

精神保健及び精神障害者福祉に関する法律 Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities

(昭和二十五年五月一日法律第百二十三号)

(Act No. 123 of May 1, 1950)

目次

Table of Contents

第一章 総則（第一条—第五条）

Chapter I General Provisions (Articles 1 to 5)

第二章 精神保健福祉センター（第六条—第八条）

Chapter II Mental Health and Welfare Centers (Articles 6 to 8)

第三章 地方精神保健福祉審議会及び精神医療審査会（第九条—第十七条）

Chapter III Regional Mental Health and Welfare Councils and Psychiatric
Review Boards (Articles 9 to 17)

第四章 精神保健指定医、登録研修機関、精神科病院及び精神科救急医療体制

Chapter IV Designated Mental Health Physicians, Registered Training
Organizations, Psychiatric Hospitals, and Emergency Psychiatric Care
Procedures

第一節 精神保健指定医（第十八条—第十九条の六）

Section 1 Designated Mental Health Physicians (Articles 18 to 19-6)

第二節 登録研修機関（第十九条の六の二—第十九条の六の十七）

Section 2 Registered Training Organizations (Articles 19-6-2 to 19-6-17)

第三節 精神科病院（第十九条の七—第十九条の十）

Section 3 Psychiatric Hospitals (Articles 19-7 to 19-10)

第四節 精神科救急医療の確保（第十九条の十一）

Section 4 Ensuring Emergency Psychiatric Care (Article 19-11)

第五章 医療及び保護

Chapter V Medical Care and Protection

第一節 任意入院（第二十条・第二十一条）

Section 1 Voluntary Hospitalization (Articles 20 and 21)

第二節 指定医の診察及び措置入院（第二十二条—第三十二条）

Section 2 Examination by a Designated Mental Health Physician and
Involuntary Hospitalization for Persons with Threat of Bodily Harm to
Themselves or Others (Articles 22 to 32)

第三節 医療保護入院等（第三十三条—第三十五条）

Section 3 Involuntary Hospitalization for Medical Care and Protection
(Articles 33 to 35)

第四節 精神科病院における処遇等（第三十六条—第四十条）

Section 4 Respectful Treatment in a Psychiatric Hospital (Articles 36 to 40)

第五節 雑則（第四十一条—第四十四条）

Section 5 Miscellaneous Provisions (Articles 41 to 44)

第六章 保健及び福祉

Chapter VI Health and Welfare

第一節 精神障害者保健福祉手帳（第四十五条・第四十五条の二）

Section 1 Certificate of Mental Disorder (Articles 45 and 45-2)

第二節 相談指導等（第四十六条—第五十一条）

Section 2 Counselling and Guidance (Articles 46 to 51)

第七章 精神障害者社会復帰促進センター（第五十一条の二—第五十一条の十一）

Chapter VII The Social Reintegration Center for Persons with Mental

Disorders or Disabilities (Articles 51-2 to 51-11)

第八章 雑則（第五十一条の十一の二—第五十一条の十五）

Chapter VIII Miscellaneous Provisions (Articles 51-11-2 to 51-15)

第九章 罰則（第五十二条—第五十七条）

Chapter IX Penal Provisions (Articles 52 to 57)

附 則

Supplementary Provisions

第一章 総則

Chapter I General Provisions

（この法律の目的）

(Purpose of This Act)

第一条 この法律は、精神障害者の医療及び保護を行い、障害者の日常生活及び社会生活を総合的に支援するための法律（平成十七年法律第百二十三号）と相まってその社会復帰の促進及びその自立と社会経済活動への参加の促進のために必要な援助を行い、並びにその発生の予防その他国民の精神的健康の保持及び増進に努めることによつて、精神障害者の福祉の増進及び国民の精神保健の向上を図ることを目的とする。

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.

（国及び地方公共団体の義務）

(Duties of the National and Local Governments)

第二条 国及び地方公共団体は、障害者の日常生活及び社会生活を総合的に支援するための法律の規定による自立支援給付及び地域生活支援事業と相まって、医療施設及び教育施設を充実する等精神障害者の医療及び保護並びに保健及び福祉に関する施策を総合的に実施することによつて精神障害者が社会復帰をし、自立と社会経済活動への参加をすることができるように努力するとともに、精神保健に関する調査研究の推進及び知識の普及を図る等精神障害者の発生の予防その他国民の精神保健の向上のための施策を講じなければならない。

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.

(国民の義務)

(Duties of Citizens)

第三条 国民は、精神的健康の保持及び増進に努めるとともに、精神障害者に対する理解を深め、及び精神障害者とその障害を克服して社会復帰をし、自立と社会経済活動への参加をしようとする努力に対し、協力するように努めなければならない。

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.

(精神障害者の社会復帰、自立及び社会参加への配慮)

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

第四条 医療施設の設置者は、その施設を運営するに当たっては、精神障害者の社会復帰の促進及び自立と社会経済活動への参加の促進を図るため、当該施設において医療を受ける精神障害者が、障害者の日常生活及び社会生活を総合的に支援するための法律第五条第一項に規定する障害福祉サービスに係る事業（以下「障害福祉サービス事業」という。）、同条第十八項に規定する一般相談支援事業（以下「一般相談支援事業」という。）その他の精神障害者の福祉に関する事業に係るサービスを円滑に利用することができるように配慮し、必要に応じ、これらの事業を行う者と連携を図ると

ともに、地域に即した創意と工夫を行い、及び地域住民等の理解と協力を得るように努めなければならない。

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 国、地方公共団体及び医療施設の設置者は、精神障害者の社会復帰の促進及び自立と社会経済活動への参加の促進を図るため、相互に連携を図りながら協力するよう努めなければならない。

(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.

(定義)

(Definition)

第五条 この法律で「精神障害者」とは、統合失調症、精神作用物質による急性中毒又はその依存症、知的障害、精神病質その他の精神疾患を有する者をいう。

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.

第二章 精神保健福祉センター

Chapter II Mental Health and Welfare Centers

(精神保健福祉センター)

(Mental Health and Welfare Centers)

第六条 都道府県は、精神保健の向上及び精神障害者の福祉の増進を図るための機関

(以下「精神保健福祉センター」という。)を置くものとする。

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 精神保健福祉センターは、次に掲げる業務を行うものとする。

(2) A mental health and welfare center is to perform the following:

一 精神保健及び精神障害者の福祉に関する知識の普及を図り、及び調査研究を行うこと。

(i) diffusing information about, and conducting research in, mental health and the welfare of persons with mental disorders or disabilities;

二 精神保健及び精神障害者の福祉に関する相談及び指導のうち複雑又は困難なものを行うこと。

(ii) undertaking complex or difficult counselling or guidance in matters regarding the mental health and the welfare of persons with mental disorders or disabilities;

三 精神医療審査会の事務を行うこと。

(iii) conducting the affairs of a psychiatric review board;

四 第四十五条第一項の申請に対する決定及び障害者の日常生活及び社会生活を総合的に支援するための法律第五十二条第一項に規定する支給認定（精神障害者に係るものに限る。）に関する事務のうち専門的な知識及び技術を必要とするものを行うこと。

(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);

五 障害者の日常生活及び社会生活を総合的に支援するための法律第二十二条第二項又は第五十一条の七第二項の規定により、市町村（特別区を含む。第四十七条第三項及び第四項を除き、以下同じ。）が同法第二十二条第一項又は第五十一条の七第一項の支給の要否の決定を行うに当たり意見を述べること。

(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

六 障害者の日常生活及び社会生活を総合的に支援するための法律第二十六条第一項又は第五十一条の十一の規定により、市町村に対し技術的事項についての協力その他必要な援助を行うこと。

(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.

(国の補助)

(Subsidies by the National Government)

第七条 国は、都道府県が前条の施設を設置したときは、政令の定めるところにより、その設置に要する経費については二分の一、その運営に要する経費については三分の一を補助する。

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.

(条例への委任)

(Delegation to Prefectural Ordinance)

第八条 この法律に定めるもののほか、精神保健福祉センターに関して必要な事項は、条例で定める。

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

第三章 地方精神保健福祉審議会及び精神医療審査会

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

(地方精神保健福祉審議会)

(Regional Mental Health and Welfare Councils)

第九条 精神保健及び精神障害者の福祉に関する事項を調査審議させるため、都道府県は、条例で、精神保健福祉に関する審議会その他の合議制の機関（以下「地方精神保健福祉審議会」という。）を置くことができる。

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 地方精神保健福祉審議会は、都道府県知事の諮問に答えるほか、精神保健及び精神障害者の福祉に関する事項に関して都道府県知事に意見を具申することができる。

(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 前二項に定めるもののほか、地方精神保健福祉審議会の組織及び運営に関し必要な事項は、都道府県の条例で定める。

(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.

第十条及び第十一条 削除

Article 10 and Article 11 deleted

(精神医療審査会)

(Psychiatric Review Boards)

第十二条 第三十八条の三第二項（同条第六項において準用する場合を含む。）及び第三十八条の五第二項の規定による審査を行わせるため、都道府県に、精神医療審査会を置く。

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).

(委員)

(Board Members)

第十三条 精神医療審査会の委員は、精神障害者の医療に関し学識経験を有する者（第十八条第一項に規定する精神保健指定医である者に限る。）、精神障害者の保健又は福祉に関し学識経験を有する者及び法律に関し学識経験を有する者のうちから、都道府県知事が任命する。

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 委員の任期は、二年（委員の任期を二年を超え三年以下の期間で都道府県が条例で定める場合にあつては、当該条例で定める期間）とする。

(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).

(審査の案件の取扱い)

(Handling of Cases for Review)

第十四条 精神医療審査会は、その指名する委員五人をもつて構成する合議体で、審査の案件を取り扱う。

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 合議体を構成する委員は、次の各号に掲げる者とし、その員数は、当該各号に定める員数以上とする。

(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:

一 精神障害者の医療に関し学識経験を有する者 二

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

二 精神障害者の保健又は福祉に関し学識経験を有する者 一

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

三 法律に関し学識経験を有する者 一

(iii) one person with relevant expertise on law.

(政令への委任)

(Delegation to Cabinet Order)

第十五条 この法律で定めるもののほか、精神医療審査会に関し必要な事項は、政令で定める。

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

第十六条及び第十七条 削除

Article 16 and Article 17 deleted

第四章 精神保健指定医、登録研修機関、精神科病院及び精神科救急医療体制

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

第一節 精神保健指定医

Section 1 Designated Mental Health Physicians

(精神保健指定医)

(Designated Mental Health Physicians)

第十八条 厚生労働大臣は、その申請に基づき、次に該当する医師のうち第十九条の四に規定する職務を行うのに必要な知識及び技能を有すると認められる者を、精神保健指定医（以下「指定医」という。）に指定する。

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:

一 五年以上診断又は治療に従事した経験を有すること。

(i) having five or more years of experience in diagnosis or medical treatment;

二 三年以上精神障害の診断又は治療に従事した経験を有すること。

(ii) having three or more years of experience in the diagnosis or medical treatment of mental disorders or disabilities;

三 厚生労働大臣が定める精神障害につき厚生労働大臣が定める程度の診断又は治療に従事した経験を有すること。

(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

四 厚生労働大臣の登録を受けた者が厚生労働省令で定めるところにより行う研修（申請前一年以内に行われたものに限る。）の課程を修了していること。

(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 厚生労働大臣は、前項の規定にかかわらず、第十九条の二第一項又は第二項の規定により指定医の指定を取り消された後五年を経過していない者その他指定医として著しく不適当と認められる者については、前項の指定をしないことができる。

(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 厚生労働大臣は、第一項第三号に規定する精神障害及びその診断又は治療に従事した経験の程度を定めようとするとき、同項の規定により指定医の指定をしようとするとき又は前項の規定により指定医の指定をしないものとするときは、あらかじめ、医道審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour and Welfare 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.

