provisions of the preceding paragraph. In such a case, the term "the designated physician" is deemed to be replaced with "A specified physician prescribed in Article 21, paragraph (4)" and the phrase "when the designated physician has performed the duties prescribed in paragraph (1) of the preceding Article" is deemed to be

replaced with "when the specified physician has performed the duties prescribed in the same paragraph".

- (6) If the administrator of the psychiatric hospital has taken the measures under the second sentence of paragraph (4), the administrator must prepare a record of those measures without delay and preserve it, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (7) If the administrator of the psychiatric hospital has taken the measures under paragraph (3) or under the second sentence of paragraph (4), the administrator must inform the voluntary inpatient of the intent to take those measures, give the inpatient the information about the request for discharge or other measures as prescribed in Article 38-4, and inform the inpatient of other particulars specified by Order of the Ministry of Health, Labour and Welfare, in writing.

Section 2 Examination by the Designated Mental Health Physician and Involuntary Hospitalization for Persons with Threat of Bodily Harm to Themselves or Others

(Application for Examination and Protection)

- Article 22 (1) Any individual who has become aware of a person with a mental disorder or disability, or any individual who has become aware of a person who seems to have a mental disorder or disability may apply to a prefectural governor for the person in question to be examined by a designated physician and the necessary protection of the person in question.
- (2) To make an application under the preceding paragraph, the relevant individual must submit a written application containing the following particulars to the prefectural governor through the chief of the nearest health center:
- (i) address, name, and date of birth of the applicant;
 - (ii) current location, place of residence, name, sex, and date of birth of the person in question;
 - (iii) a description of the symptoms of the person in question; or
 - (iv) address and name of persons who is currently in charge of the protection of the person in question, if there is any such person.

(Report by a Police Officer)

- Article 23 If a police officer has come upon, in the course of their duties, a person who is found to be at risk of harming themselves or others due to that person's mental disorder or disability, judging from that person's unusual behavior or other surrounding circumstances, that police officer must report immediately to a prefectural governor to that effect through the chief of the

nearest health center.

(Report by a Public Prosecutor)

Article 24 (1) If a public prosecutor has decided not to prosecute a person with a mental disorder or disability or a suspect who seems to have a mental disorder or disability, or if a judicial decision (excluding a judicial decision in which the sentence of imprisonment with work or imprisonment without work has been passed without a suspension of the entire sentence, and also excluding a judicial decision ordering penal detention) involving a person with a mental disorder or disability or involving a defendant who seems to have a mental disorder or disability has become final and binding, the public prosecutor must report promptly to the prefectural governor to that effect; provided, however, that this does not apply to a case in which the public prosecutor has made a request under Article 33, paragraph (1) of the Act on Medical Care and Probation for Persons Who Have Caused Serious Harm to Others Under the Condition of Insanity (Act No.110 of 2017) regarding the relevant person who has become subject to the decision not to be prosecuted or has become subject to the judicial decision.

(2) In addition to the case prescribed in the main clause of the preceding paragraph, if the public prosecutor finds it especially necessary, the public prosecutor must report promptly to the prefectural governor on a person with a mental disorder or disability, on a suspect or defendant who seems to have a mental disorder or disability, or on an eligible person referred to in the Act on Medical Care and Probation for Persons Who Have Caused Serious Harm to Others Under the Condition of Insanity (meaning an eligible person prescribed in Article 2, paragraph (2) of that Act; the same applies in Article 26-3 and Article 44, paragraph (1) of this Act).

(Report by the Chief of a Probation Office)

Article 25 If the chief of a probation office has become aware that a person under probation has a mental disorder or disability, or seems to have a mental disorder or disability, the chief of a probation office must report promptly to a prefectural governor to that effect.

(Report by the Head of a Correctional Institution)

Article 26 If the head of a correctional institution (meaning a detention house, prison, juvenile prison, juvenile training school, juvenile assessment center, and women's guidance home; the same applies hereinafter) is to release a person with a mental disorder or disability, or an inmate or resident who seems to have a mental disorder or disability, the head must report to a prefectural governor of the place in which the person in question will reside

after their release (or of the place in which the correctional institution is located, if the person has no place to reside after their release) of the following items in advance:

- (i) a place in which the person in question will reside after their release, their name, sex, and the date of birth;
- (ii) a description of their symptoms;
- (iii) the date of their release; or
- (iv) the address and name of a person taking in the person in question.

(Notification by an Administrator of a Psychiatric Hospital)

Article 26-2 If a person with a mental disorder or disability hospitalized in a psychiatric hospital who is found to fall under the case specified in Article 29, paragraph (1) has requested to be discharged from the psychiatric hospital, its administrator must notify a prefectural governor to that effect through the chief of the nearest health center immediately.

(Report of Persons Who Have Caused Serious Harm to Others Under the Condition of Insanity)

Article 26-3 If an administrator of a designated medical institution for outpatients as prescribed in Article 2, paragraph (5) of the Act on Medical Care and Probation for Persons Who Have Caused Serious Harm to Others Under the Condition of Insanity or the chief of a probation office has become aware that an eligible person under that Act who is not hospitalized in a designated medical institution for inpatients prescribed in Article 2, paragraph (4) of that Act is at risk of harming themselves or others due to their mental disorder or disability, that administrator or chief must report immediately to a prefectural governor to that effect through the chief of the nearest health center.

(Examinations Performed by a Designated Physician Based on an Application, Report or Notification)

Article 27 (1) If a prefectural governor finds it necessary upon an investigation on a person on whom an application, report or notification under Article 22 through the preceding Article has been made, the prefectural governor must have a designated physician chosen by the governor examine the person in question.

(2) The prefectural governor may have a designated physician chosen by the governor examine a person who has a high risk of harming themselves or others due to their mental disorder or disability, even if the prefectural governor has not received an application, report or notification under Article 22 through the preceding Article.

(3) If the prefectural governor has a designated physician examine the person in

question pursuant to the preceding two paragraphs, the prefectural governor must have their personnel attend and supervise that examination.

- (4) The designated physician and the personnel referred to in the previous paragraph may enter the residence of the person in question to the extent necessary to perform the duties set forth in the preceding three paragraphs.
- (5) The provisions of Article 19-6-16, paragraph (2) and paragraph (3) apply mutatis mutandis to a case of the entry prescribed in the preceding paragraph. In such a case, in paragraph (2) of that Article, the phrase "the preceding paragraph" is deemed to be replaced with "Article 27, paragraph (4)" and also the phrase "relevant personnel" is deemed to be replaced with "The designated physician and the relevant personnel"; and the phrase "paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "Article 27, paragraph (4)."

(Notification of Examination)

- Article 28 (1) If a prefectural governor is to have a designated physician examine the relevant person pursuant to paragraph (1) of the preceding Article, and there is a person currently in charge of the protection of the relevant person, the prefectural governor must notify that person in charge of the protection of the date and place of the examination in advance.
- (2) The guardian, curator, person exercising parental authority, spouse or any other person currently in charge of the protection of the relevant person may attend and supervise the examination set forth in paragraph (1) of the preceding Article.

(Requirements for Judgment)

Article 28-2 A designated physician who has examined the relevant person pursuant to Article 27, paragraph (1) or paragraph (2) must judge, in accordance with the requirements prescribed in the Minister of Health, Labour and Welfare, whether the relevant person whom the designated physician has examined has a mental disorder or disability, and is at risk of harming themselves or others due to their mental disorder or disability unless the relevant person is hospitalized for medical care and protection.

(Involuntary Hospitalization by a Prefectural Governor)

Article 29 (1) If a prefectural governor finds, as a result of the examination under Article 27, that a person who has been given that examination has a mental disorder or disability, and is at risk of harming themselves or others due to their mental disorder or disability unless that person is hospitalized for medical care and protection, the prefectural governor may hospitalize that person in a psychiatric hospital which the national government, etc. has

established, or in a designated hospital.

- (2) In a case set forth in the preceding paragraph, for the prefectural governor to hospitalize the relevant person, it must be the case that at least two designated physicians chosen by the prefectural governor have examined that person, and as a result of their examination they has come to the unanimous conclusion that the person in question has a mental disorder or disability, and is at risk of harming themselves or others due to their mental disorder or disability unless that person is hospitalized for medical care and protection.
- (3) If the prefectural governor takes the measures under paragraph (1), the prefectural governor must inform the relevant person with a mental disorder or disability of the intention to take the measures for the hospitalization, give that person the information about the request for discharge or other measures as prescribed in Article 38-4, and inform that person of other particulars specified by Order of the Ministry of Health, Labour and Welfare, in writing.
- (4) An administrator of a psychiatric hospital established by the national government, etc. or of a designated hospital must admit the person with a mental disorder or disability referred to in paragraph (1), except a case in which its hospital beds (or, in a case of a designated hospital for which a part has been granted the designation under Article 19-8, its hospital beds regarding its designation) are unavailable because they are already occupied by persons who have been hospitalized pursuant to paragraph (1) of this Article or paragraph (1) of the following Article.

