



## Associate Minister of Health

### Government Response to the Petition of Seiji Tonouchi

13 February 2025

These documents have been proactively released by the Ministry of Health on behalf of the Associate Minister of Health, Hon David Seymour.

#### **Title of Cabinet paper:**

- Government response to the petition of Seiji Tonouchi: Fund a wider selection of anti-epileptic medication, without conditions

#### **Title of minutes:**

- Government Response to the Petition of Seiji Tonouchi (LEG-24-MIN-0252)
- Report of the Cabinet Legislation Committee: Period ended 6 December 2024 (CAB-24MIN-0492)

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

#### **Key to redaction code/s:**

- Out of scope
- S 9(2)(a) to protect the privacy of natural persons.



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*


### Report of the Cabinet Legislation Committee: Period Ended 6 December 2024

On 9 December 2024, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 6 December 2024:

LEG-24-MIN-0252     **Government Response to the Petition of Seiji Tonouchi**     CONFIRMED  
Portfolio: Associate Health (Hon David Seymour)

Out of scope

Out of scope



Rachel Hayward  
Secretary of the Cabinet



# Cabinet Legislation Committee

## Minute of Decision

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### Government Response to the Petition of Seiji Tonouchi

**Portfolio** Associate Health (Hon David Seymour)

On 5 December 2024, the Cabinet Legislation Committee:

- 1 **noted** that the petition of Seiji Tonouchi, entitled *Fund a Wider Selection of Anti-epileptic Medication, Without Conditions* (the petition), was presented to the House on 20 August 2024 and referred to the Associate Minister of Health (Hon David Seymour) (the Associate Minister) for response;
- 2 **approved** the Government response to the petition, attached to the paper under LEG-24-SUB-0252;
- 3 **invited** the Associate Minister to present the Government response to the House in accordance with Standing Orders 380, 381 and 382;
- 4 **invited** the Associate Minister to write to the petitioner enclosing a copy of the Government response, after the response has been presented to the House.

Tom Kelly  
Committee Secretary

**Present:**

Hon Chris Bishop (Chair)  
Hon Simeon Brown  
Hon Brooke van Velden  
Hon Louise Upston  
Hon Tama Potaka  
Hon Casey Costello  
Hon Nicole McKee  
Hon Simon Watts  
Hon Nicola Grigg  
Hon Andrew Bayly  
Hon Scott Simpson, MP  
Todd Stephenson, MP

**Officials present from:**

Officials Committee for LEG  
Prime Minister's Office  
Leader of the House's Office

## In Confidence

Office of the Associate Minister of Health (Pharmac)

Cabinet Legislation Committee

## Government response to the petition of Seiji Tonouchi: Fund a wider selection of anti-epileptic medication, without conditions

### Proposal

- 1 This paper seeks approval of the Government response to the petition of Seiji Tonouchi: Fund a wider selection of anti-epileptic medication, without conditions.

### Background

- 2 The petition of Seiji Tonouchi: Fund a wider selection of anti-epileptic medication, without conditions, was presented to the Petitions Committee on 20 August 2024. The petition concerns Pharmac's Pharmaceutical Schedule which outlines the conditions for access to publicly funded pharmaceuticals. On 20 September 2024, the Petitions Committee referred the petition to me as Associate Minister of Health (Pharmac) to recommend a Government response.
- 3 The Petition is on behalf of a person with epilepsy. The petitioner asks that funding should be allocated to allow epilepsy patients to access any anti-epileptic medication without conditions.

### Referral and summary response

- 4 The Petitions Committee made no findings or comments, referring the petition to me for response in accordance with Standing Order 380.
- 5 The attached response thanks the petitioner, and explains that decisions regarding the funding of medicines are made independently by Pharmac, separate from Government influence. The response further explains that funding conditions, such as restricting a specific medicine to a particular form of epilepsy, are determined based on clinical effectiveness and cost considerations. This targeted approach enables Pharmac to prioritise funding for those who would benefit the most, thereby allowing access to a wider range of medicines for all New Zealanders.

### Treatment and management of epilepsy in New Zealand

- 6 Epilepsy is a brain disorder that affects around 1% of people. People with epilepsy have seizures that are caused by brief abnormal electrical activity in their brains. Epilepsy is a complex condition, and its treatment and management can involve a range of therapies. The goal of any treatment is to prevent or reduce seizure activity, with as minimal side effects as possible.

