

Serial Number 1950/139

**THE SOCIAL SECURITY (GENERAL MEDICAL SERVICES)
REGULATIONS 1950**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 16th day of
August, 1950

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.

REGULATIONS

1. (1) These regulations may be cited as the Social Security (General Medical Services) Regulations 1950.

(2) These regulations shall come into force on the 1st day of September, 1950.

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

“ The said Act ” means the Social Security Amendment Act, 1941 :

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

“ Disciplinary Committee ” means the Medical Practitioners Disciplinary Committee established under the Medical Practitioners Amendment Act, 1949 :

“ Fund ” means the Social Security Fund :

“ 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.

FORMS

3. (1) For the purposes of these regulations the Department shall provide forms of claims for the payment of fees to medical practitioners, of claims for the refund of fees paid by or on account of patients, and of certificates, receipts, and other documents required to be furnished in connection with claims for the payment or refund of fees.

(2) The said forms or any two or more of them may be combined as separate parts of composite forms.

(3) Supplies of forms shall be forwarded by the Department to medical practitioners providing general medical services, and will also be available on application, without charge, at all District Health Offices, at all Chief Post Offices, and at such other post offices and places as the Minister deems convenient or necessary.

SERVICES THAT ARE NOT INCLUDED IN THE EXPRESSION "GENERAL MEDICAL SERVICES"

4. (1) In addition to services of the kinds referred to in paragraphs (a) to (e) of section 3 of the said Act, medical services of the kinds specified in the next succeeding subclause are hereby excluded, in accordance with paragraph (f) of the said section, from the expression "general medical services" as used in the said Act:

Provided that any medical services that are excluded by the next succeeding subclause from the scope of general medical services may, in special circumstances and with the approval of the Minister, be regarded for the purposes of the said Act and these regulations as being within the scope of such services.

(2) The medical services that are excluded from the expression "general medical services" by the last preceding subclause are all medical services of any of the following classes, namely:—

(a) Medical services involved in any medical examination of which the sole or primary purpose is the obtaining of a medical certificate (for production to some other person) as to the condition of health of the person examined:

Provided that this paragraph shall not extend so as to exclude medical services in relation to certificates given for the purpose of benefits under Part II of the Social Security Act, 1938, or in relation to certificates for "sickness benefits" from a friendly society:

(b) Medical services involved in or incidental to the extraction of teeth by a medical practitioner:

(c) Medical services rendered in any case to which section 81 of the Social Security Act, 1938, applies:

(d) Medical services in respect of which fees are payable under the Social Security (X-ray Diagnostic Services) Regulations 1941*:

(e) Medical services in respect of which fees are payable under the Social Security (Massage Benefits) Regulations 1942†:

(f) Medical services in respect of which fees are payable under the Social Security (Laboratory Diagnostic Services) Regulations 1946‡:

(g) Medical services afforded by means of advice given by telephone, telegram, or letter except in circumstances specifically approved in that behalf by the Director-General of Health:

(h) Medical services not afforded by a medical practitioner in person.

SPECIAL RATES OF FEES TO BE PAYABLE IN CERTAIN CIRCUMSTANCES

5. (1) Instead of the fees prescribed by section 4 of the said Act, fees in accordance with the next succeeding subclause shall be payable from the Fund in accordance with the said section, or may be recovered

* Statutory Regulations 1941, Serial number 1941/122, page 390.

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

‡ Statutory Regulations 1946, Serial number 1946/24, page 50.

by a medical practitioner in accordance with section 7 of the said Act, for every occasion on which a medical practitioner provides any general medical services—

- (a) On any Sunday or holiday, in response to an urgent request received by him on that day; or
- (b) Between the hours of 8 p.m. of any day and 8 a.m. of the following day, in response to an urgent request received by him between those hours.

(2) For every occasion on which any such services are provided as aforesaid the appropriate fee shall be a reasonable fee not exceeding 12s. 6d. instead of the fee prescribed by section 4 of the said Act.

(3) Nothing in this regulation shall affect a claim for mileage fees computed in accordance with section 5 of the said Act.

