

Serial Number 1939/43.



**THE SOCIAL SECURITY (MATERNITY BENEFITS)
REGULATIONS 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of April, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Social Security Act, 1938, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the regulations hereinafter set forth respecting maternity benefits under the said Act, and doth hereby declare that the said regulations shall come into force on the 22nd day of April, 1939.

REGULATIONS.

1. These regulations may be cited as the Social Security (Maternity Benefits) Regulations 1939.

DEFINITIONS.

2. In these regulations, unless the context otherwise requires,—

“ The Act ” means the Social Security Act, 1938 :

“ Appointed date ” in relation to maternity benefits of any class specified in clause 3 of these regulations means the date on and after which benefits of that class will, in accordance with clause 4 of these regulations, be available, either generally throughout New Zealand, or in any specified health district :

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

“ Maternity benefits ” means maternity benefits as defined in section 95 of the Act :

“ Hospital Board ” means a Hospital Board under the Hospitals and Charitable Institutions Act, 1926 :

“ 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 :
- “ Minister ” means the Minister of Health :
- “ Obstetric nurse ” means a registered midwife or a registered maternity nurse :
- “ Licensed maternity hospital ” means a private maternity hospital licensed under Part III of the Hospitals and Charitable Institutions Act, 1926.

CLASSIFICATION OF MATERNITY BENEFITS.

3. For the purposes of these regulations the maternity benefits to be provided in accordance with the Act are hereby classified into the following classes :—

- Class I.*—Benefits afforded in a maternity hospital or other institution maintained by a Hospital Board :
- Class II.*—Benefits afforded in a licensed maternity hospital pursuant to a contract made between the licensee of that hospital and the Minister for the purposes of these regulations :
- Class III.*—Benefits afforded by a medical practitioner pursuant to a contract made between that medical practitioner and the Minister for the purposes of these regulations :
- Class IV.*—Benefits afforded by an obstetric nurse pursuant to a contract made between that nurse and the Minister for the purposes of these regulations.

COMMENCEMENT OF MATERNITY BENEFITS.

4. (1) In respect of each of the classes of benefits specified in the last preceding clause the Minister shall appoint a date on and after which the benefits of that class will be available in the several health districts.

(2) Different dates may be appointed for the several classes of benefits, and, in respect of benefits of the same class different dates may be fixed for the several health districts : Provided that nothing in this subclause shall be construed to restrict the power of the Minister to appoint one date on which benefits of all the prescribed classes will be made available throughout New Zealand.

(3) The date or the several dates, as the case may be, appointed by the Minister pursuant to this clause shall be notified by the Minister in the *Gazette* and in such other manner, if any, as in the circumstances he thinks proper.

APPLICATION OF REGULATIONS.

5. (1) Nothing in these regulations shall be construed to affect the power conferred on the Minister by section 82 of the Act to make special arrangements for the benefit of persons living in isolated areas or under special conditions.

(2) Subject to the provisions of the last preceding subclause, these regulations shall, to the extent hereinafter mentioned, apply in the following cases, namely :—

- (a) In every case where, on or after the appropriate appointed date for any health district, maternity benefits are afforded in any maternity hospital or other institution maintained in that health district by a Hospital Board :

- (b) In every case where, on or after the appropriate appointed date for any health district, maternity benefits are afforded in a licensed maternity hospital in that health district pursuant to a contract between the Minister and the licensee of that hospital :
 - (c) In every case where, on or after the appropriate appointed date for any health district, maternity benefits are afforded within that health district by any medical practitioner pursuant to a contract between the Minister and that medical practitioner :
 - (d) In every case where, on or after the appropriate appointed date for any health district, maternity benefits are afforded within that health district by any obstetric nurse pursuant to a contract between the Minister and that nurse.
- (3) These regulations have no application in any of the following cases, namely :—
- (a) In cases where maternity services are rendered in any hospital or by any medical practitioner or obstetric nurse before the appropriate appointed date :
 - (b) In cases where maternity services are rendered in a licensed maternity hospital or by any medical practitioner or obstetric nurse otherwise than pursuant to a contract made with the Minister for the purposes of these regulations. In particular, these regulations have no application to services rendered by any medical practitioner acting as a consultant, anaesthetist, or assistant to any other medical practitioner in the course of providing maternity benefits for any patient.