(指定後の研修)

(Training after Designation)

第十九条 指定医は、五の年度（毎年四月一日から翌年三月三十一日までをいう。以下この条において同じ。）ごとに厚生労働大臣が定める年度において、厚生労働大臣の登録を受けた者が厚生労働省令で定めるところにより行う研修を受けなければならない。

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 前条第一項の規定による指定は、当該指定を受けた者が前項に規定する研修を受けなかつたときは、当該研修を受けるべき年度の終了の日にその効力を失う。ただし、当該研修を受けなかつたことにつき厚生労働省令で定めるやむを得ない理由が存すると厚生労働大臣が認めたときは、この限りでない。

(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.

(指定の取消し等)

(Revocation of Designation)

第十九条の二 指定医がその医師免許を取り消され、又は期間を定めて医業の停止を命ぜられたときは、厚生労働大臣は、その指定を取り消さなければならない。

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 指定医がこの法律若しくはこの法律に基づく命令に違反したとき又はその職務に関し著しく不当な行為を行つたときその他指定医として著しく不適當と認められるときは、厚生労働大臣は、その指定を取り消し、又は期間を定めてその職務の停止を命ず

ることができる。

(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 厚生労働大臣は、前項の規定による処分をしようとするときは、あらかじめ、医道審議会の意見を聴かなければならない。

(3) The Minister of Health, Labour and Welfare must hear the opinions of the Medical Ethics Council before taking any of the measures under the preceding paragraph.

4 都道府県知事は、指定医について第二項に該当すると思料するときは、その旨を厚生労働大臣に通知することができる。

(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.

第十九条の三 削除

Article 19-3 deleted

(職務)

(Duties)

第十九条の四 指定医は、第二十一条第三項及び第二十九条の五の規定により入院を継続する必要があるかどうかの判定、第三十三条第一項及び第三十三条の七第一項の規定による入院を必要とするかどうか及び第二十条の規定による入院が行われる状態にないかどうかの判定、第三十六条第三項に規定する行動の制限を必要とするかどうかの判定、第三十八条の二第一項（同条第二項において準用する場合を含む。）に規定する報告事項に係る入院中の者の診察並びに第四十条の規定により一時退院させて経過を見るのが適当かどうかの判定の職務を行う。

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 指定医は、前項に規定する職務のほか、公務員として、次に掲げる職務を行う。

(2) In addition to duties prescribed in the preceding paragraph, the designated physician must perform the following duties as a public employee:

一 第二十九条第一項及び第二十九条の二第一項の規定による入院を必要とするかどうかの判定

(i) judging whether there is a need to hospitalize their relevant person pursuant to Article 29, paragraph (1) or Article 29-2, paragraph (1);

二 第二十九条の二の二第三項（第三十四条第四項において準用する場合を含む。）に規定する行動の制限を必要とするかどうかの判定

(ii) judging whether there is a need to impose restriction on activities of the relevant person pursuant to Article 29-2-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 34, paragraph (4));

三 第二十九条の四第二項の規定により入院を継続する必要があるかどうかの判定

(iii) judging whether there is a need to continue hospitalization of the relevant person pursuant to Article 29-4, paragraph (2);

四 第三十四条第一項及び第三項の規定による移送を必要とするかどうかの判定

(iv) judging whether there is a need to transfer a relevant person pursuant to Article 34, paragraph (1) or paragraph (3);

五 第三十八条の三第三項（同条第六項において準用する場合を含む。）及び第三十八条の五第四項の規定による診察

(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);

六 第三十八条の六第一項の規定による立入検査、質問及び診察

(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;

七 第三十八条の七第二項の規定により入院を継続する必要があるかどうかの判定

(vii) judging whether there is a need to continue hospitalization of the relevant person pursuant to Article 38-7, paragraph (2); or

八 第四十五条の二第四項の規定による診察

(viii) giving an examination under Article 45-2, paragraph (4).

3 指定医は、その勤務する医療施設の業務に支障がある場合その他やむを得ない理由がある場合を除き、前項各号に掲げる職務を行うよう都道府県知事から求めがあつた場合には、これに応じなければならない。

(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.

(診療録の記載義務)

(Obligation to Keep Medical Records)

第十九条の四の二 指定医は、前条第一項に規定する職務を行つたときは、遅滞なく、当該指定医の氏名その他厚生労働省令で定める事項を診療録に記載しなければならない。

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.

(指定医の必置)

(Need to Have a Designated Mental Health Physician)

第十九条の五 第二十九条第一項、第二十九条の二第一項、第三十三条第一項、第三項若しくは第四項又は第三十三条の七第一項若しくは第二項の規定により精神障害者を入院させている精神科病院（精神科病院以外の病院で精神病室が設けられているものを含む。第十九条の十を除き、以下同じ。）の管理者は、厚生労働省令で定めるところにより、その精神科病院に常時勤務する指定医（第十九条の二第二項の規定によりその職務を停止されている者を除く。第五十三条第一項を除き、以下同じ。）を置かなければならない。

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.

(政令及び省令への委任)

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

第十九条の六 この法律に規定するもののほか、指定医の指定に関して必要な事項は政令で、第十八条第一項第四号及び第十九条第一項の規定による研修に関して必要な事項は厚生労働省令で定める。

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.

第二節 登録研修機関

Section 2 Registered Training Organizations

(登録)

(Registration)

第十九条の六の二 第十八条第一項第四号又は第十九条第一項の登録（以下この節において「登録」という。）は、厚生労働省令で定めるところにより、第十八条第一項第四号又は第十九条第一項の研修（以下この節において「研修」という。）を行おうとする者の申請により行う。

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).

(欠格条項)

(Disqualification)

第十九条の六の三 次の各号のいずれかに該当する者は、登録を受けることができない。

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

一 この法律若しくはこの法律に基づく命令又は障害者の日常生活及び社会生活を総合的に支援するための法律若しくは同法に基づく命令に違反し、罰金以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から二年を経過しない者

(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;

二 第十九条の六の十三の規定により登録を取り消され、その取消の日から二年を経過しない者

(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

三 法人であつて、その業務を行う役員のうち前二号のいずれかに該当する者があるもの

(iii) a corporation whose officers engaged in the business fall under either of the preceding two items.

(登録基準)

(Requirements for Registration)

第十九条の六の四 厚生労働大臣は、第十九条の六の二の規定により登録を申請した者が次に掲げる要件のすべてに適合しているときは、その登録をしなければならない。

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:

一 別表の第一欄に掲げる科目を教授し、その時間数が同表の第三欄又は第四欄に掲げる時間数以上であること。

(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

二 別表の第二欄で定める条件に適合する学識経験を有する者が前号に規定する科目を教授するものであること。

(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 登録は、研修機関登録簿に登録を受ける者の氏名又は名称、住所、登録の年月日及び登録番号を記載してするものとする。

(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,

(登録の更新)

(Renewal of Registration)

第十九条の六の五 登録は、五年ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

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

2 前三条の規定は、前項の登録の更新について準用する。

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

(研修の実施義務)

(Obligation to Offer Training Course)

第十九条の六の六 登録を受けた者（以下「登録研修機関」という。）は、正当な理由がある場合を除き、毎事業年度、研修の実施に関する計画（以下「研修計画」という。）を作成し、研修計画に従つて研修を行わなければならない。

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 登録研修機関は、公正に、かつ、第十八条第一項第四号又は第十九条第一項の厚生労働省令で定めるところにより研修を行わなければならない。

(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 登録研修機関は、毎事業年度の開始前に、第一項の規定により作成した研修計画を厚生労働大臣に届け出なければならない。これを変更しようとするときも、同様とする。

(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.

(変更の届出)

(Notification of Changes)

第十九条の六の七 登録研修機関は、その氏名若しくは名称又は住所を変更しようとするときは、変更しようとする日の二週間前までに、その旨を厚生労働大臣に届け出なければならない。

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.

(業務規程)

(Operational Rules)

第十九条の六の八 登録研修機関は、研修の業務に関する規程（以下「業務規程」という。）を定め、研修の業務の開始前に、厚生労働大臣に届け出なければならない。これを変更しようとするときも、同様とする。

Article 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 業務規程には、研修の実施方法、研修に関する料金その他の厚生労働省令で定める事項を定めておかななければならない。

(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.

(業務の休廃止)

(Suspension or Discontinuation of Operations)

第十九条の六の九 登録研修機関は、研修の業務の全部又は一部を休止し、又は廃止しようとするときは、厚生労働省令で定めるところにより、あらかじめ、その旨を厚生労働大臣に届け出なければならない。

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.

(財務諸表等の備付け及び閲覧等)

(Preparation and Inspection of Financial Statements, etc.)

第十九条の六の十 登録研修機関は、毎事業年度経過後三月以内に、当該事業年度の財産目録、貸借対照表及び損益計算書又は収支計算書並びに事業報告書（その作成に代えて電磁的記録（電子的方式、磁気的方式その他の人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。以下同じ。）の作成がされている場合における当該電磁的記録を含む。次項及び第五十七条において「財務諸表等」という。）を作成し、五年間事務所に備えて置かなければならない。

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 研修を受けようとする者その他の利害関係人は、登録研修機関の業務時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号の請求をするには、登録研修機関の定めた費用を支払わなければならない。

(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):

一 財務諸表等が書面をもつて作成されているときは、当該書面の閲覧又は謄写の請

求

(i) a request for an inspection or a copy of financial statements, etc., if the statements, etc. have been prepared in writing;

二 前号の書面の謄本又は抄本の請求

(ii) a request for a transcript or extract of the written documents set forth in the preceding item;

三 財務諸表等が電磁的記録をもつて作成されているときは、当該電磁的記録に記録された事項を厚生労働省令で定める方法により表示したものの閲覧又は謄写の請求

(iii) 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

四 前号の電磁的記録に記録された事項を電磁的方法であつて厚生労働省令で定めるものにより提供することの請求又は当該事項を記載した書面の交付の請求

(iv) a request 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.

(適合命令)

(Order for Conformity)

第十九条の六の十一 厚生労働大臣は、登録研修機関が第十九条の六の四第一項各号のいずれかに適合しなくなつたと認めるときは、その登録研修機関に対し、これらの規定に適合するため必要な措置をとるべきことを命ずることができる。

Article 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.

(改善命令)

(Order for Improvement)

第十九条の六の十二 厚生労働大臣は、登録研修機関が第十九条の六の六第一項又は第二項の規定に違反していると認めるときは、その登録研修機関に対し、研修を行うべきこと又は研修の実施方法その他の業務の方法の改善に関し必要な措置をとるべきことを命ずることができる。

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.

(登録の取消し等)

(Rescission of Revocation)

第十九条の六の十三 厚生労働大臣は、登録研修機関が次の各号のいずれかに該当するときは、その登録を取り消し、又は期間を定めて研修の業務の全部若しくは一部の停止を命ずることができる。

Article 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:

一 第十九条の六の三第一号又は第三号に該当するに至つたとき。

(i) if the registered training organization falls under Article 19-6-3, item (i) or item (iii);

二 第十九条の六の六第三項、第十九条の六の七、第十九条の六の八、第十九条の六の九、第十九条の六の十第一項又は次条の規定に違反したとき。

(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;

三 正当な理由がないのに第十九条の六の十第二項各号の規定による請求を拒んだとき。

(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;

四 第十九条の六の十一又は前条の規定による命令に違反したとき。

(iv) if the registered training organization is in violation of an order under Article 19-6-1 or the preceding Article; or

五 不正の手段により登録を受けたとき。

(v) if the relevant organization has been granted its registration by wrongful means.

(帳簿の備付け)

(Keeping of Books)

第十九条の六の十四 登録研修機関は、厚生労働省令で定めるところにより、帳簿を備え、研修に関し厚生労働省令で定める事項を記載し、これを保存しなければならない。

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.

