

**Law Related to Mental Health and  
Welfare of the Person with Mental Disorder**  
(Full Text as of Date of Enforcement in 2000)

This tentative translation was prepared by Hiromi Shiraishi, Yoshito Igarashi, Takekazu Ikehara, Tomoko Kimura, Tadashi Takeshima, Teruyuki Yamamoto, and Sachiko Ohi (Legal & Technical Translations Co. LTD.).

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Correspondence: Hiromi Shiraishi M.D., Ph.D., Tokyo Institute of Psychiatry, 2-1-8 Kamikitazawa, Setagayaku, Tokyo 156-8585, Japan. Tel: + 81-3-3304-5701(ex #525); Fax + 81-3-3304-5704; e-mail: hshira@prit.go.jp

(Translation)

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(Full Text as of Date of Enforcement in 2000)

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## **Chapter 1. General Provisions**

### **(Purpose of the Law)**

**Article 1.** The purpose of this Law is to provide person(s) with mental disorder with medical care and protection, to offer necessary assistance for promoting their social rehabilitation, self-support and participation in socio-economic activities, and to endeavor to prevent mental disorders, to thereby advance general well-being of person(s) with mental disorder and to enhance mental health of the people in general.

### **(Obligations of the National Government and Local Public Entities)**

**Article 2.** The national government and the local public entities shall endeavor to enable person(s) with mental disorder to socially rehabilitate themselves, to support themselves and to participate in socio-economic activities by comprehensively implementing the measures related to medical care, protection, health and welfare of person(s) with mental disorder by expanding and improving the facilities for medical care, social rehabilitation, welfare and education as well as the community life support services, and shall take the measures necessary for prevention of mental disorders and improvement of mental health of the people by promoting investigations and researches, disseminating knowledge on mental health, etc.

### **(Obligations of the People)**

**Article 3.** The people shall endeavor to maintain and improve mental health, to deepen understanding of persons with mental disorder and to assist with persons with mental disorder in their effort to overcome their disorder, socially rehabilitate the self, achieve self-support and participate in socio-economic activities.

### **(Consideration for Social Rehabilitation, Self-support and Participation in Social Activities of Person with Mental Disorders)**

**Article 4.** The party founding a facility for medical care or social rehabilitation or the party conducting service for community life support or training in social adaptation shall, in management of said facility or service, endeavor to contrive and device measures suited to the community and to win understanding and cooperation of the community people, etc. in order to promote social rehabilitation, self-support and participation in socio-economic activities of person(s) with mental disorder.

2. The national government, the local public entities, the founders of medical care or social rehabilitation facilities, and those conducting services for community life support or social adaptation training of the person(s) with mental disorder shall cooperate with each other to promote social rehabilitation, self-support and participation in socio-economic activities.

### **(Definition)**

**Article 5.** The term "the Person with Mental Disorder" as used in this Law refers to a person or persons suffering from schizophrenia, acute poisoning of or dependence on psychotropic substance(s), mental retardation, psychopathy or other mental illnesses.

## **Chapter 2. Mental Health and Welfare Center**

### **(Mental Health and Welfare Center)**

**Article 6.** A prefectural government may establish a mental health and welfare center in order to enhance mental health and improve welfare of the Person with Mental Disorder.

2. The mental health and welfare center shall be a facility to disseminate knowledge, to conduct investigations and researches, and to offer complex or difficult counseling and guidance services that are related to mental health and welfare of the Person with Mental Disorder

### **(Subsidy of the National Government)**

**Article 7.** The national government shall subsidize, as prescribed by a cabinet order, one half of the expenses needed by the prefectural government to establish the facility under the preceding Article and one third of the expenses necessary for operating such facility.

### **(Delegation to Cabinet Order)**

**Article 8.** In addition to those prescribed by this Law, the matters related to the mental health and welfare center shall be determined by the cabinet orders.

## **Chapter 3. Local Council on Mental Health and Welfare and Psychiatric Review Board**

### **(Local Council on Mental Health and Welfare)**

**Article 9.** A prefectural government shall establish a council on mental health and welfare and other panels to investigate and deliberate the matters related to mental health and welfare of the Person with Mental Disorder (hereinafter referred to as "the Local Council on Mental Health and Welfare".)

2. The Local Council on Mental Health and Welfare may respond regarding the matters consulted by the prefectural governor and submit opinions related to mental health and welfare of the Person with Mental Disorder.

3. In addition to those prescribed in the preceding two Paragraphs, the Local Council on Mental Health and Welfare may deliberate the matters related to an application under Para. 3 of Art. 32 and Para. 1 of Art. 45 in response to the consultation of the prefectural governor.

### **(Members of Standing and Ad Hoc Committees)**

**Article 10.** The number of the standing committee members of the Local Council on Mental Health and Welfare shall not exceed twenty (20).

2. If necessary for investigation and deliberation of a specific matter, there will be appointed an ad hoc committee of the Council.

3. The standing and the ad hoc committees of the Council shall be selected for appointment by the prefectural governor from among those having expertise in mental health or welfare of the Person with Mental Disorder, those engaged in medical care services for the Person with Mental Disorder, and those

engaged in the services related to promotion of social rehabilitation or self-support and participation in socio-economic activities of the Person with Mental Disorder.

4. The term of office of a committee member shall be for three (3) years.

**(Delegation to Ordinances)**

**Article 11.** The matters necessary for management of the Local Council on Mental Health and Welfare shall be provided by ordinances.

**(Psychiatric Review Board)**

**Article 12.** The prefectural government shall establish a psychiatric review board in the prefecture to conduct reviews under Para. 2 of Art. 38-3 and Para. 2 of Art. 38-5.

**(Board Members)**

**Article 13.** The members of the Psychiatric Review Board shall be selected for appointment by the prefectural governor from among those having expertise in medical care of the Person with Mental Disorder (limited to the designated physicians of mental health as prescribed in Para. 1 of Art. 18), those having expertise in jurisprudence, and those having expertise in other disciplines.

2. The term of office of a board member shall be for two (2) years.

**(Handling of Cases Under Review)**

**Article 14.** The Psychiatric Review Board shall be a panel consisting of three (3) members selected for appointment from among those having expertise in medical care of the Person with Mental Disorder, one (1) having expertise in jurisprudence, and one (1) having expertise in other disciplines, and shall handle cases under review.

2. The members of the panel shall be selected for appointment by the Psychiatric Review Board.

**(Delegation to Cabinet Orders)**

**Article 15.** In addition to those prescribed in this Law, the matters related to the Psychiatric Review Board shall be determined by cabinet orders.

**Articles 16 and 17.** Deleted

**Chapter 4. Designated Physician of Mental Health and Mental Hospital**

**Section 1: Designated Physician of Mental Health**

**(Designated Physician of Mental Health)**

**Article 18.** The Minister of Health and Welfare shall designate, upon application, those physicians falling subject to the following and recognized as having knowledge and skills necessary for conducting the duties as provided in Art. 19-4 as the designated physician of mental health (hereinafter referred to as "the Designated Physician"):

- . A person with experience of being engaged for five (5) years or more in medical diagnosis or treatment;
- . A person with experience of being engaged for three (3) years or more in diagnosis or treatment of

mental disorder(s);

- . A person with experience of being engaged in diagnosis or treatment of the degree prescribed by the Minister of Health and Welfare of mental disorders prescribed by the Minister of Health and Welfare;
- . A person who has completed the training course (limited to that conducted within a year prior to application) given by the Minister of Health and Welfare or the party designated thereby under the Health and Welfare Ministerial Ordinance.

2. Notwithstanding the preceding Paragraph, the Minister of Health and Welfare may not designate a physician under the preceding Paragraph whose designation as the Designated Physician was cancelled within five (5) years previously under Para. 1 or 2 of Art. 19-2 or a physician who is deemed exceedingly unsuitable as the Designated Physician.

3. When evaluating the degree of experience of a physician who has been engaged in diagnosis or treatment of mental disorders under Section 3 of Para. 1, when appointing a physician as the Designated Physician under said Paragraph, or when not appointing a physician as the Designated Physician under the preceding Paragraph, the Minister of Health and Welfare shall ask the opinion of the Council on Public Health in advance.

**(Training After Designation)**

**Article 19:** The Designated Physician shall undergo training given by the Minister of Health and Welfare or the party designated thereby under the Health and Welfare Ministerial Ordinance in the year designated by the Minister of Health and Welfare once every five (5) years (the year starting on April 1 and ending on March 31 of the following year; the same shall apply in this Article).

2. Designation under Para. 1 of the preceding Article shall become void on the last day of the year when the training was to have been received if a physician thus designated fails to undergo the training under the preceding Paragraph. Provided, however, this provision shall not apply to the case where the Minister of Health and Welfare recognizes that there was an unavoidable reason as provided by the Health and Welfare Ministerial Ordinance for failure to undergo said training.

**(Cancellation, etc. of Designation)**

**Article 19-2:** If a Designated Physician is cancelled of his/her physician's license or is ordered suspension of medical practice for a predetermined term, the Minister of Health and Welfare shall cancel his/her designation.

2. If a Designated Physician violates this Law or an order under this Law, commits an exceedingly improper act regarding his/her duties, or is deemed exceedingly unsuitable as a Designated Physician, the Minister of Health and Welfare may cancel his/her designation or order suspension of his/her duties by predetermining a term.

3. When taking the measure under the preceding Paragraph, the Minister of Health and Welfare shall ask the opinion of the Council on Public Health in advance.

4. A prefectural governor may notify the Minister of Health and Welfare if he/she considers that a Designated Physician falls subject to Para. 2 above.

**(Fee)**

**Article 19-3:** Those who wish to receive the training under Item 4, Para. 1 of Art. 18 or Para. 1 of Art. 19 (limited to those given by the Minister of Health and Welfare) shall pay the fee determined by a cabinet order by considering the actual cost.

