

Public Assistance Act

(Act No. 144 of May 4, 1950)

Chapter 1 General Provisions

(Purpose of This Act)

Article 1 The purpose of this Act is for the State to guarantee a minimum standard of living as well as to promote self-support for all citizens who are in living in poverty by providing the necessary public assistance according to the level of poverty, based on the principles prescribed in Article 25 of the Constitution of Japan.

(Nondiscrimination and Equality)

Article 2 All citizens may receive public assistance under this Act (hereinafter referred to as "public assistance") in a nondiscriminatory and equal manner as long as they satisfy the requirements prescribed by this Act.

(Minimum Standard of Living)

Article 3 The minimum standard of living guaranteed by this Act shall be where a person is able to maintain a wholesome and cultured standard of living.

(Supplementary Nature of Public Assistance)

- Article 4 (1) Public assistance shall be provided based on a requirement that a person who is living in poverty shall utilize his/her assets, abilities and every other thing available to him/her for maintaining a minimum standard of living.
- (2) Any support given by a person responsible for support prescribed by the Civil Code (Act No. 89 of 1954) and any assistance prescribed by any other Act shall be provided in precedence to public assistance under this Act.
- (3) The provisions of the preceding two paragraphs shall not preclude the provision of necessary public assistance in the case where there are urgent circumstances.

(Interpretation and Operation of This Act)

Article 5 What is provided for in the preceding four Articles are fundamental principles of this Act based on which all interpretations and the operation of

this Act shall be made.

(Definitions of Terms)

Article 6 (1) The term "public assistance recipient" as used in this Act means a person who currently receives public assistance.

(2) The term "person requiring public assistance" is a person who requires public assistance regardless of whether he/she currently receives public assistance.

(3) The term "public assistance benefit" as used in this Act means the money and/or goods furnished or lent as public assistance.

(4) The term "performance in money" as used in this Act means to provide public assistance by furnishing or lending money.

(5) The term "performance in kind" as used in this Act means to provide public assistance by furnishing or lending goods, furnishing medical care, providing services or any other means other than by providing performance in money.

Chapter 2 Principles of Public Assistance

(Principle of Public Assistance Based on Application)

Article 7 The provision of public assistance shall start based on an application filed by a person requiring public assistance, a person responsible for his/her support or any other relative living together; provided, however, that necessary public assistance may be provided without an application therefore when a person requiring public assistance is under urgent circumstances.

(Principle of Standard and Extent)

Article 8 (1) Public assistance shall be provided, based on the level of the demand of a person requiring public assistance, which has been measured according to the standard specified by the Minister of Health, Labour and Welfare, to the extent that makes up the shortfall thereof that cannot be satisfied by the money or goods possessed by said person.

(2) The standard set forth in the preceding paragraph shall be one that sufficiently satisfies but shall not exceed the demand pertaining to a minimum standard of living, taking into consideration the age, sex, household composition and location of the person requiring public assistance and any other necessary circumstances according to the type of public assistance.

(Principle of Conforming to Individual Needs)

Article 9 Public assistance shall be provided effectively and appropriately by taking into consideration the differences between the actual needs of individuals or households, such as the age, sex and health conditions of the person requiring assistance.

(Principle of Public Assistance on a Household Basis)

Article 10 The need for and extent of public assistance shall be determined on a household basis ; provided, however, that, if this is difficult, such determination may be made on an individual basis.

Chapter 3 Types and Scope of Public Assistance

(Types)

Article 11 The type of public assistance shall be as follows:

- (i) Livelihood assistance
- (ii) Education assistance
- (iii) Housing assistance
- (iv) Medical assistance
- (v) Long-term care assistance
- (vi) Maternity assistance
- (vii) Occupational assistance
- (viii) Funeral assistance

(2) The assistance set forth in the items of the preceding paragraph shall be provided singly or in combination according to the needs of the person requiring public assistance.

(Livelihood Assistance)

Article 12 Livelihood assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

- (i) Clothing, food and any other things necessary for satisfying the demands of daily life
- (ii) Transportation

(Education Assistance)

Article 13 Education assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

- (i) Textbooks and other school supplies necessary in line with compulsory

education

- (ii) School-commuting supplies necessary in line with compulsory education
- (iii) School meals and any other things necessary in line with compulsory education

(Housing Assistance)

Article 14 Housing assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

- (i) Residence
- (ii) Repairs and other things necessary for maintaining the housing

(Medical Assistance)

Article 15 Medical assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

- (i) Medical examinations
- (ii) Medicines or therapeutic materials
- (iii) Medical treatment, surgery and any other therapy and treatment
- (iv) In-home medical care management as well as care-taking and any other nursing pertaining to in-home medical care
- (v) Admission to a hospital or clinic as well as care-taking and any other nursing pertaining to medical care in the hospital or clinic
- (vi) Transportation

(Long-Term Care Assistance)

Article 15-2 Long-term care assistance shall be provided within the scope of the matters listed in items (i) to (iv) and item (viii) to a person requiring long-term care (which means a person requiring long-term care prescribed in Article 7, paragraph (3) of the Long-Term Care Insurance Act [Act No. 123 of 1997]; the same shall apply in paragraph (3)) who is unable to maintain a minimum standard of living due to poverty, and shall be provided within the scope of the matters listed in items (v) to (viii) to a person requiring support (which means a person requiring support prescribed in paragraph (4) of the same Article; the same shall apply in paragraph (6)) who is unable to maintain a minimum standard of living due to poverty:

- (i) In-home care services (limited to those carried out based on an in-home care support plan)
- (ii) Welfare equipment
- (iii) Home renovation

- (iv) Facility care services
 - (v) Care prevention services (limited to those carried out based on a care prevention support plan)
 - (vi) Welfare equipment for care prevention
 - (vii) Home renovation for care prevention
 - (viii) Transportation
- (2) In-home care services prescribed in item (i) of the preceding paragraph means home-visit care services prescribed in Article 8, paragraph (2) of the Long-Term Care Insurance Act, home-visit bathing services prescribed in paragraph (3) of the same Article, home-visit nursing prescribed in paragraph (4) of the same Article, home-visit rehabilitation prescribed in paragraph (5) of the same Article, in-home medical care management counseling prescribed in paragraph (6) of the same Article, day care services prescribed in paragraph (7) of the same Article, day rehabilitation prescribed in paragraph (8) of the same Article, short-stay care services prescribed in paragraph (9) of the same Article, short-stay medical care prescribed in paragraph (10) of the same Article, care services provided in specified facilities prescribed in paragraph (11) of the same Article, lending of welfare equipment prescribed in paragraph (12) of the same Article, nighttime home-visit care services prescribed in paragraph (15) of the same Article, day care services for the elderly with dementia prescribed in paragraph (16) of the same Article, small-scale and multifunctional in-home care services prescribed in paragraph (17) of the same Article, care services provided in group homes for the elderly with dementia prescribed in paragraph (18) of the same Article, and care services provided in community-based specified facilities prescribed in paragraph (19) of the same Article, and any services equivalent thereto.
- (3) An in-home care support plan prescribed in paragraph (1), item (i) means a plan which, for the purpose of allowing a person requiring long-term care who leads his/her life at home to use, etc. appropriately in-home care services and any other health and medical services and welfare services that are necessary for leading a daily life at home (hereinafter referred to as "in-home care services, etc." in this paragraph), specifies such matters as the types and contents of the in-home care services, etc. to be used by said person requiring long-term care.
- (4) Facility care services prescribed in paragraph (1), item (iv) means care services provided at community-based long-term care welfare facilities for the elderly prescribed in Article 8, paragraph (20) of the Long-Term Care Insurance Act, long-term care welfare facility services prescribed in paragraph (24) of the same Article, long-term care health facility services

- prescribed in paragraph (25) of the same Article and long-term care sanatorium facility services prescribed in paragraph (26) of the same Article.
- (5) Care prevention services prescribed in paragraph (1), item (v) means home-visit care services for care prevention prescribed in Article 8-2, paragraph (2) of the Long-Term Care Insurance Act, home-visit bathing services for care prevention prescribed in paragraph (3) of the same Article, home-visit nursing for care prevention prescribed in paragraph (4) of the same Article, home-visit rehabilitation for care prevention prescribed in paragraph (5) of the same Article, in-home medical care management counseling for care prevention prescribed in paragraph (6) of the same Article, day care services for care prevention prescribed in paragraph (7) of the same Article, day rehabilitation for care prevention prescribed in paragraph (8) of the same Article, short-stay care services for care prevention prescribed in paragraph (9) of the same Article, short-stay medical care for care prevention prescribed in paragraph (10) of the same Article, care services for care prevention provided in specified facilities prescribed in paragraph (11) of the same Article, lending of welfare equipment for care prevention prescribed in paragraph (12) of the same Article, day care services for the elderly with dementia for care prevention prescribed in paragraph (15) of the same Article, small-scale and multifunctional in-home care services for care prevention prescribed in paragraph (16) of the same Article, and care services for care prevention provided in group homes for the elderly with dementia prescribed in paragraph (17) of the same Article, and any services equivalent thereto.
- (6) A care prevention support plan prescribed in paragraph (1), item (v) means a plan which, for the purpose of allowing a person requiring support who leads his/her life at home to use, etc. appropriately care prevention services and any other health and medical services and welfare services that contribute to relieving or preventing from worsening the conditions where, due to physical or mental disabilities, said person requires constant care with regard to all or part of the basic activities of daily life such as bathing, excretion and eating or has trouble leading his/her daily life (hereinafter referred to as "care prevention services, etc." in this paragraph), specifies such matters as the types and contents of the care prevention services, etc. to be used by said person requiring long-term care, and which has been prepared by any person specified by an Ordinance of the Ministry of Health, Labour and Welfare set forth in Article 8-2, paragraph (18) from among the employees of a community comprehensive support center prescribed in Article 105-39, paragraph (1) of the Long-Term Care Insurance Act (referred to as a "community comprehensive support center" in Article 34-2, paragraph

(2) and Article 54-2, paragraph (1)).

