ATMP – Hospital Exemption
Legal framework

Federal Agency for Medicines and Health Products

BRUSSELS

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famhp
federal agency for medicines and health products

.be

Legal framework

- **Art. 3, 7. Directive 2001/83/EC**
  - Basis for the hospital exemption.
  - See also: art. 28, 2) Regulation 1394/2007/EC

- **Art. 6quater, §3, 6/1) Law on Medicinal Products 1964**
  - Basis for the hospital exemption.
  - No Royal Order => No effect

- **New: Royal Order of January 8th, 2017**
  - Basic legal framework

Marketing authorisation – an exception

- **ATMP – MA required**

- **Exception: "hospital exemption"**
  - Individual prescription
  - For use in a hospital, for a specific patient
  - Not routinely produced
  - Physician's responsibility
  - Formal authorisation required (exceptions possible)

Basic requirements

- **Prepared and used in Belgium**
- **Specific order for a specific patient**
  - Individual prescription
- **No routine production**
- **Prepared according to GMP guidelines**
  - Equal level of protection to EU level
- **Professional responsibility of the prescribing physician**
- **Explicit authorisation: "hospital exemption"**
  - Exception possible – see "Phase II.b"
- **Written consent**
  - Oral consent + 1 witness, if unable to write

“No routine preparation”

- **Intentionally open: depends on the facts**
- **For example:**
  - Small scale production
  - Low frequency of preperation
  - Low number of patients
- **Basis for analysis:**
  - Number of patients
  - Number of batches released
  - Yearly evaluation

