

**Law Related to Mental Health and  
Welfare of the Person with Mental Disorder**

Full Text as Amended

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This tentative translation was prepared by Hiromi Shiraishi, and Sachiko Ohi (Legal & Technical Translations Co. Ltd.).

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Correspondence: Hiromi Shiraishi M.D., Ph.D., Faculty of Life Design, Toyo University.  
48-1 Oka, Asaka-City, Saitama Pref 351-8510, Japan.

Tel: +81-48-468-6658; Fax +81-48-468-6658;

e-mail: [hshiraishi@toyonet.toyo.ac.jp](mailto:hshiraishi@toyonet.toyo.ac.jp)

(Translation)

# Law Related to Mental Health and Welfare of the Person with Mental Disorder

## Law Related to Mental Health and Welfare of the Person with Mental Disorder

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<<Change of the Title of the Law>> The Law 098 of 1987 / Formerly, Law Related to  
Mental Hygiene

<<Change of the Title of the Law>> The Law 094 of 1995 / Formerly, Law Related to  
Mental Health

## **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, and in combination with the Law to Support Independence of Disabled Persons (Law No. 123 of 2005) to offer necessary assistance for promoting their social rehabilitation, self-support and participation in socio-economic activities, and to endeavor to prevent onset thereof, maintain and promote mental health of the people in general, to thereby advance general well-being of the 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 the 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 and the facilities for education along with benefit to assist self-support and service to support community life in accordance with the provisions of the Law to Support Independence of Disabled Persons, and shall take measures for improving mental health of people by promoting researches and studies related to mental health and attempting to diffuse knowledge.

### **(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 these persons 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(s) with Mental Disorder)**

**Article 4.** The party founding a facility for medical care or the party conducting business for 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 facilities, and those conducting business for training in social adaptation of person(s) with

mental disorder shall cooperate with each other to promote their social rehabilitation, self-support and participation in socio-economic activities.

**(Definition)**

**Article 5.** The term "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.** Prefectural government shall establish a facility for enhancing mental health and improving welfare of the Person with Mental Disorder (hereinafter referred to as “the Mental Health and Welfare Center”).

2. The Mental Health and Welfare Center shall perform the following businesses.
  - I: Disseminate knowledge of and conduct investigations and researches related to mental health and welfare of the Person with Mental Disorder.
  - II: Offer complex or difficult counseling and guidance services that are related to mental health and welfare of the Person with Mental Disorder.
  - III: Conduct businesses of the Psychiatric Review Board
  - IV: Conduct businesses that require expertise knowledge and skill among the businesses related to decision(s) regarding application(s) under Art. 45-1 and approval(s) of grant as provided in Art. 52-1 (limited to those related to the Person with Mental Disorder”).
  - V: State opinion(s) regarding the decision by the municipalities to allow or not to allow the grant as provided in Art. 22-1of the Law to Support Independence of Disabled Persons in accordance with the provisions of Art. 22-2 of said Law.
  - VI: Offer cooperation regarding the technical matters and other necessary assistance to the municipalities in accordance with the provisions of Art. 26-1 of the Law to Support Independence of Disabled Persons.

**(Subsidy of the National Government)**

**Article 7.** The national government shall subsidize, as prescribed by the 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 provided by this Law, the matters related to the Mental Health and Welfare Center shall be determined by ordinance(s).

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

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

**Article 9.** Prefectural government may establish a council and other panels on mental health and welfare 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 to question(s) 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 matters necessary for organization and management of the Local Council on Mental Health and Welfare shall be provided by the prefectural ordinance.

**Articles 10 and 11:** Deleted.

**(Psychiatric Review Board)**

**Article 12.** The Psychiatric Review Board shall be established in prefecture(s) to conduct reviews under Para. 2 of Art. 38-3 (including cases to which the same is applied mutatis mutandis under Para. 6 of said Article) and Para. 2 of Art. 38-5.

**(Board Members)**

**Article 13.** 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 physician(s) of mental health as provided in Para. 1 of Art. 18), those having expertise in jurisprudence, and those having expertise in other disciplines.

**(Handling of Cases Under Review)**

**Article 14.** The Psychiatric Review Board shall be a panel consisting of five (5) members designated thereby and shall handle the case(s) under review.

**2.** The members of the panel shall be those mentioned in the following Items, and the quorum shall be at least that provided in said Items.

- |  |         |
|--|---------|
| 1. Those having expertise in medical care of the Person with Mental Disorder | Two (2) |
| 2. Those having expertise in jurisprudence                                   | One (1) |
| 3. Those having expertise in other discipline                                | One (1) |

**(Delegation to Cabinet Orders)**

**Article 15.** In addition to those provided 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, Registered Training Institution and Mental Hospital**

**Section 1:** Designated Physician of Mental Health (Art. 18 to Art. 19-6)

**Section 2:** Registered Training Institution (Art. 19-6-2 to Art. 19-6-17)

**Section 3:** Mental Hospital (Art. 19-7 to Art. 19-10)

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

**(Designated Physician of Mental Health)**

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

- I: A person having experience of being engaged for five (5) years or more in medical diagnosis or treatment;
- II: A person having experience of being engaged for three (3) years or more in diagnosis or treatment of mental disorder(s);
- III: A person having experience of being engaged in diagnosis or treatment of the degree prescribed by the Minister of Health, Labour and Welfare of mental disorders prescribed by the Minister of Health, Labour and Welfare;

- IV: A person who has completed the training (limited to that conducted within a year prior to application) as provided by the Health, Labour and Welfare Ministerial Ordinance.
2. Notwithstanding the preceding Paragraph, the Minister of Health, Labour and Welfare may not designate a person 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 determining the degree of experience of engagement in diagnosis or treatment of mental disorder under Item 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, Labour 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 party registered with the Minister of Health, Labour and Welfare under the Health and Welfare Ministerial Ordinance in the year designated by the Minister of Health, Labour 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 said training was to have been received if a physician thus designated failed to undergo the training under the preceding Paragraph. Provided, however, this provision shall not apply to the case where the Minister of Health, Labour and Welfare recognizes that there was an unavoidable reason as provided by the Health, Labour 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, Labour 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, Labour 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, Labour and Welfare shall ask the opinion of the Council on Public Health in advance.
4. Prefectural governor may notify the Minister of Health, Labour and Welfare if he/she considers that a Designated Physician falls subject to Para. 2 above.

