

Act on Mental Health and Welfare for the Mentally Disabled (Tentative translation)

(Act No. 123 of May 1, 1950)

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Chapter I General Provisions

(Purpose of this Act)

Article 1 The Purpose of this Act is to promote the welfare of the Mentally Disabled and improve the mental health of citizens by providing for the medical treatment and protection of the Mentally Disabled; by providing

necessary aid to promote the social rehabilitation of the Mentally Disabled , their independence and participation in socio-economic activities in combination with the Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities No. 123 of 2005; and by preventing mental illness and maintaining and improving the mental health of citizens.

(Duties of the National and Local Governments)

Article 2 The National and Local Governments shall endeavor to re-integrate the Mentally Disabled into society to enabled them to become independent and participate in socioeconomic activities by comprehensively implementing measures for their treatment, protection, health, and welfare in combination with Payment Services and Supports for Persons with Disabilities and Community Life Support Services under the provisions of the Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities and shall work to prevent mental illness and take the measures to improve the mental health of citizens through promoting research in mental health and striving to disseminate knowledge, etc.

(Duties of Citizens)

Article 3 Citizens shall deepen their understanding of the issues of the Mentally Disabled and assist their efforts to overcome their disability in order to achieve independent living and participate in the economic activities of their community, as well as endeavor to maintain and promote own mental health .

(Considerations for the Social Rehabilitation, Achievement of Independent Living, and Participation in Community Life by the Mentally Disabled)

Article 4 (1) The establishers of a medical facility must give due consideration to enabling the Mentally Disabled to have unimpeded access to projects pertaining to Welfare Services for the Mentally Disabled (hereinafter, "Welfare Services for Persons with Disabilities") pursuant to Article 5 Paragraph (1) of the Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities; General Consultation Support Services pursuant to Article 5 Paragraph (18) (hereafter, "General Consultation Support Services"); other services pertaining to the welfare of the Mentally Disabled; and devise measures appropriate to the needs of the community as well as cooperate with the providers of said services as necessary and endeavor to gain the understanding and cooperation of local residents to promote the social rehabilitation of the Mentally Disabled, their independence, and participation in socioeconomic activities.

(2) The National Government, Local Government, and the establishers of medical facilities shall mutually endeavor to coordinate and cooperate to promote the

social rehabilitation of Mentally Disabled, independent living, and participation in the community's economic activities.

(Definition)

Article 5 Under this act, the "Mentally Disabled" are defined as individuals with schizophrenia, acute addiction to, or dependency on, a psychoactive substance, intellectual disability, psychopathy or any other form of psychiatric disorder.

Chapter II Mental Health and Welfare Centers

(Mental Health and Welfare Centers)

Article 6 (1) The Prefecture shall establish facilities to improve the mental health and welfare of the Mentally Disabled (hereinafter, "Mental Health and Welfare Centers").

(2) A Mental Health and Welfare Center shall perform the following services:

(i) Disseminate knowledge about, and conduct research in, mental health and the welfare of the Mentally Disabled.

(ii) Undertake complex or difficult consultations or guidance in matters pertaining to the mental health and the welfare of the Mentally Disabled.

(iii) Conduct the affairs of a Psychiatric Review Board.

(iv) Among the affairs pertaining to decisions regarding the application pursuant to Article 45 Paragraph (1) and the approval of grants pursuant to Article 52 Paragraph (1) of the Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities (restricted to matters pertaining to the Mentally Disabled), perform those affairs requiring specialized knowledge or skills.

(v) Pursuant to Article 22 Paragraph (2) or Article 51-7 Paragraph (2) of the Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities, state their opinion when the Municipalities (including special wards; the same applies hereinafter except Article 47 Paragraph (3) to Paragraph (4)) decide grant necessity under Article 22 Paragraph (1) or 51-7 Paragraph (1) of the same act.

(vi) Pursuant to Article 26 Paragraph (1) or Article 51-11 of the Act on Comprehensive Support for Social and Daily Living of Persons with Disabilities, Mental Health and Welfare Centers shall provide cooperation to the Municipalities in technical matters and other necessary assistance.

(Subsidies by the National Government)

Article 7 The National Government shall provide , in the form of subsidies, one-half the cost of establishing facilities and one-third of their operational costs incurred by when the Municipalities have established the facilities pursuant to

the preceding Article, pursuant to Cabinet Order.

(Delegation to Prefectural Ordinance)

Article 8 In addition to the provisions of this act, all necessary matters pertaining to Mental Health and Welfare Centers shall be specified by Prefectural Ordinance.

Chapter III The Regional Mental Health and Welfare Council and Psychiatric Review Board

(The Regional Mental Health and Welfare Council)

Article 9 (1) The Prefectural Government may establish a council for the mental health and welfare of the Mentally Disabled or other council organizations (hereafter, "Regional Mental Health and Welfare Councils") to have them study and deliberate on matters pertaining to the mental health and the welfare of the Mentally Disabled by Prefectural Ordinance .

(2) The Regional Mental Health and Welfare Councils may not only respond to consultation by the Prefectural Governor, but also state their opinions in matters pertaining to the mental health and welfare of the Mentally Disabled.

(3) In addition to the provisions of the preceding two items, the Prefectural Governments shall decide all necessary matters pertaining to the organization and operation of Regional Mental Health and Welfare Councils by Prefectural Ordinance.

Article 10 and Article 11 deleted

(Psychiatric Review Board)

Article 12 A Psychiatric Review Board shall be established in each prefecture to perform the reviews prescribed in Article 38-3 Paragraph (2) (including cases to which the provisions of Paragraph (6) of the same article apply mutatis mutandis) and Article 38-5 Paragraph (2).

(Board Members)

Article 13 (1) The Psychiatric Review Board shall be comprised of board members appointed by the Prefectural Governor who have academic knowledge and experience of the medical treatment of the Mentally Disabled (restricted to Designated Physicians of Mental Health prescribed in Article 18 Paragraph(1)), the health or welfare of the Mentally Disabled or the law.

(2) The term of board members shall be two years (or a period exceeding two years but less than three years as decided by the relevant Prefectural Ordinance).

(Handling of Cases for Review)

Article 14 (1) The Psychiatric Review Board is a council organization comprised of five board members appointed by the board to review cases.

(2) Board members comprising the council shall be individuals listed in the items below and be appointed in a number equivalent to, or exceeding, the number prescribed in each item:

- (i) Individuals with academic knowledge and experience in the medical treatment of the Mentally Disabled (two individuals);
- (ii) Individuals with academic knowledge and experience in the health and welfare of the Mentally Disabled (one individual);
- (iii) Individuals with academic knowledge and experience of law (one individual).

(Delegation to Cabinet Ordinance)

Article 15 In addition to the provisions of this act, all necessary matters pertaining to the Psychiatric Review Board shall be specified by the Cabinet Order.

Article 16 and Article 17 deleted

Chapter IV Designated Physicians of Mental Health, Registered Training Institutions, Psychiatric Hospitals, and Emergency Psychiatric Medical System

Section 1 Designated Physicians of Mental Health

(Designated Physicians of Mental Health)

Article 18 (1) The Minister of Health, Labour and Welfare shall designate as Designated Physicians of Mental Health (hereinafter, "Designated Physicians") those physicians falling under the following items who, upon application, are found to have the necessary knowledge and skills to perform the duties prescribed in Article 19-4.

- (i) Having five or more years of experience in diagnosis or treatment
- (ii) Having three or more years of experience in the diagnosis or treatment of mental disabilities
- (iii) Having experience of the level determined by the Minister of Health, Labour and Welfare in the diagnosis or treatment of mental disabilities specified by the Minister of Health, Labour and Welfare
- (iv) Having completed the training course program undergone by persons registered by the Minister of Health, Labour and Welfare pursuant to the Ordinance of the Ministry of Health, Labour and Welfare (restricted to

training completed within one year prior to application)

- (2) Pursuant to the provisions of Article 19-2 Paragraph (1) or Paragraph (2), the Minister of Health, Labour and Welfare may choose not to designate as the Designated Physician prescribed in the preceding paragraph any persons for whom 5 years have not yet elapsed since the revocation of their designation as Designated Physician or who are found to be egregiously inappropriate to be a Designated Physician, regardless of the provisions of the preceding paragraph.
- (3) The Minister of Health, Labour and Welfare shall hear the opinion of the Medical Ethics Council before determining the level of experience in the diagnosis and treatment of mental disabilities prescribed in Paragraph (1) Item (iii); or intending to designate Designated Physician pursuant to the provisions of the same paragraph; or choosing not to designate Designated Physician pursuant to the provisions of the preceding article.

(Training after Designation)

- Article 19 (1) Designated Physicians shall complete the required training which persons registered by the Minister of Health, Labour and Welfare undergo pursuant to the Ordinance of the Ministry of Health, Labour and Welfare each fiscal year (meaning April 1 to March 31 of the following year; hereinafter the same applies in this article).
- (2) The designation prescribed in Paragraph (1) of the preceding Article shall be effective at the end of the year in which the training is to be completed if a person receiving the said designation does not take part in training prescribed in the preceding paragraph; however, this does not apply if the Minister of Health, Labour and Welfare has deemed that the appointee was prevented from taking part in the said training by unavoidable reasons specified by the Ordinance of the Ministry of Health, Labour and Welfare. .

(Rescission of Designation, etc.)

- Article 19-2 (1) If a Designated Physician has had his or her medical practitioner's license revoked or has been ordered to suspend medical practice for a specified period, the Minister of Health, Labour and Welfare shall revoke the said designation.
- (2) If a Designated Physician has violated this law or an order based thereon, has performed egregiously inappropriate act in his or her duties or has been found to be egregiously inappropriate to be a Designated Physician, the Minister of Health, Labour and Welfare may revoke the said designation or order the suspension of the said person's duties for a specified period.
- (3) The Minister of Health, Labour and Welfare shall hear the opinions of the Medical Ethics Council before intending to perform the disciplinary actions pursuant to the provisions of the preceding paragraph.

- (4) If a Prefectural Governor deems that the conditions prescribed in Paragraph (2) apply to a Designated Physician, he or she may notify the Minister of Health, Labour and Welfare thereof.

Article 19-3 deleted

(Duties)

Article 19-4 (1) The duties of the Designated Physician include judging the need for continued hospitalization pursuant to Article 21 Paragraph (3) and Article 29-5; the need for hospitalization prescribed in Article 33 Paragraph (1) and Article 33-7 Paragraph (1); the presence of conditions requiring hospitalization pursuant to Article 20; the need for restriction of activities pursuant to Article 36 Paragraph (3); the medical examination of a patient during hospitalization due to the items reported pursuant to Article 38-2 Paragraph (1) (including cases to where it is applied *mutatis mutandis* the provisions of Paragraph (2) of the same Article); as well as the appropriateness of the decision to temporarily discharged and observe a patient pursuant to Article 40.

- (2) The Designated Physician shall perform the following duties in addition to those prescribed in the preceding paragraph as a public employee.
- (i) Judgement for the need for hospitalization pursuant to Article 29 Paragraph (1) and Article 29-2 Paragraph (1)
 - (ii) Judgement for the need for restriction of activities pursuant to Article 29-2-2 Paragraph (3) (including cases to which the provisions of Article 34 Paragraph (4) apply, *mutatis mutandis*)
 - (iii) Judgement for the need for continued hospitalization pursuant to Article 29-4 Paragraph (2)
 - (iv) Judgement for the need for a hospital transfer pursuant to Article 34 Paragraph (1) and Paragraph (3)
 - (v) Medical examination pursuant to Article 38-3 Paragraph (3) (including cases to which the provisions of Paragraph (6) of the same article apply, *mutatis mutandis*) and Article 38-5 Paragraph (4)
 - (vi) On-site inspection, interrogation, and medical examination pursuant to Article 38-6 Paragraph (1)
 - (vii) Judgement for the need for continued hospitalization pursuant to Article 38-7 Paragraph (2)
 - (viii) Medical examination pursuant to Article 45-2 Paragraph (4)
- (3) The Designated Physician shall respond to the requested duties listed in each item of the preceding paragraphs if requested by a Prefectural Governor except in cases in which the performance of the said duties may be hindered the operation of the treatment facility at which the Designated Physician is employed or for unavoidable reasons.