Article 29-2 (1) A prefectural governor may hospitalize a person with a mental disorder or disability who is found to fulfill the requirements set forth in paragraph (1) of the preceding Article, or a person who seems to have a mental disorder or disability and seems to fulfill those requirements, if, because of an emergency, the prefectural governor is not able to take the measures under Article 27, Article 28 or the preceding Article, regarding the person in question; and if the prefectural governor finds, as a result of the examination by a designated physician chosen by the prefectural governor, that the relevant person has a mental disorder or disability, and is at risk of harming themselves or others due to their mental disorder or disability unless that person is hospitalized immediately.

- (2) If the prefectural governor has taken the measures referred to in the preceding paragraph for the relevant person, the prefectural governor must determine smoothly whether or not to take the measures for the hospitalization under paragraph (1) of the preceding Article with regard to that person.
- (3) The period of hospitalization under paragraph (1) may not exceed 72 hours.
- (4) The provisions of Article 27, paragraph (4) and paragraph (5), and the provisions of Article 28-2 apply mutatis mutandis to the examination under

paragraph (1); the provisions of paragraph (3) of the preceding Article apply mutatis mutandis to a case in which the measures under paragraph (1) are taken; and the provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the admission of a person whom the prefectural governor is to hospitalize pursuant to paragraph (1).

Article 29-2-2 (1) A prefectural governor must transfer a person with a mental disorder or disability for whom the governor intends to take the measures for hospitalization under Article 29, paragraph (1) or under paragraph (1) of the preceding Article, to a hospital provided for the implementation of those measures.

(2) If the prefectural governor is to perform the transfer pursuant to the provision of the preceding paragraph, the prefectural governor must inform the person with a mental disorder or disability of the intention to perform the transfer and other particulars specified by Order of the Ministry of Health, Labour and Welfare, in writing.

(3) If the prefectural governor is to perform the transfer under paragraph (1), and the designated physician who has examined the person with a mental disorder or disability finds it necessary, the prefectural governor may impose the restriction of the activities which the Minister of Health, Labour and Welfare has specified after hearing the opinions of the Social Security Council in advance, to the extent essential to the medical care and protection of the person in question.

Article 29-3 If an administrator of a psychiatric hospital or a designated hospital prescribed in Article 29, paragraph (1) has received a notice from a prefectural governor not to take measures for hospitalization under Article 29, paragraph (1) with regard to a person hospitalized pursuant to Article 29-2, paragraph (1); or there has not been any notice to take measures for hospitalization under Article 29, paragraph (1) with regard to the person in question within the period prescribed in Article 29-2, paragraph (3), its administrator must discharge the person in question immediately.

(Cessation of the Measures for Hospitalization)

Article 29-4 (1) A prefectural governor must discharge a person hospitalized pursuant to Article 29, paragraph (1) (hereinafter referred to as an "involuntary inpatient at risk of harming themselves or others"), if the inpatient has come to be found not to be at risk of harming themselves or others due to their mental disorder or disability even if the inpatient is not kept hospitalized. In such a case, the prefectural governor is to hear the opinions of the administrator of the psychiatric hospital or designated hospital

that has admitted the person, in advance.

- (2) In the case prescribed in the preceding paragraph, for the prefectural governor to discharge the person in question, it must be the case that, as a result of the examination by a designated physician chosen by the prefectural governor or of the examination under the following Article, the person in question is found not to be at risk of harming themselves or others due to their mental disorder or disability even if that person is not kept hospitalized.

Article 29-5 If, as a result of the examination by a designated physician, an involuntary inpatient at risk of harming themselves or others has come to be found not to be at risk of harming themselves or others due to their mental disorder or disability even if the inpatient is not kept hospitalized, the administrator of the psychiatric hospital or the designated hospital that has admitted the inpatient must immediately notify the prefectural governor to that effect, of the symptoms of the relevant person, and of the particulars specified by Order of the Ministry of Health, Labour and Welfare, through the chief of the nearest health center.

(Medical Care Policy and Expenses that Medical Care Requires in Cases of Involuntary Hospitalization)

Article 29-6 (1) The medical care policy and method for the calculation of expenses for the medical care provided by a psychiatric hospital established by the national government, etc. or provided by a designated hospital to a person who is to be hospitalized pursuant to Article 29, paragraph (1) or Article 29-2, paragraph (1) are to follow what is prescribed in the medical care policies and method for the calculation of expenses covered by the national health insurance.

- (2) If it is impossible or inappropriate to follow what is prescribed in the policy and method referred to in the preceding paragraph, the medical care policy and method for the calculation of expenses are to follow what is prescribed by the Minister of Health, Labour and Welfare.

(Entrustment Administrative Affairs to the Health Insurance Claims Review and Reimbursement Services)

Article 29-7 A prefectural government may entrust the Health Insurance Claims Review and Reimbursement Services with the administrative affairs regarding: a review of whether the medical care that a person hospitalized pursuant to Article 29, paragraph (1) or Article 29-2, paragraph (1) has received in a psychiatric hospital established by the national government, etc. or in a designated hospital has been provided in accordance with the medical care policy prescribed in the preceding Article; the calculation of the expenses for

that medical care; and the payment of the fees related to the national health insurance to the national government, etc. or to the founder of the designated hospital.

(Burden of Costs)

Article 30 (1) A prefectural government bears the expenses necessary for the hospitalization regarding a person with a mental disorder or disability whom the prefectural governor has hospitalized pursuant to Article 29, paragraph (1) or Article 29-2, paragraph (1).

(2) When the prefectural government has paid the expenses born pursuant to the provisions of the preceding paragraph, the national government bears three-fourths of those expenses in accordance with Cabinet Order.

(Adjustments with Medical Care Benefits Provided by Other Acts)

Article 30-2 If a person with a mental disorder or disability who has the prefectural governor bear the relevant expenses pursuant to paragraph (1) of the preceding Article is eligible to receive medical care pursuant to the provisions of the Health Insurance Act (Act No. 70 of 1922); the National Health Insurance Act (Act No. 192 of 1958); the Mariners Insurance Act (Act No. 73 of 1939); the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947); the National Public Officers Mutual Aid Association Act (Act No. 128 of 1958; including a case in which the National Public Officers Mutual Aid Association Act apply mutatis mutandis to other laws or governs other laws); the Local Public Officers, etc., Mutual Aid Association Act (Act No. 152 of 1962); the Act on the Assurance of Medical Care for Elderly People (Act No. 80 of 1982); or the Long-Term Care Insurance Act (Act No. 123 of 1997), the prefectural governor is not required to bear the expenses prescribed in the paragraph (1) of the preceding Article to the extent covered by these Acts.

(Collection of Expenses)

Article 31 (1) If a prefectural governor has found that either a person with a mental disorder or disability whom the prefectural governor has hospitalized pursuant to Article 29, paragraph (1) or Article 29-2, paragraph (1) or any other person who has the duty to support that person with a mental disorder or disability is able to bear the expenses needed for the hospitalization, the prefectural governor may collect all or a part of those expenses.

(2) If the prefectural governor finds it necessary to collect the expenses pursuant to the provisions of the preceding paragraph, the prefectural governor may request the persons with a mental disorder or disability to report on their income or on that of any other person having the duty to support them, or request that other person to report on that matter; or the prefectural governor

may request the relevant public agency to allow the necessary documents to be viewed or to submit the relevant material.

Article 32 deleted

Section 3 Involuntary Hospitalization for Medical Care and Protection

(Involuntary Hospitalization for Medical Care and Protection)

Article 33 (1) An administrator of a psychiatric hospital may admit the following persons without their consent, if a family member, guardian or curator consents thereto:

(i) a person who, as a result of the examination by a designated physician, is found to have a mental disorder or disability; to require hospitalization for medical care and protection; and to be in a condition in which hospitalization in accordance with Article 20 is not possible due to their mental disorder or disability; or

(ii) a person who has been transferred pursuant to Article 34, paragraph (1).

(2) The "family member, guardian or curator" in the preceding paragraph means the spouse of the person with a mental disorder or disability; a person exercising parental authority over the person in question; a person who has the duty to support the person in question; and a guardian or curator of the person in question; provided, however, that this excludes any person who falls under any of the following items:

(i) a person whose whereabouts are unknown;

(ii) a person who is or was in litigation with the person with a mental disorder or disability, or the spouse or lineal relative of that person in litigation with the person with a mental disorder or disability;

(iii) a person who was removed by the family court as a statutory agent, curator or assistant;

(iv) an adult ward or person under curatorship; or

(v) a minor.

