

○東京都障害者支援施設の設備及び運営の基準に関する条例

○ Tokyo Metropolitan Government Ordinance on Standards for Equipment and
Operation of Support Facilities for Persons with Disabilities

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東京都障害者支援施設の設備及び運営の基準に関する条例を公布する。

The Tokyo Metropolitan Government Ordinance on Standards for Equipment and
Operation of Support Facilities for Persons with Disabilities is hereby promulgated.

東京都障害者支援施設の設備及び運営の基準に関する条例

Tokyo Metropolitan Government Ordinance on Standards for Equipment and
Operation of Support Facilities for Persons with Disabilities

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第一章 総則

Chapter 1 General Provisions

(趣旨)

(Outline)

第一条 この条例は、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。以下「法」という。)第八十四条第一項の規定に基づき、東京都における障害者支援施設の設備及び運営に関する基準を定めるものとする。

Article 1 Based on the provision of Article 84, paragraph (1) of the Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities (Act No. 123 of 2005; hereinafter referred to as "the Act"), this Ordinance shall prescribe the standard for equipment and operation of support facilities for persons with disabilities in the Tokyo metropolitan area.

(平二五条例五三・一部改正)

(Partially amended by Ordinance No. 53 of 2013)

(用語の意義)

(Meaning of Terms)

第二条 この条例において、次の各号に掲げる用語の意義は、それぞれ当該各号に定めるところによる。

Article 2 In this Ordinance, the definitions of the terms set forth in each of the following Items are as specified in each respective Item:

一 利用者 障害福祉サービスを利用する障害者をいう。

(i) User A person with disabilities who uses welfare services for persons with disabilities.

二 施設障害福祉サービス 法第五条第一項に規定する施設障害福祉サービスをいう。

(ii) In-facility welfare services In-facility welfare services prescribed in Article 5, paragraph (1) of the Act.

三 昼間実施サービス 障害者支援施設が提供する施設障害福祉サービスのうち施設入所支援を除いたものをいう。

(iii) Daytime services Refers to the in-facility welfare services offered by support facilities for persons with disabilities, excluding residential facility care.

2 前項に掲げるもののほか、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。

2 Beyond what is set forth in the immediately preceding paragraph, the meanings of terms used in this Ordinance shall be as used in the Act.

(障害者支援施設の一般原則)

(General Principles for Support Facilities for Persons with Disabilities)

第三条 障害者支援施設は、利用者の意向、適性、障害の特性その他の事情を踏まえた計画(以下「個別支援計画」という。)を作成し、当該個別支援計画に基づき利用者に対して施設障害福祉サービスを提供するとともに、当該施設障害福祉サービスの効果について継続的な評価を実施することその他の措置を講じることにより利用者に対して適切かつ効果的に施設障害福祉サービスを提供しなければならない。

Article 3 (1) The support facilities for persons with disabilities must prepare a plan (hereinafter referred to as "individual support plan") based on the intention, aptitude, characteristics of disabilities and other circumstances of users, and must provide in-facility welfare services for persons with disabilities to users based on such individual support plan, and must offer in-facility welfare services for persons with disabilities to users appropriately and effectively by working continuously to evaluate the effectiveness of such in-facility welfare services and taking other measures.

2 障害者支援施設は、利用者の意思及び人格を尊重し、常に当該利用者の立場に立って施設障害福祉サービスを提供するよう努めなければならない。

(2) Support facilities for persons with disabilities must endeavor to respect the intent and personality of users and always offer in-facility welfare services from the standpoint of such users.

3 障害者支援施設は、利用者の人権の擁護、虐待の防止等のため、必要な体制の整備を行うとともに、従業員に対し、研修の実施その他の必要な措置を講じなければならない。

(3) Support facilities for persons with disabilities, as well as establishing a necessary system to protect users' human rights and prevent abuse, must provide employees with training and other necessary measures.

(令三条例三八・一部改正)

(Partially amended by Ordinance No. 38 of 2021)

第二章 設備及び運営に関する基準

Chapter 2 Standards for Equipment and Operation

(従業員の配置の基準)

(Standards of Employee Placement)

第四条 障害者支援施設は、第一号及び第二号から第七号までの各号に掲げる場合に依じ、当該各号に掲げる従業員を東京都規則(以下「規則」という。)で定める基準により置かなければならない。ただし、第二号ロ又は第三号イの理学療法士又は作業療法士を確保することが困難な場合には、日常生活を営むのに必要な機能の減退を防止するための訓練を行う能力を有する看護師その他の者を機能訓練指導員として置くことをもって、第二号ロ又は第三号イの理学療法士又は作業療法士に代えることができる。

Article 4 A support facility for persons with disabilities must have employees set forth in each item of item (i) and item (ii) through item (vii), if any, in accordance with the standard set forth in the Tokyo Metropolitan Government Regulations (hereinafter referred to as "Regulations"). However, if it is difficult to secure a physical therapist or occupational therapist as specified in item (ii)(b) or item (iii)(a), a nurse or other person who is capable of providing training to prevent the decline of functions necessary for daily living may be substituted for the physical therapist or occupational therapist

specified in item (ii)(b) or item (iii)(a), by appointing said nurse other person who is capable of providing training to prevent the decline of functions necessary for daily living as a functional training instructor.

一 障害者支援施設の長(以下「施設長」という。)

(i) The head of a support facility for persons with disabilities (hereinafter referred to as "facility director")

二 生活介護を行う場合

(ii) If daily nursing care is provided

イ 医師

(a) Physician

ロ 看護職員(保健師又は看護師若しくは准看護師をいう。以下同じ。)、理学療法士又は作業療法士及び生活支援員

(b) Nursing employees (public health nurses or nurses or assistant nurses; same applies hereinafter), physical therapists or occupational therapists, and life support workers

ハ サービス管理責任者(施設障害福祉サービスの提供に係るサービス管理を行う者として厚生労働大臣が定めるものをいう。以下同じ。)

(c) Service administrator (meaning a person prescribed by the Minister of Health, Labour and Welfare as a person who performs service administration pertaining to the provision of in-facility welfare services for persons with disabilities; the same applies hereinafter)

三 自立訓練(機能訓練)(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施行規則(平成十八年厚生労働省令第十九号。以下「省令」という。)第六条の六第一号に規定する自立訓練(機能訓練)をいう。以下同じ。)を行う場合

(iii) When conducting self-reliance training (functional training) (refers to the provision of item (i) of Article 6-6 of the Enforcement Regulation of Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities (Ministerial Order No. 19 of 2006 of the Ministry of Health, Labour and Welfare; hereinafter referred to as "Ministerial Order"); the same applies hereinafter)

イ 看護職員、理学療法士又は作業療法士及び生活支援員

(a) Nursing employees, physical or occupational therapists, and life support workers

ロ サービス管理責任者

(b) Service administrator

四 自立訓練(生活訓練)(省令第六条の六第二号に規定する自立訓練(生活訓練)をいう。以下同じ。)を行う場合

(iv) In the case of training for self-reliance (daily life training) (meaning the training for

self-reliance (daily life training) provided for in Article 6-6, item (ii) of the Ministerial Order; the same applies hereinafter)

イ 生活支援員

(a) Life support workers

ロ サービス管理責任者

(b) Service administrator

五 就労移行支援を行う場合

(v) If providing support for the transition to employment

イ 就労移行支援を行う場合に置くべき従業者

(a) Employees to be placed if providing support for transition to employment

(一) 職業指導員及び生活支援員

(i) Vocational guidance and life support workers

(二) 就労支援員

(ii) Work support workers

(三) サービス管理責任者

(iii) Service administrator

ロ あん摩マッサージ指圧師、はり師、きゆう師等に関する法律(昭和二十二年法律第二百十七号)第二条第一項又は第十八条の二第一項の規定によりあん摩マッサージ指圧師、はり師又はきゆう師の学校又は養成施設として認定されている障害者支援施設(以下「認定障害者支援施設」という。)が就労移行支援を行う場合に置くべき従業者

(b) Employees to be placed in the event that a support facility for persons with disabilities that is certified as a school or training facility for massage and shiatsu practitioners, acupuncture and moxibustion practitioners (hereinafter referred to as "certified support facility for persons with disabilities") pursuant to the provisions of Article 2, paragraph (1) or Article 18-2, paragraph (1) of the Act on Act on Anma, Massage and Shiatsu Practitioners, Acupuncture Practitioners and Moxibustion Practitioners, etc. (Act No. 217 of 1947) provides support for transition to employment.

(一) 職業指導員及び生活支援員

(i) Vocational guidance and life support workers

(二) サービス管理責任者

(ii) Service administrator

六 就労継続支援B型(省令第六条の十第二号に規定する就労継続支援B型をいう。以下同じ。)を行う場合

(vi) If offering continuous support for employment services Type B (meaning

continuous support for employment services Type B prescribed in Article 6-10, item (ii) of the Ministerial Order; the same applies hereinafter) is provided

イ 職業指導員及び生活支援員

(a) Vocational guidance and life support workers

ロ サービス管理責任者

(b) Service administrator

七 施設入所支援を行う場合

(vii) If residential facility care is provided

イ 生活支援員

(a) Life support workers

ロ サービス管理責任者

(b) Service administrator

(平二五条例五三・一部改正)

(Partially amended by Ordinance No. 53 of 2013)

(複数の昼間実施サービスを行う場合における従業者の配置の基準)

(Standards for the assignment of employees if multiple daytime services are provided)

第五条 障害者支援施設が、複数の昼間実施サービスを行う場合は、規則で定める基準により従業者を置かなければならない。

Article 5 If a support facility for persons with disabilities provides more than one daytime service, it must have employees in accordance with the standards prescribed in the Regulations.

(構造設備)

(Structural equipment)

第六条 障害者支援施設の配置、構造及び設備は、利用者の特性に応じて工夫され、かつ、日照、採光、換気その他の利用者の保健衛生に関する事項及び防災について十分考慮されたものでなければならない。

Article 6 (1) The layout, structure, and equipment of support facilities for persons with disabilities must be devised in accordance with the characteristics of users, and sufficient consideration must be given to sunlight, lighting, ventilation, and other matters concerning the health and hygiene of users and disaster prevention.

2 障害者支援施設の建物(利用者の日常生活のために使用しない附属の建物を除く。)は、耐火建築物(建築基準法(昭和二十五年法律第二百一号)第二条第九号の二に規定する耐火建築物をいう。)又は準耐火建築物(同条第九号の三に規定する準耐火建築物をいう。)でなければならない。ただし、知事が、火災予防、消火活動等に関し専門的知識を有する者の意見を聴いて、規則で定める要件を満たし、かつ、火災に係る利用者の安全性が確保されていると認めた建物の場合は、この限りでない。

2 Buildings of support facilities for persons with disabilities (excluding attached buildings that are not used for the daily lives of users) must be fireproof buildings (as stipulated in Article 2, Item (ix)-2 of the Building Standards Act (Act No. 201 of 1950)) or quasi-fireproof buildings (referring to quasi-fireproof buildings prescribed in item (ix)-3 of the same Article). However, this shall not apply if the governor, after listening to the opinions of those with specialized knowledge regarding fire prevention and fire extinguishing activities, acknowledges that the building meets the requirements specified in the Regulations and that the safety of users pertaining to the fire is guaranteed.

