

The background features several large, overlapping, rounded geometric shapes in shades of purple, green, and pink. A thin purple line forms a large, irregular shape that frames the central text. A thin green line forms a smaller, similar shape below it. The overall design is modern and clean.

# Temporary Recommendation for Use (RTUs)

Principles and information  
on the methods used by the ANSM  
for establishment and implementation

October 2012

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## Introduction

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A medicine is considered safe to use in the disease indication under consideration when the benefits are higher than the risks i.e. a positive benefit - risk ratio. This positive relationship is the basis of the Marketing Authorisation (MA), whose scope is defined in the Summary of Product Characteristics (SPC). The use of a medicine for indications other than those validated by the MA can expose patients to a poorly established or unfavourable benefit/risk ratio, if the benefits are unknown or have not been assessed.

Consequently, the safe use of a medicine is based mainly on compliance with what is described in the MA and, if applicable, with its temporary recommendation for use (RTU) or its temporary authorisation for use (ATU) (article L. 5121-14-3 of the French Public Health Code). The European Commission and the ANSM (French National Agency for Medicines and Health Products Safety) are responsible for defining and authorising these types of use. However, the MA must remain the standard.

Nevertheless, some medicines are prescribed off-label either to fulfil a public health need not covered within the scope of an existing MA or to ensure access to a medicine by certain patient subgroups, i.e., subgroups that were not extensively studied or not targeted by the registration file that formed the basis of the MA.

The 29<sup>th</sup> December 2011 law reinforcing the safety of medicines and health products (Appendix 1) introduced the possibility of providing a framework for use outside of the scope of an MA. This framework is based on Temporary Recommendation for Use (RTU) for medicines that already have a MA in France. Decree 2012-742 of 9<sup>th</sup> May 2012 on temporary recommendations for use of medicines specifies the conditions under which the ANSM may establish such recommendations (Appendix 2).

**Temporary Recommendations for Use (RTUs) should be distinguished from Temporary Authorisations for Use (ATU), since in contrast to ATUs, RTUs are issued for medications that already have a marketing authorisation in a different indication and are already commercialised in France.**

Likewise, RTUs are not substitutes for clinical trials, which are the only processes that can provide the specific and necessary data regarding the benefit/risk ratio of a medicine.

RTUs apply to all medicines, whether available in retail pharmacies or in hospitals, and stipulate that pharmaceutical companies are required to monitor patients taking their medicine.

An RTU is elaborated by the ANSM when the two following conditions are fulfilled:

- There is an unmet **therapeutic need**, i.e., there is no appropriate alternative medicine with an MA or a cohort ATU in the indication in question.
- and**
- The **benefit/risk** ratio of the medicine is **assumed to be favourable** based on the available scientific efficacy and safety data.

Hence, an RTU aims to fulfil two objectives:

- i) to render the use of off-label prescribed medicines safer by looking objectively at their therapeutic benefit with respect to the risks to which they expose patients.
- ii) to ensure that the pharmaceutical company<sup>1</sup> in question implements monitoring for patients treated in the context of this waiver of MA specifications. An RTU therefore helps improve knowledge about a medicine for a given use and encourages the pharmaceutical company to submit an extension of indication request.

RTUs are temporary measures that may not exceed three years.

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<sup>1</sup> Within this document, "pharmaceutical company" means the MA holder or the company appointed by the MA holder to exploit the MA.

## I- Identifying the need for an RTU

To ensure equitable access and the highest possible level of safety of use for medicines outside of existing regulatory frameworks (MAs, cohort ATUs, clinical trials), the ANSM elaborates RTUs when deemed necessary from a public health point of view.

Within the scope of its mission to monitor and ensure the safe use of medicines, the ANSM can initiate an RTU when a situation of off-label use is identified and when an unmet therapeutic need is confirmed.

Any prescription of a medicine off-label can also be reported to the ANSM by the following bodies, if they believe that by doing so an RTU may be elaborated:

- the French Health ministry
- the French Social Security ministry
- the *Haute Autorité de Santé* (Health Technology Assessment agency)
- the *Union nationale des caisses d'assurance maladie* (UNCAM, or the federation of national health insurance funds)
- the *Institut National du Cancer* (INCA, or French cancer institute)
- Centres of Expertise ("reference centres") in rare diseases
- approved patient associations

All therapeutic needs reported by a learned society will be considered by the ANSM as an alert.

