



HEALTH ENTITLEMENT CARDS AMENDMENT REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of May 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 52 of the Health and Disability Services Act 1993, and section 132A of the Social Security Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

- | | |
|--|--|
| <ul style="list-style-type: none"> 1. Title and commencement 2. Authorised uses of community services cards 3. Unauthorised uses of community services cards 4. New provisions inserted <ul style="list-style-type: none"> 20A. Authorised uses of high use health cards | <ul style="list-style-type: none"> 20B. Unauthorised uses of high use health cards 5. Interpretation 6. New provisions inserted <ul style="list-style-type: none"> 23A. Authorised uses of pharmaceutical subsidy cards 23B. Unauthorised uses of pharmaceutical subsidy cards |
|--|--|

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Health Entitlement Cards Amendment Regulations 1999, and are part

of the Health Entitlement Cards Regulations 1993* (“the principal regulations”).

(2) These regulations come into force on 1 July 1999.

2. Authorised uses of community services cards—(1) Regulation 12 (a) of the principal regulations is amended by inserting, after the words “the Department”, the words “or a pharmacist”.

(2) Regulation 12 (b) (ii) (A) of the principal regulations is amended by inserting, after the words “Health Funding Authority”, the words “, other than treatment paid for (in whole or in part) by the Accident Compensation Corporation or an insurer under the Accident Insurance Act 1998”.

3. Unauthorised uses of community services cards—(1) Regulation 13 (3) of the principal regulations is amended by inserting, after the words “Ministry of Health”, the words “or a pharmacist”.

(2) Regulation 13 of the principal regulations is amended by inserting, after subclause (3), the following subclause:

“(3A) If a person who is required or requested to produce a community services card under subclause (3) fails to produce a community services card, the person may be treated as if he or she is not the holder of a community services card.”

4. New provisions inserted—The principal regulations are amended by inserting, after regulation 20, the following regulations:

“20A. **Authorised uses of high use health cards**—A cardholder may use the high use health card issued to that person for 1 or more of the following purposes:

“(a) To provide evidence to the Department or a pharmacist that the cardholder has been issued with the card and has been assigned any identifying number that has been endorsed on the card:

“(b) To provide evidence to the Health Funding Authority or any medical practitioner or any specialist or any pharmacist or any hospital and health service or any licensed hospital or any provider, or an employee of any such person, that the cardholder is eligible for a high use health card:

“(c) To provide evidence to the Health Funding Authority or any medical practitioner or any specialist or any pharmacist or any hospital or any provider, or an employee of any such person, that the cardholder is eligible for—

“(i) Any 1 or more qualifying medical services; or

“(ii) Any exemption from a charge or part of a charge for any 1 or more such services; or

“(iii) Any prescribed maximum amount of charge applicable to persons of the class or classes of which the cardholder forms part, in relation to any 1 or more such services:

“(d) As a form of identification or as evidence that he or she is eligible for the high use health card.

“20B. **Unauthorised uses of high use health cards**—(1) A cardholder must not assign, transfer, lend, bail, gift, sell, pledge, or mortgage a high

*S.R. 1993/169

Amendment No. 1: S.R. 1993/265

Amendment No. 2: (*Revoked by S.R. 1998/159*)

Amendment No. 3: S.R. 1994/259

Amendment No. 4: S.R. 1996/110

Amendment 1998: S.R. 1998/459

use health card to any person or deal with the card in any manner that allows any person to make an unauthorised use of the card.

“(2) No person, other than an employee of the Department or the Ministry of Health or a pharmacist or any person (other than the cardholder) mentioned in regulation 20A (b) or (c) may demand or request a high use health card as a form of identification of the cardholder or as evidence that the cardholder is eligible for that high use health card.

“(3) If a person who is required or requested to produce a high use health card under subclause (2) fails to produce a high use health card on request, the person may be treated as if he or she is not the holder of a high use health card.

“(4) No person may—

“(a) Accept any high use health card by way of assignment, transfer loan, bailment, gift, sale, pledge, or mortgage; or

“(b) Make use of another person’s high use health card; or

“(c) Use any high use health card not issued to that person in any other way.”

5. Interpretation—Regulation 22 of the principal regulations is amended by revoking the definition of the term “prescription item”, and substituting the following definition:

“ ‘Prescription item’ means 1 or more pharmaceuticals for which 1 charge was made to a family unit by a pharmacist under a service agreement between the Health Funding Authority and the pharmacist; but does not include any item prescribed in relation to treatment paid for (in whole or in part) by the Accident Compensation Corporation or an insurer under the Accident Insurance Act 1998:”.

6. New provisions inserted—The principal regulations are amended by inserting, after regulation 23, the following regulations:

“23A. Authorised uses of pharmaceutical subsidy cards—A member of a family unit may use the pharmaceutical subsidy card issued to that family unit for 1 or more of the following purposes:

“(a) To provide evidence to the Department or a pharmacist that the family unit has been issued with the card and has been assigned any identifying number that has been endorsed on the card:

“(b) To provide evidence to the Health Funding Authority or any medical practitioner or any specialist or any pharmacist or any hospital and health service or any licensed hospital or any provider, or an employee of any such person, that the family unit is eligible for a pharmaceutical subsidy card:

“(c) To provide evidence to the Health Funding Authority or any medical practitioner or any specialist or any pharmacist, or any hospital or any provider, or an employee of any such person, that the member of the family unit is eligible for—

“(i) Any 1 or more prescription items; or

“(ii) Any exemption from a charge or part of a charge for any 1 or more such items; or

“(iii) Any prescribed maximum amount of charge applicable to family units of the class or classes of which the cardholder forms part, in relation to any 1 or more such items:

“(d) As a form of identification or as evidence that the family unit of which he or she is a member is eligible for the pharmaceutical subsidy card.

“23B. **Unauthorised uses of pharmaceutical subsidy cards**—(1) A member of a family unit to which a pharmaceutical subsidy card has been issued must not assign, transfer, lend, bail, gift, sell, pledge, or mortgage a pharmaceutical subsidy card to any person or deal with the card in any manner that allows any person to make an unauthorised use of the card.

“(2) No person, other than an employee of the Department or the Ministry of Health or a pharmacist or any person (other than the cardholder) mentioned in regulation 23A (b) or (c) may demand or request a pharmaceutical subsidy card as a form of identification of the cardholder or as evidence that the family unit of which the cardholder is a member is eligible for that pharmaceutical subsidy card.

“(3) If a person who is required or requested to produce a pharmaceutical subsidy card under subclause (2) fails to produce a pharmaceutical subsidy card on request, the person may be treated as if he or she is not a member of a family unit that has been issued with a pharmaceutical subsidy card.

“(4) No person may—

“(a) Accept any pharmaceutical subsidy card by way of assignment, transfer, loan, bailment, gift, sale, pledge, or mortgage; or

“(b) Use any pharmaceutical subsidy card not issued to the family unit of which the person is a member.”

MARIE SHROFF,
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 July 1999, clarify that accident-related services, for which payment is to be made in whole or in part under the Accident Insurance Act 1998, are excluded from the use and entitlement criteria of the 3 health entitlement cards: the community services card, the high use health card, and the pharmaceutical subsidy card. In order to clarify the ability of health professionals to request the production of health entitlement cards, amendments are made to the principal regulations which specify the rights of health professionals and others to require or request the production of health entitlement cards and prescribe the authorised and unauthorised uses of high use health cards and pharmaceutical subsidy cards. At present the principal regulations contain provisions dealing only with the use or unauthorised use of community services cards.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 3 June 1999.

These regulations are administered in the Ministry of Health.