(Maternity Assistance)

Article 16 Maternity assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

- (i) Assistance with delivery
- (ii) Treatment prior to and after delivery
- (iii) Absorbent cotton, gauze and other sanitary supplies

(Occupational Assistance)

Article 17 Occupational assistance shall be provided within the scope of the following matters to a person who is unable to or is likely to become unable to maintain a minimum standard of living due to poverty; provided, however, that this shall be limited to the case where such provision is likely to be able to increase the income of said person or promote the self-support for said person:

- (i) Funds, instruments or materials necessary for an occupation
- (ii) Acquisition of skills necessary for an occupation
- (iii) Things necessary for work

(Funeral Assistance)

Article 18 Funeral assistance shall be provided within the scope of the following matters to a person who is unable to maintain a minimum standard of living due to poverty:

- (i) Postmortem examination
 - (ii) Transportation of the corpse
 - (iii) Cremation or burial
 - (iv) Cineration and any other things necessary for a funeral
- (2) In any of the following cases, if there is a person who intends to conduct the funeral, funeral assistance set forth in the items of the preceding paragraph may be provided to said person:
- (i) Where, in the case of the death of a public assistance recipient, there is no person responsible for his/her support who intends to conduct his/her funeral
 - (ii) Where, in the case of the absence of a person responsible for support who intends to conduct the funeral of a deceased, it is not possible to cover the expenses necessary for conducting the funeral with the money and goods left behind by the deceased

Chapter 4 (Organs for and Implementation of Public

Assistance)

(Public Assistance Administrators)

- Article 19 (1) A prefectural governor, a city mayor, or a mayor of a town or village managing an office concerning welfare (hereinafter referred to as a "welfare office") prescribed in the Social Welfare Act (Act No. 45 of 1951) (a city mayor and such mayor of a town or village shall be collectively referred to as a "municipal mayor") shall decide on and implement public assistance, pursuant to the provisions of this Act, for the following persons:
- (i) Any person requiring public assistance whose place of residence is within the jurisdictional district of the welfare office under the management of the prefectural governor or municipal mayor
 - (ii) Any person requiring public assistance who does not have a place of residence or whose place of residence is unclear and whose current location is within the jurisdictional district of the welfare office under the management of the prefectural governor or municipal mayor
- (2) Even when the place of residence of a person requiring public assistance is clear, if said person is under urgent circumstances, public assistance for said person shall be provided by the prefectural governor or the municipal mayor managing the welfare office having jurisdiction over the current location of said person, notwithstanding the provisions of the preceding paragraph, until the urgent circumstances cease to exist.
- (3) In the case of having a person requiring public assistance admitted into a relief facility, a rehabilitation facility or any other appropriate facility, or entrusting such admission to any such facility, or entrusting nursing care to the home of a private individual, or in the case of providing long-term care assistance (limited to facility care services) to a person requiring public assistance by entrusting it to a long-term care welfare facility for the elderly (which means a long-term care welfare facility for the elderly prescribed in Article 8, paragraph (24) of the Long-Term Care Insurance Act; the same shall apply hereinafter) pursuant to the provisions of Article 34-2(2), the person who should provide public assistance to said person while said admission or entrustment remains valid shall be decided based on the place of residence or the current location of said person prior to said admission or entrustment.
- (4) The person who should provide public assistance pursuant to the provisions of the preceding three paragraphs (hereinafter referred to as the "public

assistance administrator") may delegate all or a part of the affairs concerning decisions about and implementation of public assistance, but only to an administrative agency under his/her management.

- (5) A public assistance administrator shall not be precluded from entrusting a part of the affairs concerning decisions about and implementation of public assistance to another public assistance administrator pursuant to the provisions of a Cabinet Order.
- (6) The mayor of a town or village without a welfare office (hereinafter referred to as the "mayor of a town or village") shall provide the necessary public assistance, as emergency treatment, to a person requiring public assistance within the district of that town or village who is in such a state that he/she cannot be left unattended due to particularly urgent circumstances.
- (7) The mayor of a town or village shall carry out the following matters in order to ensure the appropriate execution of public assistance affairs conducted by the public assistance administrator or the head of the welfare office (hereinafter referred to as the "welfare office director"):
 - (i) On discovering a person requiring public assistance or discovering any change to the livelihood or any other circumstances of a public assistance recipient, the mayor of a town or village shall promptly inform the public assistance administrator or the welfare office director to that effect.
 - (ii) On receiving an application for the commencement of or a change to public assistance pursuant to the provisions of Article 24, paragraph (6), the mayor of a town or village shall send said application to the public assistance administrator.
 - (iii) On being requested by the public assistance administrator or the welfare office director, the mayor of a town or village shall deliver a public assistance benefit to a public assistance recipient, etc.
 - (iv) On being requested by the public assistance administrator or the welfare office director, the mayor of a town or village shall carry out an investigation concerning a person requiring public assistance.

(Delegation of Authority)

Article 20 A prefectural governor may delegate a part of his/her authority prescribed by this Act to an administrative agency under his/her management.

(Assisting Organ)

Article 21 A social welfare officer prescribed in the Social Welfare Act shall assist in the execution of the affairs of a prefectural governor or a municipal mayor with regard to the enforcement of this Act.

(Cooperation of Welfare Commissioner)

Article 22 A welfare commissioner prescribed in the Welfare Commissioners Act (Act No. 198 of 1948) shall assist in the execution of the affairs of a municipal mayor, welfare office director or social welfare officer with regard to the enforcement of this Act.

(Audit of Affairs)

Article 23 (1) The Minister of Health, Labour and Welfare shall have an official he/she has designated conduct an audit of the affairs concerning the enforcement of this Act carried out by a prefectural governor or municipal mayor, and a prefectural governor shall have an official he/she has designated conduct an audit of the affairs concerning the enforcement of this Act carried out by a municipal mayor.

- (2) An official designated pursuant to the provisions of the preceding paragraph may make a request for the submission of materials or the provision of a statement of explanation that he/she finds necessary or give an instruction that he/she finds necessary to a prefectural governor or municipal mayor.
- (3) The qualification of an official to be designated pursuant to the provisions of paragraph (1) shall be specified by a Cabinet Order.

(Commencement of or Change to Public Assistance Through Application)

Article 24 (1) A public assistance administrator shall, where an application for the commencement of public assistance has been filed, decide on the need for and the type, extent and method of public assistance, and notify the applicant of the result in writing.

- (2) The document under the preceding paragraph shall state the reason for the decision.
- (3) The notice under paragraph (1) shall be given within fourteen days from the date on which an application has been filed; provided, however, that said period may be extended to thirty days in the case where there is any special reason, such as when an investigation on the state of the assets of persons responsible for support takes time, in which case, said reason shall be clearly indicated in the document under the same paragraph.
- (4) When an applicant does not receive the notice under paragraph (1) within thirty days from the filing of an application for public assistance, he/she may deem that the public assistance administrator has dismissed the application.
- (5) The provisions of the preceding four paragraphs shall apply mutatis mutandis to the case where an application for a change to public assistance

has been filed by a person prescribed in Article 7.

- (6) An application for the commencement of or a change to public assistance may also be filed through the mayor of a town or village. In the case where the mayor of a town or village has received an application, he/she shall send said the application to the public assistance administrator together with a document stating the presence or absence of any person responsible for support of the person requiring public assistance, the state of assets, and any other matters that would serve as a reference when making a decision concerning public assistance, within five days.

(Commencement of and Change to Public Assistance Ex Officio)

Article 25 (1) A public assistance administrator shall, when a person requiring public assistance is under urgent circumstances, decide promptly on the type, extent and method of public assistance and commence public assistance ex officio.

- (2) A public assistance administrator shall constantly investigate the status of the standard of living of a public assistance recipient, and when he/she finds a need for a change to the public assistance, he/she shall decide promptly on said change ex officio and notify the public assistance recipient of the result in writing. The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to this case.

- (3) The mayor of a town or village shall, when a person requiring public assistance is in such a state that he/she cannot be left unattended due to particularly urgent circumstances, provide promptly the public assistance prescribed in Article 19, paragraph (6) ex officio.

(Suspension and Abolition of Public Assistance)

Article 26 A public assistance administrator shall, when a public assistance recipient no longer needs public assistance, decide promptly on the suspension or abolition of the public assistance, and notify the public assistance recipient of the result in writing. The same shall apply in the case of suspending or abolishing public assistance pursuant to the provisions of Article 28, paragraph (4) or Article 62, paragraph (3).

(Guidance and Instruction)

Article 27 (1) A public assistance administrator may give a public assistance recipient any guidance or instruction that is necessary for maintaining or improving the recipient's standard of living or for achieving the purpose of public assistance.