**(Duties)**

**Article 19-4:** The Designated Physician shall judge whether or not continued hospitalization under Para. 3 of Art. 22-4 and Art. 29-5 is necessary; whether or not hospitalization under Para. 1 of Art. 33 and Item 1 of Art. 33-4 is necessary and whether or not hospitalization under Art. 22-3 is possible; whether or not restraints prescribed in Para. 3 of Art. 36 are necessary; and shall examine the person hospitalized because of the reported matter under Para. 1 of Art. 38-2 (including the case where the provision is applied mutatis mutandis under Para. 2 of said Article) and shall judge whether or not it is adequate to temporarily discharge the person from the hospital for observation under Art. 40.

2. In addition to the duties prescribed in the preceding Paragraph, the Designated Physician shall perform the following duties as a public official:

- . Judging whether or not hospitalization under Para. 1 of Art. 29 and Para. 1 of Art. 29-2 is necessary;
- . Judging whether or not restraints under Para. 3 of Art. 29-2-2 are necessary (including the case where the provision is applied mutatis mutandis under Para. 4 of Art. 34);
- . Judging whether or not continued hospitalization under Para. 2 of Art. 29-4 is necessary;
- . Judging whether or not transfer under Para. 1 and 3 of Art. 34 is necessary;
- . Medical examination under Para. 3 of Art. 38-3 and Para. 4 of Art. 38-5;
- . Inspection by entry, questioning and medical examination under Para. 1 of Art. 38-6;
- . Judging whether or not continued hospitalization is necessary under Para. 2 of Art. 38-7;
- . Medical examination under Para. 4 of Art. 45-2.

**(Obligation to Keep Medical Record)**

**Article 19-4-2:** The Designated Physician shall promptly describe his/her name and other matters prescribed by the Health and Welfare Ministerial Order in the medical record when he/she has performed the duties under Para. 1 of the preceding Article.

**(Obligation to Retain Designated Physician)**

**Article 19-5:** The administrator of a mental health hospital serving the Person with Mental Disorder under Para. 1 of Art. 29, Para. 1 of Art. 29-2, Para. 1 or 2 of Art. 33, or Para. 1 of Art. 33-4 (including hospitals which are not mental hospitals but with a psychiatric ward. The same applies hereinafter except in Art. 19-10.) shall retain full-time Designated Physician(s) at said mental hospital (except those whose duties are suspended under Para. 2 of Art. 19-2; the same applies hereinafter except in Para. 1 of Art. 53).

**(Delegation to Cabinet and Ministerial Orders)**

**Article 19-6:** In addition to those provided in this Law, the matters necessary for application for appointment of the Designated Physician are prescribed by the cabinet order and the matters related to training under Item 4, Para. 1 of Art. 18 and Para. 1 of Art. 19 are prescribed by the Health and Welfare Ministerial Order.

**Section 2: Mental Hospital**

**(Prefectural Mental Hospital)**

**Article 19-7:** The prefectural government shall establish mental hospital(s). Provided, however, such establishment may be postponed if there is designated hospital(s) under the following Article.

**(Designated Hospital)**

**Article 19-8:** The prefectural governor may designate all or part of mental hospital(s) established by a party other than the national or the prefectural government which meets the standard prescribed by the Minister of Health and Welfare as the facility in place of the mental hospital established by the prefectural government (hereinafter referred to as the Designated Hospital) with the consent of the founder.

**(Cancellation of Designation)**

**Article 19-9:** The prefectural governor may cancel designation of the Designated Hospital if said hospital ceases to meet the standard under the preceding Article or its way of management is recognized inadequate for achieving the purpose thereof.

2. The prefectural governor shall ask the opinion of the Local Council on Mental Health and Welfare in advance if he/she intends to cancel the designation under the preceding Paragraph.

3. The Minister of Health and Welfare may instruct the prefectural governor to conduct his/her work under the jurisdiction of the prefectural governor as prescribed in Para. 1, if there is recognized an urgent need to secure treatment of a person being hospitalized in the Designated Hospital.

**(Subsidy of the National Government)**

**Article 19-10.** The national government shall subsidize under a cabinet order one half of the expense required for establishing and managing a mental hospital established by the prefecture or a psychiatric ward created in a hospital other than the mental hospital (excluding the expense to be borne by the prefectural government under Para. 1 of Art. 30; the same applies to the following Paragraph).

2. The national government may subsidize not more than one half of the expense necessary for establishing and managing a mental hospital and a psychiatric ward in a hospital other than the mental hospital established by a non-profit entity (entities).

**Chapter 5. Medical Care and Protection**

**Section 1: Person Responsible for Protection**

**(Person Responsible for Protection)**

**Article 20:** The guardian or curator, the spouse, the person exercising parental power or the person



responsible for support shall become the person responsible for protection of the Person with Mental Disorder. Provided, however, those falling under any of the following items shall not be appointed as a person responsible for protection of the Person with Mental Disorder:

- . A person whose whereabouts is not known;
- . A person who has brought or ever brought litigation against said Person with Mental Disorder, his/her spouse and lineal relative(s).
- . The legal representative, the curator or the assistant who has been dismissed by the Family Court;
- . A person who has been declared bankrupt;
- . A person who is of legal age but for whom a custodian or a curator is appointed;
- . A person who is a minor.

2. When there is more than one persons responsible for protection, their order of assuming responsibility shall be as follows. Provided, however, if there is recognized a special need for protection of the person in question, the Family Court may change the order upon application by an interested party in respect of a person other than the guardian or curator:

- . The guardian or curator;
- . The spouse;
- . The person exercising the parental power;
- . The person appointed by the Family Court from among those responsible for support except those described in the preceding two items.

3. Change of the order under the proviso of the preceding Paragraph and appointment under Item 4 of said Paragraph shall be deemed as the matters described in Class A, Para. 1 of Art. 9 of the Law for Adjustment of Domestic Relations (the Law No. 152 of 1947) as far as application of said Law is concerned.

**Article 21:** If there is no person responsible for protection under the items of Para. 2 of the preceding Article or such person is unable to perform his/her duties, the mayor (including the head of a special ward; the same applies hereinafter) of a municipality having jurisdiction over the place of residence of the Person with Mental Disorder concerned, or when he/she has no place of residence or his/her place of residence is not known, the mayor of a municipality having jurisdiction over the place where the Person with Mental Disorder is currently in shall be responsible for protection.

**Article 22:** The person responsible for protection shall cause the Person with Mental Disorder (excluding those being voluntarily hospitalized under Para. 2 of Art. 22-4 or those receiving continuous medical care for mental disorder at a hospital or a clinic without hospitalization; the same applies to this Paragraph and Para. 3) to receive treatment and shall protect his/her proprietary interests.

2. The person responsible for protection shall cooperate with the physician in order to cause the Person with Mental Disorder to be correctly diagnosed.

3. The person responsible for protection shall comply with the physician's instructions when causing

the Person with Mental Disorder to receive medical care.

**Article 22-2:** In performing obligations under Art. 41 (limited to those related to taking over the person being released from the hospital under Art. 29-3 or Para. 1 of Art. 29-4), the person responsible for protection may consult with and seek necessary assistance for promotion of social rehabilitation of said Person with Mental Disorder from the administrator of said mental hospital or a Designated Hospital or the head of a social rehabilitation facility for the Person with Mental Disorder associated with said mental hospital or the Designated Hospital.

## **Section 2: Voluntary Hospitalization**

### **(Voluntary Hospitalization)**

**Article 22-3:** The administrator of a mental hospital shall endeavor to hospitalize a Person with Mental Disorder based on his/her consent.

**Article 22-4:** When a Person with Mental Disorder voluntarily hospitalizes himself/herself, the administrator of the mental hospital shall inform in writing to said Person with Mental Disorder at the time of his/her admission the matters related to the request for release, etc. under Art. 38-4 and other matters prescribed by the Health and Welfare Ministerial Order, and shall receive a document stating that he/she is entering the hospital voluntarily.

2. The administrator of a mental hospital shall release the Person with Mental Disorder who has voluntarily entered the hospital (hereinafter referred to as the Voluntary Patient in this Article), if he/she so requests.

3. In the event prescribed in the preceding Paragraph, the administrator of a mental hospital may choose not to release said Voluntary Patient for seventy two (72) hours at maximum if the result of examination by the Designated Physician reveals the need to continue hospitalization for medical care and protection of said Voluntary Patient irrespective of the provisions of said Paragraph.

4. When taking the measure under the preceding Paragraph, the administrator of the mental hospital shall inform in writing to said Voluntary Patient that said measure is being taken and the matters related to the demand for release, etc. under Art. 38-4 and other matters prescribed by the Health and Welfare Ministerial Orders.

## **Section 3: Examination by Designated Physician and Involuntary Hospitalization**

### **(Application for Examination and Custody)**

**Article 23:** Any party who learns of a Person with Mental Disorder or a person suspected of mental disorder may apply to the prefectural governor for examination by the Designated Physician and necessary custody for such a person.

2. For filing an application under the preceding Paragraph, a written application describing the following matters should be filed to the prefectural governor via the director of the nearest Health Center:

- . The address, name and birth date of the applicant;
- . The current whereabouts, place of residence, name, sex and birth date of the person in question;
- . Outline of conditions of the person in question;
- . The address and name of a person who is actually exercising custody for him/her, if any.

**(Notification by Police)**

**Article 24:** When the police, in executing their duties, find a person who is deemed likely to hurt himself/herself or others because of mental disorder judging from abnormal behavior and other circumstances, the police shall immediately notify the same to the prefectural governor via the director of the nearest Health Center.

**(Notification by Public Prosecutor)**

**Article 25:** When a public prosecutor decides not to prosecute a suspect or a defendant who is mentally disordered or is suspected of mental disorder, if the judgment of a court is irrevocably established (excluding those of imprisonment with or without forced labor, or penal detention, without suspension of execution of the sentence), or if it is deemed particularly necessary, he/she shall immediately notify the same to the prefectural governor.

**(Report by Head of Probation Office)**

**Article 25-2:** When the head of a probation office learns that the person under probationary supervision is mentally disordered or is suspected of mental disorder, he/she shall promptly notify the same to the prefectural governor.

