
GUERNSEY STATUTORY INSTRUMENT

1995 - No. 40

**The Health Service (Physiotherapy Benefit)
Regulations, 1995**

*repealed
of No.
40
of 1997*

Made 29th December, 1995.
Laid before the States
Coming into Operation 1st January, 1996.

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, 1995(b), 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, 1995 (b).

(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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied by or under any other enactment or by any other regulations.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 a "specialist medical practitioner" means an approved medical practitioner within the meaning of the Health Service (Specialist Medical Benefit) Ordinance, 1995(d) who is providing specialist medical benefit to a person pursuant to the provisions of the Contract within the meaning of that Ordinance.

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- (a) Ordre en Conseil No. XXIV of 1990; Ordinance No. XIV of 1993; Ordinance No. XXXIII of 1995; Ordinance No. XXXIV of 1995; Ordinance No. XXXV of 1995.
 - (b) Ordinance No. XLI of 1995.
 - (c) Ordres en Conseil Vol. XIII, P.355.
 - (d) Ordinance No. XXXVI of 1995.

Physiotherapy Benefit

2. For the purposes of Section 5A of the Law "physiotherapy benefit" shall comprise in relation to any person, without prejudice to the provisions of Section 5B of the Law, all inpatient physiotherapy provided at:-

- (i) the Guernsey Princess Elizabeth Hospital,
- (ii) the Mignot Memorial Hospital, Alderney;

where the provision 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 specialist medical benefit.

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

Referral for Physiotherapy Benefit

4. A specialist medical practitioner shall authorise physiotherapy benefit to be provided for any person by an authorised supplier of physiotherapy benefit by referring that person for the physiotherapy in question in a manner approved by the Authority.

Form of application for authorisation as a supplier of physiotherapy benefit

5. A physiotherapist seeking to obtain the authorisation of the Authority under Section 39(1) of the Law as an authorised supplier of physiotherapy benefit shall make application therefor and furnish an undertaking to the Authority in the form set out in Part I of the First Schedule to these regulations.

Terms and conditions relating to the supply of physiotherapy benefit

6. The terms and conditions in accordance with which an authorised supplier of physiotherapy benefit shall supply physiotherapy benefit under the Law are specified in Part II of the First Schedule to these regulations.

Payment of Authorised Suppliers of Physiotherapy Benefit

7. Subject to the provisions of these regulations, an authorised supplier of physiotherapy benefit shall be paid out of the Fund, in respect of each provision of physiotherapy benefit supplied by him under the Law, the amount relevant to that class of treatment in accordance with the Second Schedule to these Regulations.

Manner in which claims for physiotherapy benefit are to be made

8. 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

9. 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

10. If the 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 form 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

11(1). In a case of an adult person for the time being unable to act a claim 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

12. Where a guardian has not been appointed to act on behalf of a child a claim 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

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

Time of Claims

14(1). Claims for physiotherapy benefit should be made at such time approved 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

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

Repayment of the value of physiotherapy benefit

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

Extent

17. These regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation

18. These regulations may be cited as the Health Service (Physiotherapy Benefit) Regulations, 1995.

Commencement

19. These Regulations shall come into operation on the 1st day of January, 1996.

Dated this 29th day of December, 1995.

A handwritten signature in black ink, appearing to read 'L C Morgan', with a horizontal line extending to the right from the end of the signature.

L C Morgan
President of the Guernsey Social Security Authority
for an on behalf of the Authority

FIRST SCHEDULE

Regulations 5 and 6

Form of application for authorisation as a supplier of physiotherapy benefit under the Law and terms and conditions relating to the supply of physiotherapy benefit by authorised suppliers.

PART I

Form of application for authorisation as a supplier of physiotherapy benefit under the Law

The Health Service (Benefit) (Guernsey) Law, 1990, as modified by the Health Service (Physiotherapy Benefit) Ordinance, 1995.

To: Guernsey Social Security Authority
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey
GY1 3WH

I, *
of, *
.....

hereby apply for authorisation as a supplier of physiotherapy benefit under the said Law.

I hereby undertake to supply physiotherapy benefit under the said Law in accordance with the terms and conditions prescribed from time to time under the said Law.

The address/es of my normal place/s of business for correspondence is/are as follows:-

.....
.....
.....
.....

Signed.....Date.....

*Insert your forenames and surname and your private address in block capital letters.

