



*Reprint under section 7 of the Regulations Act 1936 of the Social Security (Laboratory Diagnostic Services) Regulations 1946 (Serial No. 1946/24), as amended by the following enactments:*

- The Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 1 (Serial No. 1949/60).
- The Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 2. (Serial No. 1951/86).
- The Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 3 (Serial No. 1954/104).

## **THE SOCIAL SECURITY (LABORATORY DIAGNOSTIC SERVICES) REGULATIONS 1946 (REPRINT)**

C. L. N. NEWALL, Governor-General

### **ORDER IN COUNCIL**

At the Government Buildings at Wellington this 27th day of March 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 (Laboratory Diagnostic Services) 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:

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

“Hospital Board” means a Hospital Board under [the Hospitals Act 1926]:

“Medical Officer of Health” means a Medical Officer of Health under the Health Act 1920:

“Minister” means the Minister of Health:

“Pathologist” includes a “recognized pathologist” (as hereinafter defined), and also includes any other medical practitioner who (being employed or engaged by a Hospital Board) makes any pathological or bacteriological examination for the purposes of these regulations:

“Recognized pathologist” means a medical practitioner who is recognized as a pathologist in accordance with the provisions of these regulations in that behalf:

“Laboratory diagnostic services” means the services more particularly defined in regulation 4 hereof.

The Short Title of the Hospitals and Charitable Institutions Act 1926 was altered to the Hospitals Act 1926 by s.2 of the Hospitals Amendment Act 1948.

#### COMMENCEMENT OF BENEFITS UNDER THESE REGULATIONS

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.

The date appointed by the Minister was 1 April 1946; see *Gazette*, 28 March 1946, Vol. I, page 389.

#### NATURE OF BENEFITS PROVIDED BY THESE REGULATIONS

4. (1) Except as provided in subclause (2) of this regulation, the benefits provided for by these regulations (hereinafter in these regulations referred to as laboratory diagnostic services) shall comprise—

- (a) The supply of all materials or substances required for the purpose of providing laboratory diagnostic services:
- (b) The provision of medical services incidental to any laboratory diagnostic service, except medical services of a kind that are not ordinarily performed by pathologists as such (whether in any particular case the services are performed by the pathologist or by any other registered medical practitioner):
- (c) The provision of any other incidental services for the purposes of laboratory diagnostic services.

(2) Nothing in these regulations shall apply with respect to laboratory services of the following kinds:

- (a) Examination of specimens for public health purposes:
- (b) Post-mortem examinations:
- (c) Laboratory services for dental purposes or for the purposes of life insurance:
- (d) The preparation of sera and vaccines:
- [(e) Laboratory services rendered in respect of an in-patient of any hospital or other institution under the control of a Hospital Board.]

[(3) For the purposes of these regulations the expression "specimens for public health purposes" means non-personal specimens, including foods, milk samples, water samples, and rats; and includes such other specimens as the Minister may from time to time declare by notice in the *Gazette* to be specimens for public health purposes.]

Para. (e) of subclause (2) and subclause (3) were added by regulations 2 (1) and 3 of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 1.

#### APPLICATION OF THESE REGULATIONS

5. These regulations shall apply only with respect to such laboratory diagnostic services as satisfy all the following conditions:

(a) That they are rendered on or after the appointed date in respect of persons who are entitled to receive benefits under Part III of the Act:

[(b) That they are performed—

(i) By or under the direct supervision of a recognized pathologist; or

(ii) By a bacteriological assistant approved by the Director-General of Health (either generally or in respect of the particular services) under the direct supervision of a medical practitioner employed or engaged by a Hospital Board; or

(iii) By or under the direct supervision of a pathologist or bacteriologist employed or engaged by the Medical School of the University of Otago;]

(c) That they are performed on the written recommendation of a medical practitioner other than the pathologist:

Provided that the condition prescribed by this paragraph shall not apply in any case where a recognized pathologist, who is also engaged in medical practice other than as a pathologist, is of opinion, after personal examination of a patient, that it is necessary or advisable in the interests of the patient that the laboratory diagnostic service be performed.

Para (b) was substituted for the original para. (b) by regulation 4 of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 1.