(3) If the person set forth in paragraph (1), item (i) does not have a family member, guardian or curator (meaning the "family member, guardian or curator" set forth in the preceding paragraph; the same applies hereinafter), or all of them are unable to state their intentions; and if the mayor of the municipality where the person in question has their residence (or the mayor of the current location of the person in question, if the person in question has no residence or their residence is unknown; the same applies hereinafter except Article 45, paragraph (1)) consents to it, the administrator of the psychiatric hospital may admit the person in question without their consent. The same applies to a case of a person who has been transferred pursuant to Article 34,

paragraph (2) if the mayor of the municipality where the person has their residence gives consent to the admission of that person.

- (4) In the case prescribed in paragraph (1) or the preceding paragraph, in the event of an emergency or unavoidable circumstances, the administrator of the psychiatric hospital (limited to a psychiatric hospital that a prefectural governor has found the requirements specified by Order of the Ministry of Health, Labour and Welfare) may have a specified physician perform the examination of the relevant person in lieu of having a designated physician do so. In this case, if, as a result of that examination, the relevant person is found to have a mental disorder or disability; to require hospitalization for medical care and protection; and to be in a condition in which hospitalization in accordance with Article 20 is not possible due to their mental disorder or disability, the administrator of the psychiatric hospital may have the person admitted for up to 12 hours without their consent, notwithstanding the provisions of paragraph (1) or the preceding paragraph.
- (5) The provisions of Article 19-4-2 must apply mutatis mutandis to a case in which an examination has been performed pursuant to the provisions of the preceding paragraph. In such a case, in that Article, the phrase "when the designated physician has performed the duties prescribed in paragraph (1) of the preceding Article" is deemed to be replaced with "when the specified physician has performed the duties prescribed in Article 33, paragraph (4)"; and the phrase "A designated physician" is deemed to be replaced with "A specified physician prescribed in Article 21, paragraph (4)."
- (6) If the administrator of the psychiatric hospital has taken the measures under the second sentence of paragraph (4), the administrator of the psychiatric hospital must prepare the record related to those measures without delay, and preserve it, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (7) If the administrator of the psychiatric hospital has taken the measures under paragraph (1), paragraph (3) or the second sentence of paragraph (4), the administrator must file a notification on the relevant person's symptoms and on the particulars specified by Order of the Ministry of Health, Labour and Welfare, together with a consent form signed by the relevant person related to the hospitalization to the prefectural governor through the chief of the nearest health center within ten days.

Article 33-2 If an administrator of a psychiatric hospital has discharged a person who has been hospitalized pursuant to paragraph (1) or paragraph (3) of the preceding Article (hereinafter referred to as an "involuntary inpatient under medical care and protection"), the administrator must notify the prefectural governor to that effect and of the particulars specified by Order of the Ministry

of Health, Labour and Welfare through the chief of the nearest health center, within 10 days.

Article 33-3 (1) If an administrator of a psychiatric hospital has taken the measures under Article 33, paragraph (1), paragraph (3) or the second sentence of paragraph (4), the administrator must inform in writing a person with a mental disorder or disability of the intention to take the measures for the hospitalization, give that person the information about a request for discharge or other measures as prescribed in Article 38-4, and inform that person of the particulars specified by Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply within the four weeks after the day on which the prefectural governor takes the measures if it leads to any difficulty for the medical care and protection of the person in question in light of their symptoms.

(2) If, in accordance with the proviso of the preceding paragraph, the administrator of the psychiatric hospital has not informed the relevant person of the particulars prescribed in the main clause of that paragraph in writing, the administrator must record the particulars specified by Order of the Ministry of Health, Labour and Welfare in a medical record, in accordance with Order of the Ministry of Health Labour and Welfare.

(Measures Facilitating the Transition of Involuntary Inpatients under Medical Care and Protection to Life in the Local Community Following Discharge)

Article 33-4 An administrator of a psychiatric hospital which has admitted an involuntary inpatient under medical care and protection consent must appoint a post-discharge life counselor among psychiatric social workers or persons with the qualifications specified by Order of the Ministry of Health Labour and Welfare, in accordance with Order of the Ministry of Health Labour and Welfare; and have the post-discharge life counselor provide counselling and guidance to the involuntary inpatient under medical care and protection or their family member, guardian or curator, regarding the inpatient's living environment after their discharge.

Article 33-5 If an administrator of a psychiatric hospital which has admitted an involunantury inpatient under medical care and protection has received a request from that inpatient or their family member, guardian or curator; or if the administrator finds it necessary in order to facilitate the transition of that inpatient to life in the local community after their discharge, the administrator must endeavor to refer them to a person specified by Order of the Ministry of Health, Labour and Welfare as found to be capable of offering services related to counselling to a person with a mental disorder or disability or their family

member, guardian or curator, giving the necessary information, advice and other forms of assistance about various issues related to the health and welfare of the person with a mental disorder or disability (that person is referred to as a "local support service" in the following Article), such as: a person engaged in the general consultation support business; a person engaged in specified consultation support business as prescribed in Article 5, paragraph (18) of the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities (referred to as the "specified consultation support businesses" in Article 49, paragraph (1)); or a person that conducts in-home long-term care support business as prescribed in Article 8, paragraph (24) of the Nursing Care Insurance Act, in accordance with Order of the Ministry of Health, Labour and Welfare.

Article 33-6 In addition to the measures prescribed in the preceding two paragraphs, an administrator of a psychiatric hospital must cooperate with local support services as needed, develop the necessary procedure for the transition of an involuntary inpatient under medical care and protection to life in the local community following their discharge, and implement other measures necessary for this purpose, in accordance with Order of the Ministry of Health, Labour and Welfare.

(Emergency Hospitalization)

Article 33-7 (1) An administrator of a psychiatric hospital designated by a prefectural governor as fulfilling the requirements specified by the Minister of Health, Labour and Welfare may admit a person for whom a request for medical care and protection has been made, for up to 72 hours without their consent, if the administrator is not able to obtain the consent from their family member, guardian or curator because of an emergency; and if the relevant person falls under any of the following:

(i) a person who, as a result of the examination by a designated physician, is found to have a mental disorder or disability; to have their medical care and protection seriously jeopardized unless they are hospitalized immediately; and to be in a condition in which hospitalization in accordance with Article 20 is not possible due to their mental disorder or disability; or

(ii) a person who has been transferred pursuant to Article 34, paragraph (3).

(2) In the case prescribed in the preceding paragraph, in the event of an emergency or other unavoidable circumstances, the administrator of the psychiatric hospital prescribed in that paragraph may have a specified physician perform the examination of a person for whom a request for medical care and protection prescribed in that paragraph has been made, in lieu of having a designated physician do so. In this case, if, as a result of that

examination, the relevant person is found to have a mental disorder or disability; and to have their medical care and protection seriously jeopardized unless they are hospitalized immediately; and to be in a condition in which hospitalization in accordance with Article 20 is not possible due to their mental disorder or disability, the administrator may admit the person in question for up to 12 hours without their consent, notwithstanding the provisions of the preceding paragraph.

- (3) The provisions of Article 19-4-2 apply mutatis mutandis to a case in which an examination has been performed pursuant to the provisions of the preceding paragraph. In such a case, in that Article, the phrase "A designated physician" is deemed to be replaced with "A specified physician prescribed in Article 21, paragraph (4)"; and the phrase "when the designated physician has performed the duties prescribed in paragraph (1) of the preceding Article" is deemed to be replaced with "when the specified physician has performed the duties prescribed in Article 33-7, paragraph (2)."
- (4) If the administrator of the psychiatric hospital prescribed in paragraph (1) has taken the measures under the second sentence of paragraph (2), the administrator must prepare the record related to those measures without delay, and preserve it, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (5) If the administrator of the psychiatric hospital prescribed in paragraph (1) has taken the measures under that paragraph or the second sentence of paragraph (2), the administrator must immediately file a notification on the reasons for taking the measures and on the particulars specified by Order of the Ministry of Health, Labour and Welfare, to the prefectural governor through the chief of the nearest health center.
- (6) If the prefectural governor finds that the psychiatric hospital which has been granted the designation under paragraph (1) ceased to fulfill the requirements set forth in that paragraph, the prefectural governor may revoke that designation.
- (7) With regard to the matter under the governor's authority as prescribed in the preceding paragraph, if the Minister of Health, Labour and Welfare finds that there is an urgent necessity to ensure that a person hospitalized in a psychiatric hospital which has been granted the designation under the paragraph (1) is treated respectfully, the Minister may instruct the prefectural governor to perform that matter.