**Article 19-3:** Deleted



**(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 Para. 1 of Art. 33-4 is necessary, and whether or not hospitalization under Art. 22-3 is possible; whether or not restraint of movement prescribed in Para. 3 of Art. 36 is necessary; and whether or not examination is appropriate of 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 whether or not it is appropriate 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:

- I: Judging whether or not hospitalization under Para. 1 of Art. 29 and Para. 1 of Art. 29-2 is necessary;
- II: Judging whether or not restraint of movement under Para. 3 of Art. 29-2-2 is necessary (including the case where the provision is applied mutatis mutandis under Para. 4 of Art. 34);
- III: Judging whether or not continued hospitalization under Para. 2 of Art. 29-4 is necessary;
- IV: Judging whether or not transfer under Para. 1 and 3 of Art. 34 is necessary;
- V: Medical examination under Para. 3 of Art. 38-3 (including the case where the provision is applied mutatis mutandis under Para.6 of said Article) and Para. 4 of Art. 38-5;
- VI: Inspection by entry, questioning and medical examination under Para. 1 of Art. 38-6;
- VII: Judging whether or not continued hospitalization is necessary under Para. 2 of Art. 38-7;
- VIII: 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, Labour and Welfare Ministerial Ordinance 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 the Mental Hospital where the Person with Mental Disorder is hospitalized under Para. 1 of Art. 29, Para. 1 of Art. 29-2, Para. 1, 2, or 4 of Art. 33, Para. 1 or 2 of Art. 33-4 (including hospital(s) which is not a Mental Hospital but has psychiatric ward(s). The same applies hereinafter except in Art. 19-10) shall retain full-time Designated Physician at said Mental Hospital under the Health, Labour and Welfare Ministerial Ordinance (except those whose duties are suspended under Para. 2 of Art. 19-2; the same applies hereinafter except under Para. 1 of Art. 53).

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

**Article 19-6:** In addition to those provided in this Law, the matters necessary for designation of the Designated Physician are provided 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 provided by the Health, Labour and Welfare Ministerial Ordinance.

## **Section 2: Registered Training Institution**

### **(Registration)**

**Article 19-6-2:** Registration under Item 4, Para. 1 of Art. 18 or Para. 1 of Art. 19 (hereinafter referred to as “Registration” in this section) shall be effected by the application of a party conducting the training under Item 4, Para. 1 of Art. 18 or Item 1 of Art. 19 (hereinafter referred to as “Training” in this Section) as provided in the Health, Labour and Welfare Ministerial Ordinance.

### **(Disqualification)**

**Article 19-6-3:** A person falling under any of the following Items may not be registered.

- I: A person who has been punished with a fine or greater punishment because of violation of this Law, an order under this Law or an order under the Law to Support Independence of Disabled Persons or an order under said Law, and for whom the period of two (2) years has not elapsed since the day when execution of punishment was completed or since the day when execution was no longer imposed;
- II: A person whose registration has been cancelled under Art. 19-6-13, and for whom the period of two (2) years has not elapsed;
- III: A corporation of which officers include a person falling subject to either of the preceding Items.

### **(Standards for Registration)**

**Article 19-6-4:** The Minister of Health, Labour and Welfare shall effect the registration of a person who has filed an application for registration under Art. 19-6-2 if said person meets all the requirements mentioned below.

- I: A person who has taught the subject(s) described in the Column 1 of the Attached Table and the number of hours taught exceeds the hours described in the Column 3 or 4 of said Table;
- II: A person with expertise who meets the conditions prescribed in the Column 2 of the Attached Table is to teach the subject(s) prescribed in the preceding Item.
- III: The registration is effected by describing the name or title, address, the date and number of registration in the register of the Training Institutions.

### **(Renewal of Registration)**

**Article 19-6-5:** Registration shall become null and void unless renewed once every five (5) years.

2. The provision of the preceding three Articles shall be applied mutatis mutandis to the renewal of registration under the preceding Paragraph.

**(Obligation to Execute Training)**

**Article 19-6-6:** A party who has been registered (hereinafter referred to as “Registered Training Institution”) shall prepare the plan for execution of training for every business year (hereinafter referred to as “Training Plan”) and execute the training according to the Training Plan unless there is a valid reason not to.

2. The Registered Training Institution shall execute the training in a fair manner as provided under Item 4, Para. 1 of Art. 18 or Item 1 of Art. 19 in accordance with the Health, Labour and Welfare Ministerial Ordinance.

3. The Registered Training Institution shall submit to the Minister of Health, Labour and Welfare the Training Plan prepared under Para. 1 prior to the start of each business year. The same applies to any change to be made to the Plan.

**(Report of Change)**

**Art. 19-6-7:** The Registered Training Institution shall report to the Minister of Health, Labour and Welfare any proposed change to its name, title or address at least two weeks prior to the date of proposed change.

**(Rules of Business)**

**Art. 19-6-8:** The Registered Training Institution shall establish the rules concerning the training (hereinafter referred to as “Rules of Business”), and report the same to the Minister of Health, Labour and Welfare prior to the start of training. The same applies to any change(s) to be made to the Rules.

2. The Rules of Business shall prescribe the method of execution, the fees, and other matters related to the training as prescribed by the Health, Labour and Welfare Ministerial Ordinance.

**(Suspension or Discontinuation of Business)**

**Art. 19-6-9:** The Registered Training Institution shall report to the Minister of Health, Labour and Welfare in advance of its intension to suspend or discontinue all or part of the training business as provided by the Health, Labour and Welfare Ministerial Ordinance.

**(Keeping and Inspection, etc. of Financial Statements, etc.)**

**Art. 19-6-10:** The Registered Training Institution shall prepare the general inventory, the statement of assets and liabilities, and the statement of profits and losses, or the statement of income and expenditure and the account of business (where the electromagnetic record is prepared (the record created by the electronic or magnetic means or other means that cannot be recognized by human perception, and offered for use for

information processing by computer. The same applies hereunder.) is prepared, said electromagnetic record is included. Referred to as “Financial Statements, etc.” in the following Paragraph and Article 57), and shall keep the same at its office for five (5) years.

2. The person wishing to undergo the Training and other interested parties may demand the following at any time during the business hours of the Registered Training Institution. Provided, however, when making a demand under Item 2 or 4, the fee stipulated by the Registered Training Institution must be paid.

- I: Demand for inspection or copying of the Financial Statements, etc. when the same have been prepared in writing
- II: Demand for the true copy or extract copy of the documents mentioned in the preceding Item.
- III: If the Financial Statements, etc. are prepared electromagnetically, the demand for inspection or copying of the matters recorded in said electromagnetic record displayed by the method prescribed by the Health, Labour and Welfare Ministerial Ordinance.
- IV: The demand for providing the matter recorded electromagnetically under the preceding Item by the electromagnetic method provided by the Health, Labour and Welfare Ministerial Ordinance, or the demand for delivery of the document describing said matter.

**(Order for Meeting Requirements)**

**Art. 19-6-11.** If the Minister of Health, Labour and Welfare finds that a Registered Training Institution no longer meets the provision of any of the Items of Para. 1 of Art. 19-6-4, he/she may order said Registered Training Institution to take necessary measures to cause the Institution to meet these provisions.

