



THE ACCIDENT COMPENSATION (LABORATORY SERVICES 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

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application 4. Corporation to pay certain costs 5. Second opinions 6. Costs not payable in respect of certain treatment | <ul style="list-style-type: none"> 7. Certificates 8. Goods and services tax 9. Application of regulations to certificates and treatments provided overseas 10. Revocations and savings Schedule |
|---|--|

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Laboratory Services 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 specialty:

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

“Laboratory” means any private or commercial laboratory approved by the Department of Health for biological testing of human material; but does not include any laboratory under the control of an area health board:

“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:

“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 laboratory 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 in the State services or 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 laboratory 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 10 (2)) shall not apply in respect of any treatment provided before the 15th day of October 1990 by a laboratory 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 treatment that is a laboratory test or service provided by a laboratory 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 Corporation shall not pay any costs in respect of any treatment provided by a laboratory unless the treatment has been requested by a registered medical practitioner who is not acting in the course of employment by an area health board.

(5) The Corporation shall not make any payment in respect of any laboratory test to which the Social Security (Laboratory Diagnostic Services) Regulations 1981* apply.

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

(a) To the laboratory; 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 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 laboratory accordingly.

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

6. 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 laboratory—

(a) In a public hospital; or

(b) To any claimant as an out-patient of a public hospital; or

(c) While the laboratory is acting on contract to the State services or an area health board.

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

8. 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.

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

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

(a) The Accident Compensation (Laboratory Services Costs) Regulations 1989 (S.R. 1989/337):

(b) The Accident Compensation (Laboratory Services Costs) Regulations 1989, Amendment No. 1 (S.R. 1989/394).

(2) Notwithstanding regulation 3 (2) of these regulations and subclause (1) of this regulation, where a laboratory has 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, treatment 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 TREATMENTS PROVIDED BY
LABORATORIES

The costs payable by the Corporation for treatments that are laboratory tests or services specified in this Part and performed by a laboratory are the costs specified below in respect of that test or service (less any Social Security benefit) or the costs that the laboratory would have charged the claimant if the test or service were one for which the Corporation was not making a payment (less any Social Security benefit), whichever is the lesser:

Test or service	\$
1. Blood lead	28.15
2. Blood mercury and other heavy metals	50.65
3. Serum cholinesterase	39.40
4. Solvent-metabolites (set-up charge)	225.00
5. Solvent-metabolites (analysis)	45.00
6. Pesticides (set-up charge)	225.00
7. Pesticides (analysis)	45.00

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 laboratories in respect of personal injury by accident.

The Corporation is required to pay the lesser of the laboratory'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 the treatment has been requested by a registered medical practitioner. The referring practitioner must not be acting in the course of employment by an area health board.

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 laboratory 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.