In any event, the ANSM is solely responsible for drafting RTUs.

In theory, there is a high need for extension of MA. The ANSM will draft RTUs by considering several criteria, including the quality of scientific proof, the innovative nature and safety profile of the medicine in question, the prognosis and frequency of the disease and the existence of French clinical trials in the indication. The ANSM will pay special attention to rare diseases. Although an RTU may not be inconsistent with the MA it is not intended to contradict SPC information..

## II- RTU Assessment

When the ANSM decides to draft an RTU, it proceeds in two successive phases:

- i) information is collected to assist the decision-making.
- li) a scientific assessment of the information gathered is performed.

In the event of a health emergency, the ANSM agrees to assess the possibility of an RTU as a priority.

### II-1 : Data collection

When the ANSM plans to draft an RTU:

**a)** it asks the pharmaceutical company(ies) in question to send all relevant information within three months, which includes:

- all clinical and non-clinical data for assessing the efficacy and safety of the medicine in question in the identified clinical situation
- the list of ongoing and planned clinical trials (title and objectives) and their progress in France or abroad in the indication of interest, as well as the locations of French investigation centres
- an estimate of the number of French patients that may be affected
- a draft patient monitoring protocol

- a copy of any MA granted in any other country in this indication with the SPC and the latest PSUR<sup>2</sup> ;
- if applicable, a copy of any MA refusal or withdrawal by another country in this indication
- if applicable, a copy of any scientific opinion issued in this indication by the EMA or any other competent authority.

**b)** for rare diseases and cancer, the ANSM further and simultaneously requests, within the same three-month period, the opinion of the:

- Centres of Expertise (“reference centres”) for the rare disease in question, if one exists
- INCA if the disease in question is a cancer-related one.

These opinions should focus on:

- the analysis of the need for an RTU within the scope of existing therapeutic practices and guidelines
- the efficacy and safety data available for the situation in question
- if applicable, the research conducted by the Centre of Expertise (“reference centre”) for the disease in question.

## II-2 : Internal expertise for the dossier

The ANSM assesses the assumed risk/benefit ratio of the situation that would lead to an RTU, and does so based on the available data and the data gathered from the pharmaceutical company, as well as, if applicable, data from the INCA or centres of reference.

The ANSM assesses the level of proof of efficacy and the extent of the presumed clinical benefits based on the principles of scientific evaluation in medicine. When doing so, the ANSM takes into consideration the methodological characteristics of the studies and all of the available results on the efficacy and risk of the medicine in the situation under consideration. Data from published studies should better be presented to peer review committees.

However, the requirement may be adapted for special situations, such as rare diseases. In these situations, the assessment takes into consideration, when applicable, *Protocoles nationaux de diagnostic et de soins* (PNDS, or national diagnostic and treatment protocols), as well as, when applicable, data provided by "rare diseases" Centres of Expertise in response to the investigation conducted by the ministerial authorities (ministerial directive DGS/PP2/DGOS/PF2/2012/266 of 13 July 2012)<sup>3</sup>.

## II-3 : Decision

If the ANSM’s assessment determines that the ratio between the **presumed** benefit and the potential adverse effects (or risk) is favourable, the ANSM establishes a draft RTU with an appended patient monitoring protocol and, if necessary, a draft agreement for the involved pharmaceutical company(ies).

Otherwise, in case of unfavourable RTU opinion, the party requesting the RTU is informed of this opinion which, is published on the ANSM website [www.anism.sante.fr](http://www.anism.sante.fr) (under “*activités, mettre à disposition les produits de santé, "RTU"*)

<sup>2</sup> PSUR: periodic safety update report

<sup>3</sup> on the cataloguing by rare diseases centres of expertise of proprietary products likely to receive temporary recommendations for use as mentioned in article L. 5121-12-1 of the French public health code.

### III- RTU wording, patient monitoring protocol and agreement

#### III-1 : Information included in the Temporary Recommendation for Use

An RTU includes:

- the indication for which the exception is made
- the posology (dose) and route of administration
- if necessary, precautions for use, warnings and contraindications specific to the RTU framework
- adverse effects
- if applicable, the new classification of the medicine if the RTU implies that it is different to the classification mentioned in the MA section, “*conditions de prescriptions et de délivrance*” (prescription and dispensing conditions)
- the duration of validity.

