

○東京都病院及び診療所の人員、施設等の基準に関する条例

○The Tokyo Metropolitan Government Ordinance on Personnel and Facility
Standards for Hospitals and Clinics

平成二四年一二月一三日

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条例第一四一号

Ordinance No. 141

東京都病院及び診療所の人員、施設等の基準に関する条例を公布する。

The Tokyo Metropolitan Government Ordinance on Personnel and Facility Standards
for Hospitals and Clinics is hereby promulgated.

東京都病院及び診療所の人員、施設等の基準に関する条例

Tokyo Metropolitan Government Ordinance on Personnel and Facility Standards
for Hospitals and Clinics

(趣旨)

(Outline)

第一条 この条例は、医療法(昭和二十三年法律第二百五号。以下「法」という。)の規定
に基づき、東京都における病院及び診療所の人員、施設等に関する基準を定めるものと
する。

Article 1 This ordinance is to specify standards for personnel, facilities, etc. of
hospitals and clinics in Tokyo based on the provisions of the Medical Care Act (Act No.
205 of 1948; hereinafter referred to as the “act”).

(用語の意義)

(Meaning of Terms)

第二条 この条例で使用する用語の意義は、法で使用する用語の例による。

Article 2 The terms used in this ordinance have the same meanings as the terms
used in the Act.

(既存病床数及び申請病床数の補正の基準)

(Standards for Correction of the Number of Existing Beds and the Number of Beds
Applied for)

第三条 法第七条の二第四項又は法第三十条の十二第一項において読み替えて準用する法
第七条の二第四項に規定する補正の基準は、次の各号に掲げる病床又は入所定員の区分
に応じ、当該各号に定めるとおりとする。

Article 3 (1) The standards for the correction prescribed in Article 7-2, paragraph
(4) of the Act as applied mutatis mutandis in Article 7-2, paragraph (4) of the Act or Article
30-12, paragraph (1) of the Act are, according to the classification of beds or capacity

listed in each of the items set forth below, as specified in each of the relevant items:

- 一 国の開設する病院若しくは診療所であつて、宮内庁、法務省若しくは防衛省が所管するもの、独立行政法人労働者健康安全機構の開設する病院若しくは診療所であつて、労働者災害補償保険の保険関係の成立している事業に使用される労働者で業務上の災害を被ったもののみの診療を行うもの、特定の事務所若しくは事業所の従業員及びその家族の診療のみを行う病院若しくは診療所、児童福祉法(昭和二十二年法律第百六十四号)第四十二条第二号に規定する医療型障害児入所施設若しくは障害者の日常生活及び社会生活を総合的に支援するための法律(平成十七年法律第百二十三号)第五条第六項に規定する療養介護を行う施設である病院又は独立行政法人自動車事故対策機構法(平成十四年法律第百八十三号)第十三条第三号に規定する施設である病院若しくは診療所の病床 病床の種別ごとに既存の病床数又は病院の開設の許可、病院の病床数の増加若しくは病床の種別の変更の許可又は診療所の病床の設置の許可、診療所の病床数の増加若しくは病床の種別の変更の許可の申請に係る病床数に東京都規則(以下「規則」という。)で定めるところにより算定した数を乗じて得た数を既存の病床数及び当該申請に係る病床数として算定すること。

- (i) Beds of hospitals or clinics established by the national government that are under the administrative jurisdiction of the Imperial Household Agency, the Ministry of Justice, or the Ministry of Defense, hospitals or clinics established by the Japan Organization of Occupational Health and Safety that provide medical care only to workers employed in businesses covered by the industrial accident compensation insurance who have suffered work-related accidents, hospitals or clinics that provide medical care only to employees of a specific office or place of business and their families, hospitals that are medical-type residential facilities for children with disabilities as prescribed in Article 42, item (ii) of the Child Welfare Act (Act No. 164 of 1947) or facilities that provide medical nursing care as prescribed in Article 5, paragraph (6) of the Act on the Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities (Act No. 123 of 2005), or hospitals or clinics that are facilities prescribed in Article 13, item (iii) of the Act on the National Agency for Automotive Safety and Victims' Aid (Act No. 183 of 2002) The number of existing beds, or the number of beds pertaining to the application for permission to establish a hospital, permission to increase the number of beds or change the type of beds in a hospital, permission to install beds in a clinic, permission to increase the number of beds or change the type of beds in a clinic shall be multiplied, for each type of beds, by the number calculated pursuant to the provisions of the Tokyo Metropolitan Government regulations (hereinafter referred to as the “regulations”), and the resulting number shall be calculated as the number of existing beds and the

number of beds pertaining to the relevant application.