#### RECOGNITION OF MEDICAL PRACTITIONERS AS PATHOLOGISTS

6. (1) On application made by any medical practitioner on a form to be provided for the purpose by the Department the Minister may recognize the applicant as a pathologist for the purposes of these regulations.

(2) Every such application shall specify the personal qualifications possessed by the applicant by virtue of his academic qualifications and professional experience, and shall also specify, with reasonable particularity, the apparatus or equipment in the possession of the applicant or available for his use in the performance of laboratory work.

(3) Any such application may be sent or delivered to the local Medical Officer of Health for transmission to the Minister.

7. [(1) The Minister may in his discretion refuse or give recognition as a pathologist under these regulations to any applicant, having regard to—

- (a) The personal qualifications of the applicant and the nature of the apparatus and equipment available for his use; and
- (b) Any considerations that in the opinion of the Minister would make the recognition of the applicant contrary to the public interest.]

(2) Any recognition given by the Minister pursuant to this regulation may be given subject to such conditions (if any), not inconsistent with these regulations, as the Minister may think fit to impose. In particular, every recognition given for the purposes of these regulations shall be subject to the condition that all apparatus and equipment used by the pathologist may be inspected from time to time and at any reasonable time by any person authorized in that behalf by the Director-General of Health.

(3) The Minister may at any time, by not less than one month's notice in writing, revoke any recognition given by him under this regulation, or may alter any of the conditions attached by him to any recognition.

(4) Any applicant for recognition as a pathologist under these regulations may withdraw his application at any time before it has been finally dealt with by the Minister, and any person who has been recognized as a pathologist under these regulations shall cease to be so recognized on giving to the Minister not less than one month's notice in writing to that effect.

(5) The Minister may from time to time publish, in such manner as he thinks fit, the names and addresses and other particulars concerning persons who for the time being are recognized as pathologists for the purposes of these regulations.

Subclause (1) was substituted for the original subclause (1) by regulation 5 of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 1.

#### DUTY OF PATHOLOGISTS TO KEEP RECORDS

8. (1) As soon as practicable after the completion of the making of any laboratory examination to which these regulations apply it shall be the duty of the pathologist to make, in duplicate, a written report thereon, and, where the examination was made on the recommendation of another medical practitioner, to forward a copy of his report to that medical practitioner.

(2) A copy of his report shall be retained by the pathologist for a period of not less than three years.

(3) At any time during the said period of three years the copy of his report retained by the pathologist shall, on request, be produced for the inspection of any medical practitioner who may be authorized in that behalf by the Director-General of Health.

PAYMENT OF FEES FOR LABORATORY SERVICES UNDER THESE  
REGULATIONS

9. (1) [Subject to the proviso to subclause (1) of regulation 12 hereof,] fees at the rates prescribed in the Schedule hereto shall be payable out of the Social Security Fund in respect of laboratory diagnostic services to which these regulations apply.

(2) Fees in accordance with these regulations shall be payable, notwithstanding that the services may have been rendered in respect of a patient for whom the pathologist has undertaken to provide medical benefits in accordance with the Social Security (Medical Benefits) Regulations 1941.\*

(3) If any examination for which fees are claimed is not expressly included in the Schedule hereto, the Minister, by a general or specific direction, may determine that the examination shall be deemed for the purposes of these regulations to be within such one of the specified classes as in his opinion is most closely analogous thereto, and fees as for an examination of that class shall be payable accordingly.

The words in square brackets in subclause (1) were inserted by regulation 2 (3) of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 2.

PAYMENTS TO RECOGNIZED PATHOLOGISTS

10. Where any services to which these regulations apply (not being services to which regulation 12 hereof relates) are performed by a recognized pathologist, the amount of the prescribed fees payable under these regulations shall be accepted by the pathologist in full satisfaction of his claims in respect of those services:

Provided that nothing in this subclause shall apply in any case where the patient or a responsible person competent to act on behalf of the patient notifies the pathologist in writing that he does not wish to accept the benefit of the regulations, and in any such case the whole amount of the pathologist's fees may be charged to or on account of the patient, and no fees shall be payable from the Fund.