It is accompanied by an argument presenting the main scientific results that support the soundness of the RTU.

A single RTU may pertain to one or more medicinal products if their mechanism of action is similar

#### III-2 : Patient monitoring procedure

In their appendices, RTUs contain a procedure defining the mechanisms for collecting data on patients and monitoring them. Such data includes efficacy and, safety information and data on the real conditions of product use.

The monitoring should comprise:

- at least one criterion that enables the therapeutic benefit of the medicine to be assessed
- collection of adverse effects
- data pertaining to the real conditions of use.

It is not in any way a clinical trial. The purpose of the monitoring is two-fold:

1) to ensure that the presumed risk/benefit ratio remains favourable for the identified therapeutic situation and to encourage the pharmaceutical company, in this context, to undertake clinical trials with a view to submitting a request for marketing authorisation extension in this indication.

2) to ensure patient safety.

The monitoring must be performed in compliance with the provisions mentioned in the French “*Informatique et Libertés*” (privacy and personal data protection) law.

A model of the patient monitoring procedure and a follow-up form can be found in Appendices 3 and 4.

The patient monitoring procedure appended to the RTU furthermore specifies the modalities and frequency of sending the monitoring information to the ANSM in the form of periodic summary reports. The frequency with which these reports should be sent is established, if applicable, in the agreement. At the very least, there should be two intermediate summary reports (1.5 years and 2.5 years) and a final report.

If necessary, the ANSM may obtain assistance from an appointed CRPV<sup>4</sup>.

Pharmaceutical companies are legally required to establish and fund monitoring for patients treated within the scope of an RTU.

Failure to fulfil this monitoring obligation may lead the ANSM to suspend or withdraw the RTU.

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<sup>4</sup> CRPV: *centre régional de pharmacovigilance, or regional pharmacovigilance centre.*

### **III-3 : Establishment of an agreement**

When necessary, an agreement can be signed with the pharmaceutical company (or companies). This agreement, whose format is established by the General Director of the ANSM, specifies:

- the modalities to be used by the pharmaceutical companies to gather information through patient monitoring and to provide it to the ANSM
- the role of people involved in monitoring and, in particular, people from the ANSM, healthcare professionals and pharmaceutical company (or companies)
- if necessary, the pharmaceutical company's commitment to submit a request to extend the MA within an ANSM-specified time frame.

A single agreement will bind the pharmaceutical companies:

- to the extent possible, when medicines with a similar mechanism of action are involved, and subject to agreement between the pharmaceutical companies
- as a requirement, when the medicines in question are generics and approved reference products.
- The funding provided by each company is proportional to the respective sales achieved on the French market for each of these proprietary products in the preceding calendar year.

## **IV- Announcing, implementing and monitoring an RTU**

### **IV-1 : Finalisation and notification**

The ANSM sends a registered letter containing the draft RTU to the pharmaceutical company and, if applicable, the draft agreement.

The pharmaceutical company has one month (plus one additional month upon request) from the day on which the project is received to send the signed agreement back to the ANSM. At the end of this period, the ANSM's General Director signs the RTU and, if necessary, the agreement.

The RTU and updates are provided to the pharmaceutical company.

### **IV-2 : Distribution**

RTUs and their updates are sent to the Minister for Health, to the HAS, to the UNCAM and to the CEPS (French Economic Committee on Health Products) as well as to the INCA and rare diseases Centres of Expertise if applicable. They are made public on the ANSM's website.

They are sent to the relevant professional bodies and learned societies.

Relevant professional bodies (e.g., physicians, pharmacists, midwives, oral surgeons) inform their members of:

- the existence, modification, suspension or withdrawal of an RTU
- the implementation of patient monitoring
- the need to complete a sheet to collect information within the scope of an RTU
- the need to transmit the monitoring form to the recipient identified in the RTU.

An RTU cannot be the subject of advertising according to article L.5122-3 of the French public health code. The ANSM can request, as part of its upstream control, that the pharmaceutical company(ies) implement appropriate information for healthcare professionals.