二 放射線治療病室の病床 既存の病床数及び前号に規定する申請に係る病床数として算定しないこと。

(ii) Beds in radiation treatment rooms The number shall not be calculated as the number of existing beds or the number of beds pertaining to the application prescribed in the preceding item.

三 国立及び国立以外のハンセン病療養所である病院の病床 既存の病床数として算定しないこと。

(iii) Beds in hospitals that are national and non-national leprosy sanatoriums The number shall not be calculated as the number of existing beds.

四 心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律(平成十五年法律第百十号)第十六条第一項の規定により厚生労働大臣の指定を受けた指定入院医療機関である病院の病床(同法第四十二条第一項第一号又は第六十一条第一項第一号の決定を受けた者に対する同法による入院による医療に係るものに限る。)既存の病床数として算定しないこと。

(iv) Beds in hospitals that are designated medical institutions for hospitalization designated by the Minister of Health, Labour and Welfare pursuant to the provisions of Article 16, paragraph (1) of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity (Act No. 110 of 2003) (limited to those pertaining to the medical care by hospitalization under the same act for persons who are subject to a decision under Article 42, paragraph (1), item (i) or Article 61, paragraph (1), item (i) of the same act) The number shall not be calculated as the number of existing beds.

2 前項第一号の当該病床の利用者のうち職員及びその家族以外の者、隊員及びその家族以外の者、従業員及びその家族以外の者、業務上の災害を被った労働者以外の者又は入院患者以外の者の数並びに当該病床の利用者の数並びに同項第二号の放射線治療病室の病床の数は、病院の開設の許可、病院の病床数の増加若しくは病床の種別の変更の許可若しくは診療所の病床の設置の許可、診療所の病床数の増加若しくは病床の種別の変更の許可の申請があった日前又は法第七条の二第三項の規定による命令若しくは法第三十条の十二第一項において読み替えて準用する法第七条の二第三項の規定による要請(以下この項において「命令等」という。)をしようとする日前の直近の九月三十日における数とする。この場合において、当該許可の申請があった日前又は当該命令等をしようとする日前の直近の九月三十日において業務が行われなかったときは、当該病院又は診療所における実績、当該病院又は診療所と機能及び性格が同じものである病院又は診療所の実績等を考慮して知事が推定する数とする。

(2) Among users of the relevant beds under item (i) of the preceding paragraph, the

number of persons other than the personnel and their families, persons other than service members and their families, persons other than employees and their families, persons other than workers who have suffered work-related accidents, or persons other than inpatients, and the number of users of the relevant beds, and the number of beds in radiation treatment rooms under item (ii) of the same paragraph shall be as of the most recent September 30th before the day on which an application is made for permission to establish a hospital, permission to increase the number of beds or change the type of beds in a hospital, permission to install beds in a clinic, permission to increase the number of beds or change the type of beds in a clinic, or before the day on which an order pursuant to the provisions of Article 7-2, paragraph (3) of the act or a request pursuant to the provisions of Article 7-2, paragraph (3) of the act as applied mutatis mutandis in Article 30-12, paragraph (1) of the act (hereinafter referred to an “order, etc.” in this paragraph) is intended. In this case, if the work is not performed on the most recent September 30th before the day on which the application for the relevant permission is made or the day on which the relevant order, etc. is intended, the number shall be the number estimated by the governor, taking into consideration the performance in the relevant hospital or clinic, the performance of hospitals or clinics that have the same functions and characteristics as the relevant hospital or clinic, etc.

- 3 前項の規定にかかわらず、第一項第一号及び第二号に規定する申請に係る病床数についての同項第一号の当該病床の利用者のうち職員及びその家族以外の者、従業員及びその家族以外の者又は入院患者以外の者の数並びに当該病床の利用者の数並びに同項第二号の放射線治療病室の病床の数は、当該申請に係る病院の機能及び性格、当該病院に当該申請に係る病床の種別の既存の病床がある場合における当該既存の病床における実績、当該病院と機能及び性格が同じものである病院の実績等を考慮して知事が推定する数とする。

(3) Notwithstanding the provisions of the preceding paragraph, among the users of the relevant beds under paragraph (1), item (i) regarding the number of beds pertaining to the application prescribed in items (i) and (ii) of the same paragraph, the number of persons other than personnel and their families, persons other than employees and their families, or persons other than inpatients, and the number of users of the relevant beds, and the number of beds in radiation treatment rooms under item (ii) of the same paragraph shall be the number estimated by the governor, taking into consideration the functions and characteristics of the hospitals pertaining to the application, the performance at the relevant existing beds in the cases where the relevant hospitals have existing beds of the type of beds pertaining to the relevant application, the performance of hospitals that have the same functions and characteristics as the relevant hospitals,

etc.

