



8 August 2023

Gregory Soar

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Tēnā koe Gregory Soar

On 20 June 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. Please provide all information held by and or considered by both MSD & The Health Advisory teams that determines any cannabis medication to be an alternative medical treatment.*
- 2. Please provide all information held by and / or considered by both MSD & your Health Advisory Experts that determines any cannabis medication to be a pharmaceutical 3.*
- 3. Please provide information on all due diligence done by your Health Advisory Team that leads them to advise any cannabis-based medicine is "an alternative medical treatment"*
- 4. Please advise why cannabis-based medicines are being classed as alternative medical treatments after the issue was previously raised / advised your Whanganui office by myself more than once.*

On 22 June and 28 June 2023, you emailed the Ministry with the additional questions below. The Ministry will be responding to these requests in this letter.

- 5. Please provide the definition of ALTERNATIVE MEDICAL TREATMENT used by MSD*
- 6. Please provide the definition of PRESCRIPTION MEDICATION as list headings on the website I sent screen shots of run by MSD.*
- 7. How many people have suffered and or died due not able to afford required cannabis medication since being told?*
- 8. How many simply did not apply when told / advised that it would need an ALTERNATIVE MEDICAL TREATMENT application that = difficult path from first cent of funding (compared at least \$75.10 weekly plus up to 30% main benefit if a deficiency exists if conditions met) and seeing the more difficult funding path from the first cent of funding just gave up? How many doctors were too busy to complete the extra work required above the normal medical expenses form / attesting?*

9. *Please provide me a full and complete list of all "allowable costs" as used in determining rates of payments for all / any clients. A full comprehensive list thank you.*
10. *Could you also please advise if any formal complaints processes existing within MSD for clients, please and any information around making a formal complaint / the process please?*

On 19 July, the Ministry emailed you that the consultations necessary to make a decision on your request were as such that more time was needed, with a new due date of 9 August 2023.

For clarity, the Ministry will respond to your questions in turn. Some questions have been placed together as they are the same topic.

1. *Please provide all information held by and or considered by both MSD & The Health Advisory teams that determines any cannabis medication to be an alternative medical treatment.*
2. *Please provide all information held by and / or considered by both MSD & your Health Advisory Experts that determines any cannabis medication to be a pharmaceutical*
3.
4. *Please advise why cannabis-based medicines are being classed as alternative medical treatments after the issue was previously raised / advised your Whanganui office by myself more than once.*

Medicinal cannabis is currently considered a non-subsidised pharmaceutical for Disability Allowance (DA). It is current practice that all requests for medicinal cannabis are required to be approved by the Ministry's Principal Health and Disability team at National Office, following an initial assessment and the gathering of clinical information required for a full assessment to be made against DA criteria, by the Regional Health and Disability teams.

To determine whether the cost of a non-subsidised pharmaceutical can be included in DA, the Ministry must also consider:

- the availability of another suitable subsidised or partly subsidised pharmaceutical item **and**
- whether funding from PHARMAC under their Named Patient Pharmaceutical Assessment Policy has been applied for and if so, whether the application has been accepted or declined, and the reasons for it being declined.

The cost of the non-subsidised pharmaceutical may be included as an additional expense for DA if the client's medical practitioner or nurse practitioner verifies the pharmaceutical item is essential and there are no suitable subsidised or partly subsidised alternatives.

- 3. Please provide information on all due diligence done by your Health Advisory Team that leads them to advise any cannabis-based medicine is "an alternative medical treatment"*

The Ministry's Regional Health and Disability teams assess medicinal cannabis as a non-subsidised pharmaceutical. They do not advise that any cannabis-based medicine is an alternative treatment. Therefore, this part of your request 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 either held by or closely connected to the functions of another department, Minister of the Crown or organisation.