(Obligation to Keep Medical Records)

Article 19-4-2 The Designated Physician shall record his or her name and the matters specified in the Ordinance of the Ministry of Health, Labour and Welfare in the patient's medical records without delay, when the Designated Physician has performed the duties pursuant to Paragraph (1) of the preceding Article.

(The Requirement for a Designated Physician of Mental Health)

Article 19-5 The administrator of a psychiatric hospital which hospitalizes the Mentally Disabled (including other treatment facilities which have sick rooms for the Mentally Disabled besides psychiatric hospitals; the same applies hereinafter except in Article 19-10) shall employ a Designated Physician who work full-time on its premises pursuant to Article 29 Paragraph (1), Article 29-2 Paragraph (1), Article 33 Paragraph (1), Paragraph (3) or Paragraph (4) or Article 33-7 Paragraph (1) or Paragraph (2), pursuant to the Ordinance of the Minister of Health, Labour and Welfare.

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

Article 19-6 In addition to the provisions of matters specified in this act, the necessary items pertaining to the designation of the Designated Physician shall be specified by Cabinet Order, and the necessary items pertaining to the training prescribed in Article 18 Paragraph (1) Item (iv) and Article 19 Paragraph (1) shall be specified by the Ordinance of the Ministry of Health, Labour and Welfare.

Section 2 Training Organizations for Registration

(Registration)

Article 19-6-2 The registration prescribed in Article 18 Paragraph (1) Item (iv) or Article 19 Paragraph (1) (hereinafter "Registration" in this Section) shall be performed by an application by persons intending to receive the training prescribed in Article 18 Paragraph (1) Item (iv) or Article 19 Paragraph (1) (hereinafter "Training" in this Section) pursuant to the Ordinance of the Ministry of Health, Labour and Welfare.

(Disqualification)

Article 19-6-3 Persons who fail under any of the following items may not receive Registration.

(i) Persons who were punished with a fine or more severe punishment for

violation of this Act, the orders based thereon, the Act for the Comprehensive Support of the Daily and Social Life of Persons with Disabilities or orders based thereon for whom two years have not yet passed since the day on which the said person has finished serving the sentence or from which the said person was no longer subject to its enforcement.

- (ii) Persons whose Registration has been revoked pursuant to Article 19-6-13, and two years have not yet passed since the day of revocation
- (iii) A corporation whose officers engaged in the business correspond to any of the preceding two items

(Criteria for Registration)

Article 19-6-4 (1) The Minister of Health, Labour and Welfare shall register any person who has applied for Registration pursuant to the provision of Article 19-6-2, if the applicant for Registration fulfills all the criteria below.

- (i) A person who has been taught the course set forth in Column 1 of the Appendix and whose hours of instruction exceed the number indicated in Column 3 or 4 of the said Appendix
 - (ii) The subject prescribed in the preceding item shall be taught by a person with relevant knowledge and experience which consists with the condition specified by Column 2 of the Appendix.
- (2) Registration shall be made with the name of the party intending to be registered, the address of the said party, the date of Registration, and the Registration number in the Registry book of the registered Training Institution,

(Renewal of Registration)

Article 19-6-5 (1) Registration shall lose its effect with the lapse of time if not renewed every five years.

- (2) The preceding three articles shall apply, mutatis mutandis, to the renewal of Registration set forth in the preceding paragraph.

(Obligation to Implement Training)

Article 19-6-6 (1) The registered party (hereinafter, "The Registered Training Institution") shall create a plan for the implementation of training (hereinafter "Training Plan") for every business year and shall implement the training in accordance with Training Plan unless prevented from doing so on justifiable grounds.

- (2) The Registered Training Institution shall implement training fairly and pursuant to the Ordinance of the Ministry of Health, Labour and Welfare prescribed in Article 18 Paragraph (1) Item (iv) or Article 19 Paragraph (1).
- (3) The Registered Training Institution shall notify the Minister of Health, Labour and Welfare of Training Plan created by the provision of Paragraph (1)

at the start of each business year. The same shall apply when the Registered Training Institution intends to change the said plan.

(Notification of Changes)

Article 19-6-7 When The Registered Training Institution intends to change its name or address, it shall notify the Minister of Health, Labour and Welfare of any changes to its name or address at least two weeks prior to the date on which the said change is scheduled to be made.

(Operational Rules)

Article 19-6-8 (1) The Registered Training Institution shall determine the operational rules pertaining to the duties of the training (hereinafter, "Operational Rules") and notify the Minister of Health, Labour and Welfare thereof prior to commencing the duties of the said training. The same shall apply when the Registered Training Institution intends to change the said Operational Rules.

(2) Operational Rules shall set forth the implementation method of the training, the fee relating to the said training, and other matters specified in the Ordinance of the Ministry of Health, Labour and Welfare.

(Suspension or-Discontinuation of Operations)

Article 19-6-9 When The Registered Training Institution intends to suspend or abolish the whole or any part of the Training, it shall notify the Minister of Health, Labour and Welfare in accordance with the Ordinance of the Ministry of Health Labour and Welfare prior to implementing the said actions.

(Provision and Inspection, etc. of Financial Statements, etc.)

Article 19-6-10 (1) The Registered Training Institution shall prepare within three months after the end of each business year an inventory of assets, a balance sheet, a profit and loss statement or an income and expenditure statement, and business report (including the electronic or magnetic records [meaning records used in computerized information processing which are created in electronic form, magnetic form or any other form that cannot be perceived by the human senses; the same shall apply hereinafter] which were prepared in place of the said reports; referred to as "Financial Statements, etc." in the following paragraph and Article 57) and shall store them in an office for a period of five years.

(2) Persons intending to receive Training and any other interested parties may make any of the following requests at any time during the operational hours of the Registered Training Institution. However, the said person or parties shall pay the fee determined by the Registered Training Institution when making a

request prescribed in Item (ii) or Item (iv).

- (i) Request for an inspection or a copy of a financial Statements, etc. in the event that the said statement has been prepared in writing
- (ii) Request for a transcript or extract of the written documents set forth in the preceding item
- (iii) Request for an inspection or a copy of the items in the said electronic or magnetic records after they have been displayed in the manner prescribed in the Ordinance of the Ministry of Health, Labour and Welfare in the event that the Financial Statements, etc. have been prepared as electronic or magnetic records
- (iv) Request for the provision of the contents of the electronic or magnetic records set forth in the preceding item by an electronic or magnetic means specified in the Ordinance of the Ministry of Health, Labour and Welfare or a request for the delivery of documents containing the said contents

(Order for Conformity)

Article 19-6-11 In the event that the Minister of Health, Labour and Welfare finds that the Registered Training Institution is no longer in compliance with any of the items of Article 19-6-4 Paragraph (1), the Minister of Health, Labour and Welfare may order the said institution to take the necessary measures to restore compliance with these provisions.

(Order for Improvement)

Article 19-6-12 In the event that the Minister of Health, Labour and Welfare finds that the Registered Training Institution is in violation of Article 19-6-6 Paragraph (1) or Paragraph (2), the Minister of Health, Labour and Welfare may order the said institution to implement Training or to take necessary measures to improve the manner in which the said training or duties are being performed.

(Rescission of Registration, etc.)

Article 19-6-13 In the event that the Minister of Health, Labour and Welfare finds that the Registered Training Institution falls under any of the following items, the Minister of Health, Labour and Welfare may revoke the Registration of the said institution or order the suspension of the whole or a part of the Training duties for a specified period.

- (i) When the Registered Training Institution falls under the provisions of Article 19-6-3 Item (i) or Item (iii)
- (ii) When the Registered Training Institution is in violation of the provisions of Article 19-6-6 Paragraph (3), Article 19-6-7, Article 19-6-8, Article 19-6-9, article 19-6-10 Paragraph (1) or the following article

- (iii) When the Registered Training Institution has refused a request made pursuant to the provisions of any of the items in Article 19-6-10 Paragraph (2) without just cause
- (iv) When the Registered Training Institution is in violation of an order pursuant to the provisions of Article 19-6-1 or the preceding article
- (v) When the Registered Training Institution has been registered by wrongful means

(Keeping of Books)

Article 19-6-14 The Registered Training Institution shall, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, keep the books, record the matters pertaining to the Training specified by the Ordinance of the Ministry of Health, Labour and Welfare, and preserve the said books.

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

- Article 19-6-15 (1) In the event that there are no applicants for Registration, that there has been a notification of suspension or abolition of the whole or a part of the Training duties pursuant to the provision of Article 19-6-9; that the Minister has revoked Registration pursuant to the provision of Article 19-6-13 or has ordered the suspension of all or part of the Training duties to the Registered Training Institution; that the it has become difficult for the Registered Training Institution to perform the whole or a part of the Training duties due to a natural disaster or other reason; or the Minister finds it necessary, the Minister may perform whole or part of the said Training duties by himself/herself.
- (2) A person intending to receive Training performed by the Minister of Health, Labour and Welfare pursuant to the provisions of the preceding paragraph shall pay the fee specified by Cabinet Order in consideration of the actual costs.
 - (3) In the event that the Minister of Health, Labour and Welfare performs the whole or a part of the Training duties by him/herself pursuant to the provision of Paragraph (1), the succession of the said Training duties and other necessary matters shall be specified by the Ordinance of the Ministry of Health, Labour and Welfare.

(Collection of Reports and On-site Inspections)

Article 19-6-16 (1) The Minister of Health, Labour and Welfare shall, to the extent necessary to ensure appropriate administration of the Training duties, require the Registered Training Institution to provide a report of matters deemed necessary thereto or have relevant personnel enter the offices of the said institution and inspect the circumstances of the work, or books or other

documents.

- (2) Relevant personnel conducting an on-site inspection pursuant to the provisions of the preceding paragraph shall carry his/her identification card and display the said identification card when requested by the interested parties.
- (3) The authority prescribed in the provision of Paragraph (1) shall not be construed as being granted for criminal investigation.

(Public Notice)

Article 19-6-17 The Minister of Health, Labour and Welfare shall make public notice of any of the following cases.

- (i) When the Minister has made the Registration
- (ii) When receiving a Notification prescribed in the provision of Article 19-6-7
- (iii) When receiving a Notification prescribed in the provision of Article 19-6-9
- (iv) When the Minister has rescinded the Registration pursuant to the provision of Article 19-6-13 or has ordered suspension of Training Duties
- (v) When the Minister of Health, Labour and Welfare performs the whole or a part of the Training duties by him/herself pursuant to the provision of Article 19-6-15 or ceases to perform the whole or a part of the Training duties that he/she has performed him/herself.

Section 3 Psychiatric Hospitals

(Prefectural Psychiatric Hospitals)

Article 19-7 (1) The Prefectural Governments shall establish psychiatric hospitals. However, if a Designated Medical Institution pursuant to the provisions of the following article already exists, the establishment of the said psychiatric hospitals may be postponed.

- (2) In the event that a Prefecture or a local incorporated administrative agency founded by a local government belonging to the Prefectural Government and a non-prefectural entity (meaning a local incorporated administrative agency prescribed in Article 2 Paragraph (1) of the Act for Local Incorporated Administrative Agency (Act No.118 of 2003). The same applies to the following article) has established a psychiatric hospital, the preceding paragraph shall not apply to the said Prefectural Governments.

(Designated Medical Institution)

Article 19-8 The Prefectural Governor may designate whole or a part of a psychiatric hospital which is established by the parties other than the National Government, the Prefectural Government, a local incorporated administrative agency founded by a local government belonging to the Prefectural

Governments or a non-prefectural entity (hereinafter, "National Government, etc.") which meets the criteria specified by the Minister of Health, Labour and Welfare (hereinafter, "Designated Medical Institution") with the consent of the establisher of the said hospital.

(Rescission of Designation)

- Article 19-9 (1) The Prefectural Governor may revoke the designation of a Designated Medical Institution in the event that the said medical institution no longer conforms to the criteria set forth in the preceding article or its method of administration is found to be inappropriate for the attainment of its aims.
- (2) In the event that the Prefectural Governor intends to rescind the designation pursuant to the provisions of the preceding paragraph, the said governor must hear the opinions of the local Psychiatric Health and Welfare Council in advance (or a Prefectural Council on Medical Care pursuant to the provisions of Article 71-2 Paragraph (1) of The Medical Care Act (Act No. 205 of 1948) if the prefecture lacks a local Psychiatric Health and Welfare Council).
- (3) The Minister of health, Labour and Welfare may instruct the Prefectural Governor to perform the affairs prescribed in the same paragraph if deemed urgently necessary to secure treatment for persons hospitalized in a Designated Medical Institution, with regard to the affairs that belong to the authority of the said governor prescribed in Paragraph (1).