**(Order for Improvement)**

**Art. 19-6-12:** If the Minister of Health, Labour and Welfare recognizes that a Registered Training Institution is in violation of the provision of Item 1 or 2 of Art. 19-6-6, he/she may order said Registered Training Institution to take necessary measures regarding execution of the training, or improvement of the method for execution of the training and other businesses.

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

**Art. 19-6-13:** If a Registered Training Institution falls subject to any of the following Items, the Minister of Health, Labour and Welfare may order cancellation of its registration or suspension of all or part of the training business by prescribing the term therefor.

- I: The Institution comes to fall subject to Item 1 or 3 of Art. 19-6-3;
- II: The Institution contravenes the provisions of Item 3 of Art. 19-6-6, Art. 19-6-7, Art. 19-6-8, Art. 19-6-9, Item 1 of Art. 19-6-10, or the following Article;
- III: The Institution refuses the demand made under the provisions of Items, Para. 2 of Art. 19-6-10 without a valid reason;

- IV: The Institution contravenes an order under the provisions of Art. 19-6-11 or the preceding Article.
- V: The Institution has been registered by improper means.

**(Provision of Account Books)**

**Art. 19-6-14:** The Registered Training Institution shall keep account books as provided by the Health, Labour and Welfare Ministerial Ordinance, record the matters regarding training as provided by the Health, Labour and Welfare Ministerial Ordinance, and maintain the same.

**(Execution of Training by the Minister of Health, Labour and Welfare)**

**Art. 19-6-15:** The Minister of Health, Labour and Welfare may execute all or part of the business of training if there is no party to be registered, if a report is made of suspension or discontinuation of all or part of the training business under the provision of Art.19-6-9, if an order is issued to cancel registration, or a Registered Training Institution is ordered to suspend all or part of training business under the provision of Art.19-6-13, or a Registered Training Institution is recognized to have difficulty in executing all or part of the training business due to natural disaster, etc., or if there is recognized a need to do so.

2. A person intending to undergo the training given by the Minister of Health, Labour and Welfare under the provisions of the preceding Paragraph shall pay the fee, the amount of which is determined by a cabinet order by considering the actual expense.
3. In case the Minister of Health, Labour and Welfare conducts all or part of the training business under the provision of Para. 1, the transfer of training business and other necessary matters shall be prescribed by the Health, Labour and Welfare Ministerial Ordinance.

**(Collection of Report and Inspection by Entry)**

**Art. 19-6-16:** The Minister of Health, Labour and Welfare may require the Registered Training Institution to report the matters deemed necessary within the limit required to secure optimum management of the training business, or to have its official enter the office thereof and inspect the business status or accounting books, etc.

2. The official conducting the inspection by entry under the provision of the preceding Paragraph shall carry identification card showing their official status and present the same when asked to do so by the parties concerned.
3. The authority under the provision of Para. 1 shall not be construed as having been recognized for criminal investigation.

**(Public Notice)**

**Art. 19-6-17:** The Minister of Health, Labour and Welfare shall publish the facts mentioned in the following instances.

1. When registration is made;
2. When a report is made under the provision of Art.19-6-7;
3. When a report is made under the provision of Art. 19-6-9;
4. When an order is issued to cancel the registration or suspend the business of training under the provision of Art.19-6-13;
5. When the Minister of Health, Labour and Welfare decides to perform all or part of the business of training, or not to perform all or part of the business of training so far performed thereby under the provision of Art. 19-6-15.

### **Section 3: Mental Hospital**

#### **(Prefectural Mental Hospital)**

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

2. If the Mental Hospital is established by the prefectural government, by a local independent administrative corporation established by a local government or by a local public corporation other than the local government (meaning Local Independent Administrative Corporation as provided in Art. 2-1 of the Law Concerning Local Independent Administrative Corporation (Law No. 118 of 2003). The same applies in the following Article), the provision of the preceding Paragraph shall not apply to said prefectural government.

#### **(Designated Hospital)**

**Article 19-8:** The prefectural governor may designate all or part of the Mental Hospital established by a party other than the national government, the prefectural government or Local Independent Administrative Corporation other than the prefecture (hereinafter referred to as the National Government, etc.) which meet the standards prescribed by the Minister of Health, Labour 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 standards 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 the prefecture with no Local Council on Mental Health and Welfare, the Prefectural Council on Medical Care as provided under Para. 1 of Art. 71-2 or the Medical Care Law (Law No. 205 of 1948)) in advance if

he/she intends to cancel the designation under the preceding Paragraph.

3. The Minister of Health, Labour and Welfare may instruct the prefectural governor to conduct his/her work falling 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 the Mental Hospital established by the prefecture or the 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 under a cabinet order not more than one half of the expense necessary for establishing and managing the Mental Hospital and the 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 (Art.20 to Art. 22-2)**

**Section 2: Voluntary Hospitalization (Art. 22-3 to Art. 22-4)**

**Section 3: Examination by Designated Physician and Involuntary Hospitalization (Art. 23 to Art. 32)**

**Section 4: Hospitalization, etc. by Medical Care and Protection Measures (Art. 33 to Art. 35)**

**Section 5: Treatment, etc. in Mental Hospital (Art. 36 to Art. 40)**

**Section 6: Miscellaneous Rules (Art. 41 to Art. 44)**

**Section 1: Person Responsible for Protection**

**(Person Responsible for Protection)**

**Article 20:** The guardian, the 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, anyone falling under any of the following items shall not be appointed as a person responsible for protection of the Person with Mental Disorder:

- I: A person whose whereabouts is not known;
- II: A person who has brought or ever brought litigation against said Person with Mental Disorder, his/her spouse and lineal relative(s);
- III: The legal representative, the curator or the assistant who has been dismissed by the Family Court;

IV: A person who has been declared bankrupt;

V: A person who is of legal age but for whom a custodian or a curator is appointed;

VI: A person who is a minor.

2. When there are more than one person 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:

I: The guardian or the curator;

II: The spouse;

III: The person exercising the parental power;

IV: 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 of municipality (including the head of special ward; the same applies hereinafter) 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 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 Designated Hospital or the person



performing service related to disorder and welfare as provided in Para. 1 of Art. 5 of the Law to Support Independence of Disabled Person associated with the Mental Hospital or Designated Hospital (hereinafter referred to as “Welfare Service for Disabled Persons”).

## **Section 2: Voluntary Hospitalization**

### **(Voluntary Hospitalization)**

**Article 22-3:** The administrator of the Mental Hospital shall endeavor to hospitalize a Person with Mental Disorder based on his/her consent, when causing hospitalization of said Person with Mental Disorder.

**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, Labour and Welfare Ministerial Ordinance, and shall receive a document stating that he/she is entering the hospital voluntarily.

