

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.

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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

| Patient classification    | Period of hospitalisation | Amount per day      |                     |                     |
|---------------------------|---------------------------|---------------------|---------------------|---------------------|
|                           |                           | Hospital category A | Hospital category B | Hospital category C |
| 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<br><i>Patient classification</i> | Column 2<br><i>Period of hospitalisation</i> | Column 3<br><i>Amount per day</i> |
|---|--|-----------------------------------|
| Intensive care unit -<br>level 1 patient  | up to 5 days                                 | \$ 1300                           |
| Intensive care unit -<br>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     |

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**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.

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