11. (1) Every claim by a recognized pathologist under these regulations for the payment of fees from the Social Security Fund shall be made in the first instance to the Medical Officer of Health of the appropriate district, and shall be made on forms to be provided for the purpose by the Department.

(2) All such claims shall be supported in accordance with the following provisions, namely:

- (a) In every case the claim shall contain a certificate, signed by the pathologist by whom the service was rendered, that the service to which the claim relates was duly rendered:

\* Statutory Regulations 1941, Serial number 1941/24, page 48.

Amendment No. 1: Statutory Regulations 1943, Serial number 1943/156, page 350.

Amendment No. 2: Statutory Regulations 1950, Serial number 1950/80, page 240.

- [(b) In the case of a claim by a recognized pathologist for services rendered on the recommendation of another medical practitioner, the claim shall state, in addition to the nature of the services rendered, the name of that other medical practitioner, and the pathologist shall retain the recommendation and produce it on demand to the Medical Officer of Health or any person authorized by him in that behalf for the purpose of checking the claim.]
- (c) In the case of any other claim by a recognized pathologist, the claim shall contain or be accompanied by a brief statement, signed by the pathologist, setting out his reasons for rendering the services to which the claim relates.

Para. (b) of subclause (2) was substituted for the original para. (b) by regulation 6 of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 1.

#### PAYMENTS TO HOSPITAL BOARDS

12. (1) Where any services to which these regulations apply are performed by a pathologist employed or engaged by a Hospital Board or are performed by any person under the direct supervision of a pathologist or medical practitioner employed or engaged by a Hospital Board, the amount of the prescribed fees payable under these regulations shall be received by the Hospital Board in full satisfaction of its claims in respect of those services:

[Provided that for the financial year commencing on the 1st day of April 1951 and for each subsequent financial year the Minister may direct with respect to any specified Hospital Board that, instead of the Board receiving payment of the prescribed fees calculated according to the actual number of services performed, there shall be paid to the Board in respect of all such services performed as aforesaid in that year such sum as the Minister determines, being an amount which in his opinion would be payable for that year in respect of those services had the amount been calculated in accordance with the actual number of services provided. Every direction or determination of the Minister under this proviso shall be final.]

(2) No Hospital Board shall be entitled to claim or receive in respect of any laboratory services rendered after the appointed date in respect of any person who is entitled to claim laboratory benefits under these regulations any payment other than a payment from the Social Security Fund in accordance with these regulations.

[(3) *Rev. by regulation 2 (2) of 1949/60.*]

(4) Claims by a Hospital Board under these regulations shall be made to the Medical Officer of Health of the appropriate district and shall be made on forms to be provided for the purpose by the Department:

[Provided that no such claim need be made in any case where the Minister has directed payment to the Hospital Board of a lump sum under the proviso to subclause (1) of this regulation.]

The provisos to subclauses (1) and (4) were added by subclauses (1) and (2) of regulation 2 of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 2.

[13. Where any services to which these regulations apply are performed by or under the direct supervision of a pathologist or bacteriologist employed or engaged by the Medical School of the University of Otago, fees shall be payable to the Registrar of the University of Otago at the rates prescribed by these regulations, and shall be accepted by the University in full satisfaction of its claims in respect of those services:

Provided that every claim in respect of any services performed at the request or on behalf of a Hospital Board shall be accompanied by a certificate signed by the Secretary of that Hospital Board to the effect that none of the services for which the claim is made are in respect of in-patients of a hospital or other institution under the control of the Board.]

Regulation 13 was added by regulation 7 of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 1.

