



**THE ACCIDENT COMPENSATION (HYPERBARIC OXYGEN  
TREATMENT COSTS) REGULATIONS 1990**

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**

- |   |  |  |
|---|--|--|
| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Application</li> <li>4. Corporation to pay certain costs</li> <li>5. Second opinions</li> </ol> |  | <ol style="list-style-type: none"> <li>6. Goods and services tax</li> <li>7. Application of regulations to certificates and treatments provided overseas</li> <li>8. Revocations and savings Schedule</li> </ol> |
|---|--|--|

**REGULATIONS**

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

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

**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:

“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 registered medical practitioner under any arrangement entered into under section 97 of the Social Security Act 1964.

**3. Application**—(1) Subject to these regulations, these regulations shall apply in respect of any hyperbaric oxygen treatment provided on or after the 15th day of October 1990 at HMNZS Philomel, Devonport, Auckland 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 hyperbaric oxygen 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 cost of use of a hyperbaric oxygen chamber at HMNZS Philomel at the rate that would have been charged to the claimant (less any Social Security benefit) or the rate of \$67.50 per hour (less any Social Security benefit), whichever is the lesser, for the treatment of the 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 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.

(5) 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 or the number of treatments or the duration of the treatments 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 (Hyperbaric Oxygen Treatment Costs) Regulations 1989 (S.R. 1989/338);
- (b) The Accident Compensation (Hyperbaric Oxygen Costs) Regulations 1989, Amendment No. 1 (S.R. 1989/393);
- (c) The Accident Compensation (Hyperbaric Oxygen Treatment Costs) Regulations 1989, Amendment No. 1 (S.R. 1990/102).

(2) Notwithstanding regulation 3 (2) of these regulations and subclause (1) of this regulation, where hyperbaric oxygen 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, at HMNZS Philomel 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.

---

Reg. 4

## SCHEDULE

COSTS PAYABLE BY CORPORATION IN RESPECT OF HYPERBARIC OXYGEN  
TREATMENT PROVIDED AT HMNZS PHILOMEL

The costs payable by the Corporation for hyperbaric oxygen treatment provided at 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 .. ..	112.50
2. Neurological assay after recompression .. ..	101.25
3. In-chamber treatment supervision, per hour .. ..	114.75
4. Out-of-chamber treatment supervision, per hour .. ..	56.25

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

Payment of the specified amounts 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.

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

---

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.