(平三〇条例二二・平三〇条例八三・一部改正)

(Partially amended by Ordinance No. 22 of 2018 and Ordinance No. 83 of 2018)

(病院又は診療所における専属薬剤師の配置の基準)

(Standards for Placement of Exclusive Pharmacists in Hospitals or Clinics)

第四条 法第十八条に規定する専属の薬剤師を置かなければならない病院又は診療所は、次の各号に掲げる区分に応じ、当該各号に定めるとおりとする。

Article 4 Hospitals or clinics that are required to have an exclusive pharmacist as prescribed in Article 18 of the Act are, according to the classification listed in each of the items set forth below, as specified in each of the relevant items:

一 病院 全ての病院

(i) Hospitals All hospitals

二 診療所 規則で定める員数の医師が常時勤務する診療所

(ii) Clinics Clinics where the number of doctors specified by the regulations is on service at all times

(平三〇条例八三・旧第五条繰上)

(Former Article 5 moved up by Ordinance No. 83 of 2018)

(病院における従業者の配置の基準)

(Standards for Employee Placement in Hospitals)

第五条 法第二十一条第一項第一号に規定する病院(第四号の栄養士又は管理栄養士にあつては病床数以上の病院に、第六号の理学療法士及び作業療法士にあつては療養病床を有する病院に限る。)に置かなければならない従業者は、次に掲げるとおりとし、その員数は、それぞれ規則で定める基準を満たさなければならない。

Article 5 The employees who must be placed in hospitals as prescribed in Article 21, paragraph (1), item (i) of the act (for dietitians or registered dietitians under item (iv), limited to hospitals with 100 or more beds, and for physical therapists and occupational therapists under item (vi), limited to hospitals with long-term care beds) shall be as listed below, and the number thereof must meet the respective standards specified in the regulations:

一 薬剤師

(i) Pharmacists

二 看護師及び准看護師

(ii) Nurses and nursing assistants

三 看護補助者

(iii) Nursing aids

四 栄養士又は管理栄養士

(iv) Dietitians or registered dietitians

五 診療放射線技師

(v) Medical radiology technicians

六 理学療法士及び作業療法士

(vi) Physical therapists and occupational therapists

七 事務員その他の従業者

(vii) Clerks and other employees

(平三〇条例八三・旧第六条繰上、令六条例六九・一部改正)

(Former Article 6 moved up by Ordinance No. 83 of 2018, partially amended by Ordinance No. 69 of 2024)

(病院における施設の基準)

(Standards for Facilities in Hospitals)

第六条 法第二十一条第一項第十二号に規定する病院(第二号から第四号までの施設にあっては、療養病床を有する病院に限る。)に設けなければならない施設は、次に掲げるとおりとし、それぞれ規則で定める基準を満たさなければならない。

Article 6 The facilities that must be provided in a hospital as prescribed in Article 21 (for facilities under item (ii) through (iv), limited to hospitals with long-term care beds), paragraph (1), item (xii) of the act shall be as listed below, and must meet the respective standards specified in the regulations:

一 消毒施設及び洗濯施設(法第十五条の二の規定により繊維製品の滅菌消毒の業務又は寝具類の洗濯の業務を委託する場合における当該業務に係る設備を除く。)

(i) Disinfection facility and laundry facility (in the cases where the operations of sterilizing and disinfecting textile products or those of washing bedding, etc. are entrusted to others pursuant to the provisions of Article 15-2 of the Act, equipment pertaining to the relevant operations is excluded)

二 談話室

(ii) Lounge

三 食堂

(iii) Dining room

四 浴室

(iv) Bathroom

(平三〇条例八三・旧第七条繰上)

(Former Article 7 moved up by Ordinance No. 83 of 2018)

(療養病床を有する診療所における従業者の配置の基準)

(Standards for Placement of Employees in Clinics with Long-term Care Beds)

第七条 法第二十一条第二項第一号に規定する療養病床を有する診療所に置かなければな

らない従業者は、次に掲げるとおりとし、その員数は、それぞれ規則で定める基準を満たさなければならない。

Article 7 The employees who must be placed in clinics with long-term care beds as prescribed in Article 21, paragraph (2), item (i) of the act shall be as listed below, and the number thereof must meet the respective standards specified in the regulations.