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

3. In the event prescribed in the preceding Paragraph, the administrator of the 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 (limited to those recognized to meet the standards provided in the Health, Labour and Welfare Ministerial Ordinance) may cause a physician (limited to those registered by the provision of Para. 1 of Art. 16-4 of the Medical Practitioners Law (the Law No. 201 of 1948) and meeting the standards provided by the Health, Labour and Welfare Ministerial Ordinance. Hereinafter referred to as “Specific Physician”) other than the Designated Physician instead of the Designated Physician perform medical examination of the Voluntary Patient. In this case, if it is deemed that continuation of hospitalization is necessary for medical care and protection of said Voluntary Patient, said Voluntary Patient may not be released from the hospital for 12 hours maximum irrespective of the provisions of the preceding Article.

5. The provisions of Art. 19-4-2 shall be applied mutatis mutandis to the medical examination under the provision of the preceding Paragraph. In this case, “the Designated Physician, . . . . under Para. 1 of the preceding Article” shall read as “the Specific Physician as provided in Para. 4 of Art. 22-4 . . . . under said Paragraph”, and “said Designated Physician” shall read as “said Specific Physician”.

6. In taking a measure under the provision of the latter portion of Para. 4, the administrator of the

Mental Hospital shall promptly prepare and keep the record concerning said measure in accordance with the Health, Labour and Welfare Ministerial Ordinance.

7. In taking the measure under the provision of Para. 3 or the latter portion of Para. 4, the administrator of the Mental Hospital shall notify in writing to said Voluntary Patient that said measure is being taken, the matters concerning the release, etc. from the Hospital under Art. 38-4, and other matters prescribed by the Health, Labour and Welfare Ministerial Ordinance.

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

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

**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 medical examination by the Designated Physician and necessary protection for such a person.

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

- I: The address, name and birth date of the applicant;
- II: The current whereabouts, place of residence, name, gender and birth date of the person in question;
- III: Outline of conditions of the person in question;
- IV: The address and name of a person who is actually protecting him/her, if any.

#### **(Notification by Police)**

**Article 24:** When the police, in executing their duties, finds 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 nearby 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, or 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), he/she shall promptly notify the same to the prefectural governor. Provided, however, if an application is filed under Para. 1 of Art. 33 of the Law Related to Medical Care and Observation, etc. of Person Who Committed Grave Act of Hurting Other(s) While in a State of Mental Unsoundness, etc. (Law No. 110 of 2003) for said person who has been judged not to be prosecuted or who has been tried in court, this provision shall not apply.

2. In addition to the cases provided in the text of the preceding Paragraph, the public prosecutor shall promptly inform the prefectural governor if he/she recognizes it particularly necessary about a suspect or a defendant or a person who has inflicted grave injury to others while in a state of mental unsoundness and who is an object of the Law Related to Medical Care, Observation, etc (the object as provided in Para. 3 of Art. 2 of said law. The same applies to Art. 26-3 and Para. 1 of Art. 44)

**(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 reformatory, a juvenile classification office and a women's guidance home. The same applies hereinafter.) intends to free, release, or discharge 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):

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

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

**Article 26-2:** When the administrator of the Mental Hospital receives an application from Person with Mental Disorder hospitalized in his/her hospital who is recognized to meet the provisions of Para. 1 of Art. 29 for release from the hospital, he/she shall immediately report the same to the prefectural governor via the director of nearby Health Center.

**(Report of Person Who Has Committed Grave Injury to Other Person While in State of Unsound Mind, etc.)**

**Article 26-3:** The administrator of a designated medical institution as provided under Para. 6 of Art. 2 of the Law Related to Medical Care and Observation, etc. of Person Who Has Committed Grave Injury to Other(s) While in the State of Unsound Mind and the head of Probation Office shall immediately report to the prefectural governor via the head of nearby Health Center of a person who is an object of said Law but not hospitalized in the designated medical institution as provided in Para. 5 of said Article, if said person is

recognized likely to injure self or others because of his/her mental disorder.

**(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 the preceding Article 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 the preceding Article.

3. The prefectural governor shall cause its 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. The provisions of Para. 2 and 3 of Art. 19-6-16 shall be applied mutatis mutandis to the entry under the provision of the preceding Paragraph. In this case, "the preceding Paragraph" in Para. 2 of said Article shall read as "Para. 4 of Art. 27" and "said staff" shall read as "the Designated Physician and said staff", and "Para. 1" in Para. 3 of said Article shall read as "Para. 4 of Art. 27".

**(Notice of Medical Examination)**

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

2. The guardian, the curator, the person exercising the parental power, the spouse or the person who is actually exercising the custody of 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, Labour 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.

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

**Article 29:** If a prefectural governor recognizes that a person 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, he/she may cause said person to enter the Mental Hospital established by the national government , etc. or the 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 designated by him/her 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, the matters related to request for release, etc. under Art. 38-4 and other matters prescribed by the Health and Welfare Ministerial Ordinance.

4. The administrator of the Mental Hospital established by the national government, etc. or of the 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 provision of Para. 1 of the preceding Article to the Mental Hospital or the 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 excessively likely to hurt himself/herself or others because of his/her mental disorder unless admitted to 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 and 5 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 hospitalization measure.

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, Labour and Welfare

Ministerial Ordinance to said Person with Mental Disorder.

3. When the transfer under Para. 1 is to be carried out, the prefectural governor may impose restraint of movement as provided by the Minister of Health, Labour and Welfare which has been determined after hearing the opinion of the Council on Social Security if the Designated Physician who examined said Person with Mental Disorder recognizes it necessary within the limit that is essential for medical care or protection of said person.

**Article 29-3:** The administrator of the Mental Hospital or the Designated Hospital as provided in Para. 1 of Art. 29 shall immediately release the person hospitalized under Para. 1 of Art. 29-2 if a notice to the effect that no hospitalization measure under Para. 1 of 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 recognized 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 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 an Involuntary Patient is recognized that he/she 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, the administrator of the Mental Hospital or the Designated Hospital where the Involuntary Patient is being hospitalized shall immediately report that fact, his/her conditions, and other matters prescribed by the Health, Labour and Welfare Ministerial Ordinance to the prefectural governor via the director of nearby Health Center.

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

**Article 29-6:** The treatment policy of medical care performed by the Mental Hospital established by the national government, etc. or the Designated Hospital 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 therefor shall be based on the method of calculation of the Health Insurance System.

2. If it is impossible or inappropriate to base the treatment policy and the calculation of expenses for medical care on the exemplified method provided in the preceding Paragraph, the treatment policy and the calculation of expenses for medical care shall be determined by the Minister of Health, Labour and Welfare.

**(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 government, etc. or the Designated Hospital to the person hospitalized under Para. 1 of Art. 29 and Para. 1 of Art. 29-2 meets the treatment policy provided under the preceding Article and the work related to calculation of the payment of medical service fees to the national government, etc. or the founder of the Designated Hospitals to the Social Insurance Medical Fee Payment Fund.

**(Bearing of Expenses)**

**Article 30:** The expense for hospitalization 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 provided by the cabinet order.