6. If the Medical Officer of Health is satisfied that, on any occasion on which general medical services have been provided by any medical practitioner, the examination and treatment of the patient necessitated the attendance of the practitioner for a continuous period of more than thirty minutes, he may approve a claim for the payment of a reasonable fee in excess of the fee prescribed by section 4 of the said Act or (in any case to which regulation 5 hereof applies) of a reasonable fee in excess of the fee prescribed by that regulation.

CLAIMS BY MEDICAL PRACTITIONERS FOR PAYMENT OF FEES FROM FUND

7. Every claim by a medical practitioner for payment from the Fund of fees for or in respect of general medical services provided by him in accordance with the said Act (including claims for pharmaceutical requirements supplied by him) shall be made on the appropriate form provided by the Department for the purpose, and shall contain, or shall disclose by reference to a related form, the following particulars, namely:—

- (a) The name and the usual place of residence of the patient;
- (b) The place where the services were provided;
- (c) The date on which the services were provided;
- (d) In any case where the fees prescribed by regulation 5 hereof are claimed, whether the services were provided on a Sunday or holiday, or at night;
- (e) In any case where a special fee is claimed under regulation 6 hereof, the approximate length of time spent in actual attendance upon the patient;
- (f) In a claim for mileage fees, particulars of the journey (including a statement as to the total length of the journey, the names of all patients visited in the course of the journey, the several places where patients were visited, and such other particulars (if any) as, being indicated on the form, may be required to enable the Department to compute the amount of mileage fees payable);
- (g) Such other particulars as may from time to time be required by the Director-General of Health.

8. Every claim by a medical practitioner for payment from the Fund in respect of any pharmaceutical requirements supplied by him pursuant to section 6 of the said Act shall specify the nature and quantity of the pharmaceutical requirements supplied.

CLAIMS FOR REFUNDS OF FEES PAID BY OR ON ACCOUNT OF PATIENTS

9. (1) Every claim made pursuant to section 7 of the said Act for a refund of fees (including charges for any pharmaceutical requirements) paid to a medical practitioner shall be made on the appropriate form provided for the purpose by the Department.

(2) Every such claim for a refund shall be supported by a receipt signed by the medical practitioner stating (or disclosing by reference to a related form) the name and address of the patient, the name and address of the person who paid the fees, the amount paid, the date of service and the date of payment, and any other particulars required by the Department and indicated on the form of receipt or on any related form :

Provided that the Medical Officer of Health may, in his discretion, and upon or subject to such conditions as he thinks fit, accept any such receipt that is signed on behalf of the medical practitioner by an agent appointed by the medical practitioner in writing and approved by the Medical Officer of Health ; and every receipt so accepted shall be deemed for the purposes of these regulations to be signed by the medical practitioner.

GENERAL PROVISIONS AS TO CLAIMS FOR PAYMENT OF FEES OR REFUNDS

10. (1) Every claim by a medical practitioner for the payment of any fees under the said Act and these regulations shall be forwarded to the Medical Officer of Health within two months after the date on which the medical services or the pharmaceutical requirements to which the claim relates were provided or supplied.

(2) Every claim for a refund in accordance with the said Act and these regulations of fees paid to a medical practitioner by or in respect of a patient shall be forwarded to the Medical Officer of Health within two months after the date of payment to the medical practitioner.

(3) If any claim for the payment of fees or for a refund is not made within the time specified in this regulation, the Medical Officer of Health may reduce the claim by way of penalty by an amount not exceeding 10 per cent. thereof.

SPECIAL PROVISIONS AS TO MILEAGE FEES

11. Where in accordance with subsection (6) of section 5 of the said Act the Medical Officer of Health has disallowed in whole or in part a claim for mileage fees on the ground that arrangements could conveniently have been made that would have avoided the fees or would have reduced the amount thereof, the medical practitioner shall be entitled to recover the amount so disallowed from the patient or from any person responsible for the debts of the patient.