- 5. Please provide the definition of ALTERNATIVE MEDICAL TREATMENT used by MSD*

This information is publicly available on our website which can be found here: www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/alternative-treatment-01.html

- 6. Please provide the definition of PRESCRIPTION MEDICATION as list headings on the website I sent screen shots of run by MSD.*

This information is publicly available on our website which can be found here: www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/pharmaceutical-charges-01.html

- 7. How many people have suffered and or died due not able to afford required cannabis medication since being told?*
- 8. How many simply did not apply when told / advised that it would need an ALTERNATIVE MEDICAL TREATMENT application that = difficult path from first cent of funding (compared at least \$75.10 weekly plus up to 30% main benefit if a deficiency exists if conditions met) and seeing the more difficult funding path from the first cent of funding just gave up? How many doctors were too busy to complete the extra work required above the normal medical expenses form / attesting?*

The Ministry is refusing your request for this information 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 either held by or closely connected to the functions of another department, Minister of the Crown or organisation.

9. *Please provide me a full and complete list of all "allowable costs" as used in determining rates of payments for all / any clients. A full comprehensive list thank you.*

Your request for this information is refused under section 18(d) of the Act on the basis that the information is publicly available. However, in the spirit of being helpful, we have included a summary of the relevant information in an **Appendix One**, which includes links to the Manuals and Procedures used by Ministry staff.

10. *Could you also please advise if any formal complaints processes existing within MSD for clients, please and any information around making a formal complaint / the process please?*

The Ministry is committed to delivering first class services and providing dependable advice. The Ministry has a documented formal complaints process for clients that is publicly available. Information on this process and how to make a complaint can be found at the following links:

- <https://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/index.html>
- <https://www.workandincome.govt.nz/about-work-and-income/complaints/>

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 regarding information held by the Ministry on cannabis medication and alternative medical treatment, 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.

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Appendix One

Summary of information on allowable costs for determining a beneficiary's rate of payment

Accommodation Supplement (AS)

AS is non-taxable extra help paid to a client to help towards the cost of their accommodation.

There are 3 types of accommodation costs. Detailed information on each cost can be found in the links provided below:

- Rent
<https://www.workandincome.govt.nz/map/income-support/extra-help/accommodation-supplement/rent-01.html>
 - Board
<https://www.workandincome.govt.nz/map/income-support/extra-help/accommodation-supplement/board-01.html>
- or**
- Home ownership costs
<https://www.workandincome.govt.nz/map/income-support/extra-help/accommodation-supplement/home-ownership-01.html>

Away From Home Allowance

The Away from Home Allowance is non-taxable extra help assistance paid to assistance with rent or board costs for the caregivers of dependent 16- and 17-year-olds who move away from home to undertake tertiary study or employment related training.

This is calculated and paid in the same manner as AS. Please see the below links for more detailed information:

<https://www.workandincome.govt.nz/map/income-support/extra-help/away-from-home-allowance/qualifications.html>

<https://www.workandincome.govt.nz/map/income-support/extra-help/away-from-home-allowance/payment.html>

Childcare Assistance

This section covers assistance MSD provides to help towards a client's childcare costs.

Childcare Subsidy (CCS) and OSCAR Subsidy

CCS is a non-taxable payment that aims to assist clients with dependent children to undertake and remain in employment, education, or training.

The rate of CCS and OSCAR is determined based on the number of children, the level of income and the fees charged by the childcare provider.

The CCS and OSCAR Subsidy is paid directly to the provider. Payment must not be more than the fee the provider charges.

For detailed information regarding CCS and OSCAR please see:

<https://www.workandincome.govt.nz/map/income-support/extra-help/childcare-assistance-programme/index.html>

Early Learning Payment (ELP)

ELP is a non-taxable payment that provides earlier access to Early Childhood Education for families with specific needs.

ELP is paid up to a maximum of 20 hours childcare per week, at a maximum of \$9.09 per hour.

For more information please see:

<https://www.workandincome.govt.nz/map/income-support/extra-help/early-learning-payment/index.html>

<https://www.workandincome.govt.nz/map/income-support/extra-help/early-learning-payment/payment.html>

Guaranteed Childcare Assistance Payment (GCAP)

GCAP provides financial assistance with childcare costs to enable young parents who are:

- receiving a main benefit to meet their youth activity obligations or
- not receiving a main benefit to return to, or remain in, secondary education

For more information please see:

<https://www.workandincome.govt.nz/map/income-support/extra-help/guaranteed-childcare-assistance-payment/index.html>

Community Costs

Community Costs is a non-taxable payment that can be paid to clients receiving treatment in short-term residential treatment programmes to help them to reintegrate into the community at the end of their treatment.