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

**Article 30-2:** When the Person with Mental Disorder for whom the expense is to be paid 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; including cases under other laws to which this Law is applied mutatis mutandis 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 limit specified.

**(Levying of Expense)**

**Article 31:** The prefectural governor may levy all or part of the expenses incurred for the Person with Mental Disorder hospitalized under Para. 1 of Art. 29 and Para. 1 of Art. 29-2 if said person or the person responsible for his/her support is deemed to be in a position to pay such expenses.

**Article 32:** Deleted

## **Section 4: Hospitalization, etc. for Medical Care and Protection**

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

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

- I: 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;
  - II: The person who has been transferred under Art. 34-1.
2. In the case where the person responsible for protection of the person as 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 the 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 said 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 protection as provided in said Article except where the provision of Para. 1 is applied.
  4. When the administrator of the Mental Hospital (limited to those recognized by the prefectural governor as meeting the standards provided by the Health, Labour and Welfare Ministerial Ordinance) takes the measure under Para. 1 or 2, he/she may cause the Specific Physician instead of the Designated Physician to conduct medical examination in emergency or for other unavoidable reason. In this case, if it is judged that the person examined has mental disorder and requires hospitalization for medical care and protection, and he/she is not in a state for hospitalization under the provision of Art. 22-3 because of said mental disorder, he/she may be hospitalized without his/her consent limited to 12 hours maximum irrespective of the provisions of Para. 1 or 2.
  5. The provision of Art. 19-4-2 shall be applied mutatis mutandis to medical examination under the provision of the preceding Paragraph. In this case “the Designated Physician, ... . Para. 1 of the preceding Article” shall read as “the Specific Physician as provided in Para. 4 of Art. 22-4, ... . Para. 4 of Art. 33”, and “said Designated Physician” shall read as “said Specific Physician”.
  6. The administrator of the Mental Hospital shall promptly prepare and keep the record of the measure taken under the provision of the latter part of Para. 4 in accordance with the Health, Labour and



Welfare Ministerial Ordinance.

7. When the measure under Para. 1, Para. 2 or the latter part of Para. 4 was taken, the administrator of the Mental Hospital shall submit a report describing the conditions of said person and other matters prescribed by the Health, Labour and Welfare Ministerial Ordinance to the prefectural governor via the head of nearby Health Center within ten (10) days, attached with a letter of consent of the person who has agreed to said hospitalization.

**Article 33-2:** When the administrator of the 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 provided by the Health and Welfare Ministerial Order to the prefectural governor via the director of nearby Health Center within ten (10) days.

**Article 33-3:** When taking the measure under the provision of Para. 1, Para. 2 or the latter part of Para. 4 of Art. 33, the administrator of the Mental Hospital shall inform in writing to said Person with Mental Disorder that said measure is being taken, the matters about the request for discharge, etc. under Article 38-4, and other matters provided by the Health, Labour and Welfare Ministerial Ordinance. Provided, however, this provision may not be applied after four (4) weeks from the day when said hospitalization measure is taken, or until the time 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 provided by the Health and Welfare Ministerial Order in the medical record.

**(Emergency Hospitalization)**

**Article 33-4:** The administrator of the Mental Hospital designated by the prefectural governor as meeting the standards established by the Minister of Health, Labour 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 protection (or the person responsible for his/her support in the case provided 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, 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;
- II: A person who was transferred under Para. 3 of Art. 34.

2. When taking the measure under the preceding Paragraph, the administrator of the Mental Hospital provided in the preceding Paragraph shall cause the Specific Physician instead of the Designated Physician to examine the person for whom the request for medical care and protection under said Paragraph was made.

In this instance, if the result of medical examination determines that the person in question is mentally disordered and unless hospitalized immediately, his/her medical care and protection will be exceedingly hampered and said person is judged not in a state for hospitalization under the provision of Art. 22-3 because of said mental disorder, said person may be hospitalized without his/her consent limited to twelve (12) hours irrespective of the provisions of said Paragraph.

3. The provisions of Art. 19-4-2 is applied mutatis mutandis to the medical examination under the preceding Paragraph. In this instance, “the Designated Physician, . . . . Para.1 of the preceding Article” shall read as “the Specific Physician as provided in Para. 4 of Art. 22-4, Para. 2 of Art. 33-4”, and “said Designated Physician” shall read as “said Specific Physician”.

4. The administrator of the Mental Hospital as defined in Paragraph 1 shall promptly prepare the record regarding the measure taken under the provision of the latter part of Paragraph 2, and safekeep the same.

5. In case the measure under Para. 1 or the latter part of Para.2 is taken, the administrator of the Mental Hospital as provided in Para. 1 shall immediately report the reason for taking said measure and other matters provided by the Health, Labour and Welfare Ministerial Ordinance to the prefectural governor via the head of nearby Health Center.

6. The prefectural governor may cancel designation of the Mental Hospital designated under Para. 1 if he/she deems that the hospital no longer meets the standards under said Paragraph.

7. The Minister of Health, Labour and Welfare may order the prefectural governor to perform his/her work falling under the jurisdiction of the prefectural governor as provided 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:** The provision of Para. 2 of Art. 19-9 shall be applied mutatis mutandis to the case where disposition under Para. 6 of the preceding Article is taken, and the provision of Para. 3 of Art. 29 shall be applied mutatis mutandis when the administrator of the Mental Hospital takes the measure under Para. 1 or the latter part of Para. 2 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 the Mental Hospital provided 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 the person provided under the preceding Paragraph needs

to be appointed by the Family Court under Item 4, Para. 2 of Art. 20 and when such appointment has not been made, the prefectural governor may cause said person to be transferred to the Mental Hospital provided 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 the 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 5: Treatment, etc. at the Mental Hospital**

##### **(Treatment)**

**Article 36.** The administrator of the Mental Hospital may impose necessary restraint of movement on the person hospitalized within the limit essential for his/her medical care and protection.

**2.** Notwithstanding the preceding Paragraph, the administrator of the Mental Hospital shall not impose the restraints that are prescribed in advance by the Minister of Health, Labour and Welfare based on the opinion of the Council of Social Security, said restraints being those related to receipt/dispatch of confidential papers, interviews, etc. with the staff of the prefectural government or other administrative organization.

**3.** Of the restraints imposed under Para. 1, the restraint of movements such as isolation, etc. prescribed in advance by the Minister of Health, Labour 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 provided by the preceding Article, the Minister of Health, Labour and Welfare may establish the necessary criteria for treatment of those hospitalized in the Mental Hospital.

**2.** When the criteria are established under the preceding Paragraph, the administrator of the Mental Hospital shall observe said standards.