LISTS OF LICENSED MATERNITY HOSPITALS, MEDICAL PRACTITIONERS, AND NURSES WHO HAVE UNDERTAKEN TO AFFORD MATERNITY BENEFITS.

6. (1) For every health district lists shall be compiled as follows :—
- (a) A list of the licensed maternity hospitals within the district the licensees of which have entered into a contract with the Minister to afford maternity benefits in accordance with these regulations :
 - (b) A list of all medical practitioners who have entered into a contract with the Minister to afford maternity benefits within the district in accordance with these regulations :
 - (c) A list of all obstetric nurses who have entered into a contract with the Minister to afford maternity benefits within the district in accordance with these regulations.
- (2) Every such list shall be in such form as the Minister may direct or approve, and shall be amended from time to time as occasion requires.
- (3) Copies of such lists shall be open to inspection by the public during office hours at the office of the Medical Officer of Health, at all offices of the Social Security Department within the district, and at such other places, if any, as the Minister thinks necessary for the information of persons concerned.

7. (1) The list of licensed maternity hospitals shall, in respect of each hospital included therein, contain particulars as to the name of the licensee, the name and location of the hospital, and such other particulars, if any, as the Minister may direct.

(2) In particular such list shall disclose, in respect of each such hospital,—

(a) The date on and after which maternity benefits in accordance with these regulations will, if required, be afforded in the hospital :

(b) Whether the licensee has agreed with the Minister to accept payment from the Social Security Fund (i) in full satisfaction, or (ii) in partial satisfaction, as the case may be, of his charges for the maternity benefits afforded in the hospital.

8. The list of medical practitioners shall, in respect of each medical practitioner whose name is included therein, contain particulars of—

(a) His private address :

(b) The location of any surgery or other place at which he undertakes to attend for the purpose of giving advice and treatment to women requiring any maternity benefits :

(c) The times of his attendance at each such place for the purpose of giving advice or treatment :

(d) The approximate area within which he undertakes to visit women requiring any maternity benefits :

(e) Whether or not, for the purposes of these regulations, he is classified as an obstetric specialist.

9. The list of obstetric nurses shall, in respect of each nurse whose name is included therein, contain particulars of—

(a) Her full postal address :

(b) Her qualifications—that is to say, whether she is registered as a midwife or as a maternity nurse :

(c) The kind of nursing services that she has undertaken in her contract with the Minister to perform—that is to say, whether she has undertaken to perform full-time domiciliary services or part-time visiting services, or whether she is willing to undertake either kind of service, in accordance with the requirements of the patient :

(d) The approximate area within which she undertakes to provide nursing services.

APPLICATIONS FOR MATERNITY BENEFITS.

In Public Hospitals.

10. Any woman requiring maternity benefits may be admitted to a maternity hospital or other institution maintained by a Hospital Board in accordance with the rules of the Hospital Board governing the admission of patients to such hospital or institution.

In Licensed Maternity Hospitals.

11. (1) Application for the admission to a licensed maternity hospital of any woman requiring maternity benefits therein may be made to the licensee of that hospital, either by the woman, or by her husband, or any other person competent to act on her behalf.

(2) If for any sufficient reason the licensee to whom the application is made is unable to undertake to provide the benefits applied for he shall, as soon as practicable, inform the applicant to that effect.

Provided by Medical Practitioners.

12. (1) Application for medical services in relation to maternity benefits may be made either by the woman concerned, or by her husband or any other person competent to act on her behalf, to any medical practitioner whose name is for the time being on the list of medical practitioners for the health district in which the services are required.

(2) If for any sufficient reason the medical practitioner to whom the application is made is unable to undertake to provide the services applied for, he shall, as soon as practicable, inform the applicant to that effect, and, pending the making of other arrangements by the applicant, it shall be his duty, at the request of the applicant, to provide any medical services in relation to the maternity benefits that may be urgently or immediately required.

Provided by Obstetric Nurses.

13. (1) Application for the services of an obstetric nurse in relation to maternity benefits may be made either by the woman concerned, or by her husband or any other person competent to act on her behalf, to any obstetric nurse whose name is for the time being on the list of obstetric nurses for the health district in which the services are required.