一 看護師及び准看護師

(i) Nurses and nursing assistants

二 看護補助者

(ii) Nursing aids

三 事務員その他の従業者

(iii) Clerks and other employees

(平三〇条例八三・旧第八条繰上)

(Former Article 8 moved up by Ordinance No. 83 of 2018)

(療養病床を有する診療所における施設の基準)

(Standards for Facilities in Clinics with Long-term Care Beds)

第八条 法第二十一条第二項第三号に規定する療養病床を有する診療所に設けなければならない施設の基準は、第六条(第一号を除く。)の規定を準用する。

Article 8 The provisions of Article 6 (excluding item (i)) apply mutatis mutandis to the standards for facilities that must be provided in clinics with long-term care beds as prescribed in Article 21, paragraph (2), item (iii) of the act.

(平三〇条例八三・旧第九条繰上・一部改正)

(Former Article 9 moved up and partially amended by Ordinance No. 83 of 2018)

(委任)

(Delegation)

第九条 この条例に定めるもののほか、この条例の施行について必要な事項は、規則で定める。

Article 9 In addition to what is specified in this ordinance, matters necessary for the enforcement of this ordinance are specified by the regulations.

(平三〇条例八三・旧第十条繰上)

(Former Article 10 moved up by Ordinance No. 83 of 2018)

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この条例は、平成二十五年一月一日から施行する。

Article 1 This ordinance comes into effect as of January 1, 2013.

(経過措置)

(Transitional Measures)

第二条 この条例の施行の日から平成二十五年三月三十一日までの間、第三条第一項第一号の規定の適用については、同号中「障害者の日常生活及び社会生活を総合的に支援するための法律」とあるのは、「障害者自立支援法」と読み替えるものとする。

Article 2 From the date of enforcement of this ordinance until March 31, 2013, regarding the application of the provisions of Article 3, paragraph 1, item (i), the “Act on the Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities” shall be replaced with the “Services and Support for Persons with Disabilities Act”.

(介護老人保健施設等における既存の病床数の算定等の特例)

(Special Provisions for Calculating the Number of Existing Beds in Geriatric Health Services Facilities)

第三条 病院の開設の許可、病院の病床数の増加若しくは病床の種別の変更の許可若しくは診療所の病床の設置の許可、診療所の病床数の増加若しくは病床の種別の変更の許可の申請がなされた場合又は法第七条の二第三項の規定による命令若しくは法第三十条の十二第一項において読み替えて準用する法第七条の二第三項の規定による要請をしようとする場合において、知事が当該申請又は命令若しくは要請に係る病床の種別に応じ医療法施行規則(昭和二十三年厚生省令第五十号)第三十条の三十に規定する区域における既存の病床の数及び当該申請に係る病床数を算定するに当たっては、療養病床を有する病院又は診療所の開設者が、平成三十年四月一日以後に当該病院又は診療所の療養病床の転換(当該病院又は診療所の療養病床の病床数を減少させるとともに、当該病院又は診療所の施設を介護老人保健施設又は介護医療院の用に供することをいう。)を行った場合における当該転換に係る入所定員数については、平成三十六年三月三十一日までの間、療養病床に係る既存の病床の数として算定する。

Article 3 In the cases where an application is made for permission to establish a hospital, permission to increase the number of beds or change the type of beds in a hospital, permission to install beds in a clinic, permission to increase the number of beds or change the type of beds in a clinic, or where an order pursuant to the provisions of Article 7-2, paragraph (3) of the act or a request pursuant to the provisions of Article 7-2, paragraph (3) of the act as applied mutatis mutandis in Article 30-12, paragraph (1) of the act is intended, when the governor calculates the number of existing beds in the area prescribed in Article 30-30 of the Enforcement Regulations on the Medical Care Act (Order of the Ministry of Health and Welfare No. 50 of 1948) according to the type of bed pertaining to the relevant application, order, or request, and the number of beds pertaining to the application, in the cases where the organizer of a hospital or clinic with

long-term care beds converts the long-term care beds (referring to reducing the number of long-term care beds in the relevant hospital or clinic and using the facilities of the relevant hospital or clinic for a long-term care health facility or long-term care home) in the relevant hospital or clinic on or after April 1, 2018, the maximum capacity pertaining to the relevant conversion shall be calculated as the number of existing beds pertaining to long-term care beds until March 31, 2024.

