

Incorporating Patient Perspective into Benefit-Risk Assessments of a
Medicinal Product - An Inventory of the Regulatory Approaches
established in the European Union and the United States

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Marleen Lipinski

aus Rathenow

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Betreuerin and 1. Referentin: Dr. Birka Lehmann

2. Referentin: Dr. Ingrid Klingmann

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Abbreviation

21 st CC Act	21 st Century Cure Act
AHEG	Ad-Hoc Expert Group
BLA	Biologics License Applications
BRA	Benefit-Risk Assessment
B/R	Benefit-Risk
CAT	Committee for Advanced Therapies
CBER	Center for Biologics Evaluation and Research
CDER	Center for Drug Evaluation and Research
CHMP	Committee for Medicinal Products for Human Use
COMP	Committee for Orphan Medicinal Products
CTTI	Clinical Trials Transformation Initiative
DIA	Drug Information Association
EC	European Commission
EMA	European Medicines Agency
ENCePP	European Network of Centres for Pharmacoepidemiology and Pharmacovigilance
EPAR	European Public Assessment Report
EU	European Union
EUPATI	European Patients' Academy on Therapeutic Innovation
EURORDIS	Rare Diseases Europe
FD&C	Federal Food, Drug, and Cosmetic Act
FDA	Food and Drug Administration
FDARA	Food and Drug Administration Reauthorization Act
FDASIA	Food and Drug Administration Safety and Innovation Act
FY	Fiscal Year
HTA	Health Technology Assessment
IAP	International Association for Public Participation
NDA	New Drug Applications
NORD	National Organization for Rare Disorders
MA	Marketing Authorisation
MDIC	Medical Device Innovation Consortium
MDUFA	Medical Device User Fee Amendments
MOU	Memorandum of Understanding
OHCA	Office of Health and Constituent Affairs
OPH	Open Public Hearings
PAS	Patient Affairs Staff
PCWP	Patients' and Consumers' Working Party
PDCO	Paediatric Committee
PDUFA	Prescription Drug User Fee Act

PEAC	Patient Engagement Advisory Committee
PEC	Patient Engagement Collaborative
PED	Patient Experience Data
PFDD	Patient-Focused Drug Development
PRAC	Pharmacovigilance and Risk Assessment Committee
PRP	Patient Representative Program
R&D	Research and Development
SAG	Scientific Advice Group
US	United States

General remarks:

In the interests of readability, the term “regulators” and “agency” is used throughout this document to refer to EMA and FDA.

1 Introduction

In many circumstances, engaging with the public has gained an increased importance during the past decades. Public bodies recognized the necessity to establish standards for the interaction with the public and for the incorporation of public's voice into their decision-making. One key driver in the healthcare arena incorporated public participation as a *right of the public* in ground-breaking consensus paper.

The World Health Organization declared in the Alma Ata in 1978:

*“The people have a **right** and **duty** to participate individually and collectively in the planning and implementation of their health care.”*

The concept of public participation enables the public to actively take part in policy decision-making and gives the public the opportunity to the public to shape the environment that affects public live in different areas in our society.

In the last few years, the role of the patients in the healthcare setting changed from patients being passive recipient towards patients being a partner actively involved in health care and treatment decision making (Tegenge, Moncur, Sololic, Forshee, & Irony, 2017). When patients are actively involved in aspects that affects their lives, it was found that this has a positive impact on treatment outcomes and adherence to treatment plans (Mühlbacher, Juhnke, Beyer, & Garner, 2016).

Various stakeholders involved in drug development and regulatory decision making i.e. industry, regulators or Health Technology Assessment bodies (HTA) have realized the value of patient's input and set themselves the commitments to partner with individual patients, patient organisations or patient advocates (i.e. caregivers) to learn more about different aspects like the burden of the disease, disease management, patient's needs and preferences also to increase transparency and acceptance of regulatory decisions ((FDA, 2016; Johnson & Zhou, 2016; Mühlbacher, Juhnke, Beyer, & Garner, 2016; Haerry, et al., 2018; Janssens, et al., 2019)

Before a medical product enters the market, it needs to be approved by a regulatory body. The approval is given based on a careful benefit-risk-assessment (BRA) by the regulators evaluating quality, safety, and efficacy data justifying the regulatory decision (FDA, 2020). In this context, regulators consider it increasingly important to include the patient perspective in the benefit-risk assessment to inform regulatory decision-making processes (Hoos, et al., 2015). Mainly, it is acknowledged that patients suffering from

a disease could weigh risks differently than a regulator who takes a decision only based on the scientific data provided by the applicant (EMA, 2013; Mühlbacher, Juhnke, Beyer, & Garner, 2016; Ho, et al., 2015).

Nearly two decades ago, the European Medicines Agency (EMA) and the US Food and Drug Administration (FDA) laid their foundation for interacting with patients. The EMA and the FDA have implemented various programs and initiatives with the aim to enhance the interaction with patients and to incorporate patient's perspectives and preferences into regulatory decision-making process (EMA, 2014) (FDA, 2016). In 2016, the EMA and EMA established a cross-agency program to foster knowledge sharing about patient involvement in regulatory decision-making across both agencies (FDA, 2018).

At present, there are no requirements set by the EMA or the FDA to include patient preference data into the marketing authorization application documents to inform benefit-risk evaluation of a medicinal product. Patient preference data can be provided on a voluntary basis by the Applicant. Both agencies consider patient preference data if submitted by the Applicant, but they also consult with patients during benefit-risk assessment when the agencies consider it valuable to obtain meaningful patients view especially for those medicinal products addressing areas with significant unmet need. The agencies set themselves actions to continuously work on the implementation of their commitments and they define new goals to further enhance the interactions with patients with the aim to develop methods to gain meaningful patient input (FDA, 2018) (EMA, 2020).

The present master thesis will focus on how patient perspectives is incorporated in the BRA process of a medicinal product at the EMA and the FDA. The objective of this master thesis is to evaluate how patient perspective is considered by the agencies and at which level the agencies consult with patients to obtain patients perspectives during the BRA of a medicinal product. This thesis includes a theoretical model for public participation which is presented with the attempt to establish an interconnection between patient participation and regulatory decision-making processes. A summary of potential challenges associated with patient perspectives in BRA is also presented, please refer to chapter 2. In Chapter 3 and 4, the regulatory framework and current initiatives of including patient perspective into BRA of a medicinal product at the EMA and FDA are described. In Chapter 5, an evaluation is provided (1) assess the type of

methods which are used by both agencies to involve patients in benefit-risk assessment process. Furthermore, it will be investigated for (2) which type of medicinal products the EMA and FDA primarily consider the involvement of patients. The next step is to examine (3) how transparent patient involvement has been documented in regulatory assessment reports which are publicly available. In chapter 6 the results of the evaluation are discussed.

2 General Aspects of Patient Participation in Regulatory Decision-Making

In the available literature, different terms are used to describe the consideration of the patient's view such as "*Patient Engagement*", "*Patient Involvement*", "*Patient Perspective*", "*Patient Input*", "*Patient Voice*", "*Patient-focused*", "*Patient Centricity*", "*Patient Preference*" (du Plessis D, Morgan, Georgieva, & Bertelsen, 2017; Falchetto, 2020; Geissler, Ryll, di Priolo, & Uhlenhopp, 2017; Lowe, et al., 2016; MDIC, 2015; Tegenge, Moncur, Sololic, Forshee, & Irony, 2017; FDA, CDER Patient-Focused Drug Development, 2020; EMA, 2017; Benz, Saha, & Tarver, 2020). Sometimes the impression could arise that the terms are often used interchangeably. However, concepts may be different in terms of the level of participation and the level of influence by the patients in decision-making processes (IAP, 2018). In the next subsection, the theoretical concept of public participation is presented to embed the regulators' interaction with patients in decision-making processes into context.

2.1 Concept of Public Participation

The concept of public participation is not a recent intervention. The debate about public participation as such and different levels of public participation goes back to the late 60s. Sherry R. Arnstein has published "*A Ladder of Citizen Participation*" in 1969 in the Journal of the American Institute of Planners. With this substantial contribution Arnstein set an import milestone in the delimitation of citizen participation. She developed an eight-rung ladder. Each rung stands for a different level of participation i.e. (1) manipulation, (2) therapy, (3) informing, (4) consultation, (5) placation, (6) partnership, (7) delegated power, and (8) citizen control. According to Arnstein only the highest rung is the real citizen participation. But what she has impressively highlighted in the following statement is that public participation should not be tokenistic:

„There is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process.“ (Arnstein, 1969, p. 216)

She equates public participation with *power* and *control* that implies public participation can only be successful by the seizure of power without taking into account the usage of different methods and the intensity of public participation. Furthermore, the hierarchical structure of the ladder does not provide the flexibility needed to establish appropriate public participation programs (Tritter & McCallum, 2006).


Many years have passed since 1969, further concepts have been developed and evolved over time to adequately reflect the needs of our today’s understanding of public participation. Creighton (2005) defines public participation as follows:

*“Public participation is the **process** by which the public concerns, needs, and values are **incorporated** into governmental and **corporate decision making**. It is a **two-way communication and interaction**, with the **overall goal of better decisions that are supported by the public** “*

According to the definition public participation is not a one-time event. It is more than simple completing of a voting paper. It is a dialogue. The author does not specify further which level of participation is required in order to meet the expectations on both sides. It is important to consider that the expectation on public participation among the stakeholder can be different (Arnstein, 1969; Creighton, 2005; IAP, 2018). The International Association for Public Participation (IAP) founded in 1990 established a two-dimensional *Public Participation Spectrum* presenting five level of public participation which has become an international standard (**Tab. 1**).

Table 1 IAP2's Public Participations Spectrum

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Increasing Impact on the Decision 

Source: Adapted with permission from IAP2 (2018)

With this tool, IAP is providing definitions about the role of the public in each level that helps the user to easily identify the appropriate level of public participation. The tool also indicates to which extent the public can potentially influence decision-making. It is important to understand that the different levels are no stages that requires the completion of the previous one before the next level can be started. All levels need to be read independently from each other. The only relation that could be derived from table 1 is: The higher the level of participation the higher the level of influence by the public on decision-making processes. According to Creighton (2005, p.11), the appropriate level of public participation is selected based on the context and the complexity of the decision. It might be of value to evaluate the appropriateness of the selected level during the course of the decision-making process and to adapted according to the objectives. Interestingly, different stakeholders may have different expectations towards public participation. The selection can be influenced by the different views and by the user assuming to know how the public may want to contribute. It does not necessarily mean that the selected level of public participation meets the expectation of the public or other way around.

There is a challenge to identify the appropriate public participation method. The *Public Participation Spectrum* does not provide any recommendations on public participation methods that can be used at each level. There might be methods that apply to all levels requesting feedback from the public i.e. *consult, involve, collaborate, and empower*. The selection of an appropriate public participation method is a multifactorial decision and requires different factors to be taken into account, e.g. the context, the definition of the public participation goal, the purpose of the public participation project, the expectations of the stakeholder (Rowe & Frewer, 2000, p. 24ff).

In the public domain there are a number of methods described that can be used to plan public participation programs. Rowe & Frewer (2000, p. 7ff) presented an overview on potential public participation methods (**Tab. 2**).

Table 2 Formalized Public Participation Methods

Participation Method	Nature of Participation	Time Scale/Duration	Characteristics/Mechanism
Referends	Potentially all members of national or local population; realistically, a significant proportion of these.	Vote cast at single point in time.	Vote is usually choice of one of two options. All participants have equal influence. Final outcome is binding.