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

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

**Article 37-2:** If the Designated Physician recognizes that the treatment of person(s) hospitalized at the Mental Hospital where he/she works is in violation of the provision of Art. 36, does not meet the criteria under Para. 1 of the preceding Article, or that the treatment of person(s) hospitalized at the Mental Hospital is exceedingly inappropriate, the Designated Physician shall endeavor to improve such treatment by reporting the fact, etc. to the administrator of such Mental Hospital and 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 the 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 said 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, etc.)**

**Article 38-2:** The administrator of the Mental Hospital or the Designated Hospital where the Involuntary Patient is hospitalized shall regularly report to the prefectural governor via the director of nearby Health Center the conditions of the Involuntary Patient and other matters provided by the Health, Labour and Welfare Ministerial Ordinance (hereinafter referred to as "Reported Matters") in accordance with the provisions of the Health, Labour and Welfare Ministerial Ordinance. In this case, the matters provided by the Health and Welfare Ministerial Ordinance 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 the 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."

3. The prefectural governor may require the administrator of the Mental Hospital (limited to those who received the order under Para. 1, Para. 2 or Para.4 of Art.38, those for whom the period provided by the Health, Labour and Welfare Ministerial Ordinance has not elapsed counting from the day when said order was received, and those similar thereto as provided by the Health, Labour and Welfare Ministerial Ordinance) to report on the conditions, etc. of the Involuntary Patient being hospitalized in said Mental Hospital (limited to those falling subject to the criteria as provided by the Health, Labour and Welfare Ministerial Ordinance).

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

**Article 38-3:** When a report under Para. 1 or 2 of the preceding Article or a notification under Para. 7 of Art. 33 (limited to those concerned with the measure under the provision of Para. 1 of said Article) is submitted, the prefectural governor shall notify the Psychiatric Review Board of conditions, etc. of the patient

being reported or notified as provided by the Health, Labour and Welfare Ministerial Ordinance, 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 person 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 of the hospitalized person to whom the review is related, or cause a 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 the opinion from the administrator of the Mental Hospital where said person is hospitalized or other person(s) concerned, order submission of the medical record and other documents, or order to appear for a hearing.

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

5. When a report under Paragraph 1 or Paragraph 3 of the preceding Article is received, the prefectural governor shall notify the Psychiatric Review Board regarding the conditions of the person hospitalized and other matters as provided by the Health, Labour and Welfare Ministerial Ordinance, and ask for their review of the need for continued hospitalization of said person.

6. The provisions of Para. 2 and 3 shall be applied mutatis mutandis to the case where the prefectural governor asks for review under the preceding Paragraph.

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

**Article 38-4:** The person hospitalized at the Mental Hospital or the person responsible for his/her protection may request the prefectural governor under the Health, Labour and Welfare Ministerial Ordinance to cause said person to be discharged, order the administrator of the Mental Hospital to discharge him/her, or 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, or 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 said 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 provided in the preceding Paragraph, if the Psychiatric Review Board recognizes it necessary to conduct the review under Para. 2, the Board may cause a committee member to examine the person hospitalized to 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, to 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 recognized 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 requested review 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, Labour and Welfare or the prefectural governor may, if deemed necessary, require the administrator of the Mental Hospital to report the conditions or 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 the staff or the Designated Physician appointed thereby to enter the Mental Hospital and inspect the medical record and other documents related to these matters (including the electromagnetic record if such is prepared and stored instead of documents), 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, Labour and Welfare or the prefectural governor may ask the administrator of the Mental Hospital, the person being hospitalized in the Mental Hospital or the person consenting to 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. 2 and 3 of Art. 19-6-16 shall be applied mutatis mutandis to the inspection by entry, questioning or medical examination under Para. 1. In this case, “the preceding Paragraph” in Para. 2 of said Article shall read as “Para. 1 of Art. 38-6”, “said official” shall read as “said official and the Designated Physician”, and “Para. 1” in Para. 3 of said Article shall read as “Para. 1 of Art. 38-6”.

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

**Article 38-7:** If treatment of a person being hospitalized in the Mental Hospital is recognized as violating the provision of Art. 36 or not meeting the criteria under Para. 1 of Art. 37, or is exceedingly inadequate, the Minister of Health, Labour and Welfare or the prefectural governor shall ask the administrator of said Mental 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, order to alter the improvement plan submitted, or to take the measure necessary for improving the treatment.

2. The Minister of Health, Labour and Welfare or the prefectural governor may, if deemed necessary, cause at least two Designated Physicians appointed by them to examine the person hospitalized under Para. 3 of Art. 22-4 or the person hospitalized under Para. 1, 2 or 4 of Art. 33 or Para. 1 or 2 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 an order under this Law.

3. If the administrator of the Mental Hospital does not comply with the order under the preceding two Paragraphs, the prefectural governor may publish said fact.

4. The Minister of Health, Labour 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, 2 and 4 of Art. 33 and Para. 1 and 2 of Art. 33-4 if the administrator of the Mental Hospital does not obey the order under the provision of Para. 1 or 2.

5. When the prefectural governor issued an order under the provision of the preceding Paragraph, he/she shall publish the fact.

#### **(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, gender 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 finds 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 maximum in a place suitable for custody of the Person with Mental Disorder such as a police station, hospital, relief aid station, etc.

**(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 6: 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 assuming protection 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, etc. for Criminal Case)**

**Article 43:** Provisions of this Chapter do not prevent the procedure under the laws and ordinances related to criminal or juvenile custody case(s) involving the Person with Mental Disorder or the person suspected of mental disorder, or detaining such 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.

**(Relation to Procedures, etc. Regarding the Person Inflicting Grave Harm to Other(s) While in State of Unsound Mind)**

**Article 44:** The provisions of this Chapter do not prevent the procedure or disposition of the object of the Law Related to Medical Care and Observation, etc. of the Person Who Has Inflicting Grave Harm to Others While in State of Unsound Mind in accordance with the provision of said Law or an order under said Law.

2. The provisions of Section 2 through the preceding Section of this Chapter shall not apply to



persons hospitalized in the Designated Hospital under the former part of Para. 1 of Art. 34, or the order under the former part of Para. 1 of Art. 60, or by the decision made under the former part of Para.5 of Art. 37, or the former part of Para. 2 of Art. 62, or to persons hospitalized in the Designated Hospital by the decision made under Item 1, Para. 1 of Art. 42 or Item 1, Para. 1 of Art. 61 of the Law Related to Medical Care and Observation, etc. of Person(s) Inflicting Grave Harm to Other(s) While in State of Unsound Mind.

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

**Section 1: Certificate for Health and Welfare of Person with Mental Disorder (Art. 45 to 45-2)**

**Section 2: Counseling, Guidance, etc. (Art. 46 to 51)**

### **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, Labour and Welfare Ministerial Orderinace.

**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 to the applicant the Certificate for Health and Welfare of the Person with Mental Disorder.

**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.** 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, Labour and Welfare Ministerial Ordinance that he/she is in the state of mental disorder as defined in the cabinet order mentioned in Para. 2.

