

Serial Number 1946/189



**THE SOCIAL SECURITY (DENTAL BENEFITS)
REGULATIONS 1946**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 20th day of
November, 1946

Present :

THE RIGHT HON. W. NASH PRESIDING 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.

REGULATIONS

1. These regulations may be cited as the Social Security (Dental Benefits) Regulations 1946.

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

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

“ Appointed date ” means the date appointed by the Minister, pursuant to Regulation 3 hereof, as the date on and after which the benefits provided for by these regulations will be available :

“ Appropriate Committee ” means such Committee appointed or deemed to be appointed under section 83 of the Act as the Minister in any case determines :

“ Authority ” means a Hospital Board, and includes the University of Otago :

“ Contracting authority ” means an authority that has entered into a contract under Regulation 16 hereof :

“ Contracting dentist ” means a dentist who has entered into a contract under Regulation 16 hereof :

“ Dental benefits ” means the benefits more particularly defined in Regulation 4 hereof :

“ Department ” means the Department of Health established under the Health Act, 1920 :

- “Guardian”, in relation to any child, includes any person for the time being having the care or control of the child:
- “Health district” or “district” means a health district constituted under the Health Act, 1920:
- “Minister” means the Minister of Health:
- “Principal Dental Officer” means an officer of the Department appointed as the Principal Dental Officer of a health district:
- “Registered dentist” or “dentist” means a dentist registered under the Dentists Act, 1936.

COMMENCEMENT OF DENTAL BENEFITS

3. (1) The Minister shall appoint a date on and after which the benefits provided for by these regulations will be available.
- (2) Notice of the date appointed by the Minister as aforesaid shall be given in the *Gazette* and in such other manner, if any, as the Minister thinks fit.

NATURE OF DENTAL BENEFITS

4. The benefits provided for by these regulations shall comprise the dental services specified in the Schedule hereto, and such other dental services as may, in respect of any patient, be approved in that behalf by a Principal Dental Officer and agreed to by the contracting dentist or the contracting authority (if any), being in every case services provided—

- (a) By a registered dentist or a State dental nurse in a State dental clinic; or
- (b) By a contracting dentist pursuant to a contract under these regulations; or
- (c) By a contracting authority in the dental department of a public hospital or in a dental school, pursuant to a contract under these regulations.

APPLICATION OF DENTAL BENEFITS

5. (1) Dental benefits shall be available for all persons who are enrolled as patients under these regulations.
- (2) Notwithstanding anything to the contrary in these regulations, no person shall be enrolled as a patient unless he is under the age of nineteen years and is within the appropriate age-group appointed by the Minister for the purposes of these regulations, and the enrolment of every patient shall be deemed to be terminated upon his ceasing to belong to that age-group.
- (3) For the purposes of these regulations—
- (a) Age-groups may be appointed by reference to the actual ages of patients or by reference to the school classes in which they are enrolled:
 - (b) Different age-groups may be appointed in respect of different localities or in respect of different classes of patients:
 - (c) Any age-group may from time to time be varied by the Minister.
- (4) Notice of every appointment or variation of an age-group by the Minister shall be given in the *Gazette* and in such other manner, if any, as the Minister thinks fit.

6. (1) Any person (including any school pupil who is above the age-group in which he would be eligible to receive treatment at a school dental clinic) shall be entitled to be enrolled for the purpose of receiving all necessary dental benefits—

- (a) If, within the three months immediately preceding the lodging of the application for his enrolment, he has received treatment at a school dental clinic ; or
- (b) If a Principal Dental Officer is satisfied that, at the time of the lodging of the application for the patient's enrolment, his dental and oral health is of adequate standard and no treatment except treatment of a minor character is required by him.