(平三〇条例八三・全改)

(Completely amended by Ordinance No. 83 of 2018)

(療養病床を有する病院における施設の基準に係る経過措置)

(Transitional Measures Pertaining to Standards for Facilities in Hospitals with Long-term Care Beds)

第四条 平成十三年三月一日前に医療法等の一部を改正する法律(平成十二年法律第四百十一号)による改正前の医療法(以下「旧医療法」という。)第七条第一項の開設の許可を受けている病院の建物(同日前から存するもの(同日において基本的な構造設備が完成しているものを含み、同日以降に増築され、又は全面的に改築された部分を除く。))に限る。以下「既存病院建物」という。)内の旧医療法第一条の五第三項に規定する療養型病床群(以下「旧療養型病床群」という。)に係る病床であつて、医療法施行規則等の一部を改正する省令(平成十三年厚生労働省令第八号)第八条の規定による改正前の医療法施行規則等の一部を改正する省令(平成十年厚生省令第三十五号。以下「平成十年改正省令」という。)附則第八条の規定の適用によりなお効力を有することとされた平成十年改正省令第三条の規定による改正前の医療法施行規則等の一部を改正する省令(平成五年厚生省令第三号)附則第六条の規定の適用を受けているものを有する病院(同日以降に新築され、増築され、若しくは全面的に改築された部分に療養病床を有するものを除く。)のうち、第六条第二号から第四号までの規定に適合しないものについては、当該規定は適用しない。

Article 4 Regarding beds pertaining to the long-term care type bed group prescribed in Article 1-5, paragraph (3) of the Medical Service Act prior to the amendment by the Act Partially Amending the Medical Service Act (Act No. 141 of 2000) (hereinafter referred to as the “former Medical Service Act”) in the building of a hospital which obtained permission for establishment as prescribed in Article 7, paragraph (1) of the former Medical Service Act before March 1, 2001 (limited to those existing before the same date (including those whose basic structures and equipment are completed on the same day, but excluding parts that are expanded or completely renovated on or after the same date); hereinafter referred to as the “existing hospital building”) (hereinafter referred to as the “former long-term care type bed group”), among hospitals with those subject to the provisions of Article 6 of the Supplementary Provisions of the Ministerial

Order Partially Amending the Enforcement Regulations on the Medical Care Act (Order of the Ministry of Health and Welfare No. 3 of 1993) as amended by the provisions of Article 3 of the Ministerial Order Partially Amending the Enforcement Regulations on the Medical Care Act as amended by the provisions of Article 8 of the Ministerial Order Partially Amending the Enforcement Regulations on the Medical Care Act (Order of the Ministry of Health and Welfare No. 8 of 2001) (Order of the Ministry of Health and Welfare No. 35 of 1998; hereinafter referred to as the “amended Ministerial Order of 1998”) that shall remain in force pursuant to the provisions of Article 8 of the Supplementary Provisions of the amended Ministerial Order of 1998 (excluding those with long-term care beds in parts that have been newly built, expanded, or completely renovated on or after the same date), for those that do not comply with the provisions of Article 6, items (ii) through (iv), the relevant provisions do not apply.

(平三〇条例八三・一部改正)

(Partially amended by Ordinance No. 83 of 2018)

(療養病床を有する診療所における施設の基準に係る経過措置)

(Transitional Measures Pertaining to Standards for Facilities in Clinics with Long-term Care Beds)

第五条 平成十三年三月一日前から開設されている診療所の建物(同日前から存するもの(同日において基本的な構造設備が完成しているものを含み、同日以降に増築され、又は全面的に改築された部分を除く。))に限る。)内の旧療養型病床群に係る病床であつて、平成十年改正省令附則第六条の規定の適用を受けているものを有する診療所(同日以降に新築され、増築され、若しくは全面的に改築された部分に療養病床を有するものを除く。)のうち第八条の規定に適合しないものについては、当該規定は適用しない。

Article 5 Regarding beds pertaining to the former long-term care type bed group in the building of a clinic established before March 1, 2001 (limited to those existing before the same date (including those whose basic structures and equipment are completed on the same day, but excluding parts that are expanded or completely renovated on or after the same date)), among clinics with those subject to the provisions of Article 6 of the Supplementary Provisions of the ministerial order amended in 1998 (excluding those with long-term care beds in parts that have been newly built, expanded, or completely renovated on or after the same date), for those that do not comply with the provisions of Article 8, the relevant provisions do not apply.

(平三〇条例八三・一部改正)

(Partially amended by Ordinance No. 83 of 2018)

附 則(平成三〇年条例第二二号)

Supplementary Provisions (Ordinance No. 22 of 2018)

この条例は、平成三十年四月一日から施行する。

This ordinance comes into effect as of April 1, 2018.

附 則(平成三〇年条例第八三号)

Supplementary Provisions (Ordinance No. 83 of 2018)

この条例は、公布の日から施行する。

This ordinance comes into effect as of the date of promulgation.

附 則(令和六年条例第六九号)

Supplementary Provisions (Ordinance No. 69 of 2024)

この条例は、令和六年四月一日から施行する。

This ordinance comes into effect as of April 1, 2024.