

Serial Number 1941/66.



**THE SOCIAL SECURITY (PHARMACEUTICAL SUPPLIES)
REGULATIONS 1941.**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 22nd day of
April, 1941.

Present :

THE HON. W. NASH PRESIDING IN COUNCIL.

PURSUANT to the Social Security Act, 1938, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations with respect to the supply of prescribed medicines and other pharmaceutical requirements to persons who are entitled to receive pharmaceutical benefits in accordance with the said Act.

REGULATIONS.

1. These regulations may be cited as the Social Security (Pharmaceutical Supplies) Regulations 1941.

DEFINITIONS.

2. In these regulations, unless the context otherwise requires,—

“The said Act” means the Social Security Act, 1938 :

“Appointed date” means the date appointed by the Minister, pursuant to clause 3 hereof, as the date on and after which prescribed medicines and other pharmaceutical requirements will be available in accordance with these regulations to persons who are entitled to receive pharmaceutical benefits in accordance with the said Act :

“Appropriate Committee” means a Committee appointed or recognized by the Minister for the purposes of these regulations, in accordance with section 83 of the said Act :

“Drug tariff” means the drug tariff for the time being in force in accordance with these regulations :

- “Department” means the Department of Health established under the Health Act, 1920 :
- “Health district” or “district” means a health district constituted under the Health Act, 1920 :
- “Medical Officer of Health” means a Medical Officer of Health under the Health Act, 1920 :
- “Medical practitioner” means a medical practitioner registered under the Medical Practitioners Act, 1914 :
- “Minister” means the Minister of Health :
- “Pharmaceutical requirements” includes all such medicines, drugs, appliances, and materials as are included in the drug tariff for the time being in force under these regulations.

COMMENCEMENT OF BENEFITS.

3. (1) The Minister shall appoint a date on and after which the benefits provided for by these regulations will be available for persons who are entitled to receive pharmaceutical benefits in accordance with the said Act.

(2) Notice of the appointed date shall be published in the *Gazette* and in such other manner, if any, as the Minister thinks fit.

THE DRUG TARIFF.

4. (1) The Minister shall, for the purposes of these regulations, prepare a drug tariff, which shall contain, in addition to such other particulars as the Minister thinks fit, the following particulars, namely :—

- (a) The names or descriptions, either specific or general, and standards of quality, of the medicines, drugs, appliances, and other materials that are for the time being the subject-matter of the benefits provided for by these regulations :
- (b) The prices to be paid out of the Social Security Fund for such pharmaceutical requirements as are supplied in accordance with these regulations, or the methods of computing the prices to be paid for such requirements :
- (c) The services or things for which additional fees, to be paid out of the Social Security Fund, may be paid to persons supplying pharmaceutical requirements in accordance with these regulations, and the amount of such additional fees or the method of computing such additional fees.

(2) Provision may be made in the drug tariff prescribing the maximum quantities of any specified pharmaceutical requirements that may be supplied in accordance with these regulations pursuant to any one medical prescription or other order.

(3) The drug tariff may be at any time amended by the Minister, after consultation with the appropriate Committee, in such particulars as he thinks fit.

(4) If any dispute arises as to the true meaning and application of any terms used in the drug tariff, the Minister, after consultation with the appropriate Committee, may determine the dispute in such manner as appears to him just, and his decision thereon shall be final.

(5) Copies of the drug tariff and of every amendment thereof shall be supplied, free of charge, to every person who has undertaken to supply pharmaceutical requirements in accordance with these regulations.

SUPPLY OF PHARMACEUTICAL REQUIREMENTS.

5. (1) The proprietor of any pharmacy within the meaning of the Pharmacy Act, 1939, may, by a notice of acceptance in the form No. 1 in the Schedule hereto or to the like effect, undertake to supply pharmaceutical requirements in accordance with these regulations to persons entitled to receive the same.

