

Chapter 2 Development towards Enhancement of Support for Persons with Disabilities

Section 1 Amendment of Act on Comprehensive Support for Persons with Disabilities

1. Circumstances

(1) Circumstances Hitherto

Regarding the measures for disability health care and welfare, necessary revisions have been made to each of the categories of physical disability, intellectual disability and mental disability. This has been done with focus on “Community Living Support,” which supports persons with disabilities to live independently in communities. The measures aim at building systems to provide services mainly through the municipalities that are most familiar to the inhabitants.

Firstly, the “Assistance Funding System” that came into effect from April 1, 2003, greatly changed the way of service from “Measures” to “Contract” and clarified user-oriented thinking with respect for self-determination.

Subsequently, according to “Services and Supports for Persons with Disabilities Act” that was enforced on April 1, 2006 (2005, Act No.123), there was a drastic reconsideration of welfare facilities and project schemes. Owing to the new law, persons with mental disabilities who had not been included within the scope of the “Assistance Funding System” became the objects of the disability welfare system in addition to physically or intellectually challenged people. Moreover, this reconsideration was to enable persons with disabilities to receive the necessary welfare services and consultation support that will facilitate independence in their daily and social lives, in response to issues such as transition to community living and job assistance for disabled persons.

Thereafter, the “The General Welfare Subcommittee” under the Council for Promotion of System Reform for Persons with Disabilities, did a study for about 2 years with respect to the provision of supports without gap in the systems and improvement of community living support systems according to the individual needs and compiled the so-called “Framework Proposal” related to the reform of this system.

Based on this Framework Proposal, the “Act on Development of Relevant Acts to Take New Measures for Disability Healthcare and Welfare toward the Realization of Coexistence in Regional Society” was enacted and enforced on April 1, 2013 (part of the Act became effective on April 1, 2014). This Act includes the contents of “Services and Supports for Persons with Disabilities Act” considered as “Act on Comprehensive Support for Daily and Social Life of Persons with Disabilities” (hereinafter referred to as “Act on Comprehensive Support for Persons with Disabilities”)

Toward the review within three years of the implementation (April 2016) as stated in the appendix of the “Act on Comprehensive Support for Persons with Disabilities,” the Social Welfare Council’s Subcommittee on Persons with

Disabilities conducted a total of 19 deliberations from April to December 2015 and summarized a report on the future efforts. To respond to matters, which require a legal reform, included in the report, a “Bill on Partial Amendment of the Child Welfare Act and Act on Comprehensive Support for Daily and Social Life of Persons with Disabilities” with contents about activities like improvement of disability welfare services and facility visit care for children with disabilities, was enacted in May 2016 (Refer to Fig.2-1 for an outline of the Act)

(2) Circumstances of this Amendment

The number of users of group homes that accept disabled persons when moving to community living was around 48,000 persons in March 2009, but has doubled in March 2016 to about 102,000 persons. It is evident from this that there are an increasing number of disabled persons who wish to move to community living.

It should also be noted that the number of disabled persons moving to regular jobs was around 3,300 persons in 2009, but has increased by about 3.6 times in 2015 with about 12,000 persons. Considering the fact that various problems have been occurred on their lives along with employment, measures to eliminate the problems are required.

To state further, the number of elderly people aged 65 years or more using disability welfare services was about 53,000 persons in May 2010, but has doubled to about 117,000 persons in March 2015. Thus, the support for aging persons with disabilities is the urgent necessity.

With the progress of medical technology, there is an increasing number of disabled children using ventilator support and gastrostomy, etc. and requiring medical care such as phlegm suction and tube feeding following long-term hospitalization at NICU (Neonatal Intensive Care Unit), etc. This is the major reason of diversification of support needs for disabled children. With these circumstances surrounding persons with disabilities, “Support for community living as desired by persons with disabilities”, “Detailed support for needs of children with disabilities” and “Improvement of environment for securing and improving the quality of service” are considered as the main pillars in the amendment of Act on Comprehensive Support for Persons with Disabilities.

