

Act No. 204 of 1948

Dental Hygienists Act

Article 1

The purpose of this Act is to provide for qualifications of dental hygienists and thus aims to prevent dental disease and improve oral hygiene.

Article 2

- (1) The term “Dental Hygienist” as used in this Act means a person that conducts the following acts as a profession under licensure from the Minister of Health, Labour and Welfare, as preventive treatment for dental and oral diseases under the instruction of dental practitioners (including medical practitioners capable of conducting dental practice; the same shall apply hereinafter):
 - (i) Removal of adhesions and deposits on exposed teeth and under the normal free gingival margin and normal gums by mechanical operations,
 - (ii) Applying drugs to teeth and oral cavities.
- (2) Notwithstanding the provisions of Article 31, paragraph (1) and Article 32 of the Act on Public Health Nurses, Midwives, and Nurses (Act No. 203 of 1948), Dental Hygienists may practice the profession of assistance of dental treatment.
- (3) Dental Hygienists may provide dental health guidance as a profession using the name of Dental Hygienists, in addition to the practices set forth in the preceding two paragraphs.

Article 3

A person seeking to become a Dental Hygienist must pass the National Dental Hygienist Examination (hereinafter referred to as the “Examination”) and receive licensure (hereinafter referred to as the “Licensure”) from the Minister of Health, Labour and Welfare

Article 4

A person who falls under any of the following items may be denied the Licensure:

- (i) A person who has been sentenced to a criminal fine or more severe punishment,
- (ii) A person other than one that falls under the preceding item, who has committed a crime or engaged in misconduct involving practice (including the practice of assistance of medical treatment and dental health guidance using the title of Dental Hygienist; hereinafter referred to as the “Practice” in the following item, Article 6, paragraph (3) and Article 8, paragraph (1)),
- (iii) A person specified by the Ordinance of the Ministry of Health, Labour and Welfare as being unable to appropriately conduct the Practice, due to physical disability or mental

disorder,

- (iv) A person who is addicted to narcotics, marijuana, or opium,

Article 5

The Dental Hygienists Registry is kept by the Ministry of Health, Labour and Welfare, and particulars of the Licensure are registered therein.

Article 6

- (1) Licensure is done via registration in the Dental Hygienists Registry, on an application by a person who has passed the Examination.
- (2) When the Minister of Health, Labour and Welfare grants Licensure, a Dental Hygienists License (hereinafter referred to as the "License") is issued.
- (3) A practicing Dental Hygienist shall report his/her name, address, and any other particulars specified by the Ordinance of the Ministry of Health, Labour and Welfare to the prefectural governor of the region in which he/she works, giving his/her current name, address, and said other particulars as of December 31 of the alternating years specified by Ordinance of the Ministry of Health, Labour and Welfare, by January 15 of the following year.

Article 7

Before finding an applicant for the Licensure to fall under Article 4, item (3) and deciding to deny the Licensure pursuant to the provisions of said Article, the Minister of Health, Labour and Welfare shall notify the applicant to that effect, and if so requested by the applicant, the Minister shall have officials designated by the Minister hear the opinions of the applicant.

Article 8

- (1) If a Dental Hygienist has come to fall under any of the items of Article 4, or has conducted himself/herself in way that is damaging to the dignity of a Dental Hygienist, the Minister of Health, Labour and Welfare may revoke the Licensure or order suspension of practice for a designated period.
- (2) Even if a person has been subject to a disposition of revocation under the provisions of the preceding paragraph, such person may be granted Licensure again if the particulars of the grounds for revocation have ceased to apply to such person, or when it has otherwise come to be found appropriate to grant said person relicensure due to subsequent circumstances. In such case, the provisions of Article 6, paragraph (1) and paragraph (2) apply *mutatis mutandis*.

Article 8-2

- (1) The Minister of Health, Labour and Welfare may have a person who the minister has designated (hereafter referred to as the "designated registration organization") perform the processes concerning the registration of Dental Hygienists (hereafter referred to as the "registration processes") provided for in Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The designation as a designated registration organization is made, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare upon application by a person who intends to perform the registration processes.
- (3) If the Minister of Health, Labour and Welfare must not designate a person as designation registration organization unless no other person has received designation and unless the application referred to in the preceding paragraph is found to satisfy the requirements in the following items:
 - (i) the application contains a plan concerning processes staff, provisions, methods for implementing the registration processes, and other matters that is appropriate for adequate and certain implementation processes;
 - (ii) it has the accounting and technical basis required for adequate and reliable implementation of the plan to carry out of the registration processes referred to in the previous item.
- (4) The Minister of Health, Labour and Welfare must not designate a registration organization if the application set forth in paragraph (2) falls under any of the following items:
 - (i) the applicant is a person other than a general incorporated association or a general incorporated foundation;
 - (ii) the applicant is unlikely to be able to carry out the registration processes fairly because it engages in business other than the registration processes;
 - (iii) the applicant's designation has been cancelled pursuant to the provisions of Article 8-13, and two years have not passed since the date of the cancellation;
 - (iv) the officers of the applicant fall under either of the following items:
 - (a) A person who has violated this Act and has been sentenced, and two years have not passed since the date on which the execution of the sentence has been completed or since the person has become no longer subject to the execution of the sentence.
 - (b) A person who has been dismissed pursuant to the provision of paragraph (2) in the next Article, and two years have not passed since the date of dismissal.

