

Island of  Guernsey

Ordinance of the States **XXXVI**
1995

Made 29th November, 1995.
Coming into operation 1st January, 1996.

**The Health Service (Specialist Medical 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:-

Specialist medical 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 specialist medical benefit.

Modifications to Law of 1990 in relation to specialist medical benefit.

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

(a) Billet d'État No. XIII of 1995.

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

Citation.

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

Commencement.

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

SCHEDULE

Section 2

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

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

"(e) any sums payable by the States pursuant to the provisions of the Contract."

2. After Part III insert the following Part-

"PART IIIA
SPECIALIST MEDICAL BENEFIT

Right to specialist medical 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 specialist medical benefit.

(2) Specialist medical benefit, in relation to any person, comprises the provision of all such specialist consultations, treatment, procedures and ancillary entitlements as may be prescribed and as may be requisite in the case of that person for the diagnosis, treatment, management, prevention or control of disease or otherwise by reason of that person's condition.

Conditions subject to which specialist medical benefit is available.

5B. A person shall not be entitled to specialist medical benefit-

- (a) unless the consultation, treatment, procedure or entitlement in question is provided by an approved

medical practitioner or approved nurse pursuant to the provisions of the Contract; and

- (b) unless, except in such cases as may be prescribed, he is initially referred for the consultation, treatment, procedure or entitlement in question by a medical practitioner.

Regulations as to information and overpayments.

5C. Regulations may make provision for-

- (a) requiring claimants for specialist medical benefit or persons in receipt thereof to furnish to the Administrator, as a condition of their right to be provided with specialist medical 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) the repayment of the value of specialist medical 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) treating specialist medical 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."

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

- (a) for the definition of "approved medical practitioner" substitute the following-

"approved medical practitioner", in the case of specialist medical benefit, means a medical practitioner-

- (i) whose name is included in either of the lists of medical practitioners maintained by the States Board of Health pursuant to paragraph 1(1) of the Resolution of the States dated 31st January 1990(c); and
- (ii) who, pursuant to the provisions of the Contract, provides specialist medical benefit;"

- (b) for the definition of "approved nurse" substitute the following-

"approved nurse", in the case of specialist medical benefit, means a nurse-

- (i) whose name is included in the list of nurses maintained by the States Board of Health pursuant to paragraph 4 of the said Resolution;
- (ii) who is employed by or contracted to the partners of the Medical Specialist Group; and
- (iii) who, pursuant to the provisions of the Contract, provides specialist medical benefit;"

(c) in the definition of "benefit" after "section 4" insert "including specialist medical benefit";

(d) after the definition of "the Committee" insert the following definition-

"the Contract" means the contract for the provision of specialist medical benefit made between the States of Guernsey and the partners of the Medical Specialist Group, as amended from time to time by agreement of the parties;;

(e) after the definition of "medical prescription" insert the following definition-

"the Medical Specialist Group" means the partners for the time being of the practice known as the Medical Specialist Group of Alexandra House, Les Frieteaux, St Martins;;

(f) after the definition of "the Social Insurance Law" insert the following definition-

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

K. H. TOUGH,
Her Majesty's Greffier