### **IV- 3 : Monitoring**

The ANSM ensures the safety of a medicine used within the scope of an RTU, notably based upon data collected within the framework of patient monitoring and through pharmacovigilance:

- Within the scope of the patient monitoring implemented by the pharmaceutical company(ies), all serious adverse effects must be reported by the pharmaceutical company to the ANSM as soon as possible.
- Alternatively, within the general framework of pharmacovigilance, any adverse event observed by a healthcare professional or an approved patient association or experienced by a patient (see reporting form – patient adverse effects likely to be related to the medicine, [www.ansm.sante.fr](http://www.ansm.sante.fr)) must be reported to the geographically appropriate CRPV.

### **IV-4 : Duration**

An RTU is temporary; it may not exceed three years.

In the event of public health risks or of a failure to fulfil the patient monitoring and information collection obligations, or if it has been determined that the provisions set forth by article L 5121-12-1 are no longer being fulfilled (e.g., there is a new therapeutic alternative), the ANSM can modify, withdraw or suspend an RTU. A one-month procedure in which both parties are heard is undertaken before making any final decisions, unless there is an emergency.

In the event of an emergency, the ANSM informs the Ministry for Health, the HAS, the UNCAM, and the CEPS, the INCA and any Centres of Expertise, if applicable, as well as any professional bodies and learned societies.

In the six months prior to the expiry of the RTU, the ANSM:

- analyses the collected monitoring data (on efficacy and safety)
- obtains information on the development progress of the medicine
- examines if any new alternatives are available.



## V- Role of healthcare professionals

RTUs provide a regulatory framework for off-label prescriptions.

- Within this framework, physicians must **inform** the patient of the non-compliance of the prescription with the MA, of the lack of appropriate alternative medicines, of the related risks, and of the medicine's limitations and likely benefits. The prescription must bear the words, "Off-label prescription".
- Physicians must also **collect** and transmit monitoring data on their patients to the pharmaceutical company in question according to the modalities set forth in the monitoring protocol appended to the RTU. This data collection is crucial to the off-label use of the medicine.

## VI- Role of the pharmaceutical industry

Upon the ANSM's request, the pharmaceutical company transmits all the information it has on the situation identified by the Agency as potentially falling within the scope of an RTU.

The pharmaceutical company is required to implement and fund the collection of data pertaining to the monitoring of patients as described in the procedure (additional testing and consultations related to a patient's standard treatment do not fall within this scope) (see art. L. 5124-8-9). When a medicine is used within the scope of treating a rare disease for which there is a Centre of Expertise, the pharmaceutical company may delegate the patient monitoring, in whole or in part, to this centre.

The pharmaceutical company must fulfil the pharmacovigilance obligations, in particular the requirement to inform the ANSM of any new information that may affect the benefit/risk ratio (see L. 5121-9-2).

The company contributes to the good use by ensuring that the medicine is prescribed in compliance with its MA or RTU; when prescriptions that do not comply with such good use are observed, pharmaceutical company must inform the ANSM (see L. 5121-14-3).

## Questions / Answers

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### Can a **pharmaceutical company** contact the ANSM to request the establishment of an RTU?

*The people who are eligible to contact the ANSM are mentioned in the 9<sup>th</sup> May 2012 decree on the temporary recommendations for use of medicinal products: the ANSM can be alerted of off label use of medicines by:*

- *Ministries responsible for Health and Social Security*
- *the Haute Autorité de Santé (HAS, or the French National Authority for Health)*
- *the Union nationale des caisses d'assurance maladie (UNCAM, or the federation of national health insurance funds)*
- *the Institut National du Cancer (INCA, or French cancer institute)*
- *Centres of Expertise/expertise in rare diseases*
- *approved patient associations.*

*Furthermore, a learned society can alert the ANSM.*

*However, a pharmaceutical company is not entitled to ask the ANSM to establish an RTU.*

*When a situation in which a medication prescription does not comply with the MA is identified, the pharmaceutical company informs the ANSM and either:*

- *the situation is the result of a health need and the pharmaceutical company must therefore plan to submit an indication extension request or*
- *the situation is unjustified and it is the responsibility of the pharmaceutical company to inform the physicians of the inappropriate or even dangerous nature of such prescriptions.*

### Is it necessary to **monitor patients** within the scope of an RTU?

*Monitoring is required by law and pharmaceutical companies are required to pay for such monitoring. The role of each involved person will be defined in the protocol.*

### How are **physicians** encouraged to become involved in providing information?

*The ANSM sends a letter to professional bodies and learned societies to inform and warn relevant healthcare professionals that an RTU has been established.*