Article 33-8 The provisions of Article 19-9, paragraph (2) apply mutatis mutandis to cases in which an administrative action under paragraph (6) of the preceding Article is taken; and the provisions of Article 29, paragraph (3) apply mutatis mutandis to cases in which the administrator takes the measures

under paragraph (1) or under the second sentence of paragraph (2) of the preceding Article.

(Transfer for the Involuntary Hospitalization for Medical Care and Protection)

Article 34 (1) If, as a result of an examination by a designated physician chosen by a prefectural governor, a person is found to have a mental disorder or disability; to have their medical care and protection seriously jeopardized unless they are hospitalized immediately; and to be in a condition in which hospitalization in accordance with Article 20 is not possible due to the mental disorder or disability; and if their family member, guardian or curator consents to it, the prefectural governor may transfer the person in question to a psychiatric hospital prescribed in Article 33-7, paragraph (1) without their consent, in order to have that person admitted in accordance with Article 33, paragraph (1).

(2) If the person with a mental disorder or disability as prescribed in the preceding paragraph does not have a family member, guardian or curator, or all of them are unable to state their intentions; and if the mayor of the municipality where the person in question has their residence consents to it, the prefectural governor may transfer that person to a psychiatric hospital prescribed in Article 33-7, paragraph (1) with their consent, in order to have that person admitted in accordance with Article 33, paragraph (3).

(3) If the prefectural governor is not able to obtain consent from the relevant person's family member, guardian or curator because of an emergency; and if, as a result of the examination by a designated physician chosen by the prefectural governor, the person in question has been found to have a mental disorder or disability; to have their medical care and protection seriously jeopardized unless they are hospitalized immediately; and to be in a condition in which hospitalization in accordance with Article 20 is not possible due to their mental disorder or disability, the prefectural governor may transfer that person to a psychiatric hospital prescribed in that Article, in order to have that person admitted in accordance with Article 33-7, paragraph (1).

(4) The provisions of Article 19-2-2, paragraph (2) and paragraph (3) apply mutatis mutandis to cases of transfer under any of the preceding three paragraphs.

Article 35 deleted

Section 4 Respectful Treatment in a Psychiatric Hospital

(Respectful Treatment)

Article 36 (1) An administrator of a psychiatric hospital may restrict the

activities of a hospitalized person to the extent essential for the medical care and protection of that person.

- (2) Notwithstanding the provisions of the preceding paragraph, the administrator of the psychiatric hospital may not impose a restriction on sending or receiving of correspondence, visits from personnel of the prefectural government or other administrative organs or other activities specified by the Minister of Health, Labour and Welfare after hearing the opinions of the Social Security Council in advance.
- (3) Among the activity restrictions prescribed in paragraph (1), isolation of a patient or other restrictions specified by the Minister of Health, Labour and Welfare after hearing the opinions of the Social Security Council may not be imposed unless a designated physician finds it necessary.

Article 37 (1) Beyond what is prescribed in the preceding Article, the Minister of Health, Labour and Welfare may establish the criteria necessary for respectful treatment of a person hospitalized in a psychiatric hospital.

- (2) When the criteria set forth in the preceding paragraph have been established, an administrator of a psychiatric hospital must comply with that criteria.
- (3) When the Minister of Health, Labour and Welfare intends to establish the criteria provided for in paragraph (1), the Minister must hear the opinions of the Social Security Council in advance.

(Report by the Designated Physician to the Administrator of a Psychiatric Hospital)

Article 37-2 If a designated physician considers that a person hospitalized in a psychiatric hospital where they are employed was not given respectful treatment, which violates Article 36; or finds that the person in question was not given respectful treatment, which does not comply with the criteria set forth in paragraph (1) of the preceding Article; or otherwise the designated physician finds that the person hospitalized in the psychiatric hospital was given extremely disrespectful treatment, the designated physician must endeavor, through a report or other means, to have the administrator of the psychiatric hospital take the measures necessary to ensure that the person hospitalized in the psychiatric hospital receives better treatment.

(Counselling or Support)

Article 38 In order to facilitate the social reintegration of a person with a mental disorder or disability who is receiving medical care in a psychiatric hospital or in any other facility providing medical care for mental disorders or disability, its administrator must endeavor, while fostering organic collaboration between physicians, nursing staff and other medical personnel at that hospital or

facility, to conduct the following: to provide counselling to the person with a mental disorder or disability; to provide the necessary support to that person through cooperating with a person engaged in the general consultation support business as needed; and to make contact and adjustments on the relevant matter with their family member, guardian, curator, or other relevant person.

(Periodic Reports)

Article 38-2 (1) An administrator of a psychiatric hospital or designated hospital which has admitted an involuntary inpatient at risk of harming themselves or others must periodically report on the symptoms of that inpatient and other particulars specified by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "report items") to a prefectural governor through the chief of the nearest health center, in accordance with Order of the Ministry of Health, Labour and Welfare. In such a case, among those report items, those designated by that Order must be based on a result of an examination by a designated physician.

(2) The provisions of the preceding paragraph apply mutatis mutandis to cases of an administrator of a psychiatric hospital which has admitted an involuntary inpatient under medical care and protection. In such a case, the phrase "an involuntary inpatient at risk of harming themselves or others" is deemed to be replaced with "an involuntary inpatient under medical care and protection."

(3) In accordance with the Prefectural Ordinance, the prefectural governor may request a report from an administrator of an psychiatric hospital (limited to either a person that has received an order under Article 38-7, paragraph (1), paragraph (2) or paragraph (4), if, from the day of that order, the period specified by Order of the Ministry of Health, Labour and Welfare has not elapsed; or any other person specified by Order of the Ministry of Health, Labour and Welfare as being equivalent thereto) on the symptoms of a voluntary patient (limited to a person fulfilling the requirements specified by Order of the Ministry of Health, Labour and Welfare) who was admitted at the psychiatric hospital and other particulars specified by Order of the Ministry of Health, Labour and Welfare.

(Reviews Based on Periodic Reports)

Article 38-3 (1) If a prefectural governor has received a report under paragraph (1) or paragraph (2) of the preceding Article or a notification under Article 33, paragraph (7) (limited to a notification regarding the measures under paragraph (1) or paragraph (3) of that Article), the prefectural governor must notify the psychiatric review board of the symptoms of the hospitalized persons related to the report or notification and other particulars specified by Order of the Ministry of Health, Labour and Welfare, and request it to review whether

that hospitalized person needs to be kept hospitalized.

- (2) If the psychiatric review board has received a request for a review pursuant to the provisions of the preceding paragraph, the psychiatric review board must review whether the hospitalized person needs to be kept hospitalized, and must report the result to the prefectural governor.
- (3) If the psychiatric review board finds it necessary for the performance of the review prescribed in preceding paragraph, the psychiatric review board may request an opinion from the hospitalized person to be reviewed; may have committee members (limited to a designated physician; the same applies in Article 38-5, paragraph (4)) obtain the consent and perform the examination of that hospitalized person; or may request a report or an opinion from the administrator of a psychiatric hospital or other relevant person, or order them to submit the medical record, books or other documents or to appear at the hearing.
- (4) Based on the result of the review of the psychiatric review board pursuant to paragraph (2), the prefectural governor must discharge a persons for whom hospitalization is no longer considered necessary or order the administrator of the psychiatric hospital to discharge that person.
- (5) In addition to what is provided for in paragraph (1), if the prefectural governor has received a report under paragraph (3) of the preceding Article, the prefectural governor may notify the psychiatric review board of the symptoms of the hospitalized person related to the report and the other particulars specified by Order of the Ministry of Health, Labour and Welfare and request it to review whether that hospitalized person needs to be kept hospitalized.
- (6) The provisions of paragraph (2) and paragraph (3) apply mutatis mutandis to cases in which the prefectural governor has requested a review pursuant to the provisions of the preceding paragraph.

(Requests for Discharge)

Article 38-4 A person hospitalized in a psychiatric hospital or their family member, guardian or curator (or the mayor of the municipality where that hospitalized person has their residence, if the hospitalized persons does not have a family member, guardian or curator; or if all of them are not able to state their intentions) may request the prefectural governor to discharge that person, or may request the prefectural governor to order the administrator of the psychiatric hospital to discharge the person in question or to take the necessary measures toward a respectful treatment of that person, in accordance with Order of the Ministry of Health, Labour and Welfare.