Participation Method	Nature of Participation	Time Scale/Duration	Characteristics/Mechanism
Public hearing/inquires	Interested citizens, limited in number by size of venue. True participants are experts and politicians making presentations.	May last many weeks/ months, even years. Usually held during week- days/working hours.	Entails presentations by agencies regarding plans in open forum. Public may voice opinions but have no direct impact on recommendation.
Public opinion survey	Large sample (e.g., 100s or 1,000s), usually representative of the population segments of interest.	Single event, usually lasting no more than several minutes.	Often enacted through written questionnaire or telephone survey. May involve variety of questions. Used for information gathering.
Negotiated rule making	Small number of representatives of stakeholder groups (may include public representatives).	Uncertain: strict deadline usually set: days/weeks/ months.	Working committee of stakeholder representatives (and from sponsor). Consensus required on specific question (usually, a regulation).
Consensus conferences	Generally, ten to sixteen members of public (with no knowledge on topic) selected by steering committee as "representative" of the general public.	Preparatory demonstrations and lectures (etc.) to inform panelists about topic, then three-day conference.	Lay panel with independent facilitator questions expert witnesses chosen by stakeholder panel. Meetings open to wider public. Conclusions on key questions made via report or press conference.
Citizens' jury/panel	Generally, twelve to twenty members of public selected by stakeholder panel to be roughly representative of the local population.	Not precise but generally involve meetings over a few days (e.g., four to ten).	Lay panel with independent facilitator questions expert witnesses chosen by stakeholder panel. Meetings not generally open. Conclusions on key questions made via report or press conference.
Citizen/public advisory committee	Small group selected by sponsor to represent views of various groups or communities (may not comprise members of true public).	Takes place over an extended period of time.	Group convened by sponsor to examine some significant issue. Interaction with industry representatives.
Focus groups	Small group of five to twelve selected to be representative of public; several groups may be used for one project (comprising members of subgroups).	Single meeting, usually up to two hours.	Free discussion on general topic with video/tape recording and little input/direction from facilitator. Used to assess opinions/attitudes.

Source: Adapted from Tab. 1 in Rowe & Frewer (2000, p 8ff)

The level of influence may vary among the different public participation methods. Rowe & Frewer (2000, p. 19ff) identified in their paper that the level of influence on decision-making are highest for negotiated rule-making processes and referenda, whereas for public hearing the level is rather moderate because the communication is more oriented in one direction. The public have the opportunity to give presentations about their concerns, but there are often no real dialogues. The influence of consensus conferences, of citizens' jury or panel, and of public advisory committees may vary and be impacted by different factors i.e. "[...] intentions and expectations of the institutions being advised" (Rowe & Frewer, 2000, p. 23).

The clarification of the theoretical framework is important to understand the complexity of *public participation* in decision-making processes and need to be considered in the development of public participation programs and initiatives. Public participation is negotiable. Seeking dialogue with all relevant stakeholder should be the preferred way of communication and can be beneficial in the selection of the appropriate level and method of public participation.

In the next subsection, patient participation in regulatory decision-making processes is discussed.

2.2 Patient Participation in Regulatory Decision-Making Processes

Involving patients in regulatory decision-making processes by the regulators has already been established for three decades at the EMA and FDA. Both agencies worked out areas where patients input is of value. As it has been outlined in the previous subsection, there are different level and methods of public participation. The aim of this subsection is to identify the level of patient involvement and the methods implemented by the EMA and FDA to allow patients to participate in regulatory decision-making processes. Detailed overviews on the initiatives and programs initiated by the agencies are presented in section 4 and section 5.

2.2.1 Level of Patient Participation at the European Medicines Agency

The EMA has developed a "*working methodology*" which resembles the IAP2 Spectrum of Participation developed by the International Association for Public Participation. The "*working methodology*" consists of four level of stakeholder involvement (**Tab. 3**) with the aim to provide a structured framework to ensure transparent and efficient communication and interaction with the various stakeholder

including “patients and consumers” (EMA, 2016). However, there are discrepancies in the details of both working methodologies. In comparison to the IAP2 Spectrum of participation, the EMA is covering 4 levels of the IAP2 spectrum. If “cooperate/participate” in the EMA’s “working methodology” is equal to “collaborate” in the IAP2 spectrum. This cannot be confirmed, as the EMA to not refer to the IAP2 spectrum. The level of involvement “empower” as outlined in the IAP2's Public Participations Spectrum, is entirely absent in the EMAs “working methodology”.

Table 3 EMA’s Level of Stakeholder Involvement

Level of Involvement	Type of Involvement
Inform	E.g. announcement of review of policy or guidance; information days
Consult	Written – e.g. public consultation on policies or guidance, surveys
Consult and Involve	Direct interactions – e.g. stakeholder meetings, workshops, stakeholder conferences, public hearings
Cooperate/participate	Direct interactions - e.g. technical expert groups (Telematics, ENCePP, focus groups, technical expert groups, as appropriate

Source: Adapted and modified from EMA stakeholder relation management framework (EMA, 2016)

The EMA established a wide variety of methods to engage with patients in regulatory activities (EMA, 2016). The EMA have established a platform to continuously *inform* their stakeholder about their regulatory processes and about activities ahead requiring patient involvement. The decisions taken for a medicinal product will be made available to the public on the EMA homepage as European public assessment reports (EPAR).

The EMA *consults* with patients to review regulatory documents relevant for the public i.e. package leaflets and safety communication before being made public, but the EMA is also seeking for patients input in the review of guidance documents to ensure that patients’ perspective is considered (EMA, 2016).

The Pharmacovigilance Risk Assessment Committee (PRAC) recently established public hearings to *consult and involve* the public including patients or patient organisations to obtain input for and experience with a particular medicinal product. The public is invited to support PRACs scientific safety review and decision-making process with their contribution (EMA, 2018) (EMA, 2018). Furthermore, patients can become formal members in scientific committees, working parties and the EMA Management Board. They can also be consulted as experts in scientific advisory group (SAGs) and ad-hoc expert group meetings (AHEG) to inform benefit-risk assessment

of new medicinal products. The EMA established in 2006 the Patients' and Consumers' Working Party (PCWP) representing the interest of patients and consumers at the EMA and in scientific committees (EMA, 2020). Over the time the EMA built a significant network of patient organisations and individual patients which can be consulted to obtain patient input for specific topics.

2.2.2 Level of Patient Participation at the U.S. Food and Drug Administration

At the FDA, no methodological framework about the level of patient participation exists. However, the FDA (2017) published an “*inventory of activity*” including the following five main activities: “*Host & attend meetings*”, “*Respond to requests*”, “*Outbound communications*”, “*Solicit target input*”, and “*Inform regulatory decisions*”. The inventory provides an overview on the activities to engage with patients and outlines the responsibilities per relevant department i.e Office of Health and Constituent Affairs (OHCA), Center for Drug Evaluation and Research (CDER), Center for Biologics Evaluation and Research (CBER), or Center for Devices and Radiological Health (CDRH) (FDA, 2017). The FDA offers different initiatives as part of the activity “*Host & attend meetings*”. The FDA consults with patient representatives in Advisory Committees on scientific product related or on strategy related topics. Expertise from patient representatives can be requested in more than 60 FDA Advisory committees and panels for medicinal products and medical devices (FDA, 2020).

Since 2012, the FDA is engaging with patients on topics related to different disease areas. The FDA conducted 26 FDA-led Patient-Focused Drug Development (PFDD) meetings to specifically obtain patients input on different aspects that i.e. arise by living with a particular disease with the aim to support regulatory decision-making (FDA, 2020). The FDA empowers patient organisations to organise externally led PFDD meetings following the concept of the FDA-led PFDD meetings. In addition to the formal PFDD meetings, the FDA is collaborating with the National Organization for Rare Disease (NORD) to conduct Patient Listening Sessions specifically on rare diseases which are not covered by the formal PFDD meeting program. The Patient Listening Sessions can be requested by the FDA or can be initiated by patients which are held in an informal manner without public involvement (FDA, 2020). Furthermore, the FDA involves patients in different types of public hearings i.e. to gain patients perspective on guidance documents or during the advisory committee meetings (FDA, 2013).

As part of the “*Outbound communication*”, the FDA operates a large network of patient representatives who are registered via Patient Representative Program (PRP) (FDA, 2018). The OHCA is responsible for managing the PRP as one example for the “*Inform regulatory decisions*” activity.

The FDA also offers a portal to enable patients and other stakeholder, excluding industry, to ask questions to the FDA or to request a meeting like Patient Listening Sessions which are facilitated by the FDA Patient Affairs Staff (PAS) team (FDA, 2019).

2.2.3 Cross-Agency Program between European Medicines Agency and U.S Food and Drug Administration

In 2016, the FDA and EMA established a *Patient Engagement Cluster* as a platform for the exchange of experiences in the interactions with patients and methods that has been established by both agencies (EMA & FDA, 2016) (FDA, 2018). As one outcome of mutual learning, the FDA was inspired by EMA’s experience with its well-established PCWP. The FDA together with the public-private partnership Clinical Trials Transformation Initiative (CTTI) established a Patient Engagement Collaborative (PEC) following the concept of the EMA’s PCWP.

Regulators are engaging with patients in different ways. However, it is detrimental to identify potential challenges of patient participation in order to gain meaningful input from patients. These challenges are discussed in the following subsection.

2.3 Potential challenges of Patient Participation

Broadly spoken, when involving stakeholders in general, it is always necessary to pay particular attention to the potential challenges that can occur on the side of the regulators but also on the side of the patient representatives. Patient representatives report different challenges when involved in regulatory activities which need to be considered in order to develop measures to overcome them. Those challenges are not only organisational in nature but may be associated with managing limited resources and deficits related to specific content (EMA, 2019). This can be both related to the lack in regulatory background knowledge or scientific aspects (Kuehn, 2018).

The EMA and the FDA have implemented an assessment process to evaluate the aptitude of the patient organisations and the individual patients (EMA, 2018; FDA, 2018). Potential patient representatives need to fulfil a set of eligibility criteria and

receive a training before entering into operation with the agencies. In the US, FDA patient representatives serve as Special Government Employees at the FDA comparable to temporary workers (FDA, 2018).

Both agencies are providing comprehensive training and patient-facing materials on their websites to patients. The materials can be easily accessed like e.g. “EMA Basics” to make regulatory processes more transparent and understandable, or e.g. “FDA – When a patient speaks” videos to prepare the patients for the work in the FDA Advisory committees. At the EU level, there are a number of important initiatives to train patients. The European Patients’ Academy on Therapeutic Innovation (EUPATI) provides guidance to the regulators for the interaction with patients and also offers a 14-month patient expert training in medicines research and development including learning content on medicines regulation to the patients (EMA, 2020; EUPATI, 2020). In addition, patient organisations like the Rare Diseases Europe (EURORDIS) are also offering a very extensive modular training program including topics like the European regulatory framework, benefit-risk assessment and pharmacovigilance, regulatory processes at the EMA, and patient interactions with the EMA (EURORDIS, 2020).

Regulators need to deal with two essential challenges. One challenge is to decide at which timepoint patients needs to be involved and the second challenge is if the patient community is adequately represented to learn what matters most to the entire patient community in a specific disease area to inform regulatory decision-making (Mühlbacher, Juhnke, Beyer, & Garner, 2016; Postmus, et al., 2016; Kuehn, 2018) There is a common consensus that patient perspective is of utmost value in areas of unmet medical need (EMA, 2014; Biotechnology Innovation Organization & Parent Project Muscular Dystrophy, 2016; van Overbeeke, et al., 2019).

3 Regulatory Framework governing Patient Participation in Benefit-Risk-Assessment in the EU

In the EU, interaction with patients is legally embedded in European legislation (see section 3.1). Starting from there, the EMA is continuously working on establishing processes and initiatives to translate the legislation into practice and to enhance the interactions with patients (see section 3.2). Involving patients in the BRA process was successfully demonstrated in a pilot project conducted by the EMA in 2014. Patients were involved in oral explanation meetings for selected products to inform regulatory decision making (see section 3.3.). Patients can be consulted in BRA procedures if the agency deems this to be necessary. The CHMP and the PRAC are the two committees of the EMA that perform BRA of medicinal products. In section 3.4, an overview is provided to demonstrate how patients are involved in BRA today, what tools are used to document patient involvement, and by which method it is presented to the public.

