

Hon. Mr. Nordmeyer

SOCIAL SECURITY AMENDMENT

ANALYSIS

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A BILL INTITULED

AN ACT to amend the Social Security Act, 1938. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority
5 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
10 of Part III of that Act.

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

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

15 "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:

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

“ 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: 5

Ibid., Vol. V,
p. 669

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

(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. 10

“ General
medical
services ”
defined.

3. (1) 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:— 15 20

(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: 25

(b) The administration by medical practitioners of anaesthetics in any case where the medical practitioner by whom an anaesthetic is administered acts in assistance of or in collaboration with any other medical practitioner or a registered dentist: 30

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

(d) Medical services provided by any medical practitioner in respect of which neither the medical practitioner nor any other person would be entitled to recover any fees from the patient if this Act had not been passed: 35

(e) 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. 40

(2) If any question arises as to whether any service provided by a medical practitioner is included in the expression "general medical services", it shall be decided by the Minister of Health after consultation
 5 with the appropriate committee appointed under section eighty-three of the principal Act, and the Minister's decision shall be final.

4. (1) Subject to the provisions of this Act, every
 10 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
 15 surgery or place of residence, a fee of five shillings:

(b) For every occasion on which any such services are provided within a borough elsewhere than at
 20 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 six shillings and sixpence:

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

(2) Except as provided in the *next succeeding* subsection, no payment shall be made from the Social
 30 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
 35 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
 40 the Minister in accordance with section eighty-two of the principal Act.

(3) The *last preceding* subsection shall not apply in any case where, in an emergency, a medical practitioner provides for any person such medical services as are
 45 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. 5

(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: 10 15

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. 20

(3) Mileage fees shall be computed in respect of the whole of any such journey notwithstanding that any part of it is undertaken for the purpose of providing medical benefits in accordance with the Social Security (Medical Benefits) Regulations 1941. 25

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. 30

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 *last preceding* subsection are inadequate, he may increase the mileage fees to such extent as he deems necessary to make them adequate. 35 40

(6) Where in the opinion of the Medical Officer of Health arrangements could conveniently have been made that would either 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.

- 5 **6.** Where 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, Pharmaceutical requirements.
- 10 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 Serial number 1941/66
- 15 those regulations.
7. (1) All claims by any medical practitioner for payments from the Social Security Fund shall be made to the Medical Officer of Health of the district in which the medical practitioner resides. Claims for payments from Social Security Fund.
- 20 (2) Every such claim shall be made in such form and shall be accompanied by such certificates or other documents as may be prescribed by regulations made under the principal Act or required by the Medical Officer of Health, including in every case a certificate
- 25 signed by the patient or by some responsible person on behalf of the patient to the effect that the medical services or pharmaceutical requirements in respect of which the claim is made have been provided or supplied at the time and place specified in the claim.
- 30 **8.** 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 the purpose of authorizing any medical practitioner or
- 35 class of medical practitioners 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. Power to prescribe higher fees in certain cases.
- 40 **9.** (1) The amounts paid to any medical practitioner from the Social Security Fund in respect of any general medical services provided by him or in respect of any pharmaceutical benefits supplied by him shall be accepted by him in full satisfaction of all claims in respect thereof. Payments from Social Security Fund to be accepted in full satisfaction.

(2) Except with the consent of the Minister granted upon or subject to such conditions as he thinks fit, no medical practitioner shall demand or be entitled to sue for any fees in respect of any general medical services or pharmaceutical requirements provided or supplied by him for which a claim for payment from the Social Security Fund may be made under this Act, unless the patient or some person authorized by the patient or responsible for his debts refuses or fails to sign a certificate in respect thereof as mentioned in subsection *two* of section *seven* of this Act, after having a reasonable opportunity of so doing. 5

(3) Where the patient or some responsible person on his behalf refuses or fails as aforesaid to sign a certificate in respect of any such general medical services or pharmaceutical requirements provided or supplied by any medical practitioner the medical practitioner shall not, except with the consent of the Minister granted upon or subject to such conditions as he thinks fit, demand or be entitled to sue for any fees in respect thereof in excess of the amounts payable from the Social Security Fund in respect thereof, together with any mileage fees recoverable under the proviso to subsection *two* of section *five* of this Act. 15 20

Section 82 of principal Act extended.

10. (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". 25

Repeal. 1940, No. 30

(2) Section fifteen of the Finance Act (No. 4), 1940, is hereby consequentially repealed. 30

Offences.

11. 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. 35