(2) Any child who is under the school age and any school pupil who is in an age-group in which he is eligible to receive treatment at a school dental clinic shall be entitled to be enrolled for the purpose of receiving necessary dental benefits of a kind not provided at a school dental clinic—

- (a) If he is regularly attending at a primary school dental clinic at the time of the lodging of the application for his enrolment ; or
- (b) If a Principal Dental Officer is satisfied that, at the time of the lodging of the application for the patient's enrolment, his dental and oral health is at least equivalent to what it would be if he were regularly attending a primary school dental clinic.

(3) Where, in respect of any person who is not entitled to be enrolled under the foregoing provisions of this regulation, a Principal Dental Officer is satisfied that, owing to his having resided in a locality remote from dental services or owing to other special circumstances beyond his control, that person could not reasonably have been expected to have had his dental and oral health satisfactorily maintained, he shall be entitled to be enrolled for the purpose of receiving such dental benefits as the Principal Dental Officer approves in that behalf :

Provided that in any such case the Principal Dental Officer may, if he thinks fit, require that before enrolment the patient shall, at the expense of the patient or of his parent or guardian, obtain all necessary dental treatment, or such necessary dental treatment as the Principal Dental Officer specifies in that behalf.

ENROLMENT OF PATIENTS

7. (1) Application for enrolment as a patient shall be made in a form to be provided by the Department for the purpose, and shall be supported by such certificates and charts as may be required by the form.

(2) Every such application shall be signed by the patient or (if he is under the age of sixteen years) by his parent or guardian.

(3) Every such application shall be forwarded to the Principal Dental Officer of the health district in which the patient resides.

8. For the purpose of satisfying himself whether a patient is entitled to be enrolled the Principal Dental Officer may require the patient to submit to special examination, at the expense of the Fund, by a registered dentist specified by the Principal Dental Officer.

9. (1) Where the Principal Dental Officer is satisfied that a patient is entitled to be enrolled he shall determine whether the patient is to be enrolled for treatment at a State dental clinic or for treatment by a contracting dentist or a contracting authority.

(2) If in the opinion of the Principal Dental Officer any such patient can conveniently attend for treatment at a State dental clinic, he shall enrol the patient for treatment at that clinic.

(3) If in the opinion of the Principal Dental Officer any such patient cannot conveniently attend for treatment at a State dental clinic, he shall by notice in writing advise the patient to select a contracting dentist or a contracting authority and obtain from that dentist or authority an agreement (signified in a form to be provided by the Department) to provide dental benefits. On receipt of the form of agreement duly completed within one month after the date of the notice or within such extended period as may be approved by him in any case, the Principal Dental Officer shall enrol the patient for treatment by the contracting dentist or the contracting authority, as the case may be.

(4) Where the Principal Dental Officer is satisfied that any patient who has been advised as aforesaid to select a contracting dentist or a contracting authority is unable to obtain the agreement of any contracting dentist or contracting authority to provide dental benefits it shall be the duty of the Principal Dental Officer to assist the patient to obtain an agreement or to enrol the patient for treatment at a State dental clinic and assist him to obtain treatment at that clinic.

10. (1) The Principal Dental Officer, in respect of each State dental clinic and of each contracting dentist and of each contracting authority, shall keep a roll in which shall be entered the name and address of every patient enrolled for treatment at that clinic or by that dentist or by that authority, the kinds of dental benefits for which the patient is enrolled, and such other particulars as may from time to time be prescribed, or directed by the Minister.

(2) Every such roll shall be amended by the Principal Dental Officer from time to time as occasion requires.

DENTAL BENEFITS CARDS

11. (1) The Principal Dental Officer shall issue to every patient who is enrolled under these regulations a dental benefits card specifying the name and address of the patient, his age and other identifying particulars, the clinic at which or the contracting dentist or contracting authority by whom treatment is to be provided, and the kinds of dental benefits for which the patient is enrolled.

(2) The dental benefits card of any patient shall be produced to the officer in charge of the clinic or to the contracting dentist or to the contracting authority, as the case may be, on each occasion on which the patient applies for dental benefits.