3.1 Legal Framework

The legal foundation for patient representation at the EMA has been defined by the Article 78 of Regulation (EC) No. 726/2004 which regulates the involvement of patient representatives as advisor in EMA scientific committees and in the EMA Management board. The involvement of patient representatives in four of six scientific committees such as the Committee for Orphan Medicinal Products (COMP), the Paediatric Committee (PDCO), the Committee for Advanced Therapy (CAT) and Pharmacovigilance Risk Assessment Committee (PRAC) is regulated in the following provisions (chronological order):

Article 4 (3) of Regulation (EC) No 141/2000 on orphan medicinal products regulates the patient involvement in the COMP:

*(3) The Committee shall consist of one member nominated by each Member State, **three members nominated by the Commission to represent patients' organisations** and three members nominated by the Commission on the basis of a recommendation from the Agency.*

Article 4 (1.d) of Regulation (EC) No 1901/2006 on medicinal products for paediatric use is the legal basis for patient involvement in the PDCO:

*(d) **three members and three alternates** appointed by the Commission, on the **basis of a public call for expressions of interest**, after consulting the European Parliament, in order to **represent patient associations**.*

Article 21 (1.d) of Regulation (EC) No 1394/2007 on advanced therapy medicinal products provided legal framework for patient involvement in the CAT:

*(d) **two members and two alternates** appointed by the Commission, on the **basis of a public call for expressions of interest** and after consulting the European Parliament, **in order to represent patients' associations***

Articles 61a (d) of Regulation (EU) No 1235/2010 set the legal requirement in involve patients in the PRAC:

*(d) **one member and one alternate member** appointed by the Commission, **on the basis of a public call for expressions of interest**, after consulting the European Parliament, in order to represent patient organisations.*

The number of patient representatives varies across the different Committees. Compared to the CAT and the PRAC, the Regulation on orphan medicinal products does not foresee the nomination of an alternates. Referring to the previous mentioned legislations, committee members are nominated for a 3-year mandate with the option of renewal of three more years.

In addition to the patient representation in the PRAC as outlined above, the PRAC can call for public hearings during safety assessments, if it is deemed necessary. The Article 107j (2) of Directive 2001/83/EC provides the legal basis for this activity. Further patient input is requested per European legislation in case of safety aspects. The pharmacovigilance Regulation (EC) No 1235/2010 and Directive 2010/84/EU defines the legislative framework for the involvement of patients in the reporting of suspected adverse reactions.

The legal framework for involving patients in EMA's work is described in this chapter. In the next chapter, a historical outline and an overview summarizing EMA's initiatives and programs further elaborating on the information discussed in subsection 2.2 are presented.

3.2 Overview of Initiatives and Programs at the EMA

The EMA has a long history of interacting with patients. Since its foundation, EMA is committed to partner with patients starting with the first patient dialogues in 1996 (Fig. 1) (EMA, 2014). As outlined in the previous section, the involvement of patient representatives as committee members was introduced for the first time in European legislation on orphan medicines in the year 2000.

Key milestones of EMA interaction with patients and consumers

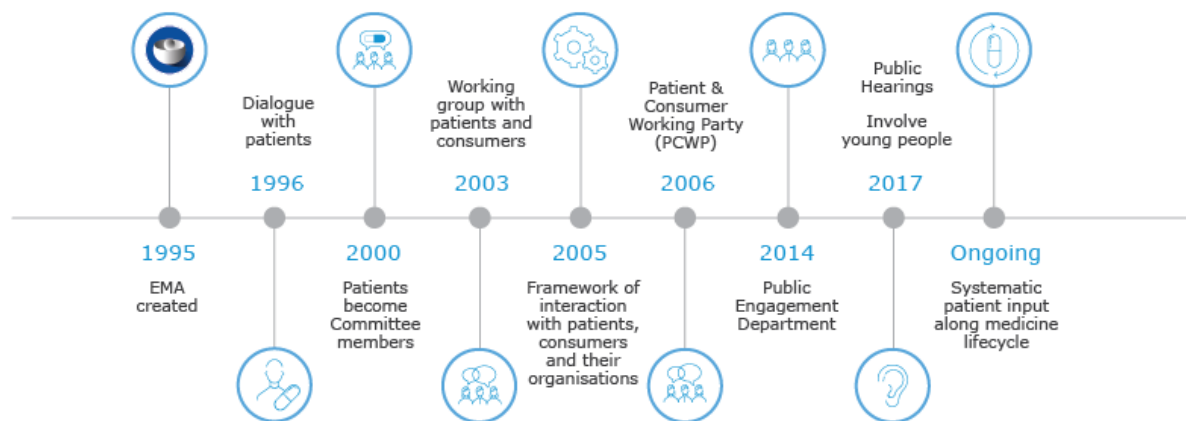


Figure 1 Key Milestones of EMA Interaction with Patients and Consumers

Source: Adapted from EMA Homepage - Patients and Consumer (EMA, 2020)

In 2003, a working group with patients and consumers was implemented for the first time at the EMA, which led to the emergence of the current Patients' and Consumers' Working Party (PCWP) in 2006 to comply with the obligation of the Article 78 (1) of Regulation (EC) No. 726/2004 to establish “[...] *contacts between the Agency and the representatives of [...] consumers and patients [...]*”. The PCWP acts as an important connector between the authority and patients to represent the interests of the patient community in the authority, but also to provide advice in scientific committees and to contribute to the strategic objectives of the EMA. The working group brings together representatives of the Agency and patient organizations (EMA, 2019). The EMA translated the aforementioned legal provision into a strategic framework for the interaction with patients and consumers which was adopted for the first time in 2005 and is available in its amended form since 2014 (EMA, 2014). In this framework, the

EMA has defined the following objectives for the interaction with patients and consumers:

- “1. Facilitate participation of patients and consumers in benefit/risk evaluation and related activities, to capture patients values and preferences and obtain information on the current use of medicines and their therapeutic environment, all along the lifecycle of the medicines, from early development throughout evaluation and post-marketing surveillance;*
- 2. Ensure that patients, consumers and their representative organisations are listened to and consulted and where appropriate involved in the development of EMA policies and plans;*
- 3. Enhance patients and consumers’ organisations understanding of the mandate and role of the Agency and the EU Regulatory Network within the context of the development, evaluation monitoring and provision of information on medicines;*
- 4. Optimise communication tools (content and delivery) to facilitate and encourage the cascade of information to the constituencies of patients and consumers’ organisations (i.e. to reach out to individual patients and consumers) with the aim of supporting their role in the safe and rational use of medicines;”*

Furthermore, the EMA has adopted a higher-level management framework in 2016 in which the EMA has defined overarching principles for the interaction with all key stakeholders to ensure a structured and transparent way of working and a trusting relationship with patients across the agency (EMA, 2016). In 2014, the EMA built-up a Public Engagement Department ensuring that these principles are followed.

As already mentioned in the previous chapter, the PRAC issues public hearings during a referral process with the aim to obtain feedback from a wider public on safety aspects concerning a particular medicinal product like the acceptability of risks and the measures proposed by the PRAC i.e. recommendation on additional risk minimisation measures. An example would be the implementation of educational material or incorporation of safety restrictions in the product information.

The following two meetings were held in the past (EMA, 2017) (EMA, 2018):

- 2017 - Valproate and related substances (28 out of 65 participants were patients/patient representatives)
- 2018 - Quinolone and fluoroquinolone antibiotics (40 out of 69 participants were patients/patient representatives)

After the first public hearing, the EMA performed an evaluation of the entire public hearing process based on feedback received via a survey which was provided to all participants. Interestingly, the public participants who responded to the survey judged the guidance document for public hearings covering the entire public hearing process very helpful. The majority of participants appreciated the information received before the public hearing and the introductory presentations given at the beginning of the hearing. The participants also felt that the PRAC was a good listener and engaged during the hearing. Not all participants confirmed that the meeting contributed to a better understanding of EMA’s work. However, all meeting participants who responded to the survey found the event a positive experience (EMA, 2018).

Patients are involved in EMA activities based on the scope of representation (**Fig. 2**). There are patients representing the entire patient community in the EMA management board and in the scientific committees as standing members, whereas other patients are representing specific patient organizations. These are more likely involved in PCWP and more focused EMA consultations other than SAG/AHEG to present the view of the entire patient community. Individual patients are more involved in EMA activities that require advice on a specific topic on an ad-hoc basis i.e. SAG, AHEG or review of documents to bring in individual experiences by living with a particular disease (EMA, 2020).

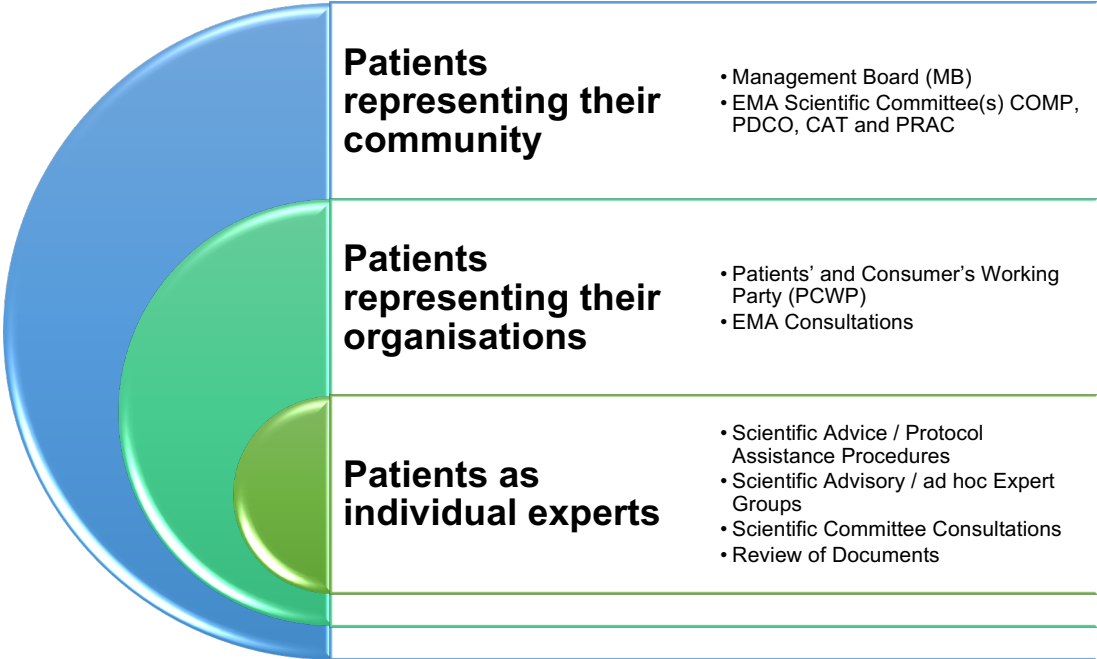


Figure 2 Overview of Patient Involvement in EMA Activities and Scope of Representation
 Source: Adapted from EMA Homepage - Getting involved (EMA, 2020)

Patients are involved throughout the entire lifecycle of a medicinal product at the EMA. This can be either for aspects associated with orphan drug applications, pediatric investigational plan applications or scientific advices in the pre-submission phase or during the evaluation of an initial marketing authorization application. As PRAC and CHMP are also responsible for the evaluation of BRA during the post-authorisation phase, patients can also be consulted for any activities which requires patient input i.e. public hearings or variation applications (EMA, 2020).

Table 4 Patient Involvement in EMA Activities

Patient involvement in EMA activities (interactions)	2015	2016	2017	2018	2019
Scientific advice/protocol assistance	76	82	158	107	143
SAGs/ad-hoc expert meetings	23	28	46	37	46
Scientific committee/working party consultations	24	50	104	112	355
Workshops	115	141	138	N/A*	N/A*
Working groups and other ad-hoc activities	313	290	269	N/A*	N/A*
Patient membership in MB, committees, working parties	55	58	59	59	57
Document reviews conducted by patients and consumers	137	120	176	178	169
Total	743	769	950	552	770

* Following implementation of EMA's Business Continuity Planning in 2018, quantification of these activities has been discontinued.

Source: Adapted and modified from EMA Annual Report 2019 (2020, p. 77)

Over the last 5 years the patient involvement in EMA activities has overall increased (**Tab. 4**) (EMA, Annual Reports 2019, 2020). However, the EMA recorded a decline in the total number of patient interactions in 2018, whereas the patient involvement in Scientific committee/working party consultations increased strongly since 2015. The decline is attributable to the implementation of EMA's Brexit Preparedness Business Continuity Plan in response to the upcoming BREXIT and loss of employees associated with the move to Amsterdam. Some activities were temporarily suspended as a measure of maintaining business continuity of the EMA (EMA, 2017). The EMA conducts surveys on its communication activities every two years as a measure "to monitor the interaction" with its stakeholders as described in the *EMA stakeholder relations management framework*. The last survey was completed in 2017, the subsequent survey was postponed to 2020 which is currently running. In the 2017 survey, 252 out of 615 responses were provided by EMA stakeholders. 16% of 252 respondents were members of patient and consumer organisations. About two-thirds of the stakeholders in the survey agree that the "EMA engaged sufficiently with

stakeholders” and the “*EMA was as good or better at engagement than other organisations*” (EMA, 2018). However, the data needs to be interpreted with caution as, it is reasonable to assume that only stakeholders who already interact with the Agency have primarily answered the survey (EMA, 2018).