(Assistance from the National Government)

- Article 19-10 (1) The National Government shall grant a subsidy one-half the cost of the establishment and administrative expenses (excluding the costs incurred by the Prefectural Governments pursuant to the provisions of Article 30 Paragraph (1). The same applies to the following paragraph) required for the psychiatric hospital and hospital rooms set up in hospitals other than psychiatric hospitals, which have been established by the Prefectural Government, in accordance with the Cabinet Order.
- (2) The National Government may grant a subsidy of not more than one-half the cost of the establishment and administrative expenses required for the psychiatric hospital and hospital rooms set up in hospitals other than psychiatric hospitals, which have been established by a non-profit corporation, in accordance with Cabinet Order.

Section 4 Securing Emergency Psychiatric Care

- Article 19-11 (1) In order to ensure that emergency medical treatments of persons with mental disorders are provided appropriately and effectively, the

Prefectural Government shall respond to consultation requests by persons with mental disorders requiring medical treatment for their mental disorders during nighttime hours or on holidays; or by the family, etc. pursuant to the provisions of Article 33 Paragraph (2) or by other relevant persons; secure cooperation between medical treatment facilities providing emergency medical treatment for mental disorders; and endeavor to establish a system to address the actual conditions of each region.

- (2) When establishing the system set forth in the preceding paragraph, the Prefectural Governor may request necessary assistance from the administrator of a psychiatric hospital or a facility providing medical treatment for mental disorders, the Designated Physician at the said facility or other relevant persons.

Chapter V Medical Treatment and Protection

Section 1 Voluntary Admission

Article 20 In the event that the administrator of a psychiatric hospital has admitted persons with mental disorders to hospital, he/she shall endeavor to ensure that hospital admission is performed, based on the consent of the said persons with mental disorders themselves.

Article 21 (1) In the event that persons with mental disorders admit to hospital with their own consent, the administrator of the psychiatric hospital shall inform the said persons with mental disorders of the matters pertaining to requests for discharge, etc. pursuant to the provisions of Article 38-4 and other matters specified by the ordinance of the Ministry of Health, Labour and Welfare in writing and shall receive from the said persons with mental disorders a document stating the persons' desire to be hospitalized.

- (2) In the event of receiving an offer of discharge from the persons with mental disorders who were hospitalized voluntarily (hereinafter, "Voluntary Admission Patients"), the administrator of the psychiatric hospital shall allow the discharge of the said persons.

- (3) In cases falling under the provisions of the preceding paragraph, if the administrator of the psychiatric hospital, on the basis of an examination by a Designated Physician, deems continued hospitalization to be necessary for the medical treatment and protection of the said Voluntary Admission Patients, the said administrator may refuse the said request for discharge up to 72 hours notwithstanding the provisions set forth in the same paragraph.

- (4) In cases falling under the provisions of the preceding paragraph, the administrator of a psychiatric hospital (limited to facilities that the Prefectural Governor has recognized in compliance with the criteria specified in the

Ordinance of the Ministry of Health, Labour and Welfare) may, in the event of an emergency or unavoidable circumstances, have a physician other than the Designated Physician (limited to persons registered under the provisions of Article 16-4 Paragraph (1) set forth by the Medical Practitioners' Act (Act No. 201 of 1948) and satisfying the criteria specified by the Ordinance of the Ministry of Health, Labour and Welfare. Hereafter, "Specified Physician") examine the Voluntary Admission Patients. In this case, if the continuance of hospitalization is deemed necessary for the medical treatment and protection of the Voluntary Admission Patients, the said administrator may refuse the request for discharge up to 12 hours notwithstanding the provisions set forth in the preceding two paragraphs.

- (5) The provisions set forth in Article 19-4-2 shall apply mutatis mutandis to cases in which an examination has been performed pursuant to the provisions of the preceding paragraph. In this case, "the Designated Physician" shall be replaced with "the Specified Physician prescribed in Article 21 Paragraph (4)" and "Paragraph (1) of the preceding article" shall be replaced with "the same paragraph".
- (6) In the event of taking the measures pursuant to the provisions of the second sentence of Paragraph (4), the administrator of a psychiatric hospital shall record the said measure and preserve the record without delay in accordance with the Ordinance of the Ministry of Health, Labour and Welfare.
- (7) In the event of taking the measures pursuant to the provisions of Paragraph (3) or the second sentence of Paragraph (4), the administrator of the psychiatric hospital shall inform the said Voluntary Admission Patients of the intent to implement the said measures, matters pertaining to the request for discharge, etc. pursuant to the provisions of Article 38-4 and the matters specified by the Ordinance of the Ministry of Health, Labour and Welfare in writing.

Section 2 Examination by the Designated Physician of Mental Health and Involuntary Hospitalization

(Application for Examination and Protection)

- Article 22 (1) Any individual who has known a person with mental disorders or a person suspected of having mental disorders may apply to the Prefectural Governor for an examination by a Designated Physician and protection of the said person.
- (2) To apply pursuant to the preceding paragraph, written application containing the following items of information shall be submitted to the Prefectural Governor by way of the chief of the nearest public health center.
 - (i) Address, name, and date of birth of the applicant

- (ii) Current location, place of residence, name, sex, and date of birth of said person
- (iii) Description of the symptoms
- (iv) Address and name of any person who is currently responsible for the protection of the said person, if there are any person who is authorized to do

(Report by the Police Officer)

Article 23 If police officer have found a person deemed likely to harm him/herself or others due to his or her mental disorders with regard to the performance of his or her duties, based on the said person's unusual behavior and circumstances, the police officer shall immediately report the findings to the Prefectural Governor by way of the chief of the nearest public health center.

(Report by Public Prosecutor)

Article 24 (1) In the event that the public prosecutor has decided not to prosecute a person with mental disorders or a person suspected of having mental disorders; or that a judicial decision (excluding judicial decisions in which the sentence of imprisonment with or without work or penal detention has been passed without a suspension of the entire sentence and judicial decisions ordering detention) has become final and binding, the public prosecutor shall report the Prefectural Governor of the fact. However, this shall not apply to when persons, who have received non-prosecution or judicial decision charges have been dismissed or who have received judgment, have applied pursuant to Article 33 Paragraph (1) of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity (Act No.110 of 2017).

(2) In addition to the provisions of main clause of the preceding paragraph, the public prosecutor shall report immediately the Prefectural Governor of persons with mental disorders, the suspects or the accused deemed to have mental disorders, or the targets relevant to the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity if the public prosecutor deems this to be especially necessary.

(Report by the Chief of a Probation Office)

Article 25 In the event that the chief of a probation office has found that a person under probation has mentally disorders or he/she is suspected of so being, the chief of a probation office shall immediately report the Prefectural Governor of this fact.

(Report by the Head of a Correctional Institution)

Article 26 When intending to have persons with mental disorders or persons who

are suspected of so being, released, discharged from hospital, or depart from a facility, the head of a correctional institution (meaning a detention house, prison, juvenile prison, juvenile training school, juvenile classification home, and women's guidance home; the same applies hereinafter) shall report the governor of the prefecture in which the said person has his or her domicile (or in which the said correctional institution is located if the said person has no domicile) of the following items in advance.

- (i) Place of domicile, name, sex, and date of birth of the said person
- (ii) Description of the symptoms
- (iii) Date of release, hospital discharge or departure from the facility
- (iv) Address and name of the person taking the inmate in

(Notification by the Administrator of a Psychiatric Hospital)

Article 26-2 When receiving the notification of discharge from persons with mental disorders during hospitalization, the administrator of a psychiatric hospital shall, upon receipt of a request for hospital discharge from the persons with mental disorders who are found to meet the criteria specified in Article 29 Paragraph (1), immediately notify the Prefectural Governor of the fact by way of the chief of the nearest public health center.

(Report of Persons Who Have Caused Serious Cases Under the Condition of Insanity)

Article 26-3 The administrator of the Designated Medical Institution visited by patients pursuant to the provisions of Article 2 Paragraph (5) of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity and the chief of a probation office, when recognizing a target of the same Act who is not hospitalized pursuant to Paragraph (4) of the same Article is likely to harm him/herself or others due to his or her mental disorders, shall immediately report the fact to the Prefectural Governor by way of the chief of the nearest public health center.

(Examinations, etc. Performed by a Designated Physician Based on an Application, etc.)

Article 27 (1) When recognizing that persons in an application, report or notification pursuant to the provisions of Article 22 to the preceding article are deemed to require an examination upon investigation, the Prefectural Governor shall have a Designated Physician perform the examination.

(2) With regard to persons who may clearly harm themselves or others due to their mental disorders unless hospitalized, the Prefectural Governor may have a Designated Physician examine the said persons even if the Prefectural Governor does not receive an application, a report or a notification pursuant to

Article 22 to the preceding article.

- (3) The Prefectural Governor shall have relevant personnel attend, in the event that the Prefectural Governor has a Designated Physician conduct an examination pursuant to the preceding two paragraphs.
- (4) The Designated Physician and the relevant personnel specified by the previous paragraph may enter the domicile of the said persons to the extent necessary to perform the duties set forth in the preceding three paragraphs.
- (5) The provisions of Article 19-6-16 Paragraph (2) and Paragraph (3) shall apply, mutatis mutandis, to the right of entry prescribed in the preceding paragraph. In this case, "preceding paragraph" in Paragraph (2) of the same article shall be replaced with "Article 27 Paragraph (4)" and "relevant personnel" shall be replaced with "Designated Physician and relevant personnel"; and "Paragraph (1)" in Paragraph (3) of the same article shall be replaced with "Article 27 Paragraph (4)."

(Notification of Examination)

- Article 28 (1) In the event that a person who is to be examined pursuant to the provisions of Paragraph (1) of the preceding article has a person who is currently responsible for the protection of the said person, the Prefectural Governor shall notify the person of the date and place of the examination in advance.
- (2) The guardian, curator, person exercising parental authority, a spouse or any person who is currently responsible for the protection of the said persons may attend the examination set forth in Paragraph (1) of the preceding article.

(Criteria for Judgment)

Article 28-2 The Designated Physician who has examined pursuant to the provisions of Article 27 Paragraph (1) or Paragraph (2) shall judge, in accordance with the criteria specified by the Minister of Health, Labour and Welfare, whether the persons receiving the said examination are persons with mental disorders and pose the threat of bodily harm to themselves or others due to their mental disorders unless hospitalized for medical treatment and protection.

(Involuntary Hospitalization by the Prefectural Governor)

Article 29 (1) In the event that persons who have received an examination pursuant to the provisions of Article 27 are persons with mental disorders and are deemed to pose a threat of bodily harm to themselves or others unless hospitalized for medical treatment and protection, the Prefectural Governor may have the said persons hospitalized in a psychiatric hospital or Designated Medical Institution established by the National Government, etc.

- (2) In the case set forth in the preceding paragraph, for the Prefectural Governor to have the said persons hospitalized, the said persons shall be examined by at least two Designated Physicians whose examination findings must concur that the said persons have mental disorders and pose the threat of bodily harm to themselves or others unless hospitalized for medical treatment and protection.
- (3) In the event of implementing the measures pursuant to the provision of Paragraph (1), the Prefectural Governor shall inform the said persons with mental disorders of the intention to implement the said hospitalization measures, matters pertaining to the request for hospital discharge pursuant to the provision of Article 38-4, and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare in writing.
- (4) Besides cases in which hospital beds (meaning hospital beds pertaining the designation, with regard to a Designated Medical Institution designated pursuant to Article 19-8) are unavailable because they are already occupied by persons who have been hospitalized pursuant to Paragraph (1) or Paragraph (1) of the following article, the administrator of the psychiatric hospital established by the National Government, etc. and Designated Medical Institution shall hospitalize the persons with mental disorders described in Paragraph (1).