(厚生労働大臣による研修業務の実施)

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

第十九条の六の十五 厚生労働大臣は、登録を受ける者がいないとき、第十九条の六の九の規定による研修の業務の全部又は一部の休止又は廃止の届出があつたとき、第十九条の六の十三の規定により登録を取り消し、又は登録研修機関に対し研修の業務の全部若しくは一部の停止を命じたとき、登録研修機関が天災その他の事由により研修の業務の全部又は一部を実施することが困難となつたときその他必要があると認めるときは、当該研修の業務の全部又は一部を自ら行うことができる。

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 前項の規定により厚生労働大臣が行う研修を受けようとする者は、実費を勘案して政令で定める金額の手数料を納付しなければならない。

(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 厚生労働大臣が第一項の規定により研修の業務の全部又は一部を自ら行う場合における研修の業務の引継ぎその他の必要な事項については、厚生労働省令で定める。

(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.

(報告の徴収及び立入検査)

(Collection of Reports and On-site Inspections)

第十九条の六の十六 厚生労働大臣は、研修の業務の適正な運営を確保するために必要な限度において、登録研修機関に対し、必要と認める事項の報告を求め、又は当該職員に、その事務所に立ち入り、業務の状況若しくは帳簿書類その他の物件を検査させることができる。

Article 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 前項の規定により立入検査を行う当該職員は、その身分を示す証票を携帯し、関係者の請求があつたときは、これを提示しなければならない。

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

(3) The authority prescribed in the provisions of paragraph (1) must not be construed as being granted for criminal investigation.

(公示)

(Public Notice)

第十九条の六の十七 厚生労働大臣は、次の場合には、その旨を公示しなければならない。

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:

一 登録をしたとき。

(i) if the Minister has made the registration;

二 第十九条の六の七の規定による届出があつたとき。

(ii) if a notification under Article 19-6-7 has been received;

三 第十九条の六の九の規定による届出があつたとき。

(iii) if a notification under Article 19-6-9 has been received;

四 第十九条の六の十三の規定により登録を取り消し、又は研修の業務の停止を命じたとき。

(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

五 第十九条の六の十五の規定により厚生労働大臣が研修の業務の全部若しくは一部を自ら行うものとするとき、又は自ら行っていた研修の業務の全部若しくは一部を行わないこととするとき。

(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.

第三節 精神科病院

Section 3 Psychiatric Hospitals

(都道府県立精神科病院)

(Prefectural Psychiatric Hospitals)

第十九条の七 都道府県は、精神科病院を設置しなければならない。ただし、次条の規定による指定病院がある場合においては、その設置を延期することができる。

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 都道府県又は都道府県及び都道府県以外の地方公共団体が設立した地方独立行政法人（地方独立行政法人法（平成十五年法律第百十八号）第二条第一項に規定する地方独立行政法人をいう。次条において同じ。）が精神科病院を設置している場合には、当該都道府県については、前項の規定は、適用しない。

(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.

（指定病院）

(Designated Hospital)

第十九条の八 都道府県知事は、国、都道府県並びに都道府県又は都道府県及び都道府県以外の地方公共団体が設立した地方独立行政法人（以下「国等」という。）以外の者が設置した精神科病院であつて厚生労働大臣の定める基準に適合するものの全部又は一部を、その設置者の同意を得て、都道府県が設置する精神科病院に代わる施設（以下「指定病院」という。）として指定することができる。

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.

（指定の取消し）

(Revocation of Designation)

第十九条の九 都道府県知事は、指定病院が、前条の基準に適合しなくなつたとき、又はその運営方法がその目的遂行のために不適當であると認めるときは、その指定を取り消すことができる。

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 都道府県知事は、前項の規定によりその指定を取り消そうとするときは、あらかじめ、地方精神保健福祉審議会（地方精神保健福祉審議会が置かれていない都道府県にあつては、医療法（昭和二十三年法律第二百五号）第七十二条第一項に規定する都道府県医療審議会）の意見を聴かなければならない。

(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 厚生労働大臣は、第一項に規定する都道府県知事の権限に属する事務について、指定病院に入院中の者の処遇を確保する緊急の必要があると認めるときは、都道府県知事に対し同項の事務を行うことを指示することができる。

(3) 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.

（国の補助）

(Subsidies the National Government)

第十九条の十 国は、都道府県が設置する精神科病院及び精神科病院以外の病院に設ける精神病室の設置及び運営に要する経費（第三十条第一項の規定により都道府県が負担する費用を除く。次項において同じ。）に対し、政令の定めるところにより、その二分の一を補助する。

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 国は、営利を目的としない法人が設置する精神科病院及び精神科病院以外の病院に設ける精神病室の設置及び運営に要する経費に対し、政令の定めるところにより、その二分の一以内を補助することができる。

- (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.

第四節 精神科救急医療の確保

Section 4 Ensuring Emergency Psychiatric Care

第十九条の十一 都道府県は、精神障害の救急医療が適切かつ効率的に提供されるように、夜間又は休日において精神障害の医療を必要とする精神障害者又はその第三十三条第二項に規定する家族等その他の関係者からの相談に応ずること、精神障害の救急医療を提供する医療施設相互間の連携を確保することその他の地域の実情に応じた体制の整備を図るよう努めるものとする。

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 都道府県知事は、前項の体制の整備に当たっては、精神科病院その他の精神障害の医療を提供する施設の管理者、当該施設の指定医その他の関係者に対し、必要な協力を求めることができる。

(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.

第五章 医療及び保護

Chapter V Medical Care and Protection

第一節 任意入院

Section 1 Voluntary Hospitalization

第二十条 精神科病院の管理者は、精神障害者を入院させる場合においては、本人の同意に基づいて入院が行われるように努めなければならない。

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.

第二十一条 精神障害者が自ら入院する場合には、精神科病院の管理者は、その入院に際し、当該精神障害者に対して第三十八条の四の規定による退院等の請求に関する事その他厚生労働省令で定める事項を書面で知らせ、当該精神障害者から自ら入院する旨を記載した書面を受けなければならない。

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 精神科病院の管理者は、自ら入院した精神障害者（以下「任意入院者」という。）から退院の申出があつた場合においては、その者を退院させなければならない。

(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 前項に規定する場合において、精神科病院の管理者は、指定医による診察の結果、当該任意入院者の医療及び保護のため入院を継続する必要があると認めるときは、同項の規定にかかわらず、七十二時間を限り、その者を退院させないことができる。

(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 前項に規定する場合において、精神科病院（厚生労働省令で定める基準に適合すると都道府県知事が認めるものに限る。）の管理者は、緊急その他やむを得ない理由があるときは、指定医に代えて指定医以外の医師（医師法（昭和二十三年法律第二百一十号）第十六条の四第一項の規定による登録を受けていることその他厚生労働省令で定める基準に該当する者に限る。以下「特定医師」という。）に任意入院者の診察を行わせることができる。この場合において、診察の結果、当該任意入院者の医療及び保護のため入院を継続する必要があると認めるときは、前二項の規定にかかわらず、十二時間を限り、その者を退院させないことができる。

(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 第十九条の四の二の規定は、前項の規定により診察を行つた場合について準用する。この場合において、同条中「指定医は、前条第一項」とあるのは「第二十一条第四項に規定する特定医師は、同項」と、「当該指定医」とあるのは「当該特定医師」と読み替えるものとする。

(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 精神科病院の管理者は、第四項後段の規定による措置を採つたときは、遅滞なく、厚生労働省令で定めるところにより、当該措置に関する記録を作成し、これを保存しなければならない。

(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 精神科病院の管理者は、第三項又は第四項後段の規定による措置を採る場合においては、当該任意入院者に対し、当該措置を採る旨、第三十八条の四の規定による退院等の請求に関する事その他厚生労働省令で定める事項を書面で知らせなければならない。

(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.

第二節 指定医の診察及び措置入院

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

(診察及び保護の申請)

(Application for Examination and Protection)

第二十二條 精神障害者又はその疑いのある者を知つた者は、誰でも、その者について指定医の診察及び必要な保護を都道府県知事に申請することができる。

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 前項の申請をするには、次の事項を記載した申請書を最寄りの保健所長を経て都道府県知事に提出しなければならない。

(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:

一 申請者の住所、氏名及び生年月日

(i) address, name, and date of birth of the applicant;

二 本人の現在場所、居住地、氏名、性別及び生年月日

(ii) current location, place of residence, name, sex, and date of birth of the person in question;

三 症状の概要

(iii) a description of the symptoms of the person in question; or

四 現に本人の保護の任に当たっている者があるときはその者の住所及び氏名

(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.

(警察官の通報)

(Report by a Police Officer)

第二十三條 警察官は、職務を執行するに当たり、異常な挙動その他周囲の事情から判断して、精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがあると認められる者を発見したときは、直ちに、その旨を、最寄りの保健所長を経て都道府県知事に通報しなければならない。

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.

(検察官の通報)

(Report by a Public Prosecutor)

第二十四条 検察官は、精神障害者又はその疑いのある被疑者又は被告人について、不起訴処分をしたとき、又は裁判（懲役若しくは禁錮の刑を言い渡し、その刑の全部の執行猶予の言渡しをせず、又は拘留の刑を言い渡す裁判を除く。）が確定したときは、速やかに、その旨を都道府県知事に通報しなければならない。ただし、当該不起訴処分をされ、又は裁判を受けた者について、心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律（平成十五年法律第百十号）第三十三条第一項の申立てをしたときは、この限りでない。

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 検察官は、前項本文に規定する場合のほか、精神障害者若しくはその疑いのある被疑者若しくは被告人又は心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律の対象者（同法第二条第二項に規定する対象者をいう。第二十六条の三及び第四十四条第一項において同じ。）について、特に必要があると認めたときは、速やかに、都道府県知事に通報しなければならない。

(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).

(保護観察所の長の通報)

(Report by the Chief of a Probation Office)

第二十五条 保護観察所の長は、保護観察に付されている者が精神障害者又はその疑いのある者であることを知つたときは、速やかに、その旨を都道府県知事に通報しなければならない。

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.

(矯正施設の長の通報)

(Report by the Head of a Correctional Institution)

第二十六条 矯正施設（拘置所、刑務所、少年刑務所、少年院、少年鑑別所及び婦人補導院をいう。以下同じ。）の長は、精神障害者又はその疑いのある収容者を釈放、退院又は退所させようとするときは、あらかじめ、左の事項を本人の帰住地（帰住地がない場合は当該矯正施設の所在地）の都道府県知事に通報しなければならない。

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:

一 本人の帰住地、氏名、性別及び生年月日

(i) a place in which the person in question will reside after their release, their name, sex, and the date of birth;

二 症状の概要

(ii) a description of their symptoms;

三 釈放、退院又は退所の年月日

(iii) the date of their release; or

四 引取人の住所及び氏名

(iv) the address and name of a person taking in the person in question.

(精神科病院の管理者の届出)

(Notification by an Administrator of a Psychiatric Hospital)

第二十六条の二 精神科病院の管理者は、入院中の精神障害者であつて、第二十九条第一項の要件に該当すると認められるものから退院の申出があつたときは、直ちに、そ

の旨を、最寄りの保健所長を経て都道府県知事に届け出なければならない。

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.

(心神喪失等の状態で重大な他害行為を行った者に係る通報)

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

第二十六条の三 心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律第二条第五項に規定する指定通院医療機関の管理者及び保護観察所の長は、同法の対象者であつて同条第四項に規定する指定入院医療機関に入院していないものがその精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがあると認めるときは、直ちに、その旨を、最寄りの保健所長を経て都道府県知事に通報しなければならない。

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.

(申請等に基づき行われる指定医の診察等)

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

第二十七条 都道府県知事は、第二十二条から前条までの規定による申請、通報又は届出のあつた者について調査の上必要があると認めるときは、その指定する指定医をして診察をさせなければならない。

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 都道府県知事は、入院させなければ精神的障害のために自身を傷つけ又は他人に害を及ぼすおそれがあることが明らかである者については、第二十二条から前条までの規定による申請、通報又は届出がない場合においても、その指定する指定医をして診察をさせることができる。

(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 都道府県知事は、前二項の規定により診察をさせる場合には、当該職員を立ち合わせなければならない。

(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 指定医及び前項の当該職員は、前三項の職務を行うに当たつて必要な限度においてその者の居住する場所へ立ち入ることができる。

(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 第十九条の六の十六第二項及び第三項の規定は、前項の規定による立入りについて準用する。この場合において、同条第二項中「前項」とあるのは「第二十七条第四項」と、「当該職員」とあるのは「指定医及び当該職員」と、同条第三項中「第一項」とあるのは「第二十七条第四項」と読み替えるものとする。

(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)."