12. (1) Where any receipt given by a medical practitioner for the purposes of regulation 9 hereof is in respect of mileage fees, the medical practitioner shall, in respect of each journey for which mileage fees have been paid, be required to state on the receipt or on a separate document to be attached thereto or in reply to an inquiry made by or at the instance of the Medical Officer of Health—

(a) The distance of the place where the patient was visited from the surgery or place of residence of the medical practitioner :

- (b) Whether or not the patient was the only patient visited by the medical practitioner in the course of the journey in respect of which the fees were paid :
- (c) The total distance necessarily travelled by the medical practitioner in going from his surgery or place of residence to the place where the patient was visited, and to any other place or places where any other patient or patients were visited in the course of the same journey, and in returning therefrom to his surgery or place of residence :
- (d) Whether or not any such place is distant more than twenty miles from the surgery or place of residence of the medical practitioner, and, if so, the approximate distance :
- (e) If any other patients were visited in the course of the same journey, the total mileage fees (if any) charged to those patients.

(2) Where it appears that the patient to whom the claim for a refund of mileage fees relates was not the only patient visited by the medical practitioner in the course of the journey, the Medical Officer of Health shall compute as nearly as may be the total amount of the mileage fees that the medical practitioner was entitled in accordance with section 5 of the said Act to claim in respect of the journey, and shall apportion to the patient to whom the claim relates so much thereof (not exceeding the amount of the claim) as in the circumstances he considers reasonable, and shall, if necessary, adjust the claim accordingly. If in the opinion of the Medical Officer of Health it is not in any case practicable to make an apportionment of mileage fees in accordance with the foregoing provisions of this subclause he may make an arbitrary apportionment or he may disallow the claim.

13. In any case where a Medical Officer of Health is satisfied that, by reason of the nature or condition of any road or roads over which, in the opinion of the Medical Officer of Health, it was necessary or expedient for a medical practitioner to travel to provide any general medical services, any mileage fees computed as provided in section 5 of the said Act are inadequate, he may increase the mileage fees to such extent as he deems necessary to make them adequate.

MISCELLANEOUS

14. (1) In order to facilitate the provision by medical practitioners of general medical services in accordance with the said Act and these regulations it shall be the duty of patients or, as the case may be, of persons acting on behalf of or in respect of patients—

- (a) To refrain from making unnecessary demands upon the services of any medical practitioner, whether at his surgery or elsewhere :
- (b) To arrange, wherever practicable, that the patient shall attend for treatment at the surgery of the medical practitioner :
- (c) If the patient is prevented, by reason of the condition of his health or for other sufficient reason, from attending the medical practitioner at his surgery, to notify the medical practitioner as early as possible, and, except in cases of emergency, not later than 10 a.m. of the day when a visit is required, that the patient requires to be visited by the medical practitioner :

- (d) To furnish without unreasonable delay any information required by or in the name of the Medical Officer of Health in relation to any claim for the payment of fees made by a medical practitioner.
- (2) If any person wilfully and unreasonably fails to comply with any of the duties imposed on him by this regulation he shall be liable to a penalty equal to the amount of the fees paid or payable out of the Fund to any medical practitioner in respect of the particular matter to which the default relates.
- (3) Any penalty under this regulation may be recovered as a debt due to the Crown.
- 15.** (1) In relation to any claim for payment from the Fund of any fees or refunds in accordance with these regulations the Medical Officer of Health may require the medical practitioner concerned to furnish in writing or otherwise a statement in explanation or substantiation of the claim.
- (2) If the medical practitioner refuses to supply any information required to be furnished by him as aforesaid, or fails to supply any such information within twenty-one days after being so required, or furnishes an insufficient or unsatisfactory statement, the Medical Officer of Health shall refer the matter to the Minister through the Director-General of Health, and in any such case the Minister, after reference to the appropriate committee appointed under section 83 of the Social Security Act, 1938, or to the Disciplinary Committee, may—
- (a) Direct that the claim or that any such claim be disallowed either wholly or in part; or
- (b) If the claim or any such claim has been paid, authorize the Medical Officer of Health to take the necessary steps to recover from the medical practitioner the whole or a specified part of the claim, as a debt due to the Crown.
- (3) Notwithstanding anything to the contrary contained in sub-clauses (1) and (2) of this regulation, the Minister, without complying with any of the requirements of those sub-clauses, may, if he thinks fit, refer the matter in the first instance as a complaint to the Disciplinary Committee for investigation under section 6 of the Medical Practitioners Amendment Act, 1949.
- 16.** If any medical practitioner wilfully refuses or fails to sign any receipt or certificate required for the purposes of a refund of fees paid to him by or in respect of any patient, or to supply any information required by a Medical Officer of Health in respect of any claim, he shall be liable on summary conviction to a fine not exceeding £10.
- 17.** (1) Every medical practitioner who provides any general medical services shall keep a comprehensive and readily accessible daily record in respect of every patient, in which shall be entered the following:—
- (a) The particulars mentioned in paragraphs (a) to (f) inclusive of regulation 7 hereof, and such other particulars as may from time to time be required by the Director-General of Health:
- (b) A record of the clinical history of the patient and of the treatment given or services rendered.

