



**THE ACCIDENT COMPENSATION (PSYCHIATRISTS,
PSYCHOLOGISTS, AND PSYCHOTHERAPISTS 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

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Psychiatrists, Psychologists, and Psychotherapists 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:

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

“Corporation” means the Accident Compensation Corporation:

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

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

“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:

“Psychiatrist” means any registered medical practitioner registered as a specialist in psychiatry with the Medical Council of New Zealand:

“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:

“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 speciality:

“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 psychiatrist, psychologist, or psychotherapist under any arrangement entered into under section 97 of the Social Security Act 1964:

“State services” has the same meaning as in the State Sector Act 1988.

(2) No person shall be regarded as acting in the course of employment by 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 psychiatrist, psychologist, or psychotherapist 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 12 of these regulations) shall not apply in respect of any treatment provided before the 15th day of October 1990 by a psychiatrist, psychologist, or psychotherapist 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. Application in respect of psychiatrists—(1) These regulations shall apply in respect of treatments provided by a psychiatrist only if the psychiatrist has elected by notice in writing to the Corporation, that these regulations shall apply in respect of all treatments provided by the psychiatrist to claimants under the Act.

(2) Any notice referred to in subclause (1) of this regulation may be revoked by the psychiatrist who made the election; but, if it is revoked, a further notice may be given under that subclause only with the prior written consent of the Corporation.

5. Corporation to pay certain costs—(1) Subject to these regulations, the Corporation shall pay in respect of any treatment provided by a psychiatrist, psychologist, or psychotherapist to any claimant in respect of personal injury by accident the amount that the psychiatrist, psychologist, or psychotherapist 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:

Psychiatrist	\$78.75
Psychologist or Psychotherapist	\$56.25.

(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 Corporation shall not pay any costs in respect of any treatment provided by a psychiatrist, psychologist, or psychotherapist unless—

(a) Prior to that treatment being provided, the claimant has been referred for that treatment—

- (i) By a general practitioner; or
- (ii) By a registered specialist; and

(b) Where the referral is by a registered specialist, the Corporation has received written advice from a general practitioner that the general practitioner has transferred management of the claimant's treatment to that registered specialist either generally, or in respect of a specified condition or conditions, or the treatment provided—

and neither the general practitioner nor the registered specialist is acting in the course of employment by an area health board.

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

- (a) To the psychiatrist, psychologist, or psychotherapist; or
- (b) If they have already been paid by the claimant, then to the claimant.

6. Corporation to pay equivalent of Social Security benefit to Crown Bank Account—In addition to the costs payable under regulation 5 of these regulations, in any case where costs are payable under that regulation and the total cost of the treatment includes a Social Security benefit, the Corporation shall pay an amount equivalent to that Social Security benefit to a Crown Bank Account nominated by the Minister of Finance.

7. 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 that 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 psychiatrist, psychologist, or psychotherapist 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.

8. Costs not payable in respect of certain treatment—No payment shall be made by the Corporation under these regulations in respect of any treatment provided by a psychiatrist, psychologist, or psychotherapist—

- (a) In a public hospital; or
- (b) To any claimant as an out-patient of a public hospital; or
- (c) While the psychiatrist, psychologist, or psychotherapist is acting in the course of employment in the State services or by an area health board.

9. Certificates—The Corporation shall not make any payment under these regulations in respect of any certificate provided to the Corporation by a psychiatrist, psychologist, or psychotherapist, other than the payment in respect of the treatment that relates to the issue of the certificate.

10. 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.

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

12. Savings—(1) Notwithstanding the revocation by regulation 14 (1) of the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990 (S.R. 1990/233), of—

(a) The Accident Compensation (Specialists Costs) Regulations 1990 (S.R. 1990/107); and

(b) The Accident Compensation (Specialists Costs) Regulations 1990, Amendment No. 1 (S.R. 1990/180),—

those regulations shall continue to apply in respect of treatment provided by a psychiatrist before the 15th day of October 1990.

(2) Notwithstanding the revocation by regulation 12 (1) of the Accident Compensation (Referred Treatments Costs) Regulations 1990 (S.R. 1990/242) of—

(a) The Accident Compensation (Referred Treatments Costs) Regulations 1989 (S.R. 1989/332); and

(b) The Accident Compensation (Referred Treatments Costs) Regulations 1989, Amendment No. 1 (S.R. 1989/401); and

(c) The Accident Compensation (Referred Treatments Costs) Regulations 1989, Amendment No. 2 (S.R. 1990/179)—

those regulations shall continue to apply in respect of treatment provided before the 15th day of October 1990 by a psychiatrist, psychologist, or psychotherapist who was a counsellor within the meaning of those regulations.

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 services provided on or after 15 October 1990 by psychiatrists, psychologists, and psychotherapists.

Previously, psychiatrists were covered by the Accident Compensation (Specialists Costs) Regulations 1990, or could (along with psychologists and psychotherapists) claim as counsellors under the Accident Compensation (Referred Treatments Costs) Regulations 1989. Psychiatrists now have the option of coverage by these regulations or the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990.

Referral by a specialist is permitted where a general practitioner has transferred management of a case to the specialist.

Referrals by registered medical practitioners employed by the Crown are no longer prohibited.

All amounts specified are now inclusive of goods and services tax.

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.