**(Notification by Head of Correctional Institution)**

**Article 26:** When the head of a correctional institution (which means a detention house, a prison, a juvenile prison, a juvenile training school, a juvenile classification home and a women's guidance home; the same shall apply hereinafter) intends to release an institutionalized person who is mentally disordered or is suspected of mental disorder, he/she shall report in advance the following matters to the prefectural governor having jurisdiction over the place to which the person in question returns (or the place where said correctional institution is located if he/she has no place to return):

- . The place to which he/she returns, his/her name, sex and birth date;
- . Outline of his/her conditions;
- . The date of release or discharge;
- . The address and name of a person who takes over the person in question.

**(Report by Administrator of Psychiatric Hospital)**

**Article 26-2:** When the administrator of a psychiatric hospital recognizes that a Person with Mental Disorder hospitalized in his/her hospital who meets the provisions of Art. 29-1 applies for release from the hospital he/she shall immediately report the same to the prefectural governor via the director of the nearest Health Center.

**(Medical Examination, etc. by Designated Physician Based on Application, etc.)**

**Article 27:** The prefectural governor shall designate and cause the Designated Physician to examine the person for whom an application, a notification or a report was made under Art. 23 through 26 and who is recognized as needing the examination upon investigation.

2. The prefectural governor may designate and cause the Designated Physician to examine the person who is evidently likely to hurt himself/herself or others because of mental disorder unless hospitalized, even if no application, notification or report has been made under Art. 23 through 26-2.

3. The prefectural governor shall cause the staff to be present at the time of medical examination under the preceding two Paragraphs.

4. The Designated Physician and said staff mentioned in the preceding Paragraph may enter the place where the person in question resides within the limit necessary for carrying out their duties under the preceding three Paragraphs.

5. When entering the place of residence of said person under the preceding Paragraph, the Designated Physician and said staff shall carry identification documents and present the same when requested by person(s) concerned.

6. Authorization to enter under Para. 4 shall not be interpreted as being granted for crime investigation.

**(Notice of Medical Examination)**

**Article 28:** The prefectural governor shall notify in advance the time and place of medical examination to a person who is actually exercising custody of the person in question under Para. 1 of the preceding Article, if any.

2. The guardian or curator, the person exercising the parental power, the spouse or the person who is actually protecting the person in question may be present at the medical examination under Para. 1 of the preceding Article.

**(Criteria for Judgment)**

**Article 28-2:** The Designated Physician conducting medical examination under Para. 1 or 2 of Art. 27 shall judge according to the criteria established by the Minister of Health and Welfare and determine whether or not the person examined is mentally disordered and whether or not said person is likely to hurt himself/herself or others because of mental disorder unless hospitalized for medical care and protection.

2. The Minister of Health and Welfare shall ask the opinion of the Council on Public Health in advance when establishing the criteria under the preceding Paragraph.

**(Involuntary Hospitalization Ordered by Prefectural Governor)**

**Article 29:** If a prefectural governor recognizes that the person thus examined is mentally disordered and is likely to hurt himself/herself or others because of mental disorder unless hospitalized for medical care and protection based on the result of examination under Art. 27, the governor may cause said person to enter a mental hospital established by the national or prefectural government or a Designated Hospital.

2. The prefectural governor shall cause said person to enter the hospital under the preceding Paragraph only when said person has been examined by at least two Designated Physicians and the results of examination by each physician concur in that said person is mentally disordered and that he/she is likely to hurt himself/herself or others because of mental disorder unless admitted to a hospital for medical care and protection.

3. When taking the measure under Para. 1, the prefectural governor shall notify in writing to said Person with Mental Disorder that said measure of hospitalization is being taken and the matters related to request for release, etc. under Art. 38-4 and other matters prescribed by the Health and Welfare Ministerial Order.

4. The administrator of a mental hospital established by the national or a prefectural government or of a Designated Hospital shall admit the Person with Mental Disorder mentioned in Para. 1 unless no bed is available because there are already persons hospitalized under Para. 1 or Para. 1 of the following Article (beds designated in the hospital where a ward is designated under Art. 19-8).

**Article 29-2:** The prefectural governor may admit the Person with Mental Disorder or the person suspected of mental disorder who is deemed to fall subject to the provisions of Para. 1 of the preceding Article to a mental hospital or a Designated Hospital provided in Para. 1 of the preceding Article in an urgent case where it is not possible to take the measure under Art. 27 and 28 and the preceding Article, the person in question being recognized as likely to clearly hurt himself/herself or others because of his/her mental disorder unless admitted to a hospital immediately after causing the Designated Physician to examine said person.

2. When taking the measure under the preceding Paragraph, the prefectural governor shall decide promptly whether the measure for hospitalization for said person shall be taken under Para. 1 of the preceding Article.

3. The term of hospitalization under Para. 1 shall not exceed seventy two (72) hours.

4. The provisions of Para. 4 through 6 of Art. 27 and of Art. 28-2 shall be applied mutatis mutandis to the medical examination under Para. 1, that of Para. 3 of the preceding Article to the measure under Para. 1, and that of Para. 4 of said Article to hospitalization of the person being hospitalized under Para. 1.

**Article 29-2-2:** The prefectural governor shall transfer the Person with Mental Disorder for whom he/she is about to take the measure under Para. 1 of Art. 29 or Para. 1 of the preceding Article to a hospital for said admission.

2. When the transfer under the preceding Paragraph is to be carried out, the prefectural governor shall notify in writing about said transfer and other matters prescribed by the Health and Welfare Ministerial Order to said Person with Mental Disorder.

3. When the transfer under Para. 1 is to be carried out, the prefectural governor may impose restraints as prescribed by the Minister of Health and Welfare if the Designated Physician who examined said Person with Mental Disorder recognized it necessary within the limit that is essential for medical care or

custody of said person.

**Article 29-3:** The administrator of a mental hospital or a Designated Hospital as provided in Para. 1 of Art. 29 shall immediately release the person hospitalized under Para. 1, Art. 29-2 if a notice to the effect that no hospitalization measure under Para. 1, Art. 29 is to be taken is received from the prefectural governor or if a notice of hospitalization measure under Para. 1 of Art. 29 is not received within the term provided in Para. 3 of Art. 29-2.

**(Dissolution of Measure for Involuntary Hospitalization)**

**Article 29-4:** The prefectural governor shall immediately release the person hospitalized under Para. 1 of Art. 29 (hereinafter referred to as "Involuntary Patient") when said person is deemed not likely to hurt himself/herself or others because of his/her mental disorder even if hospitalization is discontinued. In this case, the prefectural governor shall ask in advance the opinion of the administrator of the mental hospital or the Designated Hospital where said person is being hospitalized.

2. The prefectural governor releasing said person under the preceding Paragraph shall base his/her judgment that said person is no longer likely to hurt himself/herself or others because of mental disorder even if hospitalization is discontinued only on the result of examination by the Designated Physician appointed by him/her or the result of medical examination under the following Article.

**Article 29-5.** If the administrator of the mental hospital or the Designated Hospital where the Involuntary Patient is being hospitalized deems that said patient is no longer likely to hurt himself/herself or others even if hospitalization is discontinued as a result of medical examination by the Designated Physician, he/she shall immediately report to that effect and the conditions of said person to the prefectural governor via the director of the nearest Health Center.

**(Treatment Policy and Amount of Medical Expenses for Involuntary Hospitalization)**

**Article 29-6:** The treatment policy of the mental hospital established by the national or the prefectural government or the Designated Hospital for medical care of the person hospitalized under Para. 1 of Art. 29 and Para. 1 of Art. 29-2 and the method of calculation of medical expenses shall be based on the treatment policy of the Health Insurance System and the method of calculation of the expense for care.

2. If it is impossible or inappropriate to base the treatment policy and/or the calculation of the expense for medical care on the exemplified method, the treatment policy and the calculation of expenses for medical care shall be determined by the Minister of Health and Welfare based on the opinion of the Council on Public Health.

**(Consignment of Works to the Social Insurance Medical Fee Payment Fund)**

**Article 29-7:** The prefectural government may consign the work related to the review of whether or not medical care given by the mental hospital established by the national or prefectural government or the Designated Hospital to the person hospitalized under Para. 1 of Art. 29 and Para. 1, Art. 29-2 meets the treatment policy provided under the preceding Article and the work related to calculation of the amount and payment of the medical service fees to the national government or the founder of

Designated Hospitals to the Social Insurance Medical Fee Payment Fund.

**(Sharing of Expenses)**

**Article 30:** The expense of the Person with Mental Disorder hospitalized by the prefectural governor under Para. 1 of Art. 29 and Para. 1 of Art. 29-2 shall be paid by the prefectural government.

2. The national government shall pay three fourths of the expense paid by the prefectural government under the preceding Paragraph as stipulated by the cabinet order.

**(Adjustment with Medical Care Benefits Under Other Laws)**

**Article 30-2:** When the Person with Mental Disorder to be paid the expense under Para. 1 of the preceding Article is a person entitled to medical care benefits under the Health Insurance Law (Law No. 70 of 1922), the National Health Insurance Law (Law No. 192 of 1958), the Mariners' Insurance Law (Law No. 73 of 1939), the Laborers' Accident Compensation Insurance Law (Law No. 50 of 1947), the National Public Servants Mutual Aid Association Law (Law No. 128 of 1958; the same applies mutatis mutandis to other laws or where the law is cited as an example), the Local Public Servants Mutual Aid Association Law (Law No. 152 of 1962), the Law of Health & Medical Service for the Aged (Law No. 80 of 1982) or the Law of Care Service Insurance (Law No. 123 of 1997), the prefectural government is not required to pay the expense under said Paragraph within the limits specified.

**(Charging of Expense)**

**Article 31:** The prefectural governor may charge all or a part of the expense incurred for the Person with Mental Disorder hospitalized under Para. 1 of Art. 29 and Para. 1 of Art. 29-1 if said person or the person responsible for his/her support is deemed to be in a position to pay such expenses.

