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障害者自立支援法（平成十七年法律第百二十三号）

Services and Supports for Persons with Disabilities Act (Act No. 123 of 2005)

第一章 総則

Chapter I General Provisions

第一条（目的）

Article 1 (Purpose)

この法律は、障害者基本法(昭和四十五年法律第八十四号)の基本的理念にのっとり、身体障害者福祉法(昭和二十四年法律第二百八十三号)、知的障害者福祉法(昭和三十五年法律第三十七号)、精神保健及び精神障害者福祉に関する法律(昭和二十五年法律第二百二十三号)、児童福祉法(昭和二十二年法律第六十四号)その他障害者及び障害児の福祉に関する法律と相まって、障害者及び障害児がその有する能力及び適性に応じ、自立した日常生活又は社会生活を営むことができるよう、必要な障害福祉サービスに係る給付その他の支援を行い、もって障害者及び障害児の福祉の増進を図るとともに、障害の有無にかかわらず国民が相互に人格と個性を尊重し安心して暮らすことのできる地域社会の実現に寄与することを目的とする。

The purpose of this Act is to improve the welfare of persons (adults) and children with disabilities through the provision of benefits for necessary disability welfare services and provision of other forms of support to enable persons (adults) and children with disabilities to live independent daily or social lives according to their respective abilities and aptitudes, as well as to help bring about the realization of local communities in which citizens can live peacefully and securely with respect for each other's personality and character, regardless of disabilities, according to the basic principles of the Basic Act for Persons with Disabilities (Act No. 84 of 1970),

combined with the Act for the welfare of Persons with Physical Disabilities (Act No. 283 of 1949), the Act for the welfare of persons with intellectual disabilities (Act No. 37 of 1960), the Act for the Mental Health and Welfare of the Persons with Mental Disorders (Act No. 123 of 1950), the Child Welfare Act (Act No. 164 of 1947), and other Acts pertaining to the welfare of persons (adults) and children with disabilities.

第二条 (市町村等の責務)

Article 2 (Responsibilities of Municipalities)

1 市町村(特別区を含む。以下同じ。)は、この法律の実施に関し、次に掲げる責務を有する。

(1) Municipalities (including special wards; the same shall apply hereinafter) have the following responsibilities in enforcing this Act.

一 障害者が自ら選択した場所に居住し、又は障害者若しくは障害児(以下「障害者等」という。)がその有する能力及び適性に応じ、自立した日常生活又は社会生活を営むことができるよう、当該市町村の区域における障害者等の生活の実態を把握した上で、公共職業安定所その他の職業リハビリテーション(障害者の雇用の促進等に関する法律(昭和三十五年法律第百二十三号)第二条第七号に規定する職業リハビリテーションをいう。第四十二条第一項において同じ。)の措置を実施する機関、教育機関その他の関係機関との緊密な連携を図りつつ、必要な自立支援給付及び地域生活支援事業を総合的かつ計画的に行うこと。

(i) Municipalities shall provide necessary Payment for Services and Supports for Persons with Disabilities and community life support service comprehensively and systematically as trying to build close coordination with institutes like public employment security offices and other institutes which conduct actions for other vocational rehabilitations (means vocational rehabilitations prescribed in item 7 of Article 2 of Act for Employment Promotion etc. of Persons with disabilities (Act No. 123 of 1960); same as in paragraph 1 of Article 42 hereof), educational institutes, and other institutes concerned, understanding actual life conditions of persons (adults) and children with disabilities or others within the area of such municipality, so that the persons with disabilities can live in the place which they chose for themselves, or persons (adults) and children with disabilities (hereinafter referred to as “persons with disabilities, or others”) can live independent daily or social life according to their respective abilities and aptitudes.

二 障害者等の福祉に関し、必要な情報の提供を行い、並びに相談に応じ、必要な調査及び指導を行い、並びにこれらに付随する業務を行うこと。

(ii) Municipalities shall provide necessary information; provide consultation and conduct researches and offer guidance; and practice the service associated therewith, concerning the welfare for persons with disabilities, or others.

三 意思疎通について支援が必要な障害者等が障害福祉サービスを円滑に利用するこ

とができるよう必要な便宜を供与すること、障害者等に対する虐待の防止及びその早期発見のために関係機関と連絡調整を行うことその他障害者等の権利の擁護のために必要な援助を行うこと。

(iii) Municipalities shall afford benefit so that persons with disabilities, or others who needs support to communicate can utilize the welfare service for themselves smoothly; correspond and coordinate with institutes concerned so as to prevent abuse to persons with disabilities or others and recognize such abuse at an early stage; and provide other necessary assistance to advocate rights of persons with disabilities, or others.

2 都道府県は、この法律の実施に関し、次に掲げる責務を有する。

(2) Prefectures have the following responsibilities in enforcing this Act.

一 市町村が行う自立支援給付及び地域生活支援事業が適正かつ円滑に行われるよう、市町村に対する必要な助言、情報の提供その他の援助を行うこと。

(i) Prefectures shall provide advice, information, and other assistance necessary for municipalities so that such municipalities can conduct Payment for Services and Supports for Persons with Disabilities and community life support service appropriately and smoothly.

二 市町村と連携を図りつつ、必要な自立支援医療費の支給及び地域生活支援事業を総合的に行うこと。

(ii) Prefectures shall comprehensively provide necessary medical expenses for services and supports for persons with disabilities and community life support service as trying to build coordination with municipalities.

三 障害者等に関する相談及び指導のうち、専門的な知識及び技術を必要とするものを行うこと。

(iii) Prefectures shall provide the consultation and guidance which need professional knowledge and skills among consultation and guidance for persons with disabilities, or others.

四 市町村と協力して障害者等の権利の擁護のために必要な援助を行うとともに、市町村が行う障害者等の権利の擁護のために必要な援助が適正かつ円滑に行われるよう、市町村に対する必要な助言、情報の提供その他の援助を行うこと。

(iv) Prefectures shall provide necessary assistance to advocate rights of persons with disabilities, or others in cooperation with its municipalities as well as provide advice, information, and other assistance necessary for its municipalities so that such municipalities can properly and smoothly provide support necessary for protecting the rights of persons with disabilities, or others.

3 国は、市町村及び都道府県が行う自立支援給付、地域生活支援事業その他この法律に基づく業務が適正かつ円滑に行われるよう、市町村及び都道府県に対する必要な助言、情報の提供その他の援助を行わなければならない。

(3) The State shall provide municipalities and prefectures with advice, information, and other necessary assistance so that municipalities and prefectures can conduct

Payment for Services and Supports for Persons with Disabilities, community life support service, and other service based on this Act appropriately and smoothly.

第三条 (国民の責務)

Article 3 (Responsibilities of Citizens)

すべての国民は、その障害の有無にかかわらず、障害者等がその有する能力及び適性に応じ、自立した日常生活又は社会生活を営めるような地域社会の実現に協力するよう努めなければならない。

All citizens, regardless disabilities, shall endeavor to cooperate for achievement of local communities where persons with disabilities, or others live independent daily and social life according to their respective abilities and aptitudes.

第四条 (定義)

Article 4 (Definitions)

- 1 この法律において「障害者」とは、身体障害者福祉法第四条に規定する身体障害者、知的障害者福祉法にいう知的障害者のうち十八歳以上である者及び精神保健及び精神障害者福祉に関する法律第五条に規定する精神障害者(知的障害者福祉法にいう知的障害者を除く。以下「精神障害者」という。)のうち十八歳以上である者をいう。
 - (1) The term "persons with disabilities" as used in this Act means the persons with physical disabilities prescribed in Article 4 of Act for the welfare of Persons with Physical Disabilities, the persons aged 18 and over among persons with intellectual disabilities prescribed in Act for the welfare of persons with intellectual disabilities, and persons aged 18 and over among persons with mental disorders prescribed in Article 5 of Act for the Mental Health and Welfare of the Persons with Mental Disorders (except the persons with intellectual disabilities prescribed in Act for the welfare of persons with intellectual disabilities; hereinafter referred to as "persons with mental disorders").
- 2 この法律において「障害児」とは、児童福祉法第四条第二項に規定する障害児及び精神障害者のうち十八歳未満である者をいう。
 - (2) The term "children with disabilities" as used in this Act means children with disabilities and who are prescribed in paragraph 2 of Article 4 of the Child Welfare Act, and children with mental disorders who are below the age of 18.
- 3 この法律において「保護者」とは、児童福祉法第六条に規定する保護者をいう。
 - (3) The term "guardians" as used in this Act means the guardians prescribed in Article 6 of Child Welfare Act.
- 4 この法律において「障害程度区分」とは、障害者等に対する障害福祉サービスの必要性を明らかにするため当該障害者等の心身の状態を総合的に示すものとして厚生労働省令で定める区分をいう。
 - (4) The term "classification of disability levels" as used in this Act means the classification specified in Ordinance of the Ministry of Health, Labour and Welfare

as the indicators to show physical and mental status of persons with disabilities, or others so as to clarify necessities of welfare service for such persons with disabilities, or others.

第五条

Article 5

1 この法律において「障害福祉サービス」とは、居宅介護、重度訪問介護、行動援護、療養介護、生活介護、児童デイサービス、短期入所、重度障害者等包括支援、共同生活介護、施設入所支援、自立訓練、就労移行支援、就労継続支援及び共同生活援助をいい、「障害福祉サービス事業」とは、障害福祉サービス(障害者支援施設、独立行政法人国立重度知的障害者総合施設のぞみの園法(平成十四年法律第百六十七号)第十一条第一号の規定により独立行政法人国立重度知的障害者総合施設のぞみの園が設置する施設(以下「のぞみの園」という。)その他厚生労働省令で定める施設において行われる施設障害福祉サービス(施設入所支援及び厚生労働省令で定める障害福祉サービスをいう。以下同じ。)を除く。)を行う事業をいう。

(1) The term "welfare service for persons with disabilities" as used in this Act means home help service, visiting care for persons with severe disabilities, activity support, medical care, care for daily life, day service for children, short-stay service, comprehensive support for persons with severe disabilities, group home with care, support for persons in residential care, rehabilitation service, transition support for employment, support for continuous employment, and group home with aid; the term "welfare service business for persons with disabilities" as used in this Act means business which conduct welfare service for persons with disabilities (except in-facility welfare service for persons with disabilities conducted in support facilities for persons with disabilities, the facilities established by the Incorporated Administrative Agency National Center for Persons with Severe Intellectual Disabilities, "Nozominosono", pursuant to the provision of item 1 of Article 11 of the Act for the Incorporated Administrative Agency National Center for Persons with Severe Intellectual Disabilities, "Nozominosono" (hereinafter referred to as "Nozominosono"), and the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare).

2 この法律において「居宅介護」とは、障害者等につき、居宅において入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜を供与することをいう。

(2) The term "home help service" as used in this Act means to afford the benefits for persons with disabilities, or others with care in their residences to support meals, bath, elimination and other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

3 この法律において「重度訪問介護」とは、重度の肢体不自由者であって常時介護を要する障害者につき、居宅における入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜及び外出時における移動中の介護を総合的に供与することをいう。

- (3) The term "visiting care for persons with severe disabilities" as used in this Act means to afford the benefits comprehensively for persons with severe physical disabilities, who need nursing care continuously with care in their residences, to support meals, bath, elimination and the other benefits prescribed in Ordinance of the Ministry of Health, Labour and Welfare, and nursing care during transportation when they go out.
- 4 この法律において「行動援護」とは、知的障害又は精神障害により行動上著しい困難を有する障害者等であつて常時介護を要するものにつき、当該障害者等が行動する際に生じ得る危険を回避するために必要な援護、外出時における移動中の介護その他の厚生労働省令で定める便宜を供与することをいう。
- (4) The term "activity support" as used in this Act means to provide persons with disabilities, or others who have severe difficulties in their actions due to their intellectual disabilities or mental disorders and who need nursing care continuously with necessary aid for avoiding danger which could occur when such persons conduct by themselves, care during transportation when they go out, and other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- 5 この法律において「療養介護」とは、医療を要する障害者であつて常時介護を要するものとして厚生労働省令で定めるものにつき、主として昼間において、病院その他の厚生労働省令で定める施設において行われる機能訓練、療養上の管理、看護、医学的管理の下における介護及び日常生活上の世話の供与をいい、「療養介護医療」とは、療養介護のうち医療に係るものをいう。
- (5) The term "medical care" as used in this Act means to provide persons with disabilities who need medical care and who are ones prescribed as the persons who need nursing care continuously in Ordinance of the Ministry of Health, Labour and Welfare with functional training, care management, nursing care, care under medical management, and daily care which are conducted in hospitals and the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the daytime. The term "medical care treatment" as used in this Act means those pertaining to medical care among the care treatment.
- 6 この法律において「生活介護」とは、常時介護を要する障害者として厚生労働省令で定める者につき、主として昼間において、障害者支援施設その他の厚生労働省令で定める施設において行われる入浴、排せつ又は食事の介護、創作的活動又は生産活動の機会の提供その他の厚生労働省令で定める便宜を供与することをいう。
- (6) The term "care for daily life" as used in this Act means to provide persons with disabilities who are prescribed as the persons with disabilities who need nursing care continuously in Ordinance of the Ministry of Health, Labour and Welfare with care for bath, elimination or meals, opportunities for creative or productive activities, and other benefit prescribed in Ordinance of the Ministry Health, Labour and Welfare, which are conducted in support facilities for persons with

disabilities or the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the daytime.

7 この法律において「児童デイサービス」とは、障害児につき、児童福祉法第四十三条の三に規定する肢体不自由児施設その他の厚生労働省令で定める施設に通わせ、日常生活における基本的な動作の指導、集団生活への適応訓練その他の厚生労働省令で定める便宜を供与することをいう。

(7) The term "day service for children" as used in this Act means to have children with disabilities go to the facilities for children with physical disabilities which are prescribed in Article 43-3 of Child Welfare Act or the other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare to provide them with instruction about basic actions in daily life, adaptive trainings to group living, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

8 この法律において「短期入所」とは、居宅においてその介護を行う者の疾病その他の理由により、障害者支援施設その他の厚生労働省令で定める施設への短期間の入所を必要とする障害者等につき、当該施設に短期間の入所をさせ、入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜を供与することをいう。

(8) The term "short-stay service" as used in this Act means to have the persons with disabilities, or others who need short-time placement in support facilities for persons with disabilities or the other facilities prescribed Ordinance of the Ministry of Health, Labour and Welfare due to sickness of their caretakers who conduct nursing care at their home or other reasons to enter such facilities for short time to provide care for bath, elimination, or meal, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

9 この法律において「重度障害者等包括支援」とは、常時介護を要する障害者等であって、その介護の必要の程度が著しく高いものとして厚生労働省令で定めるものにつき、居宅介護その他の厚生労働省令で定める障害福祉サービスを包括的に提供することをいう。

(9) The term "comprehensive support for persons with severe disabilities" as used in this Act means to provide comprehensively persons with disabilities, or others who need nursing care continuously and who are prescribed as the persons whose degrees of necessity for nursing care are very high in Ordinance of the Ministry of Health, Labour and Welfare with "home help service" and the other welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

10 この法律において「共同生活介護」とは、障害者につき、主として夜間において、共同生活を営むべき住居において入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜を供与することをいう。

(10) The term "group home with care" as used in this Act means to provide the persons with disabilities with care for bath, elimination, or meal, and the other

benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the night at residences where they are to live communally.

1 1 この法律において「施設入所支援」とは、その施設に入所する障害者につき、主として夜間において、入浴、排せつ又は食事の介護その他の厚生労働省令で定める便宜を供与することをいう。

(11) The term "support for residential care" as used in this Act means to provide persons with disabilities entered placement in communal residences with care for bath, elimination, or meal, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare mainly in the night.

1 2 この法律において「障害者支援施設」とは、障害者につき、施設入所支援を行うとともに、施設入所支援以外の施設障害福祉サービスを行う施設(のぞみの園及び第一項の厚生労働省令で定める施設を除く。)をいう。

(12) The term "support facilities for persons with disabilities" as used in this Act means the facilities which provide persons with disabilities with support for residential care as well as in-facility welfare service other than the support for residential care (except Nozominosono and the facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare in paragraph 1 of this Article).

1 3 この法律において「自立訓練」とは、障害者につき、自立した日常生活又は社会生活を営むことができるよう、厚生労働省令で定める期間にわたり、身体機能又は生活能力の向上のために必要な訓練その他の厚生労働省令で定める便宜を供与することをいう。

(13) The term "rehabilitation service" as used in this Act means to provide persons with disabilities with trainings for improving physical function or social abilities, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare during the term prescribed in Ordinance of the Ministry of Health, Labour and Welfare so that they can live independent daily and social life.

1 4 この法律において「就労移行支援」とは、就労を希望する障害者につき、厚生労働省令で定める期間にわたり、生産活動その他の活動の機会の提供を通じて、就労に必要な知識及び能力の向上のために必要な訓練その他の厚生労働省令で定める便宜を供与することをいう。

(14) The term "transition support for employment" as used in this Act means to provide persons with disabilities who desire to work with necessary trainings for improving knowledge and skills needed for them to enter the work-force, and the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare, through offering opportunities for productive and other activities during the term prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

1 5 この法律において「就労継続支援」とは、通常の事業所に雇用されることが困難な障害者につき、就労の機会を提供するとともに、生産活動その他の活動の機会の提供を通じて、その知識及び能力の向上のために必要な訓練その他の厚生労働省令で定める便宜を供与することをいう。

(15) The term "support for continuous employment" as used in this Act means to provide persons with disabilities who have difficulties to be employed by ordinary places of business with opportunities for employment as well as necessary trainings for improving their necessary knowledge and skills to enter the work-force, and other benefit prescribed in Ordinances of the Ministry of Health, Labour and Welfare, through offering opportunities for productive and other activities.

16 この法律において「共同生活援助」とは、地域において共同生活を営むのに支障のない障害者につき、主として夜間において、共同生活を営むべき住居において相談その他の日常生活上の援助を行うことをいう。

(16) The term "group home with aid" as used in this Act means to provide persons with disabilities who have no trouble leading communal lives in their communities with consultation and other aid in their daily lives at residences where they are to live communally, primarily during the night.

17 この法律において「相談支援」とは、次に掲げる便宜の供与のすべてを行うことをいい、「相談支援事業」とは、相談支援を行う事業をいう。

(17) The term "consultation support" as used in this Act means to provide all the following benefit; and the term "consultation support business" as used in this Act means the business which conduct consultation support.

一 地域の障害者等の福祉に関する各般の問題につき、障害者等、障害児の保護者又は障害者等の介護を行う者からの相談に応じ、必要な情報の提供及び助言を行い、併せてこれらの者と市町村及び第二十九条第二項に規定する指定障害福祉サービス事業者等との連絡調整その他の厚生労働省令で定める便宜を総合的に供与すること。

(i) To provide consultation to persons with disabilities, or others, guardians of children with disabilities, or caretakers of persons with disabilities, or others; to offer necessary information and advice; and as well as to provide communication and coordination among such persons, municipalities and the designated welfare service business operators for persons with disabilities prescribed in paragraph 2 of Article 29, and afford the other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare comprehensively, for various problems concerning the welfare of persons with disabilities, or others in communities.

二 第十九条第一項の規定により同項に規定する支給決定を受けた障害者又は障害児の保護者(以下「支給決定障害者等」という。)が障害福祉サービスを適切に利用することができるよう、当該支給決定障害者等の依頼を受けて、当該支給決定に係る障害者等の心身の状況、その置かれている環境、障害福祉サービスの利用に関する意向その他の事情を勘案し、利用する障害福祉サービスの種類及び内容、これを担当する者その他の厚生労働省令で定める事項を定めた計画(以下この号において「サービス利用計画」という。)を作成するとともに、当該サービス利用計画に基づく障害福祉サービスの提供が確保されるよう、第二十九条第二項に規定する指定障害福祉サービス事業者等その他の者との連絡調整その他の便宜を供与すること。

(ii) To create programs for persons with disabilities or guardians of children with disabilities given grant decision as described in paragraph 1 of Article 19 (hereinafter referred to as "persons with disabilities, or others given grant decision"), which stipulate the types of disability welfare services used, the contents of those services, the persons in charge thereof, and other matters prescribed in the ordinances of the Ministry of Health, Labour and Welfare (referred to as "service utilization programs" below in this item), and which are created in response to requests from the persons with disabilities, or others given grant decision, and with consideration of their physical and mental status, their environment, their interest with respect to utilizing welfare services, and other factors so that they can use the welfare services appropriately; and also to conduct liaisons and coordination with the designated welfare service business operators for persons with disabilities specified in paragraph 2 of Article 29, and other parties or persons, and provide other conveniences to help ensure that the disability welfare services based on such service utilization programs are provided.

18 この法律において「自立支援医療」とは、障害者等につき、その心身の障害の状態の軽減を図り、自立した日常生活又は社会生活を営むために必要な医療であつて政令で定めるものをいう。

(18) The term "medical payment for services and supports for persons with disabilities" as used in this Act means necessary medical service for persons with disabilities, or others to ease their conditions of physical disabilities or mental disorders and to help them to live independent daily or social life, which is prescribed in the Cabinet Order.

19 この法律において「補装具」とは、障害者等の身体機能を補完し、又は代替し、かつ、長期間にわたり継続して使用されるものその他の厚生労働省令で定める基準に該当するものとして、義肢、装具、車いすその他の厚生労働大臣が定めるものをいう。

(19) The term "prosthetic devices" as used in this Act mean artificial limbs, braces, wheel chairs, and other which are specified by the Minister of Health, Labour and Welfare as what complement or alternate physical functions of persons with disabilities, or others and are used continuously for a long time, and as the others fall under the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

20 この法律において「移動支援事業」とは、障害者等が円滑に外出することができるよう、障害者等の移動を支援する事業をいう。

(20) The term "transportation support business" as used in this Act means the service to assist transportation of persons with disabilities, or others so that they can go out smoothly.

21 この法律において「地域活動支援センター」とは、障害者等を通わせ、創作的活動又は生産活動の機会の提供、社会との交流の促進その他の厚生労働省令で定める便

宜を供与する施設をいう。

(21) The term "local activity support center" as used in this Act means the facilities to which persons with disabilities, or others commute, and provide opportunities for creative and productive activities and other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

22 この法律において「福祉ホーム」とは、現に住居を求めている障害者につき、低額な料金で、居室その他の設備を利用させるとともに、日常生活に必要な便宜を供与する施設をいう。

(22) The term "welfare home" as used in this Act means the facilities which have the persons with disabilities who are presently searching for residence utilize rooms or other equipment at low cost as well as afford necessary benefit for daily life.

第二章 自立支援給付

Chapter II Payment for Services and Supports for Persons with Disabilities

第一節 通則

Section 1 General Provisions

第六条 (自立支援給付)

Article 6 (Payment for Services and Supports for Persons with Disabilities)

自立支援給付は、介護給付費、特例介護給付費、訓練等給付費、特例訓練等給付費、サービス利用計画作成費、高額障害福祉サービス費、特定障害者特別給付費、特例特定障害者特別給付費、自立支援医療費、療養介護医療費、基準該当療養介護医療費及び補装具費の支給とする。

Payment for Services and Supports for Persons with Disabilities shall be grant of nursing care payment, special nursing care payment, payment for training, etc., special payment for training, etc., service utilization program expenses, expenses for high-cost welfare service for persons with disabilities, payment for specified persons with disabilities, special payment for specified persons with disabilities, medical expenses for services and supports for persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses.

第七条 (他の法令による給付との調整)

Article 7 (Adjustment with Payment on Other Acts)

自立支援給付は、当該障害の状態につき、介護保険法(平成九年法律第百二十三号)の規定による介護給付、健康保険法(大正十一年法律第七十号)の規定による療養の給付その他の法令に基づく給付であって政令で定めるもののうち自立支援給付に相当するものを受けるときは政令で定める限度において、当該政令で定める給付以外の給付であって国又は地方公共団体の負担において自立支援給付に相当するものが行われ

たときはその限度において、行わない。

Payment for Services and Supports for Persons with Disabilities shall not be granted to persons who are entitled to receive long-term care insurance benefit allowance pursuant to the provisions of the Long-term Care Insurance Act (Act No. 123 of 1997), medical care benefit pursuant to the provisions of the Health Insurance Act (Act No. 70 of 1922), or payment based on other ordinances, according to the conditions of their respective disability, where such is equivalent to Payment for Services and Supports for Persons with Disabilities, in accordance with the limitations of the Cabinet Order, nor to persons who receive any grants from national government or local governments, besides those specified by the above-mentioned Cabinet Orders, which are equivalent to Payment for Services and Supports for Persons with Disabilities, in accordance with the limitations thereof.

第八条 (不正利得の徴収)

Article 8 (Charge on Fraudulent Gains)

1 市町村(政令で定める医療に係る自立支援医療費の支給に関しては、都道府県とする。以下「市町村等」という。)は、偽りその他不正の手段により自立支援給付を受けた者があるときは、その者から、その自立支援給付の額に相当する金額の全部又は一部を徴収することができる。

(1) In the event that there was a person who had received Payment for Services and Supports for Persons with Disabilities by deceit or other fraudulent means, a municipality (this shall be a prefecture concerning medical expenses for services and supports for persons with disabilities; hereafter collectively referred to as "municipality etc.") may collect whole or part of the amount equivalent to such Payment for Services and Supports for Persons with Disabilities from the person.

2 市町村等は、第二十九条第二項に規定する指定障害福祉サービス事業者等、第三十二条第一項に規定する指定相談支援事業者又は第五十四条第二項に規定する指定自立支援医療機関(以下この項において「事業者等」という。)が、偽りその他不正の行為により介護給付費、訓練等給付費、サービス利用計画作成費、特定障害者特別給付費、自立支援医療費又は療養介護医療費の支給を受けたときは、当該事業者等に対し、その支払った額につき返還させるほか、その返還させる額に百分の四十を乗じて得た額を支払わせることができる。

(2) In the event that a designated welfare service business operator for persons with disabilities prescribed in paragraph 2 of Article 29, a designated providers of consultation support business prescribed in paragraph 1 of Article 32, or a designated medical payment institute for services and supports for persons with disabilities prescribed in paragraph 2 of Article 54 (hereafter collectively referred to as "service business operators, etc." in this paragraph) has been provided with nursing care payment, payment for training etc., payment for service utilization program, special payment for specified persons with disabilities, medical expenses

for services and supports for persons with disabilities, or medical care treatment expenses by deceit or other fraudulent means, a municipality etc. may force such service business operator, etc. to reimburse the paid amount as well as the amount obtained by multiplying 40/100 by the paid amount

- 3 前二項の規定による徴収金は、地方自治法(昭和二十二年法律第六十七号)第二百三十一条の三第三項に規定する法律で定める歳入とする。
- (3) Collected money prescribed in the preceding paragraph shall be annual revenue prescribed in paragraph 3 of Article 231-3 of Local Autonomy Act (Act No. 67 of 1947).

