



17 May 2022

Gregory Soar

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Tēnā koe Gregory Soar

On 18 March 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *What specialist training does MSD believe a cannabis clinic doctor holds, please outline the special training that allows them to be "specialists" as required under NZ law and by the NZMC?*
- *MSD says cannabis doctors cannot be self referred to by MSD clients. Please provide all legislation, Ministerial direction and ANY other formal regulations / requirements that say a patient may not self refer.*
- *Many medical practices are private businesses and have specialists such as psychiatrists which are funded for clients of MSD so please supply all information held that differentiates between cannabis clinic doctors without specialist training and any other medical practice doctors who funding for clients is given.*

For clarity, I will address each of your questions in turn.

1. *What specialist training does MSD believe a cannabis clinic doctor holds, please outline the special training that allows them to be "specialists" as required under NZ law and by the NZMC?*

The Ministry is not responsible for assessing whether a medical practitioner (including doctors who may prescribe medical cannabis) has specialist training or can be called a specialist. For further information about this, you may like to contact the Medical Council of New Zealand on freephone 0800 286 801, or via their website: www.mcnz.org.nz/about-us/what-we-do/.

2. *MSD says cannabis doctors cannot be self referred to by MSD clients. Please provide all legislation, Ministerial direction and ANY other formal regulations / requirements that say a patient may not self refer.*

The Ministry does not prevent clients from self-referring to a medical practitioner (doctor).

As such, we are refusing question 2 of your request under section 18(g) of the Official Information Act 1982, on the ground that the information you have requested does not exist or, despite reasonable efforts to find it, cannot be found.

3. *Many medical practices are private businesses and have specialists such as psychiatrists which are funded for clients of MSD so please supply all information held that differentiates between cannabis clinic doctors without specialist training and any other medical practice doctors who funding for clients is given.*

To respond to this request, I will provide some contextual information first.

The Ministry does not fund medical specialists, including psychiatrists. As such, this part of your request for information that differentiates between cannabis clinic doctors without specialist training and any other medical practice doctors that the Ministry funds, is refused under section 18(g) of the Act as the information you have requested is not held by the Ministry and I have no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

Clients can apply to the Ministry for help with certain health and disability costs. These costs can include fees and other treatment costs charged by doctors (medical practitioners¹) and other health practitioners. Clients needing help with such costs on an ongoing basis may qualify for a Disability Allowance (DA). DA is a weekly allowance, paid up to a maximum of \$70.04 a week, that can be paid to help a client (or their partner or dependent child) with certain additional costs arising from their disability.

To receive a DA, a person must:

- be receiving a main benefit or meet an income test
- have a disability that is likely to last at least 6 months, or have a life expectancy of less than 6 months because of a terminal illness
- have ongoing, additional costs arising from that disability²

¹ A medical practitioner is a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand as a practitioner of the profession of medicine

² Other assistance available to the client to meet the additional costs must also be insufficient to fully cover the costs.

- be a New Zealand citizen or permanent resident, and ordinarily resident in New Zealand.

The person's disability must mean that they have a reduction in independent functioning to the extent that they need:

- ongoing help with everyday functions of life, or
- ongoing supervision or treatment from a health practitioner.

To support their application for a DA, a person needs to provide a medical certificate from a registered medical practitioner or nurse practitioner that verifies the person has a disability that meets the DA qualifications, the nature of the costs, and that those costs are necessary and of therapeutic value for the person's disability.

There may be additional verification requirements or considerations depending on the specific type of cost being included in the DA.

More information about the qualifications for DA can be found here: www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/index.html.

In some cases, DA can be used to assist with ongoing medical fees and other costs charged by doctors, specialists and others, in relation to a client's disability. More information about including medical fees in a DA can be found at the following link: www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/medical-fees-01.html.

When assessing whether a client's medical fees can be included in a DA, the Ministry does not differentiate between "*cannabis clinic doctors without specialist training*" and doctors who run "*any other medical practice*". However, the medical fees charged must qualify to be included in a DA, including (but not limited to) that the costs are:

- regular and ongoing
- a direct result of a disability which is expected to continue for at least 6 months
- additional to, or over and above, those costs that a person without a disability would have
- not fully funded by another agency such as the Ministry of Health, ACC or other accident insurers, Education, regional councils, and
- not a residential care service

The Ministry must also consider whether there are less costly services that might meet the client's need.

If a client has qualifying costs that are above the maximum rate of DA, the costs may be included as an allowable cost for Temporary Additional Support, if the client qualifies for this payment.

Further information

The Ministry's operational guidelines for staff on Disability Allowance and Temporary Additional Support are publicly available at:

- Disability Allowance: www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/introduction.html.
- Temporary Additional Support: www.workandincome.govt.nz/map/income-support/extra-help/temporary-additional-support/introduction.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



Dwina Dickinson
**Group General Manager System Performance and Improvement
Service Delivery**