(規模)

(Scale)

第七条 障害者支援施設の規模は、当該障害者支援施設が提供する施設障害福祉サービスの種類の区分に応じ、規則で定める基準を満たさなければならない。

Article 7 (1) The size of support facilities for persons with disabilities must meet the standard prescribed in the Regulations in accordance with the classification of the type of in-facility welfare services offered by such facilities.

2 障害者支援施設が、複数の昼間実施サービスを行う場合の規模は、規則で定める基準を満たさなければならない。

(2) The size of a support facility for persons with disabilities, if it provides more than one daytime service, must meet the standards prescribed in the Regulation.

(従たる事業所を設置する場合における特例)

(Exceptional Cases if Establishing a Secondary Office)

第八条 障害者支援施設は、当該障害者支援施設のうち主たる事業所(以下この条において「主たる事業所」という。)と一体的に管理運営を行う事業所(以下この条において「従たる事業所」という。)を設置することができる。

Article 8 (1) A support facility for persons with disabilities may establish an office (hereinafter referred to as "secondary office" in this Article) which conducts administration and management integrated with the principal office (hereinafter referred to as "principal office" in this Article) among such support facilities for persons with disabilities.

2 従たる事業所を設置する場合においては、主たる事業所の従業者及び従たる事業所の従業者(サービス管理責任者を除く。)のうちそれぞれ一人以上は、常勤かつ専ら当該主たる事業所又は従たる事業所の職務に従事する者でなければならない。

(2) If a secondary office is established, at least one employee of the principal office and one employee of each of the secondary offices (excluding the service administrator) must be a person who is engaged full-time and exclusively in the duties of that principal office or secondary office.

3 従たる事業所を設置する場合の障害者支援施設の規模は、規則で定める基準を満たさなければならない。

(3) The size of a support facility for persons with disabilities, if a secondary office is established, must meet the standards prescribed in the Regulations.

(設備の基準)

(Equipment Standards)

第九条 障害者支援施設は、訓練・作業室、居室、食堂、浴室、洗面所、便所、相談室、多目的室その他運営上必要な設備を規則で定める基準により設けなければならない。ただし、他の社会福祉施設等の設備を利用することにより、当該障害者支援施設の効果的な運営が見込まれる場合であって、かつ、利用者の支援に支障がないときは、この限りでない。

Article 9 (1) Support facilities for persons with disabilities must provide training and work rooms, living rooms, dining rooms, bathrooms, washrooms, lavatories, consultation rooms, multipurpose rooms, and other facilities necessary for operation in accordance with the standards prescribed in the Regulations. However, this shall not apply if the effective operation of such support facilities for persons with disabilities can be expected by using the facilities of other social welfare facilities, etc., and if there is no hindrance to the support of users.

2 認定障害者支援施設が就労移行支援を行う場合は、前項に規定する設備の基準のほか、あん摩マツサージ指圧師、はり師及びきゅう師に係る学校養成施設認定規則(昭和二十六年文部省・厚生省令第二号)に規定するあん摩マツサージ指圧師、はり師又はきゅう師に係る学校又は養成施設の認定の基準(設備に係るものに限る。)を満たすこととする。

(2) If certified support facilities for persons with disabilities provide support for transition to employment, in addition to the standards for facilities prescribed in the preceding paragraph, they are to meet the standards (limited to those pertaining to facilities) for certification of schools or training facilities for massage and shiatsu practitioners, acupuncture and moxibustion practitioners prescribed in the Regulations for Certification of School Training Facilities for Anma, Massage and Shiatsu Practitioners, Acupuncture Practitioners and Moxibustion Practitioners (Education Ministry and Welfare Ministry Order No. 2 of 1951).

3 第一項に規定する訓練・作業室は、就労継続支援B型の提供に当たって支障がない場合は、設けないことができる。

(3) The training and work rooms provided for in paragraph (1) may not be provided if they do not hinder the provision of offering continuous support for employment services Type B.

4 第一項に規定する相談室及び多目的室は、利用者へのサービスの提供に支障がない範囲

で兼用とすることができる。

(4) The consultation room and multipurpose room provided in paragraph (1) may be used concurrently to the extent that it does not interfere with the provision of services to users.

(施設長の資格要件)

(Qualification Requirements for Facility Directors)

第十条 施設長は、社会福祉法(昭和二十六年法律第四十五号)第十九条第一項各号のいずれかに該当する者若しくは同法第二条に規定する社会福祉事業に二年以上従事した者又はこれらと同等以上の能力を有すると認められる者でなければならない。

Article 10 The facility director must be a person who falls under any of the items of Article 19, paragraph (1) of the Social Welfare Act (Act No. 45 of 1951), or a person who has been engaged in social welfare services stipulated in Article 2 of the same Act for two years or more, or a person who is recognized to have abilities equivalent or superior to these.

(施設長の責務等)

(Responsibilities of the Facility Director)

第十一条 施設長は、当該障害者支援施設の従業者及び業務の管理その他の管理を一元的に行わなければならない。

Article 11 (1) The facility director must manage the employees and operations of the relevant support facility for persons with disabilities and other administration in a unitary manner.

2 施設長は、サービス管理責任者に施設障害福祉サービスに係る個別支援計画(以下「施設障害福祉サービス計画」という。)の作成に関する業務を担当させるものとする。

(2) The facility director is to put the service administrator in charge of operations related to the preparation of individual support plans pertaining to in-facility welfare services (hereinafter referred to as "facility welfare service plans for persons with disabilities").

3 施設長は、当該障害者支援施設の従業者にこの章の規定を遵守させるために必要な指揮命令を行わなければならない。

(3) The facility director must give the necessary directions and orders to make the employees of the support facilities for persons with disabilities concerned comply with the provisions of this Chapter.

(サービス管理責任者の責務等)

(Responsibilities of the Service Administrator)

第十二条 サービス管理責任者は、次項から第八項までに規定する業務のほか、次に掲げる業務を行わなければならない。

Article 12 (1) In addition to the operations stipulated in the immediately following paragraph through paragraph (8), the service administrator must perform the following services.

一 利用の申込みに際し、利用申込者に係る障害福祉サービス事業を行う者等に対する照会等により、当該利用申込者の心身の状況、当該障害者支援施設以外における障害福祉サービス等の利用状況その他必要な事項を把握すること。

(i) At the time of application for use, the mental and physical conditions of such a person with disabilities, the use status of welfare services for persons with disabilities, etc. other than such support facilities for persons with disabilities, and other necessary matters shall be grasped through inquiries, etc. to the persons, etc. who conduct welfare service business for persons with disabilities pertaining to such person who applies for use.

二 利用者の心身の状況、置かれている環境等に照らし、当該利用者が自立した日常生活を営むことができるよう定期的に検討するとともに、自立した日常生活を営むことができると思われる利用者に対し、必要な支援を行うこと。

(ii) In light of the user's physical and mental condition, living environment, and other factors, the facility shall regularly review the user to ensure that said user is able to lead a self-reliant daily life, and shall provide necessary support to users who are deemed to be able to lead a self-reliant daily life.

三 他の従業者に対する技術指導及び助言を行うこと。

(iii) Provide technology guidance and advice to other employees.

2 サービス管理責任者は、施設障害福祉サービス計画の作成に当たっては、当該利用者について、置かれている環境、日常生活全般の状況等の評価を通じて当該利用者の希望する生活、課題等の把握(以下この条において「アセスメント」という。)を行い、当該利用者が自立した日常生活を営むことができるように支援する上での適切な支援内容を検討しなければならない。

(2) In preparing in-facility welfare services plans, service administrators must grasp the life that such users desire, issues, etc., through the evaluation of their overall living environment and daily life, etc., (hereinafter referred to as "assessment" in this Article) and must consider appropriate support contents to assist such users to lead self-reliant daily lives.

3 サービス管理責任者は、アセスメントに当たっては、当該利用者に面接を行わなければならない。この場合において、サービス管理責任者は、面接の趣旨を当該利用者に対して十分に説明し、理解を得なければならない。

(3) In conducting an assessment, the service administrator must interview such users. In this case, the service administrator must explain the purport of the interview to such

user in 10 minutes and obtain their understanding.

- 4 サービス管理責任者は、アセスメント及び支援内容の検討の結果に基づき、利用者及びその家族の生活に対する意向、総合的な支援の方針、生活全般の質を向上させるための課題、施設障害福祉サービスごとの目標及びその達成時期並びに提供上の留意事項等を記載した施設障害福祉サービス計画の原案を作成しなければならない。この場合において、当該障害者支援施設が提供する施設障害福祉サービス以外の保健医療サービス又は福祉サービス等との連携を当該施設障害福祉サービス計画の原案に含めるよう努めなければならない。

(4) Based on the results of assessment and examination of support contents, service administrators must prepare drafts of in-facility welfare service plans that describe the intention of users and their families toward their lives, policies for comprehensive support, issues to improve the overall quality of life, goals for each in-facility welfare services and the timing of achieving them, and matters to be noted in offering them, etc. In this case, service administrators must endeavor to include coordination with health and medical services or welfare services, etc. other than in-facility welfare services offered by such support facilities for persons with disabilities in the draft of such in-facility welfare services plan.

- 5 サービス管理責任者は、施設障害福祉サービス計画の作成に当たっては、利用者に対する施設障害福祉サービスの提供に係る当該サービス管理責任者以外の担当者等を招集して行う会議を開催し、施設障害福祉サービス計画の原案の内容について意見を求めるとともに、当該利用者又はその家族に対して説明し、文書により当該利用者の同意を得なければならない。この場合において、当該会議は、テレビ電話装置その他の情報通信機器を活用して行うことができるものとする。

5 In preparing in-facility welfare service plans, service administrators must hold a meeting calling persons in charge, etc., other than such service administrators pertaining to the offer of in-facility welfare services for disabilities to users, seek their opinions on the contents of the draft of the in-facility welfare service plans, explain it to such users or their family members, and obtain their consent in writing. If this is the case, such meeting may utilize video conferencing equipment or other information and communications devices.

- 6 サービス管理責任者は、施設障害福祉サービス計画を作成した際には、当該施設障害福祉サービス計画を利用者に交付しなければならない。

6 When service administrators prepare an in-facility welfare service plan, they must deliver said in-facility welfare services plan to the user.

- 7 サービス管理責任者は、施設障害福祉サービス計画の作成後、当該施設障害福祉サービス計画の実施状況の把握(利用者についての継続的なアセスメントを含む。以下この条に

において「モニタリング」という。)を行うとともに、少なくとも六月に一回以上、施設障害福祉サービス計画の見直しを行い、必要に応じ変更を行わなければならない。

- (7) Service administrators must, after preparing in-facility welfare services plans, monitor the status of work of those in-facility welfare services plans (including continuous assessment of users; hereinafter referred to as "monitoring" in this Article), and must review the in-facility welfare services plans at least once every 6 months or more, and make changes as necessary.

- 8 サービス管理責任者は、モニタリングに当たっては、利用者及びその家族等との連絡を継続的に行うとともに、特段の事情のない限り、定期的に当該利用者に面接し、かつ、モニタリングを行い、その結果を記録しなければならない。

- (8) In monitoring, the service administrator must maintain continuous contact with the user and his/her family, etc., interview that user on a regular basis unless there are special circumstances, and record the results of the monitoring.

