

## New Zealand



### ANALYSIS

<p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Interpretation.</p> <p>3. "General medical services" defined.</p> <p>4. Fees for general medical services to be payable from Social Security Fund.</p> <p>5. Mileage fees.</p> <p>6. Pharmaceutical requirements.</p>		<p>7. Fees may be recovered from patient and refunded from Social Security Fund.</p> <p>8. Restriction of right to recover fees.</p> <p>9. Claims for payments from Social Security Fund.</p> <p>10. Questions to be decided by Minister.</p> <p>11. Regulations.</p> <p>12. Section 82 of principal Act extended. Repeal.</p> <p>13. Offences.</p>
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### 1941, No. 14

AN ACT to amend the Social Security Act, 1938.

Title.

*[13th October, 1941*

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Social Security Amendment Act, 1941, and shall be read together with the Social Security Act, 1938 (hereinafter referred to as the principal Act), and shall be deemed to form part of Part III of that Act.

Short Title  
and  
commencement.  
1938, No. 7

(2) This Act shall come into force on the first day of November, nineteen hundred and forty-one.

Interpretation.

2. (1) In this Act, unless the context otherwise requires,—

A.M.D. 19

No. 13

See Reprint  
of Statutes,  
Vol. VI, p. 1061

Ibid., Vol. V,  
p. 669

“Borough” includes a city, and also includes any road district situated in the County of Eden; two or more contiguous boroughs shall together be deemed to be one borough:

“Health district” or “district” means a health district constituted under the Health Act, 1920:

“Medical Officer of Health” means a Medical Officer of Health under the Health Act, 1920:

“Medical practitioner” means a medical practitioner registered under the Medical Practitioners Act, 1914:

References to any regulations cited by their title include references to all subsequent regulations made in amendment thereof or in substitution therefor and for the time being in force.

(2) Where any general medical services or pharmaceutical requirements are provided or supplied by any medical practitioner acting as the agent or employee of any other medical practitioner they shall for the purposes of this Act be deemed to be provided or supplied by the last-mentioned medical practitioner.

“General  
medical  
services”  
defined.

3. For the purposes of this Act the expression “general medical services” means all proper and necessary services of medical practitioners provided for persons who are entitled to any of the benefits provided for by Part III of the principal Act, but does not include services that are within any of the following classes, namely:—

(a) Medical services that involve the application of special skill and experience of a degree or kind that general medical practitioners as a class cannot reasonably be expected to possess:

(b) The administration by medical practitioners of anæsthetics in any case where the medical practitioner by whom an anæsthetic is administered acts in assistance of or in collaboration with any other medical practitioner or a registered dentist:

(c) Medical services afforded in relation to maternity benefits under the principal Act:

Rep. 13  
No. 13

(d) Medical services provided by any medical practitioner in respect of which he would not be entitled to recover any fees from the patient or any other person if this Act had not been passed:

(e) Medical services provided by any medical practitioner under an agreement made by him with a friendly society or branch registered under the Friendly Societies Act, 1909:

AMT. 19  
No. 8.

(f) Such services as may, in accordance with regulations made under the principal Act, be excluded from the said expression, either absolutely or in special circumstances to be defined in the regulations.

See Reprint  
of Statutes,  
Vol. III, p. 461

4. (1) Subject to the provisions of this Act, every medical practitioner who provides any general medical services for any patient after the commencement of this Act shall be entitled to receive from the Social Security Fund the following fees:—

Fees for  
general medical  
services to  
be payable  
from Social  
Security Fund.

(a) For every occasion on which any such services are provided at the medical practitioner's surgery or place of residence, a fee of seven shillings and sixpence:

(b) For every occasion on which any such services are provided within a borough elsewhere than at the surgery or place of residence of the medical practitioner, where that surgery or place of residence is situated within the borough, a fee of seven shillings and sixpence:

(c) For every other occasion on which any such services are provided, a fee of seven shillings and sixpence, together with such mileage fees as may be payable from the Social Security Fund under the next succeeding section.

(2) Except as provided in this section, no payment shall be made from the Social Security Fund under this Act in respect of—

(a) Medical services provided for any person who is for the time being entitled to medical services by virtue of an agreement entered into with a medical practitioner in accordance with the Social Security (Medical Benefits) Regulations 1941:

Serial number  
1941/24

(b) Medical services provided for any person who is for the time being entitled to medical services under special arrangements made by the Minister in accordance with section eighty-two of the principal Act.

(3) The last preceding subsection shall not apply in any case where a medical practitioner provides any general medical services for any such person in good faith and in reliance on a statement by the patient or by some responsible person on his behalf to the effect that the patient is not a person entitled to medical services by virtue of any such agreement or under any such special arrangements. Where any such statement is incorrect, the patient or any person responsible for his debts shall be liable to reimburse to the Social Security Fund any moneys paid to any medical practitioner under this Act in respect of services provided in reliance on that statement.

(4) Subsection two of this section shall not apply in any case where, in an emergency, a medical practitioner provides for any person such medical services as are in the best interests of the patient.

**Mileage fees.**

5. (1) Where any medical practitioner provides any general medical services in any case or cases to which paragraph (c) of subsection one of the last preceding section applies he shall be entitled to receive from the Social Security Fund mileage fees in accordance with this section.

(2) Subject to the provisions of this section mileage fees shall be computed in respect of every journey made by the medical practitioner to any place or places for the purpose of providing the services, and shall be computed at the rate of one shilling and threepence for every mile or part of a mile of the distance necessarily travelled by him in going from his surgery or place of residence to that place or those places and in returning to his surgery or place of residence:

Provided that no account shall be taken of such portion of any journey as relates to visits to any patients at places distant more than twenty miles from the medical practitioner's surgery or place of residence, but mileage fees computed at the rate aforesaid in respect of that portion

of the journey may be recovered by the medical practitioner from those patients or from any other persons as if this Act had not been passed.