(診察の通知)

(Notification of Examination)

第二十八条 都道府県知事は、前条第一項の規定により診察をさせるに当つて現に本人の保護の任に当つている者がある場合には、あらかじめ、診察の日時及び場所をその者に通知しなければならない。

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 後見人又は保佐人、親権を行う者、配偶者その他現に本人の保護の任に当たつている者は、前条第一項の診察に立ち会うことができる。

(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.

(判定の基準)

(Requirements for Judgment)

第二十八条の二 第二十七条第一項又は第二項の規定により診察をした指定医は、厚生労働大臣の定める基準に従い、当該診察をした者が精神障害者であり、かつ、医療及び保護のために入院させなければその精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがあるかどうかの判定を行わなければならない。

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.

(都道府県知事による入院措置)

(Involuntary Hospitalization by a Prefectural Governor)

第二十九条 都道府県知事は、第二十七条の規定による診察の結果、その診察を受けた者が精神障害者であり、かつ、医療及び保護のために入院させなければその精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがあると認めるときは、その者を国等の設置した精神科病院又は指定病院に入院させることができる。

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 前項の場合において都道府県知事はその者を入院させるには、その指定する二人以上の指定医の診察を経て、その者が精神障害者であり、かつ、医療及び保護のために入院させなければその精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがあると認めることについて、各指定医の診察の結果が一致した場合でなければならない。

(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 都道府県知事は、第一項の規定による措置を採る場合においては、当該精神障害者に対し、当該入院措置を採る旨、第三十八条の四の規定による退院等の請求に関することその他厚生労働省令で定める事項を書面で知らせなければならない。

(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 国等の設置した精神科病院及び指定病院の管理者は、病床（病院の一部について第十九条の八の指定を受けている指定病院にあつてはその指定に係る病床）に既に第一項又は次条第一項の規定により入院をさせた者がいるため余裕がない場合のほかは、第一項の精神障害者を入院させなければならない。

(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.

第二十九条の二 都道府県知事は、前条第一項の要件に該当すると認められる精神障害者又はその疑いのある者について、急速を要し、第二十七条、第二十八条及び前条の規定による手続を採ることができない場合において、その指定する指定医をして診察をさせた結果、その者が精神障害者であり、かつ、直ちに入院させなければその精神障害のために自身を傷つけ又は他人を害するおそれが著しいと認めたときは、その者を前条第一項に規定する精神科病院又は指定病院に入院させることができる。

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 都道府県知事は、前項の措置をとったときは、すみやかに、その者につき、前条第一項の規定による入院措置をとるかどうかを決定しなければならない。

(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 第一項の規定による入院の期間は、七十二時間を超えることができない。

(3) The period of hospitalization under paragraph (1) may not exceed 72 hours.

4 第二十七条第四項及び第五項並びに第二十八条の二の規定は第一項の規定による診察について、前条第三項の規定は第一項の規定による措置を採る場合について、同条第四項の規定は第一項の規定により入院する者の入院について準用する。

(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).

第二十九条の二の二 都道府県知事は、第二十九条第一項又は前条第一項の規定による入院措置を採ろうとする精神障害者を、当該入院措置に係る病院に移送しなければならない。

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 都道府県知事は、前項の規定により移送を行う場合においては、当該精神障害者に対し、当該移送を行う旨その他厚生労働省令で定める事項を書面で知らせなければならない。

(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 都道府県知事は、第一項の規定による移送を行うに当たっては、当該精神障害者を診察した指定医が必要と認めたときは、その者の医療又は保護に欠くことのできない限度において、厚生労働大臣があらかじめ社会保障審議会の意見を聴いて定める行動の制限を行うことができる。

(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.

第二十九条の三 第二十九条第一項に規定する精神科病院又は指定病院の管理者は、第二十九条の二第一項の規定により入院した者について、都道府県知事から、第二十九条第一項の規定による入院措置を採らない旨の通知を受けたとき、又は第二十九条の二第三項の期間内に第二十九条第一項の規定による入院措置を採る旨の通知がないときは、直ちに、その者を退院させなければならない。

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.

(入院措置の解除)

(Cessation of the Measures for Hospitalization)

第二十九条の四 都道府県知事は、第二十九条第一項の規定により入院した者（以下「措置入院者」という。）が、入院を継続しなくてもその精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがないと認められるに至ったときは、直ちに、その者を退院させなければならない。この場合においては、都道府県知事は、あらかじめ、その者を入院させている精神科病院又は指定病院の管理者の意見を聞くものとする。

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 前項の場合において都道府県知事がその者を退院させるには、その者が入院を継続しなくてもその精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがないと認められることについて、その指定する指定医による診察の結果又は次条の規定による診察の結果に基づく場合でなければならない。

(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.

第二十九条の五 措置入院者を入院させている精神科病院又は指定病院の管理者は、指定医による診察の結果、措置入院者が、入院を継続しなくてもその精神障害のために自身を傷つけ又は他人に害を及ぼすおそれがないと認められるに至ったときは、直ちに、その旨、その者の症状その他厚生労働省令で定める事項を最寄りの保健所長を経て都道府県知事に届け出なければならない。

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.

(入院措置の場合の診療方針及び医療に要する費用の額)

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

第二十九条の六 第二十九条第一項及び第二十九条の二第一項の規定により入院する者について国等の設置した精神科病院又は指定病院が行う医療に関する診療方針及びその医療に要する費用の額の算定方法は、健康保険の診療方針及び療養に要する費用の額の算定方法の例による。

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 前項に規定する診療方針及び療養に要する費用の額の算定方法の例によることができないとき、及びこれによることを適当としないときの診療方針及び医療に要する費用の額の算定方法は、厚生労働大臣の定めるところによる。

(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.

(社会保険診療報酬支払基金への事務の委託)

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

第二十九条の七 都道府県は、第二十九条第一項及び第二十九条の二第一項の規定により入院する者について国等の設置した精神科病院又は指定病院が行った医療が前条に規定する診療方針に適合するかどうかについての審査及びその医療に要する費用の額の算定並びに国等又は指定病院の設置者に対する診療報酬の支払に関する事務を社会保険診療報酬支払基金に委託することができる。

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.

(費用の負担)

(Burden of Costs)

第三十条 第二十九条第一項及び第二十九条の二第一項の規定により都道府県知事が入院させた精神障害者の入院に要する費用は、都道府県が負担する。

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 国は、都道府県が前項の規定により負担する費用を支弁したときは、政令の定めるところにより、その四分の三を負担する。

(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.

(他の法律による医療に関する給付との調整)

(Adjustments with Medical Care Benefits Provided by Other Acts)

第三十条の二 前条第一項の規定により費用の負担を受ける精神障害者が、健康保険法（大正十一年法律第七十号）、国民健康保険法（昭和三十三年法律第九十二号）、船員保険法（昭和十四年法律第七十三号）、労働者災害補償保険法（昭和二十二年法律第五十号）、国家公務員共済組合法（昭和三十三年法律第二百二十八号。他の法律において準用し、又は例による場合を含む。）、地方公務員等共済組合法（昭和三十七

年法律第百五十二号)、高齢者の医療の確保に関する法律(昭和五十七年法律第八十号)又は介護保険法(平成九年法律第百二十三号)の規定により医療に関する給付を受けることができる者であるときは、都道府県は、その限度において、同項の規定による負担をすることを要しない。

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.

(費用の徴収)

(Collection of Expenses)

第三十一条 都道府県知事は、第二十九条第一項及び第二十九条の二第一項の規定により入院させた精神障害者又はその扶養義務者が入院に要する費用を負担することができるものと認めるときは、その費用の全部又は一部を徴収することができる。

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 都道府県知事は、前項の規定による費用の徴収に関し必要があると認めるときは、当該精神障害者又はその扶養義務者の収入の状況につき、当該精神障害者若しくはその扶養義務者に対し報告を求め、又は官公署に対し必要な書類の閲覧若しくは資料の提供を求めることができる。

(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.

第三十二条 削除
Article 32 deleted

第三節 医療保護入院等

Section 3 Involuntary Hospitalization for Medical Care and Protection

(医療保護入院)

(Involuntary Hospitalization for Medical Care and Protection)

第三十三条 精神科病院の管理者は、次に掲げる者について、その家族等のうちいずれかの者の同意があるときは、本人の同意がなくてもその者を入院させることができる。

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:

一 指定医による診察の結果、精神障害者であり、かつ、医療及び保護のため入院の必要がある者であつて当該精神障害のために第二十条の規定による入院が行われる状態にないと判定されたもの

(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

二 第三十四条第一項の規定により移送された者

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

2 前項の「家族等」とは、当該精神障害者の配偶者、親権を行う者、扶養義務者及び後見人又は保佐人をいう。ただし、次の各号のいずれかに該当する者を除く。

(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:

一 行方の知れない者

(i) a person whose whereabouts are unknown;

二 当該精神障害者に対して訴訟をしている者、又はした者並びにその配偶者及び直系血族

(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;

三 家庭裁判所で免ぜられた法定代理人、保佐人又は補助人

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

curator or assistant;

四 成年被後見人又は被保佐人

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

五 未成年者

(v) a minor.

3 精神科病院の管理者は、第一項第一号に掲げる者について、その家族等（前項に規定する家族等をいう。以下同じ。）がない場合又はその家族等の全員がその意思を表示することができない場合において、その者の居住地（居住地がないか、又は明らかでないときは、その者の現在地。第四十五条第一項を除き、以下同じ。）を管轄する市町村長（特別区の長を含む。以下同じ。）の同意があるときは、本人の同意がなくてもその者を入院させることができる。第三十四条第二項の規定により移送された者について、その者の居住地を管轄する市町村長の同意があるときも、同様とする。

(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 第一項又は前項に規定する場合において、精神科病院（厚生労働省令で定める基準に適合すると都道府県知事が認めるものに限る。）の管理者は、緊急その他やむを得ない理由があるときは、指定医に代えて特定医師に診察を行わせることができる。この場合において、診察の結果、精神障害者であり、かつ、医療及び保護のため入院の必要がある者であつて当該精神障害のために第二十条の規定による入院が行われる状態にないと判定されたときは、第一項又は前項の規定にかかわらず、本人の同意がなくても、十二時間を限り、その者を入院させることができる。

(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 第十九条の四の二の規定は、前項の規定により診察を行つた場合について準用する。この場合において、同条中「指定医は、前条第一項」とあるのは「第二十一条第四項に規定する特定医師は、第三十三条第四項」と、「当該指定医」とあるのは「当該特定医師」と読み替えるものとする。

(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 精神科病院の管理者は、第四項後段の規定による措置を採つたときは、遅滞なく、厚生労働省令で定めるところにより、当該措置に関する記録を作成し、これを保存しなければならない。

(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 精神科病院の管理者は、第一項、第三項又は第四項後段の規定による措置を採つたときは、十日以内に、その者の症状その他厚生労働省令で定める事項を当該入院について同意をした者の同意書を添え、最寄りの保健所長を経て都道府県知事に届け出なければならない。

(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.

第三十三条の二 精神科病院の管理者は、前条第一項又は第三項の規定により入院した者（以下「医療保護入院者」という。）を退院させたときは、十日以内に、その旨及び厚生労働省令で定める事項を最寄りの保健所長を経て都道府県知事に届け出なければならない。

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.