- 9 第二項から第六項までの規定は、第七項に規定する施設障害福祉サービス計画の変更に
ついて準用する。

- (9) The provisions of paragraphs (2) to (6) inclusive shall apply mutatis mutandis to the change of the in-facility welfare services plan provided in paragraph (7).

(令三条例三八・一部改正)

(Partial amendment of Ordinance No. 38 of 2021)

(運営規程)

(Operation Rules)

第十三条 障害者支援施設は、次に掲げる事業の運営についての重要事項に関する運営規程を定めなければならない。

Article 13 A support facility for persons with disabilities must establish operation rules concerning important matters for the operation of the following businesses.

一 障害者支援施設の目的及び運営の方針

(i) Purpose and operation policy of support facilities for persons with disabilities

二 提供する施設障害福祉サービスの種類

(ii) Types of in-facility welfare services offered

三 従業者の職種、員数及び職務の内容

(iii) Job title, number of employees, and description of their duties

四 昼間実施サービスに係る営業日及び営業時間

(iv) Business days and hours pertaining to daytime services

五 提供する施設障害福祉サービスの種類ごとの利用定員

5 Capacity for each type of in-facility welfare service offered

六 提供する施設障害福祉サービスの種類ごとの内容並びに利用者から受領する費用の

種類及びその額

(vi) The contents of each kind of in-facility welfare service for persons with disabilities offered and the kinds and amount of expenses received from users.

七 昼間実施サービスに係る通常の事業の実施地域(当該障害者支援施設が通常時に当該施設障害福祉サービスを提供する地域をいう。以下同じ。)

(vii) The area where the ordinary business pertaining to daytime services is conducted (meaning the area where such support facilities for persons with disabilities offer such in-facility welfare services at ordinary times; the same applies hereinafter)

八 施設障害福祉サービスの利用に当たっての留意事項

(viii) Matters to be noted when using in-facility welfare services

九 緊急時等における対応方法

(ix) How to respond to emergencies, etc.

十 非常災害対策

(x) Extraordinary disaster control measures

十一 提供する施設障害福祉サービスの種類ごとに主たる対象とする障害の種類を定めた場合には当該障害の種類

(xi) In the case that the type of disability that is the main target is specified for each type of in-facility welfare services for persons with disabilities offered, if the type of disability is specified, that type of disability

十二 虐待の防止のための措置に関する事項

(xii) Matters related to measures for the prevention of abuse

十三 その他運営に関する重要事項

(xiii) Other important matters concerning operation

(勤務体制の確保等)

(Securing Work System, etc.)

第十四条 障害者支援施設は、利用者に対し、適切な施設障害福祉サービスを提供することができるよう、施設障害福祉サービスの種類ごとに、当該障害者支援施設の従業員の勤務体制を定めなければならない。

Article 14 (1) A support facility for persons with disabilities must set forth the work system of employees of such support facilities for persons with disabilities for each type of in-facility welfare services so that they will be able to offer appropriate in-facility welfare services for users.

2 障害者支援施設は、施設障害福祉サービスの種類ごとに、当該障害者支援施設の従業員によって施設障害福祉サービスを提供しなければならない。ただし、利用者の支援に直接影響を及ぼさせない業務については、この限りでない。

(2) A support facility for persons with disabilities must offer in-facility welfare services

by employees of that support facility for each type of in-facility welfare services for persons with disabilities. However, this shall not apply to operations that do not directly affect the support of users.

3 障害者支援施設は、従業員の資質向上のための研修の機会を確保しなければならない。

(3) A support facility for persons with disabilities must ensure training opportunities to improve the qualifications of its employees.

4 障害者支援施設は、適切な施設障害福祉サービスの提供を確保する観点から、職場において行われる優越的な関係を背景とした言動であって業務上必要かつ相当な範囲を超えたもの又は性的な言動により従業員の就業環境が害されることを防止するための方針の明確化等の必要な措置を講じなければならない。

(4) From the viewpoint of ensuring appropriate in-facility welfare services, support facilities for persons with disabilities must take necessary measures such as clarifying policies to prevent employees from being harmed in their working environment by words and deeds in the workplace that are based on a dominant relationship and are in excess of what is necessary and reasonable in the course of their duties or by words and deeds of a sexual nature.

(令三条例三八・一部改正)

(Partial amendment of Ordinance No. 38 of 2021)

(業務継続計画の策定等)

(Formulation of Business Continuity Plans)

第十四条の二 障害者支援施設は、感染症や非常災害の発生時において、利用者に対する施設障害福祉サービスの提供を継続的に行い、及び非常時の体制で早期の業務再開を図るための計画(以下「業務継続計画」という。)を策定し、当該業務継続計画に従い必要な措置を講じなければならない。

Article 14-2 (1) Support facilities for persons with disabilities must formulate a plan (hereinafter referred to as "business continuity plan") to continuously offer in-facility welfare services for users and to resume operations as soon as possible under the emergency system when an infectious disease or an extraordinary disaster occurs, and must take necessary measures in accordance with such business continuity plan.

2 障害者支援施設は、従業員に対し、業務継続計画について周知するとともに、必要な研修及び訓練を定期的実施しなければならない。

2 Support facilities for persons with disabilities, as well as informing their employees about the business continuity plan, must work with them periodically to provide the necessary training and drills.

3 障害者支援施設は、定期的に業務継続計画の見直しを行い、必要に応じて業務継続計画の変更を行うものとする。

- (3) Support facilities for persons with disabilities shall review the business continuity plan on a regular basis and make changes to the business continuity plan as necessary.

(令三条例三八・追加)

(Added by Ordinance No. 38 of 2021)

(サービス提供困難時の対応)

(Response when Service Provision is Difficult)

第十五条 障害者支援施設は、生活介護、自立訓練(機能訓練)、自立訓練(生活訓練)、就労移行支援又は就労継続支援B型に係る通常の事業の実施地域等を勘案し、利用申込者に対し自ら必要な生活介護、自立訓練(機能訓練)、自立訓練(生活訓練)、就労移行支援又は就労継続支援B型を提供することが困難であると認める場合は、他の障害者支援施設等の紹介その他の必要な措置を速やかに講じなければならない。

Article 15 (1) In the event that a support facility for persons with disabilities acknowledges that it is difficult to provide necessary daily nursing care, training for self-reliance (functional training), training for self-reliance (daily life training), support for transition to employment, or continuous support for employment services Type B to users, taking into consideration the areas where the ordinary business for such daily nursing care, training for self-reliance (functional training), training for self-reliance (daily life training), support for transition to employment, or continuous support for employment services Type B is conducted, the facility must promptly take necessary measures such as referral to other support facilities for persons with disabilities.

- 2 障害者支援施設は、利用申込者が入院治療を必要とする場合その他利用申込者に対し自ら必要な便宜を供与することが困難である場合は、病院又は診療所の紹介その他の必要な措置を速やかに講じなければならない。

- (2) In the case that an applicant for use requires inpatient hospitalization or treatment, or in other cases where it is difficult for a support facility for persons with disabilities to give necessary measures to an applicant for use by itself, the support facility for persons with disabilities must promptly take necessary measures such as referral to a hospital or a medical care clinic.

(心身の状況等の把握)

(Assessment of Mental and Physical Conditions)

第十六条 障害者支援施設は、施設障害福祉サービスの提供に当たっては、利用者の心身の状況、置かれている環境、他の保健医療サービス又は福祉サービスの利用状況等の把握に努めなければならない。

Article 16 In providing in-facility welfare services for persons with disabilities, support facilities for persons with disabilities must endeavor to grasp the mental and physical conditions of users, their environments, the conditions of use of other health and medical

services or welfare services, and some other factors.

(障害福祉サービス事業者等との連携等)

(Coordination with Providers of Welfare Services for Persons with Disabilities)

第十七条 障害者支援施設は、施設障害福祉サービスの提供に当たっては、地域及び家庭との結び付きを重視した運営を行い、特別区及び市町村(以下「区市町村」という。)、他の障害者支援施設、障害福祉サービス事業を行う者その他の保健医療サービス又は福祉サービス等を提供する者等との密接な連携に努めなければならない。

Article 17 (1) In providing in-facility welfare services, support facilities for persons with disabilities must operate by placing importance on the ties with areas and families, and must endeavor to cooperate closely with special wards and municipalities (hereinafter referred to as "wards and municipalities"), other support facilities for persons with disabilities, persons who conduct welfare services for persons with disabilities and other companies offering health care services or welfare services, etc.

2 障害者支援施設は、施設障害福祉サービスの提供の終了に際しては、利用者又はその家族に対して適切な援助を行うとともに、保健医療サービス又は福祉サービスを提供する者との密接な連携に努めなければならない。

(2) At the end of provision of in-facility welfare services, support facilities for persons with disabilities must provide appropriate assistance to users or their family members, and endeavor to coordinate closely with persons who offer health and medical services or welfare services.

(利用者に求めることのできる金銭の支払の範囲等)

(Scope of money payments that may be demanded of users)

第十八条 障害者支援施設は、利用者に対して金銭の支払を求めることができる。ただし、当該金銭の使途が利用者の便益を直接向上させるものであり、かつ、支払を求めることが適当である場合に限るものとする。

Article 18 (1) Support facilities for persons with disabilities may require users to pay money. However, this is to be limited to cases where that money is used to directly improve the benefit to the user and where it is appropriate to request payment.

2 前項の規定により利用者に金銭の支払を求める際は、当該金銭の使途及び額並びに支払を求める理由について書面により明らかにするとともに、当該利用者に対し説明を行い、当該利用者の同意を得なければならない。

(2) When requesting a payment from a user pursuant to the provisions of the preceding paragraph, the purpose and amount of the money and the reason for requesting payment must be clarified in writing, and an explanation must be given to the user, and their consent must be obtained.

(給付金として支払を受けた金銭の管理)

(Management of money received as payment)

第十九条 障害者支援施設は、当該障害者支援施設の設置者が利用者に係る厚生労働大臣が定める給付金(以下この条において「給付金」という。)の支給を受けたときは、給付金として支払を受けた金銭を規則で定めるところにより管理しなければならない。

Article 19 When an establisher of a support facility for persons with disabilities has received payment of the benefit prescribed by the Minister of Health, Labour and Welfare pertaining to a user (hereinafter referred to as "payment" in this Article), the support facility for persons with disabilities must administer the money paid as the payment to the provisions of the Regulation.

(施設障害福祉サービスの取扱方針)

(Policy for Handling In-facility Welfare Services)

第二十条 障害者支援施設は、施設障害福祉サービス計画に基づき、利用者の心身の状況等に応じて、当該利用者の支援を適切に行うとともに、施設障害福祉サービスの提供が画一的なものとならないよう配慮しなければならない。

Article 20 (1) Support facilities for persons with disabilities must, based on the in-facility welfare services plan, provide appropriate support for persons with disabilities in accordance with the mental and physical conditions, etc. of such users, and must give consideration so that the offer of in-facility welfare services does not become uniform.

2 障害者支援施設の従業者は、施設障害福祉サービスの提供に当たっては、利用者又はその家族に対し、支援上必要な事項について、説明しなければならない。

(2) In offering in-facility welfare services, employees of support facilities for persons with disabilities must explain to users or their family members about matters necessary for support.