- (2) The guidance or instruction under the preceding paragraph shall respect

the freedom of the public assistance recipient and be limited to the minimum extent necessary.

- (3) The provisions of paragraph (1) shall not be interpreted as those that may force a public assistance recipient to receive guidance or instruction against his/her will.

(Consultation and Advice)

Article 27-2 A public assistance administrator may, when requested to do so by a person requiring public assistance, respond to a request for a consultation from the person requiring public assistance and provide the necessary advice, in order to promote self-support for the person requiring public assistance.

(Investigation and Medical Examination)

Article 28 (1) When it is necessary for deciding on or implementing public assistance, a public assistance administrator may, in order to investigate the state of the assets, health conditions or any other matters of a person requiring public assistance, have a relevant official enter the place of residence of said person requiring public assistance and investigate these matters or order said person requiring public assistance to have a medical examination from a doctor or a dentist designated by the public assistance administrator.

- (2) A relevant official who conducts on-site investigations pursuant to the provisions of the preceding paragraph shall carry his/her identification and present it when requested to do so by a person concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The authority for on-site inspections under the provisions of paragraph (1) shall not be interpreted as that granted for criminal investigation.
- (4) A public assistance administrator may, when a person requiring public assistance has refused, obstructed or avoided an on-site investigation or has failed to follow an order to have a medical examination from a doctor or dentist under the provisions of paragraph (1), dismiss an application for the commencement of or a change to the public assistance or may change, suspend or abolish the public assistance.

(Commissioning of Investigation and Request for Report)

Article 29 When it is necessary for deciding on or implementing public assistance, a public assistance administrator and a welfare office director may commission an investigation to a public agency or request a report from a bank, trust company, the employer of a person requiring public assistance

or a person responsible for support of the person requiring public assistance with regard to the assets and income of the person requiring public assistance or the person responsible for his/her support.

(Exclusion from Application of the Administrative Procedure Act)

Article 29-2 The provisions of Chapter 3 (excluding Articles 12 and 14) of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to any disposition under the provisions of this Chapter.

Chapter 5 Method of Public Assistance

(Method of Livelihood Assistance)

Article 30 (1) Livelihood assistance shall be provided at the home of a public assistance recipient; provided, however, that, when this method cannot be used, when it is difficult to achieve the purpose of public assistance by this method, or when the public assistance recipient has so desired, public assistance may be provided by having the public assistance recipient admitted into a relief facility, a rehabilitation facility or any other appropriate facility, or entrusting such admission into any such facility, or entrusting nursing care to the home of a private individual.

(2) The provisions of the proviso to the preceding paragraph shall not be interpreted as those that are able to force admission into a facility or provision of nursing care against the will of a public assistance recipient.

(3) A public assistance administrator may, in the case where a person who has parental authority or is a guardian for a public assistance recipient fails to exercise his/her rights appropriately, take one of the measures under the proviso to paragraph (1) by obtaining the permission of a family court, even if said person objects to it.

(4) The permission under the preceding paragraph shall be deemed to be a matter listed in Article 9, paragraph (1), Group A of the Domestic Affairs Adjustment Act (Act No. 152 of 1947) with regard to application of the same Act.

Article 31 (1) Livelihood assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, livelihood assistance may be provided by way of performance in kind.

(2) The public assistance benefit for livelihood assistance shall be provided in

advance to the extent of one month's worth; provided, however, that when it is difficult to use this method, the public assistance benefit may be provided in advance in excess of one month's worth.

- (3) The public assistance benefit in the case of providing livelihood assistance at home shall be calculated on a household basis and shall be delivered to the householder or a person equivalent thereto; provided, however, that if it is difficult to use this method, the public assistance benefit may be delivered to the public assistance recipient on an individual basis.
- (4) In the case of providing livelihood assistance to a public assistance recipient who receives facility care services at a community-based long-term care welfare facility for the elderly (which means a community-based long-term care welfare facility for the elderly prescribed in Article 8, paragraph (20) of the Long-Term Care Insurance Act; the same shall apply hereinafter), a long-term care welfare facility for the elderly, or a long-term care health facility for the elderly (which means a long-term care health facility for the elderly prescribed in paragraph (25) of the same Article; the same shall apply hereinafter) that has been designated pursuant to the provisions of Article 54-2, paragraph (1) (including a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly that is deemed to have received the designation under paragraph (1) of the same Article pursuant to the provisions of paragraph (2) of the same Article), if it is not appropriate to deliver the public assistance benefit to a person prescribed in the preceding paragraph or if it is necessary for achieving the purpose of public assistance, the public assistance benefit may be delivered to the head of said community-based long-term care welfare facility for the elderly or long-term care welfare facility for the elderly, or to the manager of said long-term care health facility for the elderly, notwithstanding the provisions of paragraph (1) of the same Article.
- (5) The public assistance benefit in the case of providing livelihood assistance pursuant to the provisions of the proviso to paragraph (1) of the preceding Article shall be delivered to the public assistance recipient, the head of the facility, or the person to whom nursing care has been entrusted.

(Method of Education Assistance)

Article 32 (1) Education assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, education assistance may be provided by way of performance in kind.

- (3) The public assistance benefit for education assistance shall be delivered to

the public assistance recipient, a person who has parental authority over the public assistance recipient or is a guardian of a public assistance recipient who is a minor, or the head of the school which the public assistance recipient attends.

(Method of Housing Assistance)

Article 33 (1) Housing assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, housing assistance may be provided by way of performance in kind.

(2) Out of the housing assistance, residence as performance in kind shall be provided by having the public assistance recipient use a facility providing accommodation or by entrusting such actions to a facility providing accommodation.

(3) The provisions of Article 30, paragraph (2) shall apply mutatis mutandis to the case under the preceding paragraph.

(4) The public assistance benefit for housing assistance shall be delivered to the householder or a person equivalent thereto.

(Method of Medical Assistance)

Article 34 (1) Medical assistance shall be provided by way of performance in kind; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, medical assistance may be provided by way of performance in money.

(2) Out of the performance in kind prescribed in the preceding paragraph, medical care shall be furnished by having the public assistance recipient use a medical facility for persons requiring public assistance or by entrusting such actions to a medical facility for persons requiring public assistance or a medical institution that has been designated pursuant to the provisions of Article 49.

(3) Out of the furnishing of medical care prescribed in the preceding paragraph, the extent of the treatment that may be provided by a massage and finger pressure practitioner or a judo healing practitioner (hereinafter referred to as a "practitioner") pursuant to the provisions of the Act on Massage and Finger Pressure Practitioners, Acupuncturists, Moxibustion Practitioners, etc. (Act No. 217 of 1947) or the Judo Healing Practitioner Act (Act No. 19 of 1970) shall not be precluded from being furnished by way of entrusting said treatment to a practitioner who has been designated pursuant to the

provisions of Article 49 as applied mutatis mutandis pursuant to the provisions of Article 55.

- (4) In the case where there are urgent circumstances, a public assistance recipient may be furnished with medical care by a medical institution that has not been designated or be furnished with treatment by a practitioner who has not been designated, notwithstanding the provisions of the preceding two paragraphs.
- (5) The public assistance benefit for medical assistance shall be delivered to the public assistance recipient.

(Method of Long-Term Care Assistance)

Article 34-2 (1) Long-term care assistance shall be provided by way of performance in kind; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, long-term care assistance may be provided by way of performance in money.

- (2) Out of the performance in kind prescribed in the preceding paragraph, in-home care services, the furnishing of welfare equipment, facility care services, care prevention services and the furnishing of welfare equipment for care prevention shall be provided by way of entrusting such assistance to a long-term care provider (which means a person who provides in-home care services as his/her business, a person who prepares in-home care support plans as his/her business, a person who sells specified welfare equipment prescribed in Article 8, paragraph (13) of the Long-Term Care Insurance Act as his/her business [referred to as a "specified welfare equipment dealer" in Article 54-2, paragraph (1)], a community-based long-term care welfare facility for the elderly, a long-term care welfare facility for the elderly, a long-term care health facility for the elderly, a person who provides care prevention services as his/her business, a community comprehensive support center, or a person who sells specified welfare equipment for care prevention prescribed in Article 8-2, paragraph (13) of the same Act as his/her business [referred to as a "specified care prevention welfare equipment dealer" in Article 54-2, paragraph (1)]; the same shall apply hereinafter) who has been designated pursuant to the provisions of Article 54-2, paragraph (1) (including a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly that is deemed to have received the designation under paragraph (1) of the same Article pursuant to the provisions of paragraph (2) of the same Article).
- (3) The provisions of paragraphs (4) and (5) of the preceding Article shall apply mutatis mutandis to long-term care assistance. In this case, the term "urgent

circumstances" in paragraph (4) of the same Article shall be deemed to be replaced with "urgent circumstances or other unavoidable circumstances."

(Method of Maternity Assistance)

Article 35 (1) Maternity assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, maternity assistance may be provided by way of performance in kind.

(2) Out of the performance in kind prescribed in the proviso to the preceding paragraph, the furnishing of midwifery shall be provided by way of entrusting such midwifery to a midwife who has been designated pursuant to the provisions of Article 49 as applied mutatis mutandis pursuant to the provisions of Article 55.

(3) The provisions of paragraphs (4) and (5) of Article 34 shall apply mutatis mutandis to maternity assistance.

(Method of Occupational Assistance)

Article 36 (1) Occupational assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, occupational assistance may be provided by way of performance in kind.