In March 2020 the EMA adopted the “EMA Regulatory Science to 2025” for veterinary and human medicine. In this paper, the EMA describes the overall strategy for regulatory science for the next five years to prepare for the tasks in response to a rapidly changing and complex innovative pharmaceutical environment:

“The regulatory science strategy to 2025 aims to build a more adaptive regulatory system that will encourage innovation in human and veterinary medicine,” said Guido Rasi, EMA’s Executive Director.

For the generation of this strategic document, the EMA actively involved from the beginning patient representative groups in the development process. Two stakeholder workshops were held in October 2018 and in November 2019 to gain input from various stakeholder including patient representations groups. The Regulatory Science was also subject of a consultation process to get input from the wider public. Five strategic goals were identified (**Fig. 3**). The objectives highlighted in green include potential areas where patient involvement is considered important. Furthermore, the EMA aims to enhance benefit-risk assessment and the communication to the public. Most important for the evaluation of this master thesis, the EMA committed to include patient preference to inform the benefit-risk assessment by developing guidance documents about patient preferences studies and internal procedures on how to manage patient preference data in the regulatory decision-making process.

The involvement of patients in benefit-risk assessment performed by the EMA is one essential component of this master thesis. In the following section, a selected example of patient involvement in the BRA process of the EMA is described in more detail.

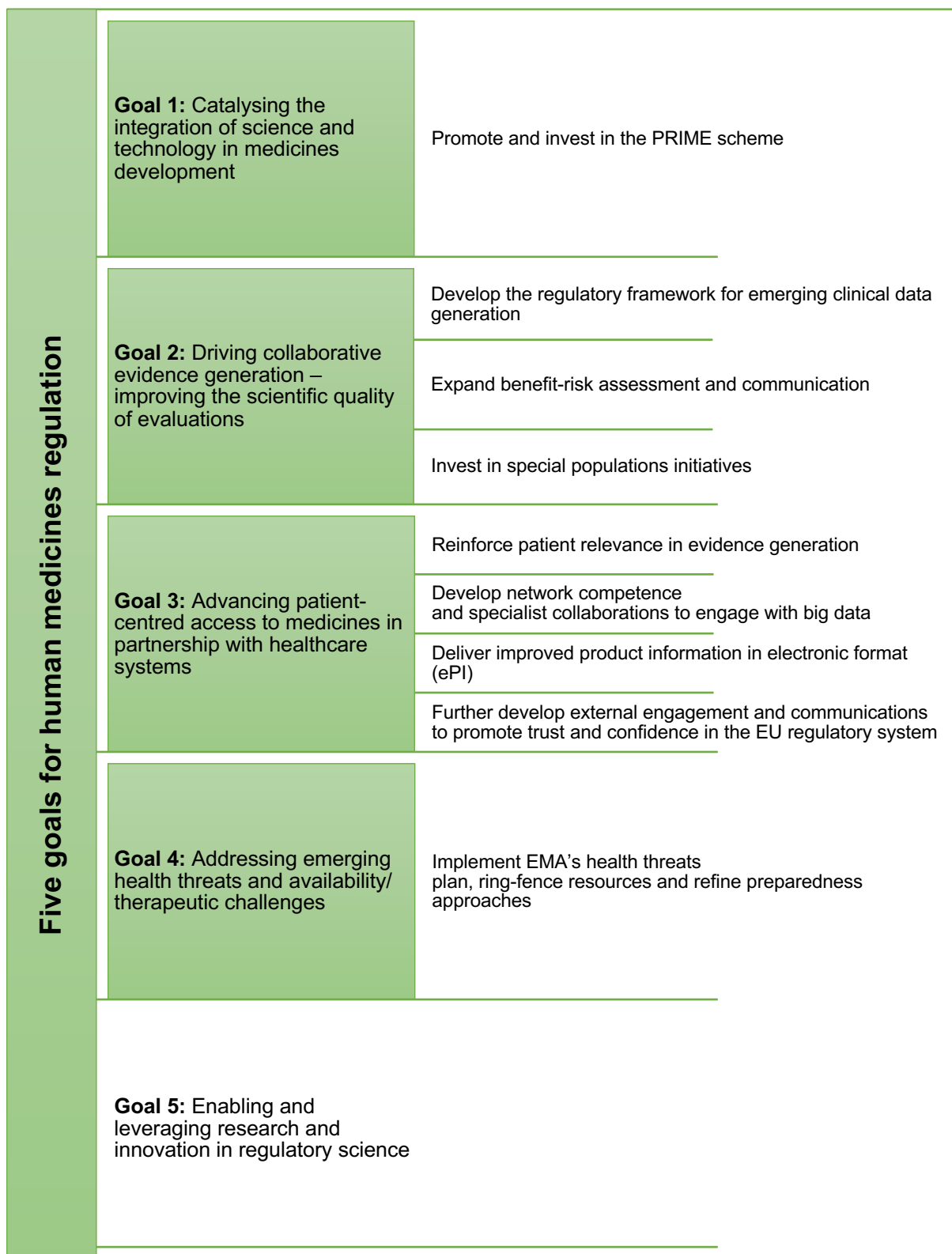


Figure 3 EMA Regulatory Science to 2025 - 5 Goals for Human medicines Regulation

Source: Own presentation based on EMA Regulatory Science to 2025 (EMA, 2020)

3.3 Pilot Project on the Involvement of Patients in Benefit-Risk Assessments

In 2014, the EMA initiated a pilot project to directly involve patients in the benefit-risk discussions at CHMP meetings. As outlined in section 3.4, patients are involved in the BRA process as experts as part of SAGs and AGEHs consulted on an ad-hoc basis (EMA, 2014). The scope of the pilot project was to expand the patient involvement to oral explanations as part of the BRA (EMA, 2014). The pilot project was conducted in the time period from 2014 - 2016 and comprised six oral explanation (OE) for five selected products (**Tab. 5**) (EMA, 2017). Oral explanations are verbal meetings which can be either requested by the EMA or by the Applicant. OEs are usually convened when there are still major concerns and outstanding issues brought up by the agency towards the end of the BRA process. The applicant is given the opportunity to comment on the major concerns in oral form (EMEA, 2008).

Table 5 Medicinal Products involved in the EMA Pilot to involve Patients in B/R Discussions

Invented name	Scenesse	Intuniv	Tecfidera	Kyndrisa	Translarna
Active Substance	Afamelanotide	Guanfacine	Dimethyl fumarate	Drisapersen	Ataluren
Proposed indication	Treatment of erythropoietic protoporphyria (EPP)	Treatment of ADHD in children & adolescents	Treatment of multiple sclerosis	Treatment of Duchenne muscular dystrophy	Treatment of Duchenne muscular dystrophy
Timing oral explanation	September 2014	June 2015	October 2015	May 2016	<u>1. OE:</u> June 2016 <u>2. OE:</u> November 2016
Underlying Procedure	Initial Marketing Authorisation	Initial Marketing Authorisation	Referral	Initial Marketing Authorisation	Initial Marketing Authorisation
Outcome	Approved 22/12/2014	Approved 17/09/2015	Approved 30/01/2014	Withdrawn by Applicant 31/05/2016	Approved 31/07/2014

Source: Own presentation based on EMA Outcome Report on Pilot to involve patients in benefit/risk discussions at CHMP meetings (EMA, 2017)

Abbreviation:

QE = Oral explanation

In total, 14 patients were involved in the pilot project. The products were considered eligible for the pilot project if the responsible rapporteur together with the EMA Product Lead decided that an oral explanation is required for the decision-making process. The patient representatives were supported before and during the oral explanation by EMA employees and members from PCWP. Patients were able to present their views and ask questions, however they were excluded from voting.

Interviewed after the meetings, all patients felt well prepared in terms of sufficient level of product-specific and role-specific aspects. The majority of patients confirmed that the patient perspective was specifically requested during the process, however not all patients were able to contribute to the oral explanation. Those who were able to ask questions or provide comment felt their contributions were considered for discussion during the oral explanation. Overall, the patients expressed that it was very positive experience for them. The feedback received from the CHMP members was largely positive. The vast majority had the impression that the patients were well informed about the topics and were able to provide useful contributions during the oral explanation. Overall, the 17 of 22 responders expressed that the involvement of patients in oral explanations was useful for the discussion. The EMA concludes that in the future patients will continue to be involved in oral explanations if required in that specific situation. However, the EMA also considers seeking patient input outside the formal framework of meetings from a wider audience (EMA, 2017).

In the next subsection it will be presented how patients are currently involved in the benefit-risk assessment process. It is briefly discussed which methods are used by the EMA to gain patients input as well as how the patient involvement and the input from the patient is documented in regulatory documents.

3.4 Patient Perspective in the Benefit-Risk Assessment by the EMA

The PRAC and the CMHP are those two committees performing benefit-risk assessments of medicinal products at the EMA. Patient representatives nominated as a member of the PRAC are directly involved in regulatory decision-making processes associated with the safety of a medicinal product. But patient representatives cannot be nominated as members of the Committee for Medicinal Products for Human Use (CHMP) responsible for regulatory procedures requiring a benefit-risk assessment i.e. initial marketing authorisations or any variations to the initial marketing authorisation (EMA, 2013). However, Article 56 (2) of Regulation (EC) No. 726/2004 provides the

legal foundation for the CHMP to consult with patient representatives via SAGs and AHEGs during the benefit-risk-assessment of a medicinal product and during the re-examination process, if required. In the context of a re-examination, the applicant has the opportunity to request a SAG consultation in accordance to Article 62(1) of Regulation (EC) No 726/2004.

For reasons of transparency, Article 61(8) of Regulation (EC) No 726/2004 requires the EMA to assure public availability of procedures involving working parties and SAGs publicly available. Following this request, the EMA published the following guidance documents associated with SAGs and AHEGs:

- Procedural Advice to CHMP Members (EMEA/361945/2007)
- Procedural Advice for CHMP on the need to convene a Scientific Advisory Group (SAG) or *Ad Hoc* Expert Meeting (EMA/CHMP/551508/2010)
- Mandate, objectives and rules of procedure for the scientific advisory groups (SAGs) and ad-hoc experts group (EMA/117014/2010)
- Incorporating patients' views during evaluation of benefit- risk by the EMA Scientific Committees EMA/413422/2013 – rev. 1)
- The role of members representing patients' and healthcare professionals' organisations on EMA Scientific Committees (EMA/351699/2018 revised).

In the context of the benefit-risk assessment, patient representatives are able to perform the following tasks (EMA, 2015):

- *Participation in scientific advisory / ad-hoc expert group meetings (SAGs) convened by CHMP or PRAC*
- *Respond to ad-hoc consultations on assessment of medicines from all Committees*
- *Review information on medicines: Package leaflets, European Public Assessment Report (EPAR) summaries, safety communications (Q&As)*

Patient representatives who are member of a SAG or AHEG are assigned as permanent experts to a particular SAG or AHEG. But the SAGs or AHEG will only be consulted on an ad-hoc basis by the requesting scientific committee in the following cases (EMA, 2010) (EMA, 2014):

- *When the CHMP is still undecided on a marketing authorisation application for a new medicinal product in an area where there remains an unmet medical need*

and would like to assess the impact of their recommendation on the relevant patient population;

- *When the PRAC and/or the CHMP would like to assess the impact of their recommendation, to maintain, suspend, revoke a marketing authorisation, or to restrict the indication of an authorised medicine, on the relevant patient population.*

The input of SAG or AHEG experts can be requested at different timepoints throughout the entire assessment process:

- Day 120, Day 180, prior to an oral explanation, during a re-examination procedure or during a post-authorisation procedure (EMA, 2008).

The Rapporteur, Co-Rapporteur or any CHMP member can request a SAG or AHEG meeting, if it is deemed important to get additional input from experts in the field. The CHMP is responsible for the preparation of the list of questions for the SAG or AHEG meetings and confirms whether input from additional experts is required for the evaluation process. If no patient representative is member of a particular SAG or AHEG, suitable patient experts will be invited to cover this part. The SAGs or AHEGs the outcome will be presented to the CHMP by the SAG or AHEG chair (EMA, 2008) (EMA, 2013). During the last five years, the number of SAG or AHEG consultation requests have increased. However, the number of consultations over the last three years has remained fairly constant (**Tab. 6**).

