
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Reciprocal and Cross-Border Healthcare
(Amendment etc.) (EU Exit) Regulations 2020**

PART 3

Amendment of Cross-Border Healthcare Regulations

Substitution of regulation 9

8. For regulation 9 substitute—

“The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) Regulations 2004

9.—(1) The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) Regulations 2004⁽¹⁾ are amended as follows.

(2) In Schedule 2 (drugs, medicines and other substances that may be ordered only in certain circumstances), in the entry in column 2 of the table that corresponds to the entry in column 1 relating to drugs for the treatment of erectile dysfunction—

(a) for sub-paragraph (b) (including the “or” at the end) substitute—

“(b) a man who is a national of an EEA State who—

- (i) immediately before IP completion day was entitled to treatment by virtue of Article 7(2) of Council Regulation 1612/68 as extended by the EEA Agreement or was entitled to treatment by virtue of any other enforceable EU right;
- (ii) has erectile dysfunction and was on 14th September 1998 receiving a course of treatment under a national health insurance system of an EEA State for that condition with any of the drugs listed in sub-paragraph (a); and
- (iii) immediately before IP completion day was receiving a course of treatment as part of the health service for the condition mentioned in paragraph (ii) of this sub-paragraph with any of the drugs listed in sub-paragraph (a); or”;

(b) for sub-paragraph (c) (including the “or” at the end) substitute—

“(c) a man who is not a national of an EEA State but who is the member of the family of such a national and who—

- (i) immediately before IP completion day had an enforceable EU right to be treated no less favourably than the national in the provision of medical treatment;

(1) [S.I. 2004/629](#); relevant amendments were made by [S.I. 2011/1043](#), [2013/2194](#) and [2014/1625](#).

- (ii) has erectile dysfunction and was on 14th September 1998 receiving a course of treatment for that condition with any of the drugs listed in sub-paragraph (a); and
- (iii) immediately before IP completion day was receiving a course of treatment as part of the health service for the condition mentioned in paragraph (ii) of this sub-paragraph with any of the drugs listed in sub-paragraph (a); or”.”.