(2) Any person, other than the proprietor of a pharmacy, who is entitled to sell any drugs or other pharmaceutical requirements may, by a like notice, with the concurrence of the Minister, and subject to such conditions, if any, as the Minister may impose, undertake to supply pharmaceutical requirements or any specified kind or class of pharmaceutical requirements in accordance with these regulations.

(3) Every notice under this clause shall be delivered or sent to the Medical Officer of Health of the appropriate district.

(4) Every proprietor of a pharmacy or other person who undertakes to supply any pharmaceutical requirements in accordance with these regulations is hereinafter in these regulations referred to as a "contractor."

OBLIGATIONS OF PERSONS WHO HAVE UNDERTAKEN TO SUPPLY PHARMACEUTICAL REQUIREMENTS.

6. (1) Every contractor, as defined in the last preceding clause, who is the proprietor of a pharmacy shall be required to keep open for business, during the times specified in his notice of acceptance, the place or the several places of business referred to therein. On the outer door or window of each such place of business he shall at all times keep prominently displayed a notice in the form No. 2 in the Schedule hereto or to the like effect.

(2) For the purpose of enabling him to comply with his undertaking to supply pharmaceutical requirements every contractor who is the proprietor of a pharmacy shall, as far as practicable, keep in stock a sufficient supply of all such medicines, drugs, appliances, and other materials (if any) as are specified in the drug tariff as being required to be kept in stock.

7. (1) In this clause the expression "medical prescription" means a prescription or order signed on or after the appointed date by any medical practitioner, prescribing pharmaceutical requirements for any person who is entitled to receive pharmaceutical benefits under the said Act.

(2) On presentation to a contractor under these regulations of any medical prescription, and on compliance by the customer with the requirements of clause 9 hereof, it shall be the duty of the contractor, with all reasonable promptitude and in accordance with the terms of the prescription, to supply the pharmaceutical requirements prescribed in the prescription.

8. In this clause—

The expression “authorized midwifery pharmaceutical requirements” means such pharmaceutical requirements, if any, as are specified in the drug tariff to be obtainable on the presentation of a midwifery order:

The expression “midwifery order” means an order for the supply of any authorized midwifery pharmaceutical requirements to or on behalf of a woman who has made arrangements with the licensee of a licensed maternity hospital or with an obstetric nurse to obtain maternity benefits in accordance with the provisions of the Social Security (Maternity Benefits) Regulations 1939.*

(2) Every midwifery order under this clause shall be signed by the licensee or manager of the hospital or by the obstetric nurse, as the case may be, and shall be countersigned by the Medical Officer of Health of the district.

(3) Except in cases of emergency, every midwifery order shall be countersigned as aforesaid before being fulfilled by a contractor in accordance with the next succeeding subclause.

(4) On presentation to a contractor under these regulations of a midwifery order, and on compliance by the customer with the requirements of clause 9 hereof, it shall be the duty of the contractor to fulfil the order with all reasonable promptitude.

9. (1) Where any prescription or order is presented to a contractor under these regulations by the person to whom it relates, the contractor shall require the customer to sign the prescription or order and to add to his or her signature the date of the presentation of the prescription or order, and also his usual place of residence if it does not already appear on the prescription or order.

(2) Where a prescription or order is presented to a contractor by any other person, the contractor shall require the customer to state on the prescription or order the name and usual place of residence of the person to whom it relates (if those particulars do not already appear on the prescription or order) and also to sign the prescription or order, and to add to his or her signature the date of the presentation of the prescription or order.

(3) Every prescription or order presented to a contractor under these regulations shall be surrendered to the contractor and shall be dealt with by him in accordance with clause 14 hereof.

(4) Where, in accordance with express directions contained in any medical prescription, the medicine prescribed therein is to be supplied on more occasions than one, the person taking delivery of such medicine on each separate occasion shall give to the contractor a receipt therefor bearing the date of the delivery of the medicine.

10. Where any contractor under these regulations has undertaken to supply only specified kinds or classes of pharmaceutical requirements, nothing in the foregoing provisions of these regulations shall be construed to impose on him an obligation to supply pharmaceutical requirements of any other kind or class.