第九条 (報告等)

Article 9 (Report, etc.)

- 1 市町村等は、自立支援給付に関して必要があると認めるときは、障害者等、障害児の保護者、障害者等の配偶者若しくは障害者等の属する世帯の世帯主その他その世帯に属する者又はこれらの者であった者に対し、報告若しくは文書その他の物件の提出若しくは提示を命じ、又は当該職員に質問させることができる。
- (1) A Municipality etc. may order persons with disabilities, or others, guardians of children with disabilities, spouses of persons with disabilities, or head persons, other members or ex-members of the household to which the person with disabilities belong, to submit reports, documents or other materials; or may have such staff persons in charge ask them questions.
- 2 前項の規定による質問を行う場合においては、当該職員は、その身分を示す証明書を携帯し、かつ、関係人の請求があるときは、これを提示しなければならない。
- (2) In the case of asking questions pursuant to the provision of the preceding paragraph, such staff persons shall carry the identifications showing their status, and if there is a request from persons concern, they shall present the identifications.
- 3 第一項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない。
- (3) The authority pursuant to the provision of paragraph 1 shall not be construed to be admitted for criminal investigation.

第十条

Article 10

- 1 市町村等は、自立支援給付に関して必要があると認めるときは、当該自立支援給付に係る障害福祉サービス、相談支援、自立支援医療、療養介護医療若しくは補装具の販売若しくは修理(以下「自立支援給付対象サービス等」という。)を行う者若しくはこれらを使用する者若しくはこれらの者であった者に対し、報告若しくは文書その他の物件の提出若しくは提示を命じ、又は当該職員に関係者に対して質問させ、若しくは当該自立支援給付対象サービス等の事業を行う事業所若しくは施設に立ち入り、そ

の設備若しくは帳簿書類その他の物件を検査させることができる。

- (1) A municipality etc. may order business operators, users, or those who used to be such persons of welfare service for persons with disabilities, consultation support, medical treatment for services and supports for persons with disabilities, medical treatment, or sales or repair of prosthetic devices (hereinafter referred to as "object service for payment of services and supports for persons with disabilities, etc.") pertaining to such Payment for Services and Supports for Persons with Disabilities to submit reports, documents or other materials; and may have staff persons in charge thereof ask them questions or enter places of business or facilities where the service of the Payment for Services and Supports for Persons with Disabilities are provided to inspect the facilities or books, documents, and other materials.
- 2 前条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。
- (2) The provision of paragraph 2 of the preceding Article applies mutatis mutandis to the questions or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authority pursuant to the provision of the preceding paragraph.

第十一条 (厚生労働大臣又は都道府県知事の自立支援給付対象サービス等に関する調査等)

Article 11 (Investigation etc. concerning Service for Payment for Services and Supports for Persons with Disabilities by the Minister of Health, Labour and Welfare or Prefectural Governors)

- 1 厚生労働大臣又は都道府県知事は、自立支援給付に関して必要があると認めるときは、自立支援給付に係る障害者等若しくは障害児の保護者又はこれらの者であった者に対し、当該自立支援給付に係る自立支援給付対象サービス等の内容に関し、報告若しくは文書その他の物件の提出若しくは提示を命じ、又は当該職員に質問させることができる。
- (1) The Minister of Health, Labour and Welfare or prefectural governors may order persons with disabilities, or others, guardians of children with disabilities, or those who were such persons to submit or to present reports, documents or other materials concerning contents of service, etc. for Payment for Services and Supports for Persons with Disabilities pertaining to such independence payment; or may have staff persons in charge ask them questions, if they acknowledge it necessary for Payment for Services and Supports for Persons with Disabilities.
- 2 厚生労働大臣又は都道府県知事は、自立支援給付に関して必要があると認めるときは、自立支援給付対象サービス等を行った者若しくはこれらを使用した者に対し、その行った自立支援給付対象サービス等に関し、報告若しくは当該自立支援給付対象サービス等の提供の記録、帳簿書類その他の物件の提出若しくは提示を命じ、又は当該職員に関係者に対して質問させることができる。

(2) The Minister of Health, Labour and Welfare or prefectural governors may order those who were provided with or used welfare service for persons with disabilities, etc. to submit or to present reports or offer records of such service for Payment for Services and Supports for Persons with Disabilities, etc., books and document, or other materials; or may have staff persons in charge ask questions of the persons who concerned, if they acknowledge it necessary for Payment for Services and Supports for Persons with Disabilities.

3 第九条第二項の規定は前二項の規定による質問について、同条第三項の規定は前二項の規定による権限について準用する。

(3) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the questions pursuant to the provisions of the preceding two paragraphs; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authority pursuant to the provisions of the preceding two paragraphs.

第十二条 (資料の提供等)

Article 12 (Provision etc. of Material)

市町村等は、自立支援給付に関して必要があると認めるときは、障害者等、障害児の保護者、障害者等の配偶者又は障害者等の属する世帯の世帯主その他その世帯に属する者の資産又は収入の状況につき、官公署に対し必要な文書の閲覧若しくは資料の提供を求め、又は銀行、信託会社その他の機関若しくは障害者の雇用主その他の関係人に報告を求めることができる。

A municipality etc. may require public agencies to show or provide necessary documents or materials; or may require banks, trust companies, other institutes, employers of persons with disabilities, or other persons concerned to provide reports, concerning assets and income status of persons with disabilities, or others, guardians of children with disabilities, spouses of persons with disabilities, head persons or other members of the households to which persons with disabilities, etc. belong, if they consider it necessary for Payment for Services and Supports for Persons with Disabilities.

第十三条 (受給権の保護)

Article 13 (Protection of Vested Rights)

自立支援給付を受ける権利は、譲り渡し、担保に供し、又は差し押さえることができない。

The rights for vesting Payment for Services and Supports for Persons with Disabilities shall not be transferred, secured, or confiscated.

第十四条 (租税その他の公課の禁止)

Article 14 (Prohibition on Taxation and Other Public Imposition)

租税その他の公課は、自立支援給付として支給を受けた金品を標準として、課するこ

とができない。

Taxation and other public imposition shall not levy on money and goods which are provided as Payment for Services and Supports for Persons with Disabilities.

第二節 介護給付費、特例介護給付費、訓練等給付費、特例訓練等給付費、サービス利用計画作成費、高額障害福祉サービス費、特定障害者特別給付費及び特例特定障害者特別給付費の支給

Section 2 Grant of Care Payment; Special Care Payment; Payment for Training etc.; Special Payment for Training etc.; Service Utilization Plan Expenses; Expenses for High-cost Welfare Service for Persons with Disabilities; Payment for Specified Persons with Disabilities; and Special Payment for Specified Persons with Disabilities

第一款 市町村審査会

Subsection 1 Municipal Examination Board

第十五条 (市町村審査会)

Article 15 (Municipal Examination Board)

第二十六条第二項に規定する審査判定業務を行わせるため、市町村に第十九条第一項に規定する介護給付費等の支給に関する審査会(以下「市町村審査会」という。)を置く。

Examination boards concerning grant of nursing care payment etc. which are provided in paragraph 1 of Article 19 (hereinafter referred to as "municipal examination boards") are placed so as to have such boards conduct service of examination and judgment prescribed in paragraph 2 of Article 26.

第十六条 (委員)

Article 16 (Board Members)

1 市町村審査会の委員の定数は、政令で定める基準に従い条例で定める数とする。

(1) A quorum of a municipal examination board shall be the number specified in Municipal Ordinance pursuant to the standard prescribed in the Cabinet Order.

2 委員は、障害者等の保健又は福祉に関する学識経験を有する者のうちから、市町村長(特別区の区長を含む。以下同じ。)が任命する。

(2) Board members are appointed by mayors of municipalities (including mayors of special wards; the same shall apply hereinafter) from those who have academic backgrounds concerning healthcare and welfare of persons with disabilities, or others.

第十七条 (共同設置の支援)

Article 17 (Support for joint establishment of government organs)

1 都道府県は、市町村審査会について地方自治法第二百五十二条の七第一項の規定による共同設置をしようとする市町村の求めに応じ、市町村相互間における必要な調整を行うことができる。

(1) A prefecture may conduct necessary coordination between municipalities in response to a request from the municipalities which intend to implement joint establishment pursuant to the provision of paragraph 1 of Article 252-7 of Local Autonomy Act.

2 都道府県は、市町村審査会を共同設置した市町村に対し、その円滑な運営が確保されるように必要な技術的な助言その他の援助をすることができる。

(2) A prefectures may provide technical advice or other support for the municipalities which implemented joint establishment of municipal examination board so that its smooth operation can be ensured.

第十八条 (政令への委任)

Article 18 (Delegation to the Cabinet Order)

この法律に定めるもののほか、市町村審査会に関し必要な事項は、政令で定める。

In addition to what are provided in this Act, the necessary matters concerning municipal examination boards are provided in the Cabinet Order.

第二款 支給決定等

Subsection 2 Grant Decision, etc.

第十九条 (介護給付費等の支給決定)

Article 19 (Grant Decision for Care Payment, etc.)

1 介護給付費、特例介護給付費、訓練等給付費又は特例訓練等給付費(以下「介護給付費等」という。)の支給を受けようとする障害者又は障害児の保護者は、市町村の介護給付費等を支給する旨の決定(以下「支給決定」という。)を受けなければならない。

(1) A person with disabilities or a guardian of children with disabilities who intends to receive nursing care payment, special nursing care payment, payment for training etc., or special payment for training etc., (hereinafter referred to as "nursing care payment, etc.") shall receive a decision (hereinafter referred to as "grant decision") from the municipality which grants nursing care payment, etc. to them.

2 支給決定は、障害者又は障害児の保護者の居住地の市町村が行うものとする。ただし、障害者又は障害児の保護者が居住地を有しないとき、又は明らかでないときは、その障害者又は障害児の保護者の所在地の市町村が行うものとする。

(2) Grant decision shall be made by the municipality where persons with disabilities or guardians of children with disabilities have their domiciles. Provided that, however, the persons with disabilities or the guardians of children with disabilities

do not have their domicile or whose domicile is not obvious, another municipality where the persons with disabilities or the guardians of children with disabilities have their current residences shall make such grant decision.

3 前項の規定にかかわらず、第二十九条第一項若しくは第三十条第一項の規定により介護給付費等の支給を受けて又は身体障害者福祉法第十八条第二項若しくは知的障害者福祉法第十六条第一項の規定により入所措置が採られて障害者支援施設、のぞみの園又は第五条第一項若しくは第五項の厚生労働省令で定める施設に入所している障害者及び生活保護法(昭和二十五年法律第百四十四号)第三十条第一項ただし書の規定により入所している障害者(以下この項において「特定施設入所障害者」と総称する。)については、その者が障害者支援施設、のぞみの園、第五条第一項若しくは第五項の厚生労働省令で定める施設又は同法第三十条第一項ただし書に規定する施設(以下「特定施設」という。)への入所前に有した居住地(継続して二以上の特定施設に入所している特定施設入所障害者(以下この項において「継続入所障害者」という。)については、最初に入所した特定施設への入所前に有した居住地)の市町村が、支給決定を行うものとする。ただし、特定施設への入所前に居住地を有しないか、又は明らかでなかった特定施設入所障害者については、入所前におけるその者の所在地(継続入所障害者については、最初に入所した特定施設の入所前に有した所在地)の市町村が、支給決定を行うものとする。

(3) Notwithstanding the provision of the preceding paragraph, for the persons with disabilities who receive payment pursuant to the provisions of paragraph 1 of Article 29 or paragraph 1 of Article 30, or who live in, the support facilities for the persons with disabilities Nozominosono, or the facilities prescribed in the Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 or paragraph 5 of Article 5 after receiving placement measure pursuant to the provision of paragraph 2 of Article 19 of Act for the welfare of Persons with Physical Disabilities or paragraph 1, Article 16 of Act for the welfare of persons with intellectual disabilities; or who live in such facilities pursuant to the provision of proviso of paragraph 1 of Article 30 of Public Assistance Act (Act No. 144 of 1950) (hereafter collectively referred to as "persons with disabilities entered placement in specified facilities" in this paragraph), the municipality where such persons had domiciles before entering the support facilities for persons with disabilities, Nozominosono, the facilities prescribed in the Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 or paragraph 5 of Article 5, or the facilities prescribed in proviso of paragraph 1 of Article 30 of the same act (hereinafter referred to as "specified facilities") shall make grant decision; for persons with disabilities entered placement in specified facilities and have entered successively not less than two facilities (hereinafter referred to as "persons with disabilities entered placement successively" in this paragraph), the municipalities where the first facilities which such persons with disabilities entered placement are located shall make grant decision. Provided, however, for

the persons with disabilities entered placement in specified facilities who did not have their domiciles before their placement or their domiciles were not clear, the municipality where they had location at the time of placement (for persons with disabilities entered placement successively: domiciles they had before they entered the first specified facility) shall make grant decision.

4 前項の規定の適用を受ける障害者が入所している特定施設は、当該特定施設の所在する市町村及び当該障害者に対し支給決定を行う市町村に、必要な協力をしなければならない。

(4) The specified facilities where the persons with disabilities who are applied with the provision of the preceding paragraph entered placement shall provide necessary cooperation for the municipalities where such specified facilities are located and the municipalities which make grant decision for such persons with disabilities.

第二十条 (申請)

Article 20 (Application)

1 支給決定を受けようとする障害者又は障害児の保護者は、厚生労働省令で定めるところにより、市町村に申請をしなければならない。

(1) A person with disabilities or a guardian of children with disabilities who intends to receive grant decision shall apply to the municipality pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 市町村は、前項の申請があったときは、次条第一項及び第二十二条第一項の規定により障害程度区分の認定及び同項に規定する支給要否決定を行うため、厚生労働省令で定めるところにより、当該職員をして、当該申請に係る障害者等又は障害児の保護者に面接をさせ、その心身の状況、その置かれている環境その他厚生労働省令で定める事項について調査をさせるものとする。この場合において、市町村は、当該調査を第三十二条第一項に規定する指定相談支援事業者その他の厚生労働省令で定める者(以下この条において「指定相談支援事業者等」という。)に委託することができる。

(2) In the event that the application of the preceding paragraph has been filed, a municipality shall, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare, render their staff persons to interview the person with disabilities, or others or the guardian of children with disabilities pertaining to such application to inspect their physical and mental status, circumstances, and other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare so as to recognize classification of disability levels pursuant to the provision of paragraph 1 of the following Article and paragraph 1 of Article 22 and to make decision whether to grant payment prescribed in the same paragraph. In such case, the municipality may entrust such inspection to the designated consultation support business operators prescribed in paragraph 1 of Article 32 or the other persons prescribed in Ordinance of the Ministry of Health, Labour and

Welfare (hereinafter referred to as "designated consultation support business operators, etc." in this Article).

3 前項後段の規定により委託を受けた指定相談支援事業者等は、障害者等の保健又は福祉に関する専門的知識及び技術を有するものとして厚生労働省令で定める者に当該委託に係る調査を行わせるものとする。

(3) The designated consultation support business operators, etc. entrusted pursuant to the provision of the second sentence of paragraph 2 shall cause the persons prescribed in Ordinance of the Ministry of Health, Labour and Welfare as the persons who have professional knowledge and skills concerning healthcare or welfare of persons with disabilities, or others to conduct the inspection pertaining to such entrustment.

4 第二項後段の規定により委託を受けた指定相談支援事業者等の役員(業務を執行する社員、取締役、執行役又はこれらに準ずる者をいい、相談役、顧問その他いかなる名称を有する者であるかを問わず、法人に対し業務を執行する社員、取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。以下同じ。)若しくは前項の厚生労働省令で定める者又はこれらの職にあった者は、正当な理由なしに、当該委託業務に関して知り得た個人の秘密を漏らしてはならない。

(4) The officers of the designated consultation support business operators entrusted pursuant to the provision of the second sentence of paragraph 2 (meaning employees, directors, or executive officers who execute business, or the equivalent thereof, including those recognized as having the same or greater influence over corporations as employees who execute business, directors, corporate officers, or the equivalent thereof, regardless of what titles they may have, such as counselor, consultant, etc.; the same shall apply hereinafter), or the persons who are prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in the preceding paragraph or the persons who used to be in such positions shall not disclose personal secrets obtained concerning such entrusted service without just cause.

5 第二項後段の規定により委託を受けた指定相談支援事業者等の役員又は第三項の厚生労働省令で定める者で、当該委託業務に従事するものは、刑法(明治四十年法律第四十五号)その他の罰則の適用については、法令により公務に従事する職員とみなす。

(5) The board members of the designated consultation support business operators entrusted pursuant to the provision of the second sentence of paragraph 2 or the persons who prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 3, who engage in entrusted service shall be deemed as officials who engage in public service pursuant to the Cabinet Order concerning application of Penal Code (Act No. 45 of 1907) and other penal provisions.

6 第二項の場合において、市町村は、当該障害者等又は障害児の保護者が遠隔の地に居住地又は現在地を有するときは、当該調査を他の市町村に嘱託することができる。

(6) In the case of paragraph 2, a municipality may entrust such inspection to another

municipality if such person with disabilities, or others or guardian of children with disabilities has his/her domicile or current residence in a remote area.

第二十一条 (障害程度区分の認定)

Article 21 (Recognition of Classification of Disability Levels)

- 1 市町村は、前条第一項の申請があったときは、政令で定めるところにより、市町村審査会が行う当該申請に係る障害者等の障害程度区分に関する審査及び判定の結果に基づき、障害程度区分の認定を行うものとする。
 - (1) In the event that the application set forth paragraph 1 of the preceding Article has been filed, pursuant to the provision of the Cabinet Order, the municipality shall certificate classification of disability levels based on results of examination and judgment by municipal examination boards concerning classification of disability level of persons with disabilities, or others pertaining to such application.
- 2 市町村審査会は、前項の審査及び判定を行うに当たって必要があると認めるときは、当該審査及び判定に係る障害者等、その家族、医師その他の関係者の意見を聴くことができる。
 - (2) A municipal examination board may, if they acknowledge it necessary for examination and judgment set forth the preceding paragraph, hear opinions of the person with disabilities, or others, the person's family members, doctors and other persons concerned pertaining to such examination and judgment.

第二十二条 (支給要否決定等)

Article 22 (Grant Decision Necessity)

- 1 市町村は、第二十条第一項の申請に係る障害者等の障害程度区分、当該障害者等の介護を行う者の状況、当該申請に係る障害者等又は障害児の保護者の障害福祉サービスの利用に関する意向その他の厚生労働省令で定める事項を勘案して介護給付費等の支給の要否の決定(以下この条及び第二十七条において「支給要否決定」という。)を行うものとする。
 - (1) A municipality shall decide necessity of grant of nursing care payment, etc. (hereinafter referred to as "decision on grant necessity" in this Article and Article 27) as considering the interest of persons with disabilities, or others or guardians of children with disabilities pertaining to such applications for utilization of welfare service and other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- 2 市町村は、支給要否決定を行うに当たって必要があると認めるときは、厚生労働省令で定めるところにより、市町村審査会又は身体障害者福祉法第九条第六項に規定する身体障害者更生相談所(第七十四条及び第七十六条第三項において「身体障害者更生相談所」という。)、知的障害者福祉法第九条第五項に規定する知的障害者更生相談所、精神保健及び精神障害者福祉に関する法律第六条第一項に規定する精神保健福祉センター若しくは児童相談所(以下「身体障害者更生相談所等」と総称する。)その

他厚生労働省令で定める機関の意見を聴くことができる。

(2) In the event that a municipality acknowledges it is necessary to make decision on grant necessity, it may hear the opinions of its municipal examination board, recovery consultation offices for persons with physical disabilities prescribed in paragraph 6 of Article 9 of Act for the welfare of Persons with Physical Disabilities (referred to as "recovery consultation offices for persons with physical disabilities" in Article 74 and paragraph 3 of Article 76), recovery consultation offices for persons with intellectual disabilities prescribed in paragraph 5 of Article 9 of Act for the welfare of persons with intellectual disabilities, mental health and welfare centers or child consultation offices, which is prescribed in paragraph 1 of Article 6 of Act for the Mental Health and Welfare of the Persons with Mental disorders (hereinafter collectively referred to as "recovery consultation offices for persons with physical disabilities, etc.") and other institutes pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

3 市町村審査会、身体障害者更生相談所等又は前項の厚生労働省令で定める機関は、同項の意見を述べるに当たって必要があると認めるときは、当該支給要否決定に係る障害者等、その家族、医師その他の関係者の意見を聴くことができる。

(3) Municipal examination boards, recovery consultation offices for persons with physical disabilities, or others, or the institutes prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in the preceding paragraph shall, if they acknowledge it necessary to state opinions set forth in the same paragraph, hear the opinions of the persons with disabilities, etc., their family members, doctors or others concerned pertaining to such decision on grant necessity.

4 市町村は、支給決定を行う場合には、障害福祉サービスの種類ごとに月を単位として厚生労働省令で定める期間において介護給付費等を支給する障害福祉サービスの量（以下「支給量」という。）を定めなければならない。

(4) In the event that a municipality makes a decision for grant necessity, it shall decide amount of welfare service for persons with disabilities to grant nursing care payment, etc. (hereinafter referred to as "payment amount") by kind of such welfare service by the month in the period prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

5 市町村は、支給決定を行ったときは、当該支給決定障害者等に対し、厚生労働省令で定めるところにより、支給量その他の厚生労働省令で定める事項を記載した障害福祉サービス受給者証（以下「受給者証」という。）を交付しなければならない。

(5) In the event that a municipality made grant decision, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare, it shall deliver claimant certifications for welfare service for persons with disabilities (hereinafter referred to as "claimant certifications") which describe the payment amounts and other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare to such persons with disabilities, or others given grant decision.

第二十三条 (支給決定の有効期間)

Article 23 (Valid Period for Grant Decision)

支給決定は、厚生労働省令で定める期間(以下「支給決定の有効期間」という。)内に限り、その効力を有する。

Grant decision shall maintain its validity only for the period prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "valid period for grant decision").

第二十四条 (支給決定の変更)

Article 24 (Alternation of Grant Decision)

1 支給決定障害者等は、現に受けている支給決定に係る障害福祉サービスの種類、支給量その他の厚生労働省令で定める事項を変更する必要があるときは、厚生労働省令で定めるところにより、市町村に対し、当該支給決定の変更の申請をすることができる。

(1) In the event that persons with disabilities, or others given grant decision has necessity to alter kind of welfare service, payment amounts or the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare pertaining to the grant decision which the person is presently provided, the person may apply for alternation such grant decision to the municipality pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 市町村は、前項の申請又は職権により、第二十二条第一項の厚生労働省令で定める事項を勘案し、支給決定障害者等につき、必要があると認めるときは、支給決定の変更の決定を行うことができる。この場合において、市町村は、当該決定に係る支給決定障害者等に対し受給者証の提出を求めるものとする。

(2) If a municipality acknowledges that it is necessary for persons with disabilities, or others given grant decision, it may make decision on alternation of grant decision in response to the application of the preceding paragraph or by municipal authorities as considering the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 22. In such cases, the municipality shall require the person with disabilities, etc. pertaining to such decision to submit the person's claimant certification.

3 第十九条(第一項を除く。)、第二十条(第一項を除く。)及び第二十二条(第一項を除く。)の規定は、前項の支給決定の変更の決定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of Article 19 (except paragraph 1), Article 20 (except paragraph 1), and Article 22 (except paragraph 1) shall apply mutatis mutandis to the decision on alternation of grant decision set forth in the preceding paragraph. In such cases, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

- 4 市町村は、第二項の支給決定の変更の決定を行うに当たり、必要があると認めるときは、障害程度区分の変更の認定を行うことができる。
- (4) A municipality may approve of alternation of classification of disability levels at the time of making decision on alternation of grant decision set forth in paragraph 2 if it acknowledges it to be necessary.
- 5 第二十一条の規定は、前項の障害程度区分の変更の認定について準用する。この場合において、必要な技術的読替えは、政令で定める。
- (5) The provision of Article 21 applies mutatis mutandis to the approval of alternation of classification of disability levels set forth in the preceding paragraph. In this case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.
- 6 市町村は、第二項の支給決定の変更の決定を行った場合には、受給者証に当該決定に係る事項を記載し、これを返還するものとする。
- (6) In the event that a municipality made decision on alternation of grant decision set forth in paragraph 2, it shall state the matters pertaining to such decision on the claimant certification and return it.

第二十五条 (支給決定の取消し)

Article 25 (Rescission of Decision)

- 1 支給決定を行った市町村は、次に掲げる場合には、当該支給決定を取り消すことができる。
- (1) The municipality which made grant decision may rescind such grant decision in the following cases:
- 一 支給決定に係る障害者等が、第二十九条第一項に規定する指定障害福祉サービス等及び第三十条第一項第二号に規定する基準該当障害福祉サービスを受ける必要がなくなったと認めるとき。
- (i) In the event that a municipality acknowledges that a person with disabilities, or others pertaining to grant decision no longer has necessity to receive designated welfare service for persons with disabilities pursuant to the provision of paragraph 1 of Article 29 and appropriate welfare service for persons with disabilities pursuant to the provision of item 2 of paragraph 12 of Article 30.
- 二 支給決定障害者等が、支給決定の有効期間内に、当該市町村以外の市町村の区域内に居住地を有するに至ったと認めるとき(支給決定に係る障害者が特定施設に入所することにより当該市町村以外の市町村の区域内に居住地を有するに至ったと認めるときを除く。)。
- (ii) In the event that a municipality acknowledges that a person with disabilities, etc. given grant decision has come to possess domicile within the other area than such municipality (except when a municipality acknowledges that person with disabilities pertaining to grant decision has come to possess domicile within the other area than such municipality due to placement in a specified facility) during

valid period of the grant decision.

三 支給決定に係る障害者等又は障害児の保護者が、正当な理由なしに第二十条第二項(前条第三項において準用する場合を含む。)の規定による調査に応じないとき。

(iii) In the event that a person with disabilities or a guardian of children with disabilities pertaining to grant decision does not respond to inspections pursuant to the provision of paragraph 2 of Article 20 (including cases of applying mutatis mutandis pursuant to paragraph 3 of the preceding Article) without just cause.

四 その他政令で定めるとき。

(iv) In other cases of being prescribed in the Cabinet Order.

2 前項の規定により支給決定の取消しを行った市町村は、厚生労働省令で定めるところにより、当該取消しに係る支給決定障害者等に対し受給者証の返還を求めるものとする。

(2) The municipality which rescinded grant decision pursuant to the provision of the preceding paragraph shall require the person with disabilities given grant decision pertaining to such rescission to return the person's claimant certification, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

第二十六条 (都道府県による援助等)

Article 26 (Assistance etc. by Prefecture)

1 都道府県は、市町村の求めに応じ、市町村が行う第十九条から第二十二條まで、第二十四條及び前條の規定による業務に関し、その設置する身体障害者更生相談所等による技術的事項についての協力その他市町村に対する必要な援助を行うものとする。

(1) A prefectures shall provide cooperation on technical matters in response to requests from municipalities by recovery consultation offices for persons with physical disabilities, etc. which are placed thereby and other necessary assistance for municipalities concerning service which municipalities shall conduct pursuant to the provisions of Article 19 through Article 22 and Article 24 and the preceding Article.