Table 6 Procedures with SAG or Ad-Hoc Expert Group Involvement

Procedures with SAG or ad-hoc expert group involvement (number of consultations)	2015	2016	2017	2018	2019
Marketing authorisation (new MAA, new MAA re-examination, art. 58)	7	8	14	19	15
Extension of indication (including line extensions)	2	6	3	10	3
Referral (including re-examination)	3	5	11	3	6
Guideline	1	0	1	0	1
Other topics (renewal, PSUR, signal, class review)	3	0	1	0	2
Total	16	19	30	32	27

Source: Adapted and modified from EMA Annual Report 2019 (2020, p. 76)

Table 7 EMA Overview on Assessment Reports

Day-80 Assessment Report Clinical Template with Guidance (Revision 02.20) ¹		
Section in the template	Subsection	Guidance
3. Clinical efficacy	N/A	The report should indicate whether additional expertise is needed e.g. a SAG meeting to address some unresolved clinical issues or the need for further assessment of pharmacovigilance issues.
Day-80 Assessment Report – Overview and D120 LOQ template with guidance (Revision 10.19) ²		
Section in the template	Subsection	Guidance
1. <Co><Rapporteur><CHMP> Recommendations	Questions to be posed to additional experts	<p>Identify the need for additional expert involvement (e.g. SAG, or pharmacovigilance expertise to for example review specific safety concerns or to assess the appropriateness and feasibility of draft protocols in the Pharmacovigilance) and the questions to be posed (e.g. need for pharmacovigilance plan?)</p> <p>Indicate if an Opinion is proposed to be requested from the PDCO related to aspects of the paediatric development.</p> <p>Special expertise in relation with novel emerging therapies (e.g. cellular, tissue products, gene therapy).</p>
3.2.13. Discussion on clinical efficacy	N/A	Describe uncertainties by mentioning what is the source of the uncertainty (e.g., missing data), what is the item that you are uncertain about (e.g., efficacy in a subgroup) and what are the possible coping strategies if possible (e.g., submit further data to reduce uncertainty; acknowledge through labelling changes; seek expert input). Key uncertainties that cannot be resolved should be described also under the benefit-risk assessment
3.2.13. Discussion on clinical efficacy	Additional expert consultation	No guidance available
3.2.16. Discussion on clinical safety	Additional expert consultation	No guidance available
5.7.2. Balance of benefits and risks		This assessment will require subjective judgements, but expert (from literature or expert meetings) and patient input as well as previous decisions for other products in the field should be taken into account and explained, if available

¹ https://www.ema.europa.eu/documents/template-form/day-80-assessment-report-clinical-template-guidance-rev0220_en.docx

² https://www.ema.europa.eu/documents/template-form/day-80-assessment-report-overview-d120-loq-template-guidance-rev-1019_en.doc

Day 150 Joint Response Assessment Report – Overview and list of outstanding issues template (revision 07.18)³

Day 120/180 Joint Response Assessment Report – Overview Template (Revision 07.18)⁴

Section in the template	Subsection	Guidance
1. <Joint Co-Rapporteur><CHMP> Recommendation	Questions to be posed to additional experts	No guidance available
3.3.6. Discussion on clinical efficacy	Additional expert consultation	No guidance available
3.3.9. Discussion on clinical safety	Additional expert consultation	No guidance available
5.7. Benefit-risk assessment and discussion	5.7.1. Importance of favourable and unfavourable effects	This assessment will require subjective judgements; expert and patient input (e.g., from literature or expert meetings, Scientific Advisory Groups) as well as relevant previous decisions should be taken into account and explained, if available.

(Co) Rapporteur (Joint) Assessment Report of the Grounds for the Re-Examination Procedure (Revision 06.12)⁵		
Section in the template	Subsection	Guidance
8. Questions proposed to be addressed to the SAG <name>	N/A	<p>The applicant has <not> requested a SAG.</p> <p>The Rapporteur has <not> recommended a SAG.</p> <p>The SAG should comment on the grounds for negative opinion in view of the grounds for re-examination submitted.</p> <p>In addition, the following questions are raised to the SAG in view of the grounds for re-examination:</p>

Patient involvement is documented in regulatory documents used in the BRA process. **Table 7** provides an overview on all regulatory templates including sections, subsections and guidance provided in the template that address patient involvement which are publicly available on EMAs webpage.

No further instructions are given in the templates with regards to required information to be included in the section for additional expert consultation. These documents will

³ https://www.ema.europa.eu/documents/template-form/day-150-joint-response-assessment-report-overview-list-outstanding-issues-template-rev-0718_en.doc

⁴ https://www.ema.europa.eu/documents/template-form/day-180-joint-response-assessment-report-overview-template-rev-0718_en.doc

⁵ https://www.ema.europa.eu/documents/template-form/co-rapporteur-joint-assessment-report-grounds-re-examination-procedure-rev-0617_en.doc

not be published for each centrally authorised product but serve as a basis for the public documentation.

According to Article 13 (3) of Regulation (EC) No 726/2004 the EMA is required to publish a public assessment report and public overview report for each centrally authorised medicinal product assessed by the CHMP in a clear and easy-to-understand format. The tool used for the publication is called European Public Assessment Report (EPAR) which includes the elements outlined in the following table (**Tab. 8**):

Table 8 Overview on the Content of the European Public Assessment Report

Section	Type of information
Overview	Public-friendly overview in question-and-answer format.
Authorisation details	Key details about the product and the marketing authorisation holder.
Product information	Package leaflet and summary of product characteristics; labelling; list of all authorised presentations; pharmacotherapeutic group; therapeutic indications.
Assessment history	Public assessment report for the initial authorisation; public assessment report(s) for any variation concerning major changes to the marketing authorisation; orphan maintenance assessment report or withdrawal assessment report (as of 17 January 2018); tabulated overview of procedural steps taken before and after authorisation.

¹ Source: Adapted and modified from EMA Homepage - European public assessment reports: background and context

In the EPAR, information about patient involvement is reflected in the public assessment report attached to the EPAR. An example of the elements included in the public assessment using the example of Mavenclad is given below. Mavenclad is centrally authorised for the treatment of adult patients with highly active relapsing multiple sclerosis (MS) as defined by clinical or imaging features. During the BRA of Mavenclad a SAG was consulted. The information about the consultations are addressed in the EPARs as follows (**Tab. 9**):

Table 9 Presentation of SAG Involvement in the EPAR - Public Assessment report

EPAR – Public Summary Report (Medicinal Product: Mavenclad) ⁶		
Section in the document	Subsection	Content
1.2. Steps taken for the assessment of the product	N/A	Type of expert consultation
2.5.1. Discussion on clinical efficacy	Additional expert consultation	Reason for consultation, list of question including the answers provided by the experts
2.6.1. Discussion on clinical safety	Additional expert consultation	

⁶ <https://www.ema.europa.eu/en/medicines/human/EPAR/mavenclad>

The EMA is continuously working to improve processes regarding the involvement of patients in benefit-risk assessment and to further optimize the documents relevant for the benefit-risk assessment of a medicinal product and for the public communication. In January 2020, the CHMP adopted a work plan for the year 2020 to define actions addressing these topics.

4 Regulatory Framework governing Patient Participation in Benefit-Risk-Assessment in the US

Patient participation plays an essential role in U.S. drug law. Interacting with patients has played an important role for the FDA ever since. However only since 2012, the request for the development of structured methodology to gain meaningful patient input in drug development and in the regulatory decision-making process of medicinal product is an integral part of FDA's legislation (see section 4.1). Over time, the FDA implemented several initiatives to strengthen the collaboration with patients (see section 4.2). The FDA meets with patients to gather insights into daily life when living with specific disease to inform regulatory decision-making processes. Importantly, the FDA is continuously working on the development of documents to provide guidance to the external stakeholders for eliciting meaningful patient input during the drug development. This helps to translate the feedback from patients into meaningful endpoints to support patient-focus drug development (see section 4.3). Patients can express their view in oral explanation meetings during the decision-making process of a medical product (section 4.4). The consideration of the patient's perspective is one important aspect in the FDA's structured Benefit-Risk-Assessment Framework. The patient involvement is documented in regulatory documents concerning products approved by the FDA. In June 2017, the FDA included a brief statement regarding patient experience data into the medical or clinical review template. This master thesis is focussing on the aspect of incorporating the patient perspective in the BRA process of medicinal products, information relevant to medical devices are not further analysed.

4.1 Legal Framework

Engagement with patients is an essential aspect of the legislation for medicines and medical devices in the US. A significant milestone was achieved with the implementation of the Food and Drug Administration Safety and Innovation Act (FDASIA) in 2012, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act), and which includes reauthorisation of the Prescription Drug User Fee Act (PDUFA) for the fifth time.

The foundation for *patient participation in medical product discussions* was defined by the section 1137 of the FDASIA that requires the FDA to

- *“(a) develop and implement strategies to solicit the views of patients during the medical product development process and consider the perspectives of patients during regulatory discussions, including by—*
 - *(1) fostering participation of a patient representative who may serve as a special government employee in appropriate agency meetings with medical product sponsors and investigators; and “*
 - *(2) exploring means to provide for identification of patient representatives who do not have any, or have minimal, financial interests in the medical products industry.”*

To meet the requirements, the FDA, together with various stakeholders, has developed performance goals and procedures for PDUFA V for the fiscal years (FY) 2013 - 2017. PDUFA was created by Congress in 1992 and authorizes the FDA to collect fees from pharmaceutical companies to ensure the funding of a 5-year-period and enable the FDA to allocate the necessary resources to enhance and accelerate approval processes. The PDUFA can be re-authorized every 5 years (FDA, 2020). As part of the re-authorization process, the FDA is developing commitments which need to be agreed by the congress and become part of the respective amendment to the FD&C act. With PDUFA V, the FDA committed to enhance benefit-risk assessment in regulatory decision-making by develop a five-year plan to

“further develop and implement a structured benefit/risk assessment in the new drug approval process for the FY 2013 – 2017 and to implement a more systematic and expansive approach to obtaining the patient perspective on disease severity or unmet medical need by hosting public meetings focussing on different diseases” (FDA, 2013).

The FDA committed to conduct 20 Patient-Focused Drug Development (PFDD) meetings. In April 2013, the FDA announced in the Federal Register the assignment of the disease areas which are subject of the PFDD meetings. In the selection process of the disease areas the public was requested to provide input in a public meeting. In addition to PDUFA V commitments, the 21st Century Cures Act (21st CC Act) was signed by the U.S. President into law in December 2016. Further, the 21st CC Act, an amendment to the FD&C Act, *“[...] is designed to help accelerate medical product development and bring new innovations and advances to patients who need them faster and more efficiently” (FDA, 2020).* This law built on already existing initiatives defined in PDUFA V. With this law, the FDA is committed to further strengthen activities

on developing processes to incorporate patient perspectives into regulatory decision-making.

It is described Section 3001/title III of the 21st CC Act is described that the FDA is obliged to include “[...] *a brief statement regarding the patient experience data and related information, if any, submitted and reviewed as part of such application patient experience data.*”

Patient experience data (PED) are defined as follows in the 21st CC Act:

“(c) Patient experience data

For purposes of this section, the term patient experience data includes data that—

(1) are collected by any persons (including patients, family members and caregivers of patients, patient advocacy organizations, disease research foundations, researchers, and drug manufacturers); and

(2) are intended to provide information about patients’ experiences with a disease or condition, including—

(A) the impact of such disease or condition, or a related therapy, on patients’ lives; and

(B) patient preferences with respect to treatment of such disease or condition.”

The 21st CC Act requires the FDA to implement the patient experience statement for all New Drug Applications (NDA) according to section 505 (b) of the FD&C Act and for all Biologics License Applications (BLA) according to section 351(a) of the Public Health Service Act which have been submitted after 12 June 2017 - at least 180 days after the 21st CC Act came into force in December 2016. The publication of a brief statement concerning any patient experience data or related information that was part of the application is also requested in Section 2 of the Patient-Focused Impact Assessment Act, adopted in 2016. Furthermore, the FDA is required according to section 5 of the Patient-Focused Impact Assessment Act to include the involvement and evaluation of patient experience data in the assessment.

Section 3002/title III of the 21st CC Act requires the FDA to develop a plan for Patient-Focus Drug Development Guidance documents *“regarding the collection of patient experience data, and the use of such data and related information in drug development.”* This section also describes specific requirements on content of the

guidance documents considering methodological aspect with regards to data collection, reporting, management and analysis of patient experience data. The guidance documents should address methods to collect patient experiences and preferences, methods to measure the impacts to patients and methods for clinical outcome assessments. The guidance documents should also include information about the content and format of a required submission for external stakeholder who wants to submit a draft guidance and on procedures for the management of such submissions. Finally, the law is requesting a concept on using patient experience data in the benefit-risk assessment.

