

Serial Number **1951/43**

**THE SOCIAL SECURITY (PHYSIOTHERAPY BENEFITS)
REGULATIONS 1951**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 13th day of
March, 1951

Present :

THE RIGHT HON. S. G. HOLLAND 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 (Physiotherapy Benefits) Regulations 1951.
2. In these regulations, unless the context otherwise requires,—
 - “ The Act ” means the Social Security Act, 1938 :
 - “ 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 :
 - “ Physiotherapy ” has the same meaning as in the Physiotherapy Act, 1949 :
 - “ Medical Officer of Health ” means a Medical Officer of Health under the Health Act, 1920 :
 - “ Minister ” means the Minister of Health :
 - “ Registered physiotherapist ” or “ physiotherapist ” means a physiotherapist registered under the Physiotherapy Act, 1949.

CONTRACTS FOR PHYSIOTHERAPY BENEFITS

3. (1) Any registered physiotherapist may, by a notice of acceptance in the form in the Schedule hereto, or to the like effect, undertake to afford physiotherapy benefits in accordance with these regulations to persons entitled to receive the same.
- (2) Every notice under this regulation shall be given or sent to the Medical Officer of Health of the appropriate district.
- (3) Every registered physiotherapist who has undertaken to afford physiotherapy benefits in accordance with these regulations is hereinafter in these regulations referred to as a “ contractor ”.

4. (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 CONTRACTS

5. (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 Act.

APPLICATION OF PHYSIOTHERAPY BENEFITS

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

(2) Physiotherapy benefits shall be provided only on the recommendation in writing of a registered medical practitioner.

(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 six weeks) :

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

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

(5) No treatment or treatments in excess of twenty-four in number, given in respect of any one recommendation, shall be deemed to be given as physiotherapy benefits for the purposes of these regulations, and no claims against the Fund shall be allowed in respect of any such treatment or treatments so in excess as aforesaid :

Provided that nothing in this subclause shall apply with respect to any treatment given in respect of any recommendation given before the coming into force of these regulations.

(6) Nothing in subclause (4) or subclause (5) of this regulation 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

7. (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 regulation 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 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

8. (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 physiotherapy 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 regulation 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 PHYSIOTHERAPY BENEFITS

9. (1) Where any physiotherapist, being a contractor under these regulations, affords any physiotherapy 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 regulation 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 6s. 6d. (if the treatment is afforded in premises occupied by the contractor); or

(b) A fee in excess of 11s. 6d. in respect of any other treatment.

(3) Nothing in the foregoing provisions of this regulation 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 physiotherapy 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 PHYSIOTHERAPISTS FOR PAYMENT OF FEES

10. (1) All claims for the payment of fees from the Fund for any physiotherapy 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.

11. (1) The Social Security (Massage Benefits) Regulations 1942* are hereby revoked.

(2) All notices and other documents, undertakings, lists, recommendations, approvals, appeals, records, inquiries, agreements, and claims, and generally all acts of authority, that originated under the regulations hereby revoked and are subsisting or in force or in progress on the coming into force of these regulations shall enure for the purposes of these regulations and be dealt with in all respects as if they had originated under the corresponding provisions of these regulations, and shall, where necessary, be deemed to have so originated.

* Statutory Regulations 1942, Serial number 1942/255, page 621.

SCHEDULE

Under the Social Security (Physiotherapy Benefits) Regulations 1951

ACCEPTANCE OF CONTRACT TO AFFORD PHYSIOTHERAPY BENEFITS

To the Medical Officer of Health at

I, [*Name in full*], being registered as a physiotherapist under the Physiotherapy Act, 1949, do hereby undertake to afford physiotherapy benefits to persons entitled thereto, in accordance with the Social Security (Physiotherapy Benefits) Regulations 1951.

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.*]

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

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations re-enact the Social Security (Massage Benefits) Regulations 1942, with the alteration of the terms "massage" and "masseur" to "physiotherapy" and "physiotherapist", to bring the regulations into line with the Physiotherapy Act, 1949. The following changes are also made in respect of claims for benefits:—

(1) The maximum period for which treatment may be recommended by a medical practitioner at any one time is increased from four weeks to six weeks (regulation 6 (3)).

(2) The periods within which the treatment may be given are increased from six weeks (from the date of the recommendation) to eight weeks, and from four weeks (from the date of the first treatment) to six weeks (regulation 6 (4)).

(3) The number of treatments that may be given on any one recommendation is limited to 24 (regulation 6 (5)).

(4) The maximum fees that may be charged to patients by contracting physiotherapists are increased (by regulation 9)—

(a) From 3s. 6d. to 6s. 6d. if the treatment is given in the premises of the contractor:

(b) From 7s. to 11s. 6d. in the case of any other treatment.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 15th day of March, 1951.

These regulations are administered in the Department of Health.