(Reviews Related to Requests for Discharge)

- Article 38-5 (1) If the prefectural governor has received a request under the preceding Article, the prefectural governor must notify the psychiatric review board of that request and require it to review whether the hospitalized person needs to be kept hospitalized or whether that persons is receiving a respectful treatment.
- (2) If the psychiatric review board has received a request for a review pursuant to the provisions of the preceding paragraph, the psychiatric review board must review whether the person in question needs to be kept hospitalized or whether that person is receiving a respectful treatment, and must notify the prefectural governor of the result.
- (3) When the psychiatric review board performs a review under the preceding Article, the psychiatric review board must hear the opinions of the person who has made the request under the preceding Article regarding that review and of the administrator of the psychiatric hospital in which the hospitalized person was admitted; provided, however, that this does not apply if the psychiatric review board has found it especially unnecessary to hear their opinions.
- (4) In addition to what is provided for in the preceding paragraph, if the psychiatric review board has found it necessary at the time of performing the review under paragraph (2), the psychiatric review board may have committee members obtain the consent and examine the hospitalized person, or may request the administrator of the psychiatric hospital or any other relevant person to make a report, or order them to submit medical records, books or other documents or to appear at the hearing.
- (5) On the basis of the result of the review by the psychiatric review board pursuant to paragraph (2), the prefectural governor must discharge the person who is no longer considered necessary to be in hospitalized or order the administrator of the psychiatric hospital to discharge that person or to take the necessary measures toward a better treatment.
- (6) The prefectural governor must notify the person who has made the request under the preceding Article of the results of the review by the psychiatric review board regarding that request and of the measures taken on the basis thereof.

(Collection of Reports)

- Article 38-6 (1) If the Minister of Health, Labour and Welfare or a prefectural governor finds it necessary, the Minister or the governor may request an administrator of a psychiatric hospital to make a report concerning the symptoms or treatment of a person hospitalized in the psychiatric hospital or order that administrator to submit or present the medical records, the books or other documents; may have their personnel or a designated physician chosen by the Minister or by the governor enter the psychiatric hospital in order to

check the medical records, the books or other documents (including their electronic or magnetic records, if these electronic or magnetic records have been prepared and preserved in lieu of those medical records, books or other documents in writing) or question the person being hospitalized or other relevant person; or may have the designated physician chosen by the Minister or by the governor enter the psychiatric hospital in order to examine the person being hospitalized.

- (2) If the Minister of Health, Labour and Welfare or the prefectural governor finds it necessary, the Minister may request the administrator of the psychiatric hospital, a person hospitalized in the psychiatric hospital, or any other person who has consented to that hospitalization under Article 33, paragraph (1), paragraph (3) or paragraph (4) to report the admission procedures under this Act, or may order them to submit or present the books or other documents.
- (3) The provisions of Article 19-6-16, paragraph (2) and paragraph (3) apply mutatis mutandis to the on-site inspection, question, or examination under paragraph (1) of this Article. In such a case, in Article 19-6-16, paragraph (2), the phrase "the preceding paragraph" is deemed to be replaced with "Article 38-6, paragraph (1)", and the phrase "relevant personnel" is deemed to be replaced with "relevant personnel and a designated physician"; and, in Article 19-6-16, paragraph (3), the phrase "paragraph (1)" is deemed to be replaced with "Article 38-6, paragraph (1)."

(Orders for Improvement)

- Article 38-7 (1) If the Minister of Health Labour and Welfare or a prefectural governor finds that a person hospitalized in a psychiatric hospital is given a disrespectful treatment, which violates Article 36 or does not comply with the criteria prescribed in Article 37, paragraph (1), or otherwise the person hospitalized in the psychiatric hospital is given extremely disrespectful treatment, the Minister or the governor may indicate the aspects for which the measures should be required and the deadline to the administrator of the psychiatric hospital; and may request the administrator to submit an improvement plan for ensuring that the person in question is treated respectfully, or order the administrator to change the improvement plan which has been submitted, or order the administrator to take the necessary measures toward a respectful treatment of that person.
- (2) The Minister of Health, Labour and Welfare or the prefectural governor may give an order to discharge a person who has been hospitalized pursuant to Article 21, paragraph (3), pursuant to Article 33, paragraph (1), paragraph (3) or paragraph (4) or pursuant to Article 33-7, paragraph (1) or paragraph (2), to the administrator of the psychiatric hospital that has admitted the person in

question, if the Minister or the governor finds it necessary to have two or more designated physicians chosen by them examine the person in question, and, as a result of their examination, they come to the unanimous conclusion that the person in question needs to be kept hospitalized; or if the hospitalization of the person in question has been performed in violation of this Article or an order based on it.

- (3) If an order under any of the preceding two paragraphs has been issued and the administrator of the psychiatric hospital has failed to follow it, the prefectural governor may make a public announcement to that effect.
- (4) If the administrator of the psychiatric hospital fails to follow an order under paragraph (1) or paragraph (2), the Minister of Health, Labour and Welfare or the prefectural governor may order the partial or complete restriction of medical care provided by the administrator regarding the hospitalization of a person with a mental disorder or disability under Article 21, paragraph (1), under Article 33, paragraph (1), paragraph (3), or paragraph (4), or under Article 33-7, paragraph (1) or paragraph (2), for a specified period.
- (5) If the prefectural governor has issued an order under the preceding paragraph, the prefectural governor must make a public notice to that effect.

(Measures for Persons Who Have Left without Permission)

Article 39 (1) If a hospitalized person who is at risk of harming themselves or others has left the psychiatric hospital without permission, and their whereabouts are unknown, the administrator of the psychiatric hospital must notify the chief of the relevant police station of the following particulars and request a search to be made for the person in question:

- (i) address, name, sex, and date of birth of the person who has left without permission;
 - (ii) date and time when the person in question has left without permission;
 - (iii) a description of their symptoms;
 - (iv) a description of the appearance, clothing and other features which might be useful in finding the person who has left without permission;
 - (v) date of hospitalization; or
 - (vi) address and name and other particulars specified by Order of the Ministry of Health, Labour and Welfare of a family member, guardian or curator of the person who has left without permission, or of any other person equivalent thereto.
- (2) If a police officer has found the person for whom a request for search as prescribed in the preceding paragraph has been made, the police officer must notify the administrator of the psychiatric hospital to that effect immediately. In such a case, the police officer may hold the person in custody for up to 24 hours for their protection, at a police station, hospital, relief facility or any

other appropriate place for the protection of the person with the mental disorder or disability, until the person in question is taken over by the administrator of the psychiatric hospital.

(Temporary Discharge)

Article 40 If, as a result of the examination by a designated physician, an administrator of a psychiatric hospital or a designated hospital as prescribed in Article 29, paragraph (1) finds it appropriate to temporarily discharge an involuntarily inpatient at risk of harming themselves or others and follow the state of their progress in the light of their symptoms, the administrator may give the person in question a temporary discharge for a period not exceeding six months, with the permission of the prefectural governor.

Section 5 Miscellaneous Provisions

(Guidelines)

Article 41 (1) The Minister of Health, Labour and Welfare must establish guidelines for ensuring the provision of high-quality and appropriate medical care to a person with a mental disorder or disability according to the specific nature of their disorder or disability and other aspects of their mental and physical condition (hereinafter referred to as the "guidelines").

(2) The particulars specified in the guidelines are to be as follows:

- (i) the differentiation of the psychiatric hospital beds by function (these beds mean hospital beds for the hospitalization of a person with a mental disorder or disability);
- (ii) the provision of health and medical care services and welfare services at the residence or at the place where a person with a mental disorder or disability is residing (meaning a residence or a place specified by Order of the Ministry of Health, Labour and Welfare);
- (iii) the cooperation between the medical personnel including physicians and nursing staff, and persons with expert knowledge of health and welfare of a person with a mental disorder or disability, including mental health and welfare counselors, in providing medical care to a person with a mental disorder or disability; or
- (iv) other important matters relevant to ensuring the provision of high-quality and appropriate medical care to a person with a mental disorder or disability.

(3) If the Minister of Health, Labour and Welfare has established or amended the guidelines, the Minister must make public announcement thereof without delay.

Article 42 deleted

(Relationship to Procedures Related to Criminal Cases)

- Article 43 (1) The provisions of this Chapter do not preclude implementation of procedures under laws and regulations related to the handling of criminal cases or affairs of juvenile protection regarding a person with a mental disorder or disability or a person who seems to have a mental disorder or disability; or detention of such a person in a correctional institution for the enforcement of punishment, correctional guidance or rehabilitation measures.
- (2) Except for the provisions of Article 24, Article 26, and Article 27, the provisions of this Chapter do not apply to a person confined in a correctional institution.

(Relationship with Procedures Regarding Persons Who Have Caused Serious Harm to Others under the Condition of Insanity)

- Article 44 (1) The provisions of this Chapter do not preclude the implementation of procedures or administrative actions prescribed in the Act on Medical Care and Probation for Persons Who Have Caused Serious Harm to Others Under the Condition of Insanity or an order based on that Act with regard to an eligible person referred to that Act.
- (2) The provisions of each of the previous Sections do not apply to a person hospitalized pursuant to an order under the first sentence of Article 34, paragraph (1) or the first sentence of Article 60, paragraph (1) of the Act for the Medical Care and Probation of Persons Who Have Caused Serious Harm to Others under the Condition of Insanity, or hospitalized pursuant to the determination under the first sentence of Article 37, paragraph (5) or the first sentence of Article 62, paragraph (2) of that Act; or a person hospitalized in a designated hospital pursuant to Article 42, paragraph (1), item (i) or Article 61, paragraph (1), item (i) of that Act.