(3) Every dental benefits card shall be deemed to be the property of the Principal Dental Officer. The holder of a dental benefits card shall produce it to the Principal Dental Officer whenever required by that officer, and shall surrender it to that officer for cancellation forthwith when the patient ceases to be enrolled.

(4) Where the Principal Dental Officer is satisfied that any dental benefits card has been lost or destroyed or has become dilapidated, he may issue a duplicate in its place. A fee of 1s. shall be charged for every such duplicate card, unless the Principal Dental Officer, in his discretion, having regard to the circumstances, exempts the holder from payment of the fee.

REMOVAL FROM ROLL

12. (1) Any contracting dentist or contracting authority desiring to discontinue providing dental benefits for any patient on his or its roll may make a request in writing to the Principal Dental Officer for the removal of the patient's name from that roll.

(2) On receipt of any such request the Principal Dental Officer shall give notice in writing to the patient or, as the case may require, to his parent or guardian, that dental benefits will not be available from that contracting dentist or contracting authority after the expiry of one month from the date of the notice.

(3) In any such notice the Principal Dental Officer shall state either—

(a) That the patient is thereafter to be enrolled on the roll of a specified State dental clinic; or

(b) That the patient may be enrolled on the roll of any other contracting dentist or contracting authority if a form of agreement duly completed by the dentist or authority is received by the Principal Dental Officer within two months after the date of the notice.

(4) On receipt of a form of agreement as aforesaid or within such extended period as may be approved by him in any case, the Principal Dental Officer shall enrol the patient on the roll of the contracting dentist or contracting authority who has completed the form.

13. (1) Any patient on the roll of a contracting dentist or contracting authority may, on application to the Principal Dental Officer made by the patient or his parent or guardian, and accompanied by the patient's dental benefits card, have his name removed from that roll.

(2) The Principal Dental Officer shall forthwith notify the contracting dentist or contracting authority of every such removal.

(3) At the time of making the application for removal, or within two months thereafter or within such extended period as may be approved by the Principal Dental Officer in any case, the patient or his parent or guardian may apply to the Principal Dental Officer for the enrolment of the patient on the roll of any other contracting dentist or contracting authority, and upon receipt of any such application and of a form of agreement duly completed by the contracting dentist or contracting authority, the Principal Dental Officer shall enrol the patient accordingly.

14. The Principal Dental Officer may at any time, in his discretion, transfer the name of any patient from the roll of a contracting dentist or contracting authority to the roll of a State dental clinic, or from the roll of one clinic to the roll of another clinic, upon giving not less than one month's notice to the patient and the contracting dentist or contracting authority (if any) and such notice as he thinks fit to the clinic or clinics concerned.

DUTIES OF ENROLLED PATIENTS TO ATTEND FOR TREATMENT, ETC.

15. (1) It shall be the duty of every patient who is enrolled on the roll of a contracting dentist or contracting authority or clinic—

- (a) To attend for treatment or examination at such times and places as may be required by the contracting dentist or contracting authority or by the officer in charge of the clinic, as the case may be :
- (b) To apply to the contracting dentist or contracting authority or officer in charge for treatment whenever he becomes aware that treatment is needed :
- (c) To apply for examination from time to time at the expiration of approximately six months after he last attended for treatment or examination :
- (d) To carry out faithfully such instructions as to oral hygiene and dental health as may be given to him by the contracting dentist or contracting authority or the officer in charge of the clinic, as the case may be.

(2) If any patient so enrolled fails for any period of twelve months to attend for treatment or examination his name may be removed from the roll of patients by the Principal Dental Officer. Any patient whose name is so removed shall not thereafter be enrolled as a patient except on a fresh application made under Regulation 7 hereof.

CONTRACTS WITH DENTISTS TO PROVIDE DENTAL BENEFITS

16. (1) Any registered dentist and any authority may, by a notice in a form to be provided by the Department, or to the like effect, offer to provide dental benefits in accordance with these regulations.

(2) In making any such offer the dentist or authority may stipulate the maximum number of patients, being not less than twenty, that he or it is willing to have on his or its roll.

