

Serial Number 1942/255



**THE SOCIAL SECURITY (MASSAGE BENEFITS)
REGULATIONS 1942**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of
August, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Social Security Act, 1938, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations for the provision of massage services as supplementary benefits under Part III of the said Act.

REGULATIONS.

1. These regulations may be cited as the Social Security (Massage Benefits) Regulations 1942.

DEFINITIONS.

2. In these regulations, unless the context otherwise requires,—
- “ The said Act ” means the Social Security Act, 1938 :
 - “ Appointed date ” means the date appointed by the Minister, pursuant to clause 3 hereof, as the date on and after which massage benefits will be available in accordance with these regulations :
 - “ Department ” means the Department of Health established under the Health Act, 1920 :
 - “ Fund ” means the Social Security Fund :
 - “ Health District ” or “ District ” means a health district constituted under the Health Act, 1920 :
 - “ Massage ” means the use by external application to the human body of manipulation, remedial exercises, electricity, heat, light, or water, for the purpose of curing or alleviating any abnormal condition of the body :
 - “ Medical Officer of Health ” means a Medical Officer of Health under the Health Act, 1920 :
 - “ Minister ” means the Minister of Health :
 - “ Registered masseur ” or “ masseur ” means a masseur registered under the Masseurs Registration Act, 1920.

COMMENCEMENT OF BENEFITS.

3. (1) The Minister shall appoint a date on and after which the benefits provided for by these regulations will be available for the persons entitled thereto.

(2) Notice of the appointed date shall be published in the *Gazette* and in such other manner, if any, as the Minister thinks fit.*

* The appointed date is 1st September, 1942; see *Gazette*, No. 80 of 27th August, 1942, page 2123.

REGISTERED MASSEURS MAY UNDERTAKE TO AFFORD MASSAGE
BENEFITS IN ACCORDANCE WITH THESE REGULATIONS.

4. (1) Any registered masseur may, by a notice of acceptance in the form in the Schedule hereto, or to the like effect, undertake to afford massage benefits in accordance with these regulations to persons entitled to receive the same.

(2) Every notice under this clause shall be given or sent to the Medical Officer of Health of the appropriate district.

(3) Every registered masseur who has undertaken to afford massage benefits in accordance with these regulations is hereinafter in these regulations referred to as a "contractor".

5. (1) For every health district a list shall be compiled of contractors practising within the district.

(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 may require.

(3) Copies of every such list shall be open to inspection by the public during office hours at the office of the Medical Officer of Health, and at such other places, if any, as the Minister thinks necessary for the information of persons concerned.

TERMINATION BY CONTRACTORS OF UNDERTAKING TO AFFORD MASSAGE
BENEFITS.

6. (1) Any contractor under these regulations may terminate his undertaking by giving to the Medical Officer of Health not less than three months' notice in writing of his intention to terminate his undertaking, but shall not otherwise be entitled to terminate his undertaking except with the leave of the Minister.

(2) Notwithstanding anything in the last preceding subclause, a contractor under these regulations shall not be entitled, except with the leave of the Minister, to terminate his undertaking under these regulations at any time while an investigation concerning him is pending under section 84 of the said Act.

APPLICATION OF MASSAGE BENEFITS.

7. (1) Massage benefits in accordance with these regulations shall be available for all persons who in accordance with section 80 of the said Act are entitled to claim the benefits provided for by Part III of that Act.

(2) Massage benefits shall be provided only on the recommendation in writing of a registered medical practitioner given on or after the appointed date.

(3) No recommendation by a medical practitioner shall be accepted for the purposes of these regulations unless the following conditions are complied with, namely—

(a) It shall specify the name and address of the patient :

(b) It shall specify, in general or particular terms, the kind of treatment recommended, and shall also specify the period for which the treatment is recommended (being not longer in any case than a period of four weeks) :

(c) It shall be signed and dated by the medical practitioner.

(4) No treatment given on any such recommendation after the expiration of six weeks from the date of the recommendation, or after the expiration of four weeks from the date of the first treatment given pursuant to the recommendation, shall be deemed to be given as massage benefits for the purposes of these regulations, and no claim against the Fund shall be allowed in respect of any such treatment :

Provided that nothing in this subclause shall be deemed to prohibit further treatment being given under these regulations pursuant to another recommendation by the same or any other medical practitioner.

INSPECTION OF PREMISES AND EQUIPMENT.

8. (1) The Medical Officer of Health or any person authorized in writing by the Director-General of Health or the Medical Officer of Health may at any reasonable time inspect the premises and equipment used by any contractor for the purposes of his practice.