(3) Any claim for mileage fees under this section may include a claim for mileage fees computed as aforesaid in respect of any journey or part of a journey undertaken for the purpose of providing medical benefits in accordance with the Social Security (Medical Benefits) Regulations 1941.

Serial number  
1941/24

(4) No medical practitioner who receives any mileage fees under this section in respect of any journey shall be entitled to receive any mileage fees under the Social Security (Medical Benefits) Regulations 1941 in respect of the accounting period during which that journey is made.

Serial number  
1941/24

(5) In any case where the Medical Officer of Health is satisfied that, by reason of the nature of the mode of transport which in his opinion it was necessary or expedient to use, any mileage fees computed as provided in the foregoing provisions of this section are inadequate, he may increase the mileage fees to such extent as he deems necessary to make them adequate.

(6) Where in the opinion of the Medical Officer of Health arrangements could conveniently have been made that would have avoided the necessity of making the visit or visits in respect of which any claim for mileage fees is made or would have reduced the amount of the claim, he may disallow the claim wholly or partly.

6. (1) Where, after the commencement of this Act, any medical practitioner supplies for the treatment of any patient, before they can be conveniently obtained elsewhere, any pharmaceutical requirements within the meaning of the Social Security (Pharmaceutical Supplies) Regulations 1941, the medical practitioner shall be entitled to receive from the Social Security Fund an amount computed in accordance with those regulations, but reduced by a discount of ten per centum thereof instead of the discount provided for by the drug tariff prepared under those regulations.

Pharmaceutical  
requirements.

Serial number  
1941/66

(2) Where, after the commencement of this Act, any medical practitioner supplies for the treatment of any patient, before they can be conveniently obtained

elsewhere, any medicines, drugs, appliances, or materials to which the last preceding subsection does not apply, the medical practitioner may recover from the patient or from any person responsible for his debts an amount not exceeding the reasonable cost to the medical practitioner of those medicines, drugs, appliances, or materials.

Fees may be recovered from patient and refunded from Social Security Fund.

REFER 19  
No. 8.

7. (1) Where any medical practitioner is entitled in accordance with section four or section six of this Act to receive from the Social Security Fund any amount in respect of any general medical services or pharmaceutical requirements provided or supplied by him for any patient, the medical practitioner may, instead of claiming payment from the Social Security Fund, recover that amount from the patient or from any person responsible for his debts.

(2) Where any person pays any amount to a medical practitioner in respect of any such general medical services or pharmaceutical requirements that person or his agent or representative shall, subject to the provisions of this Act, be entitled to receive from the Social Security Fund a refund of the amount so paid:

Provided that the total amount refunded in respect of any such services or requirements shall not exceed the amount that the medical practitioner would have been entitled to receive from the Social Security Fund in respect thereof if he had not recovered any amount in respect thereof under this section.

(3) It shall be the duty of every medical practitioner to whom any such amount is paid by any person to supply to that person such receipts, certificates, or other documents as that person may require to obtain from him for the purposes of a claim for a refund under this section.

Restriction of right to recover fees.

8. Except as otherwise expressly provided in this Act or in any regulations made under the principal Act, no medical practitioner shall be entitled to recover any fees or other moneys in respect of any general medical services or pharmaceutical requirements provided or supplied by him after the commencement of this Act.

9. (1) All claims for payments or refunds from the Social Security Fund under this Act shall be made to the Medical Officer of Health of the district in which the medical practitioner resides, or to such other person as may be prescribed by regulations made under the principal Act.

Claims for  
payments  
from Social  
Security Fund.

REFER 19  
No. 8.

(2) Every such claim shall be made in such form and shall be accompanied by such certificates, receipts, or other documents as may be prescribed by regulations made under the principal Act or required by the Medical Officer of Health.

10. If any question arises as to whether any service provided by a medical practitioner is included in the expression "general medical services", or as to whether any amount, and if so what amount, is payable from the Social Security Fund under this Act, it shall be decided by the Minister after consultation with the appropriate committee appointed under section eighty-three of the principal Act, and the Minister's decision shall be final.

Questions to  
be decided  
by Minister.

11. Without limiting the general power to make regulations conferred on the Governor-General by section one hundred and forty of the principal Act, it is hereby declared that regulations may be made under that section for all or any of the following purposes:—

Regulations.

(a) Authorizing any medical practitioner to receive from the Social Security Fund fees higher than those provided for by the foregoing provisions of this Act in respect of any general medical services or of any class thereof:

(b) Preventing abuses of the provisions of this Act:

(c) Prescribing punishments for offences against the regulations and penalties for breaches thereof:

(d) Generally for giving full effect to the provisions of this Act and providing for the due administration thereof.

12. (1) Section eighty-two of the principal Act is hereby amended by omitting from subsection one all words after the words "for the benefit of", and substituting the words "any persons or classes of persons".

Section 82 of  
principal Act  
extended.

(2) Section fifteen of the Finance Act (No. 4), 1940, is hereby consequentially repealed.

Repeal.  
1940, No. 30

## Offences.

REP. 19  
No. 8.

13. Every person commits an offence against the principal Act and shall be liable on summary conviction to a fine of one hundred pounds or to imprisonment for twelve months who, for the purpose of obtaining any payment from the Social Security Fund under this Act, for himself or for any other person, makes any false statement to or otherwise misleads or attempts to mislead any officer concerned in the administration of this Act or any other person whomsoever.