第三十三条の三 精神科病院の管理者は、第三十三条第一項、第三項又は第四項後段の規定による措置を採る場合においては、当該精神障害者に対し、当該入院措置を採る旨、第三十八条の四の規定による退院等の請求に関する事その他厚生労働省令で定める事項を書面で知らせなければならない。ただし、当該入院措置を採つた日から四週間を経過する日までの間であつて、当該精神障害者の症状に照らし、その者の医療及び保護を図る上で支障があると認められる間においては、この限りでない。

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 精神科病院の管理者は、前項ただし書の規定により同項本文に規定する事項を書面で知らせなかつたときは、厚生労働省令で定めるところにより、厚生労働省令で定める事項を診療録に記載しなければならない。

(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.

(医療保護入院者の退院による地域における生活への移行を促進するための措置)
(Measures Facilitating the Transition of Involuntary Inpatients under Medical Care and Protection to Life in the Local Community Following Discharge)

第三十三条の四 医療保護入院者を入院させている精神科病院の管理者は、精神保健福祉士その他厚生労働省令で定める資格を有する者のうちから、厚生労働省令で定めるところにより、退院後生活環境相談員を選任し、その者に医療保護入院者の退院後の生活環境に関し、医療保護入院者及びその家族等からの相談に応じさせ、及びこれらの者を指導させなければならない。

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.

第三十三条の五 医療保護入院者を入院させている精神科病院の管理者は、医療保護入院者又はその家族等から求めがあつた場合その他医療保護入院者の退院による地域における生活への移行を促進するために必要があると認められる場合には、これらの者に対して、厚生労働省令で定めるところにより、一般相談支援事業若しくは障害者の日常生活及び社会生活を総合的に支援するための法律第五条第十八項に規定する特定相談支援事業（第四十九条第一項において「特定相談支援事業」という。）を行う者、介護保険法第八条第二十四項に規定する居宅介護支援事業を行う者その他の地域の精神障害者の保健又は福祉に関する各般の問題につき精神障害者又はその家族等からの相談に応じ必要な情報の提供、助言その他の援助を行う事業を行うことができると認められる者として厚生労働省令で定めるもの（次条において「地域援助事業者」という。）を紹介するよう努めなければならない。

Article 33-5 If an administrator of a psychiatric hospital which has admitted an involuantry 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.

第三十三条の六 精神科病院の管理者は、前二条に規定する措置のほか、厚生労働省令で定めるところにより、必要に応じて地域援助事業者と連携を図りながら、医療保護入院者の退院による地域における生活への移行を促進するために必要な体制の整備その他の当該精神科病院における医療保護入院者の退院による地域における生活への移行を促進するための措置を講じなければならない。

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.

(応急入院)

(Emergency Hospitalization)

第三十三条の七 厚生労働大臣の定める基準に適合するものとして都道府県知事が指定する精神科病院の管理者は、医療及び保護の依頼があつた者について、急速を要し、その家族等の同意を得ることができない場合において、その者が、次に該当する者であるときは、本人の同意がなくても、七十二時間を限り、その者を入院させることができる。

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:

一 指定医の診察の結果、精神障害者であり、かつ、直ちに入院させなければその者の医療及び保護を図る上で著しく支障がある者であつて当該精神障害のために第二十条の規定による入院が行われる状態にないと判定されたもの

(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

二 第三十四条第三項の規定により移送された者

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

2 前項に規定する場合において、同項に規定する精神科病院の管理者は、緊急その他やむを得ない理由があるときは、指定医に代えて特定医師に同項の医療及び保護の依頼があつた者の診察を行わせることができる。この場合において、診察の結果、その

者が、精神障害者であり、かつ、直ちに入院させなければその者の医療及び保護を図る上で著しく支障がある者であつて当該精神障害のために第二十条の規定による入院が行われる状態にないと判定されたときは、同項の規定にかかわらず、本人の同意がなくても、十二時間を限り、その者を入院させることができる。

(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 第十九条の四の二の規定は、前項の規定により診察を行つた場合について準用する。この場合において、同条中「指定医は、前条第一項」とあるのは「第二十一条第四項に規定する特定医師は、第三十三条の七第二項」と、「当該指定医」とあるのは「当該特定医師」と読み替えるものとする。

(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 第一項に規定する精神科病院の管理者は、第二項後段の規定による措置を採つたときは、遅滞なく、厚生労働省令で定めるところにより、当該措置に関する記録を作成し、これを保存しなければならない。

(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 第一項に規定する精神科病院の管理者は、同項又は第二項後段の規定による措置を採つたときは、直ちに、当該措置を採つた理由その他厚生労働省令で定める事項を最寄りの保健所長を経て都道府県知事に届け出なければならない。

(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 都道府県知事は、第一項の指定を受けた精神科病院が同項の基準に適合しなくなつたと認めるときは、その指定を取り消すことができる。

(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 厚生労働大臣は、前項に規定する都道府県知事の権限に属する事務について、第一項の指定を受けた精神科病院に入院中の者の処遇を確保する緊急の必要があると認めるときは、都道府県知事に対し前項の事務を行うことを指示することができる。

(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.

第三十三条の八 第十九条の九第二項の規定は前条第六項の規定による処分をする場合について、第二十九条第三項の規定は精神科病院の管理者が前条第一項又は第二項後段の規定による措置を採る場合について準用する。

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.

(医療保護入院等のための移送)

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

第三十四条 都道府県知事は、その指定する指定医による診察の結果、精神障害者であり、かつ、直ちに入院させなければその者の医療及び保護を図る上で著しく支障がある者であつて当該精神障害のために第二十条の規定による入院が行われる状態にないと判定されたものにつき、その家族等のうちいずれかの者の同意があるときは、本人の同意がなくてもその者を第三十三条第一項の規定による入院をさせるため第三十三条の七第一項に規定する精神科病院に移送することができる。

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 都道府県知事は、前項に規定する精神障害者の家族等がない場合又はその家族等の全員がその意思を表示することができない場合において、その者の居住地を管轄する市町村長の同意があるときは、本人の同意がなくてもその者を第三十三条第三項の規定による入院をさせるため第三十三条の七第一項に規定する精神科病院に移送することができる。

(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 都道府県知事は、急速を要し、その者の家族等の同意を得ることができない場合において、その指定する指定医の診察の結果、その者が精神障害者であり、かつ、直ちに入院させなければその者の医療及び保護を図る上で著しく支障がある者であつて当該精神障害のために第二十条の規定による入院が行われる状態にないと判定されたときは、本人の同意がなくてもその者を第三十三条の七第一項の規定による入院をさせるため同項に規定する精神科病院に移送することができる。

(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 第二十九条の二の二第二項及び第三項の規定は、前三項の規定による移送を行う場合について準用する。

(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.

第三十五条 削除

Article 35 deleted

第四節 精神科病院における処遇等

Section 4 Respectful Treatment in a Psychiatric Hospital

(処遇)

(Respectful Treatment)

第三十六条 精神科病院の管理者は、入院中の者につき、その医療又は保護に欠くことのできない限度において、その行動について必要な制限を行うことができる。

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 精神科病院の管理者は、前項の規定にかかわらず、信書の発受の制限、都道府県その他の行政機関の職員との面会の制限その他の行動の制限であつて、厚生労働大臣があらかじめ社会保障審議会の意見を聴いて定める行動の制限については、これを行うことができない。

(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 第一項の規定による行動の制限のうち、厚生労働大臣があらかじめ社会保障審議会の意見を聴いて定める患者の隔離その他の行動の制限は、指定医が必要と認める場合でなければ行うことができない。

(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.

第三十七条 厚生労働大臣は、前条に定めるもののほか、精神科病院に入院中の者の処遇について必要な基準を定めることができる。

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 前項の基準が定められたときは、精神科病院の管理者は、その基準を遵守しなければならない。

(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 厚生労働大臣は、第一項の基準を定めようとするときは、あらかじめ、社会保障審議会の意見を聴かなければならない。

(3) 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.

(指定医の精神科病院の管理者への報告等)

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

第三十七条の二 指定医は、その勤務する精神科病院に入院中の者の処遇が第三十六条の規定に違反していると思料するとき又は前条第一項の基準に適合していないと認めるときその他精神科病院に入院中の者の処遇が著しく適当でないと認めるときは、当該精神科病院の管理者にその旨を報告すること等により、当該管理者において当該精神科病院に入院中の者の処遇の改善のために必要な措置が採られるよう努めなければならない。

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.

(相談、援助等)

(Counselling or Support)

第三十八条 精神科病院その他の精神障害の医療を提供する施設の管理者は、当該施設において医療を受ける精神障害者の社会復帰の促進を図るため、当該施設の医師、看護師その他の医療従事者による有機的な連携の確保に配慮しつつ、その者の相談に応じ、必要に応じて一般相談支援事業を行う者と連携を図りながら、その者に必要な援助を行い、及びその家族等その他の関係者との連絡調整を行うように努めなければならない。

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.

(定期の報告等)

(Periodic Reports)

第三十八条の二 措置入院者を入院させている精神科病院又は指定病院の管理者は、措置入院者の症状その他厚生労働省令で定める事項（以下この項において「報告事項」という。）を、厚生労働省令で定めるところにより、定期に、最寄りの保健所長を経て都道府県知事に報告しなければならない。この場合においては、報告事項のうち厚生労働省令で定める事項については、指定医による診察の結果に基づくものでなければならない。

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 前項の規定は、医療保護入院者を入院させている精神科病院の管理者について準用する。この場合において、同項中「措置入院者」とあるのは、「医療保護入院者」と読み替えるものとする。

(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 都道府県知事は、条例で定めるところにより、精神科病院の管理者（第三十八条の七第一項、第二項又は第四項の規定による命令を受けた者であつて、当該命令を受けた日から起算して厚生労働省令で定める期間を経過しないものその他これに準ずる者として厚生労働省令で定めるものに限る。）に対し、当該精神科病院に入院中の任意入院者（厚生労働省令で定める基準に該当する者に限る。）の症状その他厚生労働省令で定める事項について報告を求めることができる。

(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.

(定期の報告等による審査)

(Reviews Based on Periodic Reports)

第三十八条の三 都道府県知事は、前条第一項若しくは第二項の規定による報告又は第三十三条第七項の規定による届出（同条第一項又は第三項の規定による措置に係るものに限る。）があつたときは、当該報告又は届出に係る入院中の者の症状その他厚生労働省令で定める事項を精神医療審査会に通知し、当該入院中の者についてその入院の必要があるかどうかに関し審査を求めなければならない。

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 精神医療審査会は、前項の規定により審査を求められたときは、当該審査に係る入院中の者についてその入院の必要があるかどうかに関し審査を行い、その結果を都道府県知事に通知しなければならない。

(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 精神医療審査会は、前項の審査をするに当たつて必要があると認めるときは、当該審査に係る入院中の者に対して意見を求め、若しくはその者の同意を得て委員（指定医である者に限る。第三十八条の五第四項において同じ。）に診察させ、又はその者が入院している精神科病院の管理者その他関係者に対して報告若しくは意見を求め、診療録その他の帳簿書類の提出を命じ、若しくは出頭を命じて審問することができる。

(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 都道府県知事は、第二項の規定により通知された精神医療審査会の審査の結果に基づき、その入院が必要でないと認められた者を退院させ、又は精神科病院の管理者に対しその者を退院させることを命じなければならない。

(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 都道府県知事は、第一項に定めるもののほか、前条第三項の規定による報告を受けたときは、当該報告に係る入院中の者の症状その他厚生労働省令で定める事項を精神医療審査会に通知し、当該入院中の者についてその入院の必要があるかどうかに関し審査を求めることができる。

(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 第二項及び第三項の規定は、前項の規定により都道府県知事が審査を求めた場合について準用する。

(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.

(退院等の請求)

(Requests for Discharge)

第三十八条の四 精神科病院に入院中の者又はその家族等（その家族等がない場合又はその家族等の全員がその意思を表示することができない場合にあつては、その者の居住地を管轄する市町村長）は、厚生労働省令で定めるところにより、都道府県知事に対し、当該入院中の者を退院させ、又は精神科病院の管理者に対し、その者を退院させることを命じ、若しくはその者の処遇の改善のために必要な措置を採ることを命じることを求めることができる。

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.

