



THE ACCIDENT COMPENSATION (DENTAL SPECIALISTS COSTS) REGULATIONS (NO. 2) 1990, AMENDMENT NO. 2

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 28th day of June 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 167 (1) (1) of the Accident Rehabilitation and Compensation Insurance Act 1992, Her 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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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Corporation to pay certain costs 4. Second opinions 5. Costs payable in respect of certain treatments in licensed hospitals | <ul style="list-style-type: none"> 6. Prohibition on contributions to cost of treatment provided by Crown health enterprises 7. Costs not payable where Social Security benefit paid 8. Conditions applying to payments for procedures 9. Application of regulations to certificates and treatments provided overseas 10. Savings |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Dental Specialists Costs) Regulations (No. 2) 1990, Amendment No. 2, and shall be read together with and deemed part of the Accident Compensation (Dental Specialists Costs) Regulations (No. 2) 1990* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of July 1993.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by revoking the definitions of the terms “hospital”, “private hospital”, “public hospital”, and “State services”.

3. Corporation to pay certain costs—Regulation 4 of the principal regulations is hereby amended by revoking subclause (4), and substituting the following subclause:

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

“(a) To the registered specialist; or

“(b) To any person nominated by that registered specialist; or

“(c) If they have already been paid by the claimant, then to the claimant.”

4. Second opinions—Regulation 6 of the principal regulations is hereby revoked.

5. Costs payable in respect of certain treatments in licensed hospitals—The principal regulations are hereby amended by revoking regulation 7, and substituting the following regulation:

“7. (1) Where the treatment is provided to the claimant as an outpatient of a licensed hospital and—

“(a) The treatment is an item in the Schedule to these regulations that is marked with a dagger (†); or

“(b) The prior approval of the Corporation to the provision of the treatment has been obtained,—

the Corporation shall pay the costs of treatment provided by a registered specialist who is acting under a contract of service in, or a contract for services with, the licensed hospital.

“(2) The Corporation shall not give the approval referred to in subclause (1) of this regulation unless the Corporation is satisfied that it is necessary for the due restoration of the claimant to his or her principal economic activity that the treatment be provided, or would enable the claimant to undertake remunerated employment if the treatment is provided.

“(3) It is hereby expressly provided that the Corporation shall pay the costs of treatment under this regulation notwithstanding the application of any purchase agreement or obligation referred to in section 27B of the Act in respect of that treatment.”

6. Prohibition on contributions to cost of treatment provided by Crown health enterprises—The principal regulations are hereby amended by inserting, after regulation 7, the following regulation:

“7A. Except as provided in regulation 7, but otherwise notwithstanding anything in these regulations, the Corporation shall not contribute to the costs of any treatment where that treatment is—

“(a) Provided or obliged to be provided by any Crown health enterprise;
or

“(b) Provided or obliged to be provided by any registered specialist who is under a contract of service or contract for services with a Crown health enterprise where—

“(i) That contract relates to the provision of treatment which the Crown health enterprise is obliged to provide under a purchase agreement; and

“(ii) The registered specialist is providing or obliged to provide the treatment pursuant to that contract with that Crown health enterprise.”

7. Costs not payable where Social Security benefit paid— Regulation 8 of the principal regulations is hereby revoked.

8. Conditions applying to payments for procedures— Regulation 11 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) The Corporation shall not make any payment in respect of any procedure specified in the Schedule to these regulations unless—

“(a) The treatment is provided—

“(i) In a licensed hospital; or

“(ii) In the case of items marked in the Schedule with an asterisk (*), in the registered specialist’s rooms; and

“(b) The prior approval of the Corporation to the performance of the procedure has been obtained.”

9. Application of regulations to certificates and treatments provided overseas— Regulation 13 of the principal regulations is hereby revoked.

10. Savings—Notwithstanding these regulations, where a registered specialist has provided, at any time before the close of the 30th day of June 1993, treatment in respect of personal injury, the principal regulations shall continue to apply as if these regulations had not been made.

DIANE WILDERSPIN,
Acting for 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, which come into force on 1 July 1993, omit from the Accident Compensation (Dental Specialists Costs) Regulations (No. 2) 1990 references to terms repealed by the Health Reforms (Transitional Provisions) Act 1993. Regulations affected or superseded by the sections enacted in 1993 as sections 27, 27B, and 27C of the Accident Rehabilitation and Compensation Insurance Act 1992 are amended or revoked.

Except in the case of treatment provided in specified circumstances, payment for treatment provided by a Crown health enterprise is prohibited.

Amendments are made to permit payment to a person nominated by the treatment provider.

The amendments made by these regulations do not affect payment for treatment provided before 1 July 1993.

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

Date of notification in *Gazette*: 30 June 1993.

These regulations are administered in the Accident Rehabilitation and Compensation Insurance Corporation.