(2) If for any sufficient reason the obstetric nurse to whom the application is made is unable to undertake to provide the services applied for she shall, as soon as practicable, inform the applicant to that effect, and, pending the making of other arrangements by the applicant, it shall be the duty of the nurse, at the request of the applicant, to provide any nursing services in relation to the maternity benefits that may be urgently or immediately required.

**MEDICAL OFFICERS OF HEALTH TO ASSIST PATIENTS IN SELECTION OF
HOSPITALS OR PERSONS TO PROVIDE BENEFITS.**

14. If any woman requiring maternity benefits is unable to make the necessary arrangements for her admission to a maternity hospital or for the services of a medical practitioner or an obstetric nurse, it shall be the duty of the Medical Officer of Health, on application made by or on behalf of the woman concerned, to assist in making suitable arrangements for her admission to a hospital or otherwise for her necessary care and attendance.

ASSIGNMENT OF PATIENTS IN SPECIAL CASES.

15. Where any woman requiring maternity benefits has been unable to make satisfactory arrangements in accordance with the foregoing provisions of these regulations for the services of a medical practitioner or of an obstetric nurse, she may, in accordance with the following provisions of these regulations in that behalf, be assigned as a patient to any medical practitioner or obstetric nurse, as the case may be, whose name is for the time being on the appropriate list for the health district in which the services are to be rendered, and it shall be the duty of the medical practitioner or obstetric nurse to whom she is so assigned as a patient to render the same services, subject to the same terms and conditions, as if he or she had undertaken by arrangement with the patient to provide the maternity benefits.

16. (1) The assignment to a medical practitioner of any woman requiring medical services in relation to maternity benefits shall, on application made to the Medical Officer of Health by or on behalf of the woman concerned, be made by a local committee of medical practitioners to be appointed for the purpose by the Minister pursuant to the powers conferred on him by section 83 of the Act.

(2) The assignment shall be made by the Committee as soon as possible after the receipt by it of a report from the Medical Officer of Health that the woman by whom the benefits are required has been unable to make arrangements for the necessary medical services in accordance with the foregoing provisions of these regulations.

(3) In a case of emergency an assignment under this clause may be made by any member of the Committee in the name and on behalf of the Committee, or, if no such member is available, may be made by the Medical Officer of Health.

(4) In making any assignment under this clause the Committee, or any member acting for the Committee, or the Medical Officer of Health, as the case may be, shall have regard, in the first place, to the well-being of the woman concerned, and, subject to that limitation, shall select such one of the available medical practitioners as will be least seriously inconvenienced by being required to render the medical services required.

(5) Notice of any assignment made under this clause shall be forthwith given by or on behalf of the Committee, or the Medical Officer of Health, as the case may be, to the medical practitioner and to the woman concerned, and the assignment shall be binding on the medical practitioner.

(6) On receipt by any woman of a notice that she has been assigned as a patient to any medical practitioner in accordance with the foregoing provisions of this clause it shall be her duty, if time and circumstances permit, to inform the medical practitioner as soon as possible whether or not she is willing to accept his services.

(7) In any case to which this clause applies no payment shall be made out of the Social Security Fund for medical services in relation to maternity benefits rendered to any woman otherwise than by the medical practitioner to whom she has been assigned as a patient, or by some other medical practitioner who has undertaken, by contract with the Minister, to afford maternity benefits in the district.

17. (1) The assignment to an obstetric nurse of any woman requiring the services of a midwife or of a maternity nurse shall, on application made to the Medical Officer of Health by or on behalf of the woman concerned, be made by that Medical Officer.

(2) In making any assignment under this clause the Medical Officer of Health shall have regard in the first instance to the well-being of the woman concerned, and, subject to that limitation, shall select such one of the available obstetric nurses as will be least seriously inconvenienced by being required to render the nursing services required.

(3) Notice of any assignment made under this clause shall be forthwith given by the Medical Officer of Health to the obstetric nurse and to the woman concerned, and shall be binding on the nurse.

(4) On receipt by any woman of a notice that she has been assigned as a patient to any obstetric nurse in accordance with the foregoing provisions of this clause it shall be her duty, if time and circumstances permit, to inform the nurse as soon as possible whether or not she is willing to accept her services.

(5) In any case to which this clause applies no payment shall be made out of the Social Security Fund for services rendered to the woman concerned by any midwife or maternity nurse other than the nurse to whom she has been assigned as a patient, or some other obstetric nurse who has undertaken by contract with the Minister to render maternity nursing services in the district.