Allowable costs that can be considered for Community Costs are the client's ongoing costs in the community that are essential to help them to reintegrate into the community at the end of their treatment.

Allowable costs can include:

- accommodation costs
- storage costs
- childcare costs for any dependent child
- agreed period payments
- employment and employment-related training costs

There could be costs other than those listed, that because of the client's individual circumstances may be included as an allowable cost.

The following costs are not considered as essential and ongoing costs in the community, and cannot be included:

- payments of child support or maintenance
- debt repayments, fine repayments
- fees charged by banks or other financial institutions

For detailed information regarding Community Costs please see:

<https://www.workandincome.govt.nz/map/income-support/extra-help/community-costs/index.html>

Disability Allowance (DA)

DA provides non-taxable assistance to people who have ongoing, additional costs because of a disability or health condition.

DA can be paid to help people with disabilities or health conditions to meet costs that 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 Health, ACC or other accident insurers, Education, regional councils and
- not a residential care service

For detailed information regarding DA please see:

<https://www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/index.html>

<https://www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/types-of-costs-01.html>

<https://www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/costs-paid-for-01.html>

<https://www.workandincome.govt.nz/map/income-support/extra-help/disability-allowance/costs-not-included-01.html>

Home Help

Home Help is a non-taxable payment that provides assistance to clients who require temporary part-time home help to complete tasks normally performed in the home such as laundry, housework, and food preparation.

Home Help is not paid for needs relating to age, ill health and infirmity. Clients in these categories may be able to receive Home Support from the Ministry of Health.

A client may receive Home Help if they meet the below qualifications:

<https://www.workandincome.govt.nz/map/income-support/extra-help/home-help/qualifications.html>

Home Help is generally paid directly to the home helper or the organisation providing the Home Help. In exceptional circumstances Home Help may be paid to the client.

Home-helpers may also be reimbursed for their actual and reasonable travel expenses from their home to the clients' home, see:

<https://www.workandincome.govt.nz/map/income-support/extra-help/home-help/travel-costs-01.html>

Special Benefit (SPB)

SPB is discretionary non-taxable extra help assistance. Its intent is to provide assistance to clients whose particular circumstances are causing them hardship.

SPB cannot be paid to people who were not getting it or had not applied for it immediately prior to 1 April 2006.

Allowable costs for Special Benefit are any regular essential expenses, calculated on a weekly basis and based on the special circumstances of the client.

Examples of costs that may be included in SPB are outlined in the below link:
<https://www.workandincome.govt.nz/map/income-support/extra-help/special-benefit/allowable-costs-01.html>

Temporary Additional Support (TAS)

TAS is non-taxable extra help paid as a last resort to help clients with their regular essential living costs that cannot be met from their chargeable income and other resources.

Allowable costs for Temporary Additional Support must be ongoing and regular expenses, calculated on a weekly basis.

Please see the below link which outlines all allowable costs for TAS and the qualifiers for each:

<https://www.workandincome.govt.nz/map/income-support/extra-help/temporary-additional-support/allowable-costs-01.html>

Please note that some costs have a limit on the weekly amount and number of items that can be included in TAS.

<https://www.workandincome.govt.nz/map/income-support/extra-help/temporary-additional-support/allowable-cost-limits-01.html>

Christchurch Mosques Attack Assistance

A client may qualify for TAS as special assistance under the Christchurch Mosques Attack Welfare Programme.

TAS special assistance helps clients with their regular essential living costs that cannot be met from their chargeable income and other resources. This payment is equivalent to TAS and is calculated in the same way TAS is calculated for clients who are refugees, protected persons, or a person applying for permanent residence.

For more information please see:

<https://www.workandincome.govt.nz/map/income-support/extra-help/christchurch-mosques-attack-assistance/temporary-additional-support-special-assistance.html>