Fig. 2-1

Bill on Partial Amendment of the Child Welfare Act and Act on Comprehensive Support for Daily and Social Life of Persons with Disabilities (Overview)

Purpose	(Enacted on May 25, 2016 and made public on June 3 of the same year)
<p>To enable persons with disabilities to live a community life of their choice, there shall be further enhancement of support for “Living” and “Employment” and review for promoting smooth usage of long-term care insurance services by elderly persons with disabilities. This will be in addition to providing detailed support to the diversified needs of children with disabilities and setting up an environment for securing and improving the quality of service.</p>	
Overview	
<p>1. Support for community living as desired by persons with disabilities</p> <p>(1) Establish a service to provide consultation and advice for a smooth community living, by regularly visiting and responding as required to people who have been using the facility accommodation support or community living support, etc. (<u>Assistance for Independent Living</u>)</p> <p>(2) Establish a service to support coordination with the business office and family to cope with issues in the living front related to employment</p> <p>(3) Definitive support shall be facilitated for visiting care for persons with severe disabilities even <u>when hospitalized to a medical institution</u></p> <p>(4) <u>When elderly and disabled persons with a low income who have been using the disability welfare service for a considerably long period of time until they were 65 years of age, continue to use long-term care insurance service that is equivalent to disability welfare service, establish a mechanism to reduce (reimburse) the user fee of the long-term care insurance service, by the disability welfare system</u></p> <p>2. Long-term care insurance service corresponding to disability welfare service</p> <p>(1) Establish a service to provide <u>developmental support with home visit</u> to children who cannot go out due to severe disabilities</p> <p>(2) Expand the scope of disabled children in <u>nurseries and child care facilities</u> by support by visiting day care centers, etc. for providing developmental support to disabled children in day care centers, etc.</p> <p>(3) Endeavour to promote collaboration among health care, medical treatment, welfare, etc. in local governments so that <u>disabled children who need medical treatment can receive appropriate support</u></p> <p>(4) To promote the systematic construction of system to provide service children with disabilities, the local governments shall formulate a <u>welfare plan for children with disabilities</u>.</p> <p>3. Improvement of environment for securing and improving the quality of service</p> <p>(1) Lending of prosthetic devices shall be possible with a fee for disabled children who need replacements of those devices in short spans of time as they grow</p> <p>(2) The Prefectural Governments shall establish a system to publicize information about the operational details, etc. of the service offices and prepare the provisions required for improving the efficiency of the administrative affairs of the local governments</p>	
Effective Date	
April 1, 2018 (Promulgation date for 2.(3) (June 3, 2016))	

Materials: Ministry of Health, Labor and Welfare

2. Main Summary of the Amendment

(1) Support for community living as desired by persons with disabilities

① Establishment of new service to support community living (Support for Independent Living)

There is an increasing need of group homes, which are disbursements to disabled persons when moving to a community, as these homes help them to live peacefully in the community. There are many disabled persons who wish to live not just in group homes, but also in familiar areas or even independently with a high degree of freedom, however, independent living may not be an option due to their lack of understanding and living abilities owing to their intellectual disability or mental disorder.

To support community living that respects the interests of an individual, it was decided that a service (Support for Independent Living) will be established over a certain period of time to give the right support at the right timing to these people, by regular visits and support as and when required.

For persons with mental and intellectual disabilities who wish to move out of disabled persons’ support facilities and group homes, etc. to live independently, Support for Independent Living involves regular visits to check matters such as

no issues with food, laundry and cleaning, no defaulting of public utility fees and rents, no change in physical condition, checking for hospital visits, checking if the relationship with community residents is good, etc.. It also provides the necessary advice and contact and coordination with the medical institutions, etc. In addition to regular visits, in the event of discussion with users, there shall be support by visit, phone, mail, etc. as and when required.

② Establishment of new service to support employment stability

The number of persons moving to general employment using the employment-based disability welfare service exceeded 10,000 in the year 2013 and is increasing every year. So far, the Act on Comprehensive Support for Persons with Disabilities involves employment transition support and employment continuation support as employment services; the employment transition support, especially, had been supporting in getting employment in regular offices (general employment). However with the increase in the number of disabled persons moving to general employment, the task of settling after moving to general employment has become an important issue.

To address these issues, it was decided that a service (Employment Stability Support) will be established over a certain period of time to support disabled persons who have moved to general employment using services such as employment transition support, etc. and support in coordinating and communication with the work place and family.

