



**THE ACCIDENT COMPENSATION (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. Prohibition of contributions to cost of treatment provided by Crown health enterprises | <ul style="list-style-type: none"> 5. Revocations 6. Conditions applying to payments for surgical procedures 7. Revocations 8. Schedule 9. Savings |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, Amendment No. 2, and shall be read together with and deemed part of the Accident Compensation (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—(1) Regulation 2 (1) of the principal regulations is hereby amended by revoking the definitions of the terms “hospital”, “private hospital”, “public hospital”, “Social Security benefit”, and “State services”.

(2) Regulation 2 (1) of the principal regulations is hereby amended by revoking the definition of the term “registered specialist”, and substituting the following definition:

“Registered specialist” means any registered medical practitioner—

“(a) Registered as a specialist with the Medical Council of New Zealand; or

“(b) Recognised as a specialist by the Minister of Health immediately before the 14th day of November 1973 and still working as a specialist immediately before the 1st day of July 1993; or

“(c) Recognised by the relevant regional health authority as a specialist for the purposes of arrangements made in respect of pharmaceuticals under section 51 of the Health and Disability Services Act 1993 and eligible to receive remuneration as a specialist from a Crown health enterprise—
but does not include—

“(d) Any specialist working outside his or her specialty; or

“(e) Any specialist anaesthetist, being a registered medical practitioner registered as a specialist in anaesthesia with the Medical Council of New Zealand.”.

(3) Regulation 2 (2) of the principal regulations is hereby revoked.

3. Corporation to pay certain costs—(1) Regulation 4 (4) of the principal regulations is hereby amended by omitting the words “who is not acting in the course of employment by an area health board”, and substituting the words “where the Corporation is not prohibited from making a payment in respect of that referral or prior treatment by section 27B of the Act”.

(2) Regulation 4 of the principal regulations is hereby amended by revoking subclause (5), and substituting the following subclause:

“(5) 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 specialist; or

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

4. Prohibition of contributions to cost of treatment provided by Crown health enterprises—The principal regulations are hereby amended by inserting, after regulation 5, the following regulation:

“5A. 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.”

5. Revocations—Regulations 6 to 8 of the principal regulations are hereby revoked.

6. Conditions applying to payments for surgical 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 Part II of 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.”

7. Revocations—Regulations 12 (2) and 13 of the principal regulations are hereby revoked.

8. Schedule—(1) Clause 1 of Part I of the Schedule to the principal regulations (as substituted by regulation 2 of the Accident Compensation (Specialists Costs) Regulations (No. 2) 1990, Amendment No. 1) is hereby amended by omitting the words “(less any Social Security benefit)” in both places where they occur.

(2) Clause 2 of Part I of the Schedule to the principal regulations (as so substituted) is hereby amended by omitting the words “(less any Social Security benefit)” in both places where they occur.

(3) Part II of the Schedule to the principal regulations (as so substituted) is hereby amended by omitting the words “(less any Social Security benefit)” in both places where they occur.

9. Savings—Notwithstanding these regulations, where a registered specialist has provided, at any time before the close of the 30th day of June 1993, treatment to a claimant 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 (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.

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

The new *regulation 5A* prohibits payments being made to Crown health enterprises pursuant to the principal regulations.

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.