(2) Out of performance in kind prescribed in the proviso to the preceding paragraph, use of a facility necessary for the employment and provision of the skills necessary for occupational assistance shall be provided by having the person requiring public assistance use a vocational facility or any other facility aimed at training, or by entrusting such assistance to such a facility.

(3) The public assistance benefit for occupational assistance shall be delivered to the public assistance recipient; provided however, that the public assistance benefit necessary for the use of a facility or the provision of skills may be delivered to the head of a vocational facility.

(Method of Funeral Assistance)

Article 37 (1) Funeral assistance shall be provided by way of performance in money; provided, however, that when this method cannot be used, when it is not appropriate to use this method, or when it is necessary in order to achieve the purpose of public assistance, funeral assistance may be provided by way of performance in kind.

(2) The public assistance benefit for funeral assistance shall be delivered to the

person conducting the funeral.

(Exception to the Method of Public Assistance)

Article 37-2 Out of the public assistance benefit delivered to the householder or a person equivalent thereto pursuant to the provisions of the main clause of Article 31, paragraph (3) or Article 33, paragraph (4), the public assistance benefit delivered to the public assistance recipient pursuant to the provisions of the proviso to Article 31, paragraph (3), Article 31, paragraph (5), Article 32, paragraph (2), Article 34, paragraph (5) (including the cases where it is applied mutatis mutandis pursuant to Article 34-2, paragraph (3) or Article 35, paragraph (3)) or Article 36, paragraph (3), or the public assistance benefit delivered to the person conducting the funeral pursuant to the provisions of paragraph (2) of the preceding Article, a public assistance administrator may, when it is necessary for achieving the purpose of public assistance, pay the money equivalent to the amount of the premium for long-term care insurance (which means the premium prescribed in Article 129, paragraph (1) of the Long-Term Care Insurance Act) and any other expenses to be paid by the public assistance recipient that is specified by a Cabinet Order to a person specified by a Cabinet Order in lieu of the public assistance recipient. In this case, when said payment has been made, it shall be deemed that the public assistance benefit has been delivered to the person to whom delivery should be made pursuant to these provisions.

Chapter 6 Public Assistance Facilities

(Types)

Article 38 The types of public assistance facilities shall be as follows:

- (i) Relief facility
 - (ii) Rehabilitation facility
 - (iii) Medical facility for persons requiring public assistance
 - (iv) Vocational facility
 - (v) Facility providing accommodation
- (2) A relief facility shall be a facility aimed at providing livelihood assistance by admitting persons requiring public assistance who have difficulty leading their daily lives due to serious physical or mental disabilities.
- (3) A rehabilitation facility shall be a facility aimed at providing livelihood assistance by admitting persons requiring public assistance who need nursing care and livelihood guidance due to physical or mental reasons.
- (4) A medical facility for persons requiring public assistance shall be a facility

aimed at furnishing medical care to persons requiring public assistance who need medical care.

(5) A vocational facility shall be a facility aimed at promoting the self-support for persons requiring public assistance whose ability to work is limited due to physical or mental reasons or due to household circumstances, by providing them with the necessary opportunities and assistance for employment or the acquisition of skills.

(6) A facility providing accommodation shall be a facility aimed at providing housing assistance to the households of persons requiring public assistance who have no home.

(Standards of Public Assistance Facilities)

Article 39 The equipment and administration of a public assistance facility, the number of public assistance recipients using the public assistance facility, and the ratio between said number and the total number of persons using the public assistance facility shall clear the minimum standards specified by the Minister of Health, Labour and Welfare.

(Public Assistance Facilities of Prefectures, Municipalities and Local Incorporated Administrative Agencies)

Article 40 (1) A prefecture may establish public assistance facilities.

(2) When a municipality or a local incorporated administrative agency (which means a local incorporated administrative agency prescribed in Article 2, paragraph (1) of the Local Incorporated Administrative Agency Act [Act No. 118 of 2003]; the same shall apply hereinafter) intends to establish a public assistance facility, it shall notify the prefectural governor of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare in advance.

(3) A prefecture, municipality or local incorporated administrative agency that has established a public assistance facility may abolish said public assistance facility or downsize or suspend the operations of said public assistance facility as long as it does not impede the public assistance for the currently admitted public assistance recipients.

(4) The establishment and abolition of a public assistance facility by a prefecture or municipality shall be prescribed by an ordinance.

(Establishment of Public Assistance Facilities of Social Welfare Juridical Persons and the Japanese Red Cross Society)

Article 41 (1) A public assistance facility may only be established by a social welfare juridical person or the Japanese Red Cross Society, apart from a

- prefecture, municipality and local incorporated administrative agency.
- (2) When a social welfare juridical person or the Japanese Red Cross Society intends to establish a public assistance facility, it shall submit a written application stating the following matters to the prefectural governor and obtain his/her approval in advance:
- (i) The name and type of the public assistance facility
 - (ii) The name of the juridical person, which is the establisher, as well as the name of the representative person, address and the state of assets of said juridical person
 - (iii) The articles of endowment, articles of incorporation and any other basic contracts
 - (iv) The size and structure of the building and any other equipment
 - (v) The user capacity
 - (vi) The scheduled date of the commencement of operations
 - (vii) The names and backgrounds of the person responsible for the management and executive officials to be engaged in the practical affairs of public assistance
 - (viii) The accounting policy
- (3) In the case where an application for approval under the preceding paragraph has been filed, the prefectural governor shall grant approval if the facility complies with the following standards in addition to the standards prescribed in Article 39:
- (i) The person who intends to establish the facility shall have a sound financial basis.
 - (ii) The establishment of the public assistance facility shall be necessary in light of the state of the distribution of persons requiring public assistance in the area where said public assistance facility will be mainly used.
 - (iii) The executive officials to be engaged in the practical affairs of public assistance shall have the qualification specified by the Minister of Health, Labour and Welfare.
- (4) When granting the approval under paragraph (1), the prefectural governor may limit the duration of said public assistance facility or attach conditions that are found to be necessary for achieving the purpose of public assistance.
- (5) When a social welfare juridical person or the Japanese Red Cross Society that has obtained the approval under paragraph (2) intends to change any of the matters listed in item (i) or items (iii) to (viii) of the same paragraph, it shall obtain the approval of the prefectural governor in advance. In the case where an application for said approval has been filed, the provisions of paragraph (3) shall apply *mutatis mutandis*.

(Suspension of Operations or Abolition of Public Assistance Facilities of Social Welfare Juridical Persons or the Japanese Red Cross Society)

Article 42 When a social welfare juridical person or the Japanese Red Cross Society intends to suspend the operations of or abolish a public assistance facility, it shall obtain the approval of the prefectural governor in advance with regard to the time of the suspension or abolition, by clarifying the reasons therefor, the measures to be taken for the currently admitted public assistance recipients, and the method of disposing of property, and refunding the remainder of grants or subsidies that have been delivered pursuant to the provisions of Article 70, Article 72 or Article 74, if any.

(Guidance)

Article 43 (1) A prefectural governor shall give the necessary guidance with regard to the administration of public assistance facilities.

(2) A municipal mayor shall assist in the guidance under the preceding paragraph given to a public assistance facility established by a social welfare juridical person or the Japanese Red Cross Society.

(Collection of Reports and On-Site Inspections)

Article 44 (1) A prefectural governor may order the manager of a public assistance facility to report on the state of its operations or accounting or any other matters that are found to be necessary, or have a relevant official enter the facility, have him/her request the manager to allow the inspection of and provide a statement of explanation with regard to the equipment as well as accounting documents, medical records and any other books and documents (including electromagnetic records [which mean records prepared in an electronic form, magnetic form or any other form that cannot be recognized by human senses, and which are provided for use in information processing by computers] in the case where electromagnetic records have been prepared or preserved in lieu of the preparation or preservation of such books and documents; the same shall apply in Article 54, paragraph (1)), or have him/her carry out an inspection thereof.

(2) The provisions of Article 28, paragraphs (2) and (3) shall apply mutatis mutandis to an on-site inspection under the provisions of the preceding paragraph.

(Order for Improvement, etc.)

Article 45 (1) When any of the following grounds exist, the Minister of Health, Labour and Welfare may order a prefectural governor, and a prefectural governor may order a municipality or a local incorporated administrative

agency to improve the equipment or administration of a public assistance facility or to abolish a public assistance facility:

- (i) When the public assistance facility no longer conforms to the standards prescribed in Article 39
 - (ii) When the public assistance facility has lost the purpose of its existence
 - (iii) When the public assistance facility has violated this Act or any order based on this Act or any disposition based on this Act or such order
- (2) When any of the following grounds exist, a prefectural governor may order a social welfare juridical person or the Japanese Red Cross Society to improve the equipment or administration of the public assistance facility or rescind the approval under Article 41, paragraph (2):
- (i) When the public assistance facility falls under any of the items of the preceding paragraph
 - (ii) When the public assistance facility no longer conforms to the standards prescribed in the items of Article 41, paragraph (3)
 - (iii) When there has been a profit-making act with regard to the management of the public assistance facility
 - (iv) When operations have not been commenced by the scheduled date under Article 41, paragraph (2), item (vi) (when approval for a change has been obtained pursuant to the provisions of paragraph (5) of the same Article, the scheduled date for which said approval has been obtained) without justifiable grounds
 - (v) When the provisions of Article 41, paragraph (5) have been violated
- (3) Notice under Article 15, paragraph (1) or Article 30 of the Administrative Procedure Act pertaining to a disposition under the provisions of the preceding paragraph shall be given by fourteen days prior to the date of the hearing or the deadline of the submission of a written statement of explanation (in the case of granting an opportunity for explanation by oral presentation, the date and time of the presentation).
- (4) When a prefectural governor has given notice under Article 15, paragraph (1) of the Administrative Procedure Act pertaining to rescission of the approval under the provisions of paragraph (2), he/she shall publicly notify the date and place of the hearing.
- (5) Proceedings on the date of the hearing pertaining to rescission of the approval under the provisions of paragraph (2) shall be conducted openly.