(退院等の請求による審査)

(Reviews Related to Requests for Discharge)

第三十八条の五 都道府県知事は、前条の規定による請求を受けたときは、当該請求の内容を精神医療審査会に通知し、当該請求に係る入院中の者について、その入院の必要があるかどうか、又はその処遇が適当であるかどうかに関し審査を求めなければならない。

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 精神医療審査会は、前項の規定により審査を求められたときは、当該審査に係る者について、その入院の必要があるかどうか、又はその処遇が適当であるかどうかに関し審査を行い、その結果を都道府県知事に通知しなければならない。

(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 精神医療審査会は、前項の審査をするに当たっては、当該審査に係る前条の規定による請求をした者及び当該審査に係る入院中の者が入院している精神科病院の管理者の意見を聴かなければならない。ただし、精神医療審査会がこれらの者の意見を聴く必要がないと特に認めるときは、この限りでない。

(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 精神医療審査会は、前項に定めるもののほか、第二項の審査をするに当たつて必要があると認めるときは、当該審査に係る入院中の者の同意を得て委員に診察させ、又はその者が入院している精神科病院の管理者その他関係者に対して報告を求め、診療録その他の帳簿書類の提出を命じ、若しくは出頭を命じて審問することができる。

(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 都道府県知事は、第二項の規定により通知された精神医療審査会の審査の結果に基づき、その入院が必要でない認められた者を退院させ、又は当該精神科病院の管理者に対しその者を退院させることを命じ若しくはその者の処遇の改善のために必要な措置を採ることを命じなければならない。

(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 都道府県知事は、前条の規定による請求をした者に対し、当該請求に係る精神医療審査会の審査の結果及びこれに基づき採った措置を通知しなければならない。

(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.

(報告徴収等)

(Collection of Reports)

第三十八条の六 厚生労働大臣又は都道府県知事は、必要があると認めるときは、精神科病院の管理者に対し、当該精神科病院に入院中の者の症状若しくは処遇に関し、報告を求め、若しくは診療録その他の帳簿書類の提出若しくは提示を命じ、当該職員若しくはその指定する指定医に、精神科病院に立ち入り、これらの事項に関し、診療録その他の帳簿書類（その作成又は保存に代えて電磁的記録の作成又は保存がされている場合における当該電磁的記録を含む。）を検査させ、若しくは当該精神科病院に入院中の者その他の関係者に質問させ、又はその指定する指定医に、精神科病院に立ち入り、当該精神科病院に入院中の者を診察させることができる。

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 厚生労働大臣又は都道府県知事は、必要があると認めるときは、精神科病院の管理者、精神科病院に入院中の者又は第三十三条第一項、第三項若しくは第四項の規定による入院について同意をした者に対し、この法律による入院に必要な手続に関し、報告を求め、又は帳簿書類の提出若しくは提示を命じることができる。

(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 第十九条の六の十六第二項及び第三項の規定は、第一項の規定による立入検査、質問又は診察について準用する。この場合において、同条第二項中「前項」とあるのは「第三十八条の六第一項」と、「当該職員」とあるのは「当該職員及び指定医」と、同条第三項中「第一項」とあるのは「第三十八条の六第一項」と読み替えるものとする。

(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)."

(改善命令等)

(Orders for Improvement)

第三十八条の七 厚生労働大臣又は都道府県知事は、精神科病院に入院中の者の処遇が第三十六条の規定に違反していると認めるとき又は第三十七条第一項の基準に適合していないと認めるときその他精神科病院に入院中の者の処遇が著しく適当でないと認めるときは、当該精神科病院の管理者に対し、措置を講ずべき事項及び期限を示して、処遇を確保するための改善計画の提出を求め、若しくは提出された改善計画の変更を命じ、又はその処遇の改善のために必要な措置を採ることを命じることができる。

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 厚生労働大臣又は都道府県知事は、必要があると認めるときは、第二十一条第三項の規定により入院している者又は第三十三条第一項、第三項若しくは第四項若しくは第三十三条の七第一項若しくは第二項の規定により入院した者について、その指定する二人以上の指定医に診察させ、各指定医の診察の結果がその入院を継続する必要があることに一致しない場合又はこれらの者の入院がこの法律若しくはこの法律に基づく命令に違反して行われた場合には、これらの者が入院している精神科病院の管理者に対し、その者を退院させることを命ずることができる。

(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 都道府県知事は、前二項の規定による命令をした場合において、その命令を受けた精神科病院の管理者がこれに従わなかつたときは、その旨を公表することができる。

(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 厚生労働大臣又は都道府県知事は、精神科病院の管理者が第一項又は第二項の規定による命令に従わないときは、当該精神科病院の管理者に対し、期間を定めて第二十一条第一項、第三十三条第一項、第三項及び第四項並びに第三十三条の七第一項及び第二項の規定による精神障害者の入院に係る医療の提供の全部又は一部を制限することを命ずることができる。

(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 都道府県知事は、前項の規定による命令をした場合においては、その旨を公示しなければならない。

(5) If the prefectural governor has issued an order under the preceding paragraph, the prefectural governor must make a public notice to that effect.

(無断退去者に対する措置)

(Measures for Persons Who Have Left without Permission)

第三十九条 精神科病院の管理者は、入院中の者で自身を傷つけ又は他人に害を及ぼすおそれのあるものが無断で退去しその行方が不明になったときは、所轄の警察署長に次の事項を通知してその探索を求めなければならない。

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:

一 退去者の住所、氏名、性別及び生年月日

(i) address, name, sex, and date of birth of the person who has left without permission;

二 退去の年月日及び時刻

(ii) date and time when the person in question has left without permission;

三 症状の概要

(iii) a description of their symptoms;

四 退去者を発見するために参考となるべき人相、服装その他の事項

(iv) a description of the appearance, clothing and other features which might be useful in finding the person who has left without permission;

五 入院年月日

(v) date of hospitalization; or

六 退去者の家族等又はこれに準ずる者の住所、氏名その他厚生労働省令で定める事項

(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 警察官は、前項の探索を求められた者を発見したときは、直ちに、その旨を当該精神科病院の管理者に通知しなければならない。この場合において、警察官は、当該精神科病院の管理者がその者を引き取るまでの間、二十四時間を限り、その者を、警察署、病院、救護施設等の精神障害者を保護するのに適当な場所に、保護することができる。

(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.

(仮退院)

(Temporary Discharge)

第四十条 第二十九条第一項に規定する精神科病院又は指定病院の管理者は、指定医による診察の結果、措置入院者の症状に照らしその者を一時退院させて経過を見ることが適当であると認めるときは、都道府県知事の許可を得て、六月を超えない期間を限り仮に退院させることができる。

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.

第五節 雑則

Section 5 Miscellaneous Provisions

(指針)

(Guidelines)

第四十一条 厚生労働大臣は、精神障害者の障害の特性その他の心身の状態に応じた良質かつ適切な精神障害者に対する医療の提供を確保するための指針（以下この条において「指針」という。）を定めなければならない。

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 指針に定める事項は、次のとおりとする。

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

一 精神病床（病院の病床のうち、精神疾患を有する者を入院させるためのものをいう。）の機能分化に関する事項

(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);

二 精神障害者の居宅等（居宅その他の厚生労働省令で定める場所をいう。）における保健医療サービス及び福祉サービスの提供に関する事項

(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);

三 精神障害者に対する医療の提供に当たつての医師、看護師その他の医療従事者と精神保健福祉士その他の精神障害者の保健及び福祉に関する専門的知識を有する者との連携に関する事項

(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

四 その他良質かつ適切な精神障害者に対する医療の提供の確保に関する重要事項

(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 厚生労働大臣は、指針を定め、又はこれを変更したときは、遅滞なく、これを公表しなければならない。

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

第四十二条 削除

Article 42 deleted

(刑事事件に関する手続等との関係)

(Relationship to Procedures Related to Criminal Cases)

第四十三条 この章の規定は、精神障害者又はその疑いのある者について、刑事事件若しくは少年の保護事件の処理に関する法令の規定による手続を行ない、又は刑若しくは補導処分若しくは保護処分の執行のためこれらの者を矯正施設に収容することを妨げるものではない。

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 第二十四条、第二十六条及び第二十七条の規定を除くほか、この章の規定は矯正施設に収容中の者には適用しない。

(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.

(心神喪失等の状態で重大な他害行為を行った者に係る手続等との関係)

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

第四十四条 この章の規定は、心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律の対象者について、同法又は同法に基づく命令の規定による手続又は処分をすることを妨げるものではない。

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 前各節の規定は、心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律第三十四条第一項前段若しくは第六十条第一項前段の命令若しくは第三十七条第五項前段若しくは第六十二条第二項前段の決定により入院している者又は同法第四十二条第一項第一号若しくは第六十一条第一項第一号の決定により指定入院医療機関に入院している者については、適用しない。

(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.

第六章 保健及び福祉

Chapter VI Health and Welfare

第一節 精神障害者保健福祉手帳

Section 1 Certificate of Mental Disorder

(精神障害者保健福祉手帳)

(Certificate of Mental Disorder)

第四十五条 精神障害者（知的障害者を除く。以下この章及び次章において同じ。）は、厚生労働省令で定める書類を添えて、その居住地（居住地を有しないときは、その現在地）の都道府県知事に精神障害者保健福祉手帳の交付を申請することができる。

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 都道府県知事は、前項の申請に基づいて審査し、申請者が政令で定める精神障害の状態にあると認めるときは、申請者に精神障害者保健福祉手帳を交付しなければならない。

(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 前項の規定による審査の結果、申請者が同項の政令で定める精神障害の状態にないと認めるときは、都道府県知事は、理由を付して、その旨を申請者に通知しなければならない。

(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 精神障害者保健福祉手帳の交付を受けた者は、厚生労働省令で定めるところにより、二年ごとに、第二項の政令で定める精神障害の状態にあることについて、都道府県知事の認定を受けなければならない。

(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 第三項の規定は、前項の認定について準用する。

(5) The provisions of paragraph (3) apply mutatis mutandis to the finding prescribed in the preceding paragraph.

6 前各項に定めるもののほか、精神障害者保健福祉手帳に関し必要な事項は、政令で定める。

(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.

(精神障害者保健福祉手帳の返還等)

(Returning the Certificate of Mental Disorder)

第四十五条の二 精神障害者保健福祉手帳の交付を受けた者は、前条第二項の政令で定める精神障害の状態がなくなつたときは、速やかに精神障害者保健福祉手帳を都道府県に返還しなければならない。

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 精神障害者保健福祉手帳の交付を受けた者は、精神障害者保健福祉手帳を譲渡し、又は貸与してはならない。

(2) A person who has received a certificate of mental disorder must not transfer or lend their certificate to any other person.

3 都道府県知事は、精神障害者保健福祉手帳の交付を受けた者について、前条第二項の政令で定める状態がなくなつたと認めるときは、その者に対し精神障害者保健福祉手帳の返還を命ずることができる。

(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 都道府県知事は、前項の規定により、精神障害者保健福祉手帳の返還を命じようとするときは、あらかじめその指定する指定医をして診察させなければならない。

(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 前条第三項の規定は、第三項の認定について準用する。

(5) The provision of paragraph (3) of the preceding Article apply mutatis mutandis to the finding in paragraph (3).

第二節 相談指導等

Section 2 Counselling and Guidance

(正しい知識の普及)

(Diffusion of Appropriate Information)

第四十六条 都道府県及び市町村は、精神障害についての正しい知識の普及のための広報活動等を通じて、精神障害者の社会復帰及びその自立と社会経済活動への参加に対する地域住民の関心と理解を深めるように努めなければならない。

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.