2 地方自治法第二百五十二条の十四第一項の規定により市町村の委託を受けて審査判定業務(第二十一条(第二十四条第五項において準用する場合を含む。第四項において同じ。))並びに第二十二條第二項及び第三項(これらの規定を第二十四条第三項において準用する場合を含む。第四項において同じ。))の規定により市町村審査会が行う業務をいう。以下この条及び第九十五条第二項第一号において同じ。)を行う都道府県に、当該審査判定業務を行わせるため、介護給付費等の支給に関する審査会(以下「都道府県審査会」という。)を置く。

(2) An examination board concerning grant of nursing care payment, etc. (hereinafter referred to as "prefectural examination boards") shall be placed so as to cause the prefecture which is entrusted by paragraph 1 of Article 252-14 of Local Autonomy Act to conduct practices of examination and judgment (means the service offered by municipal examination boards pursuant to Article 21 (including the case where it

is applied mutatis mutandis pursuant to paragraph 5 of Article 24; the same shall apply in paragraph 4) and paragraph 2 and paragraph 3 of Article 22 (including the case where it is applied mutatis mutandis pursuant to paragraph 3 of Article 24; the same shall apply in the paragraph 4); the same shall apply in this Article and item 1 of paragraph 2 of Article 95).

3 第十六条及び第十八条の規定は、前項の都道府県審査会について準用する。この場合において、第十六条第二項中「市町村長(特別区の区長を含む。以下同じ。)」とあるのは、「都道府県知事」と読み替えるものとする。

(3) The provisions of Article 16 and Article 18 shall apply mutatis mutandis to the prefectural examination boards in the preceding paragraph. In this case, the term "mayors of municipalities (including mayors of special wards, the same shall apply hereinafter) shall be deemed to be replaced with the term "prefectural governors".

4 審査判定業務を都道府県に委託した市町村について第二十一条並びに第二十二条第二項及び第三項の規定を適用する場合においては、これらの規定中「市町村審査会」とあるのは、「都道府県審査会」とする。

(4) In the case of applying the provisions of Article 21 and paragraph 2 and paragraph 3 of Article 22 to municipalities which entrust practices of examination and judgment, the term "municipal examination boards" in those provisions shall be replaced with the term "prefectural examination boards".

第二十七条 (政令への委任)

Article 27 (Entrustment to the Cabinet Order)

この款に定めるもののほか、障害程度区分に関する審査及び判定、支給決定、支給要否決定、受給者証、支給決定の変更の決定並びに支給決定の取消しに関し必要な事項は、政令で定める。

In addition to the provisions in this subsection, the necessary matters for examination and judgment concerning classification of disability levels, grant decision, grant decision necessity, claimant certification, decision on alternation of grant decision, and rescission of grant decision shall be prescribed in the Cabinet Order.

第三款 介護給付費、特例介護給付費、訓練等給付費及び特例訓練等給付費の支給

Subsection 3 Grant of Care Payment; Special Care Payment; Payment for Training etc; and Special Payment for Training etc.

第二十八条 (介護給付費、特例介護給付費、訓練等給付費及び特例訓練等給付費の支給)

Article 28 (Grant of nursing care payment, special nursing care payment, payment for training etc., and special payment for training etc.)

1 介護給付費及び特例介護給付費の支給は、次に掲げる障害福祉サービスに関して次条及び第三十条の規定により支給する給付とする。

(1) Grant of nursing care payment and special nursing care payment is the payment granted by provisions of the succeeding Article and Article 30, concerning the following welfare services for persons with disabilities.

一 居宅介護

(i) Home help service

二 重度訪問介護

(ii) Visiting care for persons with severe disabilities

三 行動援護

(iii) Activity support

四 療養介護(医療に係るものを除く。)

(iv) Medical Care (except care pertaining to medical one)

五 生活介護

(v) Care for daily life

六 児童デイサービス

(vi) Day service for children

七 短期入所

(vii) Short-stay service

八 重度障害者等包括支援

(viii) Comprehensive support for persons with severe disabilities

九 共同生活介護

(ix) Group home with care

十 施設入所支援

(x) Support for residential care

2 訓練等給付費及び特例訓練等給付費の支給は、次に掲げる障害福祉サービスに関して次条及び第三十条の規定により支給する給付とする。

(2) Grant of payment for training etc. and special payment for training etc. shall be the payment granted by provisions of the succeeding Article and Article 30, concerning the following welfare service for persons with disabilities:

一 自立訓練

(i) Rehabilitation service

二 就労移行支援

(ii) Transition support for employment

三 就労継続支援

(iii) Support for continuous employment

四 共同生活援助

(iv) Group home with aid

第二十九条 (介護給付費又は訓練等給付費)

Article 29 (Care Payment or Payment for Training etc.)

1 市町村は、支給決定障害者等が、支給決定の有効期間内において、都道府県知事が指定する障害福祉サービス事業を行う者(以下「指定障害福祉サービス事業者」という。)若しくは障害者支援施設(以下「指定障害者支援施設」という。)から当該指定に係る障害福祉サービス(以下「指定障害福祉サービス」という。)を受けたとき、又はのぞみの園から施設障害福祉サービスを受けたときは、厚生労働省令で定めるところにより、当該支給決定障害者等に対し、当該指定障害福祉サービス又は施設障害福祉サービス(支給量の範囲内のものに限る。以下「指定障害福祉サービス等」という。)に要した費用(食事の提供に要する費用、居住若しくは滞在に要する費用その他の日常生活に要する費用又は創作的活動若しくは生産活動に要する費用のうち厚生労働省令で定める費用(以下「特定費用」という。))を除く。)について、介護給付費又は訓練等給付費を支給する。

(1) When persons with disabilities given grant decision, etc. received welfare service for persons with disabilities pertaining to designated service during valid period for grant decision from the welfare service business operators for persons with disabilities who are designated by a prefectural governor (hereinafter referred to as "designated welfare service business for persons with disabilities") or the support facilities for persons with disabilities (hereinafter referred to as "designated support facilities for persons with disabilities"), or when they are provided with in-facility welfare service for persons with disabilities from Nozominosono, a municipality shall grant nursing care payment or payment for training etc. to such persons with disabilities given grant decision pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare concerning expenses which needed for such designated welfare service or designated in-facility welfare service for persons with disabilities (limited within payment amount; hereinafter referred to as "designated welfare service for persons with disabilities, or others") (except the expenses prescribed in Ordinance of the Ministry of Health, Labour and Welfare of expenses for meals, residence and stay and other expenses for daily life, or expenses for creative or productive activities (hereinafter referred to as "specified expenses")).

2 指定障害福祉サービス等を受けようとする支給決定障害者等は、厚生労働省令で定めるところにより、指定障害福祉サービス事業者、指定障害者支援施設又はのぞみの園(以下「指定障害福祉サービス事業者等」という。)に受給者証を提示して当該指定障害福祉サービス等を受けるものとする。ただし、緊急の場合その他やむを得ない事由のある場合については、この限りでない。

(2) A person with disabilities, etc. given grant decision who intends to receive designated welfare service for persons with disabilities shall receive such designated welfare service, etc. by presenting the person's claimant certification to designated welfare service business operators for persons with disabilities, designated support facilities for persons with disabilities, or Nozominosono

(hereinafter referred to as "designated welfare service business operators for persons with disabilities, etc.") pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare. Provided, however, that this shall not apply in case of emergency or unavoidable circumstances.

3 介護給付費又は訓練等給付費の額は、障害福祉サービスの種類ごとに指定障害福祉サービス等に通常要する費用(特定費用を除く。)につき、厚生労働大臣が定める基準により算定した費用の額(その額が現に当該指定障害福祉サービス等に要した費用(特定費用を除く。)の額を超えるときは、当該現に指定障害福祉サービス等に要した費用の額)の百分の九十に相当する額とする。

(3) An amount of nursing care payment or payment for training etc., shall be equivalent to 90/100 of the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare by each expense normally needed for designated welfare service, etc. for every kind of welfare service for persons with disabilities (if the amount surpasses expenses which were actually needed for such designated welfare service, etc. (except specified expenses), the amount shall be 90/100 of such expenses which were actually needed).

4 支給決定障害者等が同一の月に受けた指定障害福祉サービス等に要した費用(特定費用を除く。)の額の合計額から、前項の規定により算定された当該同一の月における介護給付費及び訓練等給付費の合計額を控除して得た額が、当該支給決定障害者等の家計に与える影響その他の事情をしん酌して政令で定める額を超えるときは、同項の規定にかかわらず、当該同一の月における介護給付費又は訓練等給付費の額は、同項の規定により算定した費用の額の百分の九十に相当する額を超え百分の百に相当する額以下の範囲内において政令で定める額とする。

(4) If the amount of obtained by deducting the total amount of nursing care payment and payment for training etc. which is calculated pursuant to the provision of the preceding paragraph from the expenses for designated welfare service for persons with disabilities, or others which persons with disabilities given grant decision received in the same month (except specified expenses) surpasses the amount prescribed in the Cabinet Order as considering influences of such amount on domestic accounts of such persons with disabilities given grant decision and other circumstances, notwithstanding the provision of this paragraph, the amount for nursing care payment or payment for training etc. in such same month shall be equivalent to an amount prescribed in the Cabinet Order within the range from over 90/100 to 100/100 of the amount of expenses calculated pursuant to the provision of this paragraph.

5 支給決定障害者等が指定障害福祉サービス事業者等から指定障害福祉サービス等を受けたときは、市町村は、当該支給決定障害者等が当該指定障害福祉サービス事業者等に支払うべき当該指定障害福祉サービス等に要した費用(特定費用を除く。)について、介護給付費又は訓練等給付費として当該支給決定障害者等に支給すべき額の限度において、当該支給決定障害者等に代わり、当該指定障害福祉サービス事業者等に支

払うことができる。

- (5) In the event that a person with disabilities, or others given grant decision, etc. has received designated welfare service for persons with disabilities from designated welfare service business operators, etc. for persons with disabilities, a municipality may pay the expenses which were required for such designated welfare service which such person with disabilities given grant decision should pay to such designated welfare service business operators (except specified expenses), on behalf of such person with disabilities given grant decision, to such designated welfare service business operators within the limit to grant as nursing care payment or payment for training etc.
- 6 前項の規定による支払があったときは、支給決定障害者等に対し介護給付費又は訓練等給付費の支給があったものとみなす。
- (6) When the payment pursuant to the provision set forth in the preceding paragraph has been made, such payment shall be deemed to be grant of nursing care payment or payment for training etc. to such person given grant decision, etc.
- 7 市町村は、指定障害福祉サービス事業者等から介護給付費又は訓練等給付費の請求があったときは、第三項の厚生労働大臣が定める基準及び第四十三条第二項の厚生労働省令で定める指定障害福祉サービスの事業の設備及び運営に関する基準(指定障害福祉サービスの取扱いに関する部分に限る。)又は第四十四条第二項の厚生労働省令で定める指定障害者支援施設等の設備及び運営に関する基準(施設障害福祉サービスの取扱いに関する部分に限る。)に照らして審査の上、支払うものとする。
- (7) When a designated welfare service business operator, etc. has demanded nursing care payment or payment for training etc., a municipality shall pay the payments after examining such demand in light of the standard specified by Minister of Health, Labour and Welfare set forth in paragraph 3 and the standard concerning facilities and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 43 (limited within the part concerning treatment of designated welfare service for persons with disabilities) or the standard concerning facilities and operation of designated support facilities welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 44 (limited within the part concerning treatment of designated support facilities for persons with disabilities).
- 8 市町村は、前項の規定による支払に関する事務を国民健康保険法(昭和三十三年法律第九十二号)第四十五条第五項に規定する国民健康保険団体連合会(以下「連合会」という。)に委託することができる。
- (8) A municipality may entrust its administrative affairs concerning the payments pursuant to the provision of the preceding paragraph to a National Health Insurance Insurer's Associations (hereinafter referred to as "associations") prescribed in paragraph 5 of Article 45 of National Health Insurance Act (Act No.

192 of 1958).

9 前各項に定めるもののほか、介護給付費及び訓練等給付費の支給並びに指定障害福祉サービス事業者等の介護給付費及び訓練等給付費の請求に関し必要な事項は、厚生労働省令で定める。

(9) In addition to the cases referred to in the preceding paragraph, the necessary matters for grant of nursing care payment or payment for training etc., and demand for nursing care payment and payment for training etc, from designated welfare service for persons with disabilities shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第三十条 (特例介護給付費又は特例訓練等給付費)

Article 30 (Special Nursing Care Payment or Special Payment for Training etc.)

1 市町村は、次に掲げる場合において、必要があると認めるときは、厚生労働省令で定めるところにより、当該指定障害福祉サービス等又は第二号に規定する基準該当障害福祉サービス(支給量の範囲内のものに限る。)に要した費用(特定費用を除く。)について、特例介護給付費又は特例訓練等給付費を支給することができる。

(1) A municipality may grant special nursing care payment or special payment for training etc., concerning the expenses which were needed for such designated welfare service for persons with disabilities, or others or appropriate medical care treatment expenses prescribed in paragraph 2 (limited within amount of grant) (except specified expenses) pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare in the following cases if they acknowledge it to be necessary.

一 支給決定障害者等が、第二十条第一項の申請をした日から当該支給決定の効力が生じた日の前日までの間に、緊急その他やむを得ない理由により指定障害福祉サービス等を受けたとき。

(i) In the event that a person with disabilities given grant decision, etc. received designated welfare service for persons with disabilities in case of emergency or inevitable circumstances from the day when they made applications set forth in paragraph 1 of Article 20 to the previous day when such grant decision takes effect.

二 支給決定障害者等が、指定障害福祉サービス等以外の障害福祉サービス(次に掲げる事業所又は施設により行われるものに限る。以下「基準該当障害福祉サービス」という。)を受けたとき。

(ii) In the event that a person with disabilities given grant decision received with welfare service for persons with disabilities other than designated welfare service for persons with disabilities (limited to the service conducted in the places of business or facilities listed below; hereinafter referred to as "appropriate welfare service for persons with disabilities").

イ 第四十三条第一項の厚生労働省令で定める基準又は同条第二項の厚生労働省令

で定める指定障害福祉サービスの事業の設備及び運営に関する基準に定める事項のうち厚生労働省令で定めるものを満たすと認められる事業を行う事業所(以下「基準該当事業所」という。)

(a) The business places which provide service to be acknowledged to satisfy the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare among the matters prescribed in the standard prescribed Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 43 or the standard concerning equipment and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article (hereinafter referred to as "appropriate places of business").

ロ 第四十四条第一項の厚生労働省令で定める基準又は同条第二項の厚生労働省令で定める指定障害者支援施設等の設備及び運営に関する基準に定める事項のうち厚生労働省令で定めるものを満たすと認められる施設(以下「基準該当施設」という。)

(b) The facilities to be acknowledged to satisfy the matters prescribed in Ordinance of Ministry of Health, Labour and Welfare among the matters prescribed in the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 44 or the standard concerning equipment and operation of designated support facilities for persons with disabilities prescribed in Ordinance of Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article (hereinafter referred to as "appropriate facilities").

三 その他政令で定めるとき。

(iii) In the other events which the Cabinet Order prescribes.

2 特例介護給付費又は特例訓練等給付費の額は、当該指定障害福祉サービス等については前条第三項の厚生労働大臣が定める基準により算定した費用の額(その額が現に当該指定障害福祉サービス等に要した費用(特定費用を除く。)の額を超えるときは、当該現に指定障害福祉サービス等に要した費用の額)の百分の九十に相当する額を、当該基準該当障害福祉サービスについては障害福祉サービスの種類ごとに基準該当障害福祉サービスに通常要する費用(特定費用を除く。)につき厚生労働大臣が定める基準により算定した費用の額(その額が現に当該基準該当障害福祉サービスに要した費用(特定費用を除く。)の額を超えるときは、当該現に基準該当障害福祉サービスに要した費用の額)の百分の九十に相当する額をそれぞれ基準として、市町村が定める。

(2) An amount of special nursing care payment or special payment for training etc. is specified by municipalities for such designated welfare service for persons with disabilities as the amount equivalent to 90/100 of the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare set forth in paragraph 3 of the preceding Article (if the amount surpasses expenses which were actually required for such designated welfare service, etc. (except specified

expenses), the amount shall be 90/100 of such expenses which were actually required for such designated welfare service, etc.); for such appropriate welfare service for persons with disabilities as the amount equivalent to 90/100 of the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare by each expense normally required for such appropriate welfare service, etc. for each kind of appropriate welfare service for persons with disabilities (if the amount surpasses expenses which were actually paid for such appropriate welfare service, etc. (except specified expenses), the amount shall be 90/100 of such expenses which were actually required for such appropriate welfare service, etc.).

3 前二項に定めるもののほか、特例介護給付費及び特例訓練等給付費の支給に関し必要な事項は、厚生労働省令で定める。

(3) In addition to what prescribed in the preceding two paragraphs, necessary matters for grant of special payment or special payment for training etc. shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第三十一条 (介護給付費等の額の特例)

Article 31 (Exception of Amount of Care Payment etc.)

市町村が、災害その他の厚生労働省令で定める特別の事情があることにより、障害福祉サービスに要する費用を負担することが困難であると認めた支給決定障害者等が受ける次の各号に掲げる介護給付費等の支給について当該各号に定める規定を適用する場合には、これらの規定中「百分の九十」とあるのは、「百分の九十を超え百分の百以下の範囲内において市町村が定めた割合」とする。

In the case of applying the provisions listed in each of the following paragraphs concerning grant of nursing care payment listed in such each paragraph which persons with disabilities given grant decision who municipalities acknowledge to have difficulties to bear the expenses required for welfare service for persons with disabilities due to special reason such as casualty or other circumstances prescribed in Ordinance of the Ministry of Health, Labour and Welfare receive, the descriptions of 90/100 therein shall be replaced with "a rate specified by municipalities within a range from over 90/100 to not less than 100/100.

一 介護給付費又は訓練等給付費の支給 第二十九条第三項

(i) Grant of nursing care payment or payment for training etc.: paragraph 3 of Article 29

二 特例介護給付費又は特例訓練等給付費の支給 前条第二項

(ii) Grant of special nursing care payment or special payment for training etc.: paragraph 2 of the preceding Article.

第四款 サービス利用計画作成費、高額障害福祉サービス費、特定障害者特別給付費及び特例特定障害者特別給付費の支給

Subsection 4 Grant of Service Utilization Program Payment; Payment for High-cost Welfare Service for Persons with Disabilities; Special Payment for Specified Persons with Disabilities; and Extraordinary Special Payment for Specified Persons with Disabilities

第三十二条 (サービス利用計画作成費の支給)

Article 32 (Grant of Service Utilization Plan Payment)

- 1 市町村は、支給決定障害者等であつて、厚生労働省令で定める数以上の種類の障害福祉サービス(施設入所支援を除く。)を利用するものその他厚生労働省令で定めるもののうち市町村が必要と認めたもの(以下この条において「計画作成対象障害者等」という。)が、都道府県知事が指定する相談支援事業を行う者(以下「指定相談支援事業者」という。)から当該指定に係る相談支援(第五条第十七項第二号に掲げる便宜の供与に限る。以下「指定相談支援」という。)を受けたときは、当該計画作成対象障害者等に対し、当該指定相談支援に要した費用について、サービス利用計画作成費を支給する。
 - (1) When a person with disabilities given grant decision, etc. who uses more kinds of welfare service for persons with disabilities than the number prescribed in Ordinance of the Ministry of Health, Labour and Welfare (except support for residential care) or others whom a municipality acknowledges their necessity among those who prescribed in Ordinance of the Ministry of Health, Labour and Welfare (referred to as "object persons with disabilities for programming, etc." in this Article) received consultation support (limited to affordance of benefit listed in item 2 of paragraph 17 of Article 5; hereinafter referred to as "designated consultation support") from the persons who conduct consultation support business designated by a prefectural governor (hereinafter referred to as "designated consultation support business operators"), municipalities shall grant service utilization program expenses concerning the expenses which were required for such designated consultation support to such object persons with disabilities for programming.
 - 2 サービス利用計画作成費の額は、指定相談支援に通常要する費用につき、厚生労働大臣が定める基準により算定した費用の額(その額が現に当該指定相談支援に要した費用の額を超えるときは、当該現に指定相談支援に要した費用の額)とする。
 - (2) An amount of service utilization program expenses shall be the expenses calculated pursuant to the standard specified by Minister of Health, Labour and Welfare for the expenses normally needed for designated consultation support (if the amount surpasses the expenses which were actually required for such designated consultation support, the amount shall be such expenses which were actually required).
 - 3 計画作成対象障害者等が指定相談支援事業者から指定相談支援を受けたときは、市

町村は、当該計画作成対象障害者等が当該指定相談支援事業者に支払うべき当該指定相談支援に要した費用について、サービス利用計画作成費として当該計画作成対象障害者等に対し支給すべき額の限度において、当該計画作成対象障害者等に代わり、当該指定相談支援事業者に支払うことができる。

(3) In the event that an object person with disabilities for programming received designated consultation support from designated consultation support business operators, a municipality may pay the expenses required for such designated consultation support which such object persons with disabilities for programming should pay to such designated consultation support business operators on behalf of such object persons with disabilities for programming, etc. to such designated consultation support business operators within the limit of the amount which municipalities should grant as service utilization program expenses to such object persons with disabilities for programming, etc.

4 前項の規定による支払があったときは、計画作成対象障害者等に対しサービス利用計画作成費の支給があったものとみなす。

(4) In the event that the payment set forth in the provision set forth in the preceding paragraph was made, such payment shall be deemed that service utilization program expenses were paid to such object persons with disabilities for programming, etc.

5 市町村は、指定相談支援事業者からサービス利用計画作成費の請求があったときは、第二項の厚生労働大臣が定める基準及び第四十五条第二項の厚生労働省令で定める指定相談支援の事業の運営に関する基準(指定相談支援の取扱いに関する部分に限る。)に照らして審査の上、支払うものとする。

(5) In the event that a designated consultation support business operator, etc. demanded service utilization program expenses, a municipality shall make the payment after examining such demand in light of the standard specified by Minister of Health, Labour and Welfare set forth in paragraph 2 and the standard concerning operation of business in designated consultation support prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 45 (limited within the part concerning treatment of designated consultation support).

6 市町村は、前項の規定による支払に関する事務を連合会に委託することができる。

(6) A municipality may entrust its administrative affairs concerning the payment pursuant to the provision set forth in the preceding paragraph to an association.

7 前各項に定めるもののほか、サービス利用計画作成費の支給及び指定相談支援事業者のサービス利用計画作成費の請求に関し必要な事項は、厚生労働省令で定める。

(7) In addition to the provisions of each of the preceding paragraphs, necessary matters for grant of service utilization program expenses and demand for service utilization program expenses from designated consultation support provides shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第三十三条 (高額障害福祉サービス費の支給)

Article 33 (Grant of Payment for High-cost Welfare Service for Persons with Disabilities)

1 市町村は、支給決定障害者等が受けた障害福祉サービス及び介護保険法第二十四条第二項に規定する介護給付等対象サービスのうち政令で定めるものに要した費用の合計額から当該費用につき支給された介護給付費等及び同法第二十条に規定する介護給付等のうち政令で定めるものの合計額を控除して得た額が、著しく高額であるときは、当該支給決定障害者等に対し、高額障害福祉サービス費を支給する。

(1) In the event that the amount obtained by deducting the amount totalized nursing care payment, etc. granted for the following expenses and the nursing care benefit etc. prescribed in the Cabinet Order among the nursing care payment, etc. prescribed in Article 20 of Long-term Care Insurance Act from the total amount of expenses which were required for welfare service for persons with disabilities which persons with disabilities given grant decision and the service prescribed in the Cabinet Order among object service for nursing care payment prescribed in paragraph 2, Article 24 of the same Act is especially high, municipalities shall grant expenses for high-cost welfare service to such persons with disabilities given grant decision, etc.

2 前項に定めるもののほか、高額障害福祉サービス費の支給要件、支給額その他高額障害福祉サービス費の支給に関し必要な事項は、障害福祉サービスに要する費用の負担の家計に与える影響を考慮して、政令で定める。

(2) In addition to what prescribed in the preceding Article, necessary matters for requirements for grant of expenses for high-cost welfare service for persons with disabilities, grant amount, other matters concerning grant of expenses for high-cost welfare service for persons with disabilities shall be prescribed in Cabinet Order as considering influences of expenses required for welfare service for persons with disabilities on domestic accounts.

第三十四条 (特定障害者特別給付費の支給)

Article 34 (Grant of Special Payment for Specified Persons with Disabilities)

1 市町村は、施設入所支援その他の政令で定める障害福祉サービス(以下この項において「特定入所サービス」という。)に係る支給決定を受けた障害者のうち所得の状況その他の事情をしん酌して厚生労働省令で定めるもの(以下この項及び次条第一項において「特定障害者」という。)が、支給決定の有効期間内において、指定障害者支援施設又はのぞみの園(以下「指定障害者支援施設等」という。)に入所し、当該指定障害者支援施設等から特定入所サービスを受けたときは、当該特定障害者に対し、当該指定障害者支援施設等における食事の提供に要した費用及び居住に要した費用(次条第一項において「特定入所費用」という。)について、政令で定めるところにより、特定障害者特別給付費を支給する。

(1) In the event that a person with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare as considering the person's income status or other circumstances (hereinafter referred to as "specified person with disabilities" in this paragraph and the succeeding paragraph) among the persons with disabilities who are given grant decision pertaining to support for residential care or the other welfare service for persons with disabilities prescribed in the Cabinet Order (hereinafter referred to as "specified residential service") entered a designated support facility for persons with disabilities or Nozominosono (hereinafter referred to as "designated support facilities for persons with disabilities, or others") and received specified residential service from such designated support facility for persons with disabilities, or others during the valid period of grant decision, a municipality shall grant special payment for specified persons with disabilities to such specified person with disabilities pursuant to the provision in the Cabinet Order concerning the expenses required for meal service and housing in such designated support facility for persons with disabilities (referred to as "specified residential expenses" in paragraph 1 of the succeeding Article).