(3) Every such notice of offer shall be delivered or sent to the Principal Dental Officer of the health district in which the dentist is engaged in practice or in which the authority's office is situated.

(4) If the Minister accepts any such offer the Principal Dental Officer shall give notice of the acceptance to the dentist or authority, and the dentist or authority shall thereupon be deemed to have entered into a contract with the Minister to provide dental benefits in accordance with these regulations.

17. It shall be the duty of every contracting dentist or contracting authority, in respect of every patient enrolled on his or its roll,—

- (a) To provide all dental benefits for which the patient is enrolled, as specified in the patient's dental benefits card :
- (b) To do all that is necessary on his or its part to ensure that the treatment required at any time is expeditiously completed, and that examinations are made at intervals of approximately six months, and for those purposes to make appointments for the patient's attendance at his or its surgery at mutually satisfactory times :
- (c) To ensure that the quality of the dental services provided is such as is necessary and proper to maintain a high standard of dental and oral health.

**PAYMENT OF CONTRACTING DENTISTS AND CONTRACTING AUTHORITIES
FOR DENTAL BENEFITS**

18. (1) Where, on or after the appointed date, any contracting dentist or contracting authority provides for any patient any dental benefits for which the patient is enrolled with that dentist or authority he or it shall be entitled to receive from the Social Security Fund—

- (a) The appropriate fee specified in the Schedule hereto; or
- (b) In any case where no definite fee is prescribed in the Schedule hereto, such fee as may be fixed or approved by the Principal Dental Officer.

(2) The right to claim payment of a fee in accordance with this regulation in respect of any dental benefits shall be subject to the condition that the contracting dentist or contracting authority has not demanded or received, and will not demand or accept, any fee from the patient or any other person in respect of the same services; and no contracting dentist or contracting authority shall demand or accept or be entitled to recover any fee from the patient or any other person in respect of any dental benefits for which any patient is enrolled on the dentist's or authority's roll.

(3) The patient and his parent or guardian shall complete such certificates and other documents as may be required by the contracting dentist or contracting authority for the purposes of any claim in respect of any dental benefits provided for the patient.

**CLAIMS BY CONTRACTING DENTISTS AND CONTRACTING AUTHORITIES
FOR PAYMENT FOR DENTAL BENEFITS**

19. (1) All claims by any contracting dentist or contracting authority for the payment of fees from the Social Security Fund for any dental benefits provided in accordance with these regulations shall be in a form prescribed or approved by the Department, and shall be made to the Principal Dental Officer of the district in which the dentist is engaged in practice or in which the authority's office is situated.

(2) Every such claim shall be made within two months after the date on which the dental benefits were provided. Where any claim is made after the time hereinbefore specified the amount of the fees claimed shall, unless in any case the Principal Dental Officer otherwise directs, be deemed to be reduced by 10 per cent.

20. (1) In relation to any such claim for fees the Principal Dental Officer may require the contracting dentist or contracting authority to furnish in writing or otherwise, a statement in explanation or substantiation of the claim.

(2) If the contracting dentist or contracting authority refuses or fails to furnish the statement within twenty-one days after he or it has been required to do so, or furnishes an insufficient or unsatisfactory statement, the Principal Dental Officer shall refer the matter to the Minister, and in any such case the Minister, after consultation with the appropriate Committee, may direct that the claim be disallowed wholly or partly. If in any such case the claim has been paid, the Principal Dental Officer may recover the amount so disallowed from the contracting dentist or contracting authority as a debt due to the Crown.

DENTAL SERVICES PROVIDED OTHERWISE THAN AS DENTAL
BENEFITS

21. (1) Unless the provisions of this regulation are duly complied with, where any patient is enrolled on the roll of a contracting dentist or contracting authority,—

(a) The contracting dentist or contracting authority shall not demand or accept or be entitled to recover any fee from the patient or any other person in respect of any dental services provided for the patient which are not dental benefits for which the patient is enrolled, whether the services are provided by the contracting dentist or contracting authority or by any other person engaged by him or it as a consultant, anaesthetist, or assistant :

(b) No person shall demand or accept or be entitled to recover any fee from the patient or any other person in respect of any services provided for the patient by that person as a consultant, anaesthetist, or assistant to the contracting dentist or contracting authority.