(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 medical practitioner authorized in that behalf by the Director-General of Health in writing, and it shall be the duty of every medical practitioner who provides any general medical services to answer all inquiries with respect to those records made by the Medical Officer of Health or by any inspecting medical practitioner so authorized as aforesaid.

18. In respect of every medical practitioner who provides any general medical services the Minister may refer to the Disciplinary Committee any of the following matters for investigation :—

- (a) Any complaint that a medical practitioner is performing an excessive number of visits to a patient :
- (b) Any complaint that a medical practitioner is conducting an unduly large number of consultations on any day or days :
- (c) Any complaint that a medical practitioner has displayed culpable lack of skill or any negligence or lack of care in the performance of his duties :
- (d) Any complaint that a medical practitioner has defrauded or attempted to defraud the Social Security Fund in connection with a claim in respect of any such services :
- (e) Any other complaint whatsoever which in the opinion of the Minister warrants investigation, in addition to any matters specifically mentioned in any Act or any regulations made thereunder as referable to the Disciplinary Committee.

19. (1) Where, in respect of any general medical services provided by a medical practitioner, any complaint mentioned in regulation 18 hereof is referred by the Minister to the Disciplinary Committee, the Minister may, on the recommendation of the said Committee, by notice published in the *Gazette* and in such other manner, if any, as the Minister thinks proper, exclude the medical practitioner from participation in any scheme under Part III of the Social Security Act, 1938, whereby payments are made from the Social Security Fund, whether to the medical practitioner or to any other person, in respect of the provision of general medical services by medical practitioners.

(2) Any notice under this regulation may be at any time revoked by the Minister and if not sooner revoked shall cease to operate on the expiration of six months from the date of its first publication in the *Gazette*.

20. (1) The Social Security (General Medical Services) Regulations 1941 * and the Social Security (General Medical Services) Regulations 1941, Amendment No. 1†, are hereby revoked.

(2) All forms, claims, receipts, particulars, requirements, and directions, and generally all acts of authority that originated under the regulations hereby revoked, and are subsisting or in force at the commencement of these regulations, shall enure for the purposes of these regulations as if they had originated under these regulations, and accordingly shall, where necessary, be deemed to have so originated.

* Statutory Regulations 1941, Serial number 1941/187, page 564.
† Statutory Regulations 1942, Serial number 1942/13, page 36.

(3) All matters and proceedings commenced under the regulations hereby revoked, and pending or in progress at the commencement of these regulations, may be continued and completed under these regulations.

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 (General Medical Services Regulations 1941, as amended in 1942, with further amendments to provide for alteration to the medical services excluded from the expression "general medical services"; alterations to the occasions for which higher fees can be charged; dispensing with patients' certificates regarding medical services; authorization of higher mileage fees where warranted; disallowance of certain claims of medical practitioners on the recommendation of the Medical Practitioners Disciplinary Committee; reference of complaints to the Medical Practitioners Disciplinary Committee for investigation; requiring medical practitioners to keep daily records in respect of every patient; and for the Minister of Health in certain circumstances, on the recommendation of the Disciplinary Committee, to exclude medical practitioners from participation in any scheme under Part III of the Social Security Act for periods up to six months.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 17th day of August, 1950.
These regulations are administered in the Department of Health.