Based on the experience gathered from the disease-specific PFDD meetings conducted under PDUFA V and the provisions outlined in the 21st CC Act, the FDA committed under PDUFA VI adopted in 2017 to sequentially develop four PFDD guidance documents during the fiscal years 2018 – 2022.

Building on the legal framework, the next chapter is providing an historical outline and overview on the initiative and programs associated with patient involvement at the FDA. As in the previous chapters, the following section will focus on initiatives and programs for patient involvement related to medicinal products.

4.2 Overview of Initiatives and Programs at the FDA

The FDA has a long track record of engaging with patients in the regulatory decision-making process. Starting in the late 1980ies, the FDA engaged with HIV/AIDS patients. This was triggered by the need to accelerate the development of anti-HIV treatments and the need of an expedited review process by the FDA to make adequate treatment to the HIV patients earlier than in the past (Levitan, Hauber, Damiano, Jaffe, & Christopher, 2017). The first patient representative became member of the FDA's Advisory committee in 1993. However, it wasn't until three years later that patient representatives were eligible to vote. Over time, the role of a patient representative changed more into a consultative role (FDA, 2020).

As already outlined in the previous section, the FDA introduced in 2012 the Patient Focus Drug Development Initiative which is further described in the upcoming section.

In 2017, a new team was established within the FDA to ensure that patient engagement activities are well coordinated across the entire agency. The Patient Affairs Staff (PAS) team is not only responsible for collaborating with internal FDA departments on patient engagement activities but also for creating and maintaining relationships with the

pubic. The PAS team is coordinating the Patient Engagement Collaborative (PEC) which has been established by the FDA in collaboration with the CTTI (Tab. 10).

Table 10 Initiatives for Patients to Engage With FDA

	FDA-led Patient-Focused Drug Development (PFDD) Meetings	Externally led PFDD Meetings	NORD MOU Pilot Listening Sessions	Patient Engagement Collaborative (PEC)	Patient Representative Program (PRP)
Purpose	Public meetings that systematically obtain the patient perspective on specific diseases and their treatments	To allow patient organizations to identify and organize patient-focused collaborations to generate public input on other disease areas, using the process established through FDA-led PFDD meetings as a model	Pilot listening sessions in rare diseases to inform FDA staff of disease and treatment burden in rare diseases	A forum to discuss and share experiences on patient engagement in medical product development and regulatory discussions	FDA Patient Representative SM consultants provide direct input to inform the Agency's decision-making associated with medical products for drugs, biologics, and medical devices in a public advisory committee meeting or as part of agency-directed assignments
Medical Product Type Covered	Biologics, Drugs	Biologics, Drugs	Biologics, Devices, Drugs	Biologics, Devices, Drugs	Biologics, Devices, Drugs
Topics Covered	Symptoms and daily impacts that matter most to patients, patient perspectives on current treatment approaches, and topics such as clinical trial considerations and meaningful benefit may also be explored	FDA welcomes host organizations to have public meetings to discuss symptoms and daily impacts that matter most to patients, patient perspectives on current treatment approaches, and topics such as clinical trial considerations and meaningful benefit may also be explored.	Treatment, disease burden, quality of life, division-specific questions	Patient engagement operations	Regulatory medical product review

Source: Adapted and taken from Initiatives For Patients to Engage With FDA (FDA, 2019)

The PEC serves as a platform for individual patients and patient organisations to discuss with members from the FDA and CTTI on methods to enhance patient engagement in regulatory decision-making processes.

The PEC was explicitly requested by the public during the open review phase of the FDA activities proposed under FDASIA. As outlined in section 2.2, the PEC is based on EMA's PCWP model. At present, 16 members were nominated after a public call published in the Federal register. Members are appointed for a period of 2 to 3 years. (FDA, 2018) Since the inaugural meeting held in August 2018, the PEC met four times discussing topics like i.e. the development of a How-To guide for patients, aspects associated with communication to the public, or discussions on a new program for FDA Community Ambassadors to enhance communication with the aim to reach the wider community (FDA and CTTI, 2019).

Table 10 gives a brief overview on all the patient engagement initiatives in the context of medicinal products which have been implemented so far by FDA. The NORD MOU Pilot Listening Sessions and the Patient Representative Program are briefly summarized in section 2.2.

In the next chapter, the underlying initiative for FDA-led PFDD meetings and externally led PFDD Meetings as outlined in table 10 is analysed in more detail. These measures provide the framework for integrating patient information into drug development and FDA's decision-making processes.

4.3 Patient-Focused Drug Development Initiative

The Patient-Focus Drug Development initiative has been launched in 2012. FDASIA, passed in 2012, provided the foundation for this initiative. The Patient-Focus Drug Development Initiative connects different components triggered by FDA law with the aim to *ensure that patients' experiences, perspectives, needs, and priorities are captured and meaningfully incorporated into drug development and evaluation* (FDA, 2020).

Patient-Focused Drug Development Meetings

As already outlined in section 4.1 in this master thesis, the FDA was required to conduct 20 FDA-led Patient-Focused Drug Development meetings for specific diseases in order to obtain patients input on different aspects that arise by living with a particular disease to inform regulatory decision-making (FDA, 2020).

During the period 2013 – 2017, the FDA led 25 PFDD disease specific meeting which are documented in “The Voice of the Patient” reports (Tab. 11). All “The Voice of the Patients Reports” are publicly available. The first PFDD meeting was held in 2013 to obtain patient perspective living with the chronic fatigue syndrome and myalgic encephalomyelitis, the interviews were based on a pre-defined set of questions (FDA, 2013). The patients provided testimonials on specific disease symptoms as well as the impact on daily life and the patients shared their experiences concerning the available treatment options. The FDA-led meetings were considered meaningful with outcome that the meetings were to pursue outside the PDUFA V requirements. Since that time, the FDA conducted additional two meetings and there are plans to conduct another three meeting in 2020. Interestingly, the FDA is encouraging patient organisations to organise externally led PFDD meetings following the concept of the FDA-led PFDD meetings (FDA, 2019).

Table 11 FDA-led Patient-Focused Drug Development (PFDD) Meetings

Year	Disease
2013	<ul style="list-style-type: none"> • Chronic Fatigue Syndrome/Myalgic Encephalomyelitis • Human Immunodeficiency Virus (HIV) • Lung Cancer • Narcolepsy
2104	<ul style="list-style-type: none"> • Female Sexual Dysfunction • Fibromyalgia • Hemophilia A, B, and Other Heritable Bleeding Disorders • Idiopathic Pulmonary Fibrosis • Inborn Errors of Metabolism • Pulmonary Arterial Hypertension • Sickle Cell Disease
2015	<ul style="list-style-type: none"> • Alpha-1 Antitrypsin • Breast Cancer • Chagas Disease • Functional Gastrointestinal Disorders • Huntington’s disease • Non-tuberculous Mycobacterial Lung Infections • Parkinson’s Disease
2016	<ul style="list-style-type: none"> • Neuropathic Pain Associated with Peripheral Neuropathy • Patients Who Have Received an Organ Transplant • Psoriasis
2017	<ul style="list-style-type: none"> • Alopecia Areata • Autism • Hereditary Angioedema • Sarcopenia
2018	<ul style="list-style-type: none"> • Chronic Pain • Opioid Use Disorder

Source: Own presentation based on FDA PFDD Webpage (FDA, 2020)

To complement this effort, the FDA committed to develop a series of four PFDD guidance documents including methods to gather meaningful patient input during drug development of a medicinal products.

Patient-Focused Drug Development Guidance Series

Following section 3002 of the 21st CC Act, the FDA was requested to plan the development of PFDD guidance documents. The FDA published in 2017 a *Plan for the Issuance of Patient-Focused Drug Development Guidance* including a dedicated timetable. (FDA, 2017). Furthermore, the implementation of the plan and the development of the guidance documents is further specified in the PDUFA VI commitment letter agreed by the congress in 2017 (FDA, 2018). Based on requirements with regards to the content of each guidance as outlined in the 3002 (1) – (4) of the 21st CC Act, the FDA proposed the following four methodological guidance documents which will be developed sequentially until 2021 (FDA, 2018):

1. Patient-Focused Drug Development: Collecting Comprehensive and Representative Input. Guidance for Industry, Food and Drug Administration Staff, and Other Stakeholders
2. Patient-Focused Drug Development: Methods to Identify What Is Important to Patients - Guidance for Industry, Food and Drug Administration Staff, and Other Stakeholders
3. Patient-Focused Drug Development Guidance: Methods to Identify What is Important to Patients and Select, Develop or Modify Fit-for-Purpose Clinical Outcome Assessments
4. Patient-Focused Drug Development: Incorporating Clinical Outcome Assessments into Endpoints for Regulatory Decision-Making

The first guidance describes points for consideration for the planning of collecting meaningful patient input (FDA, 2020). The draft guidance was published in June 2018. Building on the first guidance, the second guidance provides an overview on qualitative and quantitative methods for the elicitation of patient information. The draft guidelines have been published with a delay in October 2019 and the FDA scheduled the finalisation for beginning 2021 (FDA, 2017). The purpose of the third guidance document is to provide guidance for the identification and development of instruments to properly measure patient impacts. The fourth guidance is linked to the previous one and outlines the translation of Clinical Outcome Assessment into endpoint to inform regulatory decision-making. For the last two guidance documents, the FDA scheduled

the publication of the drafts in Q2 2020 (FDA, 2017). Until the issuance of this master thesis, the FDA had not yet published any drafts. Public consultation meetings for both guidance documents were held in 2019 (FDA, 2020). With this set of guidance documents, the FDA is providing a solid basis to their stakeholder to collect meaningful patient input during drug development to inform regulatory decision-making.

In the next section, an outline is provided to describe the role which patients play in FDA advisory committee meetings. Furthermore, it is discussed how patient perspective is addressed in the FDA's framework of structured benefit-assessment. The FDA makes all review documents of approved medicinal products publicly available. Efforts have been made to investigate how patient perspective or patient involvement is documented in the FDA assessment documents.

4.4 Patient Perspective in the Benefit-Risk Assessment by the FDA

The FDA is engaging with patients at different levels to get their view on disease or product related aspects to inform regulatory decision-making. As outlined in the previous section the FDA listens to the patients on specific disease aspects either in FDA-led or in externally led PFDD meetings. The FDA leverages information from informal disease specific Patient Listening Sessions which are briefly mentioned in section 2.2 to gain patient input on diseases which are not covered by the PFDD initiative (FDA, 2020). The outcome of the disease specific PFDD meetings can be used by the medical reviewer to include the patient's perspective in the regulatory decision-making process (FDA, 2018). In addition, patients are invited to contribute to the regulatory decision-making process of a particular medicinal product in advisory committee meetings.

Advisory Committee

The procedure for the conduct of FDA advisory committees is outlined in 21 CFR Part 14⁷. Advisory committee meetings will be scheduled on an ad-hoc basis during an ongoing evaluation of a medicinal product, if it is deemed to be necessary. As described in 21 CFR 14.25 (a), every advisory committee meeting includes an open public hearing (OPH) session. Patients who are interested to contribute on particular aspects discussed are invited to join those sessions for discussion. The public can provide input either in writing or via an oral presentation. Advisory meetings are

⁷ 21 CFR Part 14 (https://www.ecfr.gov/cgi-bin/text-idx?SID=8ba66e254c1bc66ea11a1457159ea187&mc=true&node=pt21.1.14&rgn=div5#se21.1.14_125)

announced in the Federal Register. Patients can join individually or representing a patient organisation. Participants need to register for the participation. The contribution needs to be provided in writing as part of the registration upfront the meeting (FDA, 2013). Through the Patient Representative Program (PRP), the FDA has a pool of patient representatives being trained on regulatory aspects and the course of events in a scientific committee meetings (FDA, 2018). Patients who participate in this program are temporary employees of the FDA, so-called special government employees. The meeting minutes of each FDA advisory committees are published on the FDA’s Homepage. In the meeting minutes it is clearly highlighted if patient representatives participated in the FDA advisory committees. Furthermore, the outcome of the FDA advisory committee is also reflected in the medical review document section *9.3 Advisory Committee Meeting*⁸. If a meeting was conducted, the section summarises the questions and the documents provided to the advisory committee. The full results will be appended to the review document. The implications of the advisory committee input to the recommendations will also be discussed in section 9.3.