Chapter VI Health and Welfare

Section 1 Certificate of Mental Disorder

(Certificate of Mental Disorder)

- Article 45 (1) A person with a mental disorder or disability (excluding a person with an intellectual disability; hereinafter the same applies to this Chapter and the following Chapter) may make an application for the issuance of a certificate of mental disorder to the prefectural governor of that person's residence (or that person's present location, if that person has no residence), with the documents specified by Order of the Ministry of Health, Labour and Welfare attached to it.
- (2) If the prefectural governor has performed a review based on the application

under the preceding paragraph, and has found that the applicant has a mental disorder as specified by Cabinet Order, the prefectural governor must issue a certificate of mental disorder to the applicant.

- (3) If the prefectural governor has performed the review under the preceding paragraph, and has found that the applicant does not have a mental disorder as specified by Cabinet Order in the preceding paragraph, the prefectural governor must notify the applicant to that effect, with the reasons therefor.
- (4) Every two years, a person who has received a certificate of mental disorder must seek to be certified as having a mental disorder as specified by Cabinet Order in paragraph (2), by the prefectural governor, in accordance with Order of the Ministry of Health Labour and Welfare.
- (5) The provisions of paragraph (3) apply mutatis mutandis to the finding prescribed in the preceding paragraph.
- (6) Beyond what is provided for in each of the preceding items, other necessary particulars relevant to the certificate of mental disorder are specified by Cabinet Order.

(Returning the Certificate of Mental Disorder)

- Article 45-2 (1) If a person who has received a certificate of mental disorder has no longer the mental disorder as specified by Cabinet Order in paragraph (2) of the preceding Article, that person must return their certificate to the prefectural governor promptly.
- (2) A person who has received a certificate of mental disorder must not transfer or lend their certificate to any other person.
 - (3) If the prefectural governor finds that the person who has received a certificate of mental disorder has no longer the mental disorder as specified by Cabinet Order in paragraph (2) of the preceding Article, the prefectural governor may order the person to return their certificate.
 - (4) If the prefectural governor is considering to order the return of the certificate of mental disorder pursuant to the provisions of the preceding paragraph, the prefectural governor must have a designated physician chosen by the prefectural governor perform the examination of the relevant person.
 - (5) The provision of paragraph (3) of the preceding Article apply mutatis mutandis to the finding in paragraph (3).

Section 2 Counselling and Guidance

(Diffusion of Appropriate Information)

Article 46 The prefectural and municipal governments must endeavor to deepen local residents' interest and understanding of the issues regarding the social reintegration of a person with a mental disorder or disability, their

independence, and their participation in social and economic activities, through public relations activities aimed at diffusing appropriate information about mental disorders.

(Counselling and Guidance)

Article 47 (1) If it is necessary, a prefectural government, or the government of a city or special ward that has a health center (hereinafter referred to as a "prefectural government, etc.") must have a psychiatric health and welfare counselor, other relevant personnel, or a physician designated by the prefectural governor or by the mayor of a city or a special ward that has a health center (hereinafter referred to as a "prefectural governor, etc.") provide counselling and guidance to a person with a mental disorder or disability, family member, guardian, curator, or other relevant person, regarding the mental health and the welfare of the person with a mental disorder or disability.

(2) The prefectural government etc. must refer a person with a mental disorder or disability who requires medical care to a medical care facility that is appropriate for the state of the mental disorder.

(3) A municipal government (excluding a government of a city that has a health center; the same applies to the following paragraphs) must offer the necessary cooperation in the duties which the prefectural government, etc. performs regarding a person with a mental disorder or disability pursuant to the provisions of the preceding two paragraphs, and must provide counselling and guidance to the person with a mental disorder or disability, family member, guardian, curator or other related person, regarding the welfare of the person with a mental disorder or disability.

(4) In addition to what is specified by the preceding paragraph, the municipal government must endeavor to provide counselling and guidance to a person with a mental disorder or disability, family member, guardian, curator or other relevant person, regarding mental health, if necessary.

(5) A municipal government, a mental health and welfare center, and a health center must endeavor to work in close coordination with each other and with a welfare office (meaning an office related to social welfare as specified in the Social Welfare Act (Act No. 45 of 1951)) and other relevant administrative institutions, in order to provide counselling and guidance to a person with a mental disorder or disability, family member, guardian, curator, or other relevant person, regarding the mental health and welfare of the person with a mental disorder or disability.

(Mental Health and Welfare Counselor)

Article 48 (1) A prefectural government and municipal government may assign

their personnel to a position at a mental health and welfare center, a health center or any other institution equivalent thereto, in order to provide counselling regarding the mental health and welfare of a person with a mental disorder or disability, and provide guidance to the person with a mental disorder or disability, family member, guardian, curator, or other relevant person through visiting their residence (those personnel are hereinafter referred to as "mental health and welfare counselors").

- (2) A mental health and welfare counselor is appointed by a prefectural governor or a mayor of a municipality from among psychiatric social workers or persons possessing the qualifications specified by Cabinet Order.

(Adjustments in the Use of Services)

Article 49 (1) If a municipal government has received a request from a person with a mental disorder or disability, the municipal government is to provide counselling and guidance to the relevant person so that they can use the most appropriate welfare services for persons with disabilities, considering their wishes, the state of their mental disorder, the specifics of the guidance, training or other forms of support required for their social reintegration, independence, and participation in social and economic activities. In such a case, the municipal government may entrust these duties to a person engaged in the general consultation support business or specified consultation support business.

- (2) If the municipal government has received a request from a person with a mental disorder or disability to whom the guidance under the preceding paragraph was provided, the municipal government is to make arrangements and adjustments for the person in question to use the welfare services for persons with disabilities as needed, and is to request the person providing those services to allow the person in question to use their services as needed.
- (3) With regard to the arrangements, adjustments and requests performed by the municipal government under the preceding paragraph, the prefectural government is to provide the necessary assistance to the municipal government, such as having their health center cooperate with the municipal government on technical matters, and is to establish communication with the municipal governments and make adjustments between them.
- (4) The persons engaged in the business of providing welfare services for persons with disabilities must cooperate with the arrangements, adjustments and requests under paragraph (2) as much as possible.

Article 50 and Article 51 deleted

Chapter VII Social Reintegration Center for Persons with Mental

Disorders or Disabilities

(Designation)

Article 51-2 (1) The Minister of Health, Labour and Welfare may designate only one person in Japan as the social reintegration center for persons with mental disorders or disabilities (hereinafter referred to as the "center"), among general incorporated associations or general incorporated foundations aimed at facilitating the social reintegration of persons with mental disorders or disabilities through performing research and development in training and guidance for their social reintegration; and considered to be capable of performing appropriately and reliably the duties prescribed in the following Article.

- (2) If the Minister of Health, Labour and Welfare has made the designation under the preceding paragraph, the Minister must make public notice of the center's name, address and location of its office.
- (3) If the center intends to change its name, address or location of its office, it must notify the Minister of Health, Labour and welfare to that effect in advance.
- (4) If the Minister of Health, Labour and Welfare has received the notification under the preceding paragraph, the Minister must make public notice of the particulars regarding the notification.

(Duties)

Article 51-3 The center is to perform the following duties:

- (i) performing educational activities and public relations activities contributing to the facilitation of the social reintegration of persons with mental disorders or disabilities;
- (ii) conducting research and development related to the training and guidance, etc. for the purpose of facilitating the social reintegration of persons with mental disorders or disabilities, based on actual cases thereof;
- (iii) in addition to what is prescribed in the preceding items, conducting research regarding the facilitation of the social reintegration of persons with mental disorders or disabilities;
- (iv) providing the results of the research and development under item (ii) or the research under the preceding item periodically or in a timely manner, for the purpose of facilitating the social reintegration of persons with mental disorders or disabilities;
- (v) providing the training for persons who engage or intend to engage in the service regarding the duties aimed at facilitating the social reintegration of persons with mental disorders or disabilities; or
- (vi) in addition to what is prescribed in each of the preceding items, performing

duties necessary to facilitate the social reintegration of persons with mental disorders or disabilities.

(Cooperation with the Center)

Article 51-4 A founder of a psychiatric hospital or other facility providing medical care for mental disorders, or a person engaged in the business of providing the welfare services for persons with disabilities may provide, upon the request from the center, information or materials regarding the training and guidance aimed at facilitating the social reintegration of persons with mental disorders or disabilities, or other necessary information or materials specified by Order of the Ministry of Health, Labour and Welfare, to the extent necessary for the center to perform the duties set forth in item (ii) and item (iii) of the preceding Article.

