

1990 - No. 477

**WORKERS COMPENSATION ACT 1987 - REGULATION**  
(Relating to the rates for treatment of injured workers at private hospitals)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Workers Compensation Act 1987, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY  
Minister for Industrial Relations and Employment.

The Workers Compensation (General) Regulation 1987 is amended:

- (a) by inserting in clause 10A after the definition of “day patient” the following definitions:

**“hospital category A”** means a hospital (other than a public hospital) notified as a category A hospital by the Director-General of the Department of Health by order published in the Gazette, being a hospital which has an intensive care unit approved by that Director-General, 24 hour resident medical cover and one or more of the following:

- (a) a surgical class licence issued under the Private Health Establishments Act 1982;
- (b) an obstetric class licence issued under the Private Health Establishments Act 1982;
- (c) a medical program approved in writing by the Director-General of the Department of Health;

(d) a rehabilitation program approved in writing by that Director-General;

(e) a psychiatric program approved in writing by that Director-General;

**“hospital category B”** means a hospital (other than a public hospital) notified as a category B hospital by the Director-General of the Department of Health by order published in the Gazette and which has one or more of the following:

(a) a surgical class licence issued under the Private Health Establishments Act 1982;

(b) an obstetric class licence issued under the Private Health Establishments Act 1982;

(c) a medical program approved in writing by the Director-General of the Department of Health;

(d) a rehabilitation program approved in writing by that Director-General;

(e) a psychiatric program approved in writing by that Director-General;

**“hospital category C”** means any other hospital (other than a public hospital) which is not a hospital - category A or a hospital - category B;

**“intensive care unit - level 1 patient”** means a worker receiving intensive care treatment at an intensive care unit in a hospital (other than a public hospital), being an intensive care unit approved by the Director-General of the Department of Health as being of a standard described as level 4 in the Guide to the Delineation of the Roles of Area Health Services and Hospitals (dated June 1986 and issued by the Department of Health);

**“intensive care unit - level 2 patient”** means a worker receiving intensive care treatment at an intensive care unit in a hospital (other than a public hospital), being an intensive care unit approved by the Director-General of the Department of Health as being of a standard described as level 3 in the Guide to the Delineation of the Roles of Area Health Services and Hospitals (dated June 1986 and issued by the Department of Health);

- (b) by omitting from the definition of “other patient (medical)” in clause 10A the words “or a day patient” and by inserting instead the words “, a day patient, an intensive care unit - level 1 patient or an intensive care unit - level 2 patient”;
- (c) by omitting the Table to clause 10B (a) and by inserting instead the following Table:

TABLE

Column 1	Column 2	Column 3		
<i>Patient classification</i>	<i>Period of hospitalisation</i>	<i>Amount per day</i>		
		<i>Hospital category A</i>	<i>Hospital category B</i>	<i>Hospital category C</i>
Advanced surgical patient	1 to 14 days	\$ 370	\$ 345	\$ –
	over 14 days	255	255	–
Surgical patient	1 to 14 days	345	325	–
	over 14 days	255	255	–
Psychiatric patient	1 to 42 days	305	290	255
	43 days or over	255	220	215
Rehabilitation patient	1 to 49 days	355	290	255
	50 days or over	255	220	215
Other patient (medical)	1 to 14 days	305	290	255
	over 14 days	255	235	215
Day patient	Up to 1 day	160	160	160

- (d) by inserting in clause 10B (a) after the words “the amount specified” the words “in respect of the category of hospital (if any)”;
- (e) by inserting after clause 10B (a) the following paragraph:
- (a1) in respect of each day or part of a day that the worker is an in-patient of the hospital, being an in-patient:
- (i) of a classification specified in Column 1 of the following Table; and

- (ii) during a period of hospitalisation specified in Column 2 of the Table,  
the amount specified in Column 3 of the Table opposite that classification and period:

TABLE		
Column 1 <i>Patient classification</i>	Column 2 <i>Period of hospitalisation</i>	Column 3 <i>Amount per day</i>
Intensive care unit - level 1 patient	up to 5 days	\$ 1300
Intensive care unit - level 2 patient	up to 5 days	900

- (f) by omitting the Table to clause 10B (b) and by inserting instead the following Table:

TABLE	
Column 1	Column 2
	\$
1 - 15 minutes	140
16 - 30 minutes	250
31 - 45 minutes	300
46 - 60 minutes	390
61 - 90 minutes	550
91 - 120 minutes	690
121 - 180 minutes	930
181 - 240 minutes	1300
241 - 360 minutes	1800
Over 360 minutes	2100

#### EXPLANATORY NOTE

The object of this Regulation is to amend the Workers Compensation (General) Regulation 1987:

- (a) to categorise private hospitals on the basis of the level of service provided; and
- (b) to provide that intensive care unit patients are separately classified and to specify the amount for which an employer is liable in respect of hospital treatment of a worker who is an intensive care patient; and
- (c) to otherwise increase the amounts for which an employer is liable for treatment of injured workers at private hospitals.