Framework of Structured Benefit-Risk Assessment at the FDA

Under PDUFA V, the FDA committed to enhance the benefit-risk assessment in the regulatory decision-making process by developing a structured framework which is the core of regulatory decisions concerning medicinal products (FDA, 2013).

Table 12 FDA Benefit-Risk Framework

Benefit-Risk Integrated Assessment		
Benefit-Risk Dimension		
Dimension	Evidence and Uncertainties	Conclusion and Reason
Analysis of Condition		
Current Treatment Options		
Benefit		
Risk and Risk Management		

Source: Adapted and taken from Benefit-Risk Assessment in Drug Regulatory Decision-Making (FDA, 2018)

⁸ FDA, Medical Review Template: <https://www.fda.gov/media/72472/download>

Table 12 presents the full concept in table format. The FDA Framework of the benefit-risk assessment consists of two components. The first component is the *Benefit-Risk Integrated Assessment* in the top part of the table. In *Benefit-Risk Integrated Assessment* section, all aspects identified in the second component of the framework, in the Benefit-Risk Dimension, are summarized and discussed. In the Dimension part, the *evidence and uncertainties* for the 4 dimensions *Analysis of Condition, Current Treatment Options, Benefit and Risk and Risk Management* are compiled and a conclusion is provided. These aspects in total serve as the basis for the regulatory decision (FDA, 2013) (FDA, 2018).

Table 13 Patient Perspective in the Framework of Benefit-Risk Assessment

Benefit-Risk Framework Section	Key Considerations	Common Sources of Uncertainty
Analysis of Condition	<ul style="list-style-type: none"> • Patient-focused disease burden 	<ul style="list-style-type: none"> • Extent of patient input on disease burden
Current Treatment Options	<ul style="list-style-type: none"> • Burden of treatment (e.g., administration) • Aspects of disease burden not addressed by current therapies 	<ul style="list-style-type: none"> • Extent of patient input on unmet needs
Benefit	<ul style="list-style-type: none"> • Clinical relevance of the study endpoints: ability to measure or predict clinical outcomes of importance to patients • Magnitude, duration of treatment effects <ul style="list-style-type: none"> o Nature of benefit (e.g., disease modifying, symptom reduction) o Ability for patient/provider to assess individual benefit o Patient perspectives on benefit 	<ul style="list-style-type: none"> • Extent of patient input on the significance of expected benefits

Source: Adapted and taken from (Mullin, 2020)

The FDA has also considered the inclusion of the patient perspective in the development of the framework and identified areas where patient input is of importance for the benefit-risk assessment (FDA, 2013). The FDA concluded that patient perspective might be of relevance for the dimension *Analysis of Condition* and *Current Treatment Options* as highlighted in grey in **table 12**. Theresa M Mullin, PhD from FDA’s CDER, recently presented in the Drug Information Association (DIA) congress in June 2020 a more detailed overview on how patient input can contribute to the

overall benefit risk assessment (Tab. 13). The FDA updated the medical review template to incorporate the *Statement on Patient Experience Data and related Information* to comply with the provision under 3001 of the 21st CC Act. According to the 21st CC Act, the FDA is requested to publish the statement for all approved NDAs and BLAs submitted starting 180 days after enactment of the 21st CC Act, as from 12 June 2017. **Figure 4** presents the current structure of the documents.

1.4. Patient Experience Data

Patient Experience Data Relevant to this Application (check all that apply)

<input type="checkbox"/>	The patient experience data that was submitted as part of the application include:	Section where discussed, if applicable
<input type="checkbox"/>	Clinical outcome assessment (COA) data, such as	[e.g., Sec 6.1 Study endpoints]
<input type="checkbox"/>	Patient reported outcome (PRO)	
<input type="checkbox"/>	Observer reported outcome (ObsRO)	
<input type="checkbox"/>	Clinician reported outcome (ClinRO)	
<input type="checkbox"/>	Performance outcome (PerfO)	
<input type="checkbox"/>	Qualitative studies (e.g., individual patient/caregiver interviews, focus group interviews, expert interviews, Delphi Panel, etc.)	
<input type="checkbox"/>	Patient-focused drug development or other stakeholder meeting summary reports	[e.g., Sec 2.1 Analysis of Condition]
<input type="checkbox"/>	Observational survey studies designed to capture patient experience data	
<input type="checkbox"/>	Natural history studies	
<input type="checkbox"/>	Patient preference studies (e.g., submitted studies or scientific publications)	
<input type="checkbox"/>	Other: (Please specify)	
<input type="checkbox"/>	Patient experience data that were not submitted in the application, but were considered in this review:	
<input type="checkbox"/>	Input informed from participation in meetings with patient stakeholders	
<input type="checkbox"/>	Patient-focused drug development or other stakeholder meeting summary reports	[e.g., Current Treatment Options]
<input type="checkbox"/>	Observational survey studies designed to capture patient experience data	
<input type="checkbox"/>	Other: (Please specify)	
<input checked="" type="checkbox"/>	Patient experience data was not submitted as part of this application.	

Figure 4 Statement on Patient Experience Data and Related Information

Source: Extract from medical review document for the medicinal product Revcovi⁹

The FDA is required to consider PED which are either part of the application or which are not part of the application but considered during the review. The first check box in column one of the statement covers patient experience data submitted by the Applicant. The second check box of the statement covers patient experience data gathered by the FDA. The third check box of the statement is to confirm that no patient experience data was submitted by the applicant.

⁹ FDA, Medical Review Document for the medicinal product Revcovi: https://www.accessdata.fda.gov/drugsatfda_docs/nda/2018/761092Orig1s000MedR.pdf

5 Evaluation of Patient Perspective incorporated in the BRA of Medicinal Products

As presented in the previous section, the EMA and the FDA are engaging with patients in the benefit-risk assessment of medicinal products. Both Agencies implemented different methods to gain patient perspectives to inform regulatory decision-making. The following subsection will describe the objectives, methods, and results of the evaluation concerning structured incorporation of patient perspectives into benefit-risk assessments of medicinal products by the EMA and FDA.

5.1 Objective

The objectives of this evaluation are to (1) assess the type of methods which are used by both agencies to involve patients in benefit-risk assessment process. Furthermore, it will be investigated for (2) which type of medicinal products the EMA and FDA primarily consider the involvement of patients. The next step is to examine (3) how transparent patient involvement has been documented in regulatory assessment reports which are publicly available.

5.2 Method

The basis for this evaluation are the assessment reports for medicinal product approved by the FDA and EMA which are publicly available on their webpages. The following electronical sources were used for the identification of the relevant assessment reports:

- EMA Webpage - Download medicine data¹⁰ - Excel File of all EPARs for human and veterinary medicines
- FDA Webpage - Drugs@FDA: FDA-Approved Drugs¹¹

5.2.1 Selection Criteria

A search was conducted in the above-mentioned electronical sources. The search was limited to medicinal products which were approved in the time period from 01 January 2017 – 31 December 2019.

¹⁰ EMA, Download medicine data: <https://www.ema.europa.eu/en/medicines/download-medicine-data>

¹¹ FDA, Drugs@FDA: FDA-Approved Drugs: <https://www.accessdata.fda.gov/scripts/cder/daf/>

For the FDA, monthly reports were exported from the Drugs@FDA webpage for the given time period. For the EMA, an excel file was downloaded including all the human and veterinary medicinal product data dating back to the year 1995.

For the U.S., only medicinal products which were submitted via a NDA with the submission classification code: *Type 1 - New Molecular Entity* and via BLA were considered in the evaluation (FDA, 2015). For BLAs, no submission classification coding exists. For the EU, only medicinal products submitted in accordance to article 8 (3) of Directive 2001/83/EC representing a full and independent application were considered in the evaluation. By applying the above method, the focus was on new entity medicinal products. For both regions, Generics, Biosimilars, Vaccines, and Diagnostics were not specifically analysed.

Only approved medicinal products were included in the assessment. Furthermore, data of special regulatory pathway i.e. Orphan medicine, Priority Review, Breakthrough Therapy, Fast Track, Accelerated Assessment, Conditional Approval, or Exceptional Circumstances were collected for the assessment. The EMA provides that type information in the excel file of all EPARs for human and veterinary medicines. For the FDA, the reports listed in **table 14** were used to confirm the special regulatory grants. Information about priority review and orphan drug status is provided for each product on Drugs@FDA.

Table 14 Additional FDA Reports covering special regulatory Grants

Special Regulatory Grants	Report
Accelerated Approval	Cumulative report on CDER Drug and Biologic Accelerated Approvals Based on a Surrogate Endpoint ¹²
Breakthrough Therapy	Cumulative report on CDER Breakthrough Therapy Designation Approvals ¹³
Fast Track	2017 CDER Fast Track Calendar Year Approvals ¹⁴ 2018 CDER Fast Track Calendar Year Approvals ¹⁵ 2019 CDER Fast Track Calendar Year Approvals ¹⁶

Source: Own presentation

¹² <https://www.fda.gov/media/88907/download>

¹³ <https://www.fda.gov/media/95302/download>

¹⁴ <https://www.fda.gov/media/128780/download>

¹⁵ <https://www.fda.gov/media/123571/download>

¹⁶ <https://www.fda.gov/media/128976/download>

5.2.2 Search method

In the first step, all relevant chapters of the included assessment reports regarding patient involvement were examined. The relevant chapters of the assessment reports are presented in **table 15**:

Table 15 Relevant Chapters in the Assessment Reports

Regulatory Body	FDA	EMA
Source	Medical or Clinical Review Document	European Public Assessment Reports and the attached Public Assessment Report
Relevant chapters	1.3 Benefit-Risk Assessment 1.4 Patient Experience Data 9.3 Advisory Committee Meeting	1.2. Steps taken for the assessment of the product 2.5.1. Discussion on clinical efficacy - Additional expert consultation 2.6.1. Discussion on clinical safety - Additional expert consultation

Source: Own presentation

In a second step, a manually search was conducted based on the keywords listed in **table 16**:

Table 16 Search Criteria for the Manual Research

Search Criteria for the Manual Research			
Represent*	Advisory	Perspective	Preference
Consumer	Committee	Input	Patient-focus*
Patient	Interviews	Involv*	Burden
Expert	Consult*	Experience	Disease

Source: Own presentation

5.2.3 Data analysis

Excel was used for the data analysis and the visualisation of the results. Two separate excel files were generated to cover the different aspects i.e. different types of application, special regulatory pathways and methods of patient involvement for both regions. The raw data for medicinal products approved by the EMA are attached as **Annex 1** to the thesis.

5.3 Results

The results of the evaluation of the assessment reports are presented separately per agency.

5.3.1 EMA - Presentation of Results

For the EMA, 118 out of 1170 medicinal products were included in the evaluation. Thousand-fifty-two medicinal products were excluded from the assessment based on the exclusion criteria listed in **figure 5**:

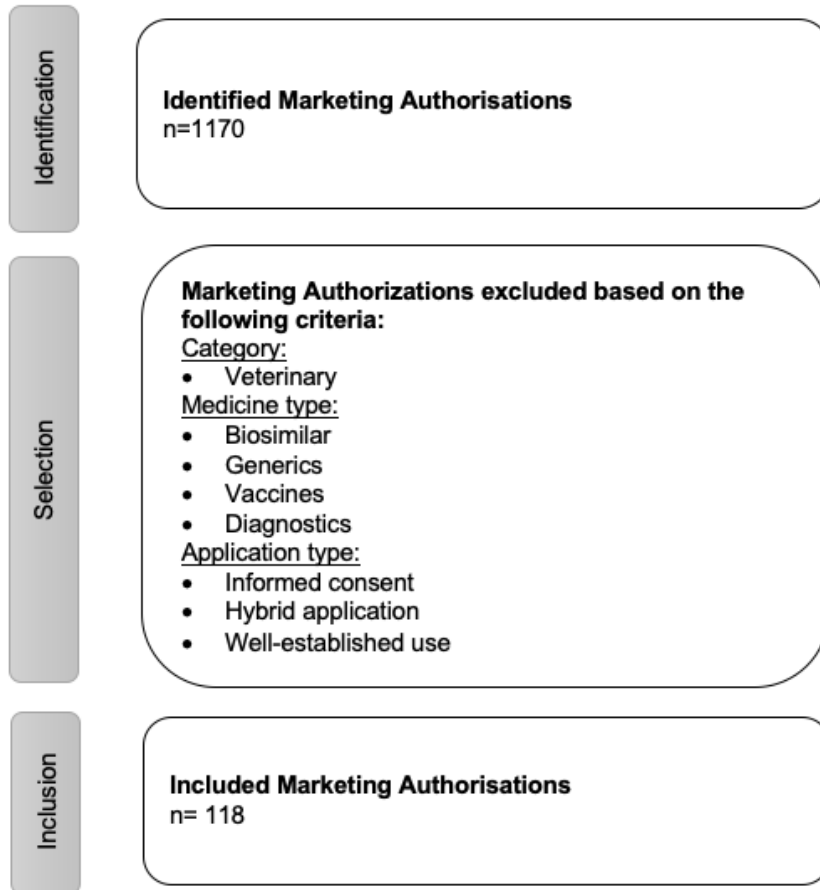


Figure 5 Selection Process for Medicinal Products approved by the EMA

Source: Own presentation

The majority (57%) of the medicinal products included in the evaluation are chemicals, while 37% of 118 were biologicals. Only three ATMPs and three Gene Therapies were included in the evaluation (**Fig. 6**).

