



**THE ACCIDENT COMPENSATION (HYPERBARIC OXYGEN
TREATMENT 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 (Hyperbaric Oxygen Treatment 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:

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

3. Application—Subject to these regulations, these regulations shall apply in respect of any hyperbaric oxygen treatment provided on or after the 1st day of December 1989 at HMNZS Philomel, Devonport, Auckland 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 cost of use of a hyperbaric oxygen chamber at the rate of \$60 per hour (less any Social Security benefit) for the treatment of any claimant in respect of personal injury by accident.

(2) Subject to these regulations, the Corporation shall pay the cost of hyperbaric oxygen treatment provided by a registered medical practitioner approved for the purpose by the Medical Director of the Ministry of Defence relating to the treatment of any claimant in respect of personal injury by accident to the extent specified in the Schedule to these regulations.

(3) 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.

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

- (a) To HMNZS Philomel, Devonport, Auckland or the registered medical practitioner who provided the treatment; 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 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, HMNZS Philomel, and the registered medical practitioner concerned accordingly.

(3) Nothing in this regulation shall apply in any case where 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 BY CORPORATION IN RESPECT OF HYPERBARIC OXYGEN
TREATMENT PROVIDED BY HMNZS PHILOMEL

The costs payable by the Corporation for hyperbaric oxygen treatment provided by HMNZS Philomel is the amount that would have been charged to 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:

				\$
1.	Neurological assay before recompression	..	..	100
2.	Neurological assay after recompression	..	..	90
3.	In-chamber treatment supervision, per hour	..	..	50
4.	Out-of-chamber treatment supervision, per hour	..	..	20

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 hyperbaric treatment provided after 1 December 1989 by HMNZS Philomel in respect of personal injury by accident.

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 HMNZS Philomel or the medical practitioner 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.