STATUTORY INSTRUMENTS

2013 No. 2194

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) (Amendment) Regulations 2013

Made - - - -	*2nd September 2013*
Laid before Parliament	*6th September 2013*
Coming into force - -	*1st October 2013*

The Secretary of State for Health, in exercise of the powers conferred by sections 88 and 272(7) and (8) of the National Health Service Act 2006(**1**), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) (Amendment) Regulations 2013.

(2) They come into force on 1st October 2013.

(3) In these Regulations, "the principal Regulations" means the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) Regulations 2004(**2**).

Amendment of Schedule 2 to the principal Regulations

2. In Schedule 2 to the principal Regulations(**3**) (drugs, medicines and other substances that may be ordered only in certain circumstances)—

(a) in column 1 of the table (*drugs*), in the entry relating to drugs for the treatment of erectile dysfunction, omit—

(i) "(Caverject), (MUSE), (Viridal)",

(ii) "(Uprima)",

(**1**) 2006 c.41. Section 88 of the National Health Service Act 2006 ("the Act") enables the Secretary of State to give directions in regulations to a contractor or contractors about the drugs, medicines and other substances which may or may not be ordered for a patient in the provision of medical services under a general medical services contracts. The Act was amended by the Health and Social Care Act 2012 (c.7). The powers exercised in making these Regulations are exercisable by the Secretary of State only in relation to England, by virtue of section 271(1) of the Act.

(**2**) S.I.2004/629.

(**3**) Schedule 2 was amended by S.I. 2004/3215, S.I. 2009/2230, S.I. 2010/2389, S.I. 2011 680 and 1043 and S.I. 2013/363.

(iii) "(Erecnos)" (in both places where it appears),

(iv) "(Viagra)",

(v) "(Cialis)", and

(vi) "(Levitra)";

(b) in column 2 of the table (*patient*)—

(i) at the beginning of the entry relating to drugs for the treatment of erectile dysfunction, insert "(1) The following patients with erectile dysfunction–", and

(ii) at the end of paragraph (f) of that entry, insert—

";

(2) Any patient"; and

(c) in column 3 (*purpose*), opposite "(2) Any patient" in column 2, insert the words "Treatment of a condition, other than erectile dysfunction, in respect of which the drug ordered is considered an appropriate treatment".

Signed by authority of the Secretary of State for Health.

Norman Lamb
Minister of State,
Department of Health

2nd September 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Service Contracts) (Prescriptions of Drugs etc) Regulations 2004 (S.I.2004/629) ("the principal Regulations") which make provision in respect of the drugs, medicines and substances that may be ordered for patients in the provision of services under a general medical services contract within the meaning of section 84 of the National Health Service Act 2006.

Regulation 2 makes amendments to the table in Schedule 2 to the principal Regulations (drugs, medicines and other substances that may be ordered only in certain circumstances) which restricts the circumstances in which certain drugs, medicines and other substances specified in column 1 of the table may be ordered for the category of patients described in column 2 of the table for the purpose specified in column 3 of the table. The entry in the table relating to certain specified drugs which may be ordered for the treatment of erectile dysfunction has been amended so as to clarify that any such drug may also be ordered for any patient for the purpose of treating a medical condition, other than erectile dysfunction, if it is considered an appropriate treatment for that condition.

References to the brand names of the specified erectile dysfunction drugs, which appeared in brackets in column 1 of the table, have also been omitted, by way of provision in regulation 2, to make it clear that the restrictions apply to all formulations of the active ingredient in whatever way they are presented.