



2002 No. 58

The Health Service (Physiotherapy Benefit) Regulations, 2002

Made	...	...	...	...	...	...	...	...	...	23rd December 2002
Laid before the States	...	...	...	...	...	...	...	...	...	2003
Coming into operation	...	...	...	...	...	...	...	...	...	1 st January 2003

THE GUERNSEY SOCIAL SECURITY AUTHORITY, in exercise of the powers conferred upon it by Part IIIA and section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, as amended^(a), and as modified by the Health Service (Physiotherapy Benefit) Ordinance, 1997, ^(b), as amended, and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1.(1) In these regulations “the Law” means the Health Service (Benefit) (Guernsey) Law, 1990 as amended^(a) and as modified by the Health Service (Physiotherapy Benefit) Ordinance, 1997^(b) as amended.

(2) Except where the context otherwise requires, any reference in these regulations to an enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948^(c) shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

(4) In these regulations “specialist medical treatment” means treatment by a States employed consultant or specialist, a medical practitioner who is either a partner of or who is employed by or contracted to the Medical Specialist Group, an approved medical practitioner participating in the provision of 24 hour emergency medical cover arranged by the Board of Health or where a patient has been treated off Island under the United Kingdom Reciprocal Health Convention by a medical practitioner or physiotherapist.

(5) In these Regulations “the Group” means the partners for the time being of the physiotherapy practice known as the Guernsey Physiotherapy Group.

(6) In these Regulations “the Group's clinics” mean the Group’s clinics at the Island Sports Medicine and Rehabilitation Centre, Galeries du Manoir, Les Camps du Moulin, St Martins, Guernsey, GY4 6DA or any other premises occupied by the Group.

(a) Ordre en Conseil No. XXIV of 1990; Ordinance No. XIV of 1993; Ordinance No. XXXIV of 1995; Ordinance No. XXXV of 1995.
 (b) Ordinance No. I of 1998; Health Service (Physiotherapy Benefit) (Amendment) Ordinance, 2002.
 (c) Ordres en Conseil Vol. XIII, p.355.

Physiotherapy Benefit

2. For the purposes of Section 5A(2) of the Law "physiotherapy benefit" shall comprise in relation to any person, without prejudice to the provisions of Section 5B of the Law, all outpatient, inpatient and post-discharge physiotherapy services undertaken at:-

- (i) the Princess Elizabeth Hospital, Guernsey;
- (ii) the Mignot Memorial Hospital, Alderney; and
- (iii) the Group's clinics;

where the provisions of such physiotherapy is requisite in the case of that person for the treatment of the disease or condition in relation to which he is receiving or has received specialist medical treatment except those services contained in the schedule to these Regulations.

3. A person entitled under section 5A(1) of the Law to physiotherapy benefit is entitled thereto free of charge.

Manner in which claims for physiotherapy benefit are to be made

4. Every claim for physiotherapy benefit shall be made either by or on behalf of a claimant:-

- (i) legibly, and in a form approved by the Authority; or
- (ii) in such a way, approved by the Authority, that it is readily capable of being reproduced in a legible form; or
- (iii) in such other manner as the Authority may accept as sufficient in the circumstances of any particular case or class of cases, subject to any directions given by or on behalf of the Authority in any particular case or class of cases.

Information to be given when making a claim

5. A person who makes a claim for physiotherapy benefit shall furnish such certificates, documents, information and evidence for the purpose of enabling that claim to be determined as may be required by or on behalf of the Administrator and, if reasonably so required, shall for that purpose attend at such office or place as the Administrator may direct.

Amendment of claims

6. If a claim for physiotherapy benefit, or any information, documentation or evidence required by or on behalf of the Administrator in respect of a claim, is defective or deficient at the date of its receipt by the Administrator, the Administrator shall refer the claim back to the claimant or the person making the claim on his behalf; and if, and only if, (unless the Administrator directs otherwise in any particular case) the claim is returned to the Administrator within one month of such reference, with all information, documentation and evidence completed as required by the Administrator, the Administrator shall treat the claim as if it had been duly made in the first instance.

Claims for persons unable to act

7.(1). In a case of an adult person for the time being unable to act, a claim for physiotherapy benefit may be made by a person who satisfies the Administrator that he is acting in the best interests of that person.

(2) A person who has not attained the age of eighteen years may not act for the claimant under this regulation.

Claims and payments on behalf of a child

8. Where a guardian has not been appointed to act on behalf of a child, a claim for physiotherapy benefit on behalf of the child may be made by:-

- (a) in the case of a child living with one or both of his parents, any parent with whom he is living;
- (b) in any other case –
 - (i) a person with whom the child is living or the person having care or control of the child; or
 - (ii) where there is no such person, a person appointed by the Authority having regard to all the circumstances of the particular case.

Claims on death

9. Claims for physiotherapy benefit may be made on behalf of the estate of a deceased person by a person acting for the estate.

Time of Claims

10.(1) Claims for physiotherapy benefit should be made at such time as may be specified by the Authority subject to any directions given by or on behalf of the Authority in any particular case or class of cases.

(2) If a person fails to make a claim for physiotherapy benefit at the time specified by the Authority under the previous paragraph the Administrator may consider a late claim providing he is satisfied that there was good cause for delay in making the claim.

General limitation of right to benefit

11. Notwithstanding anything contained in these regulations no sum shall be paid to any person on account of physiotherapy benefit in respect of any treatment provided more than twelve months before the date on which the claim therefor is made.

Repayment of the value of physiotherapy benefit

12. Where a person claims for physiotherapy benefit provided to any person and it is subsequently decided that the person to whom it was provided was not entitled to it the Administrator shall:-

- (i) demand repayment of the value of the physiotherapy benefit provided; or
- (ii) deduct the value of the physiotherapy benefit provided from any other benefit properly due to him; or
- (iii) determine that the physiotherapy benefit was properly provided; or
- (iv) determine that the physiotherapy benefit was provided on account of benefit properly due to him;

and for the purposes of this regulation the value of physiotherapy benefit provided will be determined by or on behalf of the Administrator.

Repeal

13. The Health Service (Physiotherapy Benefit) Regulations, 1997^(d) are repealed.

Extent

14. These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation

15. These Regulations may be cited as the Health Service (Physiotherapy Benefit) Regulations, 2002.

Commencement

16. These Regulations shall come into operation on 1st January 2003.

Dated this 23rd day of December 2002.



O D LE TISSIER
President of the Guernsey Social Security Authority
for and on behalf of the Authority

SCHEDULE

The following services and procedures are excluded from the definition of physiotherapy benefit:

- a) physiotherapy following any treatment provided by a medical practitioner who is either a partner of or who is employed by or contracted to the Medical Specialist Group which is not specialist medical benefit;
- b) primary care physiotherapy;
- c) lymphoedema;
- d) physiotherapy services for acute psychiatric and elderly mentally ill patients;
- e) domiciliary physiotherapy services; and
- f) physiotherapy services for patients in continuing care wards at Board of Health premises.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport).

These Regulations deal with matters relating to:-

- (1) the extent of physiotherapy benefit available to persons entitled to benefit provided by the Guernsey Physiotherapy Group under the terms of its contract with the States of Guernsey, including a schedule of services excluded from the definition of physiotherapy benefit;
- (2) the manner in which claims for physiotherapy benefit are to be made;
- (3) information to be given when making a claim;
- (4) amendment of claims;
- (5) claims concerning:-
 - (i) persons unable to act;
 - (ii) children;
 - (iii) deceased persons;
- (6) the time of making claims;
- (7) repayment of the value of physiotherapy benefit;

and certain related matters.