3 障害者支援施設は、提供する施設障害福祉サービスの質の評価を行い、常に改善を図らなければならない。

(3) Support facilities for persons with disabilities must evaluate the quality of the in-facility welfare services it offers and constantly improve them.

(相談及び援助)

(Consultation and Assistance)

第二十一条 障害者支援施設は、常に利用者の心身の状況、置かれている環境等の的確な把握に努め、利用者又はその家族に対し、相談に適切に応じるとともに、必要な助言その他の援助を行わなければならない。

Article 21 (1) Support facilities for persons with disabilities must always endeavor to accurately grasp the mental and physical conditions of users and the environment in which they are placed, and must provide users or their family members with appropriate consultation and necessary advice and other assistance.

2 障害者支援施設は、利用者が、当該障害者支援施設以外において生活介護、自立訓練(機能訓練)、自立訓練(生活訓練)、就労移行支援、就労継続支援A型(省令第六条の十第一号に規定する就労継続支援A型をいう。以下同じ。)又は就労継続支援B型の利用を希望する場合には、他のサービス事業所(法第三十六条第一項に規定するサービス事業所をいう。)等との利用に係る調整等必要な支援を実施しなければならない。

(2) In the case that a user desires to use daily nursing care, training for self-reliance (functional training), training for self-reliance (daily life training), support for transition to employment, continuous support for employment services Type A (meaning offering continuous support for employment services Type A prescribed in Article 6-10, item (i) of Ministerial Order; the same applies hereinafter) or offering continuous support for employment services Type B at a place other than such support facilities for persons with disabilities, the support facility must provide necessary support such as coordination concerning use of such services with other places of business for service (referring to places of business for service as prescribed in Article 36, paragraph (1) of the Act), etc.

(介護)

(Nursing Care)

第二十二条 介護は、利用者の自立の支援及び日常生活の充実に資するよう、利用者の心身の状況に応じ、必要な技術をもって行われなければならない。

Article 22 (1) Nursing care must be provided with the necessary technology in accordance with the mental and physical conditions of the user, so as to contribute to the user's self-reliance support and enrichment of the user's daily life.

2 障害者支援施設は、施設入所支援の提供に当たっては、利用者を入浴さ、又は清しきししなければならない。

(2) In offering residential facility care, a support facility for persons with disabilities must bathe users or give them a bed bath.

3 障害者支援施設は、生活介護又は施設入所支援の提供に当たっては、利用者の心身の状況に応じ、排せつの自立について必要な援助を行い、おむつを使用せざるを得ない利用者のおむつを適切に取り替えなければならない。

(3) In offering daily nursing care or residential facility care for persons with disabilities, support facilities for persons with disabilities must, in accordance with the physical and mental conditions of users, provide necessary assistance for self-reliance in elimination, and must appropriately replace diapers for users who need to use them.

4 障害者支援施設は、生活介護又は施設入所支援の提供に当たっては、利用者に対し、離床、着替え、整容その他日常生活上必要な支援を適切に行わなければならない。

(4) In providing daily nursing care or residential facility care for persons with disabilities, support facilities for persons with disabilities must provide users with

appropriate support necessary for daily life, such as bed leaving, changing clothes, dressing, and other necessary support.

5 障害者支援施設は、常時一人以上の従業者を介護に従事させなければならない。

(5) Support facilities for persons with disabilities must have at least one person engaged in nursing care at all times.

6 障害者支援施設は、利用者に対し、当該利用者の負担により、当該障害者支援施設の従業者以外の者による介護を受けさせてはならない。

(6) Support facilities for persons with disabilities must not allow users to receive nursing care by persons other than employees of such support facilities for persons with disabilities at the expense of such users.

(訓練)

(Training)

第二十三条 障害者支援施設は、利用者の自立の支援及び日常生活の充実に資するよう、利用者の心身の状況に応じ、必要な技術をもって訓練を行わなければならない。

Article 23 (1) Support facilities for persons with disabilities must provide training with necessary technology in accordance with the mental and physical conditions of users so as to contribute to self-reliance support and enrichment of their daily lives.

2 障害者支援施設は、自立訓練(機能訓練)、自立訓練(生活訓練)、就労移行支援又は就労継続支援B型の提供に当たっては、利用者に対し、自立した日常生活又は社会生活を営むことができるよう、当該利用者の心身の特性に応じ、必要な訓練を行わなければならない。

(2) In offering training for self-reliance (functional training), training for reliance (daily life training), support for transition to employment, or offering continuous support for employment services Type B, support facilities for persons with disabilities must provide necessary training to users according to the physical and mental characteristics of those users so that they may lead self-reliant daily lives or social lives.

3 障害者支援施設は、常時一人以上の従業者を訓練に従事させなければならない。

(3) Support facilities for persons with disabilities must have at least one employee engaged in training at all times.

4 障害者支援施設は、利用者に対し、当該利用者の負担により、当該障害者支援施設の従業者以外の者による訓練を受けさせてはならない。

(4) Support facilities for persons with disabilities must not allow users to receive training by persons other than employees of such support facilities for persons with disabilities at the expense of such users.

(生産活動)

(Production Activities)

第二十四条 障害者支援施設は、生活介護、就労移行支援又は就労継続支援B型における生産活動の機会の提供に当たっては、地域の実情並びに製品及びサービスの需給状況等を考慮して行うよう努めるとともに、利用者のうち生産活動に従事する者の作業時間、作業量等が過重な負担とならないよう配慮しなければならない。

Article 24 (1) In offering opportunities for production activities in daily nursing care, support for transition to employment, or offering continuous support for employment services Type B, support facilities for persons with disabilities must not only endeavor to offer such activities in consideration of the actual conditions in the area and the supply-demand situation for products and services, but also give consideration so that the working hours, work quantity, etc. of users who engage in production activities do not become overburdened.

2 障害者支援施設は、生活介護、就労移行支援又は就労継続支援B型における生産活動の機会の提供に当たっては、生産活動の能率の向上が図られるよう、利用者のうち生産活動に従事する者の障害の特性等を踏まえた工夫を行わなければならない。

(2) In offering opportunities for production activities in daily nursing care, support for transition to employment, or offering continuous support for employment services Type B, support facilities for persons with disabilities must take into consideration the characteristics, etc. of disabilities of persons with disabilities who engage in production activities among users, so that the efficiency of production activities can be improved.

3 障害者支援施設は、生活介護、就労移行支援又は就労継続支援B型における生産活動の機会の提供に当たっては、防塵設備又は消火設備の設置その他の生産活動を安全に行うために必要な措置を講じなければならない。

(3) In providing opportunities for production activities in nursing care for daily life, support for transition to employment, or offering continuous support for employment services Type B, support facilities for persons with disabilities must install dustproof equipment or fire extinguishing equipment and take other necessary measures to safely conduct production activities.

(工賃の支払等)

(Payment of Wages)

第二十五条 障害者支援施設は、生活介護、就労移行支援又は就労継続支援B型において行われる生産活動に従事する者に、当該生活介護、就労移行支援又は就労継続支援B型ごとに、当該生産活動に係る事業の収入から当該生産活動に係る事業に必要な経費を控除した額に相当する額を工賃として支払わなければならない。

Article 25 (1) Support facilities for persons with disabilities must pay as wages to persons engaged in production activities conducted in daily nursing care, support for transition to employment, or offering continuous support for employment services Type

B, an amount of wages equivalent to the amount obtained by deducting the expenses necessary for such production activities from the income of the business pertaining to such production activities.

- 2 障害者支援施設は、就労継続支援B型の提供に当たっては、前項の規定により利用者それぞれに対し支払われる一月当たりの工賃(同項に規定する工賃をいう。以下この条において同じ。)の平均額(第四項において「工賃の平均額」という。)を、三千円を下回るものとしてはならない。

(2) When providing Type B Employment Continuation Support, a support facility for persons with disabilities shall pay the monthly wage (meaning the wage prescribed in the same paragraph) to each user pursuant to the provisions of the preceding paragraph.

- 3 障害者支援施設は、就労継続支援B型の提供に当たっては、利用者が自立した日常生活又は社会生活を営むことを支援するため、工賃の水準を高めるよう努めなければならない。

(3) In offering continuous support for employment services Type B, support facilities for persons with disabilities must endeavor to increase the level of wages in order to support users to live a self-reliant daily or social life.

- 4 障害者支援施設は、就労継続支援B型の提供に当たっては、年度ごとに、目標とする工賃の水準を設定し、当該目標とする工賃の水準及び前年度に利用者に対し支払われた工賃の平均額を利用者に通知するとともに、知事に報告しなければならない。

(4) In offering continuous support for employment services Type B, support facilities for persons with disabilities must establish a target wage level for each fiscal year, notify users of that target wage level and the average amount of wages paid to users in the previous fiscal year, and report to the Governor.

(実習の実施)

(Implementation of Practical Training)

第二十六条 障害者支援施設は、就労移行支援の提供に当たっては、利用者が施設障害福祉サービス計画に基づいて実習ができるよう、実習の受入先を確保しなければならない。

Article 26 (1) In offering support for persons with disabilities for transition to employment, support facilities for persons with disabilities must secure a facility that will accept users for practical training so that users can receive practical training based on the in-facility welfare services plan.

- 2 障害者支援施設は、就労継続支援B型の提供に当たっては、利用者が施設障害福祉サービス計画に基づいて実習ができるよう、実習の受入先の確保に努めなければならない。

(2) In offering continuous support for employment services Type B, support facilities for persons with disabilities must endeavor to secure places for users to receive practical

training so that users can receive practical training based on in-facility welfare services plans.

- 3 障害者支援施設は、前二項の実習の受入先の確保に当たっては、公共職業安定所、障害者就業・生活支援センター(障害者の雇用の促進等に関する法律(昭和三十五年法律第二百二十三号)第二十七条第二項に規定する障害者就業・生活支援センターをいう。以下同じ。)、特別支援学校等の関係機関と連携して、利用者の意向及び適性を踏まえて行うよう努めなければならない。

- (3) In securing places for users to receive practical training set forth in the preceding two paragraphs, support facilities for persons with disabilities must endeavor to do so in coordination with relevant organizations such as public employment security offices, work/life support centers for persons with disabilities (referring to the work/life support centers for persons with disabilities provided in Article 27, paragraph (2) of the Act on Employment Promotion, etc. of Persons with Disabilities (Act No. 123 of 1960); the same applies hereinafter), and special support schools, taking into consideration the intention and aptitude of users.

(求職活動の支援等の実施)

(Work to support job search activities, etc.)

第二十七条 障害者支援施設は、就労移行支援の提供に当たっては、公共職業安定所における求職の登録その他の利用者が行う求職活動を支援しなければならない。

Article 27 (1) In offering support for persons with disabilities for transition to employment, support facilities for persons with disabilities must support registration of job seeking at public employment security offices and other job seeking activities conducted by users.

- 2 障害者支援施設は、就労継続支援B型の提供に当たっては、公共職業安定所における求職の登録その他の利用者が行う求職活動の支援に努めなければならない。

(2) In offering continuous support for employment services Type B, support facilities for persons with disabilities must endeavor to support the registration of job seeking at public employment security offices and other job seeking activities conducted by users.