PART II

Terms and conditions subject to which physiotherapy benefit is to be supplied under the Law by authorised suppliers

Supply of physiotherapy benefit

1.(1) An authorised supplier shall supply physiotherapy benefit under the Law with reasonable promptness and shall not, subject to any regulation made under Section 5B(a) of the Law, supply physiotherapy benefit under the Law except on referral from a specialist medical practitioner in such manner as may be approved by the Authority: Provided that:-

Physiotherapy benefit shall not be supplied for the purposes of the Law by an authorised supplier:-

- (a) other than at:-
 - (i) the Princess Elizabeth Hospital; or
 - (ii) the Mignot Memorial Hospital;for inpatients of those hospitals; or
- (b) in a quantity exceeding that which is requisite for the treatment of disease, or otherwise by reason of the patient's condition, in relation to which the specialist medical practitioner has been consulted and not, in any event, once the patient has been referred back to the care of the patient's general practitioner or discharged from the care of the specialist medical practitioner or from the Princess Elizabeth Hospital or (as the case may be) from the Mignot Memorial Hospital.

(2) Physiotherapy benefit shall not be provided other than by an authorised supplier of physiotherapy benefit.

Participation in 24 hour duty roster

2. An authorised supplier of physiotherapy benefit shall participate in the 24 hour duty roster approved by the Board of Health.

Charges

3. Physiotherapy benefit supplied under the Law shall be supplied free of charge to the patient.

Referrals, claims etc to be forwarded to the Authority

4(1). An authorised supplier of physiotherapy benefit shall furnish to the Authority, or such other person or body as the Authority may direct, on dates appointed by the Authority, particulars of the referrals on which physiotherapy benefit has been supplied by him under the Law, in such form and manner as the Authority may direct, together with a statement of accounts containing such particulars relating to the supply by him of physiotherapy benefit under the Law in such form and manner as the Authority may direct.

(2) The Authority shall, if an authorised supplier of physiotherapy benefit so requires, afford him reasonable facilities for examining any of the referrals which have been furnished to the Authority and on which physiotherapy benefit has been supplied by him under the Law together with particulars of the amounts calculated to be payable in respect of such benefit and, if he takes objection thereto, the Authority shall take such objection into consideration.

(3) The Authority may, if required so to do by any organisation which is, in the opinion of the Authority, representative of the general body of authorised suppliers of physiotherapy benefit afford such organisation facilities for examining referrals together with particulars of the amounts calculated to be payable in respect of physiotherapy benefit supplied by such authorised suppliers under the Law and particulars relating to all or any such authorised suppliers and shall take into consideration any representation made by any such organisation.

Provisions of Law to be complied with

5. Physiotherapy Benefit shall only be supplied in accordance with the provisions of the Law and of any Ordinance or regulation made thereunder.

Payment for supply of physiotherapy benefit

6. An authorised supplier of physiotherapy benefit shall be paid by the Authority, for physiotherapy benefit supplied by him under the Law, in accordance with the fees contained in the appropriate Schedule to, and subject to the provisions of, the Health Service (Physiotherapy Benefit) Regulations, 1995.

SECOND SCHEDULE

Regulation 7

Fees payable in respect of Physiotherapy Benefit

| (1) | (2) |
|--------------------------------------|--------|
| Description of Physiotherapy Benefit | Fee |
| Treatment in Hospital: 30 minutes | £16.64 |
| Enhanced rate | £24.96 |
| Treatment in Hospital: 20 minutes | £11.48 |
| Enhanced rate | £17.22 |
| Treatment in Hospital: 10 minutes | £5.82 |
| Enhanced rate | £8.73 |

The enhanced rate is payable for special call outs between 8.00 p.m. and 8.00 a.m. Monday to Friday and for Saturdays, Sundays and Public Holidays.

EXPLANATORY NOTE

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

These Regulations deal with the provision of physiotherapy benefit under the Health Service (Benefit)(Guernsey) Law, 1990 as amended and as modified by the Health Service (Physiotherapy) Ordinance, 1995, including:

- (a) the extent of physiotherapy benefit,
- (b) manner of referral for physiotherapy benefit,
- (c) application for authorisation as a supplier of physiotherapy benefit,
- (d) terms and conditions of supply of physiotherapy benefit by authorised suppliers,
- (e) scale of payments to authorised suppliers of physiotherapy benefit,
- (f) method of claiming physiotherapy benefit,

and other related matters.