DUTIES OF WOMEN CLAIMING MATERNITY BENEFITS.

18. (1) It shall be the duty of every woman claiming any maternity benefits under these regulations—

- (a) To sign any application, acknowledgment, or certificate that may be required to be made or given by her in respect of any maternity benefits provided or arranged to be provided for her by any hospital, medical practitioner, or obstetric nurse :
- (b) To undertake, either personally or by her representative, to pay to any hospital, medical practitioner, or obstetric nurse any fees that are properly chargeable in respect of services rendered to her and that are not payable out of the Social Security Fund :
- (c) If received as a patient in any hospital for the purpose of being provided with maternity benefits, to conform to the rules of that hospital :
- (d) When she has engaged any medical practitioner to provide medical services in relation to maternity benefits, or has been assigned to any such medical practitioner,—
 - (i) Not to make any unreasonable demands upon his professional services, and in particular (except in a case of emergency) not to summon the medical practitioner to visit her between the hours of 6 p.m. of any day and 8 a.m. of the following day ; nor on any Saturday after 12 o'clock noon ; nor on any Sunday or public holiday :

(ii) If and when she requires any medical advice or treatment, whether before or after her confinement, to attend for such advice and treatment if her condition of health permits, at a place where and within the times when the medical practitioner has undertaken to be in attendance for the purpose of giving such advice and treatment :

(iii) If requiring any medical advice or treatment and prevented by her condition of health from attending the medical practitioner, to notify him as soon as possible (and not later, where circumstances of the case permit, than 10 a.m. of the day when she requires to be visited) that she requires him to visit her :

(e) If, having arranged to be provided with maternity benefits by any hospital, medical practitioner, or obstetric nurse, she makes arrangements for the same benefits with any other hospital, medical practitioner, or nurse, to forthwith notify the change in her arrangements to any hospital, medical practitioner, or obstetric nurse affected thereby.

(2) If any woman wilfully and unreasonably fails to comply with any of the obligations imposed on her by the foregoing provisions of this clause, there may, at the suit of the Medical Officer of Health, be recovered from her, or from any person liable for her debts, an amount not exceeding the amount paid out of the Social Security Fund in respect of any maternity benefits provided for her. All moneys recovered under this subclause shall be paid into the Social Security Fund.

COMPLAINTS.

19. (1) Any woman, or the representative of any woman, who is entitled in accordance with the Act and these regulations to claim any maternity benefits from the licensee of any maternity hospital or from any medical practitioner or obstetric nurse may make a complaint in writing to the Medical Officer of Health—

(a) If such licensee or such medical practitioner or obstetric nurse refuses or fails to provide such benefits or any of them when required ; or

(b) If in the provision of any such benefits there has been displayed any culpable lack of skill or any failure to provide the necessary care and attention.

(2) Unless in the opinion of the Medical Officer of Health the complaint is trivial, he shall refer it for investigation and report to a Committee to be appointed by the Minister pursuant to section 83 of the Act for the purpose of hearing complaints.

(3) Any complaint that is regarded by the Medical Officer of Health as trivial shall nevertheless be referred by him to the Minister if the complainant so requires, and if the Minister is of opinion that the complaint is well founded and is sufficiently serious he shall refer it to the Committee appointed to hear complaints.

PAYMENT OF HOSPITALS, MEDICAL PRACTITIONERS, AND NURSES FOR
BENEFITS PROVIDED UNDER THESE REGULATIONS.

20. (1) Whenever any maternity benefits mentioned in paragraph (a) of section 95 (1) of the Act are afforded, on or after the appropriate appointed date, in a maternity hospital or other institution maintained by a Hospital Board, the Hospital Board shall in respect of those benefits be entitled to receive from the Social Security Fund the appropriate fees, calculated in accordance with Part I of the Schedule hereto.

(2) The amount so calculated shall, in accordance with section 96 (2) of the Act, be received by the Board in full satisfaction of all claims in respect of the maternity benefits so afforded by it.

21. (1) Whenever pursuant to a contract between the Minister and the licensee of a licensed maternity hospital any maternity benefits mentioned in paragraph (a) of section 95 (1) of the Act are afforded, on or after the appropriate appointed date, in that hospital, the licensee of the hospital shall in respect of those benefits be entitled to receive from the Social Security Fund the appropriate fees calculated in accordance with Part II of the Schedule hereto.

