

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;

II. 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 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:

I. A person who is judged mentally disordered, is in a state that medical care and protection for

him/her is exceedingly hampered unless hospitalized immediately, and 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;

II. 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, his/her medical care and protection may be exceedingly hampered unless he/she is hospitalized immediately, and 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 custody.

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 custody (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 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 custody, 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 filed, 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 release 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 is necessary, 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 release the person for whom hospitalization is deemed not necessary, or order the administrator of said mental hospital to release 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 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, or ask questions of said person hospitalized in said mental hospital or other persons concerned, or 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 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 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:

- I. The address, name, sex and birth date of the person who left the hospital;
 - II. The time and date at which he/she left;
 - III. The outline of his/her conditions;
 - IV. The facial features, clothing, and other matters that may help to find the person who left,
 - V. The date of admission to the hospital;
 - VI. 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 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 for 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 Chapter) 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 current 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 listen to 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 recognized 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 recognition 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 Certificate 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 spread 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, 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 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 his/her 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 of the Persons with Mental Disorder)

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

I A facility for training in daily life for the Person with Mental Disorder;

II A vocational facility for the Person with Mental Disorder;

III A welfare home for the Person with Mental Disorder;

IV A welfare factory for the Person with Mental Disorder;

V 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 whom leading daily life at home is difficult 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 shall 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 Undertakings)

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 Business 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 service 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.

(Business 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:

I The expense of establishing and operating a social rehabilitation facility for the Person with Mental Disorder;

II 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.

I The expense of establishing and operating a social rehabilitation center for the Person with Mental Disorder to be established by the prefectural government;

II 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;

III The expense required for subsidies under the preceding Paragraph.

Chapter 7 Social Rehabilitation Promoting Center for People 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 of 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:

I To conduct activities for enlightenment and public relations that will contribute to promotion of social rehabilitation of the Person with Mental Disorder;

II To conduct researches, developments, 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;

III To conduct researches related to promotion of social rehabilitation of the Person with Mental Disorder in addition to those listed in the preceding Items;

IV To offer the results of researches and developments 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;

V To offer training to those engaged or those wishing to engage in the services for promoting social rehabilitation of the Person with Mental Disorder;

VI 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 adaptation 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 contravened 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 service 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:

- I When the Center is deemed unable to perform the service provided in Art. 51-3 in an optimum and secure manner;
- II When there was an illegal act regarding the designation;
- III 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.

(Exceptions 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 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 Office Works by the Minister of Health and Welfare in Emergency)

Article 51-13: The work 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 Office Works)

Article 51-14: The work which is 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 of Para. 19-9 and Para. 2 of said Article (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 work 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 work 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 items shall be imposed imprisonment with forced labor for three (3) years or less or fine of one million (1,000,000) yen or less:

- I A person contravening an order under Para. 4 of Art. 38-3;
- II A person contravening an order for discharge under Para. 5 of Art. 38-5;
- III A person contravening an order under Para. 2 of Art. 38-7;
- IV A person contravening 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 as he/she assisted 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:

- I A person who applied under Para. 1 of Art. 23 by describing false fact(s);
- II A person who contravened an order for suspension or abolition under Para. 1 of Art. 50-2-5;
- III A person who contravened 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 items shall be sentenced to fine of two hundred thousand (200,000) yen or less:

- I 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;
- II 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;
- III 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;
- IV 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;
- V 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;
- VI 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;

VII 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 items shall be fined one hundred thousand (¥100,000) or less:

I A person who violated Art. 19-4-2;

II A person who violated Para. 4 of Art. 22-4;

III A person who violated Para. 4 of Art. 33;

IV A person who violated Para. 2 of Art. 33-4;

V 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, the social welfare corporation 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.

I 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 of Art. 19-9, Para. 2 of said Article (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).

II 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).

III 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.

表：精神保健福祉法翻訳の比較

	日本語	2000年訳	協会訳
目次	精神保健福祉センター	mental health and welfare center	pl
	地方精神保健福祉審議会	Local Council for Mental Health and Welfare	Local mental health and welfare councils
	精神医療審査会	Psychiatry Review Board	Psychiatric Review Boards
	精神保健指定医	Designated Mental Health Physician	Accredited mental health physicians
	精神病院	Psychiatry Hospital	Mental Hospitals
	保護者	Person Responsible for Custody	hogosha
	任意入院	Voluntary Hospitalization	Voluntary admission
	措置入院	Involuntary Hospitalization	Commitment by prefectural
	医療保護入院	Hospitalization Under Welfare System	Admissions for psychiatric Care and Protection
	精神障害者保健福祉手帳	Handbook for Health and Welfare of the Mentally Disordered	Health Care and Welfare Certificate for Mentally Challenged Persons
	相談指導	Counseling, Guidance, etc	Consultation, Counselling, and Rehabilitation
	精神障害者社会復帰促進センター	Rehabilitation Center for the Mentally Disordered	Promotion Center for Mentally Challenged persons
2	地域生活援助事業	community life support businesses	community living support services
4	社会適応訓練	social adaptation training	social adjustment training services
5	精神障害者	the Mentally Disordered Person	the Mentally Challenged Persons and the like
14	学識経験	having expertise	those with knowledge and
19	指定の取消	Cancellation of Designation	
	公衆衛生審議会	Council on Public Health	the National Council on Public Health
	手数料	fee	
	行動の制限	restraints	physical restraint
	公務員	public official	public employee
	立ち入り検査	inspection by entry	on-the-spot inspection
	精神病室	psychiatric ward	psychiatric inpatient rooms
19-7	都道府県立精神病院	prefectural psychiatry hospital	Mental Hospitals
	指定病院	designated hospital	pl
20	直系血族	lineal relatives	lineal consanguinity
	法定代理人	legal representative	
	保佐人	curator	
	補助人	assistant	
	破産者	a person who has been declared bankrupt	a person who has been bankrupt
	成年被後見人		
	被保佐人		
	扶養義務者	those who responsible for support	those who under duty to furnish support
21	特別区の長	the head of the special ward	mayors of municipal wards
22	管理者	administrator	
	厚生省令	the Health and Welfare Ministerial Order	Ministry of Health and Welfare ordinance
23	保護	custody	protected
24	警察官の通報	notification by police	
	保健所長	director of the Health Center	
25	懲役	imprisonment with forced labor	
	禁固	imprisonment without forced labor	
	拘留	penal detention	
	保護観察所	Probation Office	
26	矯正施設	Correctional Institution	
	拘置所	detention house	pl
	刑務所	prison	pl
	少年刑務所	juvenile prison	pl
	少年院	juvenile training school	juvenile reform schools
	少年鑑別所	juvenile classification home	
	婦人補導所	women's guidance home	
	引き取り人	person who take over the person in question	person who look after the person in question
	申請	application	request