(Regulation on the Management of Specified Information)

- Article 51-5 (1) The center must prepare the regulation for the management and use of information and materials regarding the duties set forth in Article 51-3, item (ii) and item (iii) (referred to as "specified information" in this Article and Article 51-7) (the regulation is referred to as the "regulation on the management of specified information" in this Article and Article 51-7) and obtain approval therefor from the Minister of Health, Labour and Welfare. The same applies to any changes intended thereto.
- (2) If the Minister of Health, Labour and Welfare finds that the regulation on the management of specified information as approved pursuant to the provisions of the preceding paragraph ceased to be appropriate for the management or use of the specified information, the Minister may order the center to change that regulation.
- (3) The particulars to be specified in the regulation on the management of specified information are prescribed by Order of the Ministry of Health, Labour and Welfare.

(Duty of Confidentiality)

Article 51-6 An officer or personnel of the center, or any person who was formerly employed as such, must not divulge any confidential information regarding the duties prescribed in Article 51-3, item (ii) or item (iii).

(Dismissal Order)

Article 51-7 If an officer or personnel of the center has managed or has used the specified information in a manner other than that prescribed in the regulation on the management of specified information as approved under Article 51-5, paragraph (1) or has violated the provisions of the preceding Article, the

Minister of Health, Labour and Welfare may order the center to dismiss the personnel in question.

(Business Plans)

Article 51-8 (1) The center must prepare and submit a business plan and cash flow budget of each fiscal year to the Minister of Health, Labour and Welfare before the start of the relevant business year. The same applies to any changes intended thereto.

(2) The center must prepare and submit a business plan and a balance sheet for each business year to the Minister of Health, Labour and Welfare within three months after the end of the relevant business year.

(Reports and Inspections)

Article 51-9 (1) The Minister of Health, Labour and Welfare may require the center to report on the matters found necessary, or have the relevant personnel enter its offices in order to inspect the circumstances of its work, the books and other documents, or other materials, to the extent needed to ensure the appropriate performance of the duties pursuant to Article 51-3.

(2) The provisions of Article 19-6-16, paragraph (2) and paragraph (3) apply mutatis mutandis to the on-site inspection under the preceding paragraph. In such a case, the phrase "the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "Article 51-9, paragraph (1)"; and the phrase "paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "Article 51-9, paragraph (1)."

(Supervision Order)

Article 51-10 To the extent necessary to enforce the provisions of this Chapter, the Minister of Health, Labour and Welfare may issue the orders necessary for the supervision of the center regarding the duties prescribed in Article 51-3.

(Revocation of Designation)

Article 51-11 (1) The Minister of Health, Labour and Welfare may revoke the designation under Article 51-2, paragraph (1), if the center falls under any of the following items:

(i) if the center is found no longer to be capable of carrying out the duties prescribed in Article 51-3 properly and reliably;

(ii) if the center has committed any wrongful act with regard to its designation;
or

(iii) if the center has violated the provisions of this Chapter or an order or measures based thereon.

(2) If the Minister of Health, Labour and Welfare has revoked the designation

under the preceding paragraph, the Minister must make public notice of it.

Chapter VIII Miscellaneous Provisions

(Request for a Family Court to make a Decision)

Article 51-11-2 If a municipal government finds it particularly necessary for the welfare of a person with a mental disorder or disability, the municipal government may file a request for a family court to make a decision under 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 (Act No. 29 of 1896).

(Recommendation of Persons who Perform the Duties of Guardianship, Curatorship, or Assistance)

Article 51-11-3 (1) A municipal government must endeavor to recommend a person capable of performing the duties of guardianship, curatorship or assistance as prescribed in the Civil Code (hereinafter referred to as a "guardianship, curatorship or assistance") appropriately to the family court, or endeavor to take other necessary measures, to facilitate the utilization of the persons in question, so as to enable the relevant request under the preceding Article to be made smoothly.

(2) A prefectural government must endeavor to provide advice and other necessary support regarding the implementation of the measures prescribed in the preceding paragraph, with the aim of cooperating with the municipal government to utilize persons capable of performing the duties of guardianship, curatorship or assistance appropriately.

(Special Provisions for Large Cities)

Article 51-12 (1) In accordance with Cabinet Order, a designated city under Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as a "designated city") is to perform the administrative duties specified by Cabinet Order within those duties expected to be performed by the prefectural government. In such a case, the provisions in this Act for prefectural governments are to be applied as those for designated cities.

(2) If a person is dissatisfied with the decision which the prefectural governor has made regarding a request for administrative review of the administrative action taken by the mayor of a designated city pursuant to the provisions of the preceding paragraph (that administrative action is limited to that which is related to the statutory entrusted duties under item (i) as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (hereinafter referred to as the "statutory entrusted duties under item (i)")), the person in question may

file a request for re-examination to the Minister of Health, Labour and Welfare.

(3) If a mayor of a designated city delegates the authority to take an administrative action regarding the statutory entrusted duties under item (i) within the duties expected to be performed by the mayor pursuant to paragraph (1), to the personnel of the municipal government or to the chief of an administrative institution under the city's management; and a decision regarding a request for re-examination under Article 255-2, paragraph (2) of the Local Autonomy Act is issued for the administrative action taken under the authority delegated to the personnel or chief in question, a person dissatisfied with the decision may file a request for further examination to the Minister of Health, Labour and Welfare, in accordance with Article 252-17-4, paragraphs (5) through (7).

(Classification of Duties)

Article 51-13 (1) The duties which a prefectural governor is to perform pursuant to this Act (excluding Chapters 1 through 3, Article 19-2, paragraph (4), Article 19-7, Article 19-8, Article 19-9, paragraphs (1) and (2) (including as applied mutatis mutandis pursuant to Article 33-8), Article 19-11, Article 29-7, Article 30, paragraph (1), Article 31, Article 33-7, paragraphs (1) and (6), Chapter 6 and Article 51-11-3, paragraph (2)) are included in the statutory entrusted duties under item (i).

(2) The duties which a city or special ward with a health center is to perform pursuant to this Act (excluding Chapter 6, Section 2) are included in the statutory entrusted duties under item (i).

(3) The duties which a city is to perform pursuant to Article 33, paragraph (3) or Article 34, paragraph (2) are included in the statutory entrusted duties under item (i).

(Delegation of Authority)

Article 51-14 (1) The authority vested in the Minister of Health Labour and Welfare as prescribed in this Act may be delegated to the Director of the Regional Bureau of Health, Labour and Welfare, in accordance with Order of the Ministry of Health, Labour and Welfare.

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

(Transitional Measures)

Article 51-15 In cases in which an order is established, amended or repealed

under this Act, the required transitional measures (including transitional measures regarding penalties) may be specified by that order, to the extent reasonably necessary for the establishment, amendment, or repeal.

Chapter IX Penal Provisions

Article 52 A person falling under any of the following items is to be punished with imprisonment with work for not more than three years or a fine of up to one million yen:

- (i) a person in violation of an order under Article 38-4, paragraph (4);
- (ii) a person in violation of a discharge order under Article 38-5, paragraph (5);
- (iii) a person in violation of an order under Article 38-7, paragraph (2); or
- (iv) a person in violation of an order under Article 38-7, paragraph (4).

Article 53 (1) A person is to be punished with imprisonment with work for not more than one year or a fine of up to one million yen, if that person is or was an administrator of a psychiatric hospital, a designated physician, a committee member of a regional mental health and welfare council, a committee member of a psychiatric review board, a specified physician who has performed an examination pursuant to Article 21, paragraph (4), Article 33, paragraph (4) or Article 33-7, paragraph (2), a physician designated by a prefectural governor, etc. pursuant to Article 47, paragraph (1); and, without just cause, that person divulges other person's confidential information which has come to their knowledge during the performance of their duties.

(2) The provisions of the preceding paragraph apply to cases in which the personnel of a psychiatric hospital or any person who was formerly employed as such divulges, without just cause, other person's confidential information which has come to their knowledge while assisting the administrator of the psychiatric hospital in performing their professional duties under this Act.

Article 53-2 A person in violation of Article 51-6 is to be punished with imprisonment with work for not more than one year or a fine of up to one million yen.

Article 54 A person falling under any of the following items is to be punished with imprisonment with work for not more than six months or a fine of up to five hundred thousand yen:

- (i) a person in violation of a suspension order under Article 19-6-13; or
- (ii) a person who has made false entry in filling an application under Article 22, paragraph (1).

