



**THE SOCIAL SECURITY (BREAST PROSTHESES)
REGULATIONS 1977**

—
DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 30th day of May 1977

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Social Security Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title—These regulations may be cited as the Social Security (Breast Prostheses) Regulations 1977.

2. Interpretation—In these regulations—

“The Act” means the Social Security Act 1964:

“Patient” means a woman who is entitled by section 91 of the Act to claim the benefits provided by Part II of the Act.

3. Bilateral mastectomies, etc.—A woman who has had both breasts removed either as a result of a bilateral mastectomy or of 2 mastectomies shall be entitled to receive under these regulations a double benefit or 2 benefits, as the case may require.

4. Benefits—Subject to regulation 5 of these regulations, a sum equivalent to the ordinary cost to a purchaser of a breast prosthesis, but not exceeding \$30, shall be paid by the Department to—

- (a) Any Hospital Board, which sells or supplies a breast prosthesis to a patient who has undergone a mastectomy in a hospital on or after the 29th day of July 1976; or
- (b) Any licensee of a private hospital, who or which sells or supplies a breast prosthesis to a patient who has undergone a mastectomy in that hospital on or after the said date; or

- (c) The controlling authority of any institution or place recognised and approved by the Minister pursuant to section 103 of the Act, who or which sells or supplies a breast prosthesis to a patient who has undergone a mastectomy in that institution or place on or after the said date; or
- (d) Any person, who or which sells breast prostheses in the course of his business, and who or which supplies a breast prosthesis to a patient who has undergone a mastectomy in a hospital on or after the said date; or
- (e) Any patient who has undergone a mastectomy in a hospital on or after the said date, and to whom a breast prosthesis is sold or supplied by a person referred to in paragraphs (a) to (d) of this regulation.

5. Conditions of payment—(1) No payment shall be made under these regulations unless the following conditions are complied with:

- (a) The claim for payment shall be made in writing to the Medical Officer of Health of the health district in which the breast prosthesis has been supplied to the patient:
- (b) Subject to subclause (3) of this regulation, every such claim shall be supported by a certificate stating—
 - (i) The full name and address of the patient to whom the breast prosthesis has been supplied:
 - (ii) The date of the material mastectomy and the name of the hospital in which it was undergone:
- (c) The certificate required by paragraph (b) of this subclause shall be signed, in the case where the material mastectomy has been undergone in a hospital carried on by a Hospital Board, by a medical officer in the employment of the Board, and, in any other case, by the licensee or manager or other person in charge of the hospital:
- (d) Subject to subclause (3) of this regulation, in addition to the certificate required by paragraphs (b) and (c) of this subclause, the claim shall be supported by an invoice or account showing the brand or type of breast prosthesis supplied to the patient, the date of the supply, and the price which the patient paid or which the patient would have been required to pay if these regulations had not been enacted:
- (e) Subject to subclause (3) of this regulation, in any case where the claim is made by the patient, it shall be supported, in addition to the certificate and invoice or account required by the preceding provisions of this subclause, by a receipt, signed by or on behalf of the person who supplied the breast prosthesis to the patient, showing that the patient has paid to that person the whole of the price of the prosthesis referred to in the invoice or account.

(2) No person shall provide any certificate pursuant to paragraph (b) of subclause (1) of this regulation in respect of any mastectomy if such a certificate has already been issued in respect of that mastectomy, unless that person is satisfied that the first certificate has been lost or destroyed and the second certificate is clearly marked with the word "Duplicate".

(3) In any case where the claim is made by the patient, if the Medical Officer of Health is satisfied on such evidence as he may require—

- (a) That the patient has undergone a mastectomy in a hospital on or after the 29th day of July 1976; and
- (b) That the patient has paid the whole of the price of a breast prosthesis sold to her, subsequent to such mastectomy, by a person referred to in paragraphs (a) to (d) of regulation 3 of these regulations; and
- (c) That the patient has used her best endeavours to obtain the certificate, invoice or account, and receipt, required by subclause (1) of this regulation, but is unable to produce one or more of those documents or duplicates thereof—

he shall pay to the patient the amount which she would have been entitled to receive if all the provisions of subclause (1) of this regulation had been complied with.

6. Limitations—(1) Nothing in these regulations shall authorise or require the Department—

- (a) To make more than one payment in respect of any one breast prosthesis:
- (b) To recover from a person to whom a payment has been made under these regulations the amount of that payment on the ground that some other person had a better claim to that payment:
- (c) To make a payment in respect of the replacement or repair of a breast prosthesis.

(2) A Medical Officer of Health may withhold any payment under these regulations until he is satisfied that no claim will be made by any other person in respect of the same breast prosthesis, and, if any such claim is made, may determine, in conformity with the purpose of these regulations, to which person making the claim the payment shall be made.

P. G. MILLEN,
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 provide for the payment of a health benefit of up to \$30 for the provision of a breast prosthesis to women who have undergone mastectomies.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 2 June 1977.
These regulations are administered in the Department of Health.