

To: Directors of Commissioning  
Regional heads of Primary Care  
Heads of Primary Care  
CCG Clinical Leads and Accountable Officers

31<sup>st</sup> January 2019  
Publications clearance: 00095

Dear colleagues

**Conditions for which over the counter items should not routinely be prescribed in primary care**

Between December 2017 and February 2018 NHS England consulted on proposals to restrict routine prescribing in primary care of items which are available over the counter (OTC) for the treatment of conditions which are self-limiting or which lend themselves to self-care. The consultation led to the publication of guidance for CCGs on the treatment of conditions for which OTC items should no longer be routinely prescribed: <https://www.england.nhs.uk/publication/conditions-for-which-over-the-counter-items-should-not-routinely-be-prescribed-in-primary-care-guidance-for-ccgs/>

NHS England expects CCGs to have regard to this guidance in taking local prescribing decisions. However, we understand that GP practices are unclear about whether they should follow this guidance, and some practices have raised concerns about whether they would be in breach of the terms of their contract if they follow it.

Regulation 94 of The National Health Service (General Medical Services Contracts) Regulations 2015 and Regulation 86 of The National Health Service (Personal Medical Services Agreements) Regulations 2015 and Paragraph 7 (v) of The Alternative Provider Medical Services Directions 2016 state that contractors must

have regard to all relevant guidance issued by NHS England. These Regulations do not state that the guidance needs to be directed to GP practices, but simply be relevant.

The OTC guidance includes specific reference to prescribers, and requires prescribers to reflect local policies in prescribing practice. In NHS England's view, this guidance is "relevant guidance" under Regulation 94 and other relevant regulatory references. Contractors are therefore required to have regard to this guidance and are able to follow the guidance and exercise judgement about when it is (and is not) appropriate to prescribe OTC items, without any risk that they will be in breach of their contract.

GPs are also able to inform patients they must have regard to this guidance when communicating any decision not to prescribe an OTC item for treatment of one of the conditions identified.

Implementation resources, including a patient leaflet and a GP handout, are available to GP practices and can be accessed at:

<https://www.england.nhs.uk/medicines/conditions-for-which-over-the-counter-items-should-not-routinely-be-prescribed/conditions-for-which-over-the-counter-items-should-not-routinely-be-prescribed-in-primary-care-implementation-resources/>

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Powis', written in a cursive style.

**Professor Stephen Powis  
National Medical Director  
NHS England**