2 第二十九条第二項及び第五項から第八項までの規定は、特定障害者特別給付費の支給について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions paragraph 2 and paragraph 5 through paragraph 8 of Article 29 apply mutatis mutandis pursuant to the grant of special payment for specified persons with disabilities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

3 前二項に定めるもののほか、特定障害者特別給付費の支給及び指定障害者支援施設等の特定障害者特別給付費の請求に関し必要な事項は、厚生労働省令で定める。

(3) In addition to what prescribed in the two preceding paragraphs, necessary matters for grant of special payment for specified persons with disabilities and demand for special payment for specified persons with disabilities from designated support facilities for persons with disabilities shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第三十五条 (特例特定障害者特別給付費の支給)

Article 35 (Grant of Extraordinary Special Payment for Specified Persons with Disabilities)

1 市町村は、次に掲げる場合において、必要があると認めるときは、特定障害者に対し、当該指定障害者支援施設等又は基準該当施設における特定入所費用について、政令で定めるところにより、特例特定障害者特別給付費を支給することができる。

(1) A municipality may grant extraordinary special payment for specified persons with disabilities to specified persons with disabilities pursuant to the provision of the Cabinet Order concerning specified residential expenses at such designated

support facilities, etc. or appropriate facilities, if it acknowledges it to be necessary.

一 特定障害者が、第二十条第一項の申請をした日から当該支給決定の効力が生じた日の前日までの間に、緊急その他やむを得ない理由により指定障害福祉サービス等を受けたとき。

(i) In the event that a specified person with disabilities received designated welfare service for persons with disabilities in case of emergency or inevitable circumstances from the day when they made applications prescribed in paragraph 1 of Article 20 to the previous day when such grant decision takes effect.

二 特定障害者が、基準該当障害福祉サービスを受けたとき。

(ii) In the event that a specified person with disabilities received appropriate welfare service for persons with disabilities.

2 前項に定めるもののほか、特例特定障害者特別給付費の支給に関し必要な事項は、厚生労働省令で定める。

(2) In addition to what prescribed in the preceding paragraph, necessary matters for grant of extraordinary special payment for specified persons with disabilities shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第五款 指定障害福祉サービス事業者、指定障害者支援施設等及び指定相談支援事業者

Subsection 5 Designated Welfare Service Business Operators for Persons with Disabilities; Designated Support Facilities etc. and Designated Consultation Support Business Operators

第三十六条 (指定障害福祉サービス事業者の指定)

Article 36 (Designation of Designated Welfare Service operators for Persons with Disabilities)

1 第二十九条第一項の指定障害福祉サービス事業者の指定は、厚生労働省令で定めるところにより、障害福祉サービス事業を行う者の申請により、障害福祉サービスの種類及び障害福祉サービス事業を行う事業所(以下この款において「サービス事業所」という。)ごとに行う。

(1) Designation of designated welfare service business operators of paragraph 1 of Article 29 shall be conducted by an application from a person who provides welfare service for persons with disabilities per kind of welfare service for persons with disabilities and per place of business providing welfare service for persons with disabilities (hereinafter referred to as "place of business for service"; the same shall apply in this Subsection) pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 就労継続支援その他の厚生労働省令で定める障害福祉サービス(以下この条及び次条第一項において「特定障害福祉サービス」という。)に係る前項の申請は、当該特定

障害福祉サービスの量を定めてするものとする。

(2) The application set forth in the provision of the preceding paragraph pertaining to the support for continuous employment, etc. and the other welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "specified welfare service for persons with disabilities" in this Article and paragraph 1 of the succeeding Article) shall be filed with determining the amount of such specified welfare service for persons with disabilities.

3 都道府県知事は、第一項の申請があった場合において、第一号から第三号まで、第五号から第七号まで、第九号又は第十号(療養介護に係る指定の申請にあつては、第二号から第十一号まで)のいずれかに該当するときは、指定障害福祉サービス事業者の指定をしてはならない。

(3) In the event that the application set forth in paragraph 1 has been filed, prefectural governors shall not appoint designated welfare service business operators if they correspond to any of items from (i) to (iii), (v) to (vii), (ix) or (x) (in the case of an application for designation pertaining to the medical care: from (ii) to (xi)).

一 申請者が法人でないとき。

(i) An applicant is not juridical persons.

二 当該申請に係るサービス事業所の従業者の知識及び技能並びに人員が、第四十三条第一項の厚生労働省令で定める基準を満たしていないとき。

(ii) Employees' knowledge and skills, and the number of employees of a place of business for service pertaining to an application do not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 of Article 43.

三 申請者が、第四十三条第二項の厚生労働省令で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従って適正な障害福祉サービス事業の運営をすることができないと認められるとき。

(iii) Applicant is recognized as being not capable of operating appropriate welfare service business for persons with disabilities pursuant to the standard concerning equipment and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 2 of Article 43.

四 申請者が、禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(iv) An applicant is who was sentenced to imprisonment or more serious charge and completed the execution thereof or is no longer executed.

五 申請者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるものの規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(v) An applicant is who was fined pursuant to this Act or other Acts concerning national healthcare or welfare provided in the Cabinet Order, completed the payment thereof or is no longer executed.

六 申請者が、第五十条第一項(同条第三項及び第四項において準用する場合を含む。以下この項において同じ。)の規定により指定を取り消され、その取消しの日から起算して五年を経過しない者(当該指定を取り消された者が法人である場合においては、当該取消しの処分に係る行政手続法(平成五年法律第八十八号)第十五条の規定による通知があった日前六十日以内に当該法人の役員又はそのサービス事業所を管理する者その他の政令で定める使用人(以下「役員等」という。)であった者で当該取消しの日から起算して五年を経過しないものを含み、当該指定を取り消された者が法人でない場合においては、当該通知があった日前六十日以内に当該者の管理者であった者で当該取消しの日から起算して五年を経過しないものを含む。)であるとき。

(vi) An applicant has been who was rescinded with their designation pursuant to the provision of paragraph 1 of Article 50 (including the case where it is applied mutatis mutandis pursuant to paragraph 3 and 4 of the same Article; the same shall apply in this paragraph.) and who has not yet spent 5 years of the date of rescission (in the event that such person whose designation was rescinded is a juridical person, a person who was a board member of such juridical person, a person who directed the place of business for service, or a person who is the other employee prescribed in the Cabinet Order (hereinafter referred to as "board member, etc.") within 60 days of the day of notice pursuant to Article 15 of Administrative Procedure Act (Act No. 88 of 1993) pertaining to such rescission, who has not yet spent 5 years from the day of such rescission shall be included; in the event that such person whose designation was rescinded is not a juridical person, a manager of such person within 60 days of the day of such notice, who has not yet spent 5 years from the day of such rescission shall be included.)

七 申請者が、第五十条第一項の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があった日から当該処分をする日又は処分をしないことを決定する日までの間に第四十六条第一項の規定による事業の廃止の届出をした者(当該事業の廃止について相当の理由がある者を除く。)で、当該届出の日から起算して五年を経過しないものであるとき。

(vii) An Applicant is the person who notified abolition of service pursuant to paragraph 1 of Article 46 during the period from the day of notice pursuant to Article 15 of Administrative Procedure Act pertaining to rescission of designation pursuant to paragraph 1 of Article 50 till the day when such disposition is made or decision not to dispose is made (except the person who has just causes for such service abolition) who has not yet spent 5 years from the day of such notification.

八 前号に規定する期間内に第四十六条第一項の規定による事業の廃止の届出があった場合において、申請者が、同号の通知の日前六十日以内に当該届出に係る法人(当該事業の廃止について相当の理由がある法人を除く。)の役員等又は当該届出に係る法人でない者(当該事業の廃止について相当の理由がある者を除く。)の管理者であった者で、当該届出の日から起算して五年を経過しないものであるとき。

(viii) In the event that an abolition of service is notified pursuant to paragraph 1 of Article 46, an applicant is a member of board or a manager of non-corporation pertaining to such report (except those who have just causes for such service abolition) or a juridical person pertaining to such report within 60 days before a day of notice provided in the same paragraph (except those who have just causes for such service abolition), who has not yet spent 5 years from the day of such notification.

九 申請者が、指定の申請前五年以内に障害福祉サービスに関し不正又は著しく不当な行為をした者であるとき。

(ix) An applicant is who commits a deceit or an extremely unjust conduct concerning welfare service for persons with disabilities within 5 years before the application for designation.

十 申請者が、法人で、その役員等のうちに第四号から前号までのいずれかに該当する者のあるものであるとき。

(x) An applicant is a juridical person wherein there is a board member, etc. who falls under any of items from item 4 to the preceding paragraph.

十一 申請者が、法人でない者で、その管理者が第四号から第九号までのいずれかに該当する者であるとき。

(xi) An applicant is not a juridical person whose manager falls under any of items from item 4 to item 9.

4 都道府県知事は、特定障害福祉サービスにつき第一項の申請があった場合において、当該都道府県又は当該申請に係るサービス事業所の所在地を含む区域(第八十九条第二項第一号の規定により都道府県が定める区域とする。)における当該申請に係る指定障害福祉サービスの量が、同条第一項の規定により当該都道府県が定める都道府県障害福祉計画において定める当該都道府県若しくは当該区域の当該指定障害福祉サービスの必要な量に既に達しているか、又は当該申請に係る事業者の指定によってこれを超えることになると認めるとき、その他の当該都道府県障害福祉計画の達成に支障を生ずるおそれがあると認めるときは、第二十九条第一項の指定をしないことができる。

(4) A prefectural governor may refrain from the designation of paragraph 1 of Article 29 in the event that an application of paragraph 1 for specified welfare service for persons with disabilities is filed, if he/she acknowledges that an amount of designated welfare service for persons with disabilities pertaining to such application in an area containing such prefecture or location of the place of business for service pertaining to such application (the area shall be defined by the prefecture pursuant to the item 1 of paragraph 2 of Article 89) has already reached

to the amount necessary for such designated welfare service for persons with disabilities in such prefecture or such area which is prescribed in a prefectural plan for welfare of persons with disabilities prescribed by such prefecture pursuant to paragraph 1 of this Article 89, or such amount will be surpassed by designation of a business operator pertaining to such application, or such application could be possible to be an obstacle for achievement of other plans for welfare of persons with disabilities of such prefecture.

第三十七条 (指定障害福祉サービス事業者の指定の変更)

Article 37 (Alternation of Designated Welfare Service operator for Persons with Disabilities)

1 指定障害福祉サービス事業者(特定障害福祉サービスに係るものに限る。)は、第二十九条第一項の指定に係る障害福祉サービスの量を増加しようとするときは、あらかじめ、厚生労働省令で定めるところにより、当該指定障害福祉サービス事業者に係る同項の指定の変更を申請することができる。

(1) In the event that a designated welfare service business operator (limited to what is pertaining to specified welfare service) intends to increase the amount of welfare service pertaining to the designation of paragraph 1 of Article 29, it may apply in advance for alternation of the designation of this paragraph pertaining to such designated welfare service business operator pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 前条第三項及び第四項の規定は、前項の指定の変更の申請があった場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions paragraph 3 and paragraph 4 of the preceding Article apply mutatis mutandis to the case that an application for alternation of designation provided in the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第三十八条 (指定障害者支援施設の指定)

Article 38 (Designation of Designated Support Facilities for Persons with Disabilities)

1 第二十九条第一項の指定障害者支援施設の指定は、厚生労働省令で定めるところにより、障害者支援施設の設置者の申請により、施設障害福祉サービスの種類及び当該障害者支援施設の入所定員を定めて、行う。

(1) Designation of a designated support facility for persons with disabilities of paragraph 1 of Article 29 shall be conducted by an application from an establisher of a support facility for persons with disabilities as determining kind of welfare service for persons with disabilities and limit capacity of such support facility pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 都道府県知事は、前項の申請があった場合において、当該都道府県における当該申

請に係る指定障害者支援施設の入所定員の総数が、第八十九条第一項の規定により当該都道府県が定める都道府県障害福祉計画において定める当該都道府県の当該指定障害者支援施設の必要入所定員総数に既に達しているか、又は当該申請に係る施設の指定によってこれを超えることになると認めるとき、その他の当該都道府県障害福祉計画の達成に支障を生ずるおそれがあると認めるときは、第二十九条第一項の指定をしないことができる。

(2) A prefectural governor may refrain from the designation of paragraph 1 of Article 29 in the event that the application of the preceding paragraph is filed, if he/she acknowledges that the total of limit capacity of the designated support facility pertaining to such application in such prefecture has already reached to the total capacity necessary for such designated support facility which is prescribed in a prefectural plan for welfare of persons with disabilities prescribed by such prefecture pursuant to paragraph 1 of this Article 89; such capacity will be surpassed by the designation of the facility pertaining to such application; or such application could be possible to be an obstacle for achievement of other plans for welfare of persons with disabilities of such prefecture.

3 第三十六条第三項(第四号、第八号及び第十一号を除く。)の規定は、第二十九条第一項の指定障害者支援施設の指定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provision of paragraph 3 of Article 36 (except item 4, item 8 and item 11) applies mutatis mutandis to the designation of designated support facilities of paragraph 1 of Article 29. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第三十九条 (指定障害者支援施設の指定の変更)

Article 39 (Alternation of Designation of Designated Support Facilities for Persons with Disability)

1 指定障害者支援施設の設置者は、第二十九条第一項の指定に係る施設障害福祉サービスの種類を変更しようとするとき、又は当該指定に係る入所定員を増加しようとするときは、あらかじめ、厚生労働省令で定めるところにより、当該指定障害者支援施設に係る同項の指定の変更を申請することができる。

(1) In the event an establisher of a designated support facility intends to alternate the kinds of in-facility welfare service for persons with disabilities pertaining to the designation of paragraph 1 of Article 29, or to increase the limit capacity pertaining to such designation, it may apply in advance for alternation of designation of the same paragraph pertaining to such support facility for persons with disabilities pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 前条第二項及び第三項の規定は、前項の指定の変更の申請があった場合について準用する。この場合において、必要な技術的読替えは、政令で定める。

- (2) The provisions paragraph 2 and paragraph 3 of the preceding Article apply mutatis mutandis to the case that an application for alternation of designation provided in the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第四十条 (指定相談支援事業者の指定)

Article 40 (Designation of Consultation Support Business Operators)

第三十六条(第三項第四号、第八号及び第十一号を除く。)の規定は、第三十二条第一項の指定相談支援事業者の指定について準用する。この場合において、必要な技術的読替えは、政令で定める。

The provisions Article 36 (except items 4, item 8 and item 11 of paragraph 3) apply mutatis mutandis to the designation of consultation support business operators of paragraph 1 of Article 32. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第四十一条 (指定の更新)

Article 41 (Renewal of Designation)

- 1 第二十九条第一項の指定障害福祉サービス事業者及び指定障害者支援施設の指定並びに第三十二条第一項の指定相談支援事業者の指定は、六年ごとにそれらの更新を受けなければ、その期間の経過によって、それらの効力を失う。
- (1) The designation of designated welfare service business operators and designated support facilities set forth in paragraph 1 of Article 29 and designated consultation service business operators set forth in paragraph 1 of Article 32 will lose their effects by elapse of the period if they are not renewed every 6 years.
- 2 前項の更新の申請があった場合において、同項の期間(以下この条において「指定の有効期間」という。)の満了の日までにその申請に対する処分がされないときは、従前の指定は、指定の有効期間の満了後もその処分がされるまでの間は、なおその効力を有する。
- (2) In the event that an application of renewal of the preceding paragraph is filed, if a disposition is not made to the application by the expiration day of the period prescribed in the same paragraph (hereinafter referred to as "valid period for designation" in this Article), prior and existing designation shall hold its validity after expiration of valid period for designation until the disposition is made.
- 3 前項の場合において、指定の更新がされたときは、その指定の有効期間は、従前の指定の有効期間の満了の日の翌日から起算するものとする。
- (3) In the case referred to in the preceding paragraph, if a renewal of designation is conducted, the valid period of the designation is reckoned from the next day of the valid period's expiration day of the prior and existing designation.
- 4 第三十六条、第三十八条及び前条の規定は、第一項の指定の更新について準用する。この場合において、必要な技術的読替えは、政令で定める。

(4) The provision of Article 36, Article 38 and the preceding Article apply mutatis mutandis to the renewal of designation of paragraph 1. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第四十二条 (指定障害福祉サービス事業者、指定障害者支援施設等の設置者及び指定相談支援事業者の責務)

Article 42 (Responsibilities of Designated Welfare Service operators for Persons with Disabilities, Establishers of Designated Support Facilities and Designated Consultation Support Providers)

1 指定障害福祉サービス事業者、指定障害者支援施設等の設置者及び指定相談支援事業者(以下「指定事業者等」という。)は、障害者等がその有する能力及び適性に応じ、自立した日常生活又は社会生活を営むことができるよう、市町村、公共職業安定所その他の職業リハビリテーションの措置を実施する機関、教育機関その他の関係機関との緊密な連携を図りつつ、障害福祉サービス又は相談支援を当該障害者等の意向、適性、障害の特性その他の事情に応じ、効果的に行うように努めなければならない。

(1) Designated welfare service business operators for persons with disabilities, establishers of designated support facilities, etc. and designated consultation support business operators (hereinafter referred to as "designated service business operators, etc.") shall endeavor to provide welfare service for persons with disabilities or consultation support effectively as building close affiliation with municipalities, public employment security offices or other institutes which conduct vocational rehabilitations, educational institutes, and other institutes concerned, according to will, aptitudes, characteristics of their disabilities and other circumstances of such persons with disabilities so that they can live independent daily or social life according to their respective abilities and aptitudes.

2 指定事業者等は、その提供する障害福祉サービス又は相談支援の質の評価を行うことその他の措置を講ずることにより、障害福祉サービス又は相談支援の質の向上に努めなければならない。

(2) Designated service business operators shall endeavor to improve quality of welfare service or consultation support by conducting evaluations on the welfare service or the consultation service which they provide and taking other measures.

3 指定事業者等は、障害者等の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、障害者等のため忠実にその職務を遂行しなければならない。

(3) Designated service business operators, etc. shall comply with this Act and the orders based on this Act as well as respect individualities of persons with disabilities to fulfill their duties loyally for persons with disabilities, or others.

第四十三条 (指定障害福祉サービスの事業の基準)

Article 43 (Standard for Business of Designated Welfare Service)

1 指定障害福祉サービス事業者は、当該指定に係るサービス事業所ごとに、厚生労働

省令で定める基準に従い、当該指定障害福祉サービスに従事する従業者を有しなければならない。

- (1) A designated welfare service business operator shall hold the employees who are engaged in such designated welfare service per place of business for service pertaining to such designation pursuant to the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- 2 指定障害福祉サービス事業者は、厚生労働省令で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従い、指定障害福祉サービスを提供しなければならない。
- (2) Designated welfare service business operators shall provide designated welfare service pursuant to the standard concerning equipment and operation of designated welfare service prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第四十四条 (指定障害者支援施設等の基準)

Article 44 (Standard for Designated Support Facilities for Persons with Disabilities)

- 1 指定障害者支援施設等の設置者は、厚生労働省令で定める基準に従い、施設障害福祉サービスに従事する従業者を有しなければならない。
- (1) An establisher of designated support facilities, etc. shall hold the employees who are engaged in in-facility welfare service for persons with disabilities pursuant to the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- 2 指定障害者支援施設等の設置者は、厚生労働省令で定める指定障害者支援施設等の設備及び運営に関する基準に従い、施設障害福祉サービスを提供しなければならない。
- (2) Establishers of designated support facilities, etc. shall provide in-facility welfare service for persons with disabilities pursuant to the standard concerning equipment and operation of business of designated support facilities, etc. prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第四十五条 (指定相談支援の事業の基準)

Article 45 (Standard for Business of Designated Consultation Support)

- 1 指定相談支援事業者は、当該指定に係る相談支援事業を行う事業所(以下この款において「相談支援事業所」という。)ごとに、厚生労働省令で定める基準に従い、当該指定相談支援に従事する従業者を有しなければならない。
- (1) A designated consultation support business operators shall hold the employees who are engaged in such designated consultation support per a place of business for consultation support service pertaining to such designation (hereinafter referred to as "place of business for consultation support" in this subsection) pursuant to the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

2 指定相談支援事業者は、厚生労働省令で定める指定相談支援の事業の運営に関する基準に従い、指定相談支援を提供しなければならない。

(2) Designated consultation support business operators shall provide consultation support pursuant to the standard concerning equipment and operation of business of designated welfare service prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第四十六条 (変更の届出等)

Article 46 (Alternation Notification, etc.)

1 指定障害福祉サービス事業者又は指定相談支援事業者は、当該指定に係るサービス事業所又は相談支援事業所の名称及び所在地その他厚生労働省令で定める事項に変更があったとき、又は当該指定障害福祉サービス若しくは指定相談支援の事業を廃止し、休止し、若しくは再開したときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

(1) In the event that a designated welfare service business operator or designated consultation support business operator has amended its name of places of business or consultation support offices pertaining to the designation, its location or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare; or in the event it abolishes, suspends or resumes the designated welfare service for persons with disabilities or the designated consultation support, they shall notify that effect to the prefectural governor within 10 days pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 指定障害者支援施設の設置者は、設置者の住所その他の厚生労働省令で定める事項に変更があったときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

(2) If an establisher of designated support facilities has amended the address thereof or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare, the establisher shall notify that effect to the prefectural governor within 10 days pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

第四十七条 (指定の辞退)

Article 47 (Declination of Designation)

指定障害者支援施設は、三月以上の予告期間を設けて、その指定を辞退することができる。

Designated support facilities may decline the designation by taking notice periods of not less than 3 months.

第四十八条 (報告等)

Article 48 (Report, etc.)

1 都道府県知事又は市町村長は、必要があると認めるときは、指定障害福祉サービス事業者若しくは指定障害福祉サービス事業者であった者若しくは当該指定に係るサービス事業所の従業者であった者(以下この項において「指定障害福祉サービス事業者であった者等」という。)に対し、報告若しくは帳簿書類その他の物件の提出若しくは提示を命じ、指定障害福祉サービス事業者若しくは当該指定に係るサービス事業所の従業者若しくは指定障害福祉サービス事業者であった者等に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは当該指定障害福祉サービス事業者の当該指定に係るサービス事業所に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

(1) In the event that a prefectural governor or a mayor of municipalities acknowledge it necessary, he/she may order designated welfare service business operators, ex-designated welfare service business operators or ex-employees of places of business pertaining to such designation (referred to as "ex-designated welfare service business operators, etc." in this paragraph) to report or submit or present documents, books or other materials; may cause designated welfare service business operators, employees of the places of business pertaining to such designation or ex-designated welfare service business operators to appear; or may cause such staff persons to ask questions of those who concerned or to enter places of business of such designated welfare service business operators pertaining to such designation so as to inspect the facilities or books, documents, and other materials.

2 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the question or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.

3 前二項の規定は、指定障害者支援施設等について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to designated support facilities, etc. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

4 第一項及び第二項の規定は、指定相談支援事業者について準用する。この場合において、必要な技術的読替えは、政令で定める。

(4) The provisions of paragraph 1 and paragraph 2 apply mutatis mutandis to designated consultation support business operators. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第四十九条 (勧告、命令等)

Article 49 (Recommendations, Orders, etc.)

1 都道府県知事は、指定障害福祉サービス事業者が、当該指定に係るサービス事業所の従業者の知識若しくは技能若しくは人員について第四十三条第一項の厚生労働省令で定める基準に適合しておらず、又は同条第二項の厚生労働省令で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従って適正な指定障害福祉サービスの事業の運営をしていないと認めるときは、当該指定障害福祉サービス事業者に対し、期限を定めて、同条第一項の厚生労働省令で定める基準を遵守し、又は同条第二項の厚生労働省令で定める指定障害福祉サービスの事業の設備及び運営に関する基準を遵守すべきことを勧告することができる。

(1) In the event that a prefectural governor acknowledges that a designated welfare service business operator for persons with disabilities does not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 43 on employees' knowledge and skills and the number of employees, or does not operate business appropriately on designated welfare service pursuant to the standard concerning equipment and operation of designated welfare service business operators prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth paragraph 2 of the same Article, he/she may admonish such designated welfare service business operator with setting a time limit to comply with the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of the same Article or to comply with the standard concerning equipment and operation of designated welfare service business operators for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 2 set forth in the same Article.

2 都道府県知事は、指定障害者支援施設等の設置者が、当該指定に係る施設及びのぞみの園の従業者の知識若しくは技能若しくは人員について第四十四条第一項の厚生労働省令で定める基準に適合しておらず、又は同条第二項の厚生労働省令で定める指定障害者支援施設等の設備及び運営に関する基準に従って適正な施設障害福祉サービスの事業の運営をしていないと認めるときは、当該指定障害者支援施設等の設置者に対し、期限を定めて、同条第一項の厚生労働省令で定める基準を遵守し、又は同条第二項の厚生労働省令で定める指定障害者支援施設等の設備及び運営に関する基準を遵守すべきことを勧告することができる。

(2) In the event that a prefectural governor acknowledges that an establisher of designated support facilities does not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in Article 44 on knowledge and skills and the number of the employees of the facilities pertaining to such designation and Nozominosono, or does not operate business appropriately on in-facility welfare service for persons with disabilities pursuant to the standard concerning equipment and operation of designated support facilities for persons with disabilities, or others prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article, he/she

may admonish such establisher of support facilities, etc. with setting a time limit to comply with the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in the same Article or to comply with the standard concerning equipment and operation of designated support facilities for persons with disabilities, or others prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 2 set forth in the same Article.

3 都道府県知事は、指定相談支援事業者が、当該指定に係る相談支援事業所の従業者の知識若しくは技能若しくは人員について第四十五条第一項の厚生労働省令で定める基準に適合しておらず、又は同条第二項の厚生労働省令で定める指定相談支援の事業の運営に関する基準に従って適正な指定相談支援の事業の運営をしていないと認めるときは、当該指定相談支援事業者に対し、期限を定めて、同条第一項の厚生労働省令で定める基準を遵守し、又は同条第二項の厚生労働省令で定める指定相談支援の事業の運営に関する基準を遵守すべきことを勧告することができる。

(3) In the event that a prefectural governor acknowledges that a designated consultation support business operator does not satisfy the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 45 on knowledge and skills and the number of the employees of the consultation support places of business pertaining to such designation, or does not operate business appropriately on designated consultation support service pursuant to the standard concerning equipment and operation of designated consultation support business prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article, he/she may admonish such designated consultation support business operator with setting a time limit to comply with the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in the same Article or to comply with the standard concerning equipment and operation of designated consultation support prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of the same Article.

4 都道府県知事は、前三項の規定による勧告をした場合において、その勧告を受けた指定事業者等が、前三項の期限内にこれに従わなかったときは、その旨を公表することができる。

(4) In the event that a prefectural governor has admonished pursuant to the provisions of the three preceding paragraphs, if the designated service business operator, etc. does not obey the admonishment within the period prescribed in the three preceding paragraphs, the governor may make that effect public.