(2) The amount so calculated shall, in accordance with section 97 (2) of the Act and the contract between the Minister and the licensee, be received by the licensee in full satisfaction or in partial satisfaction, as the case may be, of his claims in respect of the maternity benefits afforded in the hospital.

22. (1) Whenever pursuant to a contract between the Minister and any medical practitioner any maternity benefits mentioned in paragraph (b) or in paragraph (c) of section 95 (1) of the Act are afforded, on or after the appropriate appointed date, by that medical practitioner, he shall in respect of those benefits be entitled to receive from the Social Security Fund the appropriate fees calculated in accordance with the terms of his contract of service.

(2) Except as provided in the next succeeding subclause, the amount so calculated shall be received by the medical practitioner in full satisfaction of his claims in respect of the medical services afforded by him (exclusive of any mileage fees that by virtue of his contract with the Minister he is entitled to charge to the patient).

(3) Any medical practitioner who, for the purposes of these regulations, is classified as an obstetric specialist may, in addition to the fees payable to him from the Social Security Fund, charge a fee in respect of any services rendered by him, if before undertaking any services for the patient he informs her or some person responsible for the debts of the patient that he is recognized as an obstetric specialist for the purposes of these regulations and as such is entitled to charge an additional fee. Any such fee may be recovered at the suit of the medical practitioner from the patient or from any person responsible for the debts of the patient. Particulars of any such charge shall within seven days after it has been rendered be notified to the Medical Officer of Health on a form to be provided.

23. (1) No medical practitioner shall be recognized by the Minister as an obstetric specialist for the purposes of the last preceding clause except on the recommendation of a committee of medical practitioners to be appointed by the Minister under section 83 of the Act.

(2) No such recommendation with respect to any medical practitioner shall be made unless the Committee is satisfied that his practice is wholly or mainly devoted to maternity work or to maternity work and gynaecology ; and also as to one or more of the following matters, namely :—

- (a) That he has held hospital or other appointments affording special opportunities for acquiring special skill and experience in obstetrics ; or
- (b) That he has had a special course of training in and study of obstetrics ; or
- (c) That he is generally recognized by medical practitioners in the health district in which he practises as having special skill and experience in obstetrics.

(3) Application by any medical practitioner for his recognition as an obstetric specialist shall be made in writing addressed to the Minister, and shall be forwarded through the local Medical Officer of Health.

24. (1) Whenever pursuant to a contract between the Minister and any obstetric nurse any maternity benefits mentioned in paragraph (b) of section 95 (1) of the Act are afforded, on or after the appropriate appointed date, by that nurse, she shall in respect of those benefits be entitled to receive from the Social Security Fund the appropriate fees calculated in accordance with the terms of her contract of service.

(2) The amount so calculated shall be received by the nurse in full satisfaction of her claims in respect of the nursing services afforded by her, but shall not include any expenses of locomotion that, by virtue of her contract with the Minister, she is entitled to charge to the patient.

25. (1) Every claim for the payment of fees from the Social Security Fund for maternity benefits afforded pursuant to these regulations shall be made in the first instance to the Medical Officer of Health. All claims in respect of any ante-natal or post-natal treatment and in respect of services rendered at confinement shall be made not later than three months after the date of confinement.

(2) Every claim shall be supported by such certificates or declarations, and by such other documents, if any, as may be required in proof of the material facts upon which the claim is based.

(3) Such certificates and declarations shall be on forms provided for the purpose by or by direction of the Minister.

SCHEDULE.

PART I.

FEES PAYABLE TO HOSPITAL BOARDS.

- (a) In respect of the day or days of labour, the amount of £2 5s.
(b) In respect of each of the fourteen days succeeding the date of the birth of the child, the amount of 12s. 6d. per day.
(c) In respect of any patient actually attended during labour and at delivery by a medical officer employed by the Hospital Board, an additional fee of £2.

PART II.

FEES PAYABLE TO LICENSEES OF LICENSED MATERNITY HOSPITALS.

- (a) In respect of the day or days of labour, the amount of £2 5s.
(b) In respect of each of the fourteen days succeeding the date of the birth of the child, the amount of 12s. 6d. per day.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 21st day of April, 1939.
These regulations are administered by the Health Department.

(H./S.S. 1.)