- 3 障害者支援施設は、就労移行支援又は就労継続支援B型の提供に当たっては、公共職業安定所、障害者就業・生活支援センター、特別支援学校等の関係機関と連携して、利用者の意向及び適性に応じた求人の開拓に努めなければならない。

(3) In offering support for employment transition or continuous support for employment services Type B, support facilities for persons with disabilities must not only coordinate with relevant organizations such as public employment security offices, employment and life support centers for persons with disabilities, and special support schools, but also endeavor to develop job offers that suit the intentions and aptitudes of the users.

(職場への定着のための支援等の実施)

(Work Support, etc., to Help People Settle into their Workplaces)

第二十八条 障害者支援施設は、就労移行支援の提供に当たっては、利用者の職場への定着を促進するため、障害者就業・生活支援センター等の関係機関と連携して、利用者が当該職場に就職した日から六月以上、職業生活における相談等の支援を継続しなければならない。

Article 28 (1) In offering support for transition to employment, support facilities for persons with disabilities must, in coordination with relevant organizations such as employment and living support centers for persons with disabilities, continue to provide support such as consultation in vocational life for 6 months or more from the day a user finds employment with that workplace, in order to promote the settlement of the user in the workplace.

2 障害者支援施設は、就労継続支援B型の提供に当たっては、利用者の職場への定着を促進するため、障害者就業・生活支援センター等の関係機関と連携して、利用者が当該職場に就職した日から六月以上、職業生活における相談等の支援の継続に努めなければならない。

(2) In offering continuous support for employment services Type B, support facilities for persons with disabilities must, in coordination with relevant organizations such as employment and living support centers for persons with disabilities, endeavor to continue to provide support such as consultation in vocational life for 6 months or more from the day a user finds employment with that workplace, in order to promote the settlement of users in the workplace.

3 障害者支援施設は、就労移行支援の提供に当たっては、利用者が、指定就労定着支援(東京都指定障害福祉サービスの事業等の人員、設備及び運営の基準に関する条例(平成二十四年東京都条例第百五十五号)第百九十二条の二に規定する指定就労定着支援をいう。以下同じ。)の利用を希望する場合には、第一項の支援が終了した日以後速やかに当該指定就労定着支援を受けられるよう、指定就労定着支援事業者(同条例第百九十二条の三に規定する指定就労定着支援事業者をいう。以下同じ。)との連絡調整を行わなければならない。

(3) In offering support for persons with disabilities for transition to employment, support facilities for persons with disabilities must, if a user desires to use designated employment retention support (referring to designated employment retention support prescribed in Article 192-2 of Tokyo Metropolitan Government Ordinance concerning Personnel, Equipment and Operation Standards of Businesses for Designated Welfare Service for Persons with Disabilities (Tokyo Metropolitan Government Ordinance No. 155 of 2012); the same applies hereinafter), liaise and coordinate with designated

employment retention support companies (referring to designated employment retention support companies prescribed in Article 192-3 of the Ordinance; the same applies hereinafter) so that the user may receive such designated employment retention support promptly after the day on which the support set forth in paragraph (1) has ended.

- 4 障害者支援施設は、就労継続支援B型の提供に当たっては、利用者が、指定就労定着支援の利用を希望する場合には、第二項の支援が終了した日以後速やかに指定就労定着支援を受けられるよう、指定就労定着支援事業者との連絡調整に努めなければならない。

- 4 In offering continuous support for employment services Type B, support facilities for persons with disabilities must endeavor to liaise and coordinate with designated employment retention support companies so that users may receive designated employment retention support promptly after the day on which the support set forth in paragraph (2) ends, if they wish to use the designated employment retention support.

(令三条例三八・一部改正)

(Partial amendment of Ordinance No. 38 of 2021)

(就職状況の報告)

(Report on the Status of Employment)

第二十九条 障害者支援施設は、就労移行支援の提供に当たっては、毎年、前年度における就職した利用者の数その他の就職に関する状況を、知事に報告しなければならない。

Article 29 In offering support for persons with disabilities for transition to employment, support facilities for persons with disabilities must annually report to the governor the number of users who found employment in the previous year and other circumstances concerning employment.

(食事)

(Meals)

第三十条 障害者支援施設(施設入所支援を提供する場合に限る。)は、正当な理由なく、食事の提供を拒んではならない。

Article 30 (1) Support facilities for persons with disabilities (limited to if they offer residential facility care) must not refuse to provide meals without justifiable cause.

- 2 障害者支援施設は、食事の提供を行う場合には、あらかじめ、利用者に対しその内容及び費用に関して説明を行い、当該利用者の同意を得なければならない。

(2) In the event that support facilities for persons with disabilities provide meals, they must, in advance, explain the contents and expenses thereof to users and obtain consent from such users.

- 3 障害者支援施設は、利用者の心身の状況及び嗜好を考慮し、適切な時間に食事の提供を行うとともに、利用者の年齢及び障害の特性に応じた、適切な栄養量及び内容の食事の提供を行うため、必要な栄養管理を行わなければならない。

(3) A support facility for persons with disabilities must offer meals at appropriate times, taking into consideration the physical and mental conditions and preferences of the users, and must conduct necessary nutritional management in order to offer meals with appropriate nutritional quantity and content according to the age of the users and the characteristics of their disabilities.

4 調理は、あらかじめ作成された献立に従って行われなければならない。

(4) Cooking must be done in accordance with a pre-prepared menu.

5 障害者支援施設は、食事の提供を行う場合には、献立の内容、栄養価の算定及び調理の方法について保健所等の指導を受けるよう努めなければならない。ただし、栄養士を置く障害者支援施設にあっては、この限りでない。

(5) In the event that support facilities for persons with disabilities provide meals, they must endeavor to obtain guidance from health centers, etc. on the contents of menus, calculation of nutritional values, and cooking methods. However, this shall not apply in the case of a facility for persons with disabilities that has a dietician.

(社会生活上の便宜の供与等)

(Providing convenience in social life, etc.)

第三十一条 障害者支援施設は、必要に応じ、利用者のためのレクリエーション行事を行うよう努めなければならない。

Article 31 (1) Support facilities for persons with disabilities must endeavor to organize recreational events for users as necessary.

2 障害者支援施設は、利用者が日常生活を営む上で必要な行政機関に対する手続等について、当該利用者又はその家族が行うことが困難である場合は、当該利用者の同意を得て代わって行わなければならない。

(2) Support facilities for persons with disabilities must, if it is difficult for a user or said user's family members to carry out procedures, etc., with administrative organs necessary for the user to lead a daily life, perform them on behalf of said user with said user's consent.

3 障害者支援施設は、常に利用者の家族との連携を図るとともに、利用者とその家族との交流等の機会の確保に努めなければならない。

(3) Support facilities for persons with disabilities must always endeavor to maintain coordination with the families of users and to ensure opportunities for exchange, etc. between users and their families.

(健康管理)

(Health Management)

第三十二条 障害者支援施設は、常に利用者の健康の状況に注意し、健康保持のための必要な措置を講じなければならない。

Article 32 (1) A support facility for persons with disabilities must always pay attention to the state of health of users and take necessary measures to maintain their health.

2 障害者支援施設は、施設入所支援を利用する利用者に対して、毎年、定期に二回以上健康診断を行わなければならない。

(2) Support facilities for persons with disabilities must conduct medical examinations at least twice a year on a regular basis for users who use residential facility care.

(緊急時等の対応)

(When Emergencies Occur)

第三十三条 障害者支援施設の従業者は、現に施設障害福祉サービスの提供を行っているときに利用者に病状の急変が生じた場合その他必要な場合は、速やかに医療機関への連絡を行う等の必要な措置を講じなければならない。

Article 33 Employees of support facilities for persons with disabilities must take necessary measures such as promptly contacting medical institutions if a sudden change of medical condition occurs in users while actually providing in-facility welfare services or in other necessary cases.

(施設入所支援利用者の入院期間中の取扱い)

(Treatment During the Period of Time of Hospitalization of Users of Residential Facility Care)

第三十四条 障害者支援施設は、施設入所支援を利用する利用者が病院又は診療所に入院する必要がある場合であって、入院後おおむね三月以内に退院することが見込まれるときは、当該利用者の希望等を勘案し、必要に応じ、適切な便宜を供与するとともに、やむを得ない事情がある場合を除き、当該利用者が退院後再び当該障害者支援施設の施設入所支援を円滑に利用することができるようにしなければならない。

Article 34 In the case that a user with disabilities needs to be hospitalized in a hospital or medical care facility and is expected to be discharged within approximately 3 months after hospitalization, the support facility for persons with disabilities must give appropriate assistance if necessary, taking into consideration the wishes, etc. of such user, and must ensure that such user may smoothly use the residential facility care of the facility again after discharge from hospitalization, except in the case of unavoidable circumstances.

(定員の遵守)

(Compliance with Capacity)

第三十五条 障害者支援施設は、施設障害福祉サービスの種類ごとの利用定員及び居室の定員(第九条第一項に規定する規則で定める基準として定められる居室の定員をいう。)を超えて施設障害福祉サービスの提供を行ってはならない。ただし、災害、虐待その他のやむを得ない事情がある場合は、この限りでない。

Article 35 Support facilities for persons with disabilities must not offer in-facility welfare services exceeding the capacity for each kind of in-facility welfare service for persons with disabilities and the capacity of rooms (which means the capacity of rooms set as the standard prescribed in the Regulation prescribed in Article 9, paragraph (1)). However, this provision shall not apply if there are disasters, abuse, or other unavoidable circumstances.

(衛生管理等)

(Hygiene Management)

第三十六条 障害者支援施設は、利用者の使用する設備及び飲用に供する水について、衛生的な管理に努めるとともに、衛生上必要な措置を講じ、かつ、健康管理等に必要となる機械器具等の管理を適正に行わなければならない。

Article 36 (1) Support facilities for persons with disabilities must strive for hygienic management of the facilities used by users and the water provided for drinking, take necessary measures for hygiene, and properly manage the machinery and appliances, etc. necessary for health management, etc.

2 障害者支援施設は、当該障害者支援施設における感染症又は食中毒の発生又はまん延を防止するため、規則で定める措置を講じなければならない。

(2) Support facilities for persons with disabilities must take measures prescribed in the Regulation to prevent outbreak or spread of infectious diseases or food poisoning in those facilities.

(令三条例三八・一部改正)

(Partial amendment of Ordinance No. 38 of 2021)

(協力医療機関等)

(Cooperating Medical Institutions)

第三十七条 障害者支援施設は、利用者の病状の急変等に備えるために、あらかじめ、協力医療機関(当該障害者支援施設との間で、利用者が医療を必要とした際の連携協力が合意されている医療機関をいう。)を定めなければならない。

Article 37 (1) Support facilities for persons with disabilities must, in advance, designate cooperating medical institutions (medical institutions which have an agreement with such support facilities for persons with disabilities for coordination and cooperation when users need medical care) in order to prepare for sudden changes in medical conditions, etc. of users.