Article 29-2 (1) In the event that the Prefectural Governor may not take measures pursuant to the provisions of Article 27, Article 28 and with regard to persons with mental disorders or suspected of having mental disorders who meet the criteria set forth in Paragraph (1) of the preceding article in an urgent situation, the Prefectural Governor may hospitalize the said persons in a psychiatric hospital pursuant to Paragraph (1) of the preceding article or Designated Medical Institution, based on the results of an examination by a Physician designated by the Prefectural Governor, that the said persons are found to have mental disorders and pose an extreme threat of bodily harm to themselves or others due to their mental disorders unless immediately hospitalized.

- (2) In the event of implementing the measures prescribed in the preceding paragraph, the Prefectural Governor shall determine without delay whether or not to implement the hospitalization procedures prescribed in Paragraph (1) of the preceding article with regard to the said persons.
- (3) The period of hospitalization pursuant to Paragraph (1) shall not exceed 72 hours.
- (4) The provisions of Article 27 Paragraph (4) and Paragraph (5) and Article 28-2 shall apply, mutatis mutandis, to the examination pursuant to Paragraph (1); Paragraph (3) of the preceding article shall apply mutatis mutandis to the case of taking the measures pursuant to Paragraph (1); and the provisions of

Paragraph (4) of the same article shall apply mutatis mutandis to the hospitalization of the persons hospitalized pursuant to the provision of Paragraph (1).

Article 29-2-2 (1) The Prefectural Governor shall transfer persons with mental disorders who intend to be hospitalized pursuant to Article 29 Paragraph (1) or Paragraph (1) of the preceding article to a hospital relevant to the said hospitalization measures.

(2) In the event of performing the transfer pursuant to the provision of the preceding paragraph, the Prefectural Governor shall inform the said persons with mental disorders in writing of the intention to perform the said transfer and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare.

(3) With regard to performing the transfer pursuant to the provision of Paragraph (1), the Prefectural Governor may restrict the activities specified after hearing in advance the opinions of a Social Security Council pertaining to the persons with mental disorders, to the extent essential to the treatment and protection of the said persons, if the Designated Physician who has examined the said person with mental disorders has deemed it necessary.

Article 29-3 With regard to persons hospitalized pursuant to Article 29-2 Paragraph (1), in the event that the administrator of a psychiatric hospital or Designated Medical Institution prescribed in Article 29 Paragraph (1) has received a notification from the Prefectural Governor not to implement measures for hospitalization prescribed in Article 29 Paragraph (1); or has not received a notification to implement measures for hospitalization pursuant to Article 29 Paragraph (1) within the period prescribed in Article 29-2 Paragraph (3), the said administrator shall immediately discharge the said persons.

(Cancellation of Involuntary Hospitalization Measures)

Article 29-4 (1) The Prefectural Governor shall immediately discharge persons hospitalized pursuant to the provision of Article 29 Paragraph (1) (hereinafter, "Inpatients") if the said persons are come to be found to pose no threat of bodily harm to themselves or others due to their mental disorders in the absence of continued hospitalization. In this case, the Prefectural Governor shall hear the opinions of the administrator of the psychiatric hospital or Designated Medical Institution where the said persons are hospitalized in advance.

(2) The decision of the Prefectural Governor to discharge the said persons pursuant to the preceding paragraph shall be based on the results of an examination performed by a Designated Physician designated by the Prefectural Governor or the results of an examination prescribed in the

following article to the effect that the said persons pose no threat of bodily harm to themselves or others due to their mental disorders in the absence of continued hospitalization.

Article 29-5 If Inpatients are found after an examination by a Designated Physician no longer to pose the threat of bodily harm to themselves or others due to their mental disorders, the administrator of the psychiatric hospital or Designated Medical Institution where the Inpatients are hospitalized shall immediately notify the Prefectural Governor by way of the chief of the nearest public health center of the fact, the symptoms of the relevant persons, and matters specified in the Ordinance of the Ministry of Health, Labour and Welfare.

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

Article 29-6 (1) The medical care policy that performed by a psychiatric hospital or Designated Medical Institution established by the National Government, etc. and the method for calculating expenses that the said medical care requires, with regard to persons hospitalized pursuant to Article 29 Paragraph (1) and Article 29-2 Paragraph (1), shall be in accordance with the examples of the medical care policies of the National Health Insurance and the method thereof for calculating costs.

(2) In the event that the medical care policy and the method for calculating expenses that the medical care requires may not be in accordance with the examples prescribed in the preceding paragraph; or applying the examples is deemed to be inappropriate, the medical care policy and the method for calculating expenses that medical care requires shall be in accordance with the Minister of Health, Labour and Welfare.

(Entrustment Administrative Affairs to the Social Insurance Medical Fee Payments Fund)

Article 29-7 The Prefectural Government may entrust the administrative affairs pertaining to a review of whether the medical care that a psychiatric hospital established by the National Government, etc. or Designated Medical Institution has provided to the persons hospitalized pursuant to Article 29 Paragraph (1) and Article 29-2 Paragraph (1) complies with the medical care policy prescribed in the preceding article; pertaining to the calculation of the expenses that the medical care requires; and pertaining to payment of the medical fees to the National Government, etc. or to the establisher of a Designated Medical Institution to the Social Insurance Medical Fee Payments Fund.

(Burden of Costs)

Article 30 (1) The Prefectural Government shall bear in full the expenses of hospitalization of a person with mental disorders hospitalized by the Prefectural Governor pursuant to Article 29 Paragraph (1) and Article 29-2 Paragraph (1).

(2) In the event that the Prefectural Government has paid the expenses born pursuant to the provisions set forth in the preceding paragraph, the National Government shall, in accordance with the Cabinet Order, bear three-fourths of the cost incurred by the Prefectural Government.

(Adjustments with Medical Care Benefits Provided by Other Acts)

Article 30-2 If persons with mental disorders who receive the payment of pursuant to Paragraph (1) of the preceding article are eligible to receive medical care pursuant to the provisions of the Health Insurance Act (Act No. 70 of 1922); the National Health Insurance Act (Act No. 192 of 1958); the Mariners' Insurance Act (Act No. 73 of 1939); the Workers' Accident Compensation Insurance Act (Act No. 50 of 1947); the National Public Officers Mutual Aid association Act (Act No. 128 of 1958. Including cases which apply mutatis mutandis to other Acts or where the same rule applies); Local Public Officers, etc. Mutual Aid Association Act (Act No. 152 of 1962); the Act on the Assurance of Medical Care for Elderly People (Act No. 80 of 1982); or the Long-Term Care Insurance Act (Act No. 123 of 1997), the Prefectural Governor is not required to bear the expenses prescribed in the Paragraph (1) of the preceding article to that extent.

(Collection of Expenses)

Article 31 (1) In the event that the Prefectural Governor has found that the person with mental disorders hospitalized pursuant to Article 29 Paragraph (1) and Article 29-2 Paragraph (1) or person under duty to support of the said persons is able to bear the expenses of hospitalization, the Prefectural Governor may collect all or a part of the said expenses.

(2) In the event that the Prefectural Governor deems that the collection of the expenses set forth in the preceding paragraph is necessary, the Prefectural Governor may request the said persons with mental disorders or the person under duty to support the said persons to submit an income report or request the relevant government office to allow the necessary documents to be viewed or to submit the relevant material.

Article 32 deleted

Section 3 Hospitalization for Medical Care and Protection, Etc.

(Hospitalization for Medical Care and Protection)

Article 33 (1) The administrator of a psychiatric hospital may hospitalize the following persons without their consent if any Family Member, etc. of the said persons consents thereto.

(i) Persons determined to have a mental disorder based on the results of an examination by a Designated Physician and requiring hospitalization for medical care and protection but deemed not to be in a condition fit for hospitalization for the said mental disorders pursuant to the provisions of Article 20

(ii) Persons who have been transferred pursuant to Article 34 Paragraph (1)

(2) "Family Member, etc." in the preceding paragraph includes the spouse of the said person with mental disorders; an person exercising parental authority; a person under duty to support and guardian; or a curator. However, persons meeting any of the following items are excluded.

(i) Persons whose whereabouts are unknown

(ii) Persons who are pursuing or have pursued litigation against the said person with mental disorders or the spouse or lineal relative of the said persons

(iii) Statutory agents, curators or assistants who have been exempted by the family court

(iv) Adult wards or persons under curatorship

(v) Minors

(3) In the event that the individuals prescribed in Paragraph (1) Item (i) do not have Family Members, etc. (meaning "Family Members, etc." set forth in the preceding paragraph. Hereinafter the same shall apply) or all of Family Members, etc. are unable to express their intentions; the administrator of a psychiatric hospital may hospitalize the said persons with the consent of the Mayor of the Municipality where the said persons have their domicile (if the said person has no domicile or if the location of the domicile is unknown, the current location of the said individual applies. Hereinafter the same applies except Article 45 Paragraph (1)) without the consent of the said persons. The same applies to persons who have transferred pursuant to Article 34 Paragraph (2) if the Mayor of the Municipality where the said persons have their domicile gives his or her consent thereto.

(4) In cases pursuant to Paragraph (1) or the preceding paragraph, the administrator of a psychiatric hospital (limited to psychiatric hospitals recognized by the Prefectural Governor that they meet the criteria specified in the Ordinance of the Ministry of Health, Labour and Welfare) may, in the event of an emergency or unavoidable circumstances, have a Specified

Physician to perform an examination in place of a Designated Physician. In this case, if the persons have been found to have mental disorders and in need of hospitalization for medical care and protection but have been found not to be fit for hospitalization due to the said person with mental disorders pursuant to the provisions of Article 20, the administrator of the psychiatric hospital may hospitalize the said persons for up to 12 hours without the consent of the said persons regardless of the provisions of Paragraph (1) or the preceding paragraph.

- (5) The provisions of Article 19-4-2 shall apply, mutatis mutandis, to cases in which an examination has been performed pursuant to the preceding paragraph. In this case, "the Designated Physician" shall be replaced with "the Specified Physician prescribed in Article 21 Paragraph (4)"; and "Paragraph (1) of the preceding article" Article 33 Paragraph (4)"
- (6) In the event of taking the measures pursuant to the second sentence of Paragraph (4), the administrator of a psychiatric hospital shall without delay, and in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, record the said measures and preserve the record.
- (7) In the event of taking the measures pursuant to Paragraph (1), Paragraph (3) or the second sentence of Paragraph (4), the administrator of a psychiatric hospital shall notify the Prefectural Governor by way of the chief of the nearest public health center of the symptoms of the said persons and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare together with a consent form signed by the persons consenting to the said hospitalization within ten days of taking the said measures.

Article 33-2 In the event of discharging persons who have been hospitalized pursuant to Paragraph (1) or Paragraph (3) of the preceding article (hereinafter, the "Medical Care and Protection Inpatient"), the administrator of a psychiatric hospital shall notify the Prefectural Governor by way of the chief of the nearest public health center of the fact and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare within ten days of the date of discharge.

Article 33-3 (1) In the event of taking the measures pursuant to Article 33 Paragraph (1), Paragraph (3) or the second sentence of Paragraph (4), the administrator of a psychiatric hospital shall inform the said person with mental disorders in writing of the intention to take the said measures, matters pertaining to a request for discharge pursuant to Article 38-4 and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare. However, this shall not apply if the said implementation leads to any difficulty for the medical care and protection of the said persons within four weeks since

the Prefectural Governor has taken the said measures in light of the symptoms of the said persons.

(2) In the event that the administrator of a psychiatric hospital has not informed in writing matters prescribed in the main clause of the same paragraph in accordance with the Ordinance of the Ministry of Health Labour and Welfare, the said administrator shall record the matters specified by the Ordinance of the Ministry of Health, Labour and Welfare in a medical record.

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

Article 33-4 The administrator of the psychiatric hospital where the Medical Care and Protection Inpatients are hospitalized shall, in accordance with the Ordinance of the Ministry of Health Labour and Welfare, appoint as post-discharge life counselor a person with the qualifications of a Mental Health and Welfare Counselor or relevant qualification as specified by the Ordinance of the Ministry of Health Labour and Welfare, have the said person respond counselling and guide to the Medical Care and Protection Inpatients and their Family Members, etc. regarding the patients' living environment after discharge.