**5.** The provision of Para. 3 shall apply mutatis mutandis to the certification under the preceding Paragraph.

**6.** 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 cabinet 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 in advance 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 government(s) (hereinafter referred to as "Prefectural and Other Governments") establishing the Health Center shall, if necessary, cause the mental health and welfare counselor and other staff as defined in Para. 1 of the following Article, or the physician designated by the prefectural governor or the mayor of city or special ward establishing the Health Center (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 provided in the Social Welfare Work Law (Law No. 45 of 1951)) and other related administrative organs.
4. The municipal governments (excluding the city and the special ward government(s) establishing the

Health Center) 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 and guidance to the Person with Mental Disorder and his/her family, etc. regarding mental health and welfare of the Person with Mental Disorder as necessary.

5. In addition to that prescribed in the preceding Paragraph, the municipal government(s) shall endeavor to offer counseling and guidance to the Person with Mental Disorder and his/her family, etc. regarding mental health.

**(Mental Health and Welfare Counselor)**

**Article 48:** The prefectural and the municipal governments 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. (referred to as "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 or the mayor of municipality from among those qualified as the psychiatric case worker or having other qualifications prescribed by the cabinet order.

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

**Article 49:** If requested by the Person with Mental Disorder who has received the Certificate for Health and Welfare of Person with Mental Disorder, the mayor of municipal government shall consider his/her request, his/her state of mental disorder and the content of guidance, training and assistance necessary for promoting his/her 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 business for social rehabilitation or the social adaptation training work for the Person with Mental Disorder (hereinafter referred to as "Service, etc. for Welfare of the Person with Mental Disorder"). In this case, the mayor of municipal government may consign said business to a party conducting counseling and assistance business as provided in Para. 17 of Art. 5 of the Law to Support Independence of Disabled Persons.

2. The mayor of municipal government shall liaise or coordinate the use of service and welfare for disabled persons, as necessary, if requested 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 offering service and welfare for disabled persons.

3. Regarding liaison, coordination and request made by the municipal government under the provisions of the preceding Paragraph, the prefectural government shall offer cooperation, etc. regarding the technical matters by the Health Center established thereby and other assistance necessary to the municipal government and liaise and coordinate the relation among the municipal governments.

4. The party conducting the welfare service for disabled persons shall cooperate as much as possible to

comply with liaison, coordination and requests under the preceding Paragraph.

**( Social Rehabilitation Training for Person with Mental Disorder)**

**Article 50:** The Prefectural Government may conduct the social rehabilitation training business (which means the business of offering and conducting training necessary for social adaptation of person(s) for whom employment by ordinary enterprise(s) is difficult by consigning the party having zeal for promoting participation in socio-economic activities of the Person with Mental Disorder. This applies hereinafter.) for prompting social rehabilitation and participation in socio-economic activities of the Person with Mental Disorder.

**(Subsidy by the National Government)**

**Article 51:** The national government may subsidize the municipal government a part of expenses required for social adaptation training business for the Person with Mental Disorder conducted by the municipal government within the limit of its budget.

**Chapter 7: Social Rehabilitation Promotion Center for the Person with Mental Disorder**

**(Designation, etc.)**

**Article 51-2:** The Minister of Health, Labour and Welfare may designate upon application general corporation(s) or general foundation(s) aiming to promote social rehabilitation of the Person with Mental Disorder by conducting research and development related to the training and guidance, etc. for promotion of social rehabilitation of the Person with Mental Disorder, which is recognized as being able to optimally and securely conduct the businesses prescribed in the following Article as the Social Rehabilitation Promotion Center for Person with Mental Disorder limited to one in the country (hereinafter referred to as “the Center”).

**2.** The Minister of Health, Labour and Welfare shall publish the title, address and location of the office of the Center when making designation under the preceding Paragraph.

**3.** The Center shall report in advance to the Minister of Health, Labour and Welfare when changing the title, address or location of its office.

**4.** The Minister of Health, Labour and Welfare shall publish the matters related to the report made under the provisions of the preceding Paragraph.

**(Businesses)**

**Article 51-3:** The Center shall carry out the following businesses.

I: To conduct enlightenment and public relations activities in order to contribute to promotion of social rehabilitation of the Person with Mental Disorder;

II: To conduct researches and development related to training, guidance, etc. for promoting social

rehabilitation of the Person with Mental Disorder adapted to the actual cases 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 described in the preceding Items;
- IV: To offer regularly or timely the result of researches and development under Item 2 or the research under the preceding Item in order to promote social rehabilitation of the Person with Mental Disorder;
- V: To offer training to persons engaged or planning to engage in the business for promoting social rehabilitation of the Person with Mental Disorder;
- VI: To conduct businesses necessary for promotion of social rehabilitation of the Person with Mental Disorder in addition to those described in the preceding Items.

**(Cooperation with the Center)**

**Article 51-4:** The party establishing the Mental Hospital or other facility to offer medical care for mental disorder and the party conducting services for disorder and welfare may, in response to the request of the Center and within the limit necessary for the Center to perform the businesses under Items 2 and 3 of the preceding Article, offer information, materials related to the training and guidance for promotion of social rehabilitation of the Person with Mental Disorder, or other information or materials provided by the Health, Labour and Welfare Ministerial Ordinance.

**(Rules Regarding Specific Information Control)**

**Article 51-5:** The Center shall prepare the rules concerning control and use of information and materials related to the businesses described in Items 2 and 3 of Art. 51-3 (referred to as “Specific Information” in this Article and in Art. 51-7, (the rules being referred to as “Rules for Specific Information Control” in this Article and in Art. 51-7), and obtain the approval of the Minister of Health, Labour and Welfare. The same applies to intended changes thereto.

2. The Health, Labour and Welfare Minister may order change(s) to said Rules for Specific Information Control when said rules approved under the preceding Paragraph is deemed to have become inappropriate in attempting the optimum control or use of the Specific Information.

3. The matters to be described in the Rules for Specific Information Control shall be determined by the Health, Labour and Welfare Ministerial Ordinance.

**(Confidentiality Obligation)**

**Article 51-6:** The current or past officer(s) or staff of the Center shall not divulge any confidential matters which he/she has learned about the business described in Item 2 or 3 of Art. 51-3 in conducting his/her duties.

**(Order for Dismissal)**

**Article 51-7:** The Health, Labour and Welfare Minister may order the Center to dismiss its officer or staff 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.

**(Business Plan, etc.)**

**Article 51-8:** The Center shall prepare the business plan and the budget for every business year and submit the same to the Minister of Health, Labour and Welfare prior to the start of said business year. The same applies to proposed change(s) thereto.

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

**(Report and Inspection)**

**Article 51-9:** The Minister of Health, Labour and Welfare shall require the Center to report the matters deemed necessary within the limit required for securing the optimum management of business as provided in Article 51-3, or cause its staff to enter the office and inspect the work status, the accounting books, the documents and other matters.