2 障害者支援施設は、あらかじめ、協力歯科医療機関(当該障害者支援施設との間で、利用者が歯科治療を必要とした際の連携協力が合意されている歯科医療機関をいう。)を定めるよう努めなければならない。

(2) A support facility for persons with disabilities must endeavor to establish in

advance cooperating dental care facilities (meaning dental care facilities with which an agreement has been made with that support facility for persons with disabilities for coordination and cooperation when users need dental treatment).

(身体的拘束等の禁止)

(Prohibition of Physical Restraints)

第三十八条 障害者支援施設は、施設障害福祉サービスの提供に当たっては、利用者又は他の利用者の生命又は身体を保護するため緊急やむを得ない場合を除き、身体的拘束その他利用者の行動を制限する行為(以下「身体的拘束等」という。)を行ってはならない。

Article 38 (1) In the course of offering in-facility welfare services, support facilities for persons with disabilities must not conduct physical restraint or other acts that restrict the actions of users (hereinafter referred to as "physical restraint, etc."), except in emergency and unavoidable cases to protect the lives or bodies of users or other users.

2 障害者支援施設は、身体的拘束等を行う場合は、その態様及び時間、その際の利用者の心身の状況並びに理由その他必要な事項を記録しなければならない。

(2) In the event that a support facility for persons with disabilities imposes physical restraints, etc., it must record the manner and duration of such restraints, the mental and physical conditions of users at the time of such restraints, the reasons for such restraints, and other necessary matters.

3 障害者支援施設は、身体的拘束等の適正化を図るため、規則で定める措置を講じなければならない。

(3) Support facilities for persons with disabilities must take measures prescribed in the Regulation to ensure the appropriateness of physical restraint, etc.

(令三条例三八・一部改正)

(Partial amendment of Ordinance No. 38 of 2021)

(秘密保持等)

(Confidentiality)

第三十九条 障害者支援施設の従業者は、正当な理由なく、その業務上知り得た利用者又はその家族の秘密を漏らしてはならない。

Article 39 (1) Employees of support facilities for persons with disabilities must not divulge any secrets of users or their families that they have come to know in the course of their duties without justifiable cause.

2 障害者支援施設は、従業者であった者が、正当な理由なく、その業務上知り得た利用者又はその家族の秘密を漏らすことがないように、必要な措置を講じなければならない。

(2) Support facilities for persons with disabilities must take necessary measures to prevent former employees from divulging any secrets of users or their families that they have come to know in the course of their duties without justifiable cause.

(苦情解決)

(Complaint Resolution)

第四十条 障害者支援施設は、利用者又はその家族からの施設障害福祉サービスに関する苦情に迅速かつ適切に対応するために、窓口の設置その他の必要な措置を講じなければならない。

Article 40 (1) Support facilities for persons with disabilities must take necessary measures such as establishment of a window and others in order to promptly and appropriately respond to complaints from users or their families concerning in-facility welfare services.

2 障害者支援施設は、前項の苦情を受け付けた場合は、当該苦情の内容等を記録しなければならない。

(2) In the event that a complaint set forth in the immediately preceding paragraph is received, a support facility for persons with disabilities must record the contents, etc. of that complaint.

3 障害者支援施設は、提供した施設障害福祉サービスに関し、区市町村から指導又は助言を受けた場合は、当該指導又は助言に従って必要な改善を行わなければならない。この場合において、当該区市町村からの求めがあったときは、当該改善の内容を報告しなければならない。

(3) In the event that support facilities for persons with disabilities receive guidance or advice from the ward or municipality concerning the in-facility welfare services offered, they must make necessary improvements in accordance with such guidance or advice. In this case, if requested by the ward or municipality concerned, that improvement must be reported.

(地域との連携等)

(Coordination with Local Communities)

第四十一条 障害者支援施設は、運営に当たっては、地域住民等との連携、協力等により地域との交流に努めなければならない。

Article 41 In their operation, support facilities for persons with disabilities must endeavor to exchange with local communities through coordination and cooperation with local residents, etc.

(事故発生時の対応)

(Response when an Accident Occurs)

第四十二条 障害者支援施設は、利用者に対する施設障害福祉サービスの提供により事故が発生した場合は、速やかに都、区市町村、利用者の家族等に連絡を行うとともに、当該事故の状況及び処置についての記録その他必要な措置を講じなければならない。

Article 42 (1) In the event that an accident occurs due to the offer of in-facility welfare

services to users, support facilities for persons with disabilities must promptly notify the Tokyo Metropolitan Government, wards, municipalities, and users' families, etc., and must record the circumstances of that accident and measures taken to deal with it, and take other necessary measures.

2 障害者支援施設は、利用者に対する施設障害福祉サービスの提供により賠償すべき事故が発生した場合は、速やかに損害賠償を行わなければならない。

(2) Support facilities for persons with disabilities must promptly pay compensation for loss or damage if an accident occurs that should be compensated for as a result of offering in-facility welfare services to users.

(虐待の防止)

(Prevention of Abuse)

第四十二条の二 障害者支援施設は、虐待の発生及び再発を防止するため、規則で定める措置を講じなければならない。

Article 42-2 A support facility for persons with disabilities must take measures prescribed in the Regulations to prevent the occurrence and recurrence of abuse.

(令三条例三八・追加)

(Addition of Ordinance 38 of 2021)

(非常災害対策)

(Extraordinary Disaster Control Measures)

第四十三条 障害者支援施設は、消火設備その他の非常災害に際して必要な設備を設けるとともに、非常災害に関する具体的な計画を策定し、また、非常災害時の関係機関への通報及び連携の体制を整備し、これらを定期的に従業員に周知しなければならない。

Article 43 (1) Support facilities for persons with disabilities must provide fire extinguishing equipment and other equipment necessary in the event of an extraordinary disaster, formulate specific plans concerning extraordinary disasters, and establish a system for notification to and coordination with relevant organizations in the event of an extraordinary disaster, and regularly make them known to employees.

2 障害者支援施設は、非常災害に備えるため、定期的に避難訓練、救出訓練その他必要な訓練を行わなければならない。

(2) Support facilities for persons with disabilities must conduct evacuation drills, rescue drills, and other necessary drills on a regular basis in order to prepare for extraordinary disasters.

3 障害者支援施設は、前項に規定する訓練の実施に当たって、地域住民の参加が得られるよう地域住民等との連携に努めなければならない。

(3) Support facilities for persons with disabilities must endeavor to coordinate with local residents, etc. in order to obtain their participation in the work of the drills as set

forth in the immediately preceding paragraph.

(令三条例三八・一部改正)

(Partial amendment of Ordinance No. 38 of 2021)

(記録の整備)

(Maintenance of Records)

第四十四条 障害者支援施設は、従業者、設備、備品及び会計に関する記録を整備しなければならない。

Article 44 (1) A support facility for persons with disabilities must maintain records of employees, equipment, supplies, and accounting.

2 障害者支援施設は、利用者に対する施設障害福祉サービスの提供に関する次に掲げる記録を整備し、当該記録に係る事象の完結の日から五年間保存しなければならない。

2 Support facilities for persons with disabilities must maintain the following records concerning the offer of in-facility welfare services to users, and preserve those records for 5 years from the day of completion of the event pertaining to such records.

一 施設障害福祉サービス計画

(i) In-facility welfare service plans

二 第三十八条第二項に規定する身体的拘束等の記録

(ii) Records of physical restraints, etc. as provided in Article 38, paragraph (2)

三 第四十条第二項に規定する苦情の内容等の記録

(iii) Record of the contents of complaints, etc. as provided in Article 40, paragraph (2)

四 第四十二条第一項に規定する事故の状況及び処置についての記録

(iv) Records of the circumstances of the accident and the measures taken, as provided for in Article 42, paragraph (1).

第三章 雑則

Chapter 3 Miscellaneous Provisions

(電磁的記録等)

(Electromagnetic Records)

第四十五条 障害者支援施設及びその従業者は、作成、保存その他これらに類するもののうち、この条例において書面(書面、書類、文書、謄本、抄本、正本、副本、複本その他の文字、図形等人の知覚によって認識することができる情報が記載された紙その他の有体物をいう。以下この条において同じ。)で行うことが規定されている又は想定されるもの(次項に規定するものを除く。)については、書面に代えて、当該書面に係る電磁的記録(電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。)により行うことができる。

Article 45 (1) A support facility for persons with disabilities and its employees may,

with respect to preparation, preservation and similar tasks (excluding those stipulated in the immediately following paragraph) which are provided for or assumed to be done in writing (meaning a written document, document, transcript, extract, original, duplicate, extra copy, or any other paper or other tangible object containing information that may be recognized by a person's perception, such as letters, figures, etc.; the same applies hereinafter in this Article) in this ordinance, do so by electronic or magnetic record (means a record made by an electronic form, a magnetic form, or any other form that may not be recognizable to human perception, which is used for information processing by a computer) pertaining to such written documents instead of writing.

- 2 障害者支援施設及びその従業者は、交付、説明、同意、締結その他これらに類するもの(以下「交付等」という。)のうち、この条例において書面で行うことが規定されている又は想定されるものについては、当該交付等の相手方が利用者である場合には当該利用者に係る障害の特性に応じた適切な配慮をしつつ、当該交付等の相手方の承諾を得て、書面に代えて、電磁的方法(電子的方法、磁気的方法その他の人の知覚によって認識することができない方法をいう。)によることができる。

- (2) With respect to delivery, explanation, consent, conclusion, and similar tasks (hereinafter referred to as "delivery, etc."), which are stipulated or assumed to be made in writing in this ordinance, a support facility for persons with disabilities and its employees may, if the opponent of such delivery, etc. is a user, deliver the information to the user with electromagnetic means (which means electronic means, magnetic means, or any other means not recognizable by human perception) instead of written documents, after obtaining the consent of the opponent of such delivery, etc., in accordance with the characteristics of disabilities pertaining to such user.

(令三条例七五・追加)

(Added by Ordinance No. 75 of 2021)

(適用除外)

(Exemption)

第四十六条 この条例の規定は、八王子市の区域における障害者支援施設(当該区域に存する東京都が設置する障害者支援施設を除く。)については、適用しない。

Article 46 The provisions of this ordinance shall not apply to support facilities for persons with disabilities in the area of Hachioji City (excluding support facilities for persons with disabilities established by the Tokyo Metropolitan Government in that area).

(平二六条例一七五・追加、令三条例七五・旧第四十五条繰下)

(Added by Ordinance No. 175 of 2014; former Article 45 moved down by Ordinance No. 75 of 2021)

(委任)

(Mandates)

第四十七条 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 47 In addition to what is provided for in this ordinance, matters necessary for the enforcement of this ordinance shall be prescribed by the Regulations.

