
DRAFT STATUTORY INSTRUMENTS

2020 No.

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

PART 4

Amendment of Northern Ireland Cross-Border Healthcare Regulations

Amendment of the Health Services (Cross-Border Healthcare and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

13. The Health Services (Cross-Border Healthcare and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(1) are amended as follows.

Amendment of regulations 11, 12 and 16

14. In regulations 11 (saving of Article 14B of the Order of 1972 for pre-exit day cases), 12 (saving of Articles 14D and 14E of the Order of 1972 for pre-exit day cases) and 16 (saving of the 2013 Regulations for pre-exit day cases), for the words “exit day” wherever they occur (including the heading) substitute “IP completion day”.

Amendment of Schedule 1

15. In Schedule 1 (modifications to the 2013 Regulations for pre-exit day cases)—

- (a) for the words “exit day” wherever they occur (including the heading) substitute “IP completion day”;
- (b) omit paragraph 1(e).

Revocation of regulations 13 to 15, 17 and 18 and Schedule 2

16. Omit regulations 13 (further saving of Articles 14D and 14E of the Order of 1972: cross-border arrangements) to 15 (the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004), 17 (further saving of the 2013 Regulations: cross-border arrangements) and 18 (Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015) and Schedule 2 (modifications to the 2013 Regulations for cross-border arrangements).

Substitution of regulation 19

17. For regulation 19 substitute—

“The Health and Personal Social Services (General Medical Services Contracts) (Prescription of Drugs Etc) Regulations (Northern Ireland) 2004

19.—(1) The Health and Personal Social Services (General Medical Services Contracts) (Prescription of Drugs Etc) Regulations (Northern Ireland) 2004(2) 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 relating to patients with 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 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;
 - (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 for the condition mentioned in paragraph (ii) of this sub-paragraph with any of the drugs listed in sub-paragraph (a); or”.

(2) S.R. 2004 No. 142; relevant amendments were made by S.R. 2011 No. 327 and 2014 No. 215.