



**THE ACCIDENT COMPENSATION (ANAESTHETISTS COSTS)
REGULATIONS 1990, AMENDMENT NO. 3**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of September 1996

Present:

THE HON. DOUG KIDD PRESIDING IN COUNCIL

PURSUANT to section 167 (1)(l) of the Accident Rehabilitation and Compensation Insurance Act 1992, His 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. Meaning of "specialist anaesthetist" 4. Corporation to pay certain costs | | <ul style="list-style-type: none"> 5. Prohibition on contributions to cost of treatment provided by Crown health enterprises 6. Revocation |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Anaesthetists Costs) Regulations 1990, Amendment No. 3, and shall be read together with and deemed part of

the Accident Compensation (Anaesthetists Costs) Regulations 1990* (in these regulations referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “general practitioner”, and substituting the following definition:

“‘General practitioner’ has the meaning given to it by regulation 2A of the Accident Rehabilitation and Compensation Insurance (General Practitioners Costs) Regulations 1993:”.

(2) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “registered medical practitioner”, and substituting the following definition:

“‘Registered medical practitioner’ means any person who—

“(a) Is entitled to practise medicine under the title of medical practitioner pursuant to section 9 of the Medical Practitioners Act 1995; and

“(b) Holds a current certificate issued under that Act or the Medical Practitioners Act 1968 evidencing that entitlement to practise medicine:”.

(3) Regulation 2 of the principal regulations is hereby further amended by revoking the definition of the term “specialist anaesthetist”, and substituting the following definition:

“‘Specialist anaesthetist’ has the meaning given to it by regulation 2A of these regulations.”

3. Meaning of “specialist anaesthetist”—The principal regulations are hereby amended by inserting, after regulation 2, the following regulation:

“2A. (1) In these regulations, the term ‘specialist anaesthetist’ means any registered medical practitioner—

“(a) To whom either of subclauses (2) or (3) of this regulation applies; and

“(b) Who is, in performing any function under regulations made under the Act, practising in accordance with any condition of his or her registration or practising certificate, including any condition imposed by any order made under section 110 of the Medical Practitioners Act 1995 or section 58 of the Medical Practitioners Act 1968; and

“(c) Who is, where the registered medical practitioner’s registration or practising certificate is subject to any condition, or where the registered medical practitioner is subject to any order made under section 110 of the Medical Practitioners Act 1995 or section 58 of the Medical Practitioners Act 1968, a suitable person, in the opinion of the Corporation, to perform any function required or permitted by regulations made under the Act to be performed by a specialist anaesthetist.

“(2) This subclause applies to any registered medical practitioner who was, immediately before the 1st day of July 1996, registered as a specialist in anaesthesia with the Medical Council of New Zealand.

*S.R. 1990/234

Amendment No. 1: S.R. 1992/32

Amendment No. 2: S.R. 1993/196

- “(3) This subclause applies to any registered medical practitioner who—
- “(a) Holds vocational registration, within the meaning of the Medical Practitioners Act 1995, in the branch of medicine of anaesthetics; and
- “(b) Is, in performing any function under regulations made under the Act, practising within that branch of medicine.”

4. Corporation to pay certain costs—Regulation 4 (4) of the principal regulations (as substituted by regulation 3(1) of the Accident Compensation (Anaesthetists Costs) Regulations 1990, Amendment No. 2) is hereby amended by omitting the words “for which the Corporation is prohibited from making a contribution towards the cost by section 27B of the Act”, and substituting the words “to the cost of which the Corporation is, pursuant to section 27 (4) of the Act, not obliged to contribute”.

5. Prohibition on contributions to cost of treatment provided by Crown health enterprises—The principal regulations are hereby amended by revoking regulation 4A (as inserted by regulation 4 of the Accident Compensation (Anaesthetists Costs) Regulations 1990, Amendment No. 2), and substituting the following regulation:

“4A. (1) Notwithstanding anything in these regulations, but subject to subclause (2) of this regulation, 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 anaesthetist 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 anaesthetist is providing or obliged to provide the treatment pursuant to that contract with that Crown health enterprise.

“(2) Nothing in subclause (1) of this regulation applies to an agreement, contract, or arrangement entered into by the Corporation under section 29A of the Act.”

6. Revocation—Regulation 4 of the Accident Compensation (Anaesthetists Costs) Regulations 1990, Amendment No. 2 is hereby revoked.

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 amend the Accident Compensation (Anaesthetists Costs) Regulations 1990. The amendments make changes that are consequential on the coming into force of the Medical Practitioners Act 1995 and the Accident Rehabilitation and Compensation Insurance Amendment Act (No. 2) 1996.

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

Date of notification in *Gazette*: 3 October 1996.

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