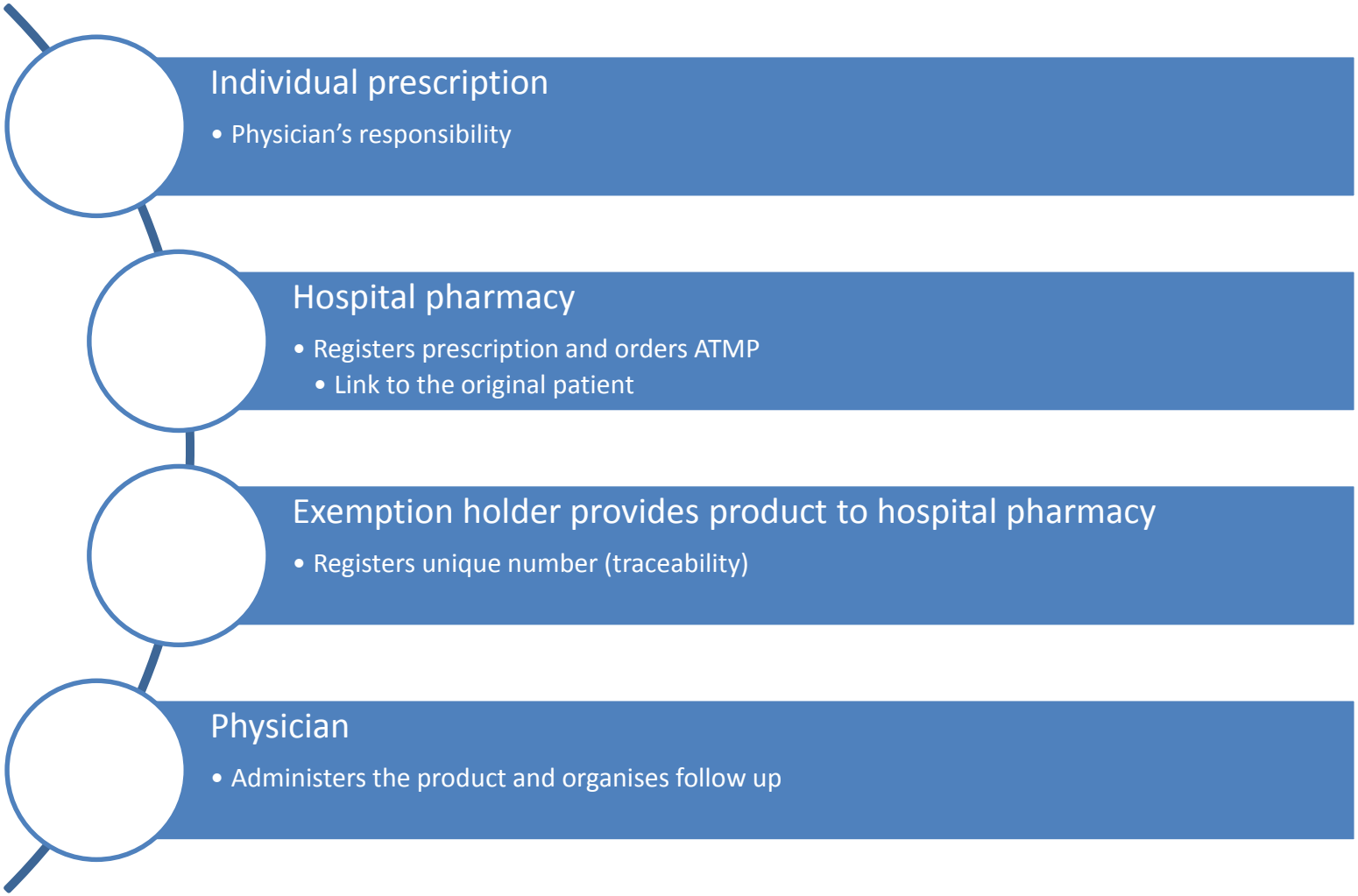
First step – the authorisation

- **Applicant – exemption holder**
  - Is responsible for producing the ATMP
- **Requests "hospital exemption" => FAMHP**
  - Complete file (see content of application dossier)
- **Refused, if:**
  - Patient can participate in ongoing clinical trial
  - CUP or MNP
  - Marketing authorisation or hospital exemption has already been granted
  - No first-in-men trials

First step – the authorisation

- **Exemption holder**
  - GMP-certified
  - Qualified person for pharmacovigilance
  - Follows GDP-guidelines
- **Yearly reporting and evaluation**
- **Labeling (see other presentations)**
  - Clearly indicates hospital where the product is to be used
  - Traceability is assured
  - Allows for correct usage

