

Serial Number 1942/3



**THE SOCIAL SECURITY (PHARMACEUTICAL SUPPLIES)  
REGULATIONS 1941, AMENDMENT NO. 2**

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

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of  
January, 1942.

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.

REGULATIONS.

1. These regulations may be cited as the Social Security (Pharmaceutical Supplies) Regulations 1941, Amendment No. 2, and shall be read together with and deemed part of the Social Security (Pharmaceutical Supplies) Regulations 1941\* (hereinafter referred to as the principal regulations).

SPECIAL PROVISIONS AS TO MEDICAL PRESCRIPTIONS UNDER PRINCIPAL REGULATIONS.

2. Clause 7 of the principal regulations is hereby amended by adding to subclause (2) thereof the following proviso :—

“ Provided that this subclause shall not apply in any case where it appears from the prescription or is otherwise known to the contractor that any prescribed drug, medicine, or medicinal preparation is not immediately required for the treatment of the person for whom the prescription has been given or has not been prescribed for the sole use of that person, and accordingly no payment shall in any such case be made from the Fund in respect of any drugs, medicines, or medicinal preparations supplied in accordance with any such prescription.”

\* Statutory Regulations 1941, Serial number 1941/66, page 240.

Amendment No. 1 : Statutory Regulations 1941, Serial number 1941/131, page 426.

3. The principal regulations are hereby further amended by inserting after clause 7 the following new clauses :—

“ 7A. (1) If the Minister has reason to believe with respect to any medical practitioner that—

“(a) He has prescribed any pharmaceutical requirements for any person who when the prescription was given was not, in the opinion of the medical practitioner, in need of treatment or was not in need of treatment for a condition for which the prescription was given ; or

“(b) He has prescribed excessive quantities of any pharmaceutical requirements for the use of any person ; or

“(c) He has prescribed any pharmaceutical requirements for use over an unnecessarily long period ; or

“(d) He has prescribed excessive quantities of or unnecessarily expensive flavouring agents or vehicles for the administration of any drugs ; or

“(e) He has, in comparison with other medical practitioners engaged in similar practice, been in the habit of prescribing unduly large or unduly expensive quantities of any pharmaceutical requirements ; or

“(f) He has, by any other practice in relation to prescriptions given by him, imposed an undue burden upon the Fund :

the Minister may, by notice in writing, require the medical practitioner, within a time specified in the notice or within a reasonable time, to show cause why a complaint concerning his conduct should not be made by the Minister to an appropriate Committee appointed for the purposes of the principal regulations.

“(2) If any medical practitioner to whom any such notice has been given fails to show cause in accordance with the terms of the notice the Minister may refer the matter to an appropriate Committee for investigation, and, if the Committee so recommends, may require the medical practitioner to pay into the Fund, by way of penalty, an amount not exceeding the estimated amount of the additional charges that have been imposed on the Fund by reason of the practices complained of, or, in the alternative or if any such penalty is not paid, may, by notice published in the *Gazette* and in such other manner, if any, as the Minister thinks proper, exclude from the operation of the principal regulations all prescriptions or all prescriptions of a specified class that may thereafter be given by that medical practitioner.

“(3) Any notice under the last preceding subclause may be at any time revoked by the Minister and, if not sooner revoked, shall cease to operate on the expiration of six months from the date of its first publication in the *Gazette*.

“ 7B. If at any time the Minister is satisfied that any person, by reason of misrepresentation or collusion or by any other improper means, has been supplied under the principal regulations with any pharmaceutical requirements to which he was not equitably entitled, the Minister may call upon that person to refund an amount not exceeding the cost to the Fund of any excessive requirements supplied to him, and in any such case the amount demanded may be recovered as a debt due to the Crown.

“7c. (1) If the pharmaceutical requirements or any of the pharmaceutical requirements prescribed by any prescription are to be supplied on more occasions than one, written directions to that effect shall be included in or added to the prescription. If such directions are written by any person other than the medical practitioner they shall be signed or initialled by the medical practitioner. Whenever any medical practitioner signs or initials any prescription or any directions thereon he shall, in his own handwriting, add the appropriate date to his signature or initials.

“(2) Every prescription shall include directions as to dosage or as to the manner of use or application, except in cases where any such directions would be obviously unnecessary.

“(3) If any prescription fails in any material respect to satisfy the requirements of this clause, it shall not be recognized for the purposes of these regulations except with the approval of the Medical Officer of Health.”

SPECIAL PROVISIONS AS TO MIDWIFERY ORDERS UNDER PRINCIPAL REGULATIONS.

4. The principal regulations are hereby further amended by inserting after clause 8 the following new clause :—

“8A. (1) No midwifery order shall be issued to or in respect of any woman earlier than three months before the expected date of her confinement.

“(2) All authorized midwifery pharmaceutical requirements supplied pursuant to a midwifery order shall be supplied for use only during labour and the lying-in period of the woman to or for whom they have been supplied. Any such pharmaceutical requirements that are not used as aforesaid shall be deemed to be the property of the Department and may be disposed of in accordance with the directions of the Medical Officer of Health.”

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

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 8th day of January, 1942.  
These regulations are administered in the Department of Health.