Employment Stability Support aims at stability in employment; it coordinates to offer living support for disabled persons by discussing with them to understand the challenges at the living front, contacting and coordinating with the related organizations such as medical institutions, place of employment and establishments engaged in disability welfare services and offering the support required to resolve the associated issues. Specifically, support will be given for activities required such as communication and coordination, guidance and advice, etc. to solve issues related to lifestyle rhythm, household and physical condition management, by visits to work place and homes or visits by the disabled persons.

③ Expansion of visiting care for persons with severe disabilities

The existing visiting care for persons with severe disabilities provides the convenience of nursing care at home for bathing, excreting and taking meals as well as providing comprehensive nursing care when going out, etc. for severely disabled persons, however, it is not possible to use this care when the person is hospitalized.

In regard the following cases are pointed out,

- A person who needs special nursing care for tasks such as change in posture may not get it appropriately which results in pain
- Persons who have significant behavioral difficulties may not receive support that is appropriate with their disability characteristics. This leads to confusion (panic) due to strong emotions like anxiety and fear which results in self-injury.

Therefore, it is necessary to expand visiting care for persons with disabilities and facilitate support at the medical institution. In the medical institution, a helper who is familiar with the user's condition communicates accurately with the healthcare professional about the special nursing care method which differs with users (for example: posture change), leads to appropriate support, conveys the environment suited for the person in question and his lifestyle habits accurately to the health care professional to prevent panic due to strong anxiety and fear, adjusts the environment of hospital room, etc. and enhances support.

④ Smooth usage of long-term care insurance services by elderly persons with disabilities

In April 2006 when Services and Supports for Persons with Disabilities Act was enforced, the user fee for disability welfare service was equal to the long-term care insurance system which was 10% in principle, but later, there have been a series of mitigation measures which has resulted in the existing user fee set to be subsidized when compared to the long-term care insurance system.

On the other hand, Article 7 of Act on Comprehensive Support for Persons with Disabilities states that persons who are entitled to receive the equivalent of self-support benefits from among long-term care insurance benefit allowance pursuant to the provisions of the Long-term Care Insurance Act (1997, Act No.123), medical care benefits from Health Insurance, compensations from workers' accident compensation insurance or accidents in line of duty, etc., will not be entitled to receive the payment from self-support benefits as long as they can receive long-term care benefits, that is to say, payment will be made only when it is not possible to receive long-term care benefits. When disabled persons turn 65 years of age, they will generally start using the long-term care insurance benefits pursuant to Long-Term Care Insurance Act

When such persons turn 65, despite the fact that there are no elements that make life easier like increase in income or decrease in living costs, they face the issue of increase in user fee when continuing to use the welfare services, due the user fee factor associated with long-term care insurance benefits pursuant to Long-Term Care Insurance Act.

To address such issues, measures will be taken to help continued use of the disability welfare service from the time before which they can use the long-term care insurance benefits of Long-Term Care Insurance Act, and reduce the user fee related to long-term care insurance service for those disabled persons who meet conditions such as low income, etc.

(2) Detailed support to diversification of needs of children with disabilities

① Establishment of service to provide child development support by home visits

Support for disabled children is generally considered as support for children by visits to facilities where many of them are gathered as this is thought to be desirable for their growth, therefore, steps have been taken so far to enhance facility visit care; although home visits have been facilitated for children who cannot go out due to severe disabilities, no support has been established for providing disabled children with the necessary medical treatment. Therefore, the children who cannot go out due to severe disabilities find it difficult to develop the ability to adapt to daily lives that is learnt naturally through everyday actions, etc.

There are situations of severe disabilities, etc. considering the context of the above-mentioned circumstances. Therefore, it has been decided that a service (Developmental Support for Children by Home Visit) will be provided for children with severe disabilities who find it extremely difficult to go out and use the facility visit care for disabled children. This service will provide support at home for disabled children such as teaching the basic behavior for daily life, inculcating intellectual abilities, providing training required for improving their living ability, etc.

② Support by visits to day care centers, etc. to be expanded to more targets

Currently, support for disabled children by visiting day care centers, etc. involves a medical expert visiting facilities like day care centers where children live in a group to provide specialized support for adapting to group living with other children in the facility and playing the role of encouraging disabled children to stably use facilities like day care centers etc.