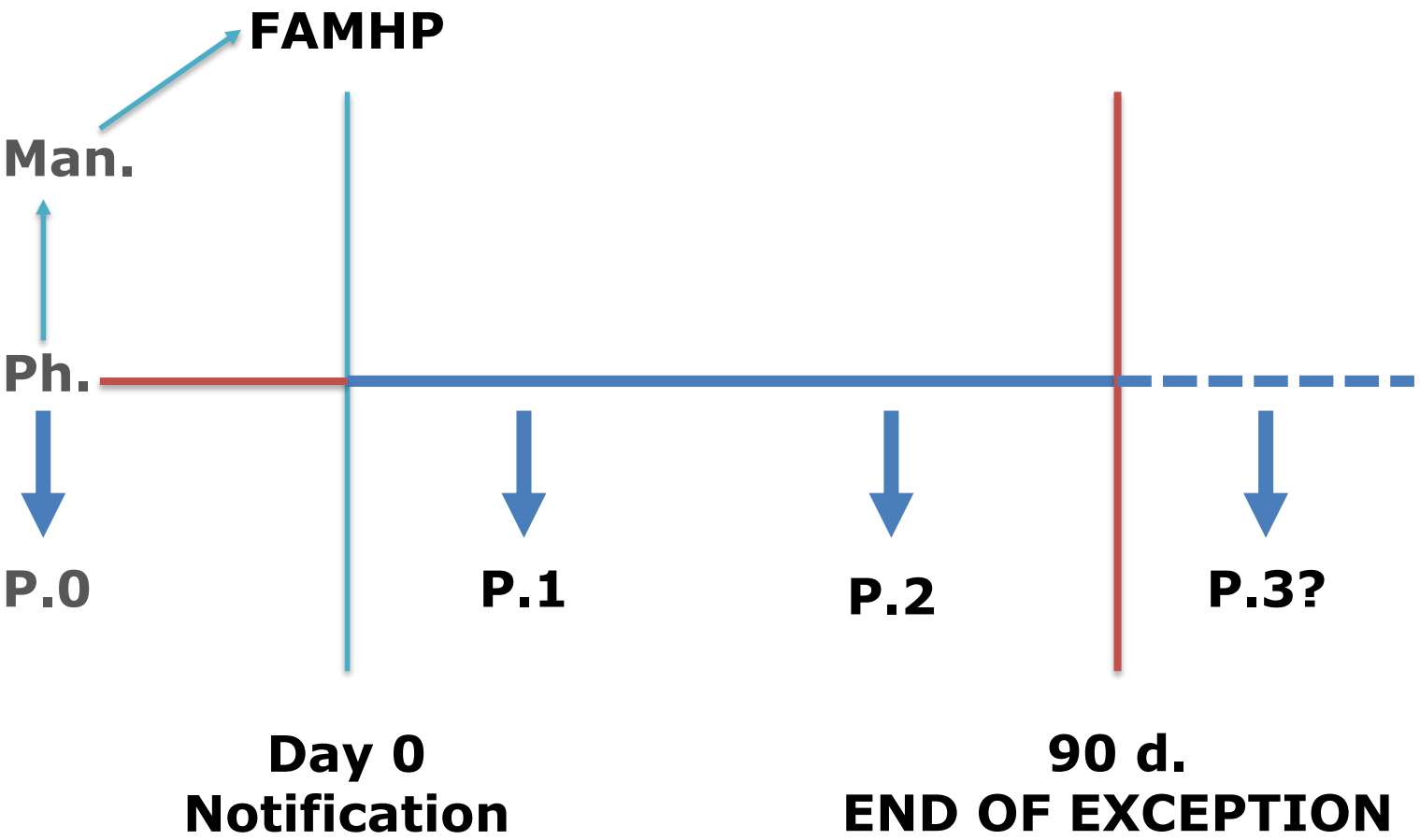
Second step – the patient



Second step – Urgency exception

- **No hospital exemption required, if urgent situation:**
  - High probability of death (short term) OR risks of treatment < risks of no treatment
  - Individual prescription (Indicates urgency – separate declaration)
    - Notification to the FAMHP by supplier
    - Includes declaration of the physician ("on his honour"/declaration of intent)
    - Only anonymous information.
  - Within 90 days of first notification, OR:
    - If an admissible application has been filed.
    - Note: same product…
- **Traceability…?**
  - Physician is responsible to organize patient follow up and manufacturing traceability

Timeline urgency



Third step – follow up (Patient)

- **Physician**
  - Predetermined intervals and duration (authorisation)
    - Notified by holder
  - Basic documentation in patient files
    - Essential for follow up and reporting
- **Side-effects?**
  - Reported to qualified person/authorisation holder

Third step – follow up (Exemption holder)

- **Yearly reporting**
  - Based on patient info, gathered from hospital and transmitted to the exemption holder
    - Authorisation by Sectoral Committee required
  - Clearly indicates:
    - Number of doses
    - Number of patients treated
    - That the conditions for HE are still fulfilled
    - Pertinent clinical experience and information
    - Information regarding the pharmacovigilance system
    - Information regarding the risk-benefit analysis
    - Changes that aren't substantial amendments
  - Anonymous info!