**Section 4: Medical Care at Outpatient Clinic**

**(Medical Care at Outpatient Clinic)**

**Article 32:** In order to promote adequate medical care for mental disorders, the prefectural government may pay 95% of the expense required for the Person with Mental Disorder receiving medical care without hospitalization for his/her mental disorder at a hospital, a clinic or a pharmacy listed in each Item of Para. 3 of Art. 43 of the Health Insurance Law, or a hospital, a clinic (including those similar thereto) or a pharmacy prescribed by a cabinet order (excluding those for which the founder has proposed to the prefectural governor that he/she will not comply with the method stipulated in the following Article regarding the claim and payment of the medical service fees; hereinafter referred to as "the medical institution, etc." in the following Article").

2. The expense for medical care under the preceding Paragraph shall be calculated similarly to the expense for care under the Health Insurance System.

3. Payment of the expense under Para. 1 shall be made based on an application of said Person with Mental Disorder or the person responsible for his/her protection and the application shall be made to the prefectural governor via the director of a Health Center having jurisdiction over the place of residence of

the Person with Mental Disorder.

4. The application under the preceding Paragraph shall be attached with a medical certificate of a physician as prescribed by the Health and Welfare Ministerial Order. Provided, however, this provision does not apply to the Person with Mental Disorder making such an application if he/she has received the Certificate for Health and Welfare of the Person with Mental Disorder.

5. The prefectural governor shall base his/her decision about the application under Para. 3 on the opinion of the Local Council on Mental Health and Welfare. Provided, however, this provision shall not apply to the Person with Mental Disorder to whom said application is related if he/she has received the Certificate for Health and Welfare for the Person with Mental Disorder.

6. After two (2) years from the application under Para. 3, the payment based on said application shall cease.

7. Para. 1 shall not apply to the person eligible to receive medical care under the Special Assistance Law for the Wounded in the War (Law No. 168 of 1963).

8. In addition to those stipulated in each of the preceding Paragraphs, the matters necessary for medical care under Para. 1 shall be prescribed by cabinet orders.

**(Claims, Examinations and Payments of Costs)**

**Article 32-2:** The medical institution, etc. mentioned in Para. 1 of the preceding Article shall request the prefectural government to pay the expense to be borne by the prefectural government under said Paragraph.

2. The prefectural government shall pay the expense under the preceding Paragraph to said medical institution, etc.

3. The prefectural government may consign their work related to the request under Para. 1 and the expense payment under the preceding Paragraph to the Social Insurance Medical Fee Payment Fund or other party prescribed by a cabinet order.

**(Defrayment and Payment of Fees)**

**Article 32-3:** The national government shall subsidize one half of the expense to be borne by the prefectural government under Para. 1 of Art. 32 under the cabinet order.

**Article 32-4:** Art. 30-2 shall be applied mutatis mutandis to the cost bearing of the prefectural government under Para. 1 of Art. 32-1.

**Section 5: Hospitalization, etc. for Medical Care and Protection**

**(Hospitalization for Medical Care and Protection)**

**Article 33:** The administrator of a mental hospital may cause the following person to be hospitalized without his/her consent so long as the person responsible for his/her custody consents to such hospitalization:

- . The person who is judged to be mentally disordered based on the examination by the Designated



Physician, who needs hospitalization for medical care and protection, and who is not in a state for hospitalization under Art. 22-3 for treatment of his/her mental disorder;

. The person who has been transferred under Art. 34-1.

2. In the case where the person responsible for protection of the person prescribed in Item 1 of the preceding Paragraph must be appointed by the Family Court under Item 4, Para. 2 of Art. 20 and such appointment has not been made or said person is transferred under Para. 2 of Art. 34, the administrator of a mental hospital may cause such person to be hospitalized for up to four (4) weeks without his/her consent if the consent of a person responsible for support of the person defined in Item 1 of the preceding paragraph or the person being transferred under Para. 2 of said Art. 34 is obtained.

3. During hospitalization under the preceding Paragraph, the person responsible for support who gave the consent under said Paragraph is deemed to be any one of those listed in Item 4, Para. 2 of Art. 20, and shall be deemed as the person responsible for custody as prescribed in said Article except where the provision of Para. 1 is applied.

4. When the administrator of a mental hospital takes the measure under Para. 1 or 2, he/she shall report the conditions of the person in question and other matters prescribed by the Health and Welfare Ministerial Order to the prefectural governor via the director of the nearest Health Center by attaching the letter of consent of the person giving consent to said hospitalization.

**Article 33-2:** When the administrator of a mental hospital discharges the person hospitalized under Para. 1 of the preceding Article (hereinafter referred to as "Person Hospitalized for Medical Care and Protection"), he/she shall report the same and other matters prescribed by the Health and Welfare Ministerial Order to the prefectural governor via the director of the nearest Health Center within ten (10) days.

**Article 33-3:** When taking the measure under Para. 1 or 2 of Art. 33, the administrator of a mental hospital shall inform in writing to said Person with Mental Disorder that said measure is being taken, the matter about the request for discharge, etc. under Article 38-4, and other matters prescribed by the Health and Welfare Ministerial Order. Provided, however, this provision may not be applied during four (4) weeks from the day when said hospitalization measure is taken, or until when medical care and protection of said Person with Mental Disorder is no longer hampered in view of his/her conditions. In such instance, the administrator of the mental hospital shall promptly describe the matters prescribed by the Health and Welfare Ministerial Order in the medical record.

**(Emergency Hospitalization)**

**Article 33-4:** The administrator of a mental hospital designated by the prefectural governor as meeting the standard established by the Minister of Health and Welfare shall cause a person, for whom emergency medical care and protection was requested and the consent from the person responsible for his/her custody (or the person responsible for his/her support in the case prescribed in Para. 2, Art. 33) is not obtainable, to be hospitalized up to seventy-two (72) hours without the consent of the person in

question if he/she falls subject to any of the following:

- . A person who is judged mentally disordered, who is in a state that medical care and protection for him/her is exceedingly hampered unless hospitalized immediately, and who is not in a state for hospitalization under Art. 22-3 because of said mental disorder based on the result of examination by the Designated Physician;
  - . A person who was transferred under Para. 3, Art. 34.
2. When taking the measure under the preceding Paragraph, the administrator of a mental hospital prescribed in the preceding Paragraph shall immediately report to the prefectural governor via the director of the nearest Health Center the reason for taking said measure and other matters prescribed by the Health and Welfare Ministerial Orders.
  3. The prefectural governor may cancel designation of a mental hospital under Para. 1 if he/she deems that the hospital no longer meets the standard under said Paragraph.
  4. The Minister of Health and Welfare may order the prefectural governor to perform his/her work falling under the jurisdiction of the prefectural governor prescribed by the preceding Paragraph if it is deemed urgently necessary to secure the treatment for the person being hospitalized in the Designated Hospital under Para. 1.

**Article 33-5:** Para. 2 of Art. 19-9 shall be applied mutatis mutandis to the cases where disposition under Para. 3 of the preceding Article is taken, and the provision of Para. 3 of Art. 29 shall be applied mutatis mutandis when the administrator of a mental hospital takes the measure under Para. 1 of the preceding Article.

**(Transfer for Hospitalization for Medical Care and Protection, etc.)**

**Article 34:** If an examination by the Designated Physician appointed by the prefectural governor reveals that a person is mentally disordered, that his/her medical care and protection may be exceedingly hampered unless he/she is hospitalized immediately, and that he/she is not in a state for hospitalization under Art. 22-3 because of said mental disorder, the prefectural governor may cause said person to be transferred to a mental hospital prescribed in Para. 1 of Art. 33-4 for hospitalization under Para. 1 of Art. 33 without the consent of said person if the consent is obtained from the person responsible for his/her protection.

2. If the person responsible for protection of a person prescribed under the preceding Paragraph needs to be appointed by the Family Court under Item 4, Para. 2 of Art. 22 and when such appointment has not been made, the prefectural governor may cause said person to be transferred to a mental hospital prescribed in Para. 1 of Art. 33-4 for hospitalization under Para. 2 of Art. 33 without the consent of said person.
3. In an emergency case where the consent from the person responsible for his/her protection (or the person responsible for his/her support under the preceding Paragraph) is not obtainable, the person in question is judged mentally disordered based on the result of examination by the Designated Physician

who is appointed by the prefectural governor, said person is in a state where his/her medical care and protection may be exceedingly hampered unless hospitalized immediately, and said person is judged to be not in a state for hospitalization under Art. 22-3 because of said mental disorder, the prefectural governor may cause said person to be transferred to a mental hospital prescribed in Para. 1 of Art. 33-4 for hospitalization under said Paragraph even without the consent of said person.

4. The provisions of Para. 2 and 3 of Art. 29-2-2 shall be applied mutatis mutandis to the transfer under the preceding three Paragraphs.

**Article 35:** Deleted.

### **Section 6: Treatment, etc. at Mental Hospital**

#### **(Treatment)**

**Article 36.** The administrator of a mental hospital may impose necessary restraints on a person hospitalized within the limit essential for his/her medical care and protection.

2. Notwithstanding the preceding Paragraph, the administrator of a mental hospital shall not impose restraints that are prescribed in advance by the Minister of Health and Welfare based on the opinion of the Council of Public Health, said restraints being those on receipt/dispatch of confidential papers, interviews, etc. with the staff of the prefectural governments or other administrative organs.

3. Of the restraints imposed under Para. 1, restraints such as isolation, etc. prescribed in advance by the Minister of Health and Welfare based on the opinion of the Council on Public Health shall be imposed only when the Designated Physician deems it necessary.

**Article 37:** In addition to those prescribed by the preceding Article, the Minister of Health and Welfare shall establish the necessary standard for treatment of those hospitalized in mental hospitals.

2. When the standard is established under the preceding Paragraph, the administrator of a mental hospital shall observe said standard.

3. The Minister of Health and Welfare shall ask for the opinion of the Council on Public Health in advance when establishing the standard under Para. 1.

#### **(Report, etc. by Designated Physician to Administrator of Mental Hospital)**

**Article 37-2:** If a Designated Physician recognizes that the treatment of a person hospitalized at the mental hospital where he/she works is in violation of Art. 36 or does not meet the standard under Para. 1 of the preceding Article, or that the treatment of a person hospitalized at a mental hospital is exceedingly inappropriate, the Physician shall endeavor to improve such treatment by reporting the fact, etc. to the administrator of such mental hospital to cause measures necessary for improving the treatment of the person hospitalized in said hospital to be taken.