Article 8-3

- (1) The selection and dismissal of the officers of the designated registration organization do not come into force, if the Minister of Health, Labour and Welfare does not approve the selection and dismissal.

- (2) If an officer of the designated registration organization violates this Act (including orders or dispositions based on the Act) or the operational rules for registration processes provided in Article 8-5, paragraph (1) or commits significantly inappropriate misconduct concerning the registration processes, the Minister of Health, Labour and Welfare may order the designated registration organization to dismiss the officer.

Article 8-4

- (1) Each fiscal year, the designated registration organization must prepare a business plan and a budget for revenue and expenditure, and must ask the Minister of Health, Labour and Welfare for approval before the beginning of the fiscal year to which the plan pertains (without delay after the designation is given, if the day on which the designation is given falls in the fiscal year in which the plan and budget are prepared). The same applies if any changes are to be made.
- (2) The designated registration organization must prepare a business report and a report on the settlement of accounts within three months after the end of each fiscal year, and submit them to the Minister of Health, Labour and Welfare.

Article 8-5

- (1) The designated registration organization must provide operational rules concerning the implementation of the registration processes (hereafter referred to as the "operational rules for registration processes" in this Chapter) and ask the Minister of Health, Labour and Welfare to approve them before the organization starts the registration processes. The same applies if the operational rules for registration processes are to be changed.
- (2) The matters that are to be provided for in the operational rules for registration processes will be provided for in Ordinance of the Ministry of Health, Labour and Welfare.
- (3) If the Minister of Health, Labour and Welfare recognizes that the operational rules for registration processes for which approval in paragraph (1) has been obtained have become inappropriate for the adequate and definite implementation of registration processes, the minister may order the designated registration organization to change them accordingly.

Article 8-6

- (1) With regard to the application of Article 5 and paragraph (2) of Article 6, (including the case applied mutatis mutandis in Article 8, paragraph (2)), when the designated registration organization implements the registration processes, "the Ministry of Health, Labour and Welfare" in Article 5 is deemed to be replaced with "the designated registration organization," and "When the Minister of Health, Labour and Welfare grants Licensure, a Dental Hygienists License (hereinafter referred to as the "License") is issued" in paragraph (2) of Article 6 is deemed to be replaced with "When the Minister

of Health, Labour and Welfare grants Licensure, a Dental Hygienists License certificate is issued by the designated registration organization.”

- (2) When designated registration organization is engaged in the registration processes, a person seeking registration as a Dental Hygienist or a person seeking updated issuance or reissuance of a License or Dental Hygienists License certificate (hereinafter referred to as the “License Certificate”), must pay a fee to the designated registration organization in the amount provided for by a Cabinet Order.
- (3) The fee paid to the designated registration organization pursuant to the preceding paragraph is to be an income of the designated registration organization.

Article 8-7

- (1) An officer or a member of the staff of the designated registration organization or a person who had been in the positions of these duties must not disclose any secrets that came to be known to the person concerning the registration processes.
- (2) An officer or a member of the staff of the designated registration organization who is engaged in the registration processes is deemed as a member of the staff who is engaged in a public service pursuant to acts and ordinances with regard to the application of the Penal Code (Act No. 45 of 1907).

Article 8-8

The designated registration organization must prepare an account book in which matters concerning registration processes and what are provided for in Ordinance of the Ministry of Health, Labour and Welfare are written and keep it as a record.

Article 8-9

The Minister of Health, Labour and Welfare may issue an order required for supervision concerning registration processes to the designated registration organization if the minister finds it necessary for the enforcement of this act.

Article 8-10

The Minister of Health, Labour and Welfare may have the designated registration organization make a report to the extent necessary pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare if the minister finds it necessary for the enforcement of this act.