### Is the **agreement** mandatory?

*The agreement is bilateral and it cannot presume of the signature of the pharmaceutical company.*

*Consequently, the General Director of the ANSM can sign an RTU without having an agreement signed by the pharmaceutical company to specify monitoring modalities. In such cases, the modalities for collecting data are established in the patient monitoring protocol found in the appendix of the RTU. In the absence of an agreement establishing the monitoring modalities, the law nevertheless requires pharmaceutical companies to perform monitoring.*

*Finally, article R. 5121-76-7 stipulates that the cost of monitoring treated patients is the responsibility of the pharmaceutical company in question.*

### What is the scope of the data collected with a view to an **extension of indication**?

*The data collected during the monitoring of patients being treated within the scope of an RTU does not guarantee that an extension of indication will be granted. Such data can supplement the MA dossier. Only by implementing clinical trials can reliable efficacy and safety data be collected. Clinical trials remain the reference procedure for assessing a MA indication extension request.*

**Can an RTU be advertised?**

*It is prohibited to advertise an RTU since regulations require advertisements to comply with the provisions of the marketing authorisation. Hence, only indications validated in the MA can be advertised.*

**What are the modalities for implementing an RTU involving several pharmaceutical companies?**

*When the RTU involves several pharmaceutical companies, the ANSM contacts each of them to acquire detailed information on the medicine and establishes a single monitoring protocol for all pharmaceutical companies with the draft RTU.*

**Can a healthcare professional prescribe off-label (outside of the scope of an MA, an ATU, an RTU, or a clinical trial)?**

*According to article R. 4127-8 of the French Public health code: "Within the limits established by law, physicians are free to prescribe medicines that they consider to be the most appropriate under the circumstances."*

*Article L. 5121-12-1 stipulates that a medicinal product can be prescribed in a way that does not comply with its MA in the absence of any appropriate alternative medication with an MA or ATU provided that:*

*1° the indication or conditions for use under consideration have been the subject of an RTU*

*2° or that the physician deems it necessary, given the data acquired through science, to use this medicinal product to improve or stabilise a patient's clinical status."*

*Hence, a proprietary product can be prescribed off-label when there is no alternative medicine if the physician deems it necessary given the data acquired through science. This prescription on a "case-by-case" basis should be justified in the medical file of patient. Moreover, the physician should tell the patient about the non-compliance of the prescription with the MA and about the fact that there are no alternative medicines. The physician should also inform the patient of the risks involved and of the limitations and likely benefits of the medicine.*

*The prescription must bear the words, "Off-label prescription".*

## Appendix

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### **APPENDIX 1**

#### **Loi n°2011-2012 du 29 décembre 2011 relative au renforcement de la sécurité sanitaire du médicament et des produits de santé (article 18)**

Article L5121-12-1

I. — Une spécialité pharmaceutique peut faire l'objet d'une prescription non conforme à son autorisation de mise sur le marché en l'absence d'alternative médicamenteuse appropriée disposant d'une autorisation de mise sur le marché ou d'une autorisation temporaire d'utilisation, sous réserve :

1° Que l'indication ou les conditions d'utilisation considérées aient fait l'objet d'une recommandation temporaire d'utilisation établie par l'Agence nationale de sécurité du médicament et des produits de santé, cette recommandation ne pouvant excéder trois ans ;

2° Ou que le prescripteur juge indispensable, au regard des données acquises de la science, le recours à cette spécialité pour améliorer ou stabiliser l'état clinique du patient.

II. — Les recommandations temporaires d'utilisation mentionnées au I sont mises à disposition des prescripteurs.

III. — Le prescripteur informe le patient que la prescription de la spécialité pharmaceutique n'est pas conforme à son autorisation de mise sur le marché, de l'absence d'alternative médicamenteuse appropriée, des risques encourus et des contraintes et des bénéfices susceptibles d'être apportés par le médicament et porte sur l'ordonnance la mention : "Prescription hors autorisation de mise sur le marché".

Il informe le patient sur les conditions de prise en charge, par l'assurance maladie, de la spécialité pharmaceutique prescrite.

Il motive sa prescription dans le dossier médical du patient.

IV. — Les recommandations temporaires d'utilisation mentionnées au I sont établies après information du titulaire de l'autorisation de mise sur le marché.