(Management Rules)

Article 46 (1) The establisher of a public assistance facility shall stipulate management rules clearly indicating the following matters, prior to the commencement of the operations:

- (i) The purpose and policy of the operations
 - (ii) The fixed number, classification and contents of the duties of the officials
 - (iii) The method for treating persons using the facility
 - (iv) The rules to be observed by persons using the facility
 - (v) In the case of requiring the admitted persons to work, the type, method and hours of the work and a method for the appropriation of earnings from the work
 - (vi) Any other important matters concerning the management of the facility
- (2) When a person other than a prefecture has stipulated the management rules under the preceding paragraph, he/she shall promptly notify them to the prefectural governor. The same shall apply when such person intends to change the management rules that have been notified.
- (3) When a prefectural governor finds that the contents of the management rules that have been notified pursuant to the provisions of the preceding paragraph are not appropriate for achieving the purpose of public assistance for persons using said facility, he/she may order changes to said management rules.

(Obligations of a Public Assistance Facility)

- Article 47 (1) When a public assistance facility has received an entrustment for the purpose of public assistance from a public assistance administrator, it may not refuse the entrustment without justifiable grounds.
- (2) A public assistance facility may not give discriminatory or preferential treatment depending on race, beliefs, social status or family status when admitting or treating a person requiring public assistance.
- (3) A public assistance facility shall not force a person using the facility to participate in a religious act, celebration, ceremony or event.
- (4) A public assistance facility shall not refuse an on-site inspection carried out by a relevant official pursuant to the provisions of Article 44.

(Head of a Public Assistance Facility)

- Article 48 (1) The head of a public assistance facility shall constantly endeavor to achieve an improvement in the standards of living and rehabilitation of persons using the facility.
- (2) The head of a public assistance facility may provide necessary guidance to persons using the facility in accordance with the management rules.
- (3) A prefectural governor may restrain or prohibit the guidance under the preceding paragraph if he/she finds it necessary.
- (4) When the head of a public assistance facility finds that there are grounds requiring a change to or suspension or discontinuance of public assistance

with regard to a public assistance recipient using the facility, he/she shall promptly notify this to the public assistance administrator.

Chapter 7 Medical Care Providers, Long-Term Care Providers and Midwifery Care Providers

(Designation of Medical Care Providers)

Article 49 The Minister of Health, Labour and Welfare shall designate the providers in charge of the medical care for medical assistance under this Act with regard to hospitals, clinics or pharmacies established by the State, by obtaining the consent of the competent minister, and a prefectural governor shall designate such providers with regard to any other hospitals, clinics (including institutions that are specified by a Cabinet Order as being equivalent to such hospitals or clinics), pharmacies, doctors or dentists, by obtaining the consent of the founder or the person himself/herself.

(Obligations of Designated Medical Care Providers)

Article 50 (1) A medical care provider who has been designated pursuant to the provisions of the preceding Article (hereinafter referred to as a "designated medical care provider") shall provide medical care to public assistance recipients considerately and meticulously, in accordance with the rules provided by the Minister of Health, Labour and Welfare.

(2) A designated medical care provider shall follow any guidance provided by a prefectural governor with regard to medical care for public assistance recipients.

(Notification of Change, etc.)

Article 50-2 A designated medical care provider shall, when there has been a change to the name of said designated medical care provider or any other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, or when having discontinued, suspended or resumed the operations of said designated medical care provider, notify the Minister of Health, Labour and Welfare or prefectural governor who has made the designation under Article 49 to that effect within ten days, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(Declination and Rescission of Designation)

Article 51 (1) A designated medical care provider may decline the designation

by giving advance notice of thirty days or more.

- (2) When a designated medical care provider has violated the provisions of Article 50, the Minister of Health, Labour and Welfare may rescind the designation in the case where the medical care provider has been designated by the Minister of Health, Labour and Welfare, and a prefectural governor may rescind the designation in the case where the medical care provider has been designated by the prefectural governor.

(Medical Treatment Policy and Medical Treatment Fees)

Article 52 (1) The medical treatment policy and the medical treatment fees of a designated medical care provider shall be in accordance with the medical treatment policy and the medical treatment fees of the National Health Insurance.

- (2) In the case where the medical treatment policy and the medical treatment fees prescribed in the preceding paragraph cannot be adopted or are considered inappropriate, the medical treatment policy and the medical treatment fees shall be in accordance with the rules provided by the Minister of Health, Labour and Welfare.

(Examination and Payment of Medical Expenses)

Article 53 (1) A prefectural governor may examine the contents of medical treatment provided by and the claims for medical treatment fees made by a designated medical care provider as needed and decide the amount of the medical treatment fees that the designated medical care provider may claim pursuant to the provisions of the preceding Article.

- (2) A designated medical care provider shall follow the decision under the preceding paragraph made by a prefectural governor.
- (3) When a prefectural governor decides on the amount of medical treatment fees that a designated medical care provider may claim pursuant to the provisions of paragraph (1), he/she shall hear the opinion of an examination committee prescribed in the Act on the Social Insurance Medical Fee Payment Fund (Act No. 129 of 1948) or an examination organ related to medical care that has been specified by a Cabinet Order.
- (4) A prefecture, city, or a town or village with a welfare office may entrust affairs concerning the payment of medical treatment fees to designated medical care providers to the Social Insurance Medical Fee Payment Fund or a person specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (5) No appeal under the Administrative Appeal Act (Act No. 160 of 1962) may be made with regard to a decision on the amount of the medical treatment

fees under the provisions of paragraph (1).

(Collection of Reports and On-Site Inspections)

Article 54 (1) When there is a need to investigate whether or not the contents of medical treatment and the claims for medical treatment fees are appropriate, the Minister of Health, Labour and Welfare or a prefectural governor may order the manager of a designated medical care provider to report on any matters that are found to be necessary, or have the relevant official inspect the on-site the equipment, medical records and any other books and documents of said designated medical care provider.

(2) The provisions of Article 28, paragraphs (2) and (3) shall apply *mutatis mutandis* to an inspection under the provisions of the preceding paragraph.

(Designation, etc. of Long-Term Care Providers)

Article 54-2 (1) The Minister of Health, Labour and Welfare shall designate providers in charge of in-home care services, preparation of in-home care support plans, furnishing of welfare equipment, facility care services, care prevention services, preparation of care prevention support plans, or furnishing of welfare equipment for care prevention for long-term care assistance under this Act with regard to community-based long-term care welfare facilities for the elderly, long-term care welfare facilities for the elderly, or long-term care health facilities for the elderly established by the State by obtaining the consent of the competent minister, and a prefectural governor shall designate such providers with regard to any other community-based long-term care welfare facilities for the elderly, long-term care welfare facilities for the elderly or long-term care health facilities for the elderly, or persons who provide in-home care services as their business, persons who prepare in-home care support plans as their business, specified welfare equipment dealers, persons who provide care prevention services as their business, community comprehensive support centers or specified care prevention welfare equipment dealers by obtaining the consent of the founder, the person himself/herself, or the establisher.

(2) When a designation under the main clause of Article 42-2, paragraph (1) of the Long-Term Care Insurance Act has been made with regard to a special nursing home for the elderly prescribed in Article 20-5 of the Old-Age Welfare Act (Act No. 133 of 1963), the community-based long-term care welfare facility for the elderly shall be deemed to have received the designation under the provisions of the preceding paragraph at the time of said designation, and when a designation under Article 48, paragraph (1), item (i) of the same Act has been made, the long-term care welfare facility for

the elderly shall be deemed to have received the designation under the provisions of the preceding paragraph at the time of said designation.