(2) If as the result of any such inspection it appears to the Director-General or the Medical Officer of Health that any equipment used by the contractor for the purposes of his practice is not suitable for the purpose for which it is used, he may give to the contractor notice in writing that no claim for treatment afforded by means of such equipment after a date specified in that behalf in the notice will be accepted for the purposes of these regulations unless, on further inspection before or after that date, the equipment is approved for the purposes of these regulations by the Director-General or the Medical Officer of Health.

(3) From every decision of the Director-General of Health or the Medical Officer of Health given in respect of any equipment in accordance with the foregoing provisions of this clause the contractor shall have a right of appeal to the Minister, who shall refer the matter to an appropriate Committee appointed under section 83 of the said Act, and the decision of the Minister given after considering the recommendations of the said Committee shall be final.

RECORDS TO BE KEPT BY CONTRACTORS.

9. (1) Every contractor under these regulations shall keep a daily record, in such form as the Medical Officer of Health may direct or approve, in which shall be entered the name and address of every patient to whom massage benefits are afforded, the condition for the alleviation of which the treatment has been given, the name of the medical practitioner by whom the treatment has been recommended, the nature of the treatment given, and the time occupied by the treatment.

(2) The records kept pursuant to this clause shall at all reasonable times be open for inspection by the Medical Officer of Health or by any person authorized in writing by the Medical Officer of Health to inspect the same, and it shall be the duty of the contractor to answer all inquiries with respect to such records made by the Medical Officer of Health or the inspecting officer.

PAYMENT FOR MASSAGE BENEFITS.

10. (1) Where, on or after the appointed date, any masseur, being a contractor under these regulations, affords any massage benefits to any person in accordance with these regulations he shall be entitled to receive from the Fund a fee of 3s. 6d. for each separate occasion on which any such benefits are afforded :

Provided that no contractor shall be entitled to more than one fee in respect of the same person for treatment given on any one day.

(2) The right to claim payment of a fee in accordance with this clause in respect of any treatment shall be subject to the condition that the contractor has not claimed and will not claim from the patient or any other person in respect of the same treatment :—

- (a) A fee in excess of 3s. 6d. (if the treatment is afforded in premises occupied by the contractor) ; or
- (b) A fee in excess of 7s. in respect of any other treatment.

(3) Nothing in the foregoing provisions of this clause shall apply in any case where the patient or a responsible person acting on behalf of the patient notifies the contractor in writing that any treatment given by the contractor is not to be regarded as massage benefits for the purposes of these regulations, and in any such case no fees shall be payable from the Fund and the fees chargeable by the contractor shall be as agreed upon between the parties.

CLAIMS BY MASSEURS FOR PAYMENT OF FEES.

11. (1) All claims for the payment of fees from the Fund for any massage benefits afforded in accordance with these regulations shall be made in the first instance to the Medical Officer of Health of the district in which the contractor is engaged in practice. Every such claim shall be made within two months after the termination of the period specified in the medical recommendation pursuant to which the treatment to which the claim relates was given.

(2) Every such claim shall be in a form provided or approved by the Department and shall be accompanied by the medical recommendation in accordance with which the treatment was given, and shall be supported by such receipts, certificates, or other documents as may be required by the Department :

Provided that the production of any such receipts or other documents may be dispensed with in any case if the Medical Officer of Health is satisfied that, owing to special circumstances, it was not practicable for the contractor to obtain or produce them.

(3) Every claim made under these regulations shall disclose the amount of any additional charge made or proposed to be made to or on account of the patient in respect of the same services.

SCHEDULE.

Under the Social Security (Massage Benefits) Regulations 1942.

ACCEPTANCE OF CONTRACT TO AFFORD MASSAGE BENEFITS.

To the Medical Officer of Health at

I, [*Name in full*], being registered as a masseur under the Masseurs Registration Act, 1920, do hereby undertake to afford massage benefits to persons entitled thereto, in accordance with the Social Security (Massage Benefits) Regulations 1942.

For the purpose of the said regulations I supply the following particulars :—

- (1) My place of business is situated at
- (2) I have available for use of patients the equipment herein specified, namely: [*Set out list of Equipment*].
- (3) I am (*or am not*) prepared to attend patients elsewhere than at my place of business.
- (4) I am willing that my premises, equipment, and records shall be open for inspection at all reasonable times in accordance with the said regulations.

Dated at, this day of, 19..

[*Signature.*]

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 20th day of August, 1942.

These regulations are administered in the Department of Health.