- 7 In New Zealand, there are 18 anti-epileptic medicines funded by Pharmac through the Pharmaceutical Schedule. Anti-epileptic medicines are prescribed based on the patient's type of epilepsy and seizure, age, and possible side effects.
- 8 In most cases, only one anti-epileptic medicine is needed to prevent seizures, but some people may need two or more. Some people may also develop a tolerance to the anti-epileptic medicine over time and may need to take a larger dose or change medicines to control or stop seizures.

### **Special Authority for Subsidy in Pharmaceutical Schedule**

- 9 Pharmac sets specific criteria that must be met before some medicines will be funded. This is done to ensure medicines are targeted to those who would benefit the most from the treatment, and the most cost-effective use of Pharmac's fixed budget for medicines. Special Authority criteria can also assist Pharmac in managing risks (such as commercial or supply risks).
- 10 There are some anti-epileptic medicines funded by Pharmac (e.g. lacosamide (Vimpat), stiripentol (Diacomit) and vigabatrin (Sabril)), which have Special Authority for Subsidy. This means that practitioners need to show that their patients meet the Special Authority for Subsidy criteria set out in the Pharmaceutical Schedule in order for them to receive the funded medicine.

### **Pharmac's exceptional circumstances for funding outside of Pharmaceutical Schedule**

- 11 Pharmac has policies in place to respond to exceptional circumstances that require medicines to be funded outside the Pharmaceutical Schedule. These policies take into account individual patient circumstances. These include Named Patient Pharmaceutical Assessment (NPPA) and Special Authority Waiver.
- 12 The NPPA process considers individual patients' clinical circumstances and if their needs cannot feasibly be met by the Pharmaceutical Schedule process. However, the patient must have tried all suitable funded options before seeking funding for a treatment through NPPA. This may include non-pharmaceutical treatments, such as surgery, physiotherapy, or lifestyle changes.
- 13 Special Authority Waiver applies for patients whose clinical circumstances meet the intent of a Special Authority for Subsidy, but not the exact technical requirement. A prescriber can ask Pharmac to waive certain criteria in a Special Authority Waiver. Other criteria may still need to be met.
- 14 To ensure fairness in funding a treatment to an individual patient, Pharmac does not consider information for treatment not funded by Pharmac. This ensures that people who are unable to access alternative funding for their medicines are not disadvantaged.

### **Timing of the Government response**

- 15 In accordance with Standing Orders, the Government response to the Petition of Seiji Tonouchi is due to be presented to the House on or before 16 December 2024.

## Consultation

16 The following agencies have been consulted: Pharmac.

## Financial implications

17 There are no financial implications associated with this proposal.

## Publicity

18 There are no identified publicity implications associated with this proposal.

## Proactive Release

19 I intend to proactively release this paper following the presentation of the Government response to the House of Representatives. The response may be published by Parliament in accordance with Standing Order 382.

## Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that the petition of Seiji Tonouchi: Fund a wider selection of anti-epileptic medication, without conditions, was presented on 20 August 2024 and was referred to the Associate Minister of Health (Pharmac) for response;
- 2 **approve** the Government response, attached to this submission, to the petition of Seiji Tonouchi: Fund a wider selection of anti-epileptic medication, without conditions;
- 3 **invite** the Associate Minister of Health (Pharmac) to present the Government response to the House in accordance with Standing Orders 380, 381 and 382;
- 4 **invite** the Associate Minister of Health to write to the petitioner enclosing a copy of the Government response to the report of the Petitions Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Hon David Seymour

Associate Minister of Health (Pharmac)

**Government response to the Petition of Seiji Tonouchi:  
Fund a wider selection of anti-epileptic medication, without  
conditions**

Presented to the House of Representatives

In accordance with Standing Orders 380, 381 and 382



## **Introduction**

1. The Government welcomes the Associate Minister of Health's referral of this petition, and we thank the petitioner for bringing this matter to the Government's attention.
2. The Government has carefully considered the Associate Minister's referral of the petition "Fund a wider selection of antiepileptic medication, without conditions".
3. The Government responds to the report in accordance with Standing Orders 380 (referral of petition to Minister for response), 381 (presentation of paper to the House) and 382 (designation of parliamentary papers) in the Parliamentary Rules.