Les recommandations temporaires d'utilisation sont élaborées dans des conditions fixées par décret en Conseil d'Etat. Concernant les maladies rares, l'agence visée à l'article L. 5311-1 élabore les recommandations temporaires d'utilisation en s'appuyant notamment sur les travaux des professionnels de santé prenant en charge ces pathologies et, le cas échéant, les résultats des essais thérapeutiques et les protocoles nationaux de diagnostics et de soins.

Ces recommandations sont assorties d'un recueil des informations concernant l'efficacité, les effets indésirables et les conditions réelles d'utilisation de la spécialité par le titulaire de l'autorisation de mise sur le marché ou l'entreprise qui l'exploite, dans des conditions précisées par une convention conclue avec l'agence. La convention peut comporter l'engagement, par le titulaire de l'autorisation, de déposer dans un délai déterminé une demande de modification de cette autorisation.

## **APPENDIX 2**

### **Décret n°2012-742 du 9 mai 2012 relatif aux recommandations temporaires d'utilisation des spécialités pharmaceutiques**

**Publics concernés** : entreprises pharmaceutiques, prescripteurs, pharmaciens, la Haute Autorité de santé, l'Institut national du cancer, les centres de référence et de compétence en charge des maladies rares, l'Union nationale des caisses d'assurance maladie, les associations de patients agréées.

**Objet** : conditions d'élaboration par l'Agence nationale de sécurité du médicament et des produits de santé des recommandations temporaires d'utilisation des spécialités pharmaceutiques.

**Entrée en vigueur** : le texte entre en vigueur le lendemain de sa publication.

**Notice** : l'article L. 5121-12-1 du code de la santé publique permet à l'Agence nationale de sécurité du médicament et des produits de santé d'élaborer une recommandation temporaire d'utilisation pour une période maximale de trois ans, autorisant la prescription d'une spécialité pharmaceutique disposant d'une autorisation de mise sur le marché (AMM), dans une indication différente ou des conditions d'utilisation non conformes à son AMM, en l'absence d'alternative médicamenteuse appropriée autorisée. Le présent décret précise les conditions d'élaboration de ces recommandations et définit leur régime.

**Références** : les dispositions du code de la santé publique modifiées par le présent décret peuvent être consultées, dans leur rédaction résultant de cette modification, sur le site Légifrance (<http://www.legifrance.gouv.fr>). Le décret est pris pour l'application de l'article 18 de la loi no 2011-2012 du 29 décembre 2011 relative au renforcement de la sécurité sanitaire du médicament et des produits de santé.

Le Premier ministre,

Sur le rapport du ministre du travail, de l'emploi et de la santé,  
Vu le code de la santé publique, notamment son article L. 5121-12-1 ;  
Le Conseil d'Etat (section sociale) entendu,

Décète :

**Art. 1er.** – Au chapitre Ier du titre II du livre Ier de la cinquième partie du code de la santé publique, il est inséré une section 7 bis intitulée : « Recommandation temporaire d'utilisation » ainsi rédigée :

« Section 7 bis

#### **« Recommandation temporaire d'utilisation**

« Art. R. 5121-76-1. – La recommandation temporaire d'utilisation prévue à l'article L. 5121-12-1 mentionne notamment, pour chaque spécialité concernée :

« 1° L'indication ;

« 2° La posologie et le mode d'administration ;

« 3° Les effets indésirables ;

« 4° Le classement de la spécialité dans les catégories mentionnées à l'article R. 5121-36, s'il diffère de celui indiqué dans l'autorisation de mise sur le marché.

« Elle comporte en outre la mention de sa durée de validité. Elle est assortie d'un argumentaire faisant apparaître les données disponibles qui permette de présumer qu'en l'absence d'alternative médicamenteuse appropriée, les bénéfices attendus de la spécialité concernée sont supérieurs aux risques encourus dans cette indication ou ces conditions d'utilisation.

« Une recommandation temporaire d'utilisation peut concerner plusieurs spécialités, le cas échéant appartenant à un groupe générique mentionné à l'article L. 5121-1, et autoriser leur prescription dans la même indication ou dans les mêmes conditions d'utilisation, dès lors que leur mécanisme d'action est similaire.

« L'existence d'une autorisation temporaire d'utilisation nominative mentionnée au 2o du I de l'article L. 5121-12 dans la même indication ne fait pas obstacle à l'établissement d'une recommandation temporaire d'utilisation.