* Statutory Regulations 1939, Serial number 1939/43, page 207.

Amendment No. 1: Statutory Regulations 1939, Serial number 1939/92, page 382.

LISTS OF PERSONS WHO HAVE UNDERTAKEN TO SUPPLY
PHARMACEUTICAL REQUIREMENTS.

11. (1) For every health district there shall be compiled a list of the persons carrying on business in the district who have undertaken to supply pharmaceutical requirements in accordance with these regulations.

(2) Every such list shall be in such form as the Minister may direct or approve and shall be amended from time to time as occasion requires.

(3) Copies of such lists shall be open to inspection by the public during office hours at the office of the Medical Officer of Health, and at such other places, if any, as the Minister thinks necessary for the information of persons concerned.

(4) The list shall, in respect of each contractor whose name is included therein, contain particulars of—

- (a) His place or places of business :
- (b) The times during which the several places of business are open :
- (c) In the case of a contractor who has undertaken to supply only specified kinds or classes of pharmaceutical requirements, the kinds or classes so specified.

TERMINATION BY CONTRACTORS OF UNDERTAKING TO SUPPLY
PHARMACEUTICAL REQUIREMENTS.

12. (1) No person who has undertaken to supply any pharmaceutical requirements in accordance with these regulations shall, except with the leave of the Minister, be entitled to terminate his undertaking except on three months' written notice of intention to terminate the undertaking given to the Medical Officer of Health.

(2) Notwithstanding anything in the last preceding subclause, a contractor under these regulations shall not be entitled, except with the leave of the Minister, to terminate his undertaking under these regulations at any time while an investigation concerning him is pending under section 84 of the said Act.

REMUNERATION OF PERSONS SUPPLYING PHARMACEUTICAL
REQUIREMENTS.

13. (1) Where, on or after the appointed date, any contractor supplies any pharmaceutical requirements in accordance with these regulations for the use of a person who is entitled to receive pharmaceutical benefits under the said Act, he shall be entitled to receive payment out of the Social Security Fund of an amount to be assessed by the Department, being the equivalent of the price of the goods supplied, computed in accordance with the provisions of the drug tariff, and of any additional fees authorized by the drug tariff.

(2) The price so computed shall be the price as at the pharmacy or other place of business of the contractor, and any expenses incurred by the contractor by way of postage or otherwise in delivering any goods at any other place shall be payable to the contractor by the person to or for whom such goods were supplied. Where any pharmaceutical requirements are to be delivered by post, the contractor may require prepayment of the postage. If in any

case prepayment of postage is impossible or impracticable, the goods may be posted subject to the condition that the postage and any additional fees charged by the post-office for delivery will be payable on delivery.

(3) Except as provided in the last preceding subclause or as otherwise expressly provided in the drug tariff the amount paid to a contractor out of the Social Security Fund in respect of any pharmaceutical requirements supplied by him shall be accepted by him in full satisfaction of all claims in respect thereof.

14. (1) All claims for payment in respect of pharmaceutical requirements supplied by contractors under these regulations shall be made in the first instance to the Medical Officer of Health of the district in which the contractor carries on business.

(2) Every such claim shall be accompanied by the prescriptions or orders referred to in the claim, and shall be supported by such receipts, certificates, or other documents as may be required in proof of the supply by the contractor of the pharmaceutical requirements to which the claim relates :

Provided that the production of any such receipts or other documents may be dispensed with in any case if the Department is satisfied that, owing to special circumstances, it was not practicable for the contractor to obtain or produce them.

(3) On every prescription or order forwarded with any claim under this clause the contractor shall, if required by the Department so to do, furnish his own computations, in detail, of the amount that he is entitled to receive from the Social Security Fund in respect thereof.

(4) Where the particulars required by clause 9 of these regulations are duly supplied on any prescription or order forwarded with any claim, the prescription or order shall, in the absence of evidence to the contrary, be deemed to have been duly fulfilled for the benefit of a person entitled in accordance with these regulations to receive the pharmaceutical requirements referred to therein.