Article 33-5 The administrator of the psychiatric hospital where the Medical Care and Protection Inpatients are hospitalized shall, if requested by the said patients or their Family Members, etc. or if it is deemed necessary to facilitate the transition of Medical Care and Protection Inpatients to life in the local community, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, refer the said parties to a general consultation support service or a Specified Consultation Support Service pursuant to Article 5 Paragraph (18) of the Act for the Comprehensive Support for the Daily and Social Life of Persons with Disabilities ("Specified Consultation Support Businesses" in Article 49 Paragraph (1)), an In-home Nursing Care service provider pursuant to Article 8 Paragraph (24) of the Nursing Care Insurance Act or other local services recognized as competent to respond to requests from the persons with mental disorders or their Family Members, etc. regarding various issues pertaining to the health or welfare of the Mentally Disabled by providing information, advice, and other forms of assistance specified in the Ordinance of the Ministry of Health, Labour and Welfare.

Article 33-6 In addition to the measures prescribed in the preceding two paragraphs, the administrator of a psychiatric hospital shall, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, coordinate with local support services as needed, promote a system necessary for the

transition of Medical Care and Protection Inpatients to life in the local community following their discharge from the said psychiatric hospital, and implement other measures necessary for this purpose.

(Emergency Hospitalization)

Article 33-7 (1) The administrator of the psychiatric hospital designated by the Prefectural Governor as meeting the criteria specified by the Minister of Health, Labour and Welfare may hospitalize persons for whom medical care and protection are requested for up to 72 hours without the consent of the said persons if the case is urgent and the consent of Family Members, etc. cannot be obtained.

(i) Persons deemed to have mental disorders on the basis of an examination by a Designated Physician whose medical care and protection are likely to be strikingly affected unless they are hospitalized immediately but are found to be unfit for hospitalization pursuant to article 20 due to their mental disorders.

(ii) Persons who have been transferred pursuant to the provisions of Article 34 Paragraph (3).

(2) In the case of the preceding paragraph, an administrator of a psychiatric hospital prescribed in the same paragraph may, in an emergency or for other unavoidable reasons, have a Specified Physician perform an examination of persons for whom the medical care and protection prescribed in the same paragraph have been requested instead of a Designated Physician. In this case, if the said persons are deemed to have mental disorders on the basis of an examination by a Designated Physician and their medical care and protection are likely to be significantly affected unless they are hospitalized immediately, but the said persons are found to be unfit for hospitalization pursuant to article 20 due to their mental disorders, the hospital administrator may hospitalize the said persons for up to 12 hours without their consent notwithstanding the provisions of the same paragraph.

(3) The provisions of Article 19-4-2 shall apply, mutatis mutandis, to cases in which an examination has been performed pursuant to the provisions of the preceding paragraph. In this case, "the Designated Physician" shall be replaced with "the Specified Physician prescribed in Article 21 Paragraph (4)" and "Paragraph (1) of the preceding article" shall be replaced with "Article 33-7 Paragraph (2)"

(4) The administrator of the psychiatric hospital prescribed in Paragraph (1) shall, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, immediately record the said measures and preserve the record without delay in the event that the administrator has taken the measures pursuant to the second sentence of Paragraph (2).

- (5) The administrator of a psychiatric hospital prescribed in Paragraph (1) shall immediately notify the Prefectural Governor of the reasons for implementing the said measures and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare by way of the chief of the nearest public health center, in the event of implementing the measures pursuant to the same paragraph or the second sentence of Paragraph (2).
- (6) In the event that the psychiatric hospital designated pursuant to the provisions of Paragraph (1) is no longer found to conform to the criteria set forth in the same paragraph, the Prefectural Governor may rescind the said designation.
- (7) In the event that the Minister of Health, Labour and Welfare deems it is urgently necessary to ensure the treatment of persons hospitalized in a psychiatric hospital designated pursuant to Paragraph (1), the Minister of Health, Labour and Welfare may order the Prefectural Governor to perform the said duties falling under the authority of the Prefectural Governor prescribed in the preceding paragraph.

Article 33-8 The provisions of Article 19-9 Paragraph (2) shall apply, *mutatis mutandis*, to cases in which an administrative disposition pursuant to Paragraph (6) of the preceding article is taken; and the provisions of Article 29 Paragraph (3) shall apply, *mutatis mutandis*, to cases in which the administrator implements measures pursuant to Paragraph (1) or the second sentence of Paragraph (2) of the preceding article.

(Transfer due to the Hospitalization for Medical Care and Protection)

Article 34 (1) The Prefectural Governor may transfer to a psychiatric hospital prescribed in Article 33-7 Paragraph (1) for hospitalization pursuant to Article 33 Paragraph (1) persons who have been found on the basis of an examination to have mental disorders, whose medical care and protection are likely to be significantly affected unless they are hospitalized immediately, and who are deemed to be in a condition unfit for hospitalization pursuant to Article 20 due to the mental disorders, without the said person's consent, if any of their Family Members, etc. consent to the transfer.

- (2) In a case in which the person with mental disorders prescribed in the preceding paragraph does not have Family Members, etc. or all the Family Members, etc. of the said persons are unable to express their intentions, the Prefectural Governor may, with the consent of the Mayor of the Municipality where the persons have their domicile, transfer the said persons to a psychiatric hospital prescribed in Article 33-7 Paragraph (1) for the purpose of hospitalization prescribed in Article 33 Paragraph (3) without the consent of the said persons.

- (3) In an urgent case in which the consent of the Family Members, etc. cannot be obtained and persons have been found on the basis of an examination to have mental disorders; their medical care and protection are likely to be significantly affected unless they are hospitalized immediately; and the persons are deemed to be in a condition unfit for hospitalization pursuant to Article 20 due to the mental disorders, the Prefectural Governor may transfer the said persons to a psychiatric hospital prescribed in the same article for the purpose of hospitalization prescribed in Article 33-7 Paragraph (1) without the consent of the said persons.
- (4) The provisions of Article 19-2-2 Paragraph (2) and Paragraph (3) shall apply, mutatis mutandis, to cases of transfer pursuant to the preceding three paragraphs.

Article 35 deleted

Section 4 Treatment, etc. in a Psychiatric Hospital

(Treatment)

- Article 36 (1) The administrator of a psychiatric hospital may restrict the activities of hospitalized persons to the extent deemed necessary for the medical care and protection of the said persons.
- (2) Regardless of the provisions of the preceding paragraph, the administrator of a psychiatric hospital may not restrict correspondence, visits with employees of the Prefecture or other administrative organs or other activities specified by the Minister of Health, Labour and Welfare based on the opinions of the Social Security Council in advance.
- (3) Of the restrictions on activity prescribed in Paragraph (1), isolation and other restrictions on the activity of patients specified by the Minister of Health, Labour and Welfare based on the opinions of the Social Security Council may not be imposed without the approval of a Designated Physician.

- Article 37 (1) The Minister of Health, Labour and Welfare may, in addition to the activities prescribed in the preceding article, determine the criteria necessary for the treatment of persons hospitalized in a psychiatric hospital.
- (2) When the criteria set forth in the preceding paragraph have been specified, the administrator of a psychiatric hospital shall comply the said criteria.
- (3) When intending to specify the criteria prescribed in Paragraph (1) the Minister of Health, Labour and Welfare shall hear the opinions of the Social Security Council in advance.

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

Hospital, Etc.)

Article 37-2 In the event that the Designated Physician considers that the treatment accorded to persons hospitalized in a psychiatric hospital where he or she is employed is in violation of the provisions of Article 36; or deems their treatment is not to be in conformity with the criteria set forth in Paragraph (1) of the preceding article; or deems the treatment of the persons hospitalized in the said hospital to be egregiously inappropriate; the Designated Physician shall endeavor to be taken the measures necessary to improve the treatment of the said persons at the said psychiatric hospital by reporting the fact, etc. to the administrator of the said hospital.

(Counselling, Support, Etc.)

Article 38 The administrator of a psychiatric hospital or other facility providing medical care for mental disorders, in order to facilitate the social rehabilitation of the persons with mental disorders receiving medical care, shall endeavor to respond to requests for counselling and if necessary, provide support necessary for the said person through cooperating with general consultation support services and coordinating with Family Members, etc. or other relevant parties while fostering organic collaboration between physicians, nursing staff and other medical personnel.

(Periodic Reports, Etc.)

Article 38-2 (1) The administrator of a psychiatric hospital or Designated Medical Institution where Inpatients are hospitalized shall, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, periodically report the symptoms of the said persons and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare (hereinafter, "Report Items" in the rest of this paragraph) to the Prefectural Governor by way of the chief of the nearest public health center. In this case, the matters specified by the Ordinance of the Ministry of Health, Labour and Welfare shall be based on the results of an examination performed by a Designated Physician.

(2) The provisions of the preceding paragraph shall apply, mutatis mutandis, to the administrator of the psychiatric hospital where the Medical Care and Protection Inpatients are hospitalized. In this case, "Inpatients" shall be replaced with "Medical Care and Protection Inpatients."

(3) In accordance with the Prefectural Ordinance, the Prefectural Governor may request a report from the administrator of a psychiatric hospital (limited to persons who have received an order pursuant to Article 38-7 Paragraph (1), Paragraph (2) or Paragraph (4), the date of which has not exceeded the period specified by the Ordinance of the Ministry of Health, Labour and Welfare and other persons specified by the Ordinance of the Ministry of Health, Labour and

Welfare as being equivalent thereto) on the symptoms of Voluntary Admission Patients (limited to persons meeting the criteria specified by the Ordinance of the Ministry of Health, Labour and Welfare) at the said psychiatric hospital and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare.

(Reviews Based on Periodic Reports, etc.)

- Article 38-3 (1) In the event of receiving a report pursuant to Paragraph (1) or Paragraph (2) of the preceding article or a notification pursuant to Article 33 Paragraph (7) (limited to notifications pertaining to measures implemented pursuant to Paragraph (1) or Paragraph (3) of the same article), the Prefectural Governor shall notify the Psychiatric Review Board of the symptoms of the hospitalized persons pertaining to the said report or notification and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare and request a review to determine whether the said hospitalized persons require continued hospitalization.
- (2) The Psychiatric Review Board shall review the necessity of continued hospitalization of the persons pertaining to the review in the event of receiving a request for a review pursuant to the preceding paragraph and report its findings to the Prefectural Governor.
- (3) If deemed necessary for the performance of the review prescribed in preceding paragraph, the Psychiatric Review Board may request an opinion from the hospitalized persons pertaining to the review; have a committee member (limited to a Designated Physician. The same shall apply to Article 38-5 Paragraph (4)) perform an examination with the consent of the said persons; request a report or an opinion from the administrator of a psychiatric hospital or other relevant person; order the submission of medical record or other books and documents; or order the said persons to appear for questioning.
- (4) Based on the review of the Psychiatric Review Board notified pursuant to Paragraph (2) the Prefectural Governor shall discharge persons for whom hospitalization is no longer deemed necessary or order the administrator of the psychiatric hospital to discharge the said persons.
- (5) In addition to the matters specified in Paragraph (1), the Prefectural Governor may notify the Psychiatric Review Board of the symptoms of the hospitalized persons pertaining to the said report and matters specified by the Ordinance of the Ministry of Health, Labour and Welfare and request a review to determine whether the said persons require further hospitalization.
- (6) The provisions of Paragraph (2) and Paragraph (3) shall apply, mutatis mutandis, to cases in which the Prefectural Governor has requested a review pursuant to the preceding paragraph.

(Requests for Discharge, etc.)

Article 38-4 Persons hospitalized in a psychiatric hospital or the Family Members, etc. thereof (or the Mayor of the Municipality where the said persons have their domicile if the said hospitalized persons have no Family Members, etc. or if they are unable to express their intentions) may, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, order the Prefectural Governor or the administrator of the psychiatric hospital to discharge the said persons or request to implement necessary measures to improve the treatment thereof.

(Reviews due to Requests for Discharge)

Article 38-5 (1) In the event of receiving a request pursuant to the provisions of the preceding article, the Prefectural Governor shall notify the Psychiatric Review Board of the content of the said request and require that the review to be made as to whether the said persons require hospitalization or whether the treatment of the said persons is appropriate.

(2) In the event of receiving a request of a review pursuant to the preceding paragraph, the Psychiatric Review Board shall review to determine whether the persons relevant to the said review require hospitalization or whether the treatment thereof is appropriate and notify the Prefectural Governor of the result.