5 都道府県知事は、第一項から第三項までの規定による勧告を受けた指定事業者等が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定事業者等に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(5) In the event that the designated service business operator, etc. admonished pursuant to the provisions of paragraph 1 to paragraph 3 does not take any means

pertaining to the admonishment without just causes, the prefectural governor may order such designated service business operator, etc. with setting a time limit to take actions pertaining to such admonishment.

6 都道府県知事は、前項の規定による命令をしたときは、その旨を公示しなければならない。

(6) In the event that a prefectural governor places an order pursuant to the provisions set forth in the preceding paragraph, he/she shall make that effect public.

7 市町村は、介護給付費、訓練等給付費、サービス利用計画作成費若しくは特定障害者特別給付費の支給に係る指定障害福祉サービス等又は指定相談支援を行った指定事業者等について、第四十三条第二項の厚生労働省令で定める指定障害福祉サービスの事業の設備及び運営に関する基準、第四十四条第二項の厚生労働省令で定める指定障害者支援施設等の設備及び運営に関する基準又は第四十五条第二項の厚生労働省令で定める指定相談支援の事業の運営に関する基準に従って適正な指定障害福祉サービスの事業、施設障害福祉サービスの事業又は指定相談支援の事業の運営をしていないと認めるときは、その旨を当該指定に係るサービス事業所若しくは相談支援事業所又は施設の所在地の都道府県知事に通知しなければならない。

(7) In the event that a municipality acknowledges that a designated welfare service business operator who conducts designated welfare service pertaining to nursing care payment, payment for training etc., service utilization program expenses or special payment for specified persons with disabilities does not operate appropriate designated welfare service, in-facility welfare service or designated consultation support pursuant to the standard concerning equipment and operation of designated welfare service for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 43, the standard concerning equipment and operation of designated support facilities for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 44, and the standard concerning equipment and operation of designated consultation support prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 45, it shall notify the effect to the prefectural governor of the location of the service business operator's office or consultation support office or facility pertaining to such designation.

第五十条 (指定の取消し等)

Article 50 (Rescission of Designation, etc.)

1 都道府県知事は、次の各号のいずれかに該当する場合には、当該指定障害福祉サービス事業者に係る第二十九条第一項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

(1) A prefectural governor may rescind the designation paragraph 1 of Article 29

pertaining to such designated welfare service business operators for persons with disabilities, or suspend whole or part of validity of the designation with setting a period of time in the case of each of the following cases:

一 指定障害福祉サービス事業者が、第三十六条第三項第四号、第五号、第十号又は第十一号のいずれかに該当するに至ったとき。

(i) A designated welfare service business operator for persons with disabilities has fallen into categories set forth in item 4, item 5, item 10, or item 11 of paragraph 3 of Article 36.

二 指定障害福祉サービス事業者が、第四十二条第三項の規定に違反したと認められるとき。

(ii) A designated welfare service business operator for persons with disabilities is acknowledged to violate the provision of paragraph 3 of Article 42.

三 指定障害福祉サービス事業者が、当該指定に係るサービス事業所の従業者の知識若しくは技能又は人員について、第四十三条第一項の厚生労働省令で定める基準を満たすことができなくなったとき。

(iii) A designated welfare service business operator for persons with disabilities has become incapable of satisfying the standard prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 1 of Article 43 on knowledge or skills or the number of employees of the place of business for service pertaining to such designation.

四 指定障害福祉サービス事業者が、第四十三条第二項の厚生労働省令で定める指定障害福祉サービスの事業の設備及び運営に関する基準に従って適正な指定障害福祉サービスの事業の運営をすることができなくなったとき。

(iv) A designated welfare service business operator for persons with disabilities has become incapable of operate the business designated welfare service appropriately pursuant to the standard concerning equipment and operation of designated welfare service prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in paragraph 2 of Article 43.

五 介護給付費若しくは訓練等給付費又は療養介護医療費の請求に関し不正があったとき。

(v) There was a deceit concerning a demand of nursing care payment, or payment for training, etc. or medical care treatment expenses.

六 指定障害福祉サービス事業者が、第四十八条第一項の規定により報告又は帳簿書類その他の物件の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(vi) In the event that a designated welfare service business operator for persons with disabilities is ordered to report pursuant to the provision set forth in paragraph 1 of Article 48, or to submit or to present documents, books or other materials, it does not comply with the order or provide false reports.

七 指定障害福祉サービス事業者又は当該指定に係るサービス事業所の従業者が、第

四十八条第一項の規定により出頭を求められてこれに 응 ぜ ず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定に係るサービス事業所の従業員がその行為をした場合において、その行為を防止するため、当該指定障害福祉サービス事業者が相当の注意及び監督を尽くしたときを除く。

(vii) Employees of a designated welfare service for persons with disabilities of places of business for service pertaining to such designation are required to be appear pursuant to the provision set forth in paragraph 1 of Article 48 but do not comply with the requirement, do not answer to the questions pursuant to the provision of same paragraph, or the persons provide false reports, or refuse, hinder, or avoid the inspection pursuant to the provision of the same paragraph; provided, however, in the event that the employees at the places of business for service conducts the actions, such designated welfare service business operators for persons with disabilities endeavor to conduct appropriate admonishment and supervision so as to prevent the actions.

八 指定障害福祉サービス事業者が、不正の手段により第二十九条第一項の指定を受けたとき。

(viii) A designated welfare service business operator for persons with disabilities received designation set forth in paragraph 1 of Article 29 by fraudulent means.

九 前各号に掲げる場合のほか、指定障害福祉サービス事業者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分に違反したとき。

(ix) In addition to the cases listed in each of the preceding items, designated welfare service business operators for persons with disabilities violate this Act or other Acts concerning national healthcare or welfare prescribed in the Cabinet Order, or orders or actions based on these Acts.

十 前各号に掲げる場合のほか、指定障害福祉サービス事業者が、障害福祉サービスに関し不正又は著しく不当な行為をしたとき。

(x) In addition to the cases listed in each of the preceding items, designated welfare service business operators for persons with disabilities conduct deceits or extremely unjust acts concerning welfare service for persons with disabilities.

十一 指定障害福祉サービス事業者が法人である場合において、その役員等のうちに指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に障害福祉サービスに関し不正又は著しく不当な行為をした者があるとき。

(xi) In the event that if a designated welfare service business operator for persons with disabilities is a juridical person, its board members conducted deceits or extremely unjust actions concerning welfare service for persons with disabilities within 5 years before a rescission or suspension of validity of whole or part of designation is to be conducted.

十二 指定障害福祉サービス事業者が法人でない場合において、その管理者が指定の

取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に障害福祉サービスに関し不正又は著しく不当な行為をした者であるとき。

(xii) In the event that a designated welfare service business operator for persons with disabilities is not a juridical person, its managers conducted deceits or extremely unjust actions concerning welfare service for persons with disabilities within 5 years before a rescission or suspension of validity of all or a part of designation is to be conducted.

2 市町村は、自立支援給付に係る指定障害福祉サービスを行った指定障害福祉サービス事業者について、前項各号のいずれかに該当すると認めるときは、その旨を当該指定に係るサービス事業所の所在地の都道府県知事に通知しなければならない。

(2) If a municipality acknowledges a designated welfare service business operator for persons with disabilities to fall under any of each item of the preceding paragraph, it shall notify the effect to the prefectural governor where the places of business for service pertaining to such designation locate.

3 前二項(第一項第十二号を除く。)の規定は、指定障害者支援施設について準用する。この場合において、必要な技術的読替えは、政令で定める。

(3) The provisions of the preceding two paragraphs (except item 12 of paragraph 1) apply mutatis mutandis to designated support facilities for persons with disabilities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

4 第一項(第十二号を除く。)及び第二項の規定は、指定相談支援事業者について準用する。この場合において、必要な技術的読替えは、政令で定める。

(4) The provisions of paragraph 1 (except item 12) and paragraph 2 apply mutatis mutandis to designated consultation support business operators. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第五十一条 (公示)

Article 51 (Public Notice)

都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

A prefectural governor shall make a public notice in the following cases:

一 第二十九条第一項の指定障害福祉サービス事業者若しくは指定障害者支援施設の指定又は第三十二条第一項の指定相談支援事業者の指定をしたとき。

(i) In the event that designation is conducted for a designated welfare service business operator for person with disabilities or a designated support facility for persons with disabilities in paragraph 1 set forth Article 29, or a designated consultation support business operator set forth in paragraph 1 of Article 32.

二 第四十六条第一項の規定による届出(同項の厚生労働省令で定める事項の変更並びに同項に規定する事業の休止及び再開に係るものを除く。)があったとき。

(ii) In the event that an application pursuant to the provision of paragraph 1 of

Article 46 (except the applications pertaining to alternation of the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth in the same paragraph, and suspension and resumption of business prescribed in the same paragraph) is filed.

三 第四十七条の規定による指定障害者支援施設の指定の辞退があったとき。

(iii) In the event that designation for a designated support facility pursuant to the provision of Article 47 is declined.

四 前条第一項(同条第三項及び第四項において準用する場合を含む。)の規定により指定障害福祉サービス事業者、指定障害者支援施設又は指定相談支援事業者の指定を取り消したとき。

(iv) In the event that designation is rescinded on a designated welfare service business operator for persons with disabilities, a designated support facility for persons with disabilities, or a designated consultation support business operator, pursuant to the provision of paragraph 1 of the preceding Article (including the case where it is applied mutatis mutandis pursuant to paragraph 3 and paragraph 4 of the same Article).

第三節 自立支援医療費、療養介護医療費及び基準該当療養介護医療費の支給
Section 3 Grant of Medical Expenses for Services and Supports for Persons with Disabilities; Medical Care Treatment Expenses; and Appropriate Medical Care Treatment Expenses

第五十二条 (自立支援医療費の支給認定)

Article 52 (Grant Approval of Medical Expenses for Services and Supports for Persons with Disabilities)

1 自立支援医療費の支給を受けようとする障害者又は障害児の保護者は、市町村等の自立支援医療費を支給する旨の認定(以下「支給認定」という。)を受けなければならない。

(1) A persons with disabilities or a guardian of children with disabilities who intends to receive medical expenses for services and supports for persons with disabilities shall be certified by a municipality etc. to grant medical expenses for services and supports for persons with disabilities (hereinafter referred to as "grant approval").

2 第十九条第二項の規定は市町村等が行う支給認定について、同条第三項及び第四項の規定は市町村等が行う支給認定について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provision set forth in paragraph 2 of Article 19 applies mutatis mutandis to grant approval conducted by municipalities, etc.; the provisions of paragraph 3 and paragraph 4 of the same Article apply to grant approval conducted by municipalities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第五十三条 (申請)

Article 53 (Application)

- 1 支給認定を受けようとする障害者又は障害児の保護者は、厚生労働省令で定めるところにより、市町村等に申請をしなければならない。
- (1) A person with disabilities or a guardian of children with disabilities who intends to receive grant approval shall apply to a municipality etc. pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.
- 2 前項の申請は、都道府県が支給認定を行う場合には、政令で定めるところにより、当該障害者又は障害児の保護者の居住地の市町村(障害者又は障害児の保護者が居住地を有しないか、又はその居住地が明らかでないときは、その障害者又は障害児の保護者の現在地の市町村)を経由して行うことができる。
- (2) The application set forth in the preceding paragraph may be filed by way of the municipalities where such person with disabilities or such guardian of children with disabilities has the person's domicile (if such person with disabilities or such guardian of children with disabilities does not has domicile or domicile is not clear, the municipality where the person with disabilities or the guardian has the person's current residence) pursuant to the provision of the Cabinet Order.

第五十四条 (支給認定等)

Article 54 (Grant Approval, etc.)

- 1 市町村等は、前条第一項の申請に係る障害者等が、その心身の障害の状態からみて自立支援医療を受ける必要があり、かつ、当該障害者等又はその属する世帯の他の世帯員の所得の状況、治療状況その他の事情を勘案して政令で定める基準に該当する場合には、厚生労働省令で定める自立支援医療の種類ごとに支給認定を行うものとする。ただし、当該障害者等が、自立支援医療のうち厚生労働省令で定める種類の医療を、戦傷病者特別援護法(昭和三十八年法律第百六十八号)又は心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律(平成十五年法律第十号)の規定により受けることができるときは、この限りでない。
- (1) In the event that the person with disabilities, etc. pertaining to the application set forth in the preceding paragraph needs to receive medical expenses for services and supports for persons with disabilities in the light of the person's conditions of physical disabilities or mental disorders, if the person is appropriate to the standard prescribed in the Cabinet Order as considering income status of such persons with disabilities or other family members of households to which the person with disabilities belongs or the conditions of the medical treatment, a municipality etc. shall conduct grant approval per kind of medical care for services and supports for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare; unless such person with disabilities, etc. can receive medical care of the kind prescribed in Ordinance of the Ministry of Health,

Labour and Welfare among medical care for services and supports for persons with disabilities pursuant to the provisions of Act on Relief to Wounded and Sick Retired Soldiers (Act No. 168 of 1963) or Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity (Act No. 110 of 2003).

2 市町村等は、支給認定をしたときは、厚生労働省令で定めるところにより、都道府県知事が指定する医療機関(以下「指定自立支援医療機関」という。)の中から、当該支給認定に係る障害者等が自立支援医療を受けるものを定めるものとする。

(2) In the event a municipality conducted grant approval, it shall decide medical payment institutes where the person with disabilities, etc. pertaining to such grant approval receives medical care for services and supports for persons with disabilities among the medical institutes designated by the prefectural governor (hereinafter referred to as "designated medical payment institutes for services and supports for persons with disabilities") pursuant to the provision of the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

3 市町村等は、支給認定をしたときは、支給認定を受けた障害者又は障害児の保護者(以下「支給認定障害者等」という。)に対し、厚生労働省令で定めるところにより、次条に規定する支給認定の有効期間、前項の規定により定められた指定自立支援医療機関の名称その他の厚生労働省令で定める事項を記載した自立支援医療受給者証(以下「医療受給者証」という。)を交付しなければならない。

(3) In the event that a municipality conducted grant approval, it shall deliver a claimant certification pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare for medical care for services and supports for persons with disabilities which describe valid periods for grant approval provided in the succeeding Article, names of designated medical payment institutes for services and supports for persons with disabilities, and the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "claimant certifications for medical care") to the person with disabilities or the guardian of children with disabilities (hereinafter referred to as "persons with disabilities, or others given grant approval").

第五十五条 (支給認定の有効期間)

Article 55 (Valid Period for Grant Approval)

支給認定は、厚生労働省令で定める期間(以下「支給認定の有効期間」という。)内に限り、その効力を有する。

Grant approval shall maintain their validity only for the period prescribed in Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "valid period for grant approval").

第五十六条 (支給認定の変更)

Article 56 (Alternation of Grant Approval)

- 1 支給認定障害者等は、現に受けている支給認定に係る第五十四条第二項の規定により定められた指定自立支援医療機関その他の厚生労働省令で定める事項について変更の必要があるときは、厚生労働省令で定めるところにより、市町村等に対し、支給認定の変更の申請をすることができる。
- (1) In the event a person with disabilities given grant approval has necessity to alternate the designated medical payment institutes for services and supports for persons with disabilities pursuant to the provision of paragraph 2 of Article 54 or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare pertaining to grant approval which the person is presently provided, the person may apply for alternation such grant approval to the municipality pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.
- 2 市町村等は、前項の申請又は職権により、支給認定障害者等につき、同項の厚生労働省令で定める事項について変更の必要があると認めるときは、厚生労働省令で定めるところにより、支給認定の変更の認定を行うことができる。この場合において、市町村等は、当該支給認定障害者等に対し医療受給者証の提出を求めるものとする。
- (2) In the event that a municipality acknowledges it necessary to alternate the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare set forth the preceding paragraph, it may make decision on alternation of grant approval in response to the application set forth in the same paragraph or by its authorities for persons with disabilities given grant approval, pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare. In such case, a municipality shall require such person with disabilities given grant approval, etc. to submit the person's claimant certification for medical care.
- 3 第十九条第二項の規定は市町村等が行う前項の支給認定の変更の認定について、同条第三項及び第四項の規定は市町村等が行う前項の支給認定の変更の認定について準用する。この場合において、必要な技術的読替えは、政令で定める。
- (3) The provision of paragraph 2 of Article 19 applies mutatis mutandis to the approval of alternation of grant approval conducted by municipalities, etc. set forth the preceding paragraph; the provisions of paragraph 3 and 4 of the same Article apply mutatis mutandis to alternation of grant approval conducted by municipalities set forth in the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.
- 4 市町村等は、第二項の支給認定の変更の認定を行った場合には、医療受給者証に当該認定に係る事項を記載し、これを返還するものとする。
- (4) In the event that a municipality made decision on alternation of grant approval set forth in paragraph 2, it shall state the matters pertaining to such approval on a claimant certification for medical care and return it.

第五十七条 (支給認定の取消し)

Article 57 (Rescission of Grant Approval)

1 支給認定を行った市町村等は、次に掲げる場合には、当該支給認定を取り消すことができる。

(1) The municipality which made grant approval may rescind such grant approval in the following cases:

一 支給認定に係る障害者等が、その心身の障害の状態からみて自立支援医療を受ける必要がなくなったと認めるとき。

(i) In the event that the municipality acknowledges that the person with disabilities, etc. pertaining to grant approval no longer needs to receive medical care for services and supports for persons with disabilities in the light of the person's status of physical disabilities or mental disorders.

二 支給認定障害者等が、支給認定の有効期間内に、当該市町村等以外の市町村等の区域内に居住地を有するに至ったと認めるとき(支給認定に係る障害者が特定施設に入所することにより当該市町村以外の市町村の区域内に居住地を有するに至ったと認めるときを除く。)

(ii) In the event that the municipality acknowledges that the person with disabilities given grant approval has come to possess domiciles within the area of other than such municipality (except in the event that the municipality acknowledges that person with disabilities pertaining to grant approval has come to possess domiciles within the area of other than such municipality due to placement in a specified facility).

三 支給認定に係る障害者等が、正当な理由なしに第九条第一項の規定による命令に応じないとき。

(iii) In the event that the person with disabilities pertaining to grant approval does not respond to inspection pursuant to the provision of paragraph 1 of Article 9 without just cause.

四 その他政令で定めるとき。

(iv) In other cases of being prescribed in the Cabinet Order.

2 前項の規定により支給認定の取消しを行った市町村等は、厚生労働省令で定めるところにより、当該取消しに係る支給認定障害者等に対し医療受給者証の返還を求めるものとする。

(2) The municipalities rescinded grant approval pursuant to the provision of the preceding paragraph shall require the persons with disabilities given grant approval pertaining to such rescission to return the person's claimant certification for medical care pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

第五十八条 (自立支援医療費の支給)

Article 58 (Grant of Medical Expenses for Services and Supports for Persons with Disabilities)

- 1 市町村等は、支給認定に係る障害者等が、支給認定の有効期間内において、第五十四条第二項の規定により定められた指定自立支援医療機関から当該指定に係る自立支援医療(以下「指定自立支援医療」という。)を受けたときは、厚生労働省令で定めるところにより、当該支給認定障害者等に対し、当該指定自立支援医療に要した費用について、自立支援医療費を支給する。
 - (1) In the event that a person with disabilities given grant approval has received medical care for services and supports for persons with disabilities pertaining to such designation (hereafter "designated medical care for services and supports for persons with disabilities") from designated medical payment institutes for services and supports for persons with disabilities prescribed in paragraph 2 of Article 54 during valid period for grant approval, a municipality etc. shall grant medical expenses for services and supports for persons with disabilities to such person with disabilities pertaining to such grant approval for the expenses which were required for such designated medical care for services and supports for persons with disabilities pursuant to the provision of Ordinance of Ministry of Health, Labour and Welfare.
- 2 指定自立支援医療を受けようとする支給認定障害者等は、厚生労働省令で定めるところにより、指定自立支援医療機関に医療受給者証を提示して当該指定自立支援医療を受けるものとする。ただし、緊急の場合その他やむを得ない事由のある場合については、この限りでない。
 - (2) A person with disabilities given grant approval who intends to receive designated medical payment for services and supports for persons with disabilities shall receive such designated medical care for services and supports for persons with disabilities by presenting the person's claimant certification for medical care to designated medical institutes for services and supports for persons with disabilities pursuant to the provision of Ordinaries of Ministry of Health, Labour and Welfare ;provided, however, that this is not applied in the case of an emergency or unavoidable circumstances.
- 3 自立支援医療費の額は、第一号に掲げる額(当該指定自立支援医療に食事療養(健康保険法第六十三条第二項第一号に規定する食事療養をいう。以下この項において同じ。)が含まれるときは、当該額及び第二号に掲げる額の合算額、当該指定自立支援医療に生活療養(同条第二項第二号に規定する生活療養をいう。以下この項において同じ。)が含まれるときは、当該額及び第三号に掲げる額の合算額)とする。
 - (3) The amount of medical expenses for services and supports for persons with disabilities shall be the total amount given in item 1 (If dietary therapy (prescribed in item 1 of paragraph 2 of Article 63 of the Employee' s Health Insurance Act) is included in designated medical care for services and supports for persons with disabilities, the amount is the amount added the amount given in item 1 and item 2, and if life therapy (prescribed in item 2 of paragraph 2 of same Article of the Act) is included in designated medical care for services and supports for persons

with disabilities, the amount is the amount added the amount given in item 1 and item 3).

一 当該指定自立支援医療(食事療養及び生活療養を除く。以下この号において同じ。)につき健康保険の療養に要する費用の額の算定方法の例により算定した額の百分の九十に相当する額。ただし、当該支給認定障害者等が同一の月における指定自立支援医療に要した費用の額の合計額の百分の十に相当する額が、当該支給認定障害者等の家計に与える影響、障害の状態その他の事情をしん酌して政令で定める額を超えるときは、当該指定自立支援医療につき健康保険の療養に要する費用の額の算定方法の例により算定した額の範囲内において政令で定めるところにより算定した額

(i) The expense of designated medical care for services and supports for persons with disabilities (excluding dietary therapy and life therapy; the same shall apply in this item) is the amount equivalent to 90/100 of the amount calculated according to the method used in health insurance for calculating the amount of expenses required for medical treatment; provided, however, that shall be an amount calculated pursuant to the provision in the Cabinet Order within the range of the amount calculated pursuant to the method used in health insurance for calculating the amount of expenses required for medical treatment for such medical care if an amount equivalent to 10/100 of the total expenses amount which persons with disabilities, or others awarded support grants required for designated medical care for services and supports for persons with disabilities in the same month surpasses the amount prescribed in the Cabinet Order as considering influences of such amount on domestic accounts of persons with disabilities, or others awarded grants, their conditions of disabilities, and other circumstances.

二 当該指定自立支援医療(食事療養に限る。)につき健康保険の療養に要する費用の額の算定方法の例により算定した額から、健康保険法第八十五条第二項に規定する食事療養標準負担額、支給認定障害者等の所得の状況その他の事情を勘案して厚生労働大臣が定める額を控除した額

(ii) An amount obtained by deducting the dietary therapy standard cost-sharing prescribed in paragraph 2 of Article 85 of the Employee' s Health Insurance Act and the amount specified by the Minister of Health, Labour and Welfare in consideration of income status or other circumstances of such persons with disabilities, or others given grant approval from the amount calculated according to the method used in health insurance for calculating the amount of expenses required for medical treatment in such medical care for services and supports for persons with disabilities (only dietary treatment)

三 当該指定自立支援医療(生活療養に限る。)につき健康保険の療養に要する費用の額の算定方法の例により算定した額から、健康保険法第八十五条の二第二項に規定する生活療養標準負担額、支給認定障害者等の所得の状況その他の事情を勘案して厚生労働大臣が定める額を控除した額

(iii) An amount obtained by deducting the standard liability amount prescribed in paragraph 2 of Article 85-2 of the Employee's Health Insurance Act and the amount specified by the Minister of Health, Labour and Welfare in consideration of income status or other circumstances of such persons with disabilities, or others given grant approval from the amount calculated according to the method used in health insurance for calculating the amount of expenses required for medical treatment in such medical care for services and supports for persons with disabilities (only life therapy)

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

(4) In the event that it is not possible to pursuant to the method for calculating the amount required for the medical treatment prescribed in the preceding paragraph or it is not appropriate to comply therewith, a calculation method of expenses amount required for medical care for services and supports for persons with disabilities shall be pursuant to the specification by Minister of Health, Labour and Welfare.

5 支給認定に係る障害者等が指定自立支援医療機関から指定自立支援医療を受けたときは、市町村等は、当該支給認定障害者等が当該指定自立支援医療機関に支払うべき当該指定自立支援医療に要した費用について、自立支援医療費として当該支給認定障害者等に支給すべき額の限度において、当該支給認定障害者等に代わり、当該指定自立支援医療機関に支払うことができる。

(5) In the event that a person with disabilities, etc. pertaining to grant approval received designated medical payment for services and supports for persons with disabilities from designated medical payment institutes for services and supports for persons with disabilities, a municipality etc. may pay the expenses needed for such designated medical payment for services and supports for persons with disabilities which such persons with disabilities given grant approval should pay to such designated medical payment institutes on behalf of such person with disabilities given grant approval within the limit of the amount to be granted as medical expenses for services and supports for persons with disabilities.

6 前項の規定による支払があったときは、支給認定障害者等に対し自立支援医療費の支給があったものとみなす。

(6) In the event that the payment pursuant to the provision set forth in the preceding paragraph has been made, such payment shall be deemed to be grant of medical expenses for services and supports for persons with disabilities to persons with disability given grant approval, etc.

第五十九条 (指定自立支援医療機関の指定)

Article 59 (Designation of Designated Medical Payment Institutes for Services and

Supports for Persons with Disabilities)

- 1 第五十四条第二項の指定は、厚生労働省令で定めるところにより、病院若しくは診療所(これらに準ずるものとして政令で定めるものを含む。以下同じ。)又は薬局の開設者の申請により、同条第一項の厚生労働省令で定める自立支援医療の種類ごとに行う。
- (1) Designation set forth in paragraph 2 of Article 54 shall be conducted pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare by applications from hospitals or clinics (including what are prescribed in the Cabinet Order as corresponding thereto; the same shall apply hereinafter) or establishers of pharmacies per kind of medical care for services and supports for persons with disabilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare of paragraph 1 set forth in the same Article.
- 2 都道府県知事は、前項の申請があった場合において、次の各号のいずれかに該当するときは、指定自立支援医療機関の指定をしないことができる。
- (2) In the event that the application set forth in the preceding paragraph is filed, a prefectural governor may refrain from designation of designated medical payment institutes for services and supports for persons with disabilities if such application falls under any of each of the following items.
 - 一 当該申請に係る病院若しくは診療所又は薬局が、健康保険法第六十三条第三項第一号に規定する保険医療機関若しくは保険薬局又は厚生労働省令で定める事業所若しくは施設でないとき。
 - (i) Hospitals, clinics, or pharmacies pertaining to such application are not the insurance medical care institution or the health insurance pharmacies prescribed in item 1 of paragraph 3 of Article 63 of Employee's Health Insurance Care Act, or the places of business or facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
 - 二 当該申請に係る病院若しくは診療所若しくは薬局又は申請者が、自立支援医療費の支給に関し診療又は調剤の内容の適切さを欠くおそれがあるとして重ねて第六十三条の規定による指導又は第六十七条第一項の規定による勧告を受けたものであるとき。
 - (ii) Hospitals, clinics, or pharmacies pertaining to such application are what have been repeatedly directed pursuant to Article 63 or admonished pursuant to paragraph 1 of Article 67 in fear of being inappropriate in contents of their medical examination or prescription.
 - 三 申請者が、第六十七条第三項の規定による命令に従わないものであるとき。
 - (iii) An applicant does not comply with orders pursuant to the provision of paragraph 3 of Article 67.
 - 四 前三号のほか、当該申請に係る病院若しくは診療所又は薬局が、指定自立支援医療機関として著しく不相当と認めるものであるとき。
 - (iv) In addition to the preceding three paragraphs, hospitals, clinics, or pharmacies

pertaining to such application are acknowledged to be extremely inappropriate as designated medical payment institutes for services and supports for persons with disabilities.