Currently 'support by visit to day care centers, etc.' can be availed only by disabled children who can use commute to facilities that belong to facility visit

care system, etc., therefore, it cannot be used by children who are admitted to facilities like nurseries and child care facilities. Presently, the proportion of disabled children among children admitted is about 30% and it is difficult for just the staffs of the facility who are not medical experts to provide adequate support to disabled children.

In view of these circumstances, it was decided to expand the provisions of such support so that 'support by visit to day care centers' can be used by children admitted to facilities like nurseries also.

③ Support for disabled children who need medical care

In recent years, with the progress in medicine, there are an increasing number of children who are admitted to NICU after birth and continue to require medical care such as phlegm suction using ventilator, etc. to carry on with their daily lives after discharge (hereinafter referred to as "Medical Care Children"). In the event of the mentioned Medical Care Children to continue with home life, the placement of Medical Care Children is not clear in the system pertaining to disabled children. It has been pointed out that such reasons lead to difficulty in receiving the necessary welfare service apart from inadequate communication and coordination with the related organizations for medical treatment, welfare, education, etc.

In view of these circumstances, the local public entities have decided to take the necessary measures for establishing a system for communication and coordination among organizations that provide support in each field, so that Medical Care Children can receive medical treatment, health care, welfare, education and other such supports in every field according to their physical and mental conditions.

④ Systematic construction of service provision system for disabled children

To systematically ensure a system to provide services based on the Act on Comprehensive Support for Persons with Disabilities, it is stipulated in the same law that the Prefectures and Municipalities shall formulate the respective disability welfare plan and decide the target, etc. related to ensuring the provision system and expected amount required for each type of service; however, deciding the target for ensuring the system for providing services based on Child Welfare Act (1947, Act No.164) is not considered to be the duty of the Prefectures and Municipalities.

To address these as well and promote the development of an environment

that can be provided sustainably, it is imperative to make a systematic decision about the target, etc. related to ensuring the provision system and expected amount required for each type of service and take the necessary measures for progressing with the formulation of the plan.

Therefore, regarding service for disabled children also based on Children Welfare Act, it has been decided that it will be the duty of Prefectures and Municipalities to formulate disabled children welfare plan to decide about the target, etc. related to ensuring the provision system and the expected amount required for each type of service.

(3) Improvement of environment for securing and improving the quality of service

① Expansion of payment range of prosthetic device cost (lending to be added)

Presently, considering the disability condition of disabled persons, etc., the cost of the prosthetic device should be paid to persons who are in need of purchase or repair of prosthetic devices, as expenses to be incurred.

Considering the prosthetic devices for disabled persons, although there are many cases where custom-made devices are suitable, there are also scenarios that call for facilitating the convenience of the user by “lending” rather than “purchasing” such as cases of disabled children who need replacements of those devices in short spans of time as they grow or cases where the device is expected to be used only for a short period of time due to progress in disability.

Therefore, it has been newly decided that only the cases, where lending is deemed appropriate in light of convenience of disabled persons, etc., will be eligible for prosthetic device cost payment, while maintaining purchasing as the basic principle.

② Establishment of information disclosure system for those such as disability welfare services

While the number of establishments providing disability welfare services, etc. has greatly increased, enabling the users to select high quality services according to their individual needs as well as improving the quality of the service by these establishments is posing to be a great challenge. For this reason, following the mechanism of information disclosure system as in other systems, it was decided to establish a new mechanism for the facilities and operators, which would involve reporting the details of disability welfare service to the Prefectural Governor and the Prefectural Governor publishing the reported details

③ Improvement of efficiency of inspection and examination affairs by Local Governments

10 years have passed by since the enforcement of Services and Supports for Persons with Disabilities Act; there has been a huge increase in the number of establishments for disability welfare services, etc. and its users. Considering the significant increase in the work volume of inspection and examination affairs by local governments, it was decided to develop necessary provisions for delegating a part of these affairs.

(4) Effective Date

The effective date of this amendment shall be April 1, 2018, with the exception of establishment of Support for disabled children who need medical care (Effective promulgation date) given in (2) 3.