#### **(Consultation, Assistance, etc.)**

**Article 38:** The administrator of a mental hospital or a facility offering medical care for mental disorder shall offer consultation and necessary assistance to the Person with Mental Disorder receiving medical

care at such facility in order to promote his/her social rehabilitation and shall endeavor to liaise and coordinate with the person responsible for his/her protection, etc.

**(Regular Report)**

**Article 38-2:** The administrator of a mental hospital or a Designated Hospital where an Involuntary Patient is hospitalized shall regularly report to the prefectural governor via the director of the nearest Health Center the conditions of Involuntary Patient and other matters prescribed by the Health and Welfare Ministerial Order (hereinafter referred to as "the Reported Matters") under the Health and Welfare Ministerial Order. In this case, the matters prescribed by the Health and Welfare Ministerial Order among the Reported Matters shall be based on the result of examination by the Designated Physician.

2. The provisions of the preceding Paragraph shall be applied mutatis mutandis to the administrator of a mental hospital where the patient under medical care and protection is being hospitalized. In this case, the term "the Involuntary Patient" shall read as "the Patient Under Medical Care and Protection."

**(Review Based on Regular Report, etc.)**

**Article 38-3:** When a report under the preceding Article or Para. 4 of Art. 33 (limited to those concerned with the measure under Para. 1 of said Article) is submitted, the prefectural governor shall notify the Psychiatric Review Board of conditions of the patient being reported and other matters prescribed by the Health and Welfare Ministerial Order, and seek their review of whether or not hospitalization is necessary for said person being hospitalized.

2. When a review is requested under the preceding Paragraph, the Psychiatric Review Board shall review whether or not hospitalization is necessary for the patient being reviewed and notify the result to the prefectural governor.

3. In conducting the review under the preceding Paragraph, the Psychiatric Review Board shall, if deemed necessary, ask the opinion on the hospitalized person to whom the review is related or cause the committee member (who shall be a Designated Physician; the same applies to Para. 4 of Art. 38-5) to examine said person with his/her consent, ask for the report or opinion from the administrator of the mental hospital where said patient is hospitalized or other persons concerned, order submission of the medical record and other documents, or order to appear for a hearing by the Board.

4. The prefectural governor shall discharge the person for whom hospitalization is deemed unnecessary based on the result of the review by the Psychiatric Review Board notified under Para. 2 or order the administrator of the mental hospital to release said person.

**(Request for Discharge, etc.)**

**Article 38-4:** The person hospitalized at a mental hospital or the person responsible for his/her custody may request the prefectural governor under the Health and Welfare Ministerial Order to cause said person to be discharged, order the administrator of the mental hospital to discharge him/her or to take measures necessary for improving his/her treatment.

**(Review Based on Request for Discharge, etc.)**

**Article 38-5:** When a request under the preceding Article is received, the prefectural governor shall notify the content of said request to the Psychiatric Review Board and shall ask for their review to determine whether or not the person concerned with said request requires hospitalization and whether or not his/her treatment is adequate.

2. When the review under the preceding Article is requested, the Psychiatric Review Board shall review whether or not the person concerned with said review requires hospitalization, and his/her treatment is adequate, and notify the result to the prefectural governor.
3. In conducting the review under the preceding Paragraph, the Psychiatric Review Board shall ask the opinion of the person making the request for review under the preceding Paragraph and the administrator of the mental hospital where the person for whom the review was requested is being hospitalized. Provided, however, this provision shall not apply if the Psychiatric Review Board specifically recognizes that there is no need for asking their opinions.
4. In addition to those prescribed in the preceding Paragraph, if the Psychiatric Review Board recognizes it necessary in conducting the review under Para. 2, the Board may cause the committee to examine the person hospitalized, for whom the review is related, with his/her consent, or ask the administrator of the mental hospital where said person is hospitalized or the other person concerned to report, order submission of the medical record and other documents, or order to appear for a hearing.
5. Based on the result of review by the Psychiatric Review Board notified under Para. 2, the prefectural governor shall discharge the person for whom hospitalization is deemed not necessary, or order the administrator of said mental hospital to discharge said person or to take necessary measures for improving his/her treatment.
6. The prefectural governor shall notify the person making the request under the preceding Article of the result of the review related to the request by the Psychiatric Review Board and the measure taken based on the review result.

**(Collection of Report, Etc.)**

**Article 38-6:** The Minister of Health and Welfare or the prefectural governor may, if necessary, require the administrator of a mental hospital to report the conditions or the treatment of the person being hospitalized in said mental hospital, ask for a report, or order to submit or present the medical record and other documents, to cause said staff or the Designated Physician appointed thereby to enter the hospital and inspect the medical record and other documents related to these matters, to ask questions of said person hospitalized in said mental hospital or other persons concerned, or to cause the Designated Physician appointed thereby to enter the mental hospital and examine the person hospitalized in said hospital.

2. The Minister of Health and Welfare or the prefectural governor may ask the administrator of a mental hospital, the person being hospitalized in a mental hospital or the person consenting

hospitalization under Para. 1 or 2 of Art. 33, if deemed necessary, to report, to submit or to present the documents regarding the procedure required for hospitalization under this Law.

3. Provisions of Para. 5 and 6 of Art. 27 shall be applied mutatis mutandis to the inspection by entry, questioning or medical examination under Para. 1.

**(Order for Improvement, Etc.)**

**Article 38-7:** If treatment of a person being hospitalized in a mental hospital is deemed as violating Art. 36 or not meeting the standard under Para. 1 of Art. 37 or is exceedingly inadequate, the Minister of Health and Welfare or the prefectural governor shall ask the administrator of said hospital to submit a plan for improvement in order to secure the proper treatment by indicating the measure to be taken and the due date by which they should be taken, or order to alter the plan submitted or to take the measure necessary for improving the treatment.

2. The Minister of Health and Welfare or the prefectural governor may, if deemed necessary, cause at least two Designated Physicians appointed by them to examine a person hospitalized under Para. 3 of Art. 22-4 or the person hospitalized under Para. 1 or 2 of Art. 33 or Para. 1 of Art. 33-4, and order the administrator of the mental hospital where such person is hospitalized to release him/her if the results of examinations of each of the Designated Physicians do not concur regarding the need for continuing hospitalization or if such person was hospitalized in violation of this Law or orders under this Law.

3. If the administrator of a mental hospital does not comply with the order under the preceding two Paragraphs, the Minister of Health and Welfare or the prefectural governor may set a term and order to restrict all or part of medical care related to hospitalization of the Person with Mental Disorder under Para. 1 of Art. 22-4, Para. 1 and 2 of Art. 33 and Para. 4 of Art. 33-4.

**(Measure for Unauthorized Discharge)**

**Article 39:** When a patient who is likely to hurt himself/herself or others leaves the hospital without authorization and his/her whereabouts is not known, the administrator of the mental hospital shall notify the following matters to the chief of police having jurisdiction and ask for his/her search:

- . The address, name, sex and birth date of the person who left the hospital;
- . The time and date at which he/she left;
- . The outline of his/her conditions;
- . The facial features, clothing, and other matters that may help to find the person who left;
- . The date of admission to the hospital;
- . The address and name of the person responsible for protection or a person similar thereto.

2. If the police find the person for whom the search was requested under the preceding Paragraph, they shall immediately notify the fact to the administrator of said mental hospital. In this case, the police may place such a person in custody for twenty four (24) hours at maximum in a place suitable for custody of the Person with Mental Disorder such as a police station, a hospital or a relief aid station.

**(Temporary Discharge)**

**Article 40:** If it is deemed adequate to temporarily discharge the Involuntary Patient in view of his/her conditions and place him/her under observation based on the result of examination by the Designated Physician, the administrator of the mental hospital or the Designated Hospital as defined in Para. 1 of Art. 29 may temporarily discharge such patient for six (6) months at maximum with the permission of the prefectural governor.

#### **Section 7: Miscellaneous**

##### **(Obligation of Person Responsible for Protection to Take Charge, etc.)**

**Article 41:** The person responsible for protection shall take charge of the person being discharged under Art. 29-3 or Para. 1 of Art. 29-4 or the person being temporarily discharged under the preceding Article, and shall comply with instructions of the administrator of said mental hospital or the Designated Hospital when taking custody of the person temporarily discharged.

##### **(Cost of Medical Care and Protection)**

**Article 42:** The cost of medical care and protection of the Person with Mental Disorder paid by the person responsible for protection shall be borne by said Person with Mental Disorder or the person responsible for his/her support.

##### **(Relation With Procedure for Criminal Case)**

**Article 43:** Provisions of this Chapter do not prevent the procedure under the laws and orders related to criminal cases or juvenile custody cases involving the Person with Mental Disorder or a person suspected of mental disorder, or detaining such a person in a correction house for execution of penalty, guidance or protection.

2. Except for Art. 25, 26 and 27, the provisions of this Chapter do not apply to those being detained in correction facilities.

**Article 44:** Deleted.

### **Chapter 6. Health and Welfare**

#### **Section 1: Certificate for Health and Welfare of Person with Mental Disorder**

##### **(Certificate for Health and Welfare of Person with Mental Disorder)**

**Article 45:** The Person with Mental Disorder (excluding mentally retarded persons; the same applies to this and the next Chapters) may apply for delivery of the Certificate for Health and Welfare of the Person with Mental Disorder to the prefectural governor of the place of residence (if he/she has no place of residence, the place where he/she is currently living) by attaching documents prescribed by the Health and Welfare Ministerial Order.

2. If the prefectural governor decides that the applicant is in the state of mental disorder as defined by the cabinet order by examining the application under the preceding Paragraph, he/she shall deliver the Certificate for Health and Welfare of the Person with Mental Disorder to the applicant.