Article 8-11

- (1) The Minister of Health, Labour and Welfare may have a member of the ministry's staff enter the designated registration organization to the necessary extent to inspect the books, documents, and other necessary matters of the designated registration

organization on the spot and question the parties concerned of the said organization.

- (2) The member of staff who inspects the designated registration organization on the spot shall bring ID and present it at the request of the parties concerned.
- (3) The authority for the on-site inspection pursuant to the provision of paragraph (1) must not be interpreted as authorizing a criminal investigation.

Article 8-12

The designated registration organization must neither suspend nor abolish the whole or part of registration processes without obtaining approval from the Minister of Health, Labour and Welfare.

Article 8-13

- (1) The Minister of Health, Labour and Welfare must cancel the designation of the designated registration organization when the organization falls under any of the items (excluding item (iii)) of paragraph (4) of Article 8-2.
- (2) The Minister of Health, Labour and Welfare may cancel the designation of the designated registration organization or order the organization to suspend the whole or a part of registration processes for a term the minister decides if the organization falls under any of the following items:
 - (i) it is recognized that the requirements of all items in paragraph (3), Article 8-2 are not satisfied;
 - (ii) the organization violates an order pursuant to the provision of Article 8-3, paragraph (2), Article 8-5, paragraph (3) or Article 8-9;
 - (iii) the organization violates the provisions of Article 8-4, or the preceding Article;
 - (iv) the organization implements registration processes without complying with the operational rules for registration processes authorized pursuant to Article 8-5, paragraph (1);
 - (v) the said organization violates the conditions of paragraph (1) in the next Article.

Article 8-14

- (1) Conditions may be attached to designation, authorization or license pursuant to the provision of Article 8-2, paragraph (1), Article 8-3, paragraph (1), Article 8-4, paragraph (1), Article 8-5, paragraph (1) or Article 8-12, and the conditions may be changed.
- (2) The conditions in the preceding paragraph are limited to the minimum extent necessary for the certain implementation of matters related to the designation, authorization or license and an improper duty must not be imposed on a person who is designated, authorized or licensed.

Article 8-15

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Article 8-16

A person who has an objection to a disposition or inaction in respect of the registration processes implemented by the designated registration organization may submit a request for an investigation to the Minister of Health, Labour and Welfare. In this case, with respect to applying the provisions of paragraphs (2) and (3) Article 25, paragraphs (1) and (2), Article 46, Article 47, and paragraph (3), Article 49 of the Administrative Complaint Review Act (Act No.68 of 2014), the Minister of Health, Labour and Welfare shall be deemed to be a higher administrative authority to the designated registration organization.

Article 8-17

- (1) When the Minister of Health, Labour and Welfare has designated a designated registration organization, the minister is not to implement the registration processes.
- (2) The Minister of Health, Labour and Welfare is to implement the whole or part of registration processes, if the designated registration organization suspends the whole or part of registration processes upon obtaining approval pursuant to the provisions of Article 8-12, if the minister orders the designated registration organization to suspend the whole or part of the registration processes pursuant to the provision of Article 8-13, paragraph (2) or if the designated registration organization finds it difficult or becomes unable to implement the whole or part of the registration processes due to a natural disaster or otherwise and the minister finds it necessary to implement the registration processes instead.

Article 8-18

When the Minister of Health, Labour and Welfare has taken any of the following actions the minister must make a public notice of that fact in the official gazette:

- (i) making a designation pursuant to the provisions of Article 8-2, paragraph (1);
- (ii) granting approval pursuant to the provisions of Article 8-12;
- (iii) canceling designation pursuant to the provisions of Article 8-13, or ordering the designated registration organization to suspend the whole or part of registration processes;
- (iv) deciding to implement the whole or part of registration processes pursuant to the provision of paragraph (2) of the preceding Article or deciding to stop implementing the whole or part of the registration processes that the minister has been implementing.

Article 9

Beyond what is provided in this Act, other particulars concerning application for Licensure; registration in, corrections to, and deletions in the Dental Hygienist Registry; the issuance, updated issuance, reissuance, return, or submission of a license or license certificate; address notifications; designated registration organization and registration processes conducted thereby; and succession of registration processes, are specified by Ordinance of the Ministry of Health, Labour and Welfare.

Article 10

The Examination is conducted with regard to the knowledge and skills required for Dental Hygienists.

Article 11

The Minister of Health, Labour and Welfare administers the Examination at least once a year.

Article 11-2

- (1) The Minister of Health, Labour and Welfare shall have a Dental Hygienists Examination Board (hereinafter referred to as “Examination Board” in the following paragraph”) established in the Ministry of Health, Labour and Welfare to formulate and mark the Examination questions.
- (2) The Examination Board shall maintain a strict attitude on formulation and marking of examination questions, and shall administer such functions so as to prevent any misconduct.

