

Island of



Guernsey

Ordinance of the States

XLI
1995

Made 14th December, 1995.
Coming into operation 1st January, 1996.

The Health Service (Physiotherapy Benefit) Ordinance, 1995.

THE STATES, in pursuance of their Resolution of the 29th day of June, 1995(a), and in exercise of the powers conferred upon them by sections 4 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990(b), hereby order:-

Physiotherapy benefit to be available under Law of 1990.

1. For the purposes of section 4(d) of the Health Service (Benefit) (Guernsey) Law, 1990 ("the Law") there shall be a further category of benefit under the Law which shall be known as physiotherapy benefit.

Modifications to Law of 1990 in relation to physiotherapy benefit.

2. The provisions of the Law shall apply in relation to physiotherapy benefit subject to the exceptions, adaptations and modifications set out in the Schedule to this Ordinance.

Citation.

3. This Ordinance may be cited as the Health Service (Physiotherapy Benefit) Ordinance, 1995.

Commencement.

4. This Ordinance shall come into force on the 1st January, 1996.

(a) Billet d'État No. XIII of 1995.

(b) Ordre en Conseil No. XXIV of 1990; Ordinance No. XIV of 1993.

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO LAW OF 1990
IN ITS APPLICATION TO PHYSIOTHERAPY BENEFIT.

1. After section 1(3)(d) insert the following paragraph-

"(e) any sums payable by the States to authorised suppliers of physiotherapy benefit."

2. After Part III insert the following Part-

"PART IIIA
PHYSIOTHERAPY BENEFIT

Right to physiotherapy benefit.

5A. (1) A person who satisfies the conditions as to residence and presence specified in section 3(1) shall, subject to the provisions of this Law, be entitled to physiotherapy benefit.

(2) Physiotherapy benefit comprises, in relation to any person, the provision of all such physiotherapy as may be prescribed and as may be requisite in the case of that person for the treatment of disease or otherwise by reason of his condition.

Conditions subject to which physiotherapy benefit is available.

5B. A person shall not be entitled to physiotherapy benefit unless-

- (a) except in such cases as may be prescribed, he is referred for the physiotherapy in question by an approved medical practitioner (within the meaning of the Health Service (Specialist Medical Benefit) Ordinance, 1995) who is providing specialist medical benefit to him pursuant to the provisions of the Contract (within the meaning of that Ordinance); and

- (b) the physiotherapy is provided by an authorised supplier of physiotherapy benefit in accordance with such terms and conditions of supply as may be prescribed.

Regulations as to information and overpayments.

5C. Regulations may make provision-

- (a) for requiring claimants for physiotherapy benefit or persons in receipt thereof to furnish to the Administrator, as a condition of their right to be provided with physiotherapy benefit, any information and evidence (at such times, and verified in such manner, as the Administrator thinks fit) required for the determination of the claim or of any question arising in relation to the claim or the benefit;
- (b) for the repayment of the value of physiotherapy benefit provided to any person who, it is subsequently decided, was not entitled to it, and the recovery thereof, by deduction from benefit properly due to him or otherwise;
- (c) for treating physiotherapy benefit provided to any person who, it is subsequently decided, was not entitled to it, as having been properly provided or as having been provided on account of benefit properly due to him;
- (d) as to the time and manner of payment in respect of physiotherapy benefit;
- (e) for extinguishing the right to any amount payable in respect of physiotherapy benefit where payment thereof is not obtained within 12 months from the day upon which the amount becomes receivable in accordance with regulations;

- (f) for enabling the Authority in such cases as may be prescribed to appoint a person to receive payments in respect of physiotherapy benefit for another person."

3. In section 39(1) of the Law-

- (a) after the definition of "authorised supplier" insert the following definition-

"authorised supplier of physiotherapy benefit" means a physiotherapist-

- (i) whose name is included in the list of physiotherapists maintained by the States Board of Health pursuant to paragraph 5 of the Resolution of the States dated 31 January 1990(c); and
 - (ii) who has signed an undertaking with the Authority to provide physiotherapy benefit in accordance with the provisions of this Ordinance and such other terms and conditions as may be prescribed;";
- (b) in the definition of "benefit" after "section 4" insert "including physiotherapy benefit";
 - (c) after the definition of "pharmacist" insert the following definitions-

"physiotherapy benefit" shall be construed in accordance with the provisions of section 5A;".

K. H. TOUGH,
Her Majesty's Greffier.

(c) Article XI of Billet d'État No. II of 1990.

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