2. The provisions of Para. 2 and 3 of Art. 19-6-16 shall be applied mutatis mutandis to the inspection by entry under the preceding Paragraph. In this case, the term "the preceding Paragraph" in Para. 2 of said Article shall read as "Para. 1 of Art. 51-9" and "Para. 1" in Para. 3 of said Article as "Para. 1 of Art. 51-9".

**(Order for Supervision)**

**Article 51-10:** The Minister of Health, Labour and Welfare may issue to the Center order(s) necessary for supervision regarding the business 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, Labour 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 business 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 said rules.
2. When canceling the designation under the preceding Paragraph, the Minister of Health, Labour and

Welfare shall publish the same.

## **Chapter 8. Miscellaneous**

### **(Demand for Judgment)**

**Article 51-11-2:** The mayor of municipality may demand a judgment provided under Art. 7, Art. 11, Para. 2 of Art. 13, Para. 1 of Art. 15, Para. 1 of Art. 17, Para. 1 of Art. 876-4 or Para. 1 of Art. 876-9 of the Civil Code (the Law No. 89 of 1896) 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 works 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 "Designated City") 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 disposition made by the mayor of the 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, Labour and Welfare to hold re-investigation.

### **(Classification of Works)**

**Article 51-13:** The works which are provided 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 Art. 19-9 (including the case where the provision is applied mutatis mutandis under Art. 33-5), Art. 29-7, Para. 1 of Art. 30 and Art. 31, Para.1 and 6 of Art. 33-4, and Chapter 6) are defined as "Item 1: Legally Delegated Matters" as 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 paragraph and in Para. 3.)

2. The works to be carried out by the city or the special ward in establishing the Health Center (limited to those related to the head of the Health Center) 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.

### **(Delegation of Authority)**

**Article 51-14:** The authority of the Minister of Health, Labour and Welfare shall be delegated to the head of the Regional Health and Welfare Bureau under the Health, Labour and Welfare Ministerial Ordinance.

2. The authority delegated to the head of the Regional Health and Welfare Bureau under the preceding Paragraph may be delegated to the branch head of the Regional Health and Welfare Bureau under the Health, Labour and Welfare Ministerial Ordinance.

**(Transitory Measures)**

**Article 51-15:** When an order is issued, revised or abolished under the provisions of this Law, necessary transitory measures (including the transitory measures concerning the penal provisions) may be provided within the scope judged reasonably necessary for the making, revision or abolishment under said order.

**Chapter 9. Penal Provisions**

**Article 52:** A 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:

- I: A person violating an order under Para. 4 of Art. 38-3;
- II: A person violating an order for discharge under Para. 5 of Art. 38-5;
- III: A person violating an order under Para. 2 of Art. 38-7;
- IV: A person violating an order under Para. 4 of Art. 38-7;

**Article 53:** The administrator of the Mental Hospital, the Designated Physician, member(s) of the Local Council on Mental Health and Welfare, member(s) of the Psychiatric Review Board or the Specific Physician who conducted the medical examination under Para. 4 of Art. 22-4, Para. 4 of Art. 33 or Para. 2 of Art. 33-4, or those who occupied any of these posts in the past shall be sentenced to imprisonment with forced labor of one (1) year or less or fine of one million (1,000,000) yen or less if he/she divulges without a justifiable reason the confidential matter 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 the 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 the 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 one million (1,000,000) 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 five hundred thousand (500,000) yen or less:

- I: A person violating an order for suspension under Art. 19-6-13;
- II: A person who filed an application under Para. 1 of Art. 23 by describing false fact(s);

**Article 55:** A person falling subject to any of the following shall be sentenced to fine of three hundred thousand (300,000) yen or less:

- I: A person who failed to report or made a false report under Para. 1 of Art. 19-6-16, or refused, obstructed or evaded the inspection under said Paragraph;
- II: A person who refused, obstructed or evaded the medical examination under Para. 1 or 2 of Art. 27 or refused or obstructed the entry under Para. 4 of said Article;
- III: A person who refused, obstructed or evaded the medical examination under Para. 1 of Art. 29-2, or refused or obstructed the entry under Para. 4 of Art. 27 applied mutatis mutandis under Para. 4 of said Article.
- IV. A person who failed to report or made a false report under Para. 3 of Art. 38-3 (including the case where the provision is applied mutatis mutandis under Para. 6 of said Article. This applies in this Item), obstructed the medical examination under Para. 3 of said Article, failed to appear at a hearing under said Paragraph, or failed to respond to questions without a justifiable reason or gave false response at a hearing under said Paragraph;
- V. A person who failed to report , to submit a report or made a false report under Para. 4 of Art. 38-5, obstructed the medical examination under said Paragraph, failed to appear at hearing under said Paragraph, failed to answer questions without a justifiable reason or gave a false response at the hearing under said Paragraph;
- VI. A person who failed to report or to submit report, or made false report under Para. 1 of Art. 38-6, or refused, obstructed, or evaded the examination or medical examination under said Paragraph, or failed to respond without a justifiable reason or gave false response to the question asked under the provision of said Paragraph;
- VII. The administrator of the Mental Hospital who failed to report, to submit or to present report, or made false report under Para. 2 of Art. 38-6;
- VIII. A person who failed to report or made 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 an act in violation of Art. 52, Item 1 of Art. 54 or the preceding Article regarding the business 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 party falling subject to any of the following shall be fined one hundred thousand (¥100,000) or less:

- I: A party who violated the provision of Art. 19-4-2 (including the cases where the provision is applied mutatis mutandis under Para. 5 of Art. 22-4, Para. 5 of Art. 33, and Para. 3 of Art. 33-4) ;
- II: A party who failed to report or made a false report under Art. 19-6-9;
- III: A party who failed to keep the financial statements, etc., failed to describe the matters to be described in the financial statements, etc. or made false entries, or who refused the demand without a justifiable reason under Items of Para. 2 of said Article;
- IV: A party who violated the provision of Art. 19-6-14 by failing to describe the matters to be described under said Article or described the false matters or failed to keep the account books;
- V: A party who violated the provision of Para. 7 of Art. 22-4;
- VI: A party who violated the provision of Para. 7 of Art. 33;
- VII: A party who violated the provision of Para. 5 of Art. 33-4;
- VIII: A party who violated the provision of Para. 1 of Art. 38-2 or under Para. 2 where the provision of Para.1 of said Article is applied mutatis mutandis.

### **Supplementary Provisions**

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

**Article 1:** This Law shall come into force as of the day of its promulgation.

#### **(Abolition of the Law for Custody of Persons With Mental Illnesses and the Law Related to Mental Hospital)**

**2.** The Law for Custody of Persons With Mental Illness (Law No. 38 of 1900) and the Law Related to Mental Hospital (Law No. 25 of 1919) shall be abolished. Provided, however, application of penalty to an act committed prior to enforcement of this Law shall be in accordance with the previous examples.