(3) When holding a review pursuant to the preceding article, the Psychiatric Review Board shall hear the opinions of the persons who have made the request pursuant to the provisions of the preceding article and of the administrator of the psychiatric hospital where the hospitalized persons relevant to the review have been committed. However, this does not apply if the Psychiatric Review Board deems it specifically unnecessary to hear the opinions of the said persons.

(4) In addition to the matters specified in the preceding paragraph, the Psychiatric Review Board may have the committee members examine the persons pertaining to the said review with their consent; request the administrator of the psychiatric hospital or relevant parties a report; order to submit medical records and books and documents; or order to appear for inquiry if it is deemed that it is necessary to do those at the time of reviewing prescribed in the preceding two paragraphs.

(5) On the basis of the result of the review by the Psychiatric Review Board which has been notified pursuant to Paragraph (2), the Prefectural Governor shall discharge persons who have deemed no longer necessary to be in hospitalized or order the administrator of the said psychiatric hospital to discharge the said persons or implement necessary measures to improve their treatment.

(6) The Prefectural Governor shall notify persons who have made the request pursuant to the preceding article of the results of the said review held by the Psychiatric Review Board and the measures implemented on the basis thereof.

(Collection of Reports, etc.)

Article 38-6 (1) The Minister of Health, Labour and Welfare or the Prefectural Governor may, if necessary, request a report to be issued by the administrator of the psychiatric hospital concerning the symptoms or treatment of persons hospitalized in the said psychiatric hospital; order to submit medical records or other books and documents; have relevant personnel or a Designated Physician enter the psychiatric hospital to examine the medical records and other books or documents (including relevant electronic or magnetic records if the said material has been prepared and preserved as an electronic or magnetic record); have the persons hospitalized at the said psychiatric hospital or other relevant personnel question; or have a Designated Physician enter the psychiatric hospital to examine the said persons.

(2) The Minister of Health, Labour and Welfare or the Prefectural Governor may, if necessary, request the administrator of a psychiatric hospital, a person currently hospitalized in the said psychiatric hospital or a person who has agreed to hospitalization pursuant to Article 33 Paragraph (1), Paragraph (3) or Paragraph (4) to report the admission procedures prescribed in this law or order to submit or present books and other documents.

(3) The provisions of Article 19-6-16 Paragraph (2) and Paragraph (3) shall apply, mutatis mutandis, to the on-site inspection, question, and examination prescribed in Paragraph (1). In this case, "preceding paragraph" in Paragraph (2) of the same article shall be replaced with "Article 38-6 Paragraph (1)" and "relevant personnel" shall be replaced with "relevant personnel and a Designated Physician" and "Paragraph (1)" in Paragraph 3 of the same article shall be replaced with Article 38-6 Paragraph (1).

(Orders for Improvement, etc.)

Article 38-7 (1) In the event that the treatment of persons currently hospitalized in a psychiatric hospital is deemed to violate the provisions of Article 36; or is not in compliance with the criteria prescribed in Article 37 Paragraph (1); or the treatment of the persons hospitalized in a psychiatric hospital is egregiously inappropriate, the Minister of Health Labour and Welfare or the Prefectural Governor may request the administrator of the said psychiatric hospital the submission of an improvement plan for ensuring treatment after showing the matters implemented the measures and the deadlines thereof, or order to change improvement plan which has submitted or order to implement the measures necessary to improve the treatment of the said persons.

- (2) The Minister of Health, Labour and Welfare or the Prefectural Governor may, if necessary, have two or more Designated Physicians examine persons who are hospitalized pursuant to Article 21 Paragraph (3) or Article 33 Paragraph (1), Paragraph (3) or Paragraph (4) or Article 33-7 Paragraph (1) or Paragraph (2); and if the findings of the Designated Physicians do not concur on the need for continued hospitalization or if the hospitalization of the persons has been performed in violation of the said articles or orders based on this law, they may order the administrator of the psychiatric hospital where the said persons are hospitalized to discharge them.
- (3) In a case in which the administrator of the psychiatric hospital has failed to comply with an order issued pursuant to the preceding two paragraphs, the Prefectural Governor may make public notice thereof.
- (4) In the event that the administrator of a psychiatric hospital does not comply with an order pursuant to the provisions of Paragraph (1) or Paragraph (2), the Minister of Health, Labour and Welfare or the Prefectural Governor may order the administrator of the said psychiatric hospital to restrict whole or a part of the provision of medical care pertaining to the hospitalization of persons with mental disorders pursuant to Article 21 Paragraph (1), Article 33 Paragraph (1), Paragraph (3), and Paragraph (4,) and Article 33-7 Paragraph (1) and Paragraph (2) for a specified period.
- (5) The Prefectural Governor shall make public notice in the event of having issued an order pursuant to the preceding paragraph.

(Measures of Persons Who Have Left without Permission)

Article 39 (1) In the event that hospitalized persons posing the threat of bodily harm to themselves or others have left the hospital without permission, and their whereabouts are unknown, the administrator of the psychiatric hospital shall notify the Chief of Police of the following matters and request a search to be made for the missing persons.

- (i) Address, name, sex, and date of birth of the person who has left
 - (ii) Date and time of the unauthorized departure
 - (iii) Description of symptoms
 - (iv) Description of the face, clothing and other matters, which would serve as reference information
 - (v) Date of hospitalization
 - (vi) Address and name of the Family Members, etc. or any other person equivalent thereto of the said person and matters specified in the Ordinance of the Ministry of Health, Labour and Welfare
- (2) In the event of the recovery of the person from whom a search order has been issued as prescribed in the preceding paragraph, the police officer shall immediately notify the administrator of the psychiatric hospital of the fact. In

this case, a police officer may hold the said person for up to 24 hours in the police station, a hospital, relief facility or appropriate place for the protection of the person with mental disorders until the said persons are taken over by the administrator of the said psychiatric hospital.

(Temporary Discharge)

Article 40 The administrator of a psychiatric hospital or a Designated Medical Institution prescribed in Article 29 Paragraph (1) may temporarily discharge inpatients for a period not exceeding six months on the basis of the results of an examination by a Designated Physician with the permission of the Prefectural Governor, if it is deemed appropriate in the light of the symptoms of the said persons to discharge the said persons temporarily to observe the progress of recovery.

Section 5 Miscellaneous Rules

(Guidelines)

Article 41 (1) The Minister of Health, Labour and Welfare shall specify the guidelines for ensuring the provision of high-quality and appropriate medical care according to the specific nature of the disability of the person with mental disorders and other aspects of the mental and physical condition of the said persons (hereinafter, "The Guidelines").

(2) The following items shall be specified by the guidelines.

(i) Items pertaining to the functional differentiation of the psychiatric hospital beds (meaning hospital beds for the hospitalization of persons with mental disorders)

(ii) Items pertaining to the provision of health and medical care services and welfare services at the domicile, etc. of the persons with mental disorders (meaning a domicile and a place specified by the Ordinance of the Ministry of Health, Labour and Welfare)

(iii) Items pertaining to coordination of physicians, nursing staff, and other medical personnel, psychiatric social workers and other persons with expert knowledge of the health and welfare of the persons with mental disorders

(iv) Other important issues relevant to ensuring the provision of high-quality and appropriate medical care to the persons with mental disorders

(3) In the event of specifying or changing the Guidelines, the Minister of Health, Labour and Welfare shall make public notice thereof without delay.

Article 42 deleted

(Relevance to Procedures Pertaining to Criminal Cases)

Article 43 (1) The provisions of this chapter do not have the aim, with regard to persons with mental disorders or individuals with suspected mental disorders, of preventing the implementation of procedures pursuant to criminal cases or the provisions of laws and regulations related to affairs of juvenile protection; or preventing the detention of the said persons in a correctional institution for the enforcement of punishment, correctional guidance or protective measures.

(2) Except for the provisions of Article 24, Article 26, and Article 27, the provisions of this chapter shall not apply to persons currently confined in a correctional institution.

(Relevance to Procedures Pertaining to Persons Who Have Committed Serious Acts of Bodily Harm against Others while Mentally Incompetent)

Article 44 (1) The provisions of this chapter do not have the aim, with regard to persons relevant to the Act for the Medical Care and Observation of Persons Who Have Committed Serious Acts of Bodily Harm against Others, of preventing the implementation of procedures or disciplinary actions prescribed in the same article or orders base on the same article.

(2) The provisions of each of the previous sections shall not apply to the order pursuant to the first sentence of Article 34 Paragraph (1) or the first sentence of Article 60 Paragraph (1) pertaining to the Act for the Medical Care and Observation of Persons Who Have Committed Serious Acts of Bodily Harm against Others; persons hospitalized pursuant to the determination prescribed in the first part of Article 37 Paragraph (5) or the first sentence of Article 62 Paragraph (2); or persons hospitalized in a Designated Medical Institution for Hospitalization pursuant to Article 42 Paragraph (1) Item (i) or Article 61 Paragraph (1) Item (i) of the same act.

Chapter VI Health and Welfare

Section 1 Mental Disability Certificate

(The Mental Disability Certificate)

Article 45 (1) Persons with mental disorders (except persons with intellectual disabilities; hereinafter the same applies to the rest of this chapter and the following chapter) may apply to the Prefectural Government in which their domicile is located (or present location in the absence of a permanent address) for the delivery of a Mental Disability Certificate with the documents specified by the Ordinance of the Ministry of Health, Labour and Welfare.

(2) In the event of recognizing that the applicants have a mental disorder specified by the Cabinet Order based on the result of the review pursuant to the application prescribed in the preceding paragraph, the Prefectural Governor shall deliver a Mental Disability Certificate to the applicants.

- (3) In the event of recognizing that that the applicants do not have a mental disorder specified by the Cabinet Order based on the result of the review pursuant to the preceding paragraph, the Prefectural Governor shall notify the applicants of the fact with the reasons therefor.
- (4) Persons who have received a Mental Disability Certificate shall, in accordance the Ordinance of the Ministry of Health Labour and Welfare, be certified every two years by the Prefectural Governor as having the mental disorders specified by Cabinet Order under Paragraph (2).
- (5) The provision of Paragraph (3) shall apply, mutatis mutandis, to the certification prescribed in the preceding paragraph.
- (6) In addition to the matters specified by the preceding items, other necessary matters relevant to the Mental Disability Certificate shall be specified by the Cabinet Order.

(Returning the Mental Disability Certificate)

- Article 45-2 (1) Persons who have received a Mental Disability Certificate shall, when they are deemed no longer to have the mental disorders specified by the Cabinet Order in Paragraph (2) of the preceding article, return the Mental Disability Certificate to the Prefectural Governor promptly.
- (2) Persons who have received a Mental Disability Certificate shall not transfer or loan the Mental Disability Certificate to any other party.
 - (3) In the event of finding that persons in receipt of a Mental Disability Certificate no longer have the mental disorders specified by the Cabinet Order under Paragraph (2) of the preceding article, the Prefectural Governor may order the said persons to return the Mental Disability Certificate.
 - (4) In the event of intending to order the return of a Mental Disability Certificate pursuant to the preceding paragraph, the Prefectural Governor shall have a Designated Physician perform an examination the said person.
 - (5) The provision of Paragraph (3) of the preceding Article shall apply, mutatis mutandis, to the certification in Paragraph (3).

Section 2 Counselling and Guidance, etc.

(Dissemination of Correct Knowledge)

Article 46 The Prefectural and Municipal Governments shall endeavor to deepen local residents' interest and understanding of the issues pertaining to the social rehabilitation of the persons with mental disorders, their personal independence, and their participation in social and economic activities through public relations activities aimed at disseminating correct knowledge about mental disorders.

(Counselling and Guidance, etc.)

Article 47 (1) A Prefectural government, a city or special ward with public health center (hereinafter, "The Prefectural Government, etc.") shall, if necessary, have a psychiatric health and welfare counselor other personnel, or physician designated by the Prefectural Governor or by the mayor of a city or a special ward with a public health center (hereinafter, "The Prefectural Governor, etc.") counsel the persons with mental disorders or their Family Members, etc. or other relevant person on matters pertaining to the mental health and the welfare of the persons with mental disorders and give them guidance.

(2) The Prefectural Government etc. shall, if necessary, introduce a medical care facility that is appropriate for the condition of the said mental disorder to the persons with mental disorders requiring medical care.

