



**THE SOCIAL SECURITY (DIAGNOSTIC IMAGING SERVICES)
REGULATIONS 1991**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of December 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 116 of the Social Security Act 1964, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title, commencement, and application—(1) These regulations may be cited as the Social Security (Diagnostic Imaging Services) Regulations 1991.

(2) These regulations shall come into force on the 1st day of January 1992, and shall apply in respect of diagnostic imaging services provided on or after that date.

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

“The Act” means the Social Security Act 1964:

“Area health board” means an area health board under the Area Health Boards Act 1983:

“Department” means the Department of Health:

“Diagnostic imaging services” means the services more particularly defined in regulation 4 of these regulations:

“Director-General” means the Director-General of Health:

“Medical Officer of Health” means a Medical Officer of Health under the Health Act 1956:

“Minister” means the Minister of Health:

“Recognised person” means a person who is for the time being recognised for the purposes of these regulations:

“Specialist” means a medical practitioner whose name is entered in the register of specialists pursuant to the Medical Practitioners (Registration of Specialists) Regulations 1971*.

3. Goods and services tax included—The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

4. Nature of benefits—(1) Except as provided in subclause (2) of this regulation, the benefits provided for by these regulations (in these regulations referred to as diagnostic imaging services) shall be—

- (a) The use of ultrasound diagnostic apparatus:
- (b) The use of X-ray diagnostic apparatus:
- (c) The supply and administration of any drugs or other substances incidental to the use of such apparatus:
- (d) The provision of medical services incidental to the use of such apparatus, except medical services of a kind that are not ordinarily performed by radiologists as such (whether in any particular case such services are performed by the radiologist or by any other medical practitioner):
- (e) The provision of any other incidental services for the use of such apparatus.

(2) Nothing in these regulations shall apply to diagnostic imaging services provided—

- (a) For dental purposes:
- (b) For the purposes of life insurance, superannuation, or any other similar purpose; but this paragraph shall not exclude services in relation to certificates given for the purposes of benefits under Part I of the Social Security Act 1964 or in relation to certificates for sickness benefits from a friendly society:
- (c) For visas:
- (d) For emigration permits:
- (e) For the sole or primary purpose of obtaining a certificate, for production to some other person, relating to the condition of health of the person in respect of whom the services are provided:
- (f) For the sole or primary purpose of ascertaining, at the request of any employer or proposed employer or person having the control or supervision of the person in respect of whom the services were provided, the condition of health of that person, if that person is not known or suspected by any medical practitioner to be suffering from disease or illness; but this paragraph shall not exclude any service provided immediately before entering

employment, or during employment, if in either case a Medical Officer of Health is of the opinion that the provision of the service would be in the interest of the public health:

(g) For the purposes of the Customs Act 1966 or of the Misuse of Drugs Act 1975.

(3) Notwithstanding anything in subclause (2) (f) of this regulation, the Director-General may from time to time, in the Director-General's discretion, give written approval of the provision of diagnostic imaging services for any group of persons, on the application of any employer or person having the control or supervision of those persons, or on the recommendation of any medical practitioner, being an officer of the Department of Health. In any such case, the provisions of these regulations, except regulation 5 (c), shall apply in respect of every person in the group.

5. Application of regulations—Subject to regulation 4 (3) of these regulations, these regulations shall apply only to a diagnostic imaging service which satisfies all of the following conditions:

- (a) That it is provided in respect of a person who is entitled to receive benefits under Part II of the Act:
- (b) That it is performed by or under the direct supervision of a person who has been granted recognition under these regulations in respect of the service provided or by or under the direct supervision of a medical practitioner employed or engaged by an area health board:
- (c) That it is provided on the written recommendation of a medical practitioner, other than the person providing the service, or is provided on the authority of a Medical Officer of Health:

Provided that this paragraph shall not apply if the person providing the service is of the opinion, after personal examination of a patient, that it is advisable in the interests of the patient that the service be provided.