- **Most importantly: no routine production!**

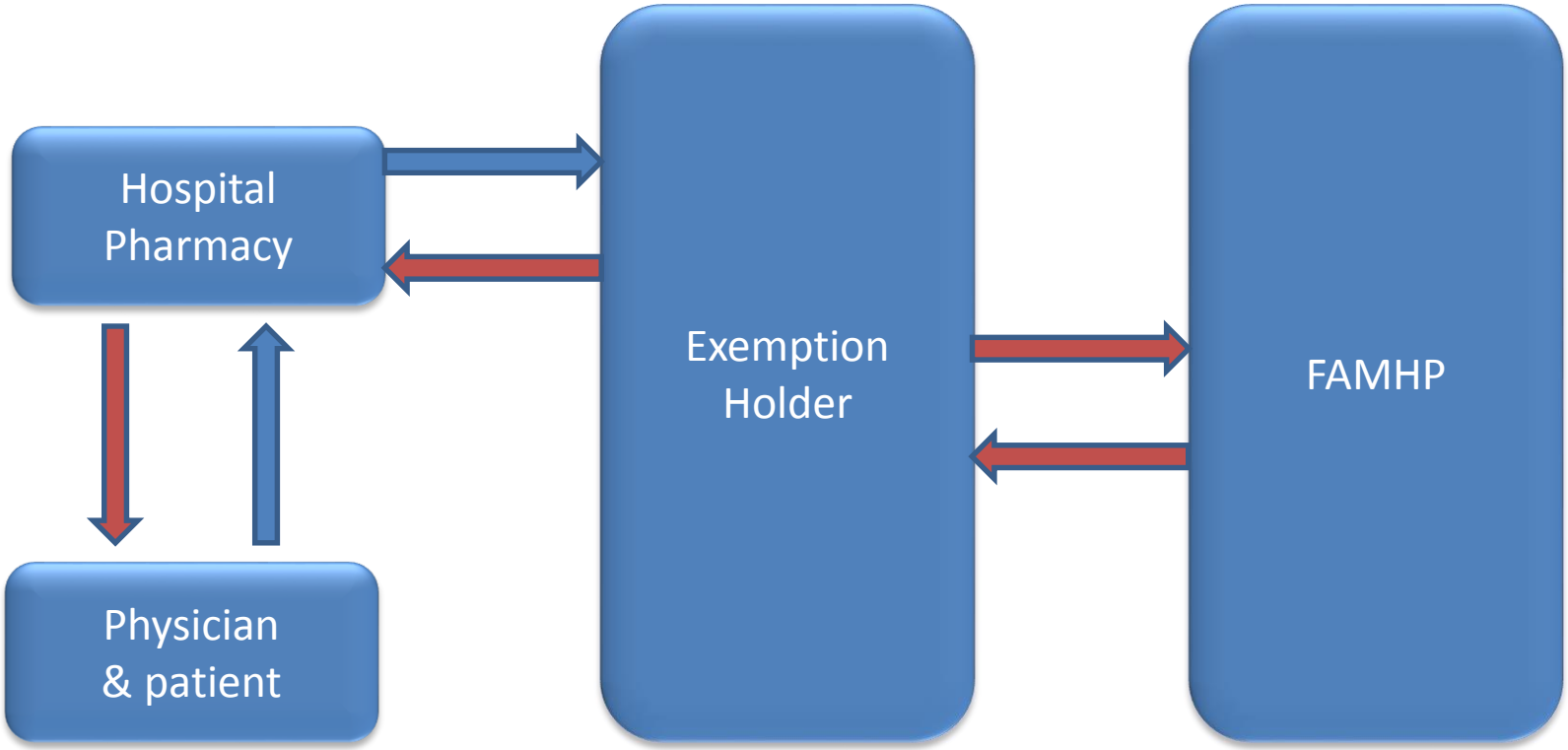
Alteration, revocation and suspension

- **Revoked, suspended or altered if:**
  - After evaluation of the yearly report
    - Risk/benefit-analysis is no longer positive
    - Conditions for HE no longer met
  - At any time:
    - Holder violates legal obligations
  - Advice by Commission for Medicinal Products (Humane)
- **Revoked if:**
  - Same product available in clinical trial
  - MNP or CUP
  - Marketing authorisation
- **Treatment continues for current patients, if:**
  - Not possible to participate in clinical trial, MNP, CUP…
  - No marketing authorisation.
  - Can be subject to specific conditions.

Substantial modification

- **Substantial?**
  - Has or may have impact on
    - Quality
    - Safety
    - Or efficacy
- **Authorisation holder requests substantial modification**
  - New application – via registered mail
  - New form – changes are indicated
  - New approval by ethics committee
- **Same procedure**
- **All other (minor) modifications?**
  - Via yearly reporting

Overview


Hospital Pharmacy
Physician & patient
Exemption Holder
FAMHP

Entry into force

- **01/09/2017**
  - Applications

Thank you for your attention

Your medicines and health products, our concern