(3) Municipalities (excluding cities with a public health center. The same shall applies to the following paragraphs), in addition to providing the necessary cooperation in the duties related to persons with mental disorders performed by The Prefectural Government, etc. pursuant to the provisions of the preceding two paragraphs, shall respond, if necessary, to the requests of the persons with mental disorders or their Family Members, etc. for counselling and provide guidance relevant to the welfare of the said persons with mental disorders.

(4) In addition to the matters specified by the preceding paragraph, the Municipality shall, if necessary, endeavor to respond the requests of persons with mental disorders, their Family Members, etc. and other relevant persons for counselling and provide guidance to these persons on matters pertaining to mental health.

(5) The Municipality, Mental Health and Welfare Center, and public health center shall endeavor to work in cooperation and coordinate closely with the Welfare Office (meaning the office pertaining to social welfare as specified in the Social Welfare Act (Act No. 45 of 1951)) and other relevant administrative institutions to respond the requests of persons with mental disorders, their Family Members, etc. and other relevant persons for counselling and provide guidance to these persons on matters pertaining to the mental health and welfare of the persons with mental disorders.

(Mental Health and Welfare Counselor)

Article 48 (1) The Prefectural Government and Municipality may assign employees (hereinafter, "Mental Health and Welfare Counselors") to provide counselling on matters pertaining to the mental health and welfare of the persons with mental disorders and to provide necessary guidance at the request of persons with mental disorders, their Family Members, and other

relevant persons through visiting these persons at Mental Health and Welfare Centers, public health centers or any institutions equivalent thereto.

- (2) Mental Health and Welfare Counselor shall be appointed by the Prefectural Governor or mayor of a Municipality from among Psychiatric Social Worker or individuals possessing the qualifications specified by Cabinet Order.

(Adjustments, etc. in the Use of Services)

Article 49 (1) When receiving the request by persons with mental disorders, the Municipality shall provide counselling and advice necessary to enable the said persons with mental disorders to use the most appropriate Welfare Services for Persons with Disabilities after due consideration of the wishes of the said persons with mental disorders, the condition of their mental disorders, the nature of the guidance, training or other forms of support required for social rehabilitation, personal independence, and participation of the said persons in social and economic activities. In this case, the Municipality may delegate persons engaged in a general consultation support business or a specified consultation support business.

- (2) When receiving the request by the persons with mental disorders who have received the advice prescribed in the preceding paragraph, the Municipality shall, if necessary, see to the arrangements and adjust for the use of Welfare Services for Persons with Disabilities and request the Welfare Service for Persons with Disabilities to allow the said persons with mental disorders to use their services as needed.

- (3) With regard to the arrangements, adjustments and requests performed by the Municipalities pursuant to the provision of the preceding paragraph, the Prefectural Government shall provide cooperation on technical matters performed by public health centers and other necessary assistance to the Municipalities and make contact adjustments between the Municipalities.

- (4) Parties which implement The Welfare Service for Persons with Disabilities shall cooperate as much as possible in attending to the arrangements, adjustments and requests prescribed in Paragraph (2).

Article 50 and Article 51 deleted

Chapter VII Center for the Social Rehabilitation of the Persons with Mental Disorders

(Designation, etc.)

Article 51-2 (1) The Minister of Health, Labour and Welfare may designate as the Center for the Social Rehabilitation of the persons with mental disorders (hereinafter, "Center") with no other counterpart throughout Japan, a general

incorporated association or general incorporated foundation on the application thereof, which has the aim of facilitating the social rehabilitation of the persons with mental disorders through performing research in training and guidance aimed at the social rehabilitation of the persons with mental disorders and is deemed to be competent to perform appropriately and reliably the work pursuant to the provisions of the succeeding Article.

- (2) After making the designation pursuant to the preceding paragraph, the Minister of Health, Labour and Welfare shall make public notice of the name, address of the Center or the location of the offices of the Center.
- (3) If the Center intends to change its name, its address or the location of its offices, it shall notify the Minister of Health, Labour and welfare of its intentions to do so in advance.
- (4) In the event of receiving the notification pursuant to the provision of the preceding paragraph, the Minister of Health, Labour and Welfare shall make public notice of the matters pertaining to the said notification.

(Duties)

Article 51-3 The Center shall perform the following duties.

- (i) Perform educational activities and public relations activities contributing to the facilitation of the social rehabilitation of the persons with mental disorders
- (ii) Conduct research in the training and guidance, etc. aimed at the social rehabilitation of the persons with mental disorders based on actual cases thereof
- (iii) In addition to the matters specified by the preceding items, conduct research pertaining to the facilitation of the social rehabilitation of the persons with mental disorders
- (iv) Provide the results of the research and development pursuant to Item (ii) or the research pursuant to the preceding item periodically or in a timely manner, for the purpose of facilitating the social rehabilitation of the persons with mental disorders
- (v) With regard to the duties aimed at facilitating the social rehabilitation of the persons with mental disorders, perform training of persons who engage in the said service or intend to engage therein
- (vi) In addition to the matters specified by each of the preceding items, perform duties necessary to facilitate the social rehabilitation of the persons with mental disorders

(Cooperation with the Center)

Article 51-4 The establisher of a psychiatric hospital or other facility providing medical care for mental disorders and parties providing Welfare Services for

Persons with Disabilities may, upon the request of the Center, provide information and materials pertaining to training and guidance aimed at the facilitation of the social rehabilitation of the persons with mental disorders and other necessary information or materials specified by the Ordinance of the Ministry of Health, Labour and Welfare to the extent necessary for the Center to perform the duties prescribed in Item (ii) and Item (iii) of the preceding article.

(Regulation on the Management of Specified Information)

Article 51-5 (1) Center shall prepare the regulation for the management and use of information and materials pertaining to the duties prescribed in Article 51-3 Item (ii) and Item (iii) (referred to as "Specified Information" in this Article and Article 51-7) (the said regulation is referred to as "Regulations on the Management of Specified Information" in this Article and Article 51-7) and obtain approval therefor from the Minister of Health, Labour and Welfare. The same shall apply if the Center intends to change to the above.

(2) The Minister of Health, Labour and Welfare may order the Center to change the said Regulations on the Management of Specified Information in the event of finding that the regulations approved pursuant to the preceding paragraph are no longer appropriate for the management or use of the said Specified Information.

(3) The Ordinance of the Ministry of Health, Labour and Welfare shall specify the matters to be inscribed in the Regulations on the Management of Specified Information.

(Duty of Confidentiality)

Article 51-6 The officers or employees of the Center or persons who were formerly employed as such shall not divulge any confidential information pertaining to the processes prescribed in Article 51-3 Item (ii) or Item (iii).

(Dismissal Order)

Article 51-7 In the event that officer or employee of the Center has managed or has used the Specified Information in a manner other than that prescribed in the Regulations on the Management of Specified Information approved under Article 51-5 Paragraph (1) or has violated the provisions of the preceding article, the Minister of Health, Labour and Welfare may order the Center to dismiss the said officer or employee.

(Business Plans, etc.)

Article 51-8 (1) The Center shall prepare a business plan and cash flow budget of each fiscal year and submit to the Minister of Health, Labour and Welfare

before the start of the said business year. The same applies to any changes intended thereto.

- (2) The Center shall prepare a business plan and a balance sheet for each business year and submit to the Minister of Health, Labour and Welfare within three months after the lapse of the said business year.

(Reports and Inspections)

Article 51-9 (1) The Minister of Health, Labour and Welfare may require the Center to report of matters deemed necessary to the extent needed to ensure the appropriate performance of the duties pursuant to Article 51-3 or have relevant personnel enter the offices thereof to inspect the circumstances of work, the books, other documents or other articles.

- (2) The provisions of Article 19-6-16 Paragraph (2) and Paragraph (3) shall apply mutatis mutandis to the on-site inspection prescribed in the preceding paragraph. In this case, "preceding paragraph" in Paragraph (2) of the same article shall be replaced with "Article 51-9 Paragraph (1)" and "Paragraph (1)" in Paragraph (3) of the same article shall be replaced with "Article 51-9 Paragraph (1)."

(Supervision Order)

Article 51-10 The Minister of Health, Labour and Welfare may, to the extent necessary to implement the provisions of this chapter, issue orders necessary for supervision to the Center pertaining to the duties prescribed in Article 51-3.

(Rescission of Designation)

Article 51-11 (1) The Minister of Health, Labour and Welfare may rescind the designation pursuant to Article 51-2 Paragraph (1) in the event that the Center falls under any of the following items.

- (i) In the event that the Center is found no longer to be able to carry out the duties prescribed in Article 51-3 properly and reliably
 - (ii) In the event that the Center has committed any wrongdoing with regard to its designation
 - (iii) In the event that the Center has violated the provisions of this chapter or an order or disposition based thereon
- (2) In the event of having rescinded the designation pursuant to the preceding paragraph, the Minister of Health, Labour and Welfare shall make public notice of thereof.

Chapter VIII Miscellaneous Rulesy

(Request for a Trial)

Article 51-11-2 The Municipalities may file a request for a trial if it is deemed particularly necessary for the welfare of the persons with mental disorders pursuant to Article 7, Article 11, Article 13 Paragraph (2), Article 15 Paragraph (1), Article 17 Paragraph (1), Article 876-4 Paragraph (1) or Article 876-9 Paragraph (1) of the Civil Code (Act No. 29 of 1896).

(Recommendation of Persons who Perform the Duties of Guardianship, etc.)

Article 51-11-3 (1) The Municipalities shall endeavor to recommend persons competent to perform the duties of guardianship, etc. to the family court and implement other necessary measures to facilitate the trial pursuant to the preceding article and to promote the utilization of personnel competent to perform appropriately the duties of a guardianship, curatorship or assistant (hereinafter, "Guardianship, etc." in the rest of this article) prescribed in the Civil Code.

(2) The Prefectural Government shall endeavor to provide advice and other necessary assistance pertaining to the implementation of the measures prescribed in the preceding paragraph with the aim of cooperating with the Municipalities to utilize personnel competent to carry out appropriately the duties of a Guardianship, etc.

(Special Provisions for Large Cities)

Article 51-12 (1) The administrative duties in this Act specified by the Cabinet Order which the Prefectural Government is to perform shall be performed by a designated city pursuant to Article 252-19 Paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter, "Designated City") in accordance with the Cabinet Order. In this case, the provisions regarding the Prefectural Government prescribed in this act shall be deemed to apply thereto as provisions regarding the Designated Cities.

(2) Any persons who object to the decision of the Prefectural Governor regarding the request for a review pertaining to the procedure implemented by the mayor of a Designated City pursuant to the preceding paragraph (limited to 'Item (i) Statutory Commissioned Duties' prescribed in Article 2 Paragraph (9) Item (i) of the Local Autonomy Act (hereinafter, "Item (i) Statutory Commissioned Duties")) may file a request for re-examination to the Minister of Health, Labour and Welfare.

(3) In the event that the Mayor of a Designated City delegates the authority to perform the duties pertaining to Item (i) Statutory Commissioned Duties among the duties which the said Mayor is to perform under Paragraph (1) to the personnel of a supporting body or to the chief of an administrative institution under the management thereof, and that a decision of request for re-examination prescribed in Article 255-2 Paragraph (2) of the Local

Autonomy Act is issued for the measures performed by the personnel of the supporting body or the chief of the administrative institution based on the said delegation of authority, a person objecting to the said decision may file requests for further examination pursuant to example of the provisions of Article 252-17-4 Paragraph (5) to Paragraph (7) to the Minister of Health, Labour and Welfare.

(Classification of Affairs)

- Article 51-13 (1) The duties which the Prefectural Governor is to perform pursuant to this act (excluding Chapter 1 to Chapter 3, Article 19-2 Paragraph (4) Article 19-7, Article 19-8, Article 19-9 Paragraph (1); Paragraph (2) of the same article (including cases to which it is applied, mutatis mutandis, pursuant to Article 33-8), Article 19-11, Article 29-7, Article 30 Paragraph (1) and Article 31, Article 33-7 Paragraph (1) and Paragraph (6), Chapter 6 and Article 51-11-3 Paragraph (2)) shall be included in the Item (i) Statutory Commissioned Duties.
- (2) The duties which a city or a special ward with a public health center is to perform pursuant to the provisions of this act (excluding Chapter 6 Section 2) shall be included in Item in the Statutory Commissioned Duties.
- (3) The duties which a city is to perform pursuant to Article 33 Paragraph (3) and Article 34 Paragraph (2) shall be included in the Item (i) Statutory Commissioned Duties.