« La recommandation temporaire d'utilisation prévoit notamment les modalités de suivi des patients et de recueil des informations relatives à l'efficacité, à la sécurité et aux conditions réelles d'utilisation de la spécialité, formalisées dans un protocole de suivi des patients, ainsi que la périodicité et les modalités de l'envoi à l'agence des rapports de synthèse de ces données. Lorsque l'utilisation de la spécialité concerne le traitement d'une maladie rare pour laquelle existe un centre de référence, la recommandation peut autoriser le laboratoire à lui confier en tout ou partie le suivi des patients.

« Art. R. 5121-76-2. – Une convention précise en tant que de besoin les modalités de suivi des patients et de recueil des informations prévues au dernier alinéa de l'article R. 5121-76-1. Elle indique le rôle de chacun des intervenants dans le cadre du dispositif de suivi mis en place et, notamment, de l'Agence nationale de sécurité du médicament et des produits de santé, des professionnels de santé ainsi que du titulaire de l'autorisation de mise sur le marché ou de l'entreprise assurant son exploitation et mandatée à cet effet par le titulaire.

« La convention peut comporter l'engagement du titulaire de l'autorisation de mise sur le marché de la spécialité de déposer une demande de modification de cette autorisation dans un délai déterminé par l'agence.

« Cette convention est conforme à un modèle-type fixé par décision du directeur général de l'agence.

« Art. R. 5121-76-3. – Les ministres chargés de la santé et de la sécurité sociale, la Haute Autorité de santé, l'Union nationale des caisses d'assurance maladie, l'Institut national du cancer, les centres de référence et les centres de compétence en charge des maladies rares ainsi que les associations de patients agréées au titre de l'article L. 1114-1 peuvent signaler au directeur général de l'agence toute prescription d'une spécialité non conforme à son autorisation de mise sur le marché dont ils estiment qu'elle pourrait donner lieu à l'élaboration d'une recommandation temporaire d'utilisation.

« Art. R. 5121-76-4. – Lorsqu'elle envisage d'élaborer une recommandation temporaire d'utilisation, l'Agence nationale de sécurité du médicament et des produits de santé demande au titulaire de l'autorisation de mise sur le marché de la spécialité concernée, ou à l'entreprise qui en assure l'exploitation mandatée à cet effet par le titulaire, de lui transmettre, dans un délai de trois mois à partir de la réception de la demande, toutes les informations dont il dispose relatives à cette indication ou à ces conditions d'utilisation et notamment :

« 1° Les données relatives à l'efficacité et à la sécurité de la spécialité dans cette indication ou dans ces conditions d'utilisation ;

« 2° Le cas échéant, les titres et objectifs des recherches biomédicales en cours et leur état d'avancement ainsi que celles programmées en France ou en dehors du territoire national et la désignation des lieux de ces recherches lorsqu'elles sont effectuées en France ;

« 3° Une estimation du nombre de patients potentiellement concernés en France ;

« 4° Un projet de protocole de suivi des patients précisant les données à suivre concernant l'efficacité et la sécurité de la spécialité dans l'indication considérée ou dans les conditions d'utilisation envisagées ainsi que les informations permettant de rendre compte des conditions réelles d'utilisation de la spécialité ;

« 5° Lorsque l'indication ou les conditions d'utilisation de la spécialité pharmaceutique concernée sont autorisées dans un autre Etat, la copie de cette autorisation et, le cas échéant, le résumé des caractéristiques du produit, ainsi que le dernier rapport périodique actualisé de pharmacovigilance ou les documents équivalents ;

« 6° Le cas échéant, une copie des décisions de refus ou de retrait d'autorisation de mise sur le marché de la spécialité prises par l'autorité compétente d'un autre Etat ;

« 7° Le cas échéant, la copie de tout avis scientifique rendu sur cette indication ou ces conditions d'utilisation par l'Agence européenne des médicaments ou par l'autorité compétente d'un autre Etat.

« Art. R. 5121-76-5. – Outre les informations mentionnées à l'article R. 5121-76-4, l'agence sollicite simultanément dans le même délai de trois mois :

« 1° Si l'indication ou les conditions d'utilisation concernent une maladie rare, l'avis du centre de référence compétent, lorsqu'il existe ;

« 2° Si l'indication ou les conditions d'utilisation concernent le traitement d'un cancer, l'avis de l'Institut national du cancer.

