



THE ACCIDENT COMPENSATION (REFERRED TREATMENTS 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 (Referred Treatments Costs) Regulations 1989.

(2) These regulations shall come into force on the 1st day of December 1989.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Accident Compensation Act 1982:

“Acupuncturist” means a member of the New Zealand Register of Acupuncturists:

“Chiropractor” means any person who holds a current annual practising certificate issued by the Chiropractic Board:

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

“Corporation” means the Accident Compensation Corporation:

“Counsellor” means a person who has acquired education training and experience in counselling to a standard approved by the Director-General of Social Welfare:

“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:

“Occupational therapist” means any person who holds a current annual practising certificate issued by the Occupational Therapy Board:

“Osteopath” means a member of the New Zealand Register of Osteopaths:

“Personal injury by accident” means personal injury by accident to which the Act applies:

“Physiotherapist” means any person who holds a current annual practising certificate issued by the Physiotherapy Board, and who is recognised by the Department of Health for the purposes of claiming a supplementary benefit:

“Podiatrist” means any person registered with the Podiatry Board:

“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:

“Treatment provider” means an acupuncturist, chiropractor, counsellor, occupational therapist, osteopath, physiotherapist, or podiatrist.

(2) No person shall be regarded as acting in the course of employment by the Crown or 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—Subject to these regulations, these regulations shall apply in respect of any treatment provided on or after the 1st day of December 1989 by a treatment provider 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 costs of treatment provided by a treatment provider 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 concerning the claim and the claimant 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 in respect of any treatment provided by a treatment provider unless, prior to the treatment being provided, the claimant has been referred for that treatment by a general practitioner who is not acting in the course of employment by the Crown or an area health board.

(4) Every referral by a general practitioner for treatment to be provided by a treatment provider shall specify a date by which the treatment to which the referral relates shall be completed, and the Corporation shall not make any payment in respect of any treatment provided by the treatment provider pursuant to that referral after that date.

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

(a) To the treatment provider; 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 and shall advise the claimant and the treatment provider 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. Costs not payable in respect of public hospital services—No payment shall be made by the Corporation under these regulations in respect of any treatment provided by a treatment provider—

(a) In a public hospital; or

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

(c) While the treatment provider is acting in the course of employment by the Crown or an area health board.

7. Goods and services tax—All amounts specified or referred to in these regulations are exclusive of goods and services tax.

8. 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 TREATMENTS PROVIDED BY
TREATMENT PROVIDERS

The costs payable by the Corporation for treatments provided by treatment providers is the amount that the treatment provider 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.

	\$
1. All treatment (other than that provided by a counsellor)	20
2. Treatment provided by a counsellor on group or individual basis	50 per hour and appropriate portion for part hours
3. X-ray services provided by chiropractor (maximum of 2 films per claimant per personal injury by accident)	16 per film

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 services provided after 1 December 1989 by acupuncturists, chiropractors, counsellors, occupational therapists, osteopaths, physiotherapists, and podiatrists ("treatment providers") in respect of personal injury by accident.

The Corporation is required to pay the lesser of the treatment provider'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.

To enable the primary care physician to retain overall control of the case, the Corporation is prohibited from making any payment unless the claimant has been referred to the treatment provider by a general practitioner. The referring practitioner must not be acting in the course of employment of the Crown or an area health board.

The Corporation is prohibited from making payments where the treatment provider is acting in the course of employment of the Crown or an area health board.

There is no specified maximum number of treatments per referral, but the Corporation is required to decline payment for excessive treatments.

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 the treatment provider 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.