(相談指導等)

(Counselling and Guidance)

第四十七条 都道府県、保健所を設置する市又は特別区（以下「都道府県等」という。）は、必要に応じて、次条第一項に規定する精神保健福祉相談員その他の職員又は都道府県知事若しくは保健所を設置する市若しくは特別区の長（以下「都道府県知

事等」という。)が指定した医師をして、精神保健及び精神障害者の福祉に関し、精神障害者及びその家族等その他の関係者からの相談に応じさせ、及びこれらの者を指導させなければならない。

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 as to 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 都道府県等は、必要に応じて、医療を必要とする精神障害者に対し、その精神障害の状態に応じた適切な医療施設を紹介しなければならない。

(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 市町村（保健所を設置する市を除く。次項において同じ。）は、前二項の規定により都道府県が行う精神障害者に関する事務に必要な協力をするとともに、必要に応じて、精神障害者の福祉に関し、精神障害者及びその家族等その他の関係者からの相談に応じ、及びこれらの者を指導しなければならない。

(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 市町村は、前項に定めるもののほか、必要に応じて、精神保健に関し、精神障害者及びその家族等その他の関係者からの相談に応じ、及びこれらの者を指導するように努めなければならない。

(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 市町村、精神保健福祉センター及び保健所は、精神保健及び精神障害者の福祉に関し、精神障害者及びその家族等その他の関係者からの相談に応じ、又はこれらの者へ指導を行うに当たっては、相互に、及び福祉事務所（社会福祉法（昭和二十六年法律第四十五号）に定める福祉に関する事務所をいう。）その他の関係行政機関と密接な

連携を図るよう努めなければならない。

- (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.

(精神保健福祉相談員)

(Mental Health and Welfare Counselor)

第四十八条 都道府県及び市町村は、精神保健福祉センター及び保健所その他これらに準ずる施設に、精神保健及び精神障害者の福祉に関する相談に応じ、並びに精神障害者及びその家族等その他の関係者を訪問して必要な指導を行うための職員（次項において「精神保健福祉相談員」という。）を置くことができる。

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 精神保健福祉相談員は、精神保健福祉士その他政令で定める資格を有する者のうちから、都道府県知事又は市町村長が任命する。

(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.

(事業の利用の調整等)

(Adjustments in the Use of Services)

第四十九条 市町村は、精神障害者から求めがあつたときは、当該精神障害者の希望、精神障害の状態、社会復帰の促進及び自立と社会経済活動への参加の促進のために必要な指導及び訓練その他の援助の内容等を勘案し、当該精神障害者が最も適切な障害福祉サービス事業の利用ができるよう、相談に応じ、必要な助言を行うものとする。この場合において、市町村は、当該事務を一般相談支援事業又は特定相談支援事業を行う者に委託することができる。

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 市町村は、前項の助言を受けた精神障害者から求めがあつた場合には、必要に応じて、障害福祉サービス事業の利用についてあつせん又は調整を行うとともに、必要に応じて、障害福祉サービス事業を行う者に対し、当該精神障害者の利用についての要請を行うものとする。

(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 都道府県は、前項の規定により市町村が行うあつせん、調整及び要請に関し、その設置する保健所による技術的事項についての協力その他市町村に対する必要な援助及び市町村相互間の連絡調整を行う。

(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 障害福祉サービス事業を行う者は、第二項のあつせん、調整及び要請に対し、できる限り協力しなければならない。

(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.

第五十条及び第五十一条 削除

Article 50 and Article 51 deleted

第七章 精神障害者社会復帰促進センター

Chapter VII Social Reintegration Center for Persons with Mental Disorders or Disabilities

(指定等)

(Designation)

第五十一条の二 厚生労働大臣は、精神障害者の社会復帰の促進を図るための訓練及び指導等に関する研究開発を行うこと等により精神障害者の社会復帰を促進することを目的とする一般社団法人又は一般財団法人であつて、次条に規定する業務を適正かつ確実に行うことができると認められるものを、その申請により、全国を通じて一個に限り、精神障害者社会復帰促進センター（以下「センター」という。）として指定することができる。

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 厚生労働大臣は、前項の規定による指定をしたときは、センターの名称、住所及び事務所の所在地を公示しなければならない。

(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 センターは、その名称、住所又は事務所の所在地を変更しようとするときは、あらかじめ、その旨を厚生労働大臣に届け出なければならない。

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

(4) 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.

(業務)

(Duties)

第五十一条の三 センターは、次に掲げる業務を行うものとする。

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

一 精神障害者の社会復帰の促進に資するための啓発活動及び広報活動を行うこと。

(i) performing educational activities and public relations activities contributing to the facilitation of the social reintegration of persons with mental disorders or disabilities;

二 精神障害者の社会復帰の実例に即して、精神障害者の社会復帰の促進を図るための訓練及び指導等に関する研究開発を行うこと。

(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;

三 前号に掲げるもののほか、精神障害者の社会復帰の促進に関する研究を行うこと。

(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;

四 精神障害者の社会復帰の促進を図るため、第二号の規定による研究開発の成果又は前号の規定による研究の成果を、定期的に又は時宜に応じて提供すること。

(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;

五 精神障害者の社会復帰の促進を図るための事業の業務に関し、当該事業に従事する者及び当該事業に従事しようとする者に対して研修を行うこと。

(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

六 前各号に掲げるもののほか、精神障害者の社会復帰を促進するために必要な業務を行うこと。

(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.

(センターへの協力)

(Cooperation with the Center)

第五十一条の四 精神科病院その他の精神障害の医療を提供する施設の設置者及び障害福祉サービス事業を行う者は、センターの求めに応じ、センターが前条第二号及び第三号に掲げる業務を行うために必要な限度において、センターに対し、精神障害者の社会復帰の促進を図るための訓練及び指導に関する情報又は資料その他の必要な情報又は資料で厚生労働省令で定めるものを提供することができる。

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.

(特定情報管理規程)

(Regulation on the Management of Specified Information)

第五十一条の五 センターは、第五十一条の三第二号及び第三号に掲げる業務に係る情報及び資料（以下この条及び第五十一条の七において「特定情報」という。）の管理並びに使用に関する規程（以下この条及び第五十一条の七において「特定情報管理規程」という。）を作成し、厚生労働大臣の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 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 厚生労働大臣は、前項の認可をした特定情報管理規程が特定情報の適正な管理又は使用を図る上で不適当となつたと認めるときは、センターに対し、当該特定情報管理規程を変更すべきことを命ずることができる。

(2) If the Minister of Health, Labour and Welfare finds that the 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 特定情報管理規程に記載すべき事項は、厚生労働省令で定める。

(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.

(秘密保持義務)

(Duty of Confidentiality)

第五十一条の六 センターの役員若しくは職員又はこれらの職にあつた者は、第五十一条の三第二号又は第三号に掲げる業務に関して知り得た秘密を漏らしてはならない。

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).

(解任命令)

(Dismissal Order)

第五十一条の七 厚生労働大臣は、センターの役員又は職員が第五十一条の五第一項の認可を受けた特定情報管理規程によらないで特定情報の管理若しくは使用を行つたとき、又は前条の規定に違反したときは、センターに対し、当該役員又は職員を解任すべきことを命ずることができる。

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.

(事業計画等)

(Business Plans)

第五十一条の八 センターは、毎事業年度の事業計画書及び収支予算書を作成し、当該事業年度の開始前に厚生労働大臣に提出しなければならない。これを変更しようとするときも、同様とする。

Article 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 センターは、毎事業年度の事業報告書及び収支決算書を作成し、当該事業年度経過後三月以内に厚生労働大臣に提出しなければならない。

(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.

(報告及び検査)

(Reports and Inspections)

第五十一条の九 厚生労働大臣は、第五十一条の三に規定する業務の適正な運営を確保するために必要な限度において、センターに対し、必要と認める事項の報告を求め、又は当該職員に、その事務所に立ち入り、業務の状況若しくは帳簿書類その他の物件を検査させることができる。

Article 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 第十九条の六の十六第二項及び第三項の規定は、前項の規定による立入検査について準用する。この場合において、同条第二項中「前項」とあるのは「第五十一条の九第一項」と、同条第三項中「第一項」とあるのは「第五十一条の九第一項」と読み替えるものとする。

(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)."

(監督命令)

(Supervision Order)

第五十一条の十 厚生労働大臣は、この章の規定を施行するため必要な限度において、センターに対し、第五十一条の三に規定する業務に関し、監督上必要な命令をすることができる。

Article 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.

(指定の取消し等)

(Revocation of Designation)

第五十一条の十一 厚生労働大臣は、センターが次の各号のいずれかに該当するときは、第五十一条の二第一項の規定による指定を取り消すことができる。

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:

一 第五十一条の三に規定する業務を適正かつ確実に実施することができないと認められるとき。

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

二 指定に関し不正な行為があつたとき。

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

or

三 この章の規定又は当該規定による命令若しくは処分に違反したとき。

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

2 厚生労働大臣は、前項の規定により指定を取り消したときは、その旨を公示しなければならない。

(2) If the Minister of Health, Labour and Welfare has revoked the designation under the preceding paragraph, the Minister must make public notice of it.

第八章 雑則

Chapter VIII Miscellaneous Provisions

(審判の請求)

(Request for a Family Court to make a Decision)

第五十一条の十一の二 市町村長は、精神障害者につき、その福祉を図るため特に必要があると認めるときは、民法（明治二十九年法律第八十九号）第七条、第十一条、第

十三条第二項、第十五条第一項、第十七条第一項、第八百七十六条の四第一項又は第八百七十六条の九第一項に規定する審判の請求をすることができる。

Article 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).

(後見等を行う者の推薦等)

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

第五十一条の十一の三 市町村は、前条の規定による審判の請求の円滑な実施に資するよう、民法に規定する後見、保佐及び補助（以下この条において「後見等」という。）の業務を適正に行うことができる人材の活用を図るため、後見等の業務を適正に行うことができる者の家庭裁判所への推薦その他の必要な措置を講ずるよう努めなければならない。

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 都道府県は、市町村と協力して後等の業務を適正に行うことができる人材の活用を図るため、前項に規定する措置の実施に関し助言その他の援助を行うように努めなければならない。

(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.

(大都市の特例)

(Special Provisions for Large Cities)

第五十一条の十二 この法律の規定中都道府県が処理することとされている事務で政令で定めるものは、地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市（以下「指定都市」という。）においては、政令の定めるところにより、指定都市が処理するものとする。この場合においては、この法律の規定中都道府県に関する規定は、指定都市に関する規定として指定都市に適用があるものとする。

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 前項の規定により指定都市の長がした処分（地方自治法第二条第九項第一号に規定する第一号法定受託事務（以下「第一号法定受託事務」という。）に係るものに限る。）に係る審査請求についての都道府県知事の裁決に不服がある者は、厚生労働大臣に対し再審査請求をすることができる。

(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 指定都市の長が第一項の規定によりその処理することとされた事務のうち第一号法定受託事務に係る処分をする権限をその補助機関である職員又はその管理に属する行政機関の長に委任した場合において、委任を受けた職員又は行政機関の長がその委任に基づいてした処分につき、地方自治法第二百五十五条の二第二項の再審査請求の裁決があつたときは、当該裁決に不服がある者は、同法第二百五十二条の十七の四第五項から第七項までの規定の例により、厚生労働大臣に対して再々審査請求をすることができる。

(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).

（事務の区分）

(Classification of Duties)

第五十一条の十三 この法律（第一章から第三章まで、第十九条の二第四項、第十九条の七、第十九条の八、第十九条の九第一項、同条第二項（第三十三条の八において準用する場合を含む。）、第十九条の十一、第二十九条の七、第三十条第一項及び第三

十一條、第三十三條の七第一項及び第六項、第六章並びに第五十一條の十一の三第二項を除く。)の規定により都道府県が処理することとされている事務は、第一号法定受託事務とする。

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 この法律（第六章第二節を除く。）の規定により保健所を設置する市又は特別区が処理することとされている事務（保健所長に係るものに限る。）は、第一号法定受託事務とする。

(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 第三十三條第三項及び第三十四條第二項の規定により市町村が処理することとされている事務は、第一号法定受託事務とする。

(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).