- (3) A designation under paragraph (1) pertaining to a community-based long-term care welfare facility for the elderly that has been deemed to have received the designation under the same paragraph pursuant to the provisions of the preceding paragraph shall lose its effect with regard to said community-based long-term care welfare facility for the elderly when a designation under the main clause of Article 42-2, paragraph (1) of the Long-Term Care Insurance Act has been declined pursuant to the provisions of Article 78-7 of the same Act, when a designation under the main clause of Article 42-2, paragraph (1) of the same Act has been rescinded pursuant to the provisions of Article 78-9 of the same Act, or when the effect of a designation under the main clause of Article 42-2, paragraph (1) of the same Act has been lost pursuant to the provisions of Article 70-2, paragraph (1) of the same Act as applied mutatis mutandis pursuant to Article 78-11 of the same Act, and a designation under paragraph (1) pertaining to a long-term care welfare facility for the elderly that has been deemed to have received the designation under the same paragraph pursuant to the provisions of the preceding paragraph shall lose its effect with regard to said long-term care welfare facility for the elderly when a designation under Article 48, paragraph (1), item (i) of the same Act has been declined pursuant to the provisions of Article 91 of the same Act, when a designation under Article 48, paragraph (1), item (i) of the same Act has been rescinded pursuant to the provisions of Article 92, paragraph (1) or Article 115-29, paragraph (6) of the same Act, or when the effect of a designation under Article 48, paragraph (1), item (i) of the same Act has been lost pursuant to the provisions of Article 86-2, paragraph (1) of the same Act.
- (4) The provisions of Article 50 to the preceding Article shall apply mutatis mutandis to a long-term care provider that has been designated pursuant to the provisions of paragraph (1) (including a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly that is deemed to have received the designation under paragraph (1) pursuant to the provisions of paragraph (2)). In this case, the term "designated medical care provider" in Article 51, paragraph (1) shall be deemed to be replaced with "designated long-term care provider (excluding that pertaining to a community-based long-term care welfare facility for the elderly or a long-term care welfare facility for the elderly)," the phrase "an examination committee prescribed in the Act on the Social Insurance Medical Fee Payment Fund (Act No. 129 of 1948) or an examination organ related to medical care that has been specified by a Cabinet Order" in Article 53,

paragraph (3) shall be deemed to be replaced with "an examination committee on long-term care assistance expenses prescribed by the Long-Term Care Insurance Act," and the phrase "the Social Insurance Medical Fee Payment Fund or a person specified by an Ordinance of the Ministry of Health, Labour and Welfare" in paragraph (4) of the same Article shall be deemed to be replaced with "a federation of national health insurance organizations" and any necessary technical replacement of terms concerning these provisions shall be specified by a Cabinet Order.

(Application Mutatis Mutandis to Midwifery Care Providers)

Article 55 The provisions of Articles 49 to 51 shall apply mutatis mutandis to a midwife in charge of midwifery for maternity assistance under this Act and to a massage and finger pressure practitioner or a judo healing practitioner in charge of treatment for the medical assistance under this Act, and the provisions of Articles 52 and 53 shall apply mutatis mutandis to a medical facility for persons requiring public assistance.

(Public Notice)

Article 55-2 In any of the following cases, the Minister of Health, Labour and Welfare or a prefectural governor shall publicly notify to that effect:

- (i) When a designation under Article 49 (including the cases where it is applied mutatis mutandis pursuant to the preceding Article; hereinafter the same shall apply in this Article) or Article 54-2, paragraph (1) has been made
- (ii) When a notification under the provisions of Article 50-2 (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) or the preceding Article) has been given
- (iii) When a designation under Article 49 has been declined pursuant to the provisions of Article 51, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) or the preceding Article)
- (iv) When a designation under Article 49 has been rescinded pursuant to the provisions of Article 51, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2(4) or the preceding Article)

Chapter 8 Rights and Obligations of Public Assistance

Recipients

(Prohibition of Adverse Changes)

Article 56 No public assistance recipient shall be subject to any adverse change to public assistance which has already been decided on, unless there are justifiable grounds.

(Prohibition of Public Imposts)

Article 57 No public assistance recipient shall have taxes or any other public impost based on public assistance benefits imposed on him/her.

(Prohibition of Attachment)

Article 58 No public assistance recipient shall be subject to the attachment of already furnished public assistance benefit or the right to receive a public assistance benefit.

(Prohibition of Transfer)

Article 59 A public assistance recipient may not transfer his/her right to receive public assistance.

(Obligation in Daily Life)

Article 60 A public assistance recipient shall constantly work diligently, make efforts to reduce his/her expenditure, and make other efforts to maintain and improve his/her standard of living.

(Obligation of Notification)

Article 61 A public assistance recipient shall, when there has been a change to his/her income, expenditure or any other condition related to his/her livelihood or when there has been a change to his/her place of residence or household composition, promptly notify the public assistance administrator or the welfare office director to that effect.

(Obligation to Follow Instructions, etc.)

Article 62 (1) When a public assistance administrator has decided to have a public assistance recipient admitted into a relief facility, a rehabilitation facility or any other appropriate facility, or entrust such admission to any such facility, or entrust nursing care to the home of a private individual, pursuant to the provisions of the proviso to article 30, paragraph (1), or when a public assistance administrator has given the necessary guidance or instruction to a public assistance recipient, pursuant to the provisions of Article 27, the public assistance recipient shall follow such decision,

guidance or instruction.

- (2) A public assistance recipient using a public assistance facility shall follow the management rules of said public assistance facility that have been established pursuant to the provisions of Article 46.
- (3) When a public assistance recipient has violated any obligation under the provisions of the preceding two paragraphs, a public assistance administrator may change, suspend or discontinue the public assistance.
- (4) In the case where a public assistance administrator gives a disposition to change, suspend or discontinue public assistance pursuant to the provisions of the preceding paragraph, he/she shall grant said public assistance recipient an opportunity for explanation. In this case, he/she shall notify the reason for said disposition and the date and place for giving the explanation, in advance.
- (5) The provisions of Chapter 3 (excluding Articles 12 and 14) of the Administrative Procedure Act shall not apply to a disposition under the provisions of paragraph (3).

(Obligation to Refund Expenses)

Article 63 When a public assistance recipient has received public assistance in an urgent case, etc. despite having a financial resource, he/she shall promptly refund the amount specified by the public assistance administrator within the scope of the amount equivalent to the public assistance benefit received.

Chapter 9 Appeal

(Examining Agency)

Article 64 In the case where a municipal mayor has delegated all or a part of the affairs concerning decisions on and the implementation of public assistance to an administrative agency under his/her management pursuant to the provisions of Article 19, paragraph (4), a request for examination of any disposition concerning said affairs shall be filed with the prefectural governor.

(Period for Determination)

Article 65 (1) When a request for examination of a disposition concerning a decision on or the implementation of public assistance has been filed, the Minister of Health, Labour and Welfare or a prefectural governor shall make a determination on said request for examination within fifty days.

(2) When no determination has been made within the period under the preceding paragraph, the person requesting the examination may deem that the Minister of Health, Labour and Welfare or the prefectural governor has dismissed the request for examination.

(Request for Re-examination)

Article 66 (1) A person who is dissatisfied with the determination by the prefectural governor with regard to a request for examination of a disposition concerning a decision on or the implementation of public assistance that has been given by a municipal mayor or on a disposition given by an administrative agency under the management of a municipal mayor based on the delegation under the provisions of Article 19, paragraph (4) may file a request for re-examination with the Minister of Health, Labour and Welfare.

(2) The provisions of paragraph (1) of the preceding Article shall apply mutatis mutandis to the determination on a request for re-examination. In this case, the term "fifty days" in the same paragraph shall be deemed to be replaced with "seventy days."

Article 67 Deletion

Article 68 Deletion

(Relationship Between Request for Examination and Litigation)

Article 69 An action for rescission of a disposition given by a public assistance administrator based on the provisions of this Act may not be filed until after a determination has been made on a request for examination of said disposition.

Chapter 10 Expenses

(Payment by Municipalities)

Article 70 A municipality shall pay the following expenses:

- (i) The following expenses concerning public assistance provided by the mayor pursuant to the provisions of Article 19, paragraph (1) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article):
 - (a) Expenses required for implementing public assistance (hereinafter referred to as "public assistance expenses")
 - (b) In the case of having a public assistance recipient admitted into a

public assistance facility or entrusting such admission to a public assistance facility, or having a public assistance recipient use a public assistance facility or entrusting such actions to a public assistance facility pursuant to the provisions of the proviso to Article 30, paragraph (1), Article 33, paragraph (2), or Article 36, paragraph (2), the office expenses of the public assistance facility that would be required in connection with such actions (hereinafter referred to as the "office expenses for a public assistance facility")

- (c) In the case of having a public assistance recipient admitted into an appropriate facility, entrusting such admission to an appropriate facility, or entrusting nursing care to the home of a private individual pursuant to the provisions of the proviso to Article 30, paragraph (1), the office expenses that would be required in connection with such actions (hereinafter referred to as the "office expenses for entrustment")
- (ii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose place of residence is within the jurisdictional district of the welfare office under the management of the mayor, by a prefectural governor or another municipal mayor pursuant to the provisions of Article 19, paragraph (2) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article)
- (iii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose place of residence is within the jurisdictional district of the welfare office under the management of the mayor, by another mayor of a town or village pursuant to the provisions of Article 19, paragraph (6)
- (iv) Expenses required for the equipment of public assistance facilities the municipality has established (hereinafter referred to as the "equipment expenses")
- (v) Personnel expenses required in connection with the enforcement of this Act
- (vi) Office expenses required in connection with the enforcement of this Act (hereinafter referred to as the "administrative office expenses")

(Payment by Prefectures)

Article 71 A municipality shall pay the following expenses:

- (i) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided by the governor pursuant to the provisions of Article 19, paragraph (1)

- (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article)
- (ii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose place of residence is within the jurisdictional district of a welfare office under the management of the governor, by another prefectural governor or a municipal mayor pursuant to the provisions of Article 19, paragraph (2) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article)
 - (iii) Public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided to a person whose current location is within the jurisdictional district of the welfare office under the management of the governor (excluding a person who has a place of residence outside said jurisdictional district), by a mayor of a town or village pursuant to the provisions of Article 19, paragraph (6)
 - (iv) Equipment expenses for public assistance facilities the prefecture has established
 - (v) Personnel expenses required in connection with the enforcement of this Act
 - (vi) Administrative office expenses required in connection with the enforcement of this Act