(平二六条例一七五・旧第四十五条繰下、令三条例七五・旧第四十六条繰下)

(Former Article 45 moved down by Ordinance No. 175 of 2014; former Article 46 moved down by Ordinance No. 75 of 2021)

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

1 この条例は、平成二十五年一月一日から施行する。

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

(就労継続支援A型の事業に係る経過措置)

(Transitional measures pertaining to continuous support for employment services Type A business)

2 地域社会における共生の実現に向けて新たな障害保健福祉施策を講ずるための関係法律の整備に関する法律の施行に伴う関係省令の整備等に関する省令(平成二十五年厚生労働省令第四号)第十六条の規定による改正前の障害者自立支援法に基づく障害者支援施設の設備及び運営に関する基準(平成十八年厚生労働省令第百七十七号)附則第三条の規定の適用を受けていた障害者支援施設であつて、この条例の施行の日前から就労継続支援A型の事業を行うもの(次項から附則第十五項までにおいて、単に「障害者支援施設」という。)については、当分の間、次項から附則第十五項までに定めるところにより、引き続き当該就労継続支援A型を提供することができる。

2 Support facilities for persons with disabilities subject to the application of the provision of Article 3 of Supplementary Provisions of Standards for Equipment and Operation of Support Facilities for Persons with Disabilities based on the Act for Enforcement of Supporting the Independence of Persons with Disabilities (Ministerial Order No. 177 of 2006 of the Ministry of Health, Labour and Welfare) prior to amendment by the provisions of Article 16 of the Ministerial Ordinance Concerning Maintenance, etc. of Relevant Ministerial Ordinances Accompanying the Enforcement of the Act on the Development of Relevant Laws to Take New Disability Health and Social Welfare Measures Toward the Realization of Coexistence In Local Communities (Ministerial Order No. 4 of the Ministry of Health, Labour and Welfare, 2013) which have been

operating continuous support for employment services Type A business since before the date of enforcement of this Ordinance, may continue to provide such continuous support for employment services Type A for the time being pursuant to the provisions of the following paragraph to paragraph (15) of the Supplementary Provisions.

(平二五条例五三・令三条例七五・一部改正)

(Partially amended by Ordinance No. 53 of 2013 and Ordinance 75 of 2021)

3 障害者支援施設は、次に掲げる事業の運営についての重要事項に関する運営規程を定めなければならない。

(3) A support facility for persons with disabilities must establish operation rules concerning important matters for the operation of the following businesses.

一 事業の目的及び運営の方針

(i) Purpose of business and policy for operation

二 職員の職種、員数及び職務の内容

(ii) Types of jobs, number of employees, and job description

三 営業日及び営業時間

(iii) Business days and hours

四 利用定員

(iv) Capacity

五 提供する就労継続支援A型の内容(生産活動に係るものを除く。)並びに利用者から受領する費用の種類及びその額

(v) Details of continuous support for employment services Type A for persons with disabilities offered (excluding those pertaining to production activities) and the types and amounts of expenses received from users

六 提供する就労継続支援A型の内容(生産活動に係るものに限る。)、賃金及び附則第十項に規定する工賃並びに利用者の労働時間及び作業時間

(vi) The contents of continuous support for employment services Type A for persons with disabilities offered (limited to those pertaining to production activities), wages and the wages prescribed in paragraph (10) of the Supplementary Provisions, and the working hours and work hours of the users

七 通常の事業の実施地域

(vii) Area in which regular business is conducted

八 サービスの利用に当たっての留意事項

(viii) Matters to keep in mind when using the service

九 緊急時等における対応方法

(ix) How to respond to emergencies, etc.

十 非常災害対策

(x) Extraordinary disaster control measures

十一 事業の主たる対象とする障害の種類を定めた場合には当該障害の種類

(xi) If the type of disability that is the main target of the business is specified, the type of disability that is the main target of the business

十二 虐待の防止のための措置に関する事項

(xii) Matters related to measures for the prevention of abuse

十三 その他運営に関する重要事項

(xiii) Other important matters concerning operation

(令三条例七五・追加)

(Addition of Ordinance 75 of 2021)

4 障害者支援施設は、利用者と雇用契約を締結しなければならない。

(4) A support facility for persons with disabilities must enter into an employment contract with the user.

(令三条例七五・旧第三項繰下)

(Former paragraph (3) moved down by Ordinance 75 of 2021)

5 前項の規定にかかわらず、障害者支援施設(昼間実施サービスとして就労継続支援B型を提供するものを除く。)は、利用者のうち省令第六条の十第二号に規定する者に対して雇用契約を締結せずに就労継続支援A型を提供することができる。

(5) Notwithstanding the provision of the preceding paragraph, support facilities for persons with disabilities (excluding those which offer continuous support for employment services Type B) may offer offering continuous support for employment services Type A to the persons prescribed in Article 6-10, item (ii) of the Ministerial Order among users without concluding employment contracts.

(令三条例七五・旧第四項繰下)

(Former paragraph (4) moved down by Ordinance 75 of 2021)

6 障害者支援施設は、就労の機会の提供に当たっては、地域の実情並びに製品及びサービスの需給状況等を考慮して行うよう努めるとともに、作業の能率の向上が図られるよう、利用者の障害の特性等を踏まえた工夫を行わなければならない。

(6) In offering opportunities for employment, support facilities for persons with disabilities must endeavor to offer them in consideration of the actual conditions of the area and the supply and demand situation of products and services, etc. and must endeavor to devise ways to improve the efficiency of work by taking into account the characteristics of users' disabilities, etc.

(令三条例七五・旧第五項繰下)

(Former paragraph (5) moved down by Ordinance 75 of 2021)

7 障害者支援施設は、就労継続支援A型を提供する場合における就労の機会の提供に当た

っては、利用者の就労に必要な知識及び能力の向上に努めるとともに、その希望を踏まえたものとしなければならない。

- (7) In offering opportunities for employment in the case that support facilities for persons with disabilities offer Type A continuous employment support, they must endeavor to improve the knowledge and abilities necessary for users to work and take their wishes into consideration.

(令三条例七五・追加)

(Addition of Ordinance 75 of 2021)

- 8 障害者支援施設は、利用者(附則第四項の規定により就労継続支援A型の提供を受けている者(附則第十項から第十二項までにおいて「雇用契約を締結していない利用者」という。)を除く。)が自立した日常生活又は社会生活を営むことを支援するため、賃金の水準を高めるよう努めなければならない。

- (8) Support facilities for persons with disabilities must endeavor to raise the level of wages in order to support users (excluding those who are offered Type A support for continuous employment pursuant to the provision of paragraph (4) of the Supplementary Provisions (referred to as "users who have not concluded an employment contract" in paragraphs (10) to (12) inclusive of the Supplementary Provisions)) to live a self-reliant daily or social life.

(平二五条例五三・一部改正、令三条例七五・旧第六項繰下・一部改正)

(Partially amended by Ordinance No. 53 of 2013; partially amended by, and former paragraph (6) moved down by, Ordinance 75 of 2021)

- 9 障害者支援施設は、就労継続支援A型を提供する場合には、生産活動に係る事業の収入から生産活動に係る事業に必要な経費を控除した額に相当する金額が、利用者に支払う賃金の総額以上となるようにしなければならない。

- (9) In the case that a support facility for persons with disabilities offers continuous support for employment services Type A, it must ensure that the amount equivalent to the amount obtained by deducting the expenses necessary for business pertaining to production activities from the revenue of business pertaining to production activities is at least the total amount of wages paid to users.

(令三条例七五・追加)

(Addition of Ordinance 75 of 2021)

- 10 障害者支援施設は、雇用契約を締結していない利用者に生産活動に係る事業の収入から当該生産活動に係る事業に必要な経費を控除した額に相当する額を工賃として支払わなければならない。

- (10) Support facilities for persons with disabilities must pay as wages to users who have not concluded an employment contract the amount equivalent to the amount

obtained by deducting the expenses necessary for the business activities pertaining to such production activities from the revenue of the business activities pertaining to such production activities.

(令三条例七五・旧第七項繰下)

(Former paragraph (7) moved down by Ordinance 75 of 2021)

11 前項の規定により雇用契約を締結していない利用者それぞれに対し支払われる一月当たりの工賃(同項に規定する工賃をいう。次項において同じ。)の平均額は、三千円を下回ってはならない。

(11) The average amount of the monthly wage (referring to the wage stipulated in the preceding paragraph; the same must apply to the following paragraph) paid to each user who has not concluded an employment contract pursuant to the provisions of the preceding paragraph must not be less than 3,000 yen.

(令三条例七五・旧第八項繰下)

(Renumbering of Ordinance 75 of 2021, former paragraph (8))

12 障害者支援施設は、雇用契約を締結していない利用者が自立した日常生活又は社会生活を営むことを支援するため、工賃の水準を高めるよう努めなければならない。

(12) A support facility for persons with disabilities must endeavor to increase the level of wages in order to support users who have not concluded an employment contract to lead a self-reliant daily or social life.

(令三条例七五・旧第九項繰下)

(Former paragraph (9) moved down by Ordinance 75 of 2021)

13 障害者支援施設は、利用者及び従業者以外の者を就労継続支援A型の事業に従事するために雇用する場合は、次の各号に掲げる就労継続支援A型の利用定員の区分に応じ、当該各号に定める数を超えて雇用してはならない。

(13) In the event that support facilities for persons with disabilities employ persons other than users and employees to engage in continuous support for employment services Type A business, they must not exceed the number prescribed in each of the following items according to the classification of user capacity of continuous support for employment services Type A set forth in those items.

一 利用定員が十人以上二十人以下 利用定員に百分の五十を乗じて得た数

(i) Capacity of 10 to 20 persons Number obtained by multiplying the capacity by 50/100

二 利用定員が二十一人以上三十人以下 十又は利用定員に百分の四十を乗じて得た数のいずれか多い数

(ii) Capacity of 21 to 30 persons 10 or the number obtained by multiplying the capacity by 40/100, whichever is greater

三 利用定員が三十一人以上 十二又は利用定員に百分の三十を乗じて得た数のいずれか多い数

(iii) Capacity of 31 or more persons 12 or the number obtained by multiplying the capacity by 30/100, whichever is greater

(令三条例七五・旧第十項繰下)

(Former paragraph (10) moved down by Ordinance 75 of 2021)

14 障害者支援施設は、就労継続支援A型を提供する場合には、おおむね一年に一回以上、利用者の労働時間その他の当該障害者支援施設の運営状況に関し必要な事項として厚生労働大臣が定める事項について、厚生労働大臣が定めるところにより、自ら評価を行い、その結果をインターネットの利用その他の方法により公表しなければならない。

(14) In the event that a support facility for persons with disabilities offers continuous support for employment services Type A, it must, approximately once a year or more, conduct its own evaluation of working hours of users and other matters prescribed by the Minister of Health, Labour and Welfare as necessary for the state of operation of that support facility for persons with disabilities, as prescribed by the Minister of Health, Labour and Welfare, and publicize the results thereof by using the Internet or other methods.