Article 12

No person other than one who falls under either of the following items is qualified to take the Examination:

- (i) a person who has graduated from a Dental Hygienists school designated by the Minister of Education, Culture, Sports, Science and Technology;
- (ii) a person who has graduated from a Dental Hygienists training school designated by the prefectural governor;
- (iii) a person who has graduated from a foreign Dental Hygienists school or who has received a Dental Hygienists Licensure in a foreign country, whom the Ministry of Health, Labour and Welfare finds to have knowledge and skills equivalent or superior to the persons set forth in the preceding two items.

Article 12-2

- (1) If any misconduct is committed in respect of the Examination, the Minister of Health, Labour and Welfare may suspend the examination or have the examination results of a

person involved in the misconduct nullified.

- (2) The Minister of Health, Labour and Welfare may set a term during which a person subject to the disposition pursuant to the provision of the preceding paragraph is not permitted to apply for the Examination.

Article 12-3

- (1) An applicant who intends to take the Examination must pay the state an examination fee provided in a Cabinet Order in consideration of the actual cost.
- (2) The examination fee pursuant to the preceding paragraph is not returned when a person who paid the examination fee does not take the Examination.

Article 12-4

- (1) The Minister of Health, Labour and Welfare may have a designated person (hereafter referred to as the "designated examination organization") carry out the processes concerning the examination (hereafter referred to as the "examination processes") pursuant to Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The designation as a designated examination organization is made, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, upon application by a person who intends to perform the examination processes.

Article 12-5

- (1) The designated examination organization must have the Dental Hygienists Examination Board (hereinafter referred to as "Examination Board" in the following paragraph, next Article and Article 12-8") formulate and mark the Examination questions.
- (2) When the designated examination organization intends to select Examination Board it must select them from among from persons who fulfill the requirements provided for in Ordinance of the Ministry of Health, Labour and Welfare.

Article 12-6

The Examination Board must maintain a strict and fair attitude and avoid any wrongful act in the administration of formulation and marking of Examination questions.

Article 12-7

- (1) In the case where the designated examination organization conducts examination processes, if any misconduct is committed in respect of an Examination, the designated examination organization may suspend the examination of a person involved in the misconduct nullified.

- (2) In addition to the preceding paragraph, with regard to the application of the provision of Article 12-2 and Article 12-3, when the designated examination organization implements the examination processes, “have the persons related to the misconduct suspended from taking the Examination or invalidate the Examination” in Article 12-2, paragraph (1) is deemed to be replaced with “invalidate the Examination”, and “preceding paragraph” in paragraph (2) of said Article is deemed to be replaced with “preceding paragraph or Article 12-7, paragraph (1)” and “the state” in Article 12-3, paragraph (1) is deemed to be replaced with “designated examination organization.”
- (3) The examination fee paid to the designated examination organization pursuant to the provision of Article 12-3, paragraph (1) as applied by replacing the terms pursuant to the provision of the preceding paragraph are to be paid to the designated examination organization.

Article 12-8

Provisions of paragraphs (3) and (4) of Article 8-2, Article 8-3 through Article 8-5, Article 8-7 through Article 8-14, and Article 8-16 through Article 8-18 shall apply mutatis mutandis to the designated examination organization. In this case, in these provisions, “registration processes” and “operational rules for registration processes” is deemed to be replaced respectively with “examination processes” and “operational rules for examination processes,” “preceding paragraph” in paragraph (3) of Article 8-2 and “Paragraph (2)” in parts other than the items of paragraph (4) of said Article are deemed to be replaced with “Article 12-4, paragraph (2)”, “Officer” in Article 8-3 and Article 8-7 is deemed to be replaced with “Officer (including Examination Board)”, “or preceding Article” in Article 8-13, paragraph (2), item (iii) is deemed to be replaced with “preceding Article or Article 12-5,” and “Article 8-2, paragraph (1)” in Article 8-14, paragraph (1) and Article 8-18, item (i) is deemed to be replaced with “Article 12-4, paragraph (1).”

Article 12-9

Beyond what is provided in this Act, the necessary matters concerning the designation and cancellation of designation of a school or training school for Dental Hygienists are provided by Cabinet Orders, and examination subjects, examination procedures, and other necessary examination particulars for the Examination, as well as the designated examination organization and examination processes conducted thereby, and succession of examination processes will be provided for in Ordinances of the Ministry of Health, Labour and Welfare.