(Diversion of Funds)

- Article 72 (1) A prefecture, city, or a town or village with a welfare office shall, pursuant to the provisions of a Cabinet Order, temporarily divert funds to cover the public assistance expenses and office expenses for a public assistance facility to be paid by another prefecture or municipality to a public assistance recipient in a public assistance facility, designated medical care provider or a facility equivalent thereto, which is designated by the Minister of Health, Labour and Welfare, within the jurisdictional district of the welfare office under the management of the governor or mayor.
- (2) A prefecture, city, or a town or village with a welfare office shall divert funds temporarily to cover the public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided by the governor or mayor pursuant to the provisions of Article 19, paragraph (2) (including public assistance provided by being entrusted pursuant to the provisions of paragraph (5) of the same Article).
 - (3) A town or village shall divert funds temporarily to cover the public

assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment concerning public assistance provided by the mayor pursuant to the provisions of Article 19, paragraph (6)

(Expenses Borne by Prefectures)

Article 73 A prefecture shall bear the following expenses pursuant to the provisions of a Cabinet Order:

- (i) A quarter of the amount of the public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment paid by a municipality for a public assistance recipient who does not have a place of residence or whose place of residence is unclear
- (ii) A quarter of the amount of the public assistance expenses, office expenses for a public assistance facility, and office expenses for entrustment paid for a public assistance recipient in a facility providing accommodation or a living support facility for single-mother families prescribed in Article 38 of the Child Welfare Act (Act No. 164 of 1947) (excluding a public assistance recipient who has had a place of residence outside the district of the municipality where said facility is located since prior to the start of his/her use of said facility) by the municipality where said facility is located

(Expenses Subsidized by a Prefecture)

Article 74 (1) In any of the following cases, a prefecture may subsidize up to three-quarters of the amount of the expenses required for the repair, renovation, expansion or maintenance of a public assistance facility established pursuant to the provisions of Article 41:

- (i) When use of the public assistance facility proves to be extremely effective for public assistance of the public assistance recipient in the area
 - (ii) When no public assistance facility of the same type has been established by the prefecture or municipality in that area, or even if there has been, the facility has no spare capacity in terms of space or service
- (2) Besides what is prescribed in Articles 43 to 45, supervision of a public assistance facility subsidized pursuant to the provisions of the preceding paragraph shall be in accordance with the following items:
- (i) The Minister of Health, Labour and Welfare may order the public assistance facility to report on the matters found to be necessary with regard to the state of its operations or accounting.
 - (ii) The Minister of Health, Labour and Welfare or a prefectural governor may, when he/she finds the budget of the public assistance facility to be inappropriate for achieving the intended effect of public assistance, instruct that necessary changes should be made with regard to said

budget.

- (iii) The Minister of Health, Labour and Welfare or a prefectural governor may, when an employee of the public assistance facility has violated this Act, an order based on this Act, or a disposition based on this Act or such order, instruct that said employee should be removed.

(Provisions Applied Mutatis Mutandis)

Article 74-2 The provisions of Article 58, paragraphs (2) to (4) of the Social Welfare Act shall apply mutatis mutandis to a public assistance facility to which ordinary property has been transferred or lent pursuant to the provisions of Article 2, paragraph (2), item (i) of the Act on Special Measures Concerning National Property (Act No. 219 of 1952) or the provisions of Article 3, paragraph (1), item (iv) of the same Act and paragraph (2) of the same Article.

(Expenses Borne or Subsidized by the State)

- Article 75 (1) The State shall, pursuant to the provisions of a Cabinet Order, bear three-quarters of the amount of the public assistance expenses, office expenses of a public assistance facility, and office expenses for entrustment paid by a municipality or prefecture.
- (2) The State may, pursuant to the provisions of a Cabinet Order, subsidize up to two-thirds of the amount that a prefecture has subsidized to the establisher of a public assistance facility pursuant to the provisions of Article 74, paragraph (1).

(Disposal of Money and Goods Left Behind)

- Article 76 (1) In the case of providing funeral assistance pursuant to the provisions of Article 18, paragraph (2), a public assistance administrator may allocate the money and securities left behind by the deceased to public assistance expenses, and if this is still not sufficient, he/she may allocate the proceeds from selling the goods left behind to public assistance expenses.
- (2) A prefecture or municipality shall have a right of priority over the statutory liens of the other creditors for the goods left behind with regard to the expenses under the preceding paragraph.

(Collection of Expenses)

Article 77 (1) When there is a person who must perform a duty of support for a public assistance recipient pursuant to the provisions of the Civil Code, the governor or mayor of the prefecture or municipality that has paid the public assistance expenses may collect all or a part of said expenses from said

person within the scope of his/her duty.

- (2) In the case under the preceding paragraph, if the public assistance administrator and the person responsible for support fail to reach an agreement by a conference or are unable to hold a conference with regard to the amount to be borne by the person responsible for support, a family court shall decide on the amount following a motion by the public assistance administrator.
- (3) A disposition under the preceding paragraph shall be deemed to be a matter listed in Article 9, paragraph (1), Group B of the Domestic Affairs Adjustment Act with regard to application of the same Act.

Article 78 When any person has received public assistance by filing a false application or by any other wrongful means or has had another person receive public assistance, the governor or mayor of the prefecture or municipality that has paid the public assistance expenses may collect all or a part of said expenses from said person.

(Order for Refund)

Article 79 In any of the following cases, the State or a prefecture may order the establisher of a public assistance facility to whom a subsidy or contribution has been delivered to refund all or a part of the already delivered subsidy or contribution:

- (i) When the establisher has violated the conditions for delivery of a subsidy or contribution
- (ii) When the establisher has received delivery of a subsidy or contribution by fraud or other wrongful means
- (iii) When there has been a profit-making act with regard to the management of the public assistance facility
- (iv) When the public assistance facility has violated this Act, an order based on this Act, or a disposition based on this Act or such order

(Exemption from Refund)

Article 80 In the case where all or a part of a public assistance benefit that has been provided in advance should be refunded in line with a change, suspension or discontinuance of public assistance, a public assistance administrator may, if he/she finds unavoidable circumstances applicable to a public assistance recipient who has consumed or lost the public assistance benefit, exempt said public assistance recipient from having to refund the public assistance benefit.

Chapter 11 Miscellaneous Provisions

(Request for Appointment of a Guardian)

Article 81 In the case where a public assistance recipient is a minor or an adult ward, if there is no person to perform the duty of a person who has parental authority or a guardian, a public assistance administrator shall promptly request a family court to appoint a guardian.

(Partial-Affairs Association, etc. of Towns and Villages)

Article 82 When towns or villages have established a welfare office by setting up a partial-affairs association or a wide area union, said partial-affairs association or wide area union shall be deemed to be a town or village with a welfare office and the manger of said partial-affairs association or the head of said wide area union shall be deemed to be the mayor of a town or village managing a welfare office, with regard to application of this Act.

(Provisions on Transitional Measures in the Case Where the Public Assistance Administrator Has Changed)

Article 83 In the case where the public assistance administrator has changed due to the establishment or abolition of a welfare office of a town or municipality, any acceptance of an application for the commencement of or a change to public assistance or any decision on public assistance by the public assistance administrator prior to said change shall be deemed to be an acceptance of an application or a decision by the public assistance administrator after said change; provided, however, that it shall be deemed that no change has been made with regard to the payment or bearing of expenses concerning public assistance that has been provided or should have been provided prior to said change.

(Order for Implementation)

Article 84 Except for those that are delegated to a Cabinet Order under this Act, the procedures for the implementation of this Act and any other necessary detailed regulations on the execution of this Act shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Special Provisions for Large Cities, etc.)

Article 84-2 (1) In the case of a designated city under Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as a "designated city") or a core city under Article 252-22, paragraph (1) of the

same Act (hereinafter referred to as a "core city"), the affairs that are to be processed by a prefecture under this Act and which are specified by a Cabinet Order shall be processed by the designated city or core city (hereinafter referred to as the "designated city, etc."), pursuant to the provisions of a Cabinet Order. In this case, the provisions concerning a prefecture under this Act shall be deemed to apply to a designated city, etc. as provisions concerning a designated city, etc.

- (2) The provisions of Article 66, paragraph (1) shall apply mutatis mutandis to an appeal pertaining to a disposition given by the mayor of a designated city, etc. pursuant to the provisions of the preceding paragraph.

(Special Provisions on Public Assistance Administrators)

Article 84-3 With regard to public assistance for a person admitted into a facility to support persons with disabilities prescribed in Article 5, paragraph (12) of the Act for Assisting in the Self-Support for Persons with Disabilities (Act No. 123 of 1942) pursuant to the provisions of Article 18, paragraph (2) of the Act on Welfare of Persons with Physical Disabilities (Act No. 283 of 1949) (hereinafter referred to as a "facility to support persons with disabilities" in this Article), a person admitted into a facility to support persons with disabilities pursuant to the provisions of Article 16, paragraph (1), item (ii) of the Act on Welfare of Persons with Mental Disabilities (Act No. 37 of 1960) or a facility established by the National Center for Persons with Severe Intellectual Disabilities, Nozominosono, pursuant to the provisions of Article 11, item (i) of the Act on the National Center for Persons with Severe Intellectual Disabilities, Nozominosono (Act No. 167 of 2002) (hereinafter referred to as "Nozominosono" in this Article), a person admitted into a nursing home for the elderly prescribed in Article 11, paragraph (1), item (i) of the Old-Age Welfare Act or admitted into a special nursing home for the elderly prescribed in item (ii) of the same paragraph, a person admitted into a facility to support persons with disabilities, a Nozominosono, or a facility specified by an Ordinance of the Ministry of Health, Labour and Welfare under Article 5, paragraph (1) of the Act for Assisting in the Self-Support for Persons with Disabilities by receiving the provision of long-term care assistance expenses, etc. prescribed in Article 19, paragraph (1) of the same Act, pursuant to the provisions of Article 29, paragraph (1) or Article 30, paragraph (1) of the same Act, the provisions of Article 19, paragraph (3) shall apply while said person continues to be admitted in said facility, by deemed said person to be admitted pursuant to the provisions of the proviso to Article 30, paragraph (1).