- 3 第三十六条第三項(第一号から第三号までを除く。)の規定は、指定自立支援医療機関の指定について準用する。この場合において、必要な技術的読替えは、政令で定める。
- (3) The provision of paragraph 3 of Article 36 (except item 1 through item 3) applies mutatis mutandis to designation of designated medical payment institutes for services and supports for persons with disabilities. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第六十条 (指定の更新)

Article 60 (Renewal of Designation)

- 1 第五十四条第二項の指定は、六年ごとにその更新を受けなければ、その期間の経過によって、その効力を失う。
- (1) The designation set forth in paragraph 2 of Article 54 shall lose their effects by elapse of the period if they are not renewed every 6 years.
- 2 健康保険法第六十八条第二項の規定は、前項の指定の更新について準用する。この場合において、必要な技術的読替えは、政令で定める。
- (2) The provision set forth in paragraph 2 of Article 68 of Employee' s Health Insurance Act applies mutatis mutandis to renewal set forth in designation the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第六十一条 (指定自立支援医療機関の責務)

Article 61 (Responsibilities of Designated Medical Payment Institutes for Services and Supports for Persons with Disabilities)

指定自立支援医療機関は、厚生労働省令で定めるところにより、良質かつ適切な自立支援医療を行わなければならない。

Designated medical payment institutes for services and supports for persons with disabilities shall provide high-quality and appropriate medical care for services and supports for persons with disabilities pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

第六十二条 (診療方針)

Article 62 (Policy for Medical Examination)

- 1 指定自立支援医療機関の診療方針は、健康保険の診療方針の例による。
- (1) Policies for medical examination of designated medical payment institutes for services and supports for persons with disabilities shall be governed by policies for medical examination of health insurance.

2 前項に規定する診療方針によることができないとき、及びこれによることを適当としないときの診療方針は、厚生労働大臣が定めるところによる。

(2) In the event that it is not possible to comply with the policy for medical examination provided in the preceding paragraph or it is not appropriate to comply therewith, a policy for medical examination shall be decided by Minister of Health, Labour and Welfare.

第六十三条 (都道府県知事の指導)

Article 63 (Guidance by Prefectural Governor)

指定自立支援医療機関は、自立支援医療の実施に関し、都道府県知事の指導を受けなければならない。

Designated medical payment institutes for services and supports for persons with disabilities shall follow guidance specified by a prefectural governor in conducting medical care for services and supports for persons with disabilities.

第六十四条 (変更の届出)

Article 64 (Alternation Notification)

指定自立支援医療機関は、当該指定に係る医療機関の名称及び所在地その他厚生労働省令で定める事項に変更があったときは、厚生労働省令で定めるところにより、その旨を都道府県知事に届け出なければならない。

If a designated medical payment institute for services and supports for persons with disabilities amended its name, location of the medical institutes pertaining to such designation or the other matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare, it shall notify that effect to the prefectural governor pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

第六十五条 (指定の辞退)

Article 65 (Declination of Designation)

指定自立支援医療機関は、一月以上の予告期間を設けて、その指定を辞退することができる。

A designated medical payment institute for services and supports for persons with disabilities may decline its designation by taking notice period of not less than 1 month.

第六十六条 (報告等)

Article 66 (Report, etc.)

1 都道府県知事は、自立支援医療の実施に関して必要があると認めるときは、指定自立支援医療機関若しくは指定自立支援医療機関の開設者若しくは管理者、医師、薬剤師その他の従業者であった者(以下この項において「開設者であった者等」という。)

に対し報告若しくは診療録、帳簿書類その他の物件の提出若しくは提示を命じ、指定自立支援医療機関の開設者若しくは管理者、医師、薬剤師その他の従業者（開設者であった者等を含む。）に対し出頭を求め、又は当該職員に関係者に対して質問させ、若しくは指定自立支援医療機関について設備若しくは診療録、帳簿書類その他の物件を検査させることができる。

(1) In the event that a prefectural governor acknowledges it necessary for implementation of medical care for services and supports for persons with disabilities, he/she may order designated medical payment institutes for services and supports for persons with disabilities, ex-establishers, managers, doctors, pharmacists or other employees of designated medical payment institutes for services and supports for persons with disabilities (hereinafter referred to as "ex-establishers, etc." in this paragraph) to submit or to present reports, or medical charts, documents, books or other materials; may require establishers, managers, doctors, pharmacists and other employees (including ex-establishers, etc.) to appear; or may cause such staff persons to question those who concerned or to inspect the facilities, or medical charts, documents, books, and other materials concerning designated medical payment institutes for services and supports for persons with disabilities.

2 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the question or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.

3 指定自立支援医療機関が、正当な理由がなく、第一項の規定による報告若しくは提出若しくは提示をせず、若しくは虚偽の報告をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したときは、都道府県知事は、当該指定自立支援医療機関に対する市町村等の自立支援医療費の支払を一時差し止めることを指示し、又は差し止めることができる。

(3) In the event that a designated medical payment institute for services and supports for persons with disabilities does not report, submit or present pursuant to the provision of paragraph 1, or they provide false report or refuse, hinder or avoid the inspection pursuant to the same paragraph, the prefectural governor may instruct to suspend or to suspend payment for medical care for services and supports for persons with disabilities from municipalities, etc. to such designated medical payment institute for services and supports for persons with disabilities.

第六十七条 （勧告、命令等）

Article 67 (Admonishment and Order, etc.)

1 都道府県知事は、指定自立支援医療機関が、第六十一条又は第六十二条の規定に従

って良質かつ適切な自立支援医療を行っていないと認めるときは、当該指定自立支援医療機関の開設者に対し、期限を定めて、第六十一条又は第六十二条の規定を遵守すべきことを勧告することができる。

(1) In the event that a prefectural governor acknowledges that a designated medical payment institute for services and supports for persons with disabilities does not provide high-quality and appropriate medical care for services and supports for persons with disabilities, he/she may admonish establishers of such designated medical institute for services and supports for persons with disabilities with setting a time limit to comply with the provisions of Article 61 or Article 62.

2 都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定自立支援医療機関の開設者が、同項の期限内にこれに従わなかったときは、その旨を公表することができる。

(2) In the event that the prefectural governor admonished pursuant to the provision of the preceding paragraph, if the establishers of designated medical payment institute for services and supports for persons with disabilities do not obey the admonishment within the period set forth in the preceding paragraph, such governors may make that effect public.

3 都道府県知事は、第一項の規定による勧告を受けた指定自立支援医療機関の開設者が、正当な理由がなくてその勧告に係る措置をとらなかったときは、当該指定自立支援医療機関の開設者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) In the event that the designated medical payment institute for services and supports for persons with disabilities which has received admonition pursuant to the provisions of paragraph 1, does not take any means pertaining to the admonishment without just causes, the prefectural governor may order such establishers of the designated medical institute for services and supports for persons with disabilities to take actions pertaining to such admonishment with setting a time limit.

4 都道府県知事は、前項の規定による命令をしたときは、その旨を公示しなければならない。

(4) In the event that the prefectural governor placed an order pursuant to the provision set forth in the preceding paragraph, he/she shall make that effect public.

5 市町村は、指定自立支援医療を行った指定自立支援医療機関の開設者について、第六十一条又は第六十二条の規定に従って良質かつ適切な自立支援医療を行っていないと認めるときは、その旨を当該指定に係る医療機関の所在地の都道府県知事に通知しなければならない。

(5) In the event that a municipality acknowledges that an establisher of the designated medical payment institute for services and supports for persons with disabilities does not provide high-quality and appropriate medical care for services and supports for persons with disabilities pursuant to the provision of Article 61 or

Article 62, it shall notify that effect to the prefectural governor of the location of the medical institute pertaining to such designation.

第六十八条 (指定の取消し等)

Article 68 (Rescission of Designation, etc.)

1 都道府県知事は、次の各号のいずれかに該当する場合には、当該指定自立支援医療機関に係る第五十四条第二項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

(1) A prefectural governor may rescind the designation of paragraph 2 of Article 54 pertaining to such designated medical payment institute for services and supports for persons with disabilities, or may suspend all or a part of validity of the designation with setting a period of time in the event it falls under any of the following items.

一 指定自立支援医療機関が、第五十九条第二項各号のいずれかに該当するに至ったとき。

(i) In the event that a designated medical payment institute for services and supports for persons with disabilities has fallen into categories of each item set forth in paragraph 2 of Article 59.

二 指定自立支援医療機関が、第五十九条第三項の規定により準用する第三十六条第三項第四号、第五号、第十号又は第十一号のいずれかに該当するに至ったとき。

(ii) In the event that a designated medical payment institute for services and supports for persons with disabilities has fallen into categories of item 4, item 5, item 10 or item 11 set forth in paragraph 3 of Article 36 which are applied mutatis mutandis pursuant to paragraph 3 of Article 59.

三 指定自立支援医療機関が、第六十一条又は第六十二条の規定に違反したとき。

(iii) In the event that a designated medical payment institutes for services and supports for persons with disabilities violated the provision of Article 61 or Article 62.

四 自立支援医療費の請求に関し不正があったとき。

(iv) In the event that there was a deceit concerning demand for medical expense for services and supports for persons with disabilities.

五 指定自立支援医療機関が、第六十六条第一項の規定により報告若しくは診療録、帳簿書類その他の物件の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(v) In the event that a designated medical payment institute for services and supports for persons with disabilities was ordered to submit or to present reports, or medical charts, documents books or other materials pursuant to the provisions of the paragraph 1 of Article 66 but does not comply with the orders, or they provide false reports.

六 指定自立支援医療機関の開設者又は従業者が、第六十六条第一項の規定により出

頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定自立支援医療機関の従業者がその行為をした場合において、その行為を防止するため、当該指定自立支援医療機関の開設者が相当の注意及び監督を尽くしたときを除く。

(vi) In the event that a designated medical payment institute for services and supports for persons with disabilities was ordered to appear pursuant to the provision of paragraph 1 of Article 66 but does not comply with the order, does not answer to the questions pursuant to the provision of the same paragraph or provide false reports, or he/she refuse, hinder, or avoid the inspection pursuant to the same paragraph Provided, however, the case shall be excepted in the event that such designated medical payment institute for services and supports for persons with disabilities endeavor to conduct appropriate admonishment and supervision so as to prevent the actions in the event that employees of the institute conducted the above actions.

2 第五十条第一項第八号から第十二号まで及び第二項の規定は、前項の指定自立支援医療機関の指定の取消し又は効力の停止について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of item 8 through item 12 of paragraph 1 and paragraph 2 of Article 50 apply mutatis mutandis to the rescission or validity suspension of designate medical payment institutes for services and supports for persons with disabilities of the preceding paragraph. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第六十九条 (公示)

Article 69 (Public Notice)

都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

A prefectural governor shall make a public notice in the following cases:

一 第五十四条第二項の指定自立支援医療機関の指定をしたとき。

(i) In the event that designation was conducted for a designated medical payment institute for services and supports for persons with disabilities set forth in paragraph 2 of Article 54.

二 第六十四条の規定による届出(同条の厚生労働省令で定める事項の変更に係るものを除く。)があったとき。

(ii) In the event that application pursuant to the provision of Article 64 (except the application pertaining to alternation of the matters prescribed in Ordinance of the Ministry of Health, Labour) was filed.

三 第六十五条の規定による指定自立支援医療機関の指定の辞退があったとき。

(iii) In the event that designation for a designated medical payment institute for services and supports for persons with disabilities pursuant to the provision of

Article 65 was declined.

四 前条の規定により指定自立支援医療機関の指定を取り消したとき。

(iv) In the event that designation for a designated medical payment institute for services and supports for persons with disabilities was rescinded pursuant to the provision of the preceding Article.

第七十条 (療養介護医療費の支給)

Article 70 (Grant of Medical Care Treatment Expenses)

1 市町村は、介護給付費(療養介護に係るものに限る。)に係る支給決定を受けた障害者が、支給決定の有効期間内において、指定障害福祉サービス事業者等から当該指定に係る療養介護医療を受けたときは、厚生労働省令で定めるところにより、当該支給決定に係る障害者に対し、当該療養介護医療に要した費用について、療養介護医療費を支給する。

(1) In the event that a person with disabilities given grant approval pursuant to nursing care payment (limited to payment pertaining to medical care treatment expenses) has received medical care treatment expenses from designated welfare service business operators for persons with disabilities, etc. during valid period for grant approval, a municipality shall grant medical care treatment expenses pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare to such persons with disabilities pertaining to such grant approval for the expenses which were required for such medical care treatment expenses.

2 第五十八条第三項から第六項までの規定は、療養介護医療費について準用する。この場合において、必要な技術的読替は、政令で定める。

(2) The provisions of paragraph 3 through paragraph 6 of Article 58 apply mutatis mutandis to medical care treatment expenses. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第七十一条 (基準該当療養介護医療費の支給)

Article 71 (Grant of Appropriate Medical Care Treatment Expenses)

1 市町村は、特例介護給付費(療養介護に係るものに限る。)に係る支給決定を受けた障害者が、基準該当事業所又は基準該当施設から当該療養介護医療(以下「基準該当療養介護医療」という。)を受けたときは、厚生労働省令で定めるところにより、当該支給決定に係る障害者に対し、当該基準該当療養介護医療に要した費用について、基準該当療養介護医療費を支給する。

(1) In the event that a person with disabilities given grant approval pertaining to nursing care payment (limited to payment pertaining to care treatment expenses) has received medical care treatment expenses (hereinafter referred to as "appropriate medical care treatment expenses") from appropriate places of business or appropriate facilities, municipalities shall grant appropriate medical care treatment expenses to such persons with disabilities pertaining to such grant

approval for the expenses which were required for such appropriate medical care treatment expenses pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 第五十八条第三項及び第四項の規定は、基準該当療養介護医療費について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of paragraphs 3 and 4 of Article 58 apply mutatis mutandis to appropriate medical care treatment expenses. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.

第七十二条 (準用)

Article 72 (Application, mutatis mutandis)

第六十一条及び第六十二条の規定は、療養介護医療を行う指定障害福祉サービス事業者等又は基準該当療養介護医療を行う基準該当事業所若しくは基準該当施設について準用する。

The provisions of Article 61 and Article 62 apply mutatis mutandis to designated welfare service business operators for persons with disabilities conducting medical care treatment expenses, or appropriate places of business or appropriate facilities conducting appropriate medical treatment.

第七十三条 (自立支援医療費等の審査及び支払)

Article 73 (Examination and Payment of Medical Expenses for Services and Supports for Persons with Disabilities)

1 都道府県知事は、指定自立支援医療機関、療養介護医療を行う指定障害福祉サービス事業者等又は基準該当療養介護医療を行う基準該当事業所若しくは基準該当施設(以下この条において「公費負担医療機関」という。)の診療内容並びに自立支援医療費、療養介護医療費及び基準該当療養介護医療費(以下この条及び第七十五条において「自立支援医療費等」という。)の請求を随時審査し、かつ、公費負担医療機関が第五十八条第五項(第七十条第二項において準用する場合を含む。)の規定によって請求することができる自立支援医療費等の額を決定することができる。

(1) A prefectural governor may occasionally examine contents of medical examination of designated medical payment institutes for services and supports for persons with disabilities, designated welfare service business operators for persons with disabilities conducting medical treatment, or appropriate places of business or appropriate facilities conducting appropriate medical treatment (hereinafter referred to as "institutes bearing public expenses") or Grant of Medical Expenses for services and supports for persons with disabilities; Medical Care Treatment Expenses; and Appropriate Medical Care Treatment Expenses (referred to as "Grant of Medical Expenses for Services and Supports for Persons with Disabilities, etc" below in this Article and in Article 75); and may decide the amount of medical care for services and supports for persons with disabilities, etc. which medical

institutes bearing public expenses can demand pursuant to the provision of paragraph 5 of Article 58 (including the case where it is applied mutatis mutandis pursuant to paragraph 2 of Article 70).

- 2 公費負担医療機関は、都道府県知事が行う前項の決定に従わなければならない。
- (2) Medical institutes bearing public expenses shall obey decisions made by prefectural governors set forth in the preceding paragraph.
- 3 都道府県知事は、第一項の規定により公費負担医療機関が請求することができる自立支援医療費等の額を決定するに当たっては、社会保険診療報酬支払基金法(昭和二十三年法律第百二十九号)に定める審査委員会、国民健康保険法に定める国民健康保険診療報酬審査委員会その他政令で定める医療に関する審査機関の意見を聴かなければならない。
- (3) In the event a prefectural governor decides amounts of medical expenses for services and supports for persons with disabilities, etc. which medical institutes bearing public expenses, he/she shall hear the opinions of the Examination Board provided in Social Insurance Medical Fee Payment Fund Act (Act No. 129 of 1948), Examination Board of National Health Insurance Medical Fee provided in National Health Insurance Act or other examining institutes prescribed in the Cabinet Order.
- 4 市町村等は、公費負担医療機関に対する自立支援医療費等の支払に関する事務を社会保険診療報酬支払基金、連合会その他厚生労働省令で定める者に委託することができる。
- (4) A municipality etc. may entrust its administrative affairs concerning the payments or medical expenses for services and supports for persons with disabilities, etc. to medical institutes bearing public expenses to Social Insurance Medical Fee Payment Fund, associations or other persons prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- 5 前各項に定めるもののほか、自立支援医療費等の請求に関し必要な事項は、厚生労働省令で定める。
- (5) In addition to the provisions of each of the preceding paragraphs, necessary matters for demand for medical expenses for services and supports for persons with disabilities, etc. shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.
- 6 第一項の規定による自立支援医療費等の額の決定については、行政不服審査法(昭和三十七年法律第百六十号)による不服申立てをすることができない。
- (6) Concerning the decision on amounts of medical expenses for services and supports for persons with disabilities pursuant to the provision of paragraph 1, it is not possible to file an appeal pursuant to Administrative Appeals Act (Act No. 160 of 1962).

第七十四条 (都道府県による援助等)

Article 74 (Assistance etc. by Prefectures)

1 市町村は、支給認定又は自立支援医療費を支給しない旨の認定を行うに当たって必要があると認めるときは、厚生労働省令で定めるところにより、身体障害者更生相談所その他厚生労働省令で定める機関の意見を聴くことができる。

(1) In the event that a municipality acknowledges that it is necessary when it approve to or not to grant medical expenses for services and supports for persons with disabilities, it may hear the opinions of recovery consultation office for persons with physical disabilities or other institutes pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

2 都道府県は、市町村の求めに応じ、市町村が行うこの節の規定による業務に関し、その設置する身体障害者更生相談所その他厚生労働省令で定める機関による技術的事項についての協力その他市町村に対する必要な援助を行うものとする。

(2) Concerning the service conducted by municipalities pursuant to provisions of this section, prefectures shall provide cooperation on technical matters by recovery consultation offices for persons with physical disabilities and other institutes established thereby prescribed in Ordinance of the Ministry of Health, Labour and Welfare and other necessary assistance for municipalities in response to requests from municipalities.

第七十五条 (政令への委任)

Article 75 (Entrustment to the Cabinet Order)

この節に定めるもののほか、支給認定、医療受給者証、支給認定の変更の認定及び支給認定の取消しその他自立支援医療費等に関し必要な事項は、政令で定める。

In addition to the provisions of this section, necessary matters for grant approval, claimant certification for medical care, approval or alternations of grant approval, rescission of grant approval and other medical expenses for services and supports for persons with disabilities, etc. shall be provided in the Cabinet Order.

第四節 補装具費の支給

Section 4 Grant of Prosthetic Device Expenses

第七十六条

Article 76

1 市町村は、障害者又は障害児の保護者から申請があった場合において、当該申請に係る障害者等の障害の状態からみて、当該障害者等が補装具の購入又は修理を必要とする者であると認めるときは、当該障害者又は障害児の保護者(以下この条において「補装具費支給対象障害者等」という。)に対し、当該補装具の購入又は修理に要した費用について、補装具費を支給する。ただし、当該申請に係る障害者等又はその属する世帯の他の世帯員のうち政令で定める者の所得が政令で定める基準以上であるときは、この限りでない。

(1) In the event that a person with disabilities or a guardian of children with disabilities file application, if a municipality acknowledges that such person with disabilities, etc. needs purchase or repair of prosthetic devices, according to the conditions of disability with persons with disabilities or others concerning such application, it shall grant prosthetic devices expenses to such persons with disabilities or guardians of children with disabilities (hereinafter referred to as "object persons with disabilities for prosthetic devices, etc.") for the expenses which were required to purchase or repair such prosthetic devices. Provided, however, it is not applied if income status of such persons with disabilities, or others or persons prescribed in the Cabinet Order within other family members of households to which the persons with disabilities belong, are more than the standard prescribed in the Cabinet Order.

2 補装具費の額は、補装具の購入又は修理に通常要する費用の額を勘案して厚生労働大臣が定める基準により算定した費用の額(その額が現に当該補装具の購入又は修理に要した費用の額を超えるときは、当該現に補装具の購入又は修理に要した費用の額とする。以下この項において「基準額」という。)の百分の九十に相当する額とする。ただし、当該基準額の百分の十に相当する額が、当該補装具費支給対象障害者等の家計に与える影響その他の事情をしん酌して政令で定める額を超えるときは、当該基準額から当該政令で定める額を控除して得た額とする。

(2) An amount for prosthetic devices expenses shall be equivalent to 90/100 of the expenses amount calculated by the standard specified by Minister of Health, Labour and Welfare as considering the expenses normally needed for purchase or repair of prosthetic devices (If the amount surpasses the amount of expenses which was actually required for purchase or repair of such prosthetic devices, the amount shall be such amount of expenses which was actually required for purchase or repair for the prosthetic devices; hereinafter referred to as "base amount"); provided, however, if, an amount equivalent to 10/100 of such base amount surpasses the amount prescribed in the Cabinet Order as considering influences of such amount on domestic accounts of such object persons with disabilities for prosthetic devices, the amount shall be the amount obtained by deducting such amount prescribed in such Cabinet Order from such base amount.

3 市町村は、補装具費の支給に当たって必要があると認めるときは、厚生労働省令で定めるところにより、身体障害者更生相談所その他厚生労働省令で定める機関の意見を聴くことができる。

(3) In the case that a municipality acknowledges that it is necessary for grant of prosthetic devices expenses; it may hear the opinions of recovery consultation offices for persons with physical disabilities or other institutes pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

4 第十九条第二項から第四項までの規定は、補装具費の支給に係る市町村の認定について準用する。この場合において、必要な技術的読替えは、政令で定める。

- (4) The provisions of paragraph 2 through paragraph 4 of Article 19 apply mutatis mutandis to municipal certification pertaining to grant of prosthetic device expenses. In such case, the other necessary replacement of technical terms shall be prescribed in the Cabinet Order.
- 5 厚生労働大臣は、第二項の規定により厚生労働大臣の定める基準を適正なものとするため、必要な調査を行うことができる。
- (5) The Minister of Health, Labour and Welfare may conduct necessary investigations pursuant to the provision of paragraph 2 so as to cause the standard specified by Minister of Health, Labour and Welfare to be appropriate.
- 6 前各項に定めるもののほか、補装具費の支給に関し必要な事項は、厚生労働省令で定める。
- (6) In addition to the provisions of each of the preceding paragraphs, necessary matters concerning grant of prosthetic device expense shall be prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

第三章 地域生活支援事業

Chapter III Community Life Support Service

第七十七条 (市町村の地域生活支援事業)

Article 77 (Municipal Community Life Support Service)

- 1 市町村は、厚生労働省令で定めるところにより、地域生活支援事業として、次に掲げる事業を行うものとする。
- (1) Municipalities shall provide the following services as community life support services pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.
- 一 障害者等が障害福祉サービスその他のサービスを利用しつつ、その有する能力及び適性に応じ、自立した日常生活又は社会生活を営むことができるよう、地域の障害者等の福祉に関する各般の問題につき、障害者等、障害児の保護者又は障害者等の介護を行う者からの相談に応じ、必要な情報の提供及び助言その他の厚生労働省令で定める便宜を供与するとともに、障害者等に対する虐待の防止及びその早期発見のための関係機関との連絡調整その他の障害者等の権利の擁護のために必要な援助を行う事業
- (i) Service which provides consultation for persons with disabilities, or others, guardians of children with disabilities, or caretakers of persons with disabilities concerning various regional problems regarding support for persons with disabilities, or others, provides necessary information and advice or other benefits prescribed in the Ordinance of the Ministry of Health, Labour and Welfare as well as provides necessary assistance for advocating the rights of persons with disabilities, or others, as well as conduct liaison and coordination with institutes concerned to prevent abuse to persons with disabilities, or others

and to recognize such abuse at an early stage so that persons with disabilities, or others can live independent daily or social life according to their respective abilities and aptitudes as using welfare service for persons with disabilities and other service.

二 聴覚、言語機能、音声機能その他の障害のため意思疎通を図ることに支障がある障害者等その他の日常生活を営むのに支障がある障害者等につき、手話通訳等(手話その他厚生労働省令で定める方法により当該障害者等とその他の者の意思疎通を仲介することをいう。)を行う者の派遣、日常生活上の便宜を図るための用具であつて厚生労働大臣が定めるものの給付又は貸与その他の厚生労働省令で定める便宜を供与する事業

(ii) Services which dispatch sign language interpreters, etc. (means to mediate the following persons with disabilities, or others and other persons with a sign language or other means prescribed in Ordinance of the Ministry of Health, Labour and Welfare) for such persons with disabilities, or others having difficulties communicating due to disabilities of auditory sense, language functions, phonetic functions or other disabilities or persons with disabilities, or others who have other problems that interfere with the enjoyment of daily life; and provide or lend tools to afford benefit in daily life which is specified by Minister of Health, Labour and Welfare; or provide other benefit prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

三 移動支援事業

(iii) Transportation support service.