## **Request from petitioner**

4. The petition requests that the House of Representatives allocate funding to allow epilepsy patients to choose any anti-epileptic medication without conditions.
5. The reason for the petition is stated as follows: "I believe conditions should be removed for Government-funded anti-epileptic medication. For example, Vimpat is Government-funded for focal epilepsy but still works for other forms of epilepsy. In my view, this means some patients must abandon effective medication because of the cost. I believe it is not fair to ask people whose seizures are well controlled by Vimpat to change medications, and it could be dangerous. I believe the Government must provide patients with a wider range of options."

## **Government response**

### **Pharmac's role in providing medicines for New Zealand**

6. Pharmac, the government agency responsible for deciding which medicines are funded in New Zealand, works to make sure New Zealanders get the best possible health outcomes within a set budget.
7. Pharmac carefully reviews each medicine to ensure it is safe, effective, and provides good value for both individual patients and the wider healthcare system. Pharmac carefully reviews clinical data and consults with health experts and communities to make its decisions, always comparing the overall value of one medicine with another. This way, every funded treatment makes a meaningful impact on people's health.
8. Some medicines are funded only in specific situations to ensure they are used for the people who will benefit the most. For example, certain epilepsy medicines like Vimpat, Diacomit and Sabril are funded only when a patient meets specific criteria. This approach helps Pharmac to offer access to more funded medicines from the set budget to all New Zealanders.
9. In the event that a patient does not meet all the criteria for funding, they may need to pay for the medicine privately or their doctor may consider alternative funded treatment options.

## IN-CONFIDENCE

10. Pharmac makes its medicines funding decisions independently from the Government. Current legal and policy settings do not allow the Government to direct which medicines get funded, or for which people.
11. Pharmac's Options for Investment List outlines a long list of medicines Pharmac would like to fund if or when its budget allows. This includes widening availability of medicines currently funded only in certain circumstances. The Government has increased Pharmac's budget substantially this year, by providing \$604 million to increase access to 54 medicines. As a result of this funding, Pharmac is currently considering feedback for Zonisamide for the treatment of epilepsy.

### **Treatment and management of epilepsy in New Zealand**

12. When someone is diagnosed with epilepsy, their medical practitioner provider works with them to find the best medicine. This process can take time, as different medicines work in different ways for each person.
13. The type of medicine prescribed depends on several factors, such as the kind of seizures they have, their age, any side effects, and other medications they are taking. For example, the medicine Vimpat is specifically funded in New Zealand to treat a certain type of epilepsy called focal epilepsy. If someone is already using Vimpat overseas but does not meet New Zealand's specific funding criteria, they may need to pay for it privately here.
14. If Vimpat is not an option, due to the patient not meeting the specific criteria, a health professional can suggest one of the other funded anti-epileptic medicines that meets the patient's need. New Zealand funds 18 different epilepsy medicines for different types of epilepsy through Pharmac's Pharmaceutical Schedule, giving healthcare providers a range of options to find the best treatment for individual patients.
15. Switching anti-epileptic medicines can be challenging, as there may be a risk of seizures returning. To help manage this, medical practitioners work closely with patients to create a plan and monitor them during any changes to their treatment.
16. The goal is to ensure every person with epilepsy receives the right care and support to live well. Pharmac assists in achieving this by ensuring that a wide selection of anti-epilepsy medicines is available to support New Zealanders.

### **Conclusion**

17. The Government has carefully considered the concerns raised by the petitioner. The Government recognises that epilepsy can be a serious condition, and it is important to provide effective treatments to help manage and reduce the risk of seizures.
18. The Government notes that New Zealand has a wide range of anti-epileptic medicines available for different types of epilepsy through the Pharmaceutical Schedule. Pharmac sets specific criteria to make sure that these medicines reach those who would benefit most.

**IN-CONFIDENCE**

19. The Government is committed to supporting all New Zealanders in accessing safe and effective care. The Government is satisfied with Pharmac's management of the medicines available to New Zealanders for epilepsy and other serious health conditions.
20. The Government thanks the petitioner for raising this issue and encourage patients to work closely with their healthcare providers to find the best treatment plan.

PROACTIVELY RELEASED