



THE ACCIDENT REHABILITATION AND COMPENSATION INSURANCE (OVERSEAS VISITORS COSTS) REGULATIONS 1994

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of May 1994

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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Rehabilitation and Compensation Insurance (Overseas Visitors Costs) Regulations 1994.

(2) These regulations shall come into force on the 1st day of July 1994.

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

“The Act” means the Accident Rehabilitation and Compensation Insurance Act 1992:

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

“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 and had a claim accepted in respect of it under the Act:

“Corporation” means the Accident Rehabilitation and Compensation Insurance Corporation:

“Dentist” means any person who holds a current annual practising certificate issued by the Dental Council of New Zealand:

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

“Licensed hospital” means a licensed hospital within the meaning of the Hospitals Act 1957:

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

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

“Personal injury” means personal injury covered by the Act:

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

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

“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:

“Registered medical practitioner” means any person who holds a current annual practising certificate issued by the Medical Council of New Zealand:

“Speech therapist” means a member of the New Zealand Speech Language Therapists Association (Incorporated):

“Treatment provider” means an acupuncturist, chiropractor, dentist, registered medical practitioner, occupational therapist, osteopath, psychologist, psychotherapist, physiotherapist, podiatrist, or speech therapist.

3. Application—(1) Subject to these regulations, these regulations shall apply in respect of any treatment provided on or after the 1st day of July 1994 by a licensed hospital, or by a treatment provider under a contract of service or for services in that licensed hospital, to a claimant in respect of personal injury 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 occurred.

(2) These regulations (other than regulation 6(2)) shall not apply in respect of any treatment provided before the 1st day of July 1994 to a

claimant in respect of personal injury, 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 provided by a licensed hospital, or by a treatment provider under a contract of service or for services in that licensed hospital, to any claimant in respect of personal injury 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 and that the treatment in respect of which the claim for payment is made was provided in respect of personal injury.

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

(a) To the licensed hospital; or

(b) If they have already been paid by the claimant, then to the claimant.

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

6. Revocation and savings—(1) The Accident Rehabilitation and Compensation Insurance (Overseas Visitors Costs and Costs of Certificates) Regulations 1993* are hereby revoked.

(2) Notwithstanding subclause (1) of this regulation, where a certificate or treatment has been provided to a claimant before the close of the 30th day of June 1994, the regulations revoked by subclause (1) of this regulation shall continue to apply in respect of the certificate or treatment so provided.

SCHEDULE

COSTS PAYABLE IN RESPECT OF OVERSEAS VISITORS

1. The Corporation shall pay the costs of treatment provided by—
 - (a) A licensed hospital; or
 - (b) A treatment provider acting under a contract of service or for services in the licensed hospital in respect of the provision of that treatment—to any claimant who is not ordinarily resident in New Zealand and who is liable to meet the costs of the treatment.
2. Costs of treatment paid by the Corporation under clause 1 of this Schedule shall, as the case may require, be paid as if those costs were payable under—
 - (a) The Accident Rehabilitation and Compensation Insurance (Supplementary Treatment Costs) Regulations (No. 2) 1993, Part II of the Schedule to the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, the Schedule to the Accident Compensation (Anaesthetists Costs) Regulations 1990, or the Schedule to the Accident Compensation (Dental Specialists Costs) Regulations (No. 2) 1990; or
 - (b) The Accident Rehabilitation and Compensation Insurance (General Practitioners Costs) Regulations 1993, the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, the Accident Compensation (Anaesthetists Costs) Regulations 1990, the Accident Compensation (Referred Treatment Costs) Regulations 1990, the Accident Compensation (Dentists Costs) Regulations (No. 2) 1990, the Accident Compensation (Dental Specialists Costs) Regulations (No. 2) 1990, the Accident Compensation (Radiologists Costs) Regulations 1990, the Accident Compensation (Audiologists Costs) Regulations 1990, the Accident Compensation (Pharmaceutical Costs) Regulations 1990, the Accident Compensation (Hyperbaric Oxygen Treatment Costs) Regulations 1990, the Accident Compensation (Prescribed Artificial Limbs, Aids, and Prosthetic Appliances Costs) Regulations 1990, or the Accident Rehabilitation and Compensation Insurance (Counselling Costs) Regulations 1992.

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, which come into force on 1 July 1994, replace the Accident Rehabilitation and Compensation Insurance (Overseas Visitors Costs and Costs of Certificates) Regulations 1993.

The regulations provide for the making of payments in respect of treatment provided to overseas visitors in licensed hospitals.

Provision is no longer made by these regulations for payments in respect of certificates issued by licensed hospitals.

The purchasing responsibility for such certificates is being transferred on 1 July 1994 to regional health authorities.

Treatment provided by, and certificates issued by, a licensed hospital before 1 July 1994 are to be paid for as if these regulations had not been made.

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

Date of notification in *Gazette*: 2 June 1994.

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