四 障害者等につき、地域活動支援センターその他の厚生労働省令で定める施設に通わせ、創作的活動又は生産活動の機会の提供、社会との交流の促進その他の厚生労働省令で定める便宜を供与する事業

(iv) Service that offers persons with disabilities, others opportunities for creative or productive activities and which promotes their interaction with their communities and provides other conveniences prescribed in Ordinance of the Ministry of Health, Labour and Welfare by enabling them to commute to community activity support centers or other facilities prescribed in Ordinance of the Ministry of Health, Labour and Welfare.

2 都道府県は、市町村の地域生活支援事業の実施体制の整備の状況その他の地域の実情を勘案して、関係市町村の意見を聴いて、当該市町村に代わって前項各号に掲げる事業の一部を行うことができる。

(2) Prefectures may perform a part of service listed in the preceding paragraph on behalf of municipalities by hearing the opinions of such municipalities concerned, considering development status of implementing system of such municipal community life support service and other actual conditions thereof.

3 市町村は、第一項各号に掲げる事業のほか、現に住居を求めている障害者につき低額な料金で福祉ホームその他の施設において当該施設の居室その他の設備を利用させ、

日常生活に必要な便宜を供与する事業その他の障害者等がその有する能力及び適性に
応じ、自立した日常生活又は社会生活を営むために必要な事業を行うことができる。

- (3) In addition to the businesses listed in each item of paragraph 1, municipalities
may conduct businesses which have the persons with disabilities who are presently
searching for residence utilize rooms or other equipment at low cost as well as
afford necessary benefit for daily life, and necessary businesses for persons with
disabilities to live independent daily and social life according to their respective
abilities and aptitudes.

第七十八条 (都道府県の地域生活支援事業)

Article 78 (Community Life Support Service by Prefectures)

- 1 都道府県は、厚生労働省令で定めるところにより、地域生活支援事業として、前条
第一項第一号に掲げる事業のうち、特に専門性の高い相談支援事業その他の広域的な
対応が必要な事業として厚生労働省令で定める事業を行うものとする。
- (1) Pursuant to the provision of Ordinance of the Ministry of Health, Labour and
Welfare prefectures shall provide the services prescribed in Ordinance of the
Ministry of Health, Labour and Welfare as consultation support services which
need especially high expertise and other services requiring large-scale treatment
among the services listed in item 1 of paragraph 1 of the preceding Article as
community life support services.
- 2 都道府県は、前項に定めるもののほか、障害福祉サービス又は相談支援の質の向上
のために障害福祉サービス若しくは相談支援を提供する者又はこれらの者に対し必要
な指導を行う者を育成する事業その他障害者等がその有する能力及び適性に
応じ、自立した日常生活又は社会生活を営むために必要な事業を行うことができる。
- (2) In addition to what is prescribed in the preceding paragraph, prefectures may
provide services for training persons who provide disability welfare services or
consultation support or the persons who provide those persons with necessary
directions, so as to improve the quality of disability welfare services and
consultation support, or other services necessary to enable persons with disabilities
or others to live independent daily and social lives according to their abilities and
aptitudes.

第四章 事業及び施設

Chapter IV Business and Facilities

第七十九条 (事業の開始等)

Article 79 (Business Launch, etc.)

- 1 都道府県は、次に掲げる事業を行うことができる。
- (1) Prefectures may provide the following businesses.
- 一 障害福祉サービス事業

(i) Welfare service business for persons with disabilities

二 相談支援事業

(ii) Consultation support business

三 移動支援事業

(iii) Transportation support business

四 地域活動支援センターを運営する事業

(iv) Business to run community activity support centers

五 福祉ホームを運営する事業

(v) Business to run welfare homes

2 国及び都道府県以外の者は、厚生労働省令で定めるところにより、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出て、前項各号に掲げる事業を行うことができる。

(2) The persons who are other than the State and prefectures may provide the businesses listed in each item of the preceding paragraph pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare by applying the matter prescribed in Ordinance of the Ministry of Health, Labour and Welfare to prefectural governors in advance.

3 前項の規定による届出をした者は、厚生労働省令で定める事項に変更が生じたときは、変更の日から一月以内に、その旨を都道府県知事に届け出なければならない。

(3) If the person who filed the application pursuant to the provision of preceding paragraph changed the matter prescribed in Ordinance of the Ministry of Health, Labour and Welfare, that person shall notify that effect to prefectural governors within 1 month of the day of such changes.

4 国及び都道府県以外の者は、第一項各号に掲げる事業を廃止し、又は休止しようとするときは、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

(4) If the persons who are other than the State and prefectures intend to abolish or suspend the service listed in each item of paragraph 1, they shall notify the matter prescribed in Ordinance of the Ministry of Health, Labour and Welfare to prefectural governors in advance.

第八十条 (障害福祉サービス事業、地域活動支援センター及び福祉ホームの基準)

Article 80 (The standard for welfare service business for persons with disabilities, community activity support centers and welfare homes)

1 厚生労働大臣は、障害福祉サービス事業(施設を必要とするものに限る。以下この条及び第八十二条第二項において同じ。)、地域活動支援センター及び福祉ホームの設備及び運営について、基準を定めなければならない。

(1) The Minister of Health, Labour and Welfare shall specify the standard for equipment and operation of welfare service for persons with disabilities (limited to the service needing facilities; the same shall apply in this Article and paragraph 2

of Article 82), community activity support centers and welfare homes.

2 前項の障害福祉サービス事業を行う者並びに地域活動支援センター及び福祉ホームの設置者は、同項の基準を遵守しなければならない。

(2) The persons who conduct the welfare service business for persons with disabilities set forth in the preceding paragraph and establishers of community activity support centers and welfare homes shall comply with the standard of the same paragraph.

第八十一条 (報告の徴収等)

Article 81 (Report Collection, etc.)

1 都道府県知事は、障害者等の福祉のために必要があると認めるときは、障害福祉サービス事業、相談支援事業若しくは移動支援事業を行う者若しくは地域活動支援センター若しくは福祉ホームの設置者に対して、報告若しくは帳簿書類その他の物件の提出若しくは提示を求め、又は当該職員に関係者に対して質問させ、若しくはその事業所若しくは施設に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

(1) In the event that a prefectural governor acknowledges that it is necessary for the welfare of persons with disabilities, he/she orders the persons who conduct welfare service business for persons with disabilities, consultation service or transportation support service, or establishers of community activity support centers and welfare homes to submit or to present report, or documents, books or other materials; or may cause such staff persons to ask questions to those who concerned or to enter the places of business or the facilities so as to inspect the facilities, documents, books, or other materials.

2 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定は前項の規定による権限について準用する。

(2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the questions or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.

第八十二条 (事業の停止等)

Article 82 (Business Suspension, etc.)

1 都道府県知事は、障害福祉サービス事業、相談支援事業又は移動支援事業を行う者が、この章の規定若しくは当該規定に基づく命令若しくはこれらに基づいてする処分に違反したとき、その事業に関し不当に営利を図り、若しくはその事業に係る者の処遇につき不当な行為をしたとき、又は身体障害者福祉法第十八条の二、知的障害者福祉法第二十一条若しくは児童福祉法第二十一条の七の規定に違反したときは、その事業を行う者に対して、その事業の制限又は停止を命ずることができる。

(1) In the event that the persons who conduct welfare service businesses for persons

with disabilities, consultation support businesses or transportation support businesses violated the provision of this chapter or orders based upon such provisions or actions conducted based thereon; try to profit unjustly concerning their businesses; do unjust acts for treatment of persons pertaining to their businesses; or violate Article 18-2 of Act for the welfare of Persons with Physical Disabilities, Article 21 of Act for the welfare of persons with intellectual disabilities or Article 21-7 of Child Welfare Act, prefectural governors may order restrain or suspension of the businesses on the persons who conduct the businesses.

2 都道府県知事は、障害福祉サービス事業を行う者又は地域活動支援センター若しくは福祉ホームの設置者が、この章の規定若しくは当該規定に基づく命令若しくはこれらに基づいてする処分に違反したとき、当該障害福祉サービス事業、地域活動支援センター若しくは福祉ホームが第八十条第一項の基準に適合しなくなったとき、又は身体障害者福祉法第十八条の二、知的障害者福祉法第二十一条若しくは児童福祉法第二十一条の七の規定に違反したときは、その事業を行う者又はその設置者に対して、その施設の設備若しくは運営の改善又はその事業の停止若しくは廃止を命ずることができる。

(2) In the event that the persons who conduct welfare service businesses for persons with disabilities or establishers of community activity support centers or welfare homes violate the provision of this chapter or orders based upon such provisions or actions conducted based thereon; or such welfare service businesses for persons with disabilities, community activity support centers or welfare homes has fallen not to satisfied the standard of paragraph 1 of Article 80; or violate Article 18-2 of Act for the welfare of Persons with Physical Disabilities, Article 21 of Act for the welfare of persons with intellectual disabilities or Article 21-7 of Child Welfare Act, prefectural governors may order improvement of operation or equipment of the facilities or abolition, or suspension of the businesses on the persons who conduct the businesses or the establishers.

第八十三条 (施設の設置等)

Article 83 (Facility Establishment, etc.)

1 国は、障害者支援施設を設置しなければならない。

(1) The State shall establish support facilities for persons with disabilities.

2 都道府県は、障害者支援施設を設置することができる。

(2) Prefectures may establish support facilities for persons with disabilities.

3 市町村は、あらかじめ厚生労働省令で定める事項を都道府県知事に届け出て、障害者支援施設を設置することができる。

(3) Municipalities may establish support facilities persons with disabilities by notifying the matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare to prefectural governors in advance.

4 国、都道府県及び市町村以外の者は、社会福祉法(昭和二十六年法律第四十五号)の

定めるところにより、障害者支援施設を設置することができる。

(4) The persons who are other than the State, prefectures or municipalities may establish support facilities for persons with disabilities pursuant to Social Welfare Act (Act No. 45 of 1951).

5 前各項に定めるもののほか、障害者支援施設の設置、廃止又は休止に関し必要な事項は、政令で定める。

(5) In addition to what prescribed in each of preceding paragraphs, necessary matters for establishment, abolishment or suspension of support facilities for persons with disabilities shall be provided in the Cabinet Order.

第八十四条 (施設の基準)

Article 84 (Standard for Facility)

1 厚生労働大臣は、障害者支援施設の設備及び運営について、基準を定めなければならない。

(1) The Minister of Health, Labour and Welfare shall establish standards for equipment and operation of support facilities for persons with disabilities.

2 国、都道府県及び市町村以外の者が設置する障害者支援施設については、前項の基準を社会福祉法第六十五条第一項の最低基準とみなして、同法第六十二条第四項、第六十五条第二項及び第七十一条の規定を適用する。

(2) Concerning the support facilities established by the persons who are other than the State, prefectures, or municipalities, the standard set forth in the preceding paragraph shall be deemed as the minimum standard set forth in paragraph 1 of Article 15 of Social Welfare Act and the provisions of paragraph 4 of Article 62 of paragraph 2 of Article 65 and Article 71 apply thereto.

第八十五条 (報告の徴収等)

Article 85 (Report Collection, etc.)

1 都道府県知事は、市町村が設置した障害者支援施設の運営を適切にさせるため、必要があると認めるときは、当該施設の長に対して、必要と認める事項の報告若しくは帳簿書類その他の物件の提出若しくは提示を求め、又は当該職員に関係者に対して質問させ、若しくはその施設に立ち入り、設備若しくは帳簿書類その他の物件を検査させることができる。

(1) In the event that a prefectural governor acknowledges that it is necessary to have operation of support facilities for persons with disabilities established by municipalities be appropriate, they may order directors of such facilities to report the matters acknowledged to be necessary or submit or present documents, books or other materials; may cause such staff persons to ask questions to those who concerned or to enter places of such facilities so as to inspect the facilities or books, documents, and other materials.

2 第九条第二項の規定は前項の規定による質問又は検査について、同条第三項の規定

は前項の規定による権限について準用する。

- (2) The provision of paragraph 2 of Article 9 applies mutatis mutandis to the questions or inspection pursuant to the provision of the preceding paragraph; the provision of paragraph 3 of the same Article applies mutatis mutandis to the authorities pursuant to the provision of the preceding paragraph.

第八十六条 (事業の停止等)

Article 86 (Business Suspension, etc.)

- 1 都道府県知事は、市町村が設置した障害者支援施設について、その設備又は運営が第八十四条第一項の基準に適合しなくなったと認め、又は法令の規定に違反すると認めるときは、その事業の停止又は廃止を命ずることができる。

- (1) In the event that a prefectural governor acknowledges that the support facilities for persons with disabilities established by municipalities have come not to satisfy the standard of paragraph 1 of Article 84 or violate the provisions of the Cabinet Orders, he/she may order suspension or abolition of the businesses.

- 2 都道府県知事は、前項の規定による処分をするには、文書をもって、その理由を示さなければならない。

- (2) In the event that a prefectural governor takes dispositions pursuant to the provision set forth in the preceding paragraph, he/she shall present the reasons for the dispositions in written documents.

第五章 障害福祉計画

Chapter V Plan for Welfare of Persons with Disabilities

第八十七条 (基本指針)

Article 87 (Basic Guidelines)

- 1 厚生労働大臣は、障害福祉サービス及び相談支援並びに市町村及び都道府県の地域生活支援事業の提供体制を整備し、自立支援給付及び地域生活支援事業の円滑な実施を確保するための基本的な指針(以下「基本指針」という。)を定めるものとする。

- (1) The Minister of Health, Labour and Welfare shall establish basic guidelines to consolidate welfare service for persons with disabilities and consultation support, and provision systems for municipal and prefectural life support services, and ensure smooth operation of services and supports for persons with disabilities payment and community life support services (hereinafter referred to as "basic guidelines").

- 2 基本指針においては、次に掲げる事項を定めるものとする。

- (2) In the basic guidelines, the following matters shall be prescribed.

- 一 障害福祉サービス及び相談支援の提供体制の確保に関する基本的事項

- (i) Basic matters concerning provision systems of welfare service for persons with disabilities and consultation support.

二 次条第一項に規定する市町村障害福祉計画及び第八十九条第一項に規定する都道府県障害福祉計画の作成に関する事項

(ii) Matters concerning draft of municipal plan for welfare of persons with disabilities provided in paragraph 1 of the succeeding Article and prefectural plans for welfare of persons with disabilities prescribed in paragraph 1 of Article 89.

三 その他自立支援給付及び地域生活支援事業の円滑な実施を確保するために必要な事項

(iii) Other matters necessary for ensuring smooth operation of Payment for Services and Supports for Persons with Disabilities and community life services support business.

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

(3) In the event that the Minister of Health, Labour and Welfare establish the basic guidelines, or alternates them, the minister shall make the effect public without delay.

第八十八条 (市町村障害福祉計画)

Article 88 (Municipal Plan for Welfare of Persons with Disabilities)

1 市町村は、基本指針に即して、障害福祉サービス、相談支援及び地域生活支援事業の提供体制の確保に関する計画(以下「市町村障害福祉計画」という。)を定めるものとする。

(1) Municipalities shall provide policies concerning securement of provision systems of welfare service, consultation support and community life support services (hereinafter referred to as "municipal plan for welfare of persons with disabilities") in line with the basic guidelines.

2 市町村障害福祉計画においては、次に掲げる事項を定めるものとする。

(2) In a municipal plan for welfare of persons with disabilities, the following matter shall be prescribed.

一 各年度における指定障害福祉サービス又は指定相談支援の種類ごとの必要な量の見込み

(i) Likelihood of necessary quantity per kind of designated welfare service for persons with disabilities or designated consultation support each year.

二 前号の指定障害福祉サービス又は指定相談支援の種類ごとの必要な見込量の確保のための方策

(ii) Measures for ensuring the likelihood of necessary quantity per kind of designated welfare service for persons with disabilities or designated consultation support which are set forth in the preceding item.

三 地域生活支援事業の種類ごとの実施に関する事項

(iii) Matters concerning conduct per kind of community life support services.

四 その他障害福祉サービス、相談支援及び市町村の地域生活支援事業の提供体制の確保に関し必要な事項

(iv) Other necessary matters concerning securement of provision systems for welfare service for persons with disabilities, consultation support and municipal community life support services.

3 市町村障害福祉計画は、当該市町村の区域における障害者等の数、その障害の状況その他の事情を勘案して作成されなければならない。

(3) Municipal plan for welfare of persons with disabilities shall be drafted as considering the number of persons with disabilities in the areas of such municipality, their conditions of disabilities and other circumstances.

4 市町村障害福祉計画は、障害者基本法第九条第三項に規定する市町村障害者計画、社会福祉法第百七条に規定する市町村地域福祉計画その他の法律の規定による計画であつて障害者等の福祉に関する事項を定めるものと調和が保たれたものでなければならない。

(4) Municipal plan for welfare for persons with disabilities shall be harmonized with the municipal government basic program for persons with disabilities prescribed in paragraph 3, Article 9 of Basic Act for Persons with Disabilities, the regional welfare plans prescribed in Article 107 of Social Welfare Act and the policies pursuant to the provisions of the other Acts which prescribe the matters concerning the welfare for persons with disabilities.

5 市町村は、市町村障害福祉計画を定め、又は変更しようとするときは、あらかじめ、住民の意見を反映させるために必要な措置を講ずるものとする。

(5) If municipalities intend to establish or alter their Municipal plans for welfare of persons with disabilities, they shall take necessary measures in advance so as to reflect inhabitants' opinions.

6 障害者基本法第二十六条第四項の地方障害者施策推進協議会を設置する市町村は、市町村障害福祉計画を定め、又は変更しようとするときは、あらかじめ、当該地方障害者施策推進協議会の意見を聴かなければならない。

(6) If municipalities which establish Local Council on Promotion of Measures for Persons With Disabilities set forth in paragraph 4 of Article 26 of Basic Act for Persons with Disabilities intend to establish or alternate the municipal plans for welfare of persons with disabilities, they shall hear the opinions of such Local Council on Promotion of Measures for Persons With Disabilities in advance.

7 市町村は、市町村障害福祉計画を定め、又は変更しようとするときは、あらかじめ、都道府県の意見を聴かなければならない。

(7) If municipalities intend to establish or alternate the municipal plans for welfare of persons with disabilities, they shall hear the opinions of prefectures in advance.

8 市町村は、市町村障害福祉計画を定め、又は変更したときは、遅滞なく、これを都道府県知事に提出しなければならない。

(8) If municipalities shall establish or alternate municipal plans for welfare of

persons with disabilities, they shall submit the program to prefectural governors without delay.

第八十九条 (都道府県障害福祉計画)

Article 89 (Prefectural Plan for Welfare of Persons with Disabilities)

1 都道府県は、基本指針に即して、市町村障害福祉計画の達成に資するため、各市町村を通ずる広域的な見地から、障害福祉サービス、相談支援及び地域生活支援事業の提供体制の確保に関する計画(以下「都道府県障害福祉計画」という。)を定めるものとする。

(1) Prefectures shall provide policies concerning securement of provision systems of welfare service, consultation support and community life support services (hereinafter referred to as "prefectural plan for welfare of persons with disabilities") from a large perspective through each municipality in line with the basic guidelines so as to assist achievement of municipal plans for welfare of persons with disabilities.

2 都道府県障害福祉計画においては、次に掲げる事項を定めるものとする。

(2) In a prefectural plan for welfare of persons with disabilities, the following matter shall be provided.

一 当該都道府県が定める区域ごとに当該区域における各年度の指定障害福祉サービス又は指定相談支援の種類ごとの必要な量の見込み

(i) Likelihood of necessary quantity per kind of designated welfare service for persons with disabilities or designated consultation support per such area specified by such prefecture each year.

二 前号の区域ごとの指定障害福祉サービス又は指定相談支援の種類ごとの必要な見込量の確保のための方策

(ii) Measures for ensuring the likelihood of necessary quantity per kind of designated welfare service for persons with disabilities or designated consultation support per the area of the preceding item.

三 第一号の区域ごとの指定障害福祉サービス又は指定相談支援に従事する者の確保又は資質の向上のために講ずる措置に関する事項

(iii) Matters concerning measures to secure persons who are engaged in the designated welfare service or designated consultation support per the area set forth in paragraph 1 or to improve their quality.

四 各年度の指定障害者支援施設の必要入所定員総数

(iv) Total necessary fixed number for designated support facilities for persons with disabilities each year.

五 指定障害者支援施設の施設障害福祉サービスの質の向上のために講ずる措置に関する事項

(v) Matters concerning measures to improve service quality of in-facility welfare service for persons with disabilities or designated support facilities for persons

with disabilities.

六 地域生活支援事業の種類ごとの実施に関する事項

(vi) Matters concerning conduct per kind of community life support services.

七 その他障害福祉サービス、相談支援及び都道府県の地域生活支援事業の提供体制の確保に関し必要な事項

(vii) Other necessary matters concerning securement of provision systems, welfare service for persons with disabilities, consultation support and of prefectural community life support services.

3 都道府県障害福祉計画は、障害者基本法第九条第二項に規定する都道府県障害者計画、社会福祉法第百八条に規定する都道府県地域福祉支援計画その他の法律の規定による計画であって障害者等の福祉に関する事項を定めるものと調和が保たれたものでなければならない。

(3) Prefectural plan for welfare of persons with disabilities shall be harmonized with the prefectural government basic program for persons with disabilities prescribed in paragraph 2 of Article 9 of Basic Act for Persons with Disabilities, the prefectural regional welfare support program prescribed in Article 108 of Social Welfare Act and the policies pursuant to other Acts which prescribe the matters concerning the welfare for persons with disabilities.

4 都道府県障害福祉計画は、医療法(昭和二十三年法律第二百五号)第三十条の四第一項に規定する医療計画と相まって、精神科病院(精神科病院以外の病院で精神病室が設けられているものを含む。)に入院している精神障害者の退院の促進に資するものでなければならない。

(4) Prefectural plan for welfare of persons with disabilities shall assist to promote discharge of persons with mental disorders who are in mental hospitals (including hospitals employing hospital rooms for persons with mental disorder other than mental hospitals) in line with the medical care plan prescribed in paragraph 1 of Article 30-3 of Medical Service Act (Act No. 205 of 1948).

5 都道府県は、都道府県障害福祉計画を定め、又は変更しようとするときは、あらかじめ、障害者基本法第二十六条第一項の地方障害者施策推進協議会の意見を聴かなければならない。

(5) In the event that prefectures intend to establish or alternate their prefectural plan for welfare of persons with disabilities, they shall hear the opinions of such Local Council on Promotion of Measures for Persons with Disabilities of paragraph 1 of Article 26 of Basic Act for Persons with Disabilities in advance.

6 都道府県は、都道府県障害福祉計画を定め、又は変更したときは、遅滞なく、これを厚生労働大臣に提出しなければならない。

(6) In the event that prefectures shall establish or alternate prefectural plan for welfare of persons with disabilities, they shall submit the program to Minister of Health, Labour and Welfare without delay.

第九十条 (都道府県知事の助言等)

Article 90 (Prefectural Governors' Advice, etc.)

1 都道府県知事は、市町村に対し、市町村障害福祉計画の作成上の技術的事項について必要な助言をすることができる。

(1) Prefectural governors may provide municipalities with necessary advice for technical matters on drafting municipal plan for welfare of persons with disabilities.

2 厚生労働大臣は、都道府県に対し、都道府県障害福祉計画の作成の手法その他都道府県障害福祉計画の作成上重要な技術的事項について必要な助言をすることができる。

(2) The Minister of Health, Labour and Welfare may provide prefectures with necessary advice for drafting method of prefectural programs for the welfare for persons with disabilities and other important technical matters on drafting prefectural plan for welfare of persons with disabilities.

第九十一条 (国の援助)

Article 91 (Assistance by the State)

国は、市町村又は都道府県が、市町村障害福祉計画又は都道府県障害福祉計画に定められた事業を実施しようとするときは、当該事業が円滑に実施されるように必要な助言その他の援助の実施に努めるものとする。

In the event that municipalities or prefectures intend to conduct the businesses prescribed in municipal or prefectural plan for welfare of persons with disabilities, the State shall endeavor to conduct necessary advice and other assistance for smooth operation of such businesses.

第六章 費用

Chapter VI Expenses

第九十二条 (市町村の支弁)

Article 92 (Municipality's Payment)

1 次に掲げる費用は、市町村の支弁とする。

(1) The following payments shall be made by municipalities.

一 介護給付費等、サービス利用計画作成費、高額障害福祉サービス費、特定障害者特別給付費及び特例特定障害者特別給付費(以下「障害福祉サービス費等」という。)の支給に要する費用

(i) Expenses required for grant of nursing care payment, service utilization program expenses, expenses for high-cost welfare service for persons with disabilities, special payment for specified persons with disabilities, and extraordinary special payment for specified persons with disabilities (hereinafter referred to as "expenses for welfare service for persons with disabilities, or others").

二 自立支援医療費(第八条第一項の政令で定める医療に係るものを除く。)、療養介護医療費及び基準該当療養介護医療費の支給に要する費用

(ii) Expenses required for grant of medical expenses for services and supports for persons with disabilities (except the payment pertaining to medical care prescribed in paragraph 1 of Article 8), medical care treatment expenses, and appropriate medical care treatment expenses.

三 補装具費の支給に要する費用

(iii) Expenses required for grant prosthetic devices.

四 市町村が行う地域生活支援事業に要する費用

(iv) Expenses required for community life support services conducted by municipalities.

第九十三条 (都道府県の支弁)

Article 93 (Prefecture's Payment)

次に掲げる費用は、都道府県の支弁とする。

The following payments shall be made by prefectures.

一 自立支援医療費(第八条第一項の政令で定める医療に係るものに限る。)の支給に要する費用

(i) Expenses required for grant of medical expenses for services and supports for persons with disabilities (limited to the payment pertaining to medical care prescribed in paragraph 1 of Article 8).

二 都道府県が行う地域生活支援事業に要する費用

(ii) Expenses required for community life support services conducted by prefectures.

第九十四条 (都道府県の負担及び補助)

Article 94 (Liability and Assistance of Prefecture)

1 都道府県は、政令で定めるところにより、第九十二条の規定により市町村が支弁する費用について、次に掲げるものを負担する。

(1) Prefectures shall bear the following expenses paid by municipalities pursuant to the provision of Article 92 pursuant to the provision in the Cabinet Order.

一 第九十二条第一号に掲げる費用のうち、国及び都道府県が負担すべきものとして当該市町村における障害福祉サービス費等の支給に係る障害者等の障害程度区分ごとの人数その他の事情を勘案して政令で定めるところにより算定した額(以下「障害福祉サービス費等負担対象額」という。)の百分の二十五

(i) 25/100 of the amount calculated pursuant to the provision in the Cabinet Order as that which the State and prefectures should bear, with consideration of the number of persons with disabilities, or others entitled to grants for disability welfare service expenses, per disability level, in the respective municipalities, and other information, from among the expenses listed in item 1 of Article 92 (hereinafter referred to as "object amount of expenses borne for disability welfare

services").

