



THE SOCIAL SECURITY (LABORATORY DIAGNOSTIC SERVICES) REGULATIONS 1981, AMENDMENT NO. 11

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of September 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 116, 123, and 132 of the Social Security Act 1964, His 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 (Laboratory Diagnostic Services) Regulations 1981, Amendment No. 11, and shall be read together with and deemed part of the Social Security (Laboratory Diagnostic Services) Regulations 1981* (hereinafter referred to as the principal regulations).

*S.R. 1981/327

- Amendment No. 1: S.R. 1983/84
- Amendment No. 2: S.R. 1985/42
- Amendment No. 3: *(Revoked by S.R. 1986/274)*
- Amendment No. 4: *(Revoked by S.R. 1987/149)*
- Amendment No. 5: *(Revoked by S.R. 1987/246)*
- Amendment No. 6: S.R. 1987/246
- Amendment No. 7: S.R. 1988/183
- Amendment No. 8: S.R. 1989/39
- Amendment No. 9: S.R. 1990/46
- Amendment No. 10: S.R. 1990/143

(2) These regulations shall come into force on the 7th day of September 1990, and shall apply to laboratory diagnostic services provided on or after that date.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by adding the following definition:

“Registered midwife” means a person who is registered as a midwife under the Nurses Act 1977.”

3. Application of regulations—(1) The principal regulations are hereby amended by revoking regulation 4 (as substituted by regulation 2 (1) of the Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No. 7 and amended by regulation 2 of the Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No. 9), and substituting the following regulation:

“4. These regulations shall apply only in respect of laboratory diagnostic services which satisfy the following conditions:

“(a) That they are performed—

“(i) By or under the supervision of a recognised pathologist; or

“(ii) By a laboratory assistant approved by the Director-General of Health (either generally or in respect of the particular services) under the supervision of a medical practitioner employed or engaged by an area health board:

“(b) That they are performed at the written request of—

“(i) A medical practitioner other than the pathologist:

“Provided that the condition prescribed by this subparagraph shall not apply in any case where a recognised pathologist, who is also engaged in medical practice other than as a pathologist, is of the opinion, after personal examination of a patient, that it is necessary or advisable in the interests of the patient that the laboratory diagnostic service be performed; or

“(ii) In the case of a cytological examination of a cervical smear, any person approved by the Medical Officer of Health pursuant to regulation 4A of these regulations; or

“(iii) A registered midwife.”

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 2 of the Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No. 7:

(b) Regulation 2 of the Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No. 9.

4. Payment of fees for laboratory services—Regulation 8 of the principal regulations is hereby amended by inserting, after subclause (2) (as substituted by regulation 3 of the Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No. 9), the following subclause:

“(2A) Notwithstanding anything in subclause (1) of this regulation, in any case where the registered midwife at whose request the laboratory diagnostic services are provided has requested that all the tests comprised in any one of the group tests specified by code reference in Part III of the Schedule to these regulations be performed in respect of a particular patient, the fee prescribed in respect of each such group test shall be payable by the Department whether or not some other fee in respect of

any of the individual tests that comprise that group test is prescribed in Part I of the said Schedule.”

5. New Part III added to Schedule to principal regulations—The Schedule to the principal regulations (as substituted by regulation 3 (1) of the Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No. 10) is hereby amended by adding the following Part:

“PART III

“GROUP TESTS

Code Reference: BG1, BX1, C10, D70, D72, H15, M06, M07, M09, S01, S02, S03, S04, S05, S06.”

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 7 September 1990, amend the Social Security (Laboratory Diagnostic Services) Regulations 1981. The amendments are consequential upon the amendments made to the Social Security Act 1964 by the Nurses Amendment Act 1990 and provide for fees to be payable by the Department of Health for certain laboratory diagnostic services provided at the request of registered midwives.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 6 September 1990.
These regulations are administered in the Department of Health.