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26 FEB 2020

[redacted]

Ref: H202000199

Dear [redacted]

Response to your request for official information

Thank you for your request of 16 January 2020 made to the Ministry of Health (the Ministry) under the Official Information Act 1982 (the Act) for:

> *"1. The guidance issued to GPs by the Ministry of Health that requires a 3-6 month GP visit frequency for adults with ADHD*
> *2. The risk assessment that provides the rationale for the high frequency of GP visits required by the Ministry*
> *3. All other documents held by the Ministry that provide the rationale for the high frequency of GP visits for adults with ADHD*
> *4. A listing (but not the documents themselves) of all documents held by the Ministry in document management, file management or file systems containing the keyword "methylphenidate."*

On 10 February 2020, you refined your request to the following:

> *"What information does the Ministry hold about the harms arising from methylphenidate abuse in the community? I have been able to find one study from 2008 that the Ministry references, but what other information does it hold?*
> *Has the Ministry ever conducted a cost/benefit assessment of methylphenidate's inclusion within the controlled drug schedule?*
> *Does the Ministry have a process for reviewing the status of any drugs within the Schedule? It appears that the Ministry has only ever added drugs to the Schedule, so is it correct that drugs are never ever reviewed or removed under any circumstances?*
> *The Law Commission reviewed the Misuse of Drugs Act in 2011 and made recommendations about the restructuring of the Act, in particular Recommendations R46-R59 which deal explicitly with the process of drug classification. While the Ministry published the Regulatory Impact Statement in September 2011 as the initial response, I am unable to find any evidence of further work on the issues raised by the Law Commission, and clearly no new Misuse of Drugs legislation has passed through the House to give effect to the recommendations, as the Ministry undertook to do in the RIS. So what action has the Ministry taken in the near-decade since?"*

On 14 February 2020, the due date for responding to your request was extended in accordance with section 14 of the Act, as further research and collation was required.

Information in response to your request is as follows:

1. What information does the Ministry hold about the harms arising from methylphenidate abuse in the community? I have been able to find one study from 2008 that the Ministry references, but what other information does it hold?

Information on adverse reactions are searchable on the Medsafe website: https://www.medsafe.govt.nz/Projects/B1/ADRDisclaimer.asp.
The Ministry does not hold information relating to harms arising from methylphenidate abuse in the community specifically.

Prescribing of controlled drugs is more tightly controlled than prescribing of other medicines, reflecting the need to restrict access to, and minimise the misuse of, controlled drugs. The current maximum period of supply for controlled drug prescriptions has been in place since 1 July 2014.

Information about drug abuse containment is available on the Ministry website: https://www.health.govt.nz/our-work/regulation-health-and-disability-system/medicines-control/drug-abuse-containment.

For your reference, the National Drug Intelligence Bureau (NDIB), which is under New Zealand Police and The Department of Corrections, may hold information pertaining to this part of your request. You may wish to approach these agencies for information.

2. Has the Ministry ever conducted a cost/benefit assessment of methylphenidate's inclusion within the controlled drug schedule?

No, the Ministry has not conducted a cost/benefit assessment of methylphenidate's inclusion within the controlled drug schedule.

3. Does the Ministry have a process for reviewing the status of any drugs within the Schedule? It appears that the Ministry has only ever added drugs to the Schedule, so is it correct that drugs are never ever reviewed or removed under any circumstances?

The Misuse of Drugs Act 1975 (MoDA) sets a process by which the Schedules can be amended in accordance with the risk of harm a drug poses. In general, the Schedules can be amended through an Order in Council to either add substances to the Schedules or, if they are already scheduled, to move them to a higher Schedule. The review of the status of drugs is through consideration by the Expert Advisory Committee on Drugs (EACD). The EACD is an advisory body established under the MoDA to provide expert advice to the Minister of Health regarding drug classification issues. The Minister of Health then provides recommendations on scheduling substances to Parliament.

Removing substances from the Schedules or reclassifying them to a lower Schedule requires an amendment to the MoDA. This has been done in the past for thalidomide and cannabidiol (CBD).

4. The Law Commission reviewed the Misuse of Drugs Act in 2011 and made recommendations about the restructuring of the Act, in particular Recommendations R46-R59 which deal explicitly with the process of drug classification. While the Ministry published the Regulatory Impact Statement in September 2011 as the initial response, I am unable to find any evidence of further work on the issues raised by the Law Commission, and clearly no new Misuse of Drugs legislation has passed through the House to give effect to the recommendations, as the Ministry undertook to do in the RIS. So what action has the Ministry taken in the near-decade since?"

There have been amendments made to the MoDA since 2011, including reintroducing temporary drug classification notices, however the amendments were not necessarily in relation to the recommendations.

For your reference, a Cabinet paper regarding an amendment to the MoDA is publicly available on the Ministry website: https://www.health.govt.nz/system/files/documents/information-release/misuseofdrugsbill-intro-final_release.pdf.

The Regulatory Impact Statements are also publicly available on the Ministry website: https://www.health.govt.nz/about-ministry/information-releases/regulatory-impact-statements.

Under section 28 of the Act, you have the right to ask the Ombudsman to review any decisions made under this request.

Please note this response with your personal details removed may be published on the Medsafe website.

Yours sincerely

Chris James
Group Manager
Medsafe