15. (1) On application in that behalf by any contractor, the Department shall afford to the contractor reasonable facilities for examining the prescriptions or orders forwarded by him in respect of any claims, and also for examining the computations made by the Department in assessing the prices and fees payable in respect thereof.

(2) Similar facilities shall, on application, be afforded to duly appointed representatives of the Pharmacy Board of New Zealand, or of the Chemists Service Guild of New Zealand, or of the appropriate Committee appointed under section 83 of the said Act.

SPECIAL PROVISIONS AFFECTING HOSPITAL BOARDS.

16. (1) Nothing in these regulations shall apply with respect to the supply of any pharmaceutical requirements prescribed for in-patients of any public hospital or other institution maintained by a Hospital Board.

(2) Where any pharmaceutical requirements prescribed for out-patients of any public hospital are supplied by the Hospital Board, the Board shall be entitled to receive payment therefor as if it were a contractor within the meaning of these regulations.

MISCELLANEOUS.

17. (1) Any person who is entitled in accordance with these regulations to claim from any contractor any pharmaceutical requirements for himself or for any other person may make a complaint in writing to the Medical Officer of Health :—

- (a) If, on presentation of any prescription or order, the contractor refuses or fails, contrary to the provisions of these regulations, to supply any pharmaceutical requirements in accordance with the prescription or order ; or
- (b) If, in the supply of pharmaceutical requirements in accordance with any medical prescription, the contractor has displayed any culpable negligence or lack of care.

(2) Unless in the opinion of the Medical Officer of Health the complaint is trivial, he shall refer it for investigation and report to a committee appointed by the Minister pursuant to section 83 of the said Act for the purpose of hearing complaints.

(3) Any complaint that is regarded by the Medical Officer of Health as trivial shall nevertheless be referred by him to the Minister if the complainant so requires, and if the Minister is of opinion that the complaint is well founded and is sufficiently serious, he shall refer it to the Committee appointed to hear complaints.

18. (1) If any person having undertaken to supply pharmaceutical requirements in accordance with these regulations wilfully fails or refuses, contrary to the provisions of these regulations, to supply any person entitled thereto with any such pharmaceutical requirements, he shall be liable to a penalty not exceeding £10, which shall be recoverable by way of deduction from any moneys payable to him from the Social Security Fund in accordance with these regulations.

(2) Any penalty under this clause may be imposed by the Minister on the recommendation of the appropriate Committee and not otherwise.

SCHEDULE.

[Form No. 1.]

Under the Social Security (Pharmaceutical Supplies) Regulations 1941.

ACCEPTANCE OF CONTRACT TO SUPPLY PHARMACEUTICAL REQUIREMENTS.

To the Medical Officer of Health at.....

I, [Name in full], being the proprietor of a pharmacy under the Pharmacy Act, 1939 (or as the case may require), do hereby undertake to supply pharmaceutical requirements to persons entitled thereto, or (as the case may require) to supply [specify kinds or classes of pharmaceutical requirements] in accordance with the Social Security (Pharmaceutical Supplies) Regulations 1941.

For the purposes of the said regulations, I supply the following particulars :—

My place(s) of business is (are) situated at

The said place(s) of business is (are) open for business at the following times : [set out hours of business].

Dated at, this day of, 1941.

Signature :

[Form No. 2.

Under the Social Security (Pharmaceutical Supplies) Regulations 1941.

PARTICULARS TO BE DISPLAYED BY CONTRACTORS ON PHARMACY PREMISES.

Name in full of contractor (*with academic or other qualifications*).

(*Under contract with Department of Health to supply Pharmaceutical Requirements.*)

THESE premises are open for business at the following times : [*set out hours of business*].

When these premises are closed the nearest pharmacy or other place where pharmaceutical supplies can be obtained under the regulations is [*Specify premises, if known*].

T. R. AICKIN,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 23rd day of April, 1941.

These regulations are administered in the Department of Health.

(H.—S.S. 8.)