« Ces avis portent notamment sur le besoin d'une évaluation par l'agence de la spécialité dans l'indication ou les conditions d'utilisation envisagées au regard des pratiques et des recommandations de prise en charge thérapeutique existantes. Ils mentionnent en outre les données françaises et internationales disponibles qui permettent de présumer de l'efficacité et de la sécurité du médicament dans l'utilisation concernée. S'agissant des maladies rares, l'avis indique, le cas échéant, les travaux conduits par le centre de référence de la pathologie.

« Art. R. 5121-76-6. – Sur la base des informations mentionnées aux articles R. 5121-76-4 et R. 5121-76-5 ainsi que des connaissances scientifiques disponibles et notamment, s'agissant de la prise en charge d'une maladie rare, du protocole national de diagnostic et de soins élaboré par la Haute Autorité de santé lorsqu'il existe, l'agence procède à l'évaluation de l'efficacité et de la sécurité présumées de la spécialité dans l'indication ou les conditions d'utilisation considérées. Si cette évaluation permet de présumer que le rapport entre le bénéfice attendu et les effets indésirables encourus est favorable, elle élabore un projet de recommandation temporaire d'utilisation qui comporte en annexe un protocole de suivi des patients élaboré à partir du projet mentionné au 4° de l'article R. 5121-76-4, ainsi que, en tant que de besoin, un projet de convention qui en précise les modalités.

« L'agence adresse, par lettre recommandée avec demande d'acquittement, au titulaire de l'autorisation de mise sur le marché de la spécialité ou à l'entreprise qui en assure l'exploitation et qui a été mandatée à cet effet par le titulaire, le projet de recommandation temporaire d'utilisation accompagné du projet de convention.

« Le titulaire de l'autorisation de mise sur le marché ou l'entreprise qui en assure l'exploitation retourne à l'agence la convention signée, dans le mois qui suit la réception de ces documents. A la demande du titulaire ou de l'exploitant, ce délai peut être prolongé d'un mois. A l'expiration de ce délai, le directeur général de l'agence signe la recommandation ainsi que, en tant que de besoin, la convention.



## **APPENDIX 3**

### **MODEL PATIENT MONITORING PROCEDURE**

#### **Introduction**

- **Context and objectives of the procedure**
- **Method**
  - Example: *Prospective national cohort monitoring*
- **Modality for administering the medicine**
  - Posology
- **Evaluation criteria**
  - At least one relevant evaluation criterion, defined in advance, enabling the evaluation of the therapeutic benefit
  - Collection of adverse effects
- **Monitoring**
  - Patient follow-up
  - Frequency of visits and follow-up parameters
- **Data collection modalities**
  - Practical organisation for data collection (e.g., computerised or paper data collection)
- **Summary report**
  - Statistical analysis
  - Frequency
  - Computerised data collection files
- **Role of contributors**
  - Identification of the monitoring coordinators, if necessary
  - Obligations of the physicians

#### **Monitoring of bibliographic references**



## **APPENDIX 4**

### **MODEL RTU PATIENT MONITORING FORM**

- **Clinical Examination**

- ECOG<sup>5</sup> or other score for assessing the general health status of patient
- Criteria for assessing therapeutic benefit
- Specific testing depending on the disease in question

- **Beginning of treatment**

Detail of patient's characteristics: age, weight, height and relevant medical history for the disease in question

Dose used and prior or concomitant treatments relating to the disease in question

- **Monitoring during treatment**

Monitoring of relevant laboratory parameters according to the "product toxicity" (see section 4.4 of the SPC) and the disease in question, e.g., liver enzymes, CBC, CRP, blood creatinine...

Specific tests, such as an ECG to monitor heart function, see section 4.4 of the SPC.

- **Safety during treatment**

Reporting using an adverse effects form for adverse effects observed during treatment (AE)

Dose adaptation or treatment discontinuation for safety reasons

Form for monitoring pregnancies that occur during treatment

Treatment discontinuation form

- **Examples of efficacy data collection**

*In oncology*

Response to the treatment: complete response / partial response / stable disease / progression

*In infectious diseases*

Bacteriological workup or measurement of viral load in addition to the clinical examination

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<sup>5</sup> ECOG score: Eastern Cooperative Oncology Group performance status