



31 May 2022

Tēnā koe

On 3 May 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *All information as to why MSD classifies THC containing medicines as "alternative medicines" on special benefit review forms.*

Medicines containing THC are described as non-subsidised pharmaceuticals for the purposes of financial assistance from the Ministry because they are not subsidised by PHARMAC.

Special Benefit is only available to clients, or their spouses or partners, who have been receiving or applied for Special Benefit prior to 1 April 2006. The grant of a Special Benefit is discretionary and approved on a case-by-case basis, and for a cost to be included it needs to be an allowable cost as prescribed in Definitions clause 2 of the Direction in relation to Special Benefit. More information on allowable costs for Special Benefit is available on the Work and Income website, here: www.workandincome.govt.nz/map/income-support/extra-help/special-benefit/allowable-costs-01.html.

Generally, for medication to be included it must be an ongoing cost for a prescribed and subsidised pharmaceutical. If a client requests financial assistance for non-subsidised pharmaceuticals such as medicines containing THC, this must be reviewed as an individual case on its own merits. Non-subsidised pharmaceuticals can only be included in assistance on a case-by-case basis when the client's registered medical practitioner or nurse practitioner has verified that the pharmaceutical item is essential, and that there are no suitable subsidised or partly subsidised alternatives. The client will need to provide a letter from their registered health practitioner or nurse practitioner confirming the following information:

- the reasons for prescribing the non-subsidised pharmaceutical

- that there is not a suitable subsidised or partly subsidised alternative
- that the medication is essential and directly related to the client's disability
- if PHARMAC funding has been applied for and declined, the reasons for this decision
- if there is no suitable subsidised or partly subsidised alternative, and if PHARMAC funding has not been applied for, the reasons why funding has not been sought

More information about the Special Benefit is available, here: www.workandincome.govt.nz/map/income-support/extra-help/special-benefit/index.html.

As the Special Benefit was replaced by Temporary Additional Support (TAS), the Ministry has also considered your request in terms of support available through TAS assistance. As with the Special Benefit, for a cost to be included for TAS, it needs to be an allowable cost. Allowable costs health and disability costs for TAS generally only include subsidised or partly subsidised pharmaceuticals, not un-subsidised pharmaceuticals such as medicines containing THC. Before granting TAS for health and disability costs, it must be considered whether the client is entitled to the Disability Allowance.

To consider including the cost of non-subsidised pharmaceutical costs in a client's assessment for TAS, the same guidance as above for Special Benefit applies. More information on allowable costs for TAS is available, here: www.workandincome.govt.nz/map/income-support/extra-help/temporary-additional-support/allowable-costs-01.html.

Further general information on TAS is available at the following link: www.workandincome.govt.nz/map/income-support/extra-help/temporary-additional-support/index.html.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Dwina Dickinson
Group General Manager
System Performance and Improvement