3. If the prefectural governor decides that the applicant is not mentally disordered as defined in the cabinet order based on the result of examination under the preceding Paragraph, he/she shall notify the applicant to that effect by giving the reason.
4. In making the decision about the application under Para. 1, the prefectural governor shall hear the opinion of the Local Council on Mental Health and Welfare. Provided, however, this provision shall not apply if the applicant is receiving the pension because of mental disorder under the Health and Welfare Ministerial Order.
5. A recipient of the Certificate for Health and Welfare of the Person with Mental Disorder shall be certified by the prefectural governor once every two (2) years under the Health and Welfare Ministerial Ordinance that he/she is in the state of mental disorder as defined in the cabinet order mentioned in Para. 2.
6. Provisions of Para. 3 and 4 shall apply mutatis mutandis to certification under the preceding Paragraph.
7. In addition to those provided in the preceding Paragraphs, the matters necessary for the Certificate for Health and Welfare of the Person with Mental Disorder shall be prescribed by the government orders.

**(Return, etc. of Certificate for Health and Welfare of the Person with Mental Disorder)**

**Article 45-2:** A recipient of the Certificate for Health and Welfare of the Person with Mental Disorder shall promptly return the Certificate to the prefectural government when he/she is no longer in the state of mental disorder as defined in the cabinet order under Para. 2 of the preceding Article.

2. A recipient of the Certificate for Health and Welfare of the Person with Mental Disorder shall not assign or loan the same.
3. The prefectural governor may order the recipient of the Certificate for Health and Welfare of the Person with Mental Disorder to return the same if he/she is deemed to be no longer in the state defined in the cabinet order under Para. 2 of the preceding Article.
4. When ordering the return of the Certificate under the preceding Paragraph, the prefectural governor shall cause the Designated Physician to examine the person thus ordered.
5. The provision of Para. 3 of the preceding Article shall be applied mutatis mutandis to recognition under Para. 3.

**Section 2: Counseling, Guidance, etc.**

**(Dissemination of Correct Knowledge)**

**Article 46:** The prefectural and municipal governments shall endeavor to deepen concerns and understanding of the community people about social rehabilitation, self-support and participation in socio-economic activities of the Person with Mental Disorder through public relations activities, etc. for dissemination of correct knowledge about mental disorder.



**(Counseling, Guidance, etc.)**

**Article 47:** The prefectural government, the municipal or the special ward governments establishing Health Centers (hereinafter referred to as "the Prefectural and Other Governments") shall, if necessary, cause the mental health and welfare counselor as defined in Para. 1 of the following Article, the other staff or the physician appointed by the prefectural governor or the mayor of a city or a special ward establishing the Health Centers (hereinafter referred to as "the Prefectural Governor, etc.") to offer counseling and guidance to the Person with Mental Disorder and his/her family, etc.

2. The Prefectural and Other Governments shall, as necessary, refer the Person with Mental Disorder requiring medical care to a medical care facility appropriate for the state of his/her mental disorder.

3. In offering counseling and guidance on welfare of the Person with Mental Disorder, the mental health and welfare center and the Health Center shall endeavor to keep close contact with the Welfare Office (the office concerned with welfare as prescribed in the Law for Social Welfare Work (Law No. 45 of 1951; the same applies to Para. 6 of Art. 50-2) and other related administrative organs.

4. The municipal governments (excluding the city and special ward governments establishing the Health Centers) shall cooperate with the prefectural government regarding their work related to the Person with Mental Disorder under Para. 1 and 2, and shall endeavor to offer counseling to the Person with Mental Disorder and his/her family, etc. regarding mental health and welfare of the Person with Mental Disorder as necessary.

**(Mental Health and Welfare Counselor)**

**Article 48:** The prefectural government may retain the staff for counseling on mental health and welfare of the Person with Mental Disorder and offer necessary guidance by visiting the Person with Mental Disorder and his/her family, etc. (hereinafter referred to as "the Mental Health and Welfare Counselor" in the following Paragraph).

2. The Mental Health and Welfare Counselor shall be selected for appointment by the Prefectural Governor, etc. from among those qualified as a psychiatric case worker or having other qualifications prescribed by the cabinet order.

**(Coordination, etc. for Use of Facility and Business)**

**Article 49:** If requested by the Person with Mental Disorder who has received the Certificate for Health and Welfare of the Person with Mental Disorder, the director of a Health Center shall consider his/her request, his/her state of mental disorder and the contents of guidance, training and assistance necessary for promoting social rehabilitation, self-support, and participation in socio-economic activities, and offer counseling and necessary advice so that said Person with Mental Disorder can utilize the most appropriate facility for social rehabilitation, the community life support service of the Person with Mental Disorder or the social adaptation training work for the Person with Mental Disorder (hereinafter referred to as "the Community Life Support Work, etc. for the Person with Mental Disorder" in this Article). In this case, the director of the Health Center may consign said work to the Community Life Support

Center for the Person with Mental Disorder.

2. The director of a Health Center shall mediate or coordinate the use of a social rehabilitation center or the Community Life Support Work, etc., as necessary, if asked by the Person with Mental Disorder receiving advice under the preceding Paragraph, and shall request, as necessary, the use by said Person with Mental Disorder to the party establishing the social rehabilitation facility for the Person with Mental Disorder or the party conducting community life support works, etc. for the Person with Mental Disorder.

3. The party establishing the social rehabilitation facility for the Person with Mental Disorder or conducting the Community Life Support Works, etc. for the Person with Mental Disorder shall cooperate as much as possible to comply with mediation, coordination and requests under the preceding Paragraph.

### **Section 3: Facilities and Works**

#### **(Establishing, etc. of Social Rehabilitation Facility for the Person with Mental Disorder)**

**Article 50:** The Prefectural Government may establish social rehabilitation facilities for the Person with Mental Disorder to promote their social rehabilitation, self-support and participation in socio-economic activities.

2. The municipal governments, social welfare corporations and others may establish social rehabilitation facilities for the Person with Mental Disorder in order to promote their social rehabilitation, self-support and participation in socio-economic activities by reporting in advance the matters prescribed by the Health and Welfare Ministerial Order.

3. The party reporting under the preceding Paragraph shall report the change, if any, to said prefectural government in the matters reported within one (1) month from the date when such change occurred.

4. The municipal governments, social welfare corporations and others shall report in advance the matters prescribed by the Health and Welfare Ministerial Order if they intend to abolish or close temporarily the social rehabilitation center for the Person with Mental Disorder.

#### **(Types of Social Rehabilitation Facility for the Persons with Mental Disorder)**

**Article 50-2:** The types of social rehabilitation facilities for the Person with Mental Disorder shall be as follows:

- . A facility for training in daily life for the Person with Mental Disorder;
- . A vocational facility for the Person with Mental Disorder;
- . A welfare home for the Person with Mental Disorder;
- . A welfare factory for the Person with Mental Disorder;
- . A community life support center for the Person with Mental Disorder.

2. The facility for training in daily life for the Person with Mental Disorder shall aim at promoting social rehabilitation of the Person with Mental Disorder, for who it is difficult to lead life at home because of

mental disorder, by providing the living space, etc. at reasonable costs and offering necessary training and guidance so that such person may adapt himself/herself to daily life.

3. The vocational facility for the Person with Mental Disorder shall aim at promoting social rehabilitation and self-support of the Person with Mental Disorder, for whom finding employment is difficult, by providing necessary training at reasonable costs and offering job opportunities.
4. The welfare home for the Person with Mental Disorder shall aim at promoting social rehabilitation and self-support of the Person with Mental Disorder, who is actually looking for a living space, by providing the living space or other facility at reasonable costs and providing daily conveniences.
5. The welfare factory for the Person with Mental Disorder shall aim at promoting their social rehabilitation and participation in socio-economic activities by providing employment to the Person with Mental Disorder, for whom employment by ordinary work place is difficult, and by offering necessary guidance for adaptation to the social life.
6. The community life support center for the Person with Mental Disorder shall aim at providing necessary guidance and advice on the matters consulted by the Person with Mental Disorder regarding various problems related to mental health of the community and welfare of the Person with Mental Disorder and offer advice under Para. 1 of Art. 49 as well as to comprehensively offer assistance prescribed by the Health and Welfare Ministerial Order such as contacting and coordinating with the Health Center, the welfare center or the social rehabilitation center for the Person with Mental Disorder.

**(Confidentiality Obligation)**

**Article 50-2-2:** The staff of the community life support center for the Person with Mental Disorder shall keep confidential the personal matters of individuals in implementing his/her duties.

**(Standard for the Facility)**

**Article 50-2-3:** The Minister of Health and Welfare shall establish the standard regarding the equipment and management of the social rehabilitation center for the Person with Mental Disorder.

2. The party establishing the social rehabilitation facility for the Person with Mental Disorder shall observe the standard under the preceding Paragraph.

**(Collection, etc. of Report)**

**Article 50-2-4:** In order to maintain the standard under Para. 1 of the preceding Article, the Prefectural Governor may ask for report on the matters deemed necessary from the head of a social rehabilitation facility for the Person with Mental Disorder, or cause the staff of such facility to ask questions from those concerned or enter the facility for inspection of the equipment, accounting books and other matters.

2. Para. 5 and 6 of Art. 27 shall be applied mutatis mutandis to the inspection by entry under the preceding Paragraph. In this case, "the preceding Paragraph" in Para. 5 of said Article shall read as "Para. 1 of Art. 50-2-4" and "the place where said person is living" as "the social rehabilitation center for the Person with Mental Disorder", "the Designated Physician and said staff" as "said staff" and "Para. 4" in

Para. 6 of said Article as "Para. 1 of Art. 50-2-4".

**(Suspension, etc. of Services)**

**Article 50-2-5:** When the founder of a social rehabilitation facility for the Person with Mental Disorder violates this Law or an order issued or a disposition implemented hereunder, or said facility ceases to meet the standard under Para. 1 of Art. 50-2-5, the Prefectural Governor may order the founder to improve the equipment or management of said facility or to suspend or abolish said service.

2. When ordering suspension of service of a social rehabilitation facility for the Person with Mental Disorder, the Prefectural Governor shall ask the opinion of the Local Council for Mental Health and Welfare in advance.