二 第九十二条第二号及び第三号に掲げる費用のうち、その百分の二十五

(ii) 25/100 of the expenses listed in items 2 and 3 of Article 92.

2 都道府県は、当該都道府県の予算の範囲内において、政令で定めるところにより、第九十二条の規定により市町村が支弁する費用のうち、同条第四号に掲げる費用の百分の二十五以内を補助することができる。

(2) Prefectures may assist within 25/100 of the expenses listed in item 4 of Article 92 among the expenses paid by municipalities pursuant to Article 92 pursuant to the provision in the Cabinet Order within the budget of such prefecture.

第九十五条 (国の負担及び補助)

Article 95 (Liability and Assistance of the State)

1 国は、政令で定めるところにより、次に掲げるものを負担する。

(1) The State shall bear the followings pursuant to the provision of the Cabinet Order.

一 第九十二条の規定により市町村が支弁する費用のうち、障害福祉サービス費等負担対象額の百分の五十

(i) 50/100 of object amount of expenses borne for welfare service persons with disabilities among the expenses paid by municipalities pursuant to the provision of Article 92.

二 第九十二条の規定により市町村が支弁する費用のうち、同条第二号及び第三号に掲げる費用の百分の五十

(ii) 50/100 of the expenses listed in items 2 and 3 of Article 92 among the expenses paid by municipalities pursuant to the provision of the same Article.

三 第九十三条の規定により都道府県が支弁する費用のうち、同条第一号に掲げる費用の百分の五十

(iii) 50/100 of the expenses listed in item 1 of Article 93 among the expenses paid by prefectural pursuant to the provision of the same Article.

2 国は、予算の範囲内において、政令で定めるところにより、次に掲げるものを補助することができる。

(2) The State may assist the followings within its budget pursuant to the provision of the Cabinet Order.

一 第十九条から第二十二條まで、第二十四条及び第二十五条の規定により市町村が行う支給決定に係る事務の処理に要する費用(地方自治法第二百五十二条の十四第一項の規定により市町村が審査判定業務を都道府県審査会に委託している場合にあっては、当該委託に係る費用を含む。)の百分の五十以内

(i) Within 50/100 of the expenses required for administrative affairs pertaining to grant decision conducted by municipalities pursuant to Article 19 through Article 22 and Article 24 through Article 25 (in the event that municipalities entrust service of examination and judgment to prefectural examination board by

paragraph 1 of Article 252-14 of Local Autonomy Act, including the expenses pertaining to such entrustment).

二 第九十二条及び第九十三条の規定により市町村及び都道府県が支弁する費用のうち、第九十二条第四号及び第九十三条第二号に掲げる費用の百分の五十以内

(ii) Within 50/100 of the expenses listed in item 4 of Article 92 and item 2 of Article 93 among the expenses paid by municipalities or prefectures pursuant to the provision of Article 92 and Article 93.

第九十六条 (準用規定)

Article 96 (Application, mutatis mutandis)

社会福祉法第五十八条第二項から第四項までの規定は、国有財産特別措置法(昭和二十七年法律第二百十九号)第二条第二項第三号の規定又は同法第三条第一項第四号及び第二項の規定により普通財産の譲渡又は貸付けを受けた社会福祉法人に準用する。

The provisions of paragraph 2 through paragraph 4, Article 58 of Social Welfare Act shall apply mutatis mutandis to social welfare corporations which received assignment or loan of ordinary properties pursuant to the provision of item 3 of paragraph 2 of Article 2 of National Property Special Measures Act (Act No. 219 of 1952) or the provision of paragraph 1 and item of paragraph 2 of Article 3 of the same Act.

第七章 審査請求

Chapter VII Application for Examination

第九十七条 (審査請求)

Article 97 (Application for Examination)

1 市町村の介護給付費等に係る処分に不服がある障害者又は障害児の保護者は、都道府県知事に対して審査請求をすることができる。

(1) The persons with disabilities or guardians of children with disabilities who are dissatisfied with municipal dispositions pertaining to nursing care payment, etc. may apply to prefectural governors for examination.

2 前項の審査請求は、時効の中断に関しては、裁判上の請求とみなす。

(2) The application for examination mentioned above shall be deemed to be a judicial claim concerning interruption of prescription.

第九十八条 (不服審査会)

Article 98 (Appeal Examination Board)

1 都道府県知事は、条例で定めるところにより、前条第一項の審査請求の事件を取り扱わせるため、障害者介護給付費等不服審査会(以下「不服審査会」という。)を置くことができる。

(1) Prefectural governors may establish an examination board for appeal with

nursing care payment, etc. for persons with disabilities (hereinafter referred to as "appeal examination board") so as to cause it to treat cases of requests for examination prescribed in paragraph 1 of the preceding Article pursuant to the provision of their Prefectural Ordinance.

- 2 不服審査会の委員の定数は、政令で定める基準に従い、条例で定める員数とする。
- (2) Quorum of committee of the appeal examination board shall be the quorum provided in Prefectural Ordinance pursuant to the standard prescribed in the Cabinet Order.
- 3 委員は、人格が高潔であつて、介護給付費等に関する処分の審理に関し公正かつ中立な判断をすることができ、かつ、障害者等の保健又は福祉に関する学識経験を有する者のうちから、都道府県知事が任命する。
- (3) Prefectural governors appoint committees among those who have moral personality, are able to make a fair and neutral judgment on proceedings of disposition concerning nursing care payment, etc., and have academic backgrounds and experiences about healthcare and welfare of persons with disabilities, or others.

第九十九条 (委員の任期)

Article 99 (Term of Committee Membership)

- 1 委員の任期は、三年とする。ただし、補欠の委員の任期は、前任者の残任期間とする。
- (1) Term for a committee shall be 3 years. Provided, however, term for a substitute committee shall be the rest of the predecessor.
- 2 委員は、再任されることができる。
- (2) A committee may be reappointed.

第百条 (会長)

Article 100 (Chairperson)

- 1 不服審査会に、委員のうちから委員が選挙する会長一人を置く。
- (1) Members of the appeal examination board shall select one of their members to act as the chairperson.
- 2 会長に事故があるときは、前項の規定に準じて選挙された者が、その職務を代行する。
- (2) In the case of accident occurring on the chairperson, the person elected pursuant to the provision set forth in the preceding paragraph shall represent for the duties.

第百一条 (審査請求の期間及び方式)

Article 101 (Term and Forms of Request for Examination)

審査請求は、処分があつたことを知った日の翌日から起算して六十日以内に、文書又は口頭でしなければならない。ただし、正当な理由により、この期間内に審査請求をす

ることができなかつたことを疎明したときは、この限りでない。

Requests for examination shall be filed orally or in written within 60 days from the day following the date of applicant's knowing the disposition has made; provide, however, that this shall not apply, the case where applicants shows prima facie evidence that they could not file Requests for examinations within the period on justifiable grounds.

第百二条 (市町村に対する通知)

Article 102 (Notification to Municipalities)

都道府県知事は、審査請求を受理したときは、原処分をした市町村及びその他の利害関係人に通知しなければならない。

When prefectural governors receive Requests for examination, they shall notify the municipalities which conduct the original dispositions and other interested persons.

第百三条 (審理のための処分)

Article 103 (Disposition for proceedings)

1 都道府県知事は、審理を行うため必要があると認めるときは、審査請求人若しくは関係人に対して報告若しくは意見を求め、その出頭を命じて審問し、又は医師その他都道府県知事の指定する者(次項において「医師等」という。)に診断その他の調査をさせることができる。

(1) In the event that prefectural governors acknowledge that it is necessary to conduct examinations, they may require those persons requesting an examination or related persons to submit reports or opinions or may order such persons to present themselves for questioning, or they may direct doctors or other persons appointed by prefectural governors (called "doctors, etc." in the following paragraph) to perform diagnoses or conduct other examinations.

2 都道府県は、前項の規定により出頭した関係人又は診断その他の調査をした医師等に対し、政令で定めるところにより、旅費、日当及び宿泊料又は報酬を支給しなければならない。

(2) Prefectures shall pay travel expenses, daily allowances, accommodation expenses or rewards to the concerned persons who presented themselves or the doctors, who conducted diagnoses or other inspections pursuant to the provision of the preceding paragraph pursuant to the provision in the Cabinet Order.

第百四条 (政令等への委任)

Article 104 (Entrustment to the Cabinet Order)

この章及び行政不服審査法に定めるもののほか、審査請求の手續に関し必要な事項は政令で、不服審査会に関し必要な事項は当該不服審査会を設置した都道府県の条例で定める。

In addition to what are prescribed in this chapter and in Administrative Appeals

Act, necessary matters concerning procedures of request for examination shall be prescribed in the Cabinet Order; necessary matters concerning an appeal examination board shall be prescribed in Prefectural Ordinance of such prefecture which established such appeal examination board.

第百五条 (審査請求と訴訟との関係)

Article 105 (Relation between Application for Examination and Lawsuit)

第九十七条第一項に規定する処分取消しの訴えは、当該処分についての審査請求に対する裁決を経た後でなければ、提起することができない。

The suit for rescission of disposition prescribed in paragraph 1 of Article 97 may not be instituted until determination on application for examination about such disposition is made.

第八章 雑則

Chapter VIII Miscellaneous Provisions

第百六条 (大都市等の特例)

Article 106 (Special provision for Large Cities)

この法律中都道府県が処理することとされている事務に関する規定で政令で定めるものは、地方自治法第二百五十二条の十九第一項の指定都市(以下「指定都市」という。)及び同法第二百五十二条の二十二第一項の中核市(以下「中核市」という。)並びに児童福祉法第五十九条の四第一項に規定する児童相談所設置市(以下「児童相談所設置市」という。)においては、政令で定めるところにより、指定都市若しくは中核市又は児童相談所設置市(以下「指定都市等」という。)が処理するものとする。この場合においては、この法律中都道府県に関する規定は、指定都市等に関する規定として指定都市等に適用があるものとする。

The provisions concerning administrative affairs which prefectures should process in this Act and which are prescribed in the Cabinet Order shall be processed pursuant to the provision in the Cabinet Order by designated cities or core cities or the cities where child consultation offices are placed (hereinafter referred to as "designated cities, etc.") in the designated cities prescribed in paragraph 1 of Article 252-19 of Local Autonomy Act (hereinafter referred to as "designated cities") and the core cities of paragraph 1 of Article 252-22 of the same (hereinafter referred to as "core cities") and the cities where child consultation offices are placed which are provided in paragraph 1 of Article 59-1 of Child Welfare Act (hereinafter referred to as "cities where child consultation offices are placed"). In such cases, the provision concerning prefectures in this Act shall be deemed to apply to the designated cities, etc. as the provisions concerned with the designated cities, etc.

第百七条 (権限の委任)

Article 107 (Delegation of Authority)

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

(1) The authorities of Minister of Health, Labour and Welfare provided in this Act may be delegated to a local welfare commissioner pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

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

(2) The authorities delegated to a local welfare commissioner pursuant to the provision of the preceding paragraph may be delegated to a local welfare chief correspondent pursuant to the provision of Ordinance of the Ministry of Health, Labour and Welfare.

第百八条 (実施規定)

Article 108 (Implementation Provision)

この法律に特別の規定があるものを除くほか、この法律の実施のための手続その他その執行について必要な細則は、厚生労働省令で定める。

Unless otherwise specially provided in this Act, procedures for enforcement of this Act, and other detailed regulations necessary for execution thereof shall be specified in Ordinance of the Ministry of Health, Labour and Welfare.

第九章 罰則

Chapter IX Penal Provisions

第百九条

Article 109

1 市町村審査会、都道府県審査会若しくは不服審査会の委員又はこれらの委員であった者が、正当な理由なしに、職務上知り得た自立支援給付対象サービス等を行った者の業務上の秘密又は個人の秘密を漏らしたときは、一年以下の懲役又は百万円以下の罰金に処する。

(1) If a committee of municipal examination boards, prefectural examination boards, or appeal examination boards, or a ex-committee thereof divulges trade secrets of those who conducted object service for Payment for Services and Supports for Persons with Disabilities, or personal secrets, etc. which they may come to possess in the course of duties, without just causes, the person shall be punished by less than imprisonment with work of 1 year or fine of less than 1,000,000 yen.

2 第二十条第四項(第二十四条第三項において準用する場合を含む。)の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

(2) A person who violates the provision of paragraph 4 of Article 20 (including the case where it is applied mutatis mutandis pursuant to paragraph 4 of Article 24)

shall be punished by not more than 1 year imprisonment with hard labor or a fine of not more than 1,000,000 yen.

第百十条

Article 110

第十一条第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をした者は、三十万円以下の罰金に処する。

Persons who fail to submit or present reports or materials or who submit or present false reports or materials, pursuant to the provisions of paragraph 1 of Article 11, or who fails to answer questions given by the relevant personnel pursuant to the same paragraph, or who give false answers, shall be punished by a fine of not more than 300,000 yen.

第百十一条

Article 111

第四十八条第一項(同条第三項及び第四項において準用する場合を含む。以下この条において同じ。)の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は第四十八条第一項の規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避した者は、三十万円以下の罰金に処する。

A person who fails to submit or present reports or materials or who submit or present false reports or materials pursuant to paragraph 1 of Article 48 (including the cases where it is applied mutatis mutandis pursuant to paragraph 3 and paragraph 4 of the same Article; the same shall apply in this Article.), who fail to answer the questions asked by relevant personnel or give false answers pursuant to paragraph 1 of Article 48 or answer falsely thereto; or refuse, hinder, or avoid the inspections pursuant to the same provision shall be punished by a fine of not more than 300,000 yen.

第百十二条

Article 112

法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して前条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、同条の刑を科する。

In the event that representative persons of a juridical person or a juridical person, or agents, workers, or other employees of individual conducted the violation set forth the preceding Article with regard to the business of said juridical person or individual, not only the offender shall be punished but also said juridical person or

individuals shall be punished by the fine set forth the same Article.

第百十三條

Article 113

正当な理由なしに、第百三條第一項の規定による処分に違反して、出頭せず、陳述をせず、報告をせず、若しくは虚偽の陳述若しくは報告をし、又は診断その他の調査をしなかつた者は、三十万円以下の罰金に処する。ただし、不服審査会の行う審査の手續における請求人又は第百二條の規定により通知を受けた市町村その他の利害関係人は、この限りでない。

In the event that persons who, violated the disposition pursuant to the provision of paragraph 1 of Article 103 do not appear, provide statements, they state or provide false reports, and make diagnoses or conduct other inspection without just cause, they, shall be punished by a fine of not more than 300,000 yen. Provided, however, that, this shall not apply to requesters for the examination procedures that appeal examination board conduct, municipalities or other interested persons who received the notice pursuant to the provision of Article 102.

第百十四條

Article 114

第十一条第二項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をした者は、十万円以下の過料に処する。

Persons who fail to submit or present reports or materials or who submit or present false reports or materials, pursuant to the provision of paragraph 2 of Article 11, or who fails to answer questions given by the relevant personnel pursuant to the same paragraph, or who give false answers, shall be punished by a non-penal fine of not more than 100,000 yen.

第百十五條

Article 115

1 市町村等は、条例で、正当な理由なしに、第九条第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をした者に対し十万円以下の過料を科する規定を設けることができる。

(1) Municipalities, etc. may establish provisions in their Municipal Ordinances to impose a non-penal fine of not more than 100,000 yen on persons who fail to submit or present reports or materials, or who submit or present false reports or materials, pursuant to the provision of paragraph 1 of Article 9; provide false reports or; or who fail to answer the questions asked by relevant personnel or give

false answers pursuant to the provision of the same paragraph or answer falsely thereto without just causes.

2 市町村等は、条例で、正当な理由なしに、第十条第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による当該職員の質問に対して、答弁せず、若しくは虚偽の答弁をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避した者に対し十万円以下の過料を科する規定を設けることができる。

(2) Municipalities, etc. may establish provisions in their Municipal Ordinances to impose a non-penal fine of not more than 100,000 on the persons who fail to submit or present reports or materials, or who submit or present false reports or, pursuant to the provision of paragraph 1 of Article 10, or who fail to answer the questions asked by relevant personnel or give false answers, pursuant to the provision of the same paragraph; or who refuse, hinder, or avoid the inspections pursuant to the same provision without just causes.

3 市町村は、条例で、第二十四条第二項又は第二十五条第二項の規定による受給者証の提出又は返還を求められてこれに応じない者に対し十万円以下の過料を科する規定を設けることができる。

(3) Municipalities may establish provisions in their Municipal Ordinances to impose a non-penal fine of not more than 100,000 yen on the persons who were required to submit or return the claimant certifications pursuant to the provisions of paragraph 2 of Article 24 or paragraph 2 of Article 25 but do not respond to the requirement.

附則

Supplementary Provisions

第一条 (施行期日)

Article 1 (Effective Date)

この法律は、平成十八年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

This Act shall come into effect as from April 1st in 2006; provided, the provisions listed in the following items shall be come into effect as from the date prescribed respectively in those items.

一 附則第二十四条、第四十四条、第一百一条、第一百三条、第一百六条から第一百八条まで及び第二百二十二条の規定 公布の日

(i) The provisions of Article 24, Article 44, Article 101, Article 103, Article 116 through Article 118 and Article 122 in Supplementary Provisions: the day of promulgation

二 第五条第一項(居宅介護、行動援護、児童デイサービス、短期入所及び共同生活援助に係る部分を除く。)、第三項、第五項、第六項、第九項から第十五項まで、

第十七項及び第十九項から第二十二項まで、第二章第一節（サービス利用計画作成費、特定障害者特別給付費、特例特定障害者特別給付費、療養介護医療費、基準該当療養介護医療費及び補装具費の支給に係る部分に限る。）、第二十八条第一項（第二号、第四号、第五号及び第八号から第十号までに係る部分に限る。）及び第二項（第一号から第三号までに係る部分に限る。）、第三十二条、第三十四条、第三十五条、第三十六条第四項（第三十七条第二項において準用する場合を含む。）、第三十八条から第四十条まで、第四十一条（指定障害者支援施設及び指定相談支援事業者の指定に係る部分に限る。）、第四十二条（指定障害者支援施設等の設置者及び指定相談支援事業者に係る部分に限る。）、第四十四条、第四十五条、第四十六条第一項（指定相談支援事業者に係る部分に限る。）及び第二項、第四十七条、第四十八条第三項及び第四項、第四十九条第二項及び第三項並びに同条第四項から第七項まで（指定障害者支援施設等の設置者及び指定相談支援事業者に係る部分に限る。）、第五十条第三項及び第四項、第五十一条（指定障害者支援施設及び指定相談支援事業者に係る部分に限る。）、第七十条から第七十二条まで、第七十三条、第七十四条第二項及び第七十五条（療養介護医療及び基準該当療養介護医療に係る部分に限る。）、第二章第四節、第三章、第四章（障害福祉サービス事業に係る部分を除く。）、第五章、第九十二条第一号（サービス利用計画作成費、特定障害者特別給付費及び特例特定障害者特別給付費の支給に係る部分に限る。）、第二号（療養介護医療費及び基準該当療養介護医療費の支給に係る部分に限る。）、第三号及び第四号、第九十三条第二号、第九十四条第一項第二号（第九十二条第三号に係る部分に限る。）及び第二項、第九十五条第一項第二号（第九十二条第二号に係る部分を除く。）及び第二項第二号、第九十六条、第一百条（サービス利用計画作成費、特定障害者特別給付費、特例特定障害者特別給付費、療養介護医療費、基準該当療養介護医療費及び補装具費の支給に係る部分に限る。）、第一百一条及び第一百十二条（第四十八条第一項の規定を同条第三項及び第四項において準用する場合に係る部分に限る。）並びに第一百四十四条並びに第一百五十一条第一項及び第二項（サービス利用計画作成費、特定障害者特別給付費、特例特定障害者特別給付費、療養介護医療費、基準該当療養介護医療費及び補装具費の支給に係る部分に限る。）並びに附則第十八条から第二十三条まで、第二十六条、第三十条から第三十三条まで、第三十五条、第三十九条から第四十三条まで、第四十六条、第四十八条から第五十条まで、第五十二条、第五十六条から第六十条まで、第六十二条、第六十五条、第六十八条から第七十条まで、第七十二条から第七十七条まで、第七十九条、第八十一条、第八十三条、第八十五条から第九十条まで、第九十二条、第九十三条、第九十五条、第九十六条、第九十八条から第一百条まで、第一百五十一条、第一百八条、第一百条、第一百十二条、第一百三十三条及び第一百五十一条の規定 平成十八年十月一日

- (ii) The provisions of paragraph 1 (except the part pertaining to home help service, activity support, day service for children, short-stay service and group home with care) of paragraph 3, paragraph 5, paragraph 6, paragraph 9 through paragraph 15, paragraph 17, and paragraph 19 through paragraph 22 of Article 5, Verse 1 (limited to the part pertaining to grant of service utilization program expense,

special benefit for specified persons with disabilities, extraordinary special benefit for specified persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses) of Chapter 2, paragraph 1 (limited to the part pertaining to item 2, item 4, item 5 and item 8 through item 10) and paragraph 2 (limited to the part pertaining to item 1 through item 3) of Article 28, Article 32, Article 34, Article 35, paragraph 4 of Article 36 (including the case it is applied mutatis mutandis pursuant to paragraph 2 of Article 37), Article 38 through Article 40, Article 41 (limited to the part pertaining to designation of designated support facilities for persons with disabilities and designated consultation support business operators), Article 42 (limited to the part pertaining to establishes of designated disability support facilities or designated consultation support business operators), Article 44, Article 45, paragraph 1 of Article 46 (limited to the part pertaining to designated consultation support business operators) and paragraph 2 of the same Article, Article 47, paragraph 3 and paragraph 4 of Article 48, paragraph 2 and paragraph 3 of Article 49 and paragraph 4 through paragraph 7 of the same Article (limited to the part pertaining to establishers of designated support facilities for persons with disabilities or designated consultation support business operators), paragraph 3 and paragraph 4 of Article 50, Article 51 (limited to the part pertaining to designated support facilities for persons with disabilities and designated consultation support business operators), Article 70 through Article 72, Article 73, paragraph 2 of Article 74 and Article 75 (limited to the part pertaining to medical treatment and appropriate medical treatment); Section 4 of Chapter 2; Chapter 3; Chapter 4 (except the part pertaining to welfare service business for persons with disabilities); Chapter 5; item 1 (limited to the part pertaining to service utilization program expenses, special payment for specified persons with disabilities, and extraordinary special payment for specified persons with disabilities), item 2 (limited to the part pertaining to medical care treatment expenses and appropriate medical care treatment expenses), items 3 and item 4 of Article 92, item 2 of Article 93, item 2 of paragraph 1 (limited to the part pertaining to item 3 of Article 92) and paragraph 2 of Article 94, item 2 of paragraph 1 (except the part pertaining to item 2 of Article 92) and item 2 of paragraph 2 of Article 95, Article 96, Article 110 (limited to the part pertaining to grant of service utilization program expenses, special benefit for specified persons with disabilities, extraordinary special benefit for specified persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses), Article 111 and Article 112 (limited to the part pertaining to the cases where the provision of item 1 of Article 48 is applied mutatis mutandis to items 3 and 4 of the same Article), Article 114, paragraph 1 and paragraph 2 (limited

to the part pertaining to grant of service utilization program expense, special benefit for specified persons with disabilities, extraordinary special benefit for specified persons with disabilities, medical care treatment expenses, appropriate medical care treatment expenses and prosthetic device expenses) of Article 115; and Article 18 through Article 23, Article 26, Article 30 through Article 33, Article 35, Article 39 through Article 43, Article 46, Article 48 through Article 50, Article 52, Article 56 through Article 60, Article 62, Article 65, Article 68 through Article 70, Article 72 through Article 77, Article 79, Article 81, Article 83, Article 85 through Article 90, Article 92, Article 93, Article 95, Article 96, Article 98 through Article 100, Article 105, Article 108, Article 110, Article 112, Article 113 and Article 115 of Supplementary Provisions: October 1st in 2006,

三 附則第六十三条、第六十六条、第九十七条及び第百十一条の規定 平成二十四年三月三十一日までの日で政令で定める日

(iii) The provisions of Article 63, Article 66, Article 97 and Article 111 of Supplementary Provisions: the date until March 31 in 2012 prescribed by the Cabinet Order

第二条 (自立支援給付の特例)

Article 2 (Exception of Payment for Services and Supports for Persons with Disabilities)

児童福祉法第六十三条の四及び第六十三条の五の規定による通知に係る児童は、第十九条から第二十五条まで、第二十九条から第三十五条まで、第七十条、第七十一条、第九十二条、第九十四条及び第九十五条の規定の適用については、障害者とみなす。

Children pertaining to a notice pursuant to the provisions of Article 63-4 and Article 63-5 of Child Welfare Act shall be deemed to be persons with disabilities in application of the provisions of Article 19 through Article 25, Article 29 through Article 35, Article 70, Article 71, Article 92, Article 94 and Article 95.

第三条 (検討)

Article 3 (Review)

1 政府は、この法律の施行後三年を目途として、この法律及び障害者等の福祉に関する他の法律の規定の施行の状況、障害児の児童福祉施設への入所に係る実施主体の在り方等を勘案し、この法律の規定について、障害者等の範囲を含め検討を加え、その結果に基づいて必要な措置を講ずるものとする。

(1) Approximately three years after the enforcement of this Act, the government shall consider the execution status of the provisions of this Act and other Acts concerning the welfare of persons with disabilities, or others and the conditions of those organizations responsible for conducting operations relevant to the placement of children with disabilities in child welfare facilities and the like, and shall conduct further review of the provisions of this Act, including the scope of

definition of persons with disabilities, or others, and shall take necessary measures based on the results of those considerations and review.

2 政府は、この法律の施行後五年を経過した場合において、第二章第二節第五款、第三節及び第四節の規定の施行の状況について検討を加え、その結果に基づいて必要な措置を講ずるものとする。

(2) After 5 years have passed from the enforcement of this Act, the government shall review the execution status of the provisions of Subsection 5 of Section 2 of Article 2, Section 3 and Section 4 and take necessary measures based on the results of the review.

3 政府は、障害者等の福祉に関する施策の実施の状況、障害者等の経済的な状況等を踏まえ、就労の支援を含めた障害者等の所得の確保に係る施策の在り方について検討を加え、その結果に基づいて必要な措置を講ずるものとする。

(3) The government shall review the appropriateness of policies pertaining to the securement of income for persons with disabilities, or others, including support for employment, with consideration of the execution status of policies concerning the welfare of persons with disabilities, or others, the economic status of persons with disabilities, or others, and other conditions, and shall take necessary measures based on the results of the review.