(Classification of Affairs)

Article 84-4 The affairs that are to be processed by the local public entities listed in the left hand column of the appended table pursuant to the provisions listed respectively in the right hand column of the same table shall be the Item (i) Statutory Entrusted Affairs prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(Delegation of Authority)

Article 84-5 (1) The authority of the Minister of Health, Labour and Welfare prescribed in this Act may be delegated to the Director-General of a Regional Bureau of Health and Welfare pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to the Director-General of a Regional Bureau of Health and Welfare pursuant to the provisions of the preceding paragraph may be delegated to the Director-General of a Regional Branch Bureau of Health and Welfare pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(Penal Provisions)

Article 85 A person who has received public assistance by filing a false application or by any other wrongful means or has had another person receive public assistance shall be punished by imprisonment with work for not more than three years or a fine of not more than 300,000 yen; provided, however, that the Penal Code shall apply when there are applicable provisions in the Penal Code (Act No. 45 of 1907).

Article 86 (1) A person who has failed to make a report under the provisions of Article 44, paragraph (1), Article 54, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4); hereinafter the same shall apply in this paragraph) or Article 74, paragraph (2), item (i) or has made a false report, or who has refused, obstructed or avoided an investigation or inspection by a relevant official under the provisions of Article 28, paragraph (1) (excluding the case of violation by the person requiring public assistance), Article 44, paragraph (2) or Article 54, paragraph (1) shall be punished by a fine of not more than 300,000 yen.

(2) When the representative person of a juridical person, or an agent, employee or any other worker of a juridical person or individual has committed an act in violation of the provisions of the preceding paragraph with regard to the operations of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be sentenced to

the punishment under the preceding paragraph.

Supplementary Provisions (Extract)

(Effective Date)

- (1) This Act shall come into force as from the day of promulgation and shall apply to assistance furnished on or after May 1, 1950.

(Repeal of the Public Assistance Act)

- (2) The Public Assistance Act (Act No. 17 of 1946; hereinafter referred to as the "old Act") shall be repealed.

(Provisions on Transitional Measures)

- (3) Any decision on public assistance made prior to the enforcement of this Act shall be deemed to have been made based on this Act.
- (4) Any public assistance facility established by a prefecture or any public assistance facility established by a municipality or non-profit corporation that has been approved pursuant to the provisions of Article 7 of the old Act, prior to the enforcement of this Act, shall be deemed to be a public assistance facility that has been established or approved based on this Act.
- (6) Any medical facility designated by the Minister of Health and Welfare or any doctor, dentist, pharmacist, or midwife who has been designated by a municipal mayor pursuant to the provisions of Article 6 or Article 7 of the Ordinance for Enforcement of the Public Assistance Act (Imperial Ordinance No. 4.8 of 1946), prior to the enforcement of this Act, shall be deemed to be a medical care provider or midwife care provider designated by the Minister of Health and Welfare or a prefectural governor based on this Act.
- (7) With regard to the application of penal provisions to acts in violation committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Provisions on Replacement of Terms)

- (8) In the case where provisions of the old Act are cited in other laws or ordinances, if any of the provisions of this Act correspond to said provisions, they shall be deemed to be indicating the provisions of this Act that correspond to said provisions, except as otherwise provided by a Cabinet Order.

(Loan Without Interest from the State, etc.)

- (9) For the time being, the State may, within the scope of the budget, provide a

loan without interest of an amount equivalent to the amount that the State may subsidize pursuant to the provisions of Article 75, paragraph (2) (in the case where any law or ordinance stipulates otherwise with regard to the proportion of subsidy by the State under these provisions, they shall include the provisions of said law or ordinance that stipulates otherwise; the same shall apply hereinafter) to a prefecture (in the case where the affairs under Article 74, paragraph (1), which are to be processed by a prefecture, are to be processed by a designated city, etc., pursuant to the provisions of Article 84-2, paragraph (1), this shall include said designated city, etc.; hereinafter the same shall apply in this paragraph and paragraphs (12) to (14) of the Supplementary Provisions) for the funds to be allocated to the expenses subsidized by said prefecture for the establisher of a public assistance facility other than said prefecture, with regard to a repair, renovation or expansion of a public assistance facility of which expenses may be subsidized by the State pursuant to the provisions of Article 75, paragraph (2) and which falls under Article 2, paragraph (1), item (ii) of the Act on Special Measures Concerning Promotion of Social Infrastructure Development Through Use of Proceeds from Sale of the Stock of Nippon Telegraph and Telephone Corporation (Act No. 86 of 1987).

- (10) The period for reimbursement of the loan from the State under the preceding paragraph shall be a period specified by a Cabinet Order not exceeding five years (including a grace period not exceeding two years).
- (11) In addition to what is provided for in the preceding paragraph, the method of reimbursement, advance reimbursement, and any other necessary matters concerning the reimbursement of the loan under the provisions of paragraph (9) of the Supplementary Provisions shall be specified by a Cabinet Order.
- (12) When the State has provided a loan to a prefecture pursuant to the provisions of paragraph (9) of the Supplementary Provisions, it shall subsidize an amount equivalent to said loan under the provisions of Article 75, paragraph (2) with regard to the operations subject to said loan, and said subsidy shall be provided by way of delivering an amount equivalent to the reimbursement money for said loan at the time of the reimbursement of said loan.
- (13) In the case where a prefecture has reimbursed the loan without interest which it has received pursuant to the provisions of paragraph (9) of the Supplementary Provisions ahead of the due date for reimbursement specified based on the provisions of paragraphs (10) and (11) of the Supplementary Provisions (excluding the cases specified by a Cabinet Order), said reimbursement shall be deemed to have been made on the arrival of the due date for reimbursement with regard to the application of the provisions of

the preceding paragraph.

(14) The provisions of Article 79 shall apply mutatis mutandis to a loan without interest that is provided by the State to a prefecture pursuant to the provisions of paragraph (9) of the Supplementary Provisions. In this case, the phrase "a public assistance facility to which a subsidy or contribution has been delivered" in the same Article shall be deemed to be replaced with "a public assistance facility to which a loan has been provided," the phrase "delivered subsidy or contribution" in the same Article shall be deemed to be replaced with "provided loan," the phrase "conditions for the delivery of a subsidy or contribution" in item (i) of the same Article shall be deemed to be replaced with "conditions for the provision of a loan," and the phrase "delivery of a subsidy or contribution" in item (ii) of the same Article shall be deemed to be replaced with "provision of a loan."

Appended Table (Re: Article 84-4)

<p>A prefecture, city, or a town or village with a welfare office</p>	<p>Article 19, paragraphs (1) to (5), Article 24, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to (5) of the same Article), Article 25, paragraph (1) and paragraph (2), Article 26, Article 27, paragraph (1), Article 28, paragraph (1) and paragraph (4), Article 29, Articles 30 to 37-2 (excluding Article 30, paragraph (2) and paragraph (4) and Article 33, paragraph (3)), Article 47, paragraph (1), Article 48, paragraph (4), Article 53, paragraph (4) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) and Article 55), Article 61, Article 62, paragraph (3) and paragraph (4), Article 63, Article 76, paragraph (1), Article 77, paragraph (2), Article 80 and Article 81</p>
<p>A prefecture</p>	<p>Article 23, paragraphs (1) and (2), Article 40, paragraph (2), Article 41, paragraphs (2) to (5), Article 42, Article 43, paragraph (1), Article 44, paragraph (1), Article 45, Article 46, paragraph (2) and paragraph (3), Article 48, paragraph (3), Article 49 (including the cases where it is applied mutatis mutandis pursuant to Article 55), Article 50, paragraph (2), Article</p>

	50-2, Article 51, paragraph (2), and Article 53, paragraph (1) and paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4) and Article 55), Article 54, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 54-2, paragraph (4)), Article 54-2, paragraph (1), Article 55-2, Article 65, paragraph (1), Article 74, paragraph (2), items (ii) and (iii), Article 77, paragraph (1), and Article 78 of this Act, and Article 58, paragraphs (2) to (4) of the Social Welfare Act as applied mutatis mutandis pursuant to Article 74-2 of this Act
A municipality	Article 43, paragraph (2), Article 77, paragraph (1), and Article 78 of this Act, and Article 58, paragraphs (2) to (4) of the Social Welfare Act as applied mutatis mutandis pursuant to Article 74-2 of this Act
A town or village without a welfare office	Article 19, paragraph (6) and paragraph (7), Article 24, paragraph (6), and Article 25, paragraph (3)