**(Community Life Support Service for the Person with Mental Disorder)**

**Article 50-3:** In order to promote social rehabilitation and self support of the Person with Mental Disorder, the prefectural government may conduct services for community life support of the Person with Mental Disorder (which means offering assistance in daily life such as providing meals, counseling, etc. at a residence for communal life by the Person with Mental Disorder who have no difficulty in leading daily life in a community; the same applies hereinafter).

2. The municipal governments, the social welfare corporations and others may conduct services for community life support of the Person with Mental Disorder under the Law of Social Welfare Work in order to promote social rehabilitation and self-support of the Person with Mental Disorder.

**(Service for Training in Social Adaptation of the Person with Mental Disorder)**

**Article 50-4:** In order to promote social rehabilitation and participation in socio-economic activities of the Person with Mental Disorder, the prefectural government may conduct services for necessary training in social adaptation of the Person with Mental Disorder (which means the services of offering occupation and necessary training for adaptation to the social life by the Person with Mental Disorder by consigning the same to the party with enthusiasm for promoting participation to the socio-economic activities by the Person with Mental Disorder for whom employment at ordinary work place is difficult; the same applies hereinafter).

**(Subsidy by the National or the Prefectural Government)**

**Article 51:** The prefectural government may subsidize a part of the following expenses to the founder of a social rehabilitation facility for the Person with Mental Disorder or the party conducting the service for community life support of the Person with Mental Disorder:

- . The expense of establishing and operating a social rehabilitation facility for the Person with Mental Disorder;
  - . The expense of community life support service for the Person with Mental Disorder;
2. The national government may subsidize a part of the following expenses to the prefectural government within its budget.
- . The expense of establishing and operating a social rehabilitation center for the Person with Mental

- Disorder to be established by the prefectural government;
- . The expense of community life support service for the Person with Mental Disorder and training for social adaptation of the Person with Mental Disorder offered by the prefectural government;
- . The expense required for subsidies under the preceding Paragraph.

**Chapter 7. Social Rehabilitation Promoting Center for Person with Mental Disorder  
(Designation, etc.)**

**Article 51-2:** The Minister of Health and Welfare may, upon application, designate a corporation under Art. 34 of the Civil Code (Law No. 89 of 1896) established to promote social rehabilitation of the Person with Mental Disorder by performing research and development for training and guidance, etc. in order to promote social rehabilitation of the Person with Mental Disorder, which is deemed to be able to conduct the services under the following Article optimally and securely, limited to one corporation in the country as the Social Rehabilitation Promoting Center for the Person with Mental Disorder (hereinafter referred to as "the Center").

2. The Minister of Health and Welfare shall publish the name, address and location of the office of the Center when designating the same under the preceding Paragraph.
3. The Center shall report in advance when changing its name, address or location of its office to the Minister of Health and Welfare.
4. When the report under the preceding Paragraph is made, the Minister of Health and Welfare shall publish the matters related to the report.

**(Services)**

**Article 51-3: The Center shall conduct the following:**

- . To conduct activities for enlightenment and public relations that will contribute to promotion of social rehabilitation of the Person with Mental Disorder;
- . To conduct research, development, etc. related to training, guidance, etc. for promoting social rehabilitation of the Person with Mental Disorder adapted to actual examples of social rehabilitation of the Person with Mental Disorder;
- . To conduct research related to promotion of social rehabilitation of the Person with Mental Disorder in addition to those listed in the preceding Items;
- . To offer the results of research and development under Item 2 or the results of researches under the preceding Item regularly or timely in order to promote social rehabilitation of the Person with Mental Disorder;
- . To offer training to those engaged or those wishing to engage in the services for promoting social rehabilitation of the Person with Mental Disorder;
- . To conduct services necessary for promotion of social rehabilitation of the Person with Mental Disorder in addition to those described in each of the preceding Items.

**(Cooperation with the Center)**

**Article 51-4:** The founder of a mental hospital or other facility offering medical care to the Person with Mental Disorder, the founder of a social rehabilitation facility for the Person with Mental Disorder or the party conducting the community life support service or the social rehabilitation training for the Person with Mental Disorder may offer to the Center in response to its request the information or data related to training and guidance for promoting social rehabilitation of the Person with Mental Disorder or other necessary information or data prescribed by the Health and Welfare Ministerial Order.

**(Rules for Specific Information Control)**

**Article 51-5:** The Center shall prepare the rules for the control and use of the information and data (hereinafter referred to as "the Rules for Specific Information Control" in this Article and Art. 51-7) related to the services described in Items 2 and 3 of Art. 51-3 (referred to as "the Specific Information" in this Article and Art. 51-7) and shall obtain the approval of the Minister of Health and Welfare. The same applies to any change of the rules.

2. The Minister of Health and Welfare may order the Center to change the Rules for Specific Information Control if said Rules approved under the preceding Paragraph are deemed to have become inadequate for the optimum control or use of the specific information.

3. The matters to be described in the Rules for Specific Information Control shall be prescribed by the Health and Ministerial Order.

**(Confidentiality Obligation)**

**Article 51-6:** The current or past officers or staff of the Center shall not divulge the confidential matters that they have come to learn related to the services described in Item 2 or 3 of Art. 51-3.

**(Order of Dismissal)**

**Article 51-7:** The Health and Welfare Minister may order the Center to dismiss an officer or a staff of the Center who has controlled or used the Specific Information not by the Rules for Specific Information Control approved under Para. 1 of Art. 51-5 or who has violated the preceding Article.

**(Service Plan, etc.)**

**Article 51-8:** The Center shall prepare the service plan and the budget for every service year and submit the same to the Minister of Health and Welfare prior to the start of said service year. The Center shall take the similar procedure when changing them.

2. The Center shall prepare the service report and the financial statements for every service year and submit the same to the Minister of Health and Welfare within three (3) months following the end of said service year.

**(Report and Inspection)**

**Article 51-9:** The Minister of Health and Welfare shall require the Center to report the matters deemed necessary within the limit required for securing the optimum management of the services as provided in Article 51-3, or cause its staff to enter the office and inspect the service situation or

accounting books, documents and other matters.

2. The provisions of Para. 5 and 6 of Art. 27 shall be applied mutatis mutandis to the inspection by entry under the preceding Paragraph. In this case, the term "the preceding Paragraph" in Para. 5 of said Article shall read as "Para. 1 of Art. 51-9", "the place of residence of said person" as "the office of the Center", "the Designated Physician and said staff" as "said staff", and "Para. 4" in Para. 6 of said Article as "Para. 1 of Art. 51-9".

**(Order for Supervision)**

**Article 51-10:** The Minister of Health and Welfare may issue orders necessary for supervision regarding the services provided in Article 51-3 within the limit necessary for carrying out the provisions of this Chapter.

**(Cancellation, etc. of Designation)**

**Article 51-11:** The Minister of Health and Welfare may cancel the designation under Para. 1 of Art. 51-2 when the Center falls subject to any of the following:

- . When the Center is deemed unable to perform the services provided in Art. 51-3 in an optimum and secure manner;
- . When there was an illegal act regarding the designation;
- . When the Center violated the provisions of this Chapter or the order or disposition under the preceding Paragraph.

2. When canceling the designation under the preceding Paragraph, the Minister of Health and Welfare shall publish the same.

## **Chapter 8. Miscellaneous**

**(Demand for Trial)**

**Article 51-11-2:** The mayor of a municipality may demand a trial under Art. 7, 11, Para. 2 of Art. 12, Para. 1 of Art. 14, Para. 1 of Art. 16, Para. 1 of Art. 874, or Para. 1 of Art. 876-9 of the Civil Code regarding the Person with Mental Disorder if it is deemed specifically necessary for his/her welfare.

**(Exception for Big Cities)**

**Article 51-12:** Of the work prescribed by this Law to be processed by the prefectural government, those provided by the cabinet order shall be processed by the city designated under Para. 1 of Art. 252-19 of the Local Autonomy Law (Law No. 67 of 1947) (hereinafter referred to as the Designated City in this Article) as provided by the cabinet order. In this case, the provisions regarding the prefecture government in this Law shall be applied to the Designated City as the provision for such.

2. The party who is not satisfied with the decision rendered by a Prefectural Governor regarding the demand for trial concerning the disposition made by the mayor of a Designated City (limited to those related to the legally delegated work under Item 1 as provided in Item 1, Para. 9 of Art. 2 of the Local Autonomy Law) may demand the Minister of Health and Welfare to hold a re-trial.

**(Execution of Works by the Minister of Health and Welfare in Emergency)**

**Article 51-13:** The works related to the facility for social rehabilitation of the Person with Mental Disorder which are prescribed as falling under the jurisdiction of the Prefectural Governor under Art. 50-2-4 and 50-2-5 shall be performed by the Minister of Health and Welfare or the Prefectural Governor, if the Minister of Health and Welfare recognizes that there is an urgent need for protection of interests of those using the facility. In this case, those of the provisions of this Law related to the Prefectural Governor (limited to those related to said work) shall be applied to the Minister of Health and Welfare as the provisions concerning said Minister.

2. In the case under the preceding Paragraph where the Minister or the Prefectural Governor performs said works, a mutually close contact shall be kept.

**(Classification of Works)**

**Article 51-14:** The works which are prescribed to be processed by the prefectural government under the provisions of this Law (excluding Chapters 1 through 3, Para. 4 of Art. 19-2, Art. 19-7, Art. 19-8, Para. 1 and 2 of Art. 19-9(including the case where the provision is applied mutatis mutandis to Art. 33-5), Art. 29-7, Para. 1 of Art. 30 and Art. 31, Section 4 of Chapter 5, Para. 1 and 3 of Art. 33, and Chapter 6) shall be defined as "Item 1: the legally delegated matters" provided in Item 1, Para. 9 of Art. 2 of the Local Autonomy Law (referred to as "Item 1: Legally delegated matters" in the following two paragraphs.)

2. The works to be processed by the city or the special ward establishing Health Centers under this Law (excluding Para. 3 of Art. 32 and Section 2 of Chapter 6) shall be "Item 1: Legally delegated matters".