(令三条例七五・追加)

(Addition of Ordinance 75 of 2021)

15 第四条、第九条、第十五条、第二十三条及び第二十六条から第二十八条までの規定は、障害者支援施設について準用する。この場合において、第四条第六号中「就労継続支援B型(省令第六条の十第二号に規定する就労継続支援B型をいう。以下同じ。)」とあるのは「就労継続支援A型(省令第六条の十第一号に規定する就労継続支援A型をいう。以下同じ。)又は就労継続支援B型(省令第六条の十第二号に規定する就労継続支援B型をいう。以下同じ。)」と、第九条第三項中「就労継続支援B型」とあるのは「就労継続支援A型又は就労継続支援B型」と、第十五条第一項及び第二十三条第二項中「又は就労継続支援B型」とあるのは「、就労継続支援A型又は就労継続支援B型」と、第二十六条第二項中「就労継続支援B型」とあるのは「就労継続支援A型又は就労継続支援B型」と、第二十七条第二項中「就労継続支援B型」とあるのは「就労継続支援A型又は就労継続支援B型」と、同条第三項中「又は就労継続支援B型」とあるのは「、就労継続支援A型又は就労継続支援B型」と、第二十八条第二項及び第四項中「就労継続支援B型」とあるのは「就労継続支援A型又は就労継続支援B型」と読み替えるものとする。

(15) The provisions of Article 4, Article 9, Article 15, Article 23 and Articles 26 through 28 shall apply mutatis mutandis to support facilities for persons with disabilities. In this case, the phrase “continuous support for employment services Type B (meaning continuous support for employment services Type B prescribed in Article 6-10, item (ii)

of the Ministerial Order; the same applies hereinafter)” in Article 4, item (vi), is deemed to be replaced by “continuous support for employment services Type A (meaning continuous support for employment services Type A prescribed in Article 6-10, item (i) of the Ministerial Order; the same applies hereinafter) or continuous support for employment services Type B (meaning continuous support for employment services Type B prescribed in Article 6-10, item (ii) of the Ministerial Order; the same applies hereinafter)”; the phrase “continuous support for employment services Type B” in Article 9, paragraph (3), is deemed to be replaced by “continuous support for employment services Type A or continuous support for employment services Type B”; the phrase “continuous support for employment services Type B” in Article 15, paragraph (1) and Article 23, paragraph (2), is deemed to be replaced by “continuous support for employment services Type A or continuous support for employment services Type B”; the phrase “continuous support for employment services Type B” in Article 26, paragraph (2), is deemed to be replaced by “continuous support for employment services Type A or continuous support for employment services Type B”; the phrase “continuous support for employment services Type B” in Article 27, paragraph (2), is deemed to be replaced by “continuous support for employment services Type A or continuous support for employment services Type B”; the phrase “continuous support for employment services Type B” in paragraph (3) of the same Article, is deemed to be replaced with “continuous support for employment services Type A or continuous support for employment services Type B”; and the phrase “continuous support for employment services Type B” in Article 28, paragraphs (2) and (4), is to be deemed to be replaced with “continuous support for employment services Type A or continuous support for employment services Type B.”

(令三条例三八・一部改正、令三条例七五・旧第十一項繰下)

(Partial amendment of Ordinance No. 38 of 2021 and numbering adjustment for previous paragraph (11) of Ordinance No. 75 of 2021)

(多目的室の経過措置)

(Transitional measures for multipurpose rooms)

16 地域社会における共生の実現に向けて新たな障害保健福祉施策を講ずるための関係法律の整備に関する法律(平成二十四年法律第五十一号)第一条の規定による改正前の障害者自立支援法(平成十七年法律第二百二十三号)(以下この項において単に「法」という。)附則第四十一条第一項の規定によりなお従前の例により運営をすることができることとされた法附則第三十五条の規定による改正前の身体障害者福祉法(昭和二十四年法律第二百八十三号。以下「旧身体障害者福祉法」という。)第二十九条に規定する身体障害者更生施設、旧身体障害者福祉法第三十条に規定する身体障害者療護施設若しくは旧身体

障害者福祉法第三十一条に規定する身体障害者授産施設(障害者自立支援法の一部の施行に伴う厚生労働省関係省令の整備等に関する省令(平成十八年厚生労働省令第百六十九号。以下「整備省令」という。))第三十一条による改正前の身体障害者更生援護施設の設備及び運営に関する基準(平成十五年厚生労働省令第二十一号)第五十条第一号に規定する身体障害者入所授産施設に限る。))又は法附則第五十八条第一項の規定によりなお従前の例により運営をすることができることとされた法附則第五十二条の規定による改正前の知的障害者福祉法(昭和三十五年法律第三十七号。以下「旧知的障害者福祉法」という。))第二十一条の六に規定する知的障害者更生施設(整備省令第一条第六号による廃止前の知的障害者援護施設の設備及び運営に関する基準(平成十五年厚生労働省令第二十二号。以下「旧知的障害者援護施設最低基準」という。))第二十二条第一号に規定する知的障害者入所更生施設に限る。))若しくは旧知的障害者福祉法第二十一条の七に規定する知的障害者授産施設(旧知的障害者援護施設最低基準第四十六条第一号に規定する知的障害者入所授産施設に限る。))の建物として平成十八年十月一日前から存していたもの(同日において基本的な設備が完成していたものを含み、同日後に増築され、又は改築される等により建物の構造を変更したものを除く。))において施設障害福祉サービスを提供する場合は、当分の間、第九条第一項に規定する多目的室を設けないことができる。

- (16) In the case of offering in-facility welfare services for persons with disabilities in a building that existed before October 1, 2006 as a building of a rehabilitation facility for physically disabled persons with disabilities prescribed in Article 29 of the Act on Welfare of Physically Disabled Persons, prior to amendment by the provisions of Article 35 of the supplementary provisions of the Act on the Development of Relevant Laws to Take New Disability Health and Social Welfare Measures Toward the Realization of Coexistence In Local Communities (Act No. 51 of 2012) (hereinafter in this paragraph, simply referred to as the "Act"), (Act No. 283 of 1949; hereinafter referred to as "former Act on Welfare of Physically Disabled Persons"), which may be operated pursuant to the provisions then in force pursuant to the provision of paragraph (1) of Article 41 of the supplementary provisions of the Services and Supports for Persons with Disabilities Act (Act No. 123 of 2005) prior to amendment by the provisions of Article 1 of the Act and care facilities for the physically disabled provided for in Article 30 of the former Act on Welfare of Physically Disabled Persons; or vocational facilities for physically disabled persons provided for in Article 31 of the former Act on Welfare of Physically Disabled Persons (limited to physically disabled persons' residential aid facilities prescribed in Article 50, item (i) of the Standards for Equipment and Operation of Physically Disabled Persons' Rehabilitation Facilities (Ministerial Order No. 21 of 2003) prior to the revision by Article 31 of the Ministerial Order Concerning the Development, etc. of Relevant Ministerial Orders of the Ministry of Health, Labour and Welfare in connection with the

partial amendment of the Act for Enforcement of the Services and Supports for Persons with Disabilities (Ministerial Order No. 169 of 2006; hereinafter referred to as "the Ministerial Order for Development"); or a rehabilitation facility for intellectually disabled persons with disabilities prescribed in Article 21-6 of the Intellectual Disability Welfare Act before the amendment by the provisions of Article 52 of the supplementary provisions of the Act (Act No. 37 of 1960; hereinafter referred to as the "former Act for the Welfare of Persons with Disabilities"), which may be operated in accordance with the provisions then in force pursuant to the provision of Article 58, paragraph (1) of the supplementary provisions of the Act (limited to residential rehabilitation facilities for intellectually disabled persons prescribed in Article 22, item (i) of the Standards on Equipment and Operation of Facilities for Aid of Intellectually Disabled Persons before its repeal pursuant to Article 1, item (vi) of the Ministerial Order for Maintenance (Ministerial Order No. 22 of 2003; hereinafter referred to as "former minimum standard for aid facilities for intellectually disabled persons"); or a vocational facility for intellectually disabled persons provided for in Article 21-7 of the former Act for the Welfare Intellectually Disabled Persons (limited to a residential vocational facility for intellectually disabled persons provided for in Item (i) of Article 46 of the former minimum standard for aid facilities for intellectually disabled persons); (including those whose basic facilities were completed on the same day, and excluding those whose building structure was changed by extension or reconstruction after the same day), if the facility is provided for by law, for the time being, a multi-purpose room provided in paragraph (1), Article 9 (2) A multi-purpose room prescribed in paragraph (1) of Article 9 may not be provided for the time being.

(平二五条例五三・一部改正、令三条例七五・旧第十二項繰下)

(Partially amended by Ordinance 53 of 2013; former paragraph (12) moved down by Ordinance 75 of 2021)

附 則(平成二五年条例第五三号)

Supplementary Provisions (Ordinance No. 53 of 2013)

この条例は、平成二十五年四月一日から施行する。

This Ordinance comes into effect as of April 1, 2013.

附 則(平成二六年条例第一七五号)

Supplementary Provisions (Ordinance No. 175 of 2014)

この条例は、平成二十七年四月一日から施行する。

This ordinance comes into effect as of April 1, 2015.

附 則(令和三年条例第三八号)

Supplementary provisions (Ordinance No. 38 of 2021)

(施行期日)

(Effective Date)

1 この条例は、令和三年四月一日(以下「施行日」という。)から施行する。

(1) This ordinance comes into effect as of April 1, 2021 (hereinafter referred to as the "effective date").

(経過措置)

(Transitional measures)

2 施行日から令和四年三月三十一日までの間、この条例による改正後の東京都障害者支援施設の設備及び運営の基準に関する条例(以下「改正後の条例」という。)第三条第三項及び第四十二条の二の規定の適用については、これらの規定中「講じなければならない」とあるのは「講じるよう努めなければならない」とする。

(2) With regard to the application of the provisions of Article 3, paragraph (3) and Article 42-2 of Tokyo Metropolitan Government Ordinance on Standards for Equipment and Operation of Support Facilities for Persons with Disabilities (hereinafter referred to as "Amended Ordinance") as amended by this ordinance from the effective date until March 31, 2022, "must provide" in these provisions shall be replaced with "must endeavor to provide".

3 施行日から令和六年三月三十一日までの間、改正後の条例第十四条の二の規定の適用については、同条第一項中「講じなければならない」とあるのは「講じるよう努めなければならない」と、同条第二項中「実施しなければならない」とあるのは「実施するよう努めなければならない」と、同条第三項中「行う」とあるのは「行うよう努める」とする。

(3) During the period from the effective date to March 31, 2024, with regard to the application of the provisions of Article 14-2 of the Amended Ordinance, the terms "must formulate" and "must take" in paragraph (1) of the said Article shall be deemed to be replaced with "must endeavor to formulate" and "must endeavor to take"; the term "must work" in paragraph (2) of the said Article shall be deemed to be replaced with "must endeavor to work," and the term "shall review" in paragraph (3) of the said Article shall be deemed to be replaced with "shall endeavor to review."

4 施行日から令和六年三月三十一日までの間、改正後の条例第三十六条第二項の規定の適用については、同項中「講じなければならない」とあるのは「講じるよう努めなければならない」とする。

(4) During the period from the effective date to March 31, 2024, with regard to the application of the provisions of Article 36, paragraph (2) of the Amended Ordinance, the term "must take" in the same paragraph shall be replaced with "must endeavor to take".

5 施行日から令和四年三月三十一日までの間、改正後の条例第三十八条第三項の規定の適

用については、同項中「講じなければならない」とあるのは「講じるよう努めなければならない」とする。

- (5) During the period from the effective date to March 31, 2022, with regard to the application of the provisions of Article 38, paragraph (3) of the Amended Ordinance, the term "must take" in the same paragraph shall be replaced with "must endeavor to take".

附 則(令和三年条例第七五号)

Supplementary provisions (Ordinance No. 75 of 2021)

この条例は、令和三年七月一日から施行する。ただし、附則の改正規定は、公布の日から施行する。

This ordinance comes into effect as of July 1, 2021. However, the amended provisions of the supplementary provisions shall come into effect as of the date of promulgation.