



MEDICINES AMENDMENT REGULATIONS 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of August 1997

Present:

THE RIGHT HON J B BOLGER PRESIDING IN COUNCIL

PURSUANT to section 105 of the Medicines Act 1981, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and on the advice of the Minister of Health tendered after consultation with the organisations and bodies that appeared to the Minister to be representative of persons likely to be substantially affected, makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Medicines Amendment Regulations 1997, and are part of the Medicines Regulations 1984* (“the principal regulations”).

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Duty to supply information—(1) The principal regulations are amended by inserting, after regulation 44A, the following regulation:

*S.R. 1984/143

Amendment No. 1: 1985/228
Amendment No. 2: 1988/61
Amendment No. 3: 1990/221
Amendment No. 4: 1991/134
Amendment No. 5: 1992/43
Amendment No. 6: 1994/299
Amendment No. 7: 1996/367

“44B. (1) The Medical Officer of Health may require any practitioner or registered midwife to supply information relating to the prescribing, administering, or supplying of any prescription medicines if the Medical Officer of Health has reason to suspect that prescription medicines may have been improperly prescribed, administered, or supplied by the practitioner or midwife.

“(2) Every requirement to supply information must be in writing, stating the reasons for the Medical Officer of Health’s suspicion.

“(3) The information that must be supplied is information justifying the prescription, administering, or supply of the prescription medicines as follows:

“(a) The age of the patient:

“(b) The diagnosis of the patient’s condition:

“(c) The prognosis of the patient’s condition:

“(d) Details of any specialist referral:

“(e) Any alternative treatments considered or tried.

“(4) A practitioner or registered midwife to whom any such notice is sent must supply the required information in writing to the Medical Officer of Health within 30 days.”

(2) Regulation 64 (1) (a) of the principal regulations is consequentially amended by inserting, after the figure “42 (4),”, the figure “44B (4),”.

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 the 28th day after the date of their notification in the *Gazette*, amend the Medicines Regulations 1984.

Regulation 2 empowers the Medical Officer of Health to inquire into the prescribing, administering, or supplying of prescription medicines by medical practitioners, dentists, and midwives, where there is reason to suspect that this is being improperly carried out. Failure to supply information required by the Medical Officer of Health means that the medical practitioner, dentist, or midwife commits an offence and is liable to a fine not exceeding \$500. The new power parallels the existing power of the Medical Officer of Health to require information concerning the prescribing, administering, and supply of controlled drugs under the Misuse of Drugs Regulations 1977.

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

Date of notification in *Gazette*: 21 August 1997.

These regulations are administered in the Ministry of Health.