### [SCHEDULE

#### SCALE OF FEES PAYABLE FROM SOCIAL SECURITY FUND IN RESPECT OF LABORATORY DIAGNOSTIC SERVICES

##### *Blood Examinations*

	Fees Payable to Hospital Boards or to Recognized Pathologists		
	£	s.	d.
Blood count complete: Reds, whites, Hb., and differential count, including haematocrit estimations as required .....	0	15	0
Blood films, differential count, etc. ....	0	5	0
Leucocyte count .....	0	5	0
Red count .....	0	5	0
Haemoglobin .....	0	5	0
Blood sedimentation rate .....	0	5	0
Blood groups:			
A.B.O. ....	0	5	0
Rh type .....	0	5	0
Coomb's test .....	0	5	0
Rh titre .....	1	0	0
Coagulation rate .....	0	10	0
Prothrombin time .....	0	15	0
Fragility test .....	1	0	0
Reticulocyte count .....	0	5	0
Platelet count .....	0	5	0
Bleeding time .....	0	5	0
Icterus index or serum bilirubin .....	0	10	0
Paul-Bunnell test .....	0	10	0
Examination of bone marrow films .....	2	0	0
Blood culture .....	1	0	0
Agglutination tests: single organism .....	0	10	0
Each additional organism, 10s.; maximum .....	1	0	0

SCHEDULE—*continued*

*Blood Examinations—continued*

	Fees Payable to Hospital Boards or to Recognized Pathologists		
	£	s.	d.
Wasserman test, including a flocculation test .....	0	10	0
Complement fixation hydatids .....	0	10	0
Blood non-protein nitrogen or urea nitrogen .....	0	10	0
Blood sugar .....	0	10	0
Blood cholesterol .....	1	0	0
Blood thiocyanate .....	0	15	0
Blood uric acid .....	1	0	0
Blood chlorides .....	0	15	0
Blood CO <sub>2</sub> combining power .....	1	0	0
Serum calcium .....	1	0	0
Serum phosphorus .....	1	0	0
Serum sodium .....	1	0	0
Serum potassium .....	1	0	0
Plasma protein .....	0	10	0
Albumin-globulin ratio .....	1	0	0
Liver function test; flocculation or precipitation tests: each	0	5	0
Serum alkaline or acid phosphatase .....	1	0	0

*Cerebro-spinal Fluid*

General examination: cells, globulin, etc. ....	0	10	0
Wassermann test .....	0	10	0
Colloidal gold test .....	0	10	0
Estimation of protein .....	0	10	0
Estimation of chlorides .....	0	10	0
Estimation of sugar .....	0	10	0
Bacteriological examination culture .....	0	10	0

*Genito-Urinary*

*(Routine examinations are not a charge on the Fund)*

Urine: bacteriological examination—culture .....	0	10	0
Urine: direct examination for tubercle bacilli .....	0	10	0
Urine: examination of centrifuged deposit .....	0	5	0
Urea concentration test .....	0	10	0
Urea clearance test .....	1	0	0
Urethral and other smears for organisms .....	0	5	0
Examination for trichomonads .....	0	5	0
Urine chlorides (quantitative) .....	0	10	0
Urine diastase .....	0	10	0

*Faeces*

Bacteriological examination .....	0	15	0
Occult blood .....	0	5	0
Parasites and ova .....	0	10	0
Estimation of fat .....	2	0	0



SCHEDULE—*continued**General*

	Fees Payable to Hospital Boards or to Recognized Pathologists		
	£	s.	d.
Sputum or pus for tubercle bacilli or other organisms .....	0	5	0
Throat swabs for diphtheria bacilli .....	0	5	0
Mantoux test—			
Single test .....	0	15	0
Multiple tests: over 3, each .....	0	5	0
Examination of hair or epithelium for ringworm .....	0	10	0
Examination of exudates, etc., including culture .....	0	10	0
Fractional test meal .....	2	0	0
Skin sensitivity tests, including Casoni test .....	1	0	0
Tissues or smears for histological examination .....	1	10	0
Examination of seminal fluid .....	0	10	0
Examination of films for malarial parasites .....	0	5	0
Dark-ground examination for spirochaetes .....	1	0	0
Antibiotic sensitivity test—			
Each antibiotic .....	0	10	0
Maximum .....	1	10	0]

The above Schedule was substituted for the former Schedule (as substituted for the original Schedule by regulation 8 of the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 1) by the Social Security (Laboratory Diagnostic Services) Regulations 1946, Amendment No. 3, with effect from 1 August 1954.

W. O. HARVEY,  
Acting Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act 1936,  
this 29th day of October 1954.*

T. CLIFTON WEBB,  
*Attorney-General.*

Issued under the authority of the Regulations Act 1936.  
Date of notification of principal regulations in *Gazette*: 28 March 1946.  
These regulations are administered in the Department of Health.