(2) Before the contracting dentist or contracting authority or other person provides for the patient any such services for which he or it proposes to demand or accept a fee as aforesaid he or it shall—

(a) Inform the patient or some responsible person on his behalf that the patient is not entitled to the services as part of his dental benefits ; and

(b) Obtain the concurrence of the patient or other person as aforesaid to his providing the services.

(3) In any case where any such services are provided the contracting dentist or contracting authority or the consultant, anaesthetist, or assistant shall, within seven days after the demand or acceptance of a fee, notify the fact to the Principal Dental Officer in a form to be provided by the Department for the purpose.

MISCELLANEOUS

22. (1) Every patient shall undergo such examinations as may from time to time be required by the Principal Dental Officer or by any other officer authorized in that behalf by the Director-General of Health for the purpose of determining the extent and quality of any dental services provided for the patient by a contracting dentist or contracting authority.

(2) An opportunity shall be given to the contracting dentist or a dentist employed by the contracting authority to be present at any such examination if he so desires.

23. (1) Where any patient is enrolled on the roll of any contracting dentist or contracting authority for any dental benefits the patient or his parent or guardian may make a complaint in writing to the Principal Dental Officer—

(a) If the contracting dentist or contracting authority refuses or fails to provide any such dental benefits when required to do so ; or

(b) If, in the provision of any dental benefits, the contracting dentist or any dentist employed by the contracting authority or any assistant has displayed any culpable lack of skill or any negligence or lack of care.

(2) Unless in the opinion of the Principal Dental Officer the complaint is trivial, he shall refer it for investigation and report to the appropriate Committee.

(3) Any complaint that is regarded by the Principal Dental Officer 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 appropriate Committee.

24. (1) In the event of a dispute between a Principal Dental Officer and any contracting dentist or contracting authority in relation to dental benefits provided or to be provided by the contracting dentist or contracting authority, or in relation to any other matter arising therefrom, the dispute may, at the election of either party, be referred to the appropriate Committee.

(2) Where a dispute has been so referred the Committee shall forward its report and recommendations to the Minister, whose decision after consideration of the report shall be final.

25. In respect of dental benefits provided in a State dental clinic there shall from time to time be paid into the appropriate fund or account, out of moneys appropriated by Parliament for the purpose from the Social Security Fund, such amounts as the Minister from time to time determines.

SCHEDULE

DENTAL BENEFITS AND FEES

For Contracting Dentists

	s. d.
Examination and prophylaxis (twice each year), each time	10 6
Synthetic fillings—	
Each separate filling	15 0
Each of two or more approximal fillings when done together ..	12 6
Amalgam fillings—	
Each simple filling in anterior and back to and including second premolars	7 6
Simple cavity in molar (including two fillings in occlusal surface of upper molars, and including all buccal and lingual fissure extensions)	10 6
Two surface approximo-occlusal fillings—	
In premolars	12 6
In molars	15 0
Mesio-occluso-distal—	
In premolar	21 0
In molar	25 0
Restoration premolar	25 0
Restoration molar	30 0
Maximum fees for any operation—treatment of one tooth (excluding root-canal treatment)—	
Premolar	25 0
Molar	30 0
Root-canal treatment—	
Pulp removal and root-filling	21 0
Treatment of septic root canals with subsequent root-filling, but without x-ray : Maximum fee	30 0
X-rays—	
Bite wing (two films ; one each side)	10 6
For root treatment (two films ; one before and one after) ..	10 6

For Contracting Authorities

The fees specified above, less 25 per cent.

T. J. SHERRARD,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 21st day of November, 1946.

These regulations are administered in the Department of Health.