6. Classes of recognition for purposes of regulations—Recognition for the purposes of these regulations shall be of the following classes:

- (a) Unrestricted recognition, being recognition of a radiologist whose academic qualifications and professional experience and available equipment and apparatus, in the Minister's opinion, enable the radiologist to provide all classes of diagnostic imaging services:
- (b) Limited recognition, being recognition of a radiologist whose academic qualifications and professional experience and available equipment and apparatus, in the Minister's opinion, enable the radiologist to provide a particular class or particular classes of diagnostic imaging services:
- (c) Specialist restricted recognition, being recognition of a specialist (other than a radiologist) whose academic qualifications and professional experience and available equipment and apparatus, in the Minister's opinion, enable the specialist to provide a particular diagnostic procedure by means of diagnostic imaging:
- (d) Restricted recognition, being recognition of a medical practitioner (other than a radiologist or other specialist) whose academic qualifications and professional experience and available equipment and apparatus, in the Minister's opinion, enable the

medical practitioner to provide a particular diagnostic procedure by means of diagnostic imaging.

7. Application for recognition—(1) On application made by any medical practitioner on a form to be provided for the purpose by the Department, the Minister, having regard to the academic qualifications and professional experience of the applicant and to the equipment and apparatus available for use by the applicant, may in the Minister's discretion refuse recognition or grant to the applicant unrestricted recognition, limited recognition, specialist restricted recognition, or restricted recognition.

(2) Any such recognition may be granted subject to such conditions (if any), not inconsistent with these regulations, as the Minister thinks fit to impose.

(3) Every such recognition shall be subject to the condition that all equipment and apparatus in respect of which recognition was granted may at all reasonable times be inspected by any person authorised to do so by the Director-General.

8. Withdrawal of application and voluntary withdrawal from recognition—(1) Any applicant for recognition may withdraw the application at any time before it has been finally dealt with by the Minister.

(2) Any recognised person may withdraw from recognition by giving the Minister written notice to that effect. Recognition shall cease 1 month after the date of receipt of the notice by the Minister or on such earlier date as may be specified in the notice.

9. Revocation of recognition, alteration of conditions, and imposition of new conditions—The Minister, on giving not less than 1 month's written notice to the recognised person, may—

- (a) Revoke any recognition granted under these regulations;
- (b) Alter any condition to which any such recognition is subject;
- (c) Impose any new condition to which any such recognition shall be subject.

10. Change of class of recognition—(1) The Minister, on giving not less than 1 month's written notice to the recognised person or at any time on the application of a recognised person, may change the recognition to a different class from that held by the recognised person.

(2) Before making any such change of recognition the Minister shall have regard to the academic qualifications and professional experience of the recognised person and to the equipment and apparatus available for use by the recognised person.

(3) Any such change of recognition shall be subject to such conditions (if any), not inconsistent with these regulations, as the Minister thinks fit to impose, and to the condition set out in regulation 7 (3) of these regulations.

11. Publication of list of recognised persons—The Minister may from time to time publish in such manner as the Minister thinks fit the names and addresses of, and other relevant particulars concerning, recognised persons.

12. Duty to keep records—(1) Every recognised person, as soon as practicable after providing a diagnostic imaging service, shall make (in duplicate) a written report on the service and, where the service was performed on the recommendation of another medical practitioner, shall forward a copy of the report to that other medical practitioner.

(2) The recognised person shall keep a copy of the report for not less than 3 years after making it.

(3) All films or plates or other diagnostic records shall be kept for the same period unless they are delivered to the patient, or the medical practitioner or area health board who or which requested the service, or delivered to any other medical practitioner or area health board concerned with the subsequent treatment of the patient.

(4) If any films, plates, or other diagnostic records are delivered in accordance with subclause (3) of this regulation, the recognised person shall keep with the copy of the report, for the said period of 3 years, a record of—

(a) The name and address of the patient or medical practitioner to whom, or the name of the area health board to which, delivery was made; and

(b) The date of delivery.

