



Health Entitlement Cards (Health Practitioners) Amendment Regulations (No 2) 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 24th day of March 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 92 of the New Zealand Public Health and Disability Act 2000, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 2 amended (Interpretation)	2
5	Regulation 17 amended (Interpretation)	3
6	Regulation 20 amended (Applications for high use health cards)	4
7	Regulation 20A amended (Authorised uses of high use health cards)	4

Regulations

1 Title

These regulations are the Health Entitlement Cards (Health Practitioners) Amendment Regulations (No 2) 2014.

2 Commencement

These regulations come into force on 1 May 2014.

3 Principal regulations

These regulations amend the Health Entitlement Cards Regulations 1993 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), insert in their appropriate alphabetical order:

“**general medical practice** means a medical practice that—

“(a) has a contract to provide services to a primary health organisation; or

“(b) is a member of a primary health organisation

“**health practitioner** means a person who—

“(a) is registered under the Health Practitioners Competence Assurance Act 2003 with the relevant authority; and

“(b) is working within the scope of his or her practice; and

“(c) is providing general medical services; and

“(d) is a person—

“(i) employed by, or contracted to, a general medical practice; or

“(ii) employed by, or contracted to, a primary health organisation to work as a member of a general medical practice

“**primary health organisation** means a primary health organisation that has signed a primary health organisation services agreement for the delivery of primary health care with a district health board”.

- (2) In regulation 2(1), replace the definition of **medical practitioner** with:

“medical practitioner means a health practitioner who—

- “(a) is registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine or deemed to be so registered; and
- “(b) is working within the scope of his or her practice; and
- “(c) is providing general medical services; and
- “(d) is a person—
 - “(i) employed by, or contracted to, a general medical practice; or
 - “(ii) employed by, or contracted to, a primary health organisation to work as a member of a general medical practice; or
 - “(iii) providing general medical services in accordance with a notice issued by the Minister under section 88 of the New Zealand Public Health and Disability Act 2000”.

5 Regulation 17 amended (Interpretation)

- (1) In regulation 17, replace the definition of **general medical services** with:

“general medical services means all proper and necessary services of medical practitioners and other health practitioners to maintain and restore health that are funded under section 25 or 88 of the New Zealand Public Health and Disability Act 2000 (whether those medical services are described in those terms or in any other terms in the relevant funding agreement or instrument)”.

- (2) In regulation 17, revoke the definition of **general practitioner**.

- (3) In regulation 17, insert in its appropriate alphabetical order:

“pharmacist means a health practitioner who—

- “(a) is registered with the Pharmacy Council established by section 114(5) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of pharmacy or deemed to be so registered; and
- “(b) is working within the scope of his or her practice; and
- “(c) is providing general medical services; and

- “(d) is a person—
 “(i) employed by, or contracted to, a general medical practice; or
 “(ii) employed by, or contracted to, a primary health organisation to work as a member of a general medical practice”.
- (4) In regulation 17, definition of **qualifying medical services**, paragraph (a), replace “general practitioner” with “medical practitioner or other health practitioner”.
- 6 Regulation 20 amended (Applications for high use health cards)**
In regulation 20(a), replace “general practitioner” with “medical practitioner”.
- 7 Regulation 20A amended (Authorised uses of high use health cards)**
In regulation 20A(b) and (c), after “medical practitioner”, insert “or other health practitioner”.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 May 2014, amend the Health Entitlement Cards Regulations 1993 (the **principal regulations**).

The purpose of these regulations is to enable suitably qualified health practitioners to make claims, in their own right, to the Ministry of Health for providing general medical services to patients. At present, claims have to be made through a medical practitioner. Necessary consequential changes to the principal regulations are also made.

Regulation 4 amends regulation 2 of the principal regulations, which defines terms used in those regulations.

Subclause (1) inserts definitions of health practitioner, general medical practice, and primary health organisation. A health practitioner is a person who is—

- registered under the Health Practitioners Competence Assurance Act 2003 with the relevant authority; and
- working within the scope of his or her practice; and
- providing general medical services; and
- employed by, or contracted to, a general medical practice either directly or through a primary health organisation.

Subclause (2) replaces the definition of medical practitioner to align it with the definition of health practitioner and to include practitioners who do not have contracts with their local primary health organisation. Such practitioners are covered by section 88 of the New Zealand Public Health and Disability Act 2000.

Regulation 5 amends regulation 17 of the principal regulations, which defines terms used in Part 2 of those regulations (which relates to high use health cards).

Subclause (1) replaces the definition of general medical services with a less prescriptive definition that covers all proper and necessary services of medical practitioners and other health practitioners to maintain and restore health that are funded under section 25 or 88 of the New Zealand Public Health and Disability Act 2000.

Subclause (2) revokes the definition of general practitioner, which is no longer needed in light of the new definition of medical practitioner.

Subclause (3) inserts a definition of pharmacist, which is aligned with the new definition of health practitioner in regulation 2 and applies only for the purpose of Part 2 of the principal regulations.

Subclause (4) amends the definition of qualifying medical services to replace the reference to general practitioner with medical practitioner and to include services provided by health practitioners other than medical practitioners.

Regulation 6 replaces a reference in regulation 20 to general practitioners with a reference to medical practitioners.

Regulation 7 amends regulation 20A of the principal regulations, which relates to the authorised uses of high use health cards, to in-

clude services provided by health practitioners who are not general practitioners. This amendment will enable such health practitioners to claim for qualifying medical services provided to a card holder.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 March 2014.
These regulations are administered by the Ministry of Health.
