



**THE ACCIDENT COMPENSATION (PUBLIC HOSPITALS COSTS)
REGULATIONS 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 6th day of November 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 120 (1) (f) of the Accident Compensation Act 1982, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Public Hospitals Costs) Regulations 1989.

(2) These regulations shall come into force on the 1st day of December 1989.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Accident Compensation Act 1982:

“Acupuncturist” means a member of the New Zealand Register of Acupuncturists:

“Chiropractor” means any person who holds a current annual practising certificate issued by the Chiropractic Board:

“Claimant” means a person who has suffered personal injury by accident to which the Act applies:

“Corporation” means the Accident Compensation Corporation:

“Counsellor” means a person who has acquired education, training, and experience in counselling to a standard approved by the Director-General of Social Welfare:

“Dentist” means any person who holds a current annual practising certificate issued by the Dental Council of New Zealand:

“General practitioner” means any registered medical practitioner working in a non-specialist capacity; and includes any specialist working outside his or her specialty:

“Hospital” has the same meaning as in the Hospitals Act 1957:

“Occupational therapist” means any occupational therapist who holds a current annual practising certificate issued by the Occupational Therapy Board:

“Osteopath” means a member of the New Zealand Register of Osteopaths:

“Personal injury by accident” means personal injury by accident to which the Act applies:

“Physiotherapist” means any person who holds a current annual practising certificate issued by the Physiotherapy Board, and who is recognised by the Department of Health for the purposes of claiming a supplementary benefit:

“Podiatrist” means any person registered with the Podiatry Board:

“Private hospital” means a licensed hospital as defined in section 118 of the Hospitals Act 1957:

“Public hospital” means any hospital that is not a private hospital and is operated by the Crown or an area health board:

“Registered medical practitioner” means any person who holds a current annual practising certificate issued by the Medical Council of New Zealand:

“Registered specialist” means any registered medical practitioner registered as a specialist with—

(a) The Medical Council of New Zealand; or

(b) The Department of Health for the purposes of Drug Tariff and health benefits,—

but does not include any registered specialist working outside his or her registered specialty:

“Social Security benefit” means any benefit payable under Part II of the Social Security Act 1964:

“Treatment provider” means an acupuncturist, chiropractor, counsellor, dentist, general practitioner, occupational therapist, osteopath, physiotherapist, podiatrist, or registered specialist.

(2) No person shall be regarded as acting in the course of employment by the Crown or an area health board by reason of that person being a general practitioner contracted to work in a special area designated as such by the Director-General of Health.

3. Application—Subject to these regulations, these regulations shall apply in respect of any treatment provided on or after the 1st day of December 1989 by a public hospital or by any treatment provider in the course of employment by the Crown or an area health board to a claimant in respect of personal injury by accident, and shall not apply in respect of any such treatment provided before that date, irrespective of—

(a) The date on which any fee for any treatment was charged or paid; or

(b) The date on which the personal injury by accident occurred.

4. Corporation to pay certain costs—(1) Subject to these regulations, the Corporation shall pay the costs of certificates or treatment provided by a public hospital or by any treatment provider in the course of employment by the Crown or an area health board to any claimant in respect of personal injury by accident to the extent specified in the Schedule to these regulations.

(2) The Corporation shall not pay any costs unless it has received such information and declarations as it may require in order to verify that the claimant has suffered personal injury by accident and that the treatment in respect of which the claim for payment is made was provided in respect of personal injury by accident.

(3) The costs payable by the Corporation, as required or permitted under these regulations, shall be paid—

(a) To the public hospital; or

(b) If they have already been paid by the claimant, then to the claimant.

5. Second opinions—(1) The Corporation shall decline to make any payment in respect of any treatment by a public hospital or by any treatment provider in the course of employment of the Crown or an area health board that it considers may not be necessary or appropriate or that it considers may have exceeded the number or duration necessary or appropriate in the particular case until it has obtained a second opinion on the matter.

(2) Where the Corporation, after having obtained the second opinion, believes that the treatment was unnecessary or inappropriate it shall decline to make any payment in respect of the treatment or part of the treatment (as appropriate) and shall advise the claimant and the public hospital accordingly.

(3) Nothing in this regulation shall apply in any case where the number or duration of the treatment concerned has been provided with the prior approval of the Corporation.

6. Goods and services tax—All amounts specified or referred to in these regulations are exclusive of goods and services tax.

7. Application of regulations to certificates and treatments provided overseas—Nothing in these regulations shall limit or restrict section 75 (8) of the Act.

Reg. 4

SCHEDULE

COSTS PAYABLE FOR CERTIFICATES AND TREATMENTS PROVIDED BY
PUBLIC HOSPITALS*Certificates*

The Corporation shall pay \$1.50 for every certificate required by the Corporation and provided to it by a public hospital or a treatment provider acting in the course of employment of the Crown or an area health board.

Treatments

The Corporation shall pay the costs of treatment provided by a public hospital or a treatment provider acting in the course of employment of the Crown or an area health board to any claimant who is not ordinarily resident in New Zealand and who is liable to meet the costs of the treatment, and shall pay those costs as if they were payable under—

- (a) The Accident Compensation (Private Hospital Costs) Regulations 1989 and Part II of the Schedule to the Accident Compensation (Specialists Costs) Regulations 1989 if the public hospital were a private hospital; and
- (b) The Accident Compensation (General Practitioners Costs) Regulations 1989, the Accident Compensation (Specialists Costs) Regulations 1989, the Accident Compensation (Referred Treatment Costs) Regulations 1989, the Accident Compensation (Dentists Costs) Regulations 1989, the Accident Compensation (Radiologists Costs) Regulations 1989, the Accident Compensation (Audiologists Costs) Regulation 1989, the Accident Compensation (Pharmaceutical Costs) Regulations 1989, the Accident Compensation (Laboratory Services Costs) Regulations 1989, the Accident Compensation (Hyperbaric Oxygen Treatment Costs) Regulations 1989, the Accident Compensation (Prescribed Artificial Limbs, Aids, and Prosthetic Appliances Costs) Regulations 1989, and the Accident Compensation (Damaged or Lost Artificial Limbs, Aids, Clothing, and Spectacles Costs) Regulations 1989 if the treatment were provided outside a public hospital and were provided by a person who was not acting in the course of employment of the Crown or an area health board.

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 specify the fees that the Accident Compensation Corporation shall pay in respect of services provided after 1 December 1989 by public hospitals in respect of personal injury by accident.

The Corporation is required to pay the costs to the same extent as it would be required to pay them if costs were payable in respect of treatment outside a public hospital. These regulations have practical effect only in respect of persons who are not ordinarily resident in New Zealand and are not covered by reciprocal agreements with other countries for public hospital costs.

By virtue of the Accident Compensation Act 1982 and these regulations, the Corporation is not authorised to make any payment until a claim has been verified, and it is satisfied that the service provided relates to the claim.

All amounts referred to in the regulations are exclusive of goods and services tax.

Payment of the specified amounts (to which goods and services tax will be added) are to be made to the public hospital concerned, or, if the claimant has already paid the account, then to the claimant.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 November 1989.

These regulations are administered in the Accident Compensation Corporation.