(5) At any time during the said period of 3 years, the copy of the report and the films, plates, other diagnostic records, and records of delivery shall, on request, be produced by the recognised person for inspection by any medical practitioner who is an officer of the Department and who is authorised by the Director-General to make such inspections.

13. Payment of fees—(1) A recognised person shall be entitled to receive a fee only for the provision of a diagnostic imaging service in respect of which the person is recognised.

(2) Subject to subclause (1) of this regulation, there shall be payable by the Department, to every recognised person having unrestricted recognition or limited recognition or specialist restricted recognition, for the provision by the recognised person of any diagnostic imaging service set out in the Schedules to these regulations, the fee set out opposite to the description of that service, except where the service is provided by a person employed or engaged by an area health board.

(3) Subject to subclause (1) of this regulation, there shall be payable by the Department, to every recognised person having restricted recognition, for the provision by the recognised person of any diagnostic imaging service set out in the Schedules to these regulations, 60 percent of the fee set out opposite to the description of that service, except where the service is provided by a person employed or engaged by an area health board.

14. Area health boards not to recover payment from persons entitled to benefit—Subject to section 92 of the Social Security Act 1964, an area health board shall not demand or accept or be entitled to recover, in consideration of any diagnostic imaging service to which these regulations apply provided in respect of a person who is entitled to claim a benefit under these regulations, any payment from that person or any other person.

15. Amount of benefit to be deducted from fee charged—(1) Except as provided in subclause (2) of this regulation, where any service to which

these regulations (other than regulation 14) apply is performed by a recognised person, the amount of the prescribed fee payable under these regulations shall be deducted from the amount charged or chargeable for that service; and on any account rendered to or on account of the patient for that service credit shall be given for the amount of the fee paid or payable under these regulations.

(2) Subclause (1) of this regulation shall not apply if the patient or a responsible person competent to act on behalf of the patient notifies the recognised person in writing that he or she does not wish to accept the benefit of these regulations; and in any such case the whole amount of the recognised person's charge may be charged to or on account of the patient, and no fees shall be payable under these regulations.

(3) The Minister may withhold payment, in whole or in part, of the fees payable under these regulations if the Minister is of the opinion that any fee charged to or on account of the patient is excessive.

16. Claims for payment of fees—(1) Every claim under these regulations for the payment of fees shall be made on a form to be provided for the purpose by the Department.

(2) Every such claim shall be supported as follows:

- (a) It shall contain a certificate, signed by the recognised person by whom or under whose supervision the diagnostic imaging service was provided, that the service to which the claim relates was duly provided:
 - (b) In the case of a claim for diagnostic imaging services provided on the recommendation of another medical practitioner, the claim shall have attached to it a recommendation, signed by the medical practitioner, stating the name of the patient and the particular nature of the service recommended:
 - (c) In the case of a claim for diagnostic imaging services not provided on the recommendation of another medical practitioner, the claim shall contain or be accompanied by a brief statement, signed by the recognised person, setting out the reasons for providing the service to which the claim relates.
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SCHEDULES

Reg. 13 (2), (3)

FIRST SCHEDULE

FEES PAYABLE IN RESPECT OF X-RAY DIAGNOSTIC SERVICES

							\$
1. Barium enema	..	..	..	..	..	..	37.60
2. Mammogram	..	..	..	..	..	..	11.80

Reg. 13 (2), (3)

SECOND SCHEDULE

FEE PAYABLE IN RESPECT OF ULTRASOUND DIAGNOSTIC SERVICES

							\$
Abdomen and pelvis, other than for maternity purposes	..					..	30.00

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.

The regulations re-enact, with minor modification, the provisions of the revoked Social Security (Diagnostic Imaging Services) Regulations 1985.

However, fees are now payable by the Department of Health only in respect of the 3 diagnostic services set out in the First and Second Schedules to the regulations.

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

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These regulations are administered in the Department of Health.