3. The works to be processed by the municipality under Art. 21 shall be "Item 1: Legally delegated matters".

**Chapter 9. Penal Provisions**

**Article 52:** Any person falling subject to any of the following shall be imposed imprisonment with forced labor for three (3) years or less or fine of one million (1,000,000) yen or less:

A person violating an order under Para. 4 of Art. 38-3;

A person violating an order for discharge under Para. 5 of Art. 38-5;

A person violating an order under Para. 2 of Art. 38-7;

A person violating an order under Para. 3 of Art. 38-7;

**Article 53:** The administrator of a mental hospital, the Designated Physician, a member of the permanent or the ad hoc committee of Local Council for Mental Health and Welfare, the member of Psychiatric Review Board or a physician designated by the Prefectural Governor, etc. under Para. 1 of Art. 47 or those who used to occupy any of those posts shall be sentenced to imprisonment with forced labor of one (1) year or less or fine of five hundred thousand (500,000) yen or less if he/she divulges without a justifiable reason the confidential matters of a person that he/she has come to learn in the course of execution of duties under this Law.



2. The current or the past staff of a mental hospital shall be sentenced similarly to the preceding Paragraph if he/she divulges without a justifiable reason the confidential matters that he/she has come to learn while assisting the administrator of a mental hospital executing the duties under this Law.

**Article 53-2:** A person violating the provision of Art. 51-6 shall be sentenced to imprisonment with forced labor for one (1) year or less or fine of five hundred thousand (500,000) yen or less.

**Article 54:** A person falling subject to any of the following shall be sentenced to imprisonment with forced labor for six (6) months or less or fine of three hundred thousand (300,000) yen or less:

- . A person who applied under Para. 1 of Art. 23 by describing false fact(s);
- . A person who violating an order for suspension or abolition under Para. 1 of Art. 50-2-5;
- . A person who violating an order for suspension or abolition under Para. 1 of Art. 50-2-5 given by the Minister of Health and Welfare under Para. 1 of Art. 51-13.

**Article 55:** A person falling subject to any of the following shall be sentenced to fine of two hundred thousand (200,000) yen or less:

- . A person who refused, obstructed or evaded the medical examination under Para. 1 or 2 of Art. 27 or who refused or obstructed the entry under Para. 4 of said Article;
- . A person who refused, obstructed or evaded the medical examination under Para. 1 of Art. 29-2 or those who refused or obstructed the entry under Para. 4 of Art. 27 applied mutatis mutandis to Para. 4 of said Article;
- . A person who failed to report or to submit a report or made a false report under Para. 3 of Art. 38-3, obstructed the medical examination or failed to appear at a hearing under said Paragraph, or failed to respond to questions without a justifiable reason or gave a false response under said Paragraph;
- . A person who failed to report or to submit a report or made a false report under Para. 4 of Art. 38-5, obstructed medical examination or failed to appear at hearing under said Paragraph, or failed to respond to questions without a justifiable reason or gave a false responses under said Paragraph;
- . A person who failed to report or submit or present a report under Para. 1 of Art. 38-6, refused, obstructed or evaded the examination or the medical examination under said Paragraph, or failed to respond without a justifiable reason or gave a false response to the questions under said Paragraph;
- . The administrator of a mental hospital who failed to report, submit or present a report under Para. 2 of Art. 38-6 or made a false report;
- . A person who failed to report or made a false report under Para. 1 of Art. 51-9, or refused, obstructed or evaded the examination under said Paragraph.

**Article 56:** If the representative of a corporation, an agent, a servant or an employee of a corporation or a person commits violation under Art. 52, Item 2 of Art. 54 or the preceding Article regarding the services of said corporation or person, the person who committed such act as well as the corporation or the person shall be fined under this Article.

**Article 57:** A person falling subject to any of the following shall be fined one hundred thousand

(¥100,000) or less:

- . A person who violated Art. 19-4-2;
- . A person who violated Para. 4 of Art. 22-4;
- . A person who violated Para. 4 of Art. 33;
- . A person who violated Para. 2 of Art. 33-4;
- . A person who violated Para. 1 of Art. 38 applied mutatis mutandis to Para. 1 of Art. 38-2 or Para. 2 of said Article.

### **Supplementary Provisions (Law No. 65 of 1999)**

#### **(Date of Enforcement)**

**Article 1:** This Law shall come into force as of the day prescribed by the cabinet order within one (1) year from the date of its promulgation. Provided, however, the provisions of Art. 2 through 4 and the provisions of Art. 4 and 11 of the Supplementary Provisions shall come into force on April 1, 2002.

#### **(Transitional Measures Accompanying Amendment Under Article 1)**

**Article 2:** The municipalities, social welfare corporations and others that have actually established and operating the social rehabilitation facility for the Person with Mental Disorder (excluding the community life support center for the Person with Mental Disorder as provided in Para. 6 of Art. 50) under Art. 50-2 of the Law Related to Mental Health and Welfare of the Person with Mental Disorder as Amended under the provision of Art. 1 at the time of enforcement of this Law (referred to as the New Law in this and the next Article) and that have submitted the application under Para. 1 of Art. 64 of the Law for Social Welfare Work shall be deemed to have submitted the report under Para. 2 of Art. 50 of the New Law.

2. In the case of the municipalities, the social welfare corporations and others that have actually established and operating the community life support center for the Person with Mental Disorder under Para. 6 of Art. 50-2 of the New Law at the time of enforcement of this Law, the term "in advance" in said Paragraph shall read as "within three (3) months from the date of enforcement of the Law for Partial Amendment of the Law, etc. Related to Mental Health and Welfare of the Person with Mental Disorder" (the Law No. 65 of 1999).

**Article 3.** The party who is actually applied the provisions of Art. 19-4 of the Old Law applied mutatis mutandis to Art. 44 of the Law Related to Mental Health and Welfare of the Person with Mental Disorder before amendment under Art. 1 (hereinafter referred to as the Old Law in this Article) at the time of enforcement of this Law shall be deemed to be applied the provisions of Art. 19-4, Art. 20 through 43, and Para. 1 of Art. 47.

#### **(Transitional Measures Accompanying Amendment Under Article 2)**

**Article 4.** The party other than the national and the municipal governments who is actually conducting the service of supporting community life of the Person with Mental Disorder as provided in Para. 3 of Art. 50-3-2 of the Law Related to Mental Health and Welfare of the Person with Mental Disorder amended

under Art. 2 (hereinafter referred to as the New Law in this Article) at the time of enforcement of this Law who have submitted the report under Para. 1 of Art. 64 of the Law for Social Welfare Work shall be deemed to have submitted the report under Para. 1 of Art. 50-3 of the New Law.

2. In the case of the party other than the national and the prefectural governments who is actually conducting the service of supporting the life at home of the Person with Mental Disorder under Art. 50-3-2 of the New Law at the time of enforcement of this Law who is applied the provisions of Para. 1 of Art. 50-3 of the New Law, the term "in advance" shall read as "within three (3) months from the date of enforcement of the provisions of the proviso of Art. 1 of the Supplementary Provisions of the Law for Partial Amendment of the Law, etc. Related to Mental Health and Welfare of the Person with Mental Disorder (Law No. 65 of 1999).

**(Transitional Measure Regarding Penal Provisions)**

**Article 5.** As for application of the penal provisions to an act committed prior to enforcement of this Law, the Old Law shall still apply.

**(Observation)**

**Article 6.** The government shall consider changes in the situation surrounding enforcement of the Law Related to Mental Health and Welfare of the Person with Mental Disorder after amendment by this Law (hereinafter referred to as the New Law in this Article) and the environment of mental health and welfare of the Person with Mental Disorder for about five (5) years following enforcement of this Law, and shall examine the provisions of the New Law, if deemed necessary, and shall take necessary measures based on the result.

**(Partial Amendment of the Law for Partial Amendment of the Mental Hygiene Law, etc.)**

**Article 7.** The Law for Partial Amendment of the Mental Health Law, etc. (Law No. 98 of 1987) shall be partially amended as follows.

Art. 9 through 16 of the Supplementary Provisions are deleted.

**(Partial Amendment of the Law for Partial Amendment of the Mental Health Law, etc.)**

**Article 8.** The Law for Partial Amendment of the Mental Health Law (Law No. 74 of 1993) shall be amended as follows.

Art. 2 of the Supplementary Provisions shall be amended as follows.

Article 2. Deleted.

The term "New Law" in Art. 3 of the Supplementary Provisions shall read as "the Mental Health Law as Amended under the provision of Art. 1".

**(Partial Amendment of the Law for Establishing the Ministry of Health and Welfare)**

**Article 9.** The Law for Establishing the Ministry of Health and Welfare Law, etc. (Law No. 151 of 1959) shall be partially amended as follows.

The term "or cancel its designation" in Item 12 of Art. 6 shall read as "cancel his/her designation, or order suspension of his/her duties".

**(Partial Amendment of the Local Autonomy Law)**

**Article 10.** The Local Autonomy Law (the Law No. 67 of 1947) shall be partially amended as follows.

The lower column of the section of the Law Related to Mental Health and Welfare of the Person with Mental Disorder in Attached Table 1 shall be amended as follows.

- . The work to be processed by the prefectural government under the provisions of this Law (excluding Chapters 1 through 3, Para. 4 of Art. 19-2, Art. 19-7, Art. 19-8, Para. 1 and 2 of Art. 19-9, (including the case where the provision is applied mutatis mutandis in Art. 33-5), Art. 29-7, Para. 1 of Art. 30 and Art. 31, Section 4 of Chapter 5, Para. 1 and 3 of Art. 33-4, and Chapter 6).
- . The work to be processed by the city or the special ward that establish the Health Center under this Law (except Para. 3 of Art. 32 and Section 2 of Chapter 6) (limited to those related to the director of the Health Center).
- . The office works to be processed by the municipal government under Art. 21.

**Article 11.** The Local Autonomy Law shall be partially amended as follows.

The term "Para. 3 of Art. 32 and" shall be deleted from the column of the Law related to Mental Health and Welfare of the Person with Mental Disorder in Separate Table 1.