



**THE ACCIDENT COMPENSATION (SPECIALISTS COSTS)
REGULATIONS (NO. 2) 1990, AMENDMENT NO. 3**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of September 1996

Present:

THE HON. DOUG KIDD PRESIDING IN COUNCIL

PURSUANT to section 167 (1) (l) of the Accident Rehabilitation and Compensation Insurance Act 1992, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

- | | |
|---------------------------------------|---|
| 1. Title and commencement | 5. Prohibition on contributions to cost of treatment provided by Crown health enterprises |
| 2. Interpretation | 6. Revocations |
| 3. Meaning of "registered specialist" | |
| 4. Corporation to pay certain costs | |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, Amendment No. 3, and shall be read together with and deemed part of the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990* (in these regulations referred to as the principal regulations).

*S.R. 1990/233
Amendment No. 1: S.R. 1992/33
Amendment No. 2: S.R. 1993/210

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “general practitioner”, and substituting the following definition:

“‘General practitioner’ has the meaning given to it by regulation 2A of the Accident Rehabilitation and Compensation Insurance (General Practitioners Costs) Regulations 1993:”.

(2) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “registered medical practitioner”, and substituting the following definition:

“‘Registered medical practitioner’ means any person who—

“(a) Is entitled to practise medicine under the title of medical practitioner pursuant to section 9 of the Medical Practitioners Act 1995; and

“(b) Holds a current certificate issued under that Act or the Medical Practitioners Act 1968 evidencing that entitlement to practise medicine:”.

(3) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “registered specialist” (as substituted by regulation 2 (2) of the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, Amendment No. 2), and substituting the following definition:

“‘Registered specialist’ has the meaning given to it by regulation 2A of these regulations:”.

3. Meaning of “registered specialist”—The principal regulations are hereby amended by inserting, after regulation 2, the following regulation:

“2A. (1) In these regulations, the term ‘registered specialist’ means any registered medical practitioner—

“(a) To whom either of subclauses (2) or (3) of this regulation applies; and

“(b) Who is, in performing any function under regulations made under the Act, practising in accordance with any condition of his or her registration or practising certificate, including any condition imposed by any order made under section 110 of the Medical Practitioners Act 1995 or section 58 of the Medical Practitioners Act 1968; and

“(c) Who is, where the registered medical practitioner’s registration or practising certificate is subject to any condition, or where the registered medical practitioner is subject to any order made under section 110 of the Medical Practitioners Act 1995 or section 58 of the Medical Practitioners Act 1968, a suitable person, in the opinion of the Corporation, to perform any function required or permitted by regulations made under the Act to be performed by a registered specialist.

“(2) This subclause—

“(a) Applies to any registered medical practitioner who, immediately before the 1st day of July 1996, was—

“(i) Registered as a specialist with the Medical Council of New Zealand; or

“(ii) Recognised as a specialist by the Minister of Health immediately before the 14th day of November 1973 and still

working as a specialist immediately before the 1st day of July 1993; or

“(iii) Recognised by the relevant regional health authority as a specialist for the purposes of arrangements made in respect of pharmaceuticals under section 51 of the Health and Disability Services Act 1993 and eligible to receive remuneration as a specialist from a Crown health enterprise; but

“(b) Does not apply to any registered medical practitioner who, immediately before the 1st day of July 1996, was a specialist as defined in subparagraphs (i) to (iii) of paragraph (a) of this subclause but was—

“(i) Working outside his or her specialty; or

“(ii) Working as a specialist anaesthetist, being a registered medical practitioner registered as a specialist in anaesthesia with the Medical Council of New Zealand.

“(3) This subclause applies to any registered medical practitioner who—

“(a) Holds vocational registration, within the meaning of the Medical Practitioners Act 1995, in any of the following branches or sub-branches of medicine:

“(i) Dermatology:

“(ii) Diagnostic Radiology:

“(iii) Emergency Medicine:

“(iv) Internal Medicine:

“(v) Internal Medicine - Occupational Medicine:

“(vi) Internal Medicine - Rehabilitation Medicine:

“(vii) Obstetrics and Gynaecology:

“(viii) Ophthalmology:

“(ix) Orthopaedic Surgery:

“(x) Otolaryngology:

“(xi) Paediatrics:

“(xii) Pathology:

“(xiii) Psychological Medicine or Psychiatry:

“(xiv) Public Health Medicine:

“(xv) Radiotherapy:

“(xvi) Surgery:

“(xvii) Surgery - Cardiothoracic Surgery:

“(xviii) Surgery - General Surgery:

“(xix) Surgery - Neurosurgery:

“(xx) Surgery - Paediatric Surgery:

“(xxi) Surgery - Plastic Surgery:

“(xxii) Surgery - Urology:

“(xxiii) Venereology; and

“(b) Is, in performing any function under regulations made under the Act, practising within any of the branches or sub-branches of medicine in which he or she holds vocational registration.”

4. Corporation to pay certain costs—Regulation 4 (4) of the principal regulations (as amended by regulation 3 (1) of the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, Amendment No. 2) is hereby amended by omitting the words “not prohibited from making a payment in respect of that referral or prior treatment by section 27B of the Act”, and substituting the words “, pursuant to section 27 (4) of the Act, obliged to contribute to the cost of the referral or prior treatment”.

5. Prohibition on contributions to cost of treatment provided by Crown health enterprises—The principal regulations are hereby amended by revoking regulation 5A (as inserted by regulation 4 of the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, Amendment No. 2), and substituting the following regulation:

“5A. (1) Notwithstanding anything in these regulations, but subject to subclause (2) of this regulation, the Corporation shall not contribute to the costs of any treatment where that treatment is—

“(a) Provided or obliged to be provided by any Crown health enterprise; or

“(b) Provided or obliged to be provided by any registered specialist who is under a contract of service or contract for services with a Crown health enterprise where—

“(i) That contract relates to the provision of treatment which the Crown health enterprise is obliged to provide under a purchase agreement; and

“(ii) The registered specialist is providing or obliged to provide the treatment pursuant to that contract with that Crown health enterprise.

“(2) Nothing in subclause (1) of this regulation applies to an agreement, contract, or arrangement entered into by the Corporation under section 29A of the Act.”

6. Revocations—Regulations 2 (2) and 4 of the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, Amendment No. 2 are hereby revoked.

MARIE SHROFF,
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 amend the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990. The amendments make changes that are consequential on the coming into force of the Medical Practitioners Act 1995 and the Accident Rehabilitation and Compensation Insurance Amendment Act (No. 2) 1996.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 3 October 1996.

These regulations are administered in the Accident Rehabilitation and Compensation Insurance Corporation.