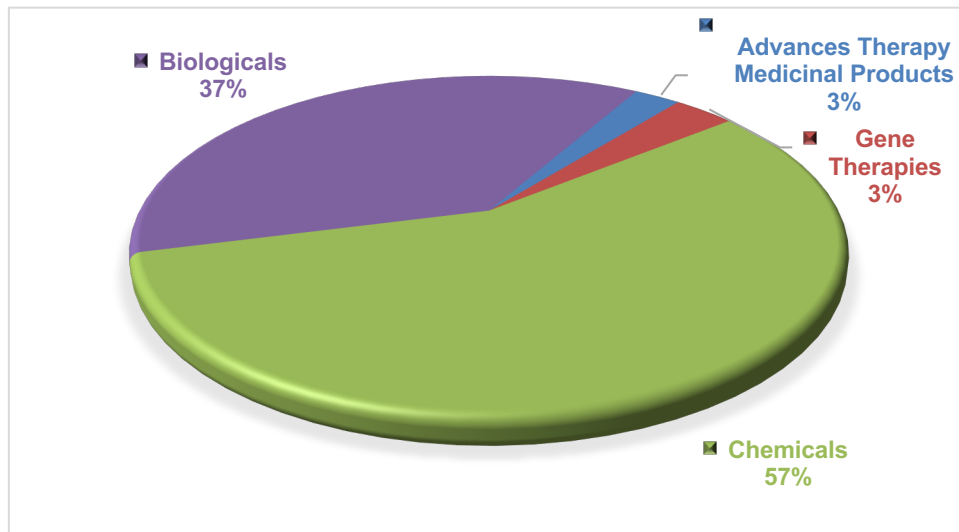


Figure 6 Characteristics: Type of Medicinal Products EMA (n=118)
Source: Own presentation

Thirty-seven out of 118 are orphan medicines. Only a few of the medicinal products were authorised via accelerated procedures (n=12), conditional approval procedure (n=10) or under exceptional circumstances (n=5) (**Fig. 7**).

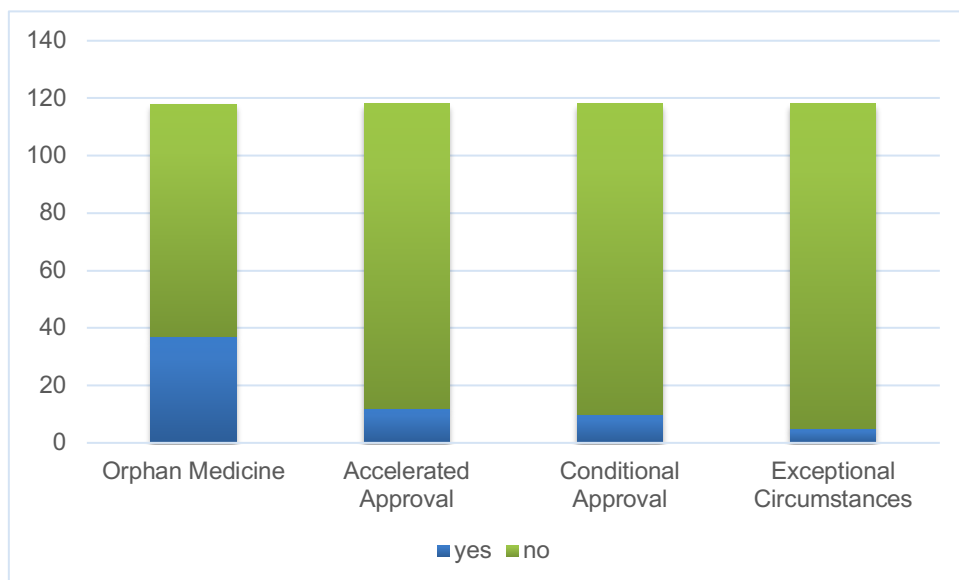


Figure 7 Characteristics: Special Regulatory Pathways EMA (n=118)
Source: Own presentation

Based on the included public assessment reports, the EMA consulted exclusively with patients via Scientific Advisory Groups and Ad-Hoc Expert Groups (**Fig. 8**).

Of 118 included medicinal products, SAGs or AHEGs were consulted for 22 medicinal products. Overall, 23 SAGs and AHEGs were requested by the EMA. For one medicinal product, the SAG was consulted two times. In only 9 out of 23 cases, the available documentation showed that patient representatives were consulted.

Three SAGs and AHEGs were consulted outside of the investigation time period. This is because the marketing authorisation date is used to limit the investigation period.

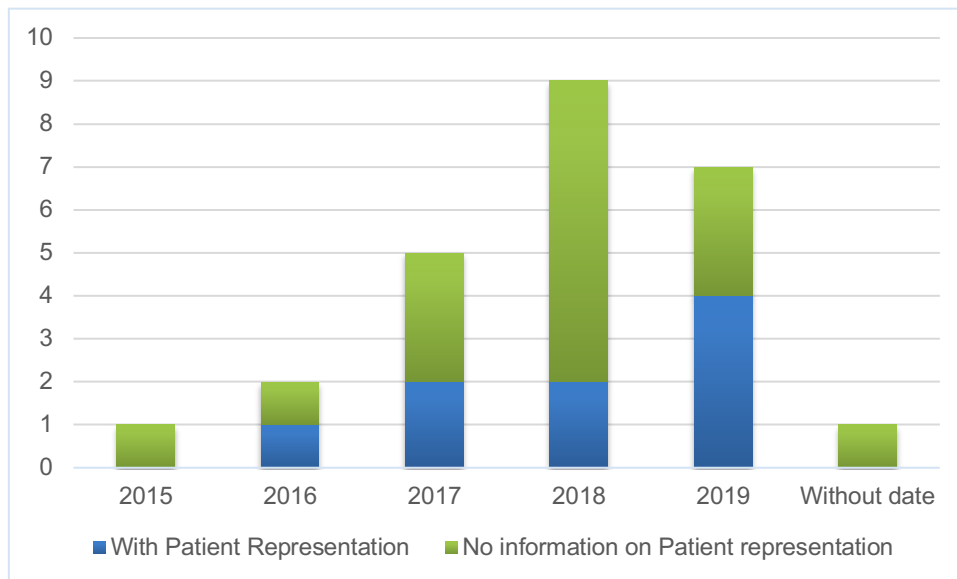


Figure 8 Number of SAGs and AHEGs per Year (n=23)

Source: Own presentation

Interestingly, for none of the included ATMPs SAG or AHEG were consulted.

The majority (65%) of the SAGs or AHEGs were request for chemicals (**Fig. 9**).

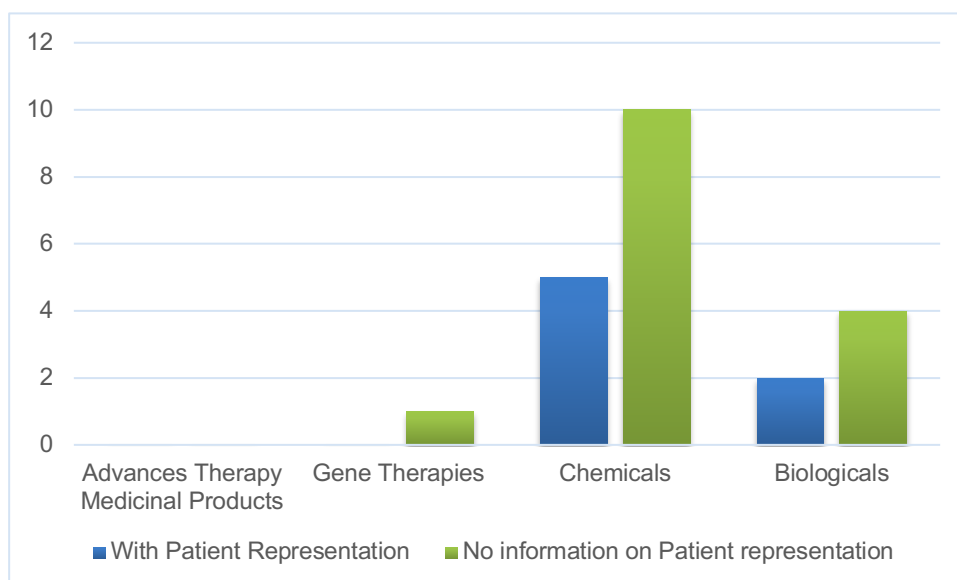


Figure 9 Number of SAGs and AHEGs per Type of Medicinal Product (n=23)

Source: Own presentation

The number of SAG or AHEG consultation (n=7) for the included medicinal products with special regulatory pathways i.e. Orphan Medicine or approval under exceptional circumstances are far behind the expected quantity. For medicinal products which received an accelerated approval (n=12) or conditional approval (N=10), the CHMP did not request advice from a SAG or AHEG (**Fig. 10**).

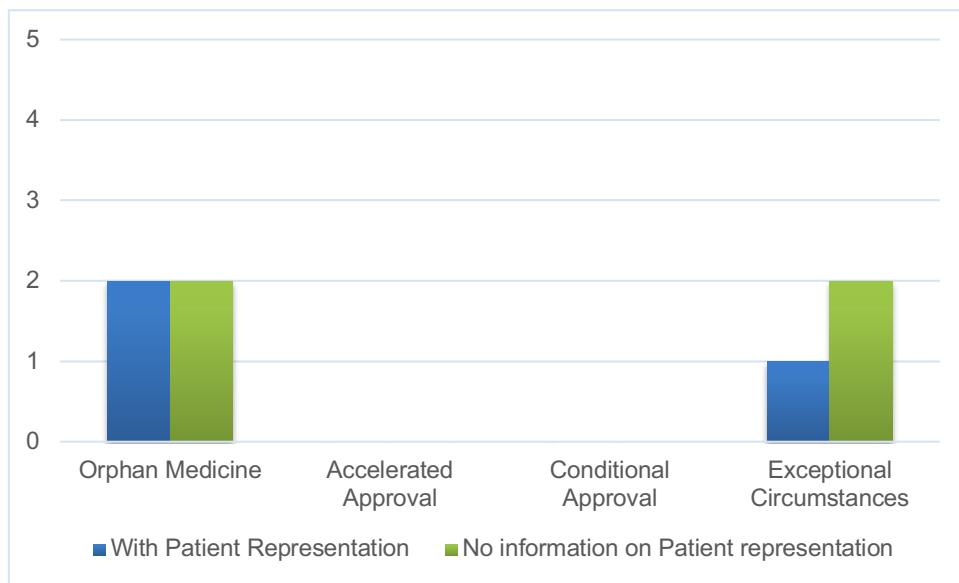


Figure 10 Number of SAGs and AHEGs per Special Regulatory Pathways (n=7)

Source: Own presentation

5.3.2 FDA - Presentation of Results

For the FDA, 137 of 460 identified medicinal products which were approved in the time period from 01 January 2017 – 31 December 2019 were eligible for the inclusion in the assessment. **Figure 11** presents the selection process of the identified medicinal products which submitted either via a NDA or BLA procedure. Three hundred-twenty-three medicinal products were excluded from the assessment based on the exclusion criteria listed in **figure 11**:

