



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

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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.

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REGULATIONS

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

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

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Accident Compensation Act 1982:

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

“Corporation” means the Accident Compensation Corporation:

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

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

“Social Security benefit” means any benefit payable under Part II of the Social Security Act 1964; and includes any benefit payable under any regulations made under that Act.

**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 private hospital 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 treatment provided by a private hospital 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 concerning the claim and the claimant as it may require in order to verify that the claimant has suffered personal injury by accident and that the service 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 private 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 private hospital 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, in whole or in part, 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 private hospital accordingly.

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

**6. Conditions applying to payments for private hospital treatment**—(1) The Corporation shall not make any payment in respect of any matter specified in the Schedule to these regulations unless the prior approval of the Corporation to the provision of the treatment has been obtained.

(2) The Corporation shall not give the approval referred to in subclause (1) of this regulation unless it is satisfied that it is necessary for the due restoration of the claimant to his or her principal economic activity (which includes study activities and domestic household activities that are not directly remunerated) that the treatment be provided in a private hospital.

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

**8. Revocation**—The Accident Compensation (Private Hospital Treatment) Regulations 1982\* are hereby revoked.

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

\*S.R. 1982/104

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SCHEDULE

Reg. 4

COSTS PAYABLE BY CORPORATION IN RESPECT OF TREATMENTS PROVIDED BY  
PRIVATE HOSPITALS

The costs payable by the Corporation for treatment provided by a private hospital is the amount that the private hospital would have charged the claimant if the treatment were one for which the Corporation was not making a payment (less any Social Security benefit) or the amount specified below (less any Social Security benefit) whichever is the lesser.

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<i>Accommodation Costs</i>					
1.	Day of admission	..	..	..	105
2.	Day of discharge	..	..	..	105
3.	Other days	..	..	..	210
4.	Day patient	..	..	..	140
<i>Theatre Costs</i>					
5.	Standard Cost	..	..	..	120
6.	plus: from 15 minutes to 1 hour		..	..	45 per 1/4 hour
7.	from 1 hour to 2 hours	..	..	..	30 per 1/4 hour
8.	thereafter to conclusion	..	..	..	15 per 1/4 hour

MARIE SHROFF,  
Clerk of the Executive Council.

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## 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 private hospitals in respect of personal injury by accident.

The Corporation is required to pay the lesser of the private hospital's normal charge for similar services or the amount specified in the Schedule in respect of the treatment (less in each case any Social Security benefit).

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.

The Corporation is prohibited from making any payment unless its prior approval has been obtained. The only ground on which the approval can be given is that the Corporation is satisfied that it is necessary for the restoration of the person to his or her principal economic activity that the treatment be provided in a private hospital. These regulations deal with the provision of accommodation and theatre time by private hospitals. Payment for the services of specialists and others in private hospitals are dealt with in other regulations.

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 private hospital concerned, or, if the claimant has already paid the account, then to the claimant.

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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.