Article 13

No person other than a Dental Hygienist may practice the profession provided in Article 2, paragraph (1); provided, however, that this does not apply if said person practices such profession pursuant to the provisions of the Dental Practitioners Act (Act No. 202 of 1948).

Article 13-2

Unless the attending dental practitioner has instructed him/her to do so, a Dental Hygienist may not use medical equipment, give a person medicine or instructions about medicine, or take any other action that carries the risk of harming a person's health if it is not done by a dental practitioner; provided, however, that this does not apply when a Dental Hygienist provides emergency first-aid treatment.

Article 13-3

A Dental Hygienist must be given instructions by the attending physician or dental practitioner, if there is one, in providing dental health instruction.

Article 13-4

If a Dental Hygienist has been given instructions concerning his/her practice of dental health instruction by the head of the health center having jurisdiction over the region in which he/she works, the Dental Hygienist shall follow such instructions; provided, however, that this does not preclude the application of the provisions of the preceding Article.

Article 13-5

A Dental Hygienist shall conduct the practice upon tight collaboration with a dentist and other dental medical parties concerned to ensure proper dental treatment.

Article 13-6

Dental Hygienist may not disclose the confidential information of any person he/she comes to know in the course of practice without justifiable grounds. The same applies even after the person ceases to be a Dental Hygienist.

Article 13-7

No person other than a Dental Hygienist may use the title of Dental Hygienist or any other misleadingly similar title.

Article 13-8

- (1) The authority of the Minister of Health, Labour and Welfare provided for in this Act may be delegated to the Director General of the Regional Bureau of Health and Welfare pursuant to the provisions of Ordinances of the Ministry of Health, Labour and Welfare.
- (2) The authority delegated to the Director General of the Regional Bureau of Health and Welfare pursuant to the provisions of the preceding paragraph may be further delegated to the Director General of each Regional Branch Bureau of Health and Welfare pursuant

to the provisions of Ordinances of the Ministry of Health, Labour and Welfare.

Article 14

A person who falls under any of the following items is subject to imprisonment with work for not more than one year, a fine of not more than five hundred thousand yen, or both:

- (i) A person who has violated the provision of Article 13,
- (ii) A person who has received Licensure based on false or wrong information.

Article 15

A person who has violated the provisions of Article 8-7, paragraph (1) (including the case applied mutatis mutandis in Article 12-8) is subject to imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

Article 16

When there is a violation of an order for suspension of registration processes or examination processes under the provision of Article 8-13, paragraph (2) (including the case applied mutatis mutandis in Article 12-8), an officer or a member of staff of the designated registration organization or designated examination organization that has committed the violation is subject to imprisonment with work for not more than one year, or a fine of not more than five hundred thousand yen.

Article 17

A person who acts wrongfully in the scoring of an examination, in violation of Article 11-2, paragraph (2) or Article 12-6, is subject to imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

Article 18

A person who falls under any of the following items is subject to imprisonment with work for not more than six months, a fine of not more than three hundred thousand yen, or both:

- (i) A person who has been ordered to suspend services pursuant to the provisions of Article 8, paragraph (1), but who performs services during the period of said suspension,
- (ii) A person who has violated any of the provisions of Articles 13-2 through 13-4.

Article 19

- (1) A person who has violated the provision of Article 13-6 is subject to a fine of not more than five hundred thousand yen.
- (2) The offense provided for in the preceding paragraph may only be prosecuted if a complaint is filed.

Article 20

A person who falls under any of the following items is subject to a fine of not more than three hundred thousand yen:

- (i) A person who has violated the provisions of Articles 6, paragraph (3),
- (ii) A person who has violated the provisions of Articles 13-7.

Article 21

When an officer or a member of staff of the designated registration organization or designated examination organization commits any of the violations listed in the following items, it will be punished by a fine of not more than three hundred thousand yen:

- (i) failing to provide an accounting book at the office or to enter matters in the book, entering false matters in the book, or failing to keep the book at the office in violation of the provisions of Article 8-8 (including the case applied mutatis mutandis in Article 12-8);
- (ii) failing to make a report stipulated in the provisions of Article 8-10 or making a false report (including the case applied mutatis mutandis in Article 12-8);
- (iii) refusing, obstructing or evading an entry or inspection made pursuant to the provision of Article 8-11, paragraph (1) (including the case applied mutatis mutandis in Article 12-8) or failing to answer a question, or making a false statement during the entry or inspection;
- (iv) ceasing all of the examination processes or the registration processes without the permission referred to in Article 8-12 (including the case applied mutatis mutandis in Article 12-8).

Supplementary provisions

- (1) This Act comes into effect from the date of enforcement of the Dental Practitioners Act.