Article 55 A person falling under any of the following items is to be punished with a fine of up to three hundred thousand yen:

- (i) a person who has failed to file a report under Article 19-6-16, paragraph (1); has filed a false report; or has refused, hindered or avoided an inspection under the same paragraph;
- (ii) a person who has refused, hindered or avoided an examination under Article 27, paragraph (1) or paragraph (2), or a person who has refused or hindered the entry under paragraph (4) of the same Article; or
- (iii) a person who has refused, hindered or avoided an examination under Article 29-2, paragraph (1) or a person who has refused or hindered the entry under Article 27, paragraph (4) as applied mutatis mutandis to the provisions of Article 29-2, paragraph (4);
- (iv) a person who has failed to make a report or submission under Article 38-3, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (6) of the same Article; hereinafter the same applies to this item); has filed a false report; has hindered the examination under paragraph (3) of the same Article; does not make an appearance under the same paragraph; has failed to answer questions during a hearing without just cause; or has given false answers to the questions;
- (v) a person who has failed to make a report or submission under Article 38-5, paragraph (4); has filed a false report; has hindered an examination; has failed to make an appearance under the same paragraph; has failed to answer questions during a hearing without just cause; or has given false answers to the questions;
- (vi) a person who has failed to make a report, submission or presentation under Article 38-6, paragraph (1); has filed a false report; has refused, hindered or avoided an inspection or examination under the same paragraph; has failed to answer questions under the same paragraph during a hearing without just cause; or has given false answers to the questions;
- (vii) an administrator of a psychiatric hospital who has failed to make a report, submission or presentation under Article 38-6, paragraph (2) or has filed a false report; or
- (viii) a person who has failed to file a report under Article 51-9, paragraph (1); has filed a false report; or has refused, hindered or avoided an inspection or examination under the same paragraph.

Article 56 If a representative of a corporation, or an agent, employee or other worker of a person or corporation has committed any of the violations prescribed in Article 52, Article 54, item (i) or the preceding Article with regard to the relevant corporation or person's business, in addition to the offender, the person or corporation is also to be punished with a fine prescribed

in the relevant Article.

Article 57 A person falling under any of the following items is to be punished with a civil fine of up to one hundred thousand yen:

- (i) a person who has been in violation of Article 19-4-2 (including as applied *mutatis mutandis* pursuant to Article 21, paragraph (5), Article 33, paragraph (5), and Article 33-7, paragraph (3));
- (ii) a person who has failed to make a notification under Article 19-6-9 or has made a false notification;
- (iii) a person who has failed to prepare the financial statements, etc.; has failed to disclose the matters requiring disclosure; has disclosed false information; or has refused a request under any of the items of paragraph (2) of the same Article without just cause;
- (iv) a person who has failed to disclose the matters prescribed in Article 19-6-14 in violation of the same Article, has made a false disclosure, or has not preserved the books;
- (v) a person in violation of Article 21, paragraph (7);
- (vi) a person who has failed to file a report under Article 31, paragraph (2) or has filed a false report;
- (vii) a person in violation of Article 33, paragraph (7);
- (viii) a person in violation of Article 33-7, paragraph (5); or
- (ix) a person who has been in violation of Article 38-2, paragraph (1) or in violation of Article 38-2, paragraph (1) as applied *mutatis mutandis* pursuant to Article 38-2 paragraph (2).

Supplementary Provisions

(Effective Date)

- (1) This Act comes into effect as of the date of its promulgation.

(Repeal of Act on the Custody of Persons with Mental Disorders or Disabilities and Act on the Mental Hospitals)

- (2) This Act on the Custody of Persons with Mental Disorders or Disabilities (Act No. 38 of 1900) and the Act on the Mental Hospitals (Act No. 25 of 1919) are hereby repealed; provided, however, that prior laws continue to govern the application of penalties for acts committed prior to the enactment of this Act.

Supplementary Provisions [Act No.47 of June 19, 2013]

(Effective Date)

- Article 1 This Act comes into effect as of April 1, 2014; provided, however, that

the provisions prescribed in each of the following items come into effect as of the date specified in each of the relevant items:

- (i) the provisions of Article 7 of the Supplementary Provisions: the date of the promulgation of this Act;
- (ii) the provisions of Article 16 of the Supplementary Provisions: the date of the promulgation of the Act for the Partial Amendment of the Penal Code (Act No. 49 of 2013) or the date on which this Act comes into effect, whichever is later; or
- (iii) the amended provisions of Article 13, paragraph (1) and Article 14, paragraph (2): April 1, 2016.

(Transitional Measures)

- Article 2 (1) At the time of the enforcement of this Act, if a person has been hospitalized in a psychiatric hospital pursuant to Article 33, paragraph (1) of the Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities prior to the amendment by this Act (hereinafter referred to as "the former Act"), the relevant person is deemed to be hospitalized pursuant to Article 33, paragraph (1) of the Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities as amended by this Act (or deemed to be hospitalized pursuant to Article 33, paragraph (3) of the Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities as amended by this Act (hereinafter referred to as "the new Act"), if, on the day preceding the enforcement date of this Act (hereinafter referred to as the "effective date"), there is no custodian referred to in any of the items of Article 20, paragraph (2) of the former Act, or the custodian is unable to perform their obligation).
- (2) a person who has been hospitalized pursuant to Article 33-2, paragraph (2) of the former Act at the time of enforcement of this Act is deemed to be hospitalized under Article 33, paragraph (1) of the new Act.

Article 3 A person who has been hospitalized pursuant to Article 33-4, paragraph (2) of the former Act at the time of the enforcement of this Act is deemed to be hospitalized under Article 33, paragraph (1) of the new Act.

Article 4 At the time of the enforcement of this Act, if a custodian to a person hospitalized in a psychiatric hospital has made a request pursuant to Article 38-4 of the former Act, the relevant request is deemed as the request which has been made by the person who was at the position of custodian (or by the mayor of the municipality (including the mayor of a special ward; the same applies hereinafter) where the person who was at the position of custodian has their residence (or by the mayor of the current location of that person, if that person has no residence or their residence is unclear), if such a mayor has made the

request under Article 21 of the former Act).

Article 5 Prior laws continue to govern the coverage of the costs related to the medical care and protection for a person with a mental disorder or disability under Article 42 of the former Act.

(Transitional Measures concerning the Penal Provisions)

Article 6 Prior laws continue to govern the application of penalties for acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 7 Beyond what is provide for in Article 2 through the preceding Article, Article 11, Article 12, Article 14, and Article 15, the transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Considerations)

Article 8 Approximately three years after the enforcement of this Act, considering the situation regarding the enforcement of the new Act as well as changes in the environment surrounding the welfare of persons with mental disorders or disabilities, the national government is to review the current procedures for transfer and hospitalization of the relevant person in a case of the involurntary hospitalization for medical care and protection; the current measures for facilitating the transition of an involuntary inpatient under medical care and protection to life in the local community after their discharge; and the current support for a person with a mental disorder or disability to make their decision or express their will regarding their hospital discharge, or toward their respectful treatment in a psychiatric hospital; and, if necessary, the national government is to take the necessary measures based upon the result of those reviews.

Appended Table (Re: Article 19-6-4)

Subject	Instructor	Hours of the training course prescribed in Article 18 Paragraph (1)	Hours of the training course prescribed in Article 19 Paragraph (1)

<p>Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities; Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities; outline of the mental health and welfare administration</p>	<p>A person with relevant expertise on this Act, the Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities and the mental health and welfare administration</p>	<p>8 hours</p>	<p>3 hours</p>
<p>Laws and regulations related to persons with mental disorders or disabilities and their practice</p>	<p>A person appointed or formerly appointed as a member of a psychiatric review board as a person having relevant expertise on the medical care of persons with mental disorders or disabilities, or a person with equivalent relevant expertise</p>		
<p>Laws and regulations related to the human rights of persons with mental disorders or disabilities</p>	<p>A person appointed or formerly appointed as a member of a psychiatric review board as a person having relevant expertise on law, or a person with equivalent relevant expertise</p>		

Psychiatry	A current or former professor or associate professor of psychiatry at a university under the School Education Act (Act No. 26 of 1947), or a person with equivalent relevant expertise	4 hours	
Social reintegration and welfare of persons with mental disorders or disabilities	A person with relevant expertise on the social reintegration and welfare of persons with mental disorders or disabilities	2 hours	1 hour
Case studies concerning medical care of persons with mental disorders or disabilities	This subject is to be taught cooperatively by the following persons: (i) a person with ten years or more experience as a designated physician in diagnosing and treating mental disorders or disabilities; (ii) a person appointed or formerly appointed as a member of a psychiatric review board as a person having relevant expertise on law, or a person with equivalent relevant expertise (iii) a person with relevant expertise on this Act and the mental health and welfare administration	4 hours	3 hours
Note: Case studies concerning medical care of persons with mental disorders or disabilities are to be taught by using the most recent cases available.			