(Delegation of Authority)

- Article 51-14 (1) The authority vested in the Minister of Health Labour and Welfare pursuant to this act may, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, be delegated to the Director of the Regional Bureau of Health, Labour and Welfare.
- (2) The authority delegated to the Director of the Regional Bureau of the Ministry of Health, Labour and Welfare may, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, be delegated to the Director of each Regional Branch Bureau of the Ministry of Health, Labour and Welfare.

(Transitional Measures)

- Article 51-15 In cases in which an order is established or revised on the basis of the provisions of this act, the required transitional measures (including transitional measures pertaining to penalties) may be specified to the extent deemed reasonably necessary for the said establishment or revision.

Chapter IX Penal Provisions

Article 52 Persons falling under any of the following items shall be punished with imprisonment with work of not exceeding three years or a fine not exceeding one million yen.

- (i) Persons in violation of an order pursuant to the provisions of Article 38-4 Paragraph (4)
- (ii) Persons in violation of a discharge order pursuant to Article 38-5 Paragraph (5)
- (iii) Persons in violation of an order pursuant to the provisions of Article 38-7 Paragraph (2)
- (iv) Persons in violation of an order pursuant to the provisions of Article 38-7 Paragraph (4)

Article 53 (1) If the administrator of a psychiatric hospital, Designated Physician, committee member of a Local Mental Health and Welfare Council, committee member of a Psychiatric Review Board, Specified Physician who has performed an examination pursuant to Article 21 Paragraph (4), Article 33 Paragraph (4) or Article 33-7 Paragraph (2), a physician designated by the Prefectural Governor, etc. pursuant to Article 47 Paragraph (1) or any person who was formerly employed in the aforementioned capacities divulges confidential information about an individual which has come into his or her possession during the discharge of professional duties without just cause shall be punished with imprisonment with work of not exceeding one year or a fine not exceeding one million yen.

(2) If a personnel of a psychiatric hospital or any person who was formerly employed in the said capacity divulges confidential information without just cause about any individual which has come into his or her possession while assisting the performance of the professional duties by the administrator of the psychiatric hospital pursuant to the provisions of this act, the said person shall be punished as well as the preceding paragraph.

Article 53-2 Persons in violation of Article 51-6 shall be punished with imprisonment with work of not exceeding one year or a fine not exceeding one million yen.

Article 54 Persons falling under any of the following items shall be punished with imprisonment with work of not exceeding six months or a fine not exceeding five hundred thousand.

- (i) Persons in violation of a suspension order pursuant to Article 19-6-13
- (ii) Persons who have applied pursuant to Article 22 Paragraph (1) using false information

Article 55 Persons falling under any of the following items shall be punished with a fine not exceeding three hundred thousand.

- (i) Persons who have failed to file a report pursuant to Article 19-6-16 Paragraph (1), or file a false report, or refuses, hinder or avoid an inspection pursuant to the same paragraph
- (ii) Persons who have refused, hindered or avoided an examination pursuant to Article 27 Paragraph (1) or Paragraph (2) or persons who have refused or hindered the entry prescribed in Paragraph (4) of the same article
- (iii) Persons who have refused, hindered or avoided an examination prescribed in Article 29-2 Paragraph (1) or persons who have refused or hindered the entry pursuant to Article 27 Paragraph (4) as applied, mutatis mutandis, to the provisions of Article 29-2 Paragraph (4)
- (iv) Persons who have failed to file a report or submit pursuant to Article 38-3 Paragraph (3) (including cases to which, mutatis mutandis, the provisions of Paragraph (6) of the said article apply. Hereinafter the same applies to the rest of this item); or have filed a false report and have hindered the examination pursuant to Paragraph (3) of the same article; or do not appear pursuant to the same paragraph or have failed to answer questions during a hearing without just cause; or have given false responses to the questions
- (v) Persons who have failed to file a report or submit pursuant to Article 38-5 Paragraph (4); or have filed a false report and hinder an examination; or have failed to appear pursuant to the same paragraph, or have failed to answer questions during a hearing without just cause or have given a false response to the questions
- (vi) Persons who have failed to file a report or submit or present prescribed in Article 38-6 Paragraph (1); or have filed a false report or have refused, have hindered or have avoided an inspection or examination prescribed in the same paragraph; have failed to answer questions pursuant to the same paragraph during a hearing without just cause; or have given a false response to the questions
- (vii) Administrators of a psychiatric hospital who have failed to file a report or submit or present prescribed in Article 38-6 Paragraph (2) or have filed a false report
- (viii) Persons who have failed to file a report pursuant to Article 51-9 Paragraph (1); have filed a false report; or have refused, have hindered or have avoided an inspection or examination in the same paragraph

Article 56 In the event that a representative of a cooperation or an agent of a cooperation or a person, employee or other worker of a cooperation has violated an infraction with respect to the duties of the cooperation or the person thereof prescribed in Article 52, Article 54 Item (i) or the preceding article, the

offender shall be punished and the cooperation shall be punished with a fine prescribed in any of the said articles.

Article 57 Persons falling under any of the following items shall be punished with a civil fine not exceeding one hundred thousand yen.

- (i) Persons who have been in violation of the provisions pursuant to Article 19-4-2 (including cases applying, *mutatis mutandis*, to the provisions of Article 21 Paragraph (5), Article 33 Paragraph (5), and Article 33-7 Paragraph (3))
- (ii) Persons who have failed to make a notification or makes a false notification prescribed in Article 19-6-9
- (iii) Persons who have failed to prepare financial statements, etc., have failed to disclose the matters requiring disclosure, disclose false information or refuse a request pursuant to the items of Paragraph (2) of the same article without just cause
- (iv) Persons who have failed to disclose the matters prescribed in Article 19-6-14 in violation of the provisions of the same article, make a false disclosure or have not preserved the books
- (v) Persons in violation of the provisions of Article 21 Paragraph (7)
- (vi) Persons who fail to file a report pursuant to Article 31 Paragraph (2) or file a false report
- (vii) Persons in violation of the provisions of Article 33 Paragraph (7)
- (viii) Persons in violation of the provisions of Article 33-7 Paragraph (5)
- (ix) Persons who have been in violation of the provisions of Paragraph (1) of the same article as applied, *mutatis mutandis*, to Article 38-2 Paragraph (1) or Paragraph (2) of the same article

Supplementary Provisions

(Date of Enactment)

- (1) This act shall be enacted on the date of promulgation.

(Repeal of Act on the Custody of the Mentally Disabled and Act on the Mental Hospitals)

- (2) Act on the Custody of the Mentally Disabled (Act No. 38 of 1900) and Act on the Mental Hospitals (Act No. 25 of 1919) are hereby abolished. However, Penalties for acts committed prior to the enactment of this act shall be as prescribed in the provisions then in force.

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

(Date of Enactment)

Article 1 This act shall come into force on April 1, 2014. However, the provisions prescribed in each of the following items shall come into force on the date specified for each of the said items.

- (i) The provisions of Article 7 of the Supplementary Provisions: date of promulgation
- (ii) The provisions of Article 16 of the Supplementary Provisions: date of promulgation of the Act for the Partial Revision of the Penal Code (Act No. 49 of 2013) or the date of the enactment of this act, whichever is later
- (iii) Revised provisions of Article 13 Paragraph (1) and Article 14 Paragraph (2): April 1, 2016

(Transitional Measures)

Article 2 (1) In the event that persons hospitalized in a psychiatric hospital pursuant to the "Act for the Mental Health and Welfare of Mentally Disabled Persons" (hereinafter, "The Old Act") at the time of the enforcement of this act and prior to its revision who did not have a Guardian prescribed in Article 20 Paragraph (2) and the items thereof under The Old Act on a date preceding the enactment of Article 33 Paragraph (1) (hereafter, "Enactment Date") of the revised Act for the Mental Health and Welfare of Mentally Disabled Persons (hereinafter, "The New Act") or the Guardians of the said persons are incompetent to perform their duties, the said persons shall be considered to be hospitalized pursuant to Article 33 Paragraph (3) of The New Act.

(2) Persons who are hospitalized pursuant to Article 33-2 Paragraph (2) of The Old Act on the date of enactment of this act shall be considered to be hospitalized under Article 33 Paragraph (1) of The New Act.

Article 3 Persons who are hospitalized pursuant to Article 33-4 Paragraph (2) of The Old Act on the date of enactment of this act shall be considered to be hospitalized under Article 33 Paragraph (1) of The New Act.

Article 4 Requests made by Family Members, etc. of persons hospitalized in a psychiatric hospital who were acting as the Guardians of the said hospitalized persons pursuant to Article 38-4 of The Old Act at the time of the enactment of this act shall be deemed to have been made by the Mayor of the Municipality (including the Mayor of Special Wards. The same applies to what follows) in whose jurisdiction the domicile of the said Guardians is located (if they do not have a domicile or the location thereof is unclear, their current location shall apply).

Article 5 With regard to the cost of Medical Care and Protection for Mentally Disabled Persons which was provided pursuant to Article 42 of The Old Act

prior to the enactment of this act, the provisions then in force shall apply.

(Transitional Measures concerning the Penal Provisions)

Article 6 Penalties for acts committed prior to the enactment of this act shall be as prescribed in the provisions then in force.

(Delegation of Cabinet Ordinance)

Article 7 In addition to the matters specified under the provisions of Article 2 to the preceding article, inclusive, Article 11, Article 12, Article 14, and Article 15, the transitional measures necessary for the enactment of this act shall be specified by Cabinet Order.

(Considerations)

Article 8 Approximately three years after the enactment of this act, the National Government shall consider the situation pertaining to the enforcement of the New Act as well as changes in the environment surrounding the welfare of the Mentally Disabled; the current state of procedures for medical transfers and hospitalization for Medical Care and Protection; the current state of the measures for facilitating the transition to life in the local community after the discharge of persons hospitalized for Medical Care and Protection; treatment during hospitalization in a psychiatric hospital; and the current state of assistance rendered to the said Mentally Disabled to express their will regarding their hospital discharge, and take the necessary measures based upon these considerations.

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

Subject	Instructor	Instruction hours prescribed in Article 18 Paragraph (1)	Instruction hours prescribed in Article 19 Paragraph (1)
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<p>Act for the Mental Health and Welfare of Disabled Persons; Act for the Comprehensive Support for the Daily and Social Life of Disabled Persons; outline of the administration of mental health and welfare policy</p>	<p>Persons having academic knowledge and experience pertaining to this act, the Act for the Comprehensive Support for the Daily and Social Life of Disabled Persons and the administration of mental health and welfare policy</p>	<p>8 hours</p>	<p>3 hours</p>
<p>Cabinet order and practices concerning the medical care of the Mentally Disabled</p>	<p>Persons having academic knowledge and experience pertaining to the medical care of the Mentally Disabled and an appointment as a member of a Psychiatric Review Board, a former member thereof or persons with equivalent credentials</p>		
<p>Cabinet Ordinances pertaining to the human rights of the Mentally Disabled</p>	<p>Persons with academic knowledge and experience of law and an appointment as a member of a Psychiatric Review Board, a former member thereof or persons with equivalent credentials</p>		

Psychiatry	Professors or associate professors of psychiatry at a university prescribed in the School Education Act (Act No. 26 of 1947), persons who were formerly such or persons with equivalent credentials	4 hours	
Social rehabilitation and welfare of the Mentally Disabled	Persons with academic knowledge and experience of the social rehabilitation and welfare of the Mentally Disabled	2 hours	1 hour
Case studies of the medical care of the Mentally Disabled	The following persons shall instruct this subject jointly: (i) A person with ten years or more experience as a designated physician diagnosing and treating mental disorders; (ii) A person with academic knowledge and experience of law and an appointment as a member of a Psychiatric Review Board, a former member thereof or a person with equivalent credentials; (iii) A person with academic knowledge and experience of this act and the administrative practices relevant to mental health and welfare policy	4 hours	3 hours
Note: The instruction concerning cases of medical care of the Mentally Disabled are to use the most recent cases available.			

