



ANALYSIS

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1991, No. 83

An Act to amend the Social Security Act 1964

[2 August 1991]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Social Security Amendment Act (No. 3) 1991, and shall be read together with and deemed part of the Social Security Act 1964 (hereinafter referred to as the principal Act).

(2) Except as provided in section 2 (3) of this Act, this Act shall be deemed to have come into force on the 1st day of August 1991.

2. Fees for specialist medical services—(1) The principal Act is hereby amended by repealing section 94 (as enacted by section 21 (1) of the Social Security Amendment Act 1986), and substituting the following section:

“94. (1) Subject to the provisions of this Part of this Act, every specialist who provides any specialist medical services for a patient who has been referred to the specialist by another medical practitioner for that purpose shall be entitled to receive from the Department, in respect of the first occasion on which, following the referral, such services are provided to that patient by that specialist, such fee as may be prescribed by regulations made under section 95 of this Act.

“(2) A fee shall not be payable under subsection (1) of this section—

“(a) In respect of specialist medical services provided by a specialist for a person referred to the specialist by another specialist, unless in a letter to the first-

mentioned specialist the referring specialist states that the medical practitioner who first referred the person to the referring specialist concurs in the person being referred to the first-mentioned specialist; or

“(b) If some other benefit or supplementary benefit is available under this Part of this Act in respect of the specialist medical services provided.

“(3) Notwithstanding anything to the contrary in this Act, but subject to paragraphs (b) to (e) of the definition of the term ‘general medical services’ in section 88 (1) of this Act, for the purposes of this Part of this Act,—

“(a) The examination of a patient by an anaesthetist before an operation, without a specific request for the anaesthetist’s opinion on the condition of the patient from the medical practitioner who referred the patient to the anaesthetist; and

“(b) The administration of an anaesthetic by an anaesthetist—

shall be deemed to be general medical services.

“(4) Every payment made by the Department to a medical practitioner under this section shall be deemed to have been made on behalf of the patient in respect of whom the payment was made.”

(2) The Social Security (Medical Fees) Regulations 1986 (S.R. 1986/290) are hereby amended by revoking—

(a) Clause 2 of Part I of the Fourth Schedule; and

(b) Part II of the Fourth Schedule.

(3) This section shall come into force on the 12th day of September 1991 and shall apply in respect of specialist medical services provided on or after that date. In respect of specialist medical services provided before that date, the principal Act and the Social Security (Medical Fees) Regulations 1986 (S.R. 1986/290) shall continue to apply as if this section had not been enacted.

3. Hospital treatment afforded by area health boards—

(1) The principal Act is hereby amended by repealing section 101, and substituting the following section:

“101. (1) Subject to subsections (2) to (4) of this section, no area health board shall demand or accept or be entitled to recover from any hospital patient who is entitled to receive hospital benefits under this Act or from any other person any payment for hospital treatment afforded to any such hospital patient.

“(2) Where an area health board affords, in a hospital maintained by that area health board, hospital treatment to a hospital patient who is entitled to receive hospital benefits under this Act and regulations made under this Act prescribe, in respect of the affording of that type of hospital treatment to any such patient or any class of such patient, a maximum amount that may be recovered by an area health board, that area health board may demand and accept, and shall be entitled to recover, from the patient or from any other person liable to meet the cost of the hospital treatment an amount not exceeding the prescribed maximum amount.

“(3) Where an area health board affords, in a hospital maintained by that area health board, hospital treatment to a hospital patient who has recovered or is or has been entitled to recover—

“(a) Compensation under the Workers’ Compensation Act 1956 on account of that hospital treatment; or

“(b) Special damages in respect of that hospital treatment,—that area health board may demand and accept, and shall be entitled to recover from the patient or from any other person liable to meet the cost of the treatment, the greater of—

“(c) The prescribed maximum amount; or

“(d) The amount recovered by that person—

“(i) By way of compensation on account of that hospital treatment; or

“(ii) By way of special damages in respect of that hospital treatment.

“(4) Nothing in subsection (1) of this section or in any regulations made under this Act prevents an area health board from accepting from the Crown payments to that area health board in respect of long-term hospital treatment provided by the board for any intellectually handicapped person or physically handicapped person.

“(5) The provisions of section 92 (4) of this Act, with the necessary modifications, shall apply for the purposes of subsection (3) of this section.”

(2) The following enactments are hereby consequentially repealed:

(a) So much of the Schedule to the Area Health Boards Act 1983 as relates to section 101 of the Social Security Act 1964:

(b) Section 38 (3) of the Social Welfare (Transitional Provisions) Act 1990.

4. Regulations—Section 123 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraphs:

“(ba) Prescribing (whether by a scale or otherwise) the maximum amounts that area health boards may charge—

“(i) For hospital treatment or any class or type of hospital treatment afforded, in a hospital maintained by an area health board, to hospital patients who are entitled to receive hospital benefits under this Part of this Act or to any class of such hospital patients; or

“(ii) For any other services or treatment provided by an area health board:

“(bb) Defining classes of patients for the purposes of any regulations made under this Act, which classes may be defined by reference to such criteria, circumstances, or matters as are specified in the regulations, including, but not by way of limitation, the income of the patients:”.

This Act is administered in the Department of Health.