(権限の委任)

(Delegation of Authority)

第五十一條の十四 この法律に規定する厚生労働大臣の権限は、厚生労働省令で定めるところにより、地方厚生局長に委任することができる。

Article 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 前項の規定により地方厚生局長に委任された権限は、厚生労働省令で定めるところにより、地方厚生支局長に委任することができる。

(2) The authority 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.

(経過措置)

(Transitional Measures)

第五十一條の十五 この法律の規定に基づき命令を制定し、又は改廃する場合において

は、その命令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

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.

第九章 罰則

Chapter IX Penal Provisions

第五十二条 次の各号のいずれかに該当する者は、三年以下の懲役又は百万円以下の罰金に処する。

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:

一 第三十八条の三第四項の規定による命令に違反した者

(i) a person in violation of an order under Article 38-4, paragraph (4);

二 第三十八条の五第五項の規定による退院の命令に違反した者

(ii) a person in violation of a discharge order under Article 38-5, paragraph (5);

三 第三十八条の七第二項の規定による命令に違反した者

(iii) a person in violation of an order under Article 38-7, paragraph (2); or

四 第三十八条の七第四項の規定による命令に違反した者

(iv) a person in violation of an order under Article 38-7, paragraph (4).

第五十三条 精神科病院の管理者、指定医、地方精神保健福祉審議会の委員、精神医療審査会の委員、第二十一条第四項、第三十三条第四項若しくは第三十三条の七第二項の規定により診察を行つた特定医師若しくは第四十七条第一項の規定により都道府県知事等が指定した医師又はこれらの職にあつた者が、この法律の規定に基づく職務の執行に関して知り得た人の秘密を正当な理由がなく漏らしたときは、一年以下の懲役又は百万円以下の罰金に処する。

Article 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 精神科病院の職員又はその職にあつた者が、この法律の規定に基づく精神科病院の

管理者の職務の執行を補助するに際して知り得た人の秘密を正当な理由がなく漏らしたときも、前項と同様とする。

(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.

第五十三条の二 第五十一条の六の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

Article 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.

第五十四条 次の各号のいずれかに該当する者は、六月以下の懲役又は五十万円以下の罰金に処する。

Article 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:

一 第十九条の六の十三の規定による停止の命令に違反した者

(i) a person in violation of a suspension order under Article 19-6-13; or

二 虚偽の事実を記載して第二十二条第一項の申請をした者

(ii) a person who has made false entry in filling an application under Article 22, paragraph (1).

第五十五条 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

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:

一 第十九条の六の十六第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(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;

二 第二十七条第一項又は第二項の規定による診察を拒み、妨げ、若しくは忌避した者又は同条第四項の規定による立入りを拒み、若しくは妨げた者

(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

三 第二十九条の二第一項の規定による診察を拒み、妨げ、若しくは忌避した者又は同条第四項において準用する第二十七条第四項の規定による立入りを拒み、若しくは妨げた者

(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);

四 第三十八条の三第三項（同条第六項において準用する場合を含む。以下この号において同じ。）の規定による報告若しくは提出をせず、若しくは虚偽の報告をし、同条第三項の規定による診察を妨げ、又は同項の規定による出頭をせず、若しくは同項の規定による審問に対して、正当な理由がなく答弁せず、若しくは虚偽の答弁をした者

(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;

五 第三十八条の五第四項の規定による報告若しくは提出をせず、若しくは虚偽の報告をし、同項の規定による診察を妨げ、又は同項の規定による出頭をせず、若しくは同項の規定による審問に対して、正当な理由がなく答弁せず、若しくは虚偽の答弁をした者

(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;

六 第三十八条の六第一項の規定による報告若しくは提出若しくは提示をせず、若しくは虚偽の報告をし、同項の規定による検査若しくは診察を拒み、妨げ、若しくは忌避し、又は同項の規定による質問に対して、正当な理由がなく答弁せず、若しくは虚偽の答弁をした者

(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;

七 第三十八条の六第二項の規定による報告若しくは提出若しくは提示をせず、又は虚偽の報告をした精神科病院の管理者

(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

八 第五十一条の九第一項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した者

(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.

第五十六条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して第五十二条、第五十四条第一号又は前条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても各本条の罰金刑を科する。

Article 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.

第五十七条 次の各号のいずれかに該当する者は、十万円以下の過料に処する。

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:

一 第十九条の四の二（第二十一条第五項、第三十三条第五項及び第三十三条の七第三項において準用する場合を含む。）の規定に違反した者

(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));

二 第十九条の六の九の規定による届出をせず、又は虚偽の届出をした者

(ii) a person who has failed to make a notification under Article 19-6-9 or has made a false notification;

三 第十九条の六の十第一項の規定に違反して財務諸表等を備えて置かず、財務諸表等に記載すべき事項を記載せず、若しくは虚偽の記載をし、又は正当な理由がないのに同条第二項各号の規定による請求を拒んだ者

(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;

四 第十九条の六の十四の規定に違反して同条に規定する事項の記載をせず、若しくは虚偽の記載をし、又は帳簿を保存しなかつた者

(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;

五 第二十一条第七項の規定に違反した者

(v) a person in violation of Article 21, paragraph (7);

六 正当な理由がなく、第三十一条第二項の規定による報告をせず、又は虚偽の報告をした者

(vi) a person who has failed to file a report under Article 31, paragraph (2) or has filed a false report;

七 第三十三条第七項の規定に違反した者

(vii) a person in violation of Article 33, paragraph (7);

八 第三十三条の七第五項の規定に違反した者

(viii) a person in violation of Article 33-7, paragraph (5); or

九 第三十八条の二第一項又は同条第二項において準用する同条第一項の規定に違反した者

(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).

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

1 この法律は、公布の日から施行する。

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

(精神病患者監護法及び精神病院法の廃止)

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

2 精神病患者監護法（明治三十三年法律第三十八号）及び精神病院法（大正八年法律第二十五号）は廃止する。但し、この法律施行前にした行為に対する罰則の適用については、なお従前の例による。

(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.

附 則 〔平成二十五年六月十九日法律第四十七号〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成二十六年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

一 附則第七条の規定 公布の日

(i) the provisions of Article 7 of the Supplementary Provisions: the date of the promulgation of this Act;

二 附則第十六条の規定 刑法等の一部を改正する法律（平成二十五年法律第四十九号）の公布の日又はこの法律の施行の日のいずれか遅い日

(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

三 第十三条第一項及び第十四条第二項の改正規定 平成二十八年四月一日

(iii) the amended provisions of Article 13, paragraph (1) and Article 14, paragraph (2): April 1, 2016.

(経過措置)

(Transitional Measures)

第二条 この法律の施行の際現にこの法律による改正前の精神保健及び精神障害者福祉に関する法律（以下「旧法」という。）第三十三条第一項の規定により精神科病院に入院している者は、この法律による改正後の精神保健及び精神障害者福祉に関する法律（以下「新法」という。）第三十三条第一項（この法律の施行の日（以下「施行日」という。）の前日において旧法第二十条第二項各号の保護者がいない場合又はこれらの保護者がその義務を行うことができない場合にあつては、新法第三十三条第三項）の規定により入院したものとみなす。

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 この法律の施行の際現に旧法第三十三条第二項の規定により精神科病院に入院している者は、新法第三十三条第一項の規定により入院したものとみなす。

(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.

第三条 この法律の施行の際現に旧法第三十三条の四第一項の規定により精神科病院に入院している者は、新法第三十三条の七第一項の規定により入院したものとみなす。

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.

第四条 この法律の施行の際現に旧法第三十八条の四の規定により精神科病院に入院中の者の保護者によりされている請求は、新法第三十八条の四の規定により当該入院中の者の家族等のうち当該保護者であった者（当該請求が旧法第二十一条の規定により当該入院中の者の保護者となったその者の居住地（居住地がないか、又は明らかでないときは、その者の現在地）を管轄する市町村長（特別区の長を含む。以下この条において同じ。）によりされている場合にあっては、当該市町村長）によりされた請求とみなす。

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).

第五条 施行日前に行われた旧法第四十二条の規定による精神障害者の医療及び保護に係る費用の負担については、なお従前の例による。

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.

（罰則に関する経過措置）

（Transitional Measures concerning the Penal Provisions）

第六条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

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

（政令への委任）

（Delegation to Cabinet Order）

第七条 附則第二条から前条まで、第十一条、第十二条、第十四条及び第十五条に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

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.

(検討)

(Considerations)

第八条 政府は、この法律の施行後三年を目途として、新法の施行の状況並びに精神保健及び精神障害者の福祉を取り巻く環境の変化を勘案し、医療保護入院における移送及び入院の手続の在り方、医療保護入院者の退院による地域における生活への移行を促進するための措置の在り方並びに精神科病院に係る入院中の処遇、退院等に関する精神障害者の意思決定及び意思の表明についての支援の在り方について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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 involuntary 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.

別表（第十九条の六の四関係）

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

科目 Subject	教授する者 Instructor	第十八条第一項 第四号に規定す る研修の課程の 時間数 Hours of the training course prescribed in Article 18 Paragraph (1)	第十九条第一項に規 定する研修の課程の 時間数 Hours of the training course prescribed in Article 19 Paragraph (1)
---------------	---------------------	-------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------

<p>精神保健及び精神障害者福祉に関する法律及び障害者の日常生活及び社会生活を総合的に支援するための法律並びに精神保健福祉行政概論</p> <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>この法律及び障害者の日常生活及び社会生活を総合的に支援するための法律並びに精神保健福祉行政に関し学識経験を有する者であること。</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>八時間 8 hours</p>	<p>三時間 3 hours</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------	------------------------

<p>精神障害者の医療に関する法令及び実務 Laws and regulations related to persons with mental disorders or disabilities and their practice</p>	<p>精神障害者の医療に関し学識経験を有する者として精神医療審査会の委員に任命されている者若しくはその職にあつた者又はこれらの者と同等以上の学識経験を有する者であること。 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>精神障害者の人権に関する法令 Laws and regulations related to the human rights of persons with mental disorders or disabilities</p>	<p>法律に関し学識経験を有する者として精神医療審査会の委員に任命されている者若しくはその職にあつた者又はこれらの者と同等以上の学識経験を有する者であること。 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>		

精神医学 Psychiatry	学校教育法（昭和二十二年法律第二十六号）に基づく大学において精神医学の教授若しくは准教授の職にある者若しくはこれらの職にあつた者又はこれらの者と同等以上の学識経験を有する者であること。 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	四時間 4 hours	
精神障害者の社会復帰及び精神障害者福祉 Social reintegration and welfare of persons with mental disorders or disabilities	精神障害者の社会復帰及び精神障害者福祉に関し学識経験を有する者であること。 A person with relevant expertise on the social reintegration and welfare of persons with mental disorders or disabilities	二時間 2 hours	一時間 1 hour
精神障害者の医療に関する事例研究 Case studies concerning	次に掲げる者が共同して教授すること。 This subject is to be taught cooperatively by the following persons:	四時間 4 hours	三時間 3 hours

<p>medical care of persons with mental disorders or disabilities</p>	<p>一 指定医として十年以上精神障害の診断又は治療に従事した経験を有する者 (i) a person with ten years or more experience as a designated physician in diagnosing and treating mental disorders or disabilities; 二 法律に関し学識経験を有する者として精神医療審査会の委員に任命されている者若しくはその職にあつた者又はこれらの者と同等以上の学識経験を有する者 (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 三 この法律及び精神保健福祉行政に関し学識経験を有する者 (iii) a person with relevant expertise on this Act and the mental health and welfare administration</p>		
<p>備考 第一欄に掲げる精神障害者の医療に関する事例研究は、最新の事例を用いて教授すること。 Note: Case studies concerning medical care of persons with mental disorders or disabilities are to be taught by using the most recent cases available.</p>			