



**THE ACCIDENT COMPENSATION (PUBLIC HOSPITALS COSTS)  
REGULATIONS 1990**

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PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of September 1990

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.

ANALYSIS

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|-------------------------------------|--|--|
| 1. Title and commencement           |  | 6. Goods and services tax  |
| 2. Interpretation                   |  | 7. Application of regulations to certificates and treatments provided overseas |
| 3. Application                      |  | 8. Revocations and savings   |
| 4. Corporation to pay certain costs |  | Schedule   |
| 5. Second opinions                  |  |  |

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Accident Compensation (Public Hospitals Costs) Regulations 1990.

(2) These regulations shall come into force on the 15th day of October 1990.

**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 Inc:
- “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:
- “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 Inc:
- “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 or is employed in a practice that 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:
- “Psychologist” means a person registered under the Psychologists Act 1981 who possesses relevant qualifications in clinical psychology:
- “Psychotherapist” means a member of the New Zealand Association of Psychotherapists or the New Zealand Association of Child Psychotherapists:
- “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:
- “Social Security benefit” means any benefit payable under Part II of the Social Security Act 1964 or any regulations in force under that Part; and includes any payment in respect of any specific treatment made to any treatment provider under any arrangement entered into under section 97 of the Social Security Act 1964:
- “Speech therapist” means a member of the New Zealand Speech Language Therapists Association (Inc):
- “Treatment provider” means an acupuncturist, chiropractor, dentist, registered medical practitioner, occupational therapist, osteopath, psychologist, psychotherapist, physiotherapist, podiatrist, or speech therapist.

(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**—(1) Subject to these regulations, these regulations shall apply in respect of any treatment provided on or after the 15th day of October 1990 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, 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.

(2) These regulations (other than regulation 8 (2)) shall not apply in respect of any treatment provided before the 15th day of October 1990 to a claimant in respect of personal injury by accident, irrespective of the date of the charging or payment of any fee for the treatment.

**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 through a public hospital or employment by 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 Corporation shall not pay any costs unless it has been advised of the date on which the treatment was provided and the specific nature of that treatment.

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

- (a) To the public hospital or area health board; 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 treatment concerned or the number of treatments or duration of the treatment concerned has been provided with the prior approval of the Corporation.

**6. Goods and services tax**—(1) All amounts specified or referred to in these regulations are inclusive of goods and services tax.

(2) Where any amount is to be calculated in a manner that involves the deduction of any Social Security benefit, the full amount of that benefit, including any goods and services tax component, shall be deducted.

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

**8. Revocations and savings**—(1) The following regulations are hereby revoked:

(a) The Accident Compensation (Public Hospitals Costs) Regulations 1989 (S.R. 1989/339);

(b) The Accident Compensation (Public Hospitals Costs) Regulations 1989, Amendment No. 1 (S.R. 1989/399).

(2) Notwithstanding regulation 3 (2) of these regulations and subclause (1) of this regulation, where treatment has been provided, at any time in the period beginning with the 1st day of December 1989 and ending with the close of the 14th day of October 1990, to a claimant in respect of personal injury by accident, the regulations revoked by subclause (1) of this regulation shall continue to apply in respect of the treatment so provided.

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Reg. 4

## SCHEDULE

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

The Corporation shall pay \$1.70 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 through a public hospital or employment by 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 (less any Social Security benefit) as if they were payable under—

- (a) The Accident Compensation (Private Hospital Costs) Regulations 1990, Part II of the Schedule to the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, the Schedule to the Accident Compensation (Anaesthetists Costs) Regulations 1990, and the Schedule to the Accident Compensation (Dental Specialists Costs) Regulations (No. 2) 1990 as if the public hospital were a private hospital; and
- (b) The Accident Compensation (General Practitioners Costs) Regulations 1990, the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, the Accident Compensation (Anaesthetists Costs) Regulations 1990, the Accident Compensation (Referred Treatment Costs) Regulations 1990, the Accident Compensation (Psychiatrists, Psychologists, and Psychotherapists Costs) Regulations 1990, the Accident Compensation (Dentists Costs) Regulations (No. 2) 1990, the Accident Compensation (Dental Specialists Costs) Regulations (No. 2) 1990, the Accident Compensation (Radiologists Costs) Regulations 1990, the Accident Compensation (Audiologists Costs) Regulations 1990, the Accident Compensation (Pharmaceutical Costs) Regulations 1990, the Accident Compensation (Laboratory Services Costs) Regulations 1990, the Accident Compensation (Hyperbaric Oxygen Treatment Costs) Regulations 1990, the Accident Compensation (Prescribed Artificial Limbs, Aids, and Prosthetic Appliances Costs) Regulations 1990, and the Accident Compensation (Damaged or Lost Artificial Limbs, Aids, Clothing, and Spectacles Costs) Regulations 1990 as if the treatment were provided outside a public hospital and were provided by a person who was not acting in the course of employment by the Crown or an area health board.

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 is to pay in respect of services provided on or after 15 October 1990 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 inclusive of goods and services tax.

Payment of the specified amounts are to be made to the public hospital or area health board concerned, or, if the claimant has already paid the account, then to the claimant.

Other changes are made to align these regulations with other regulations relating to costs.

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

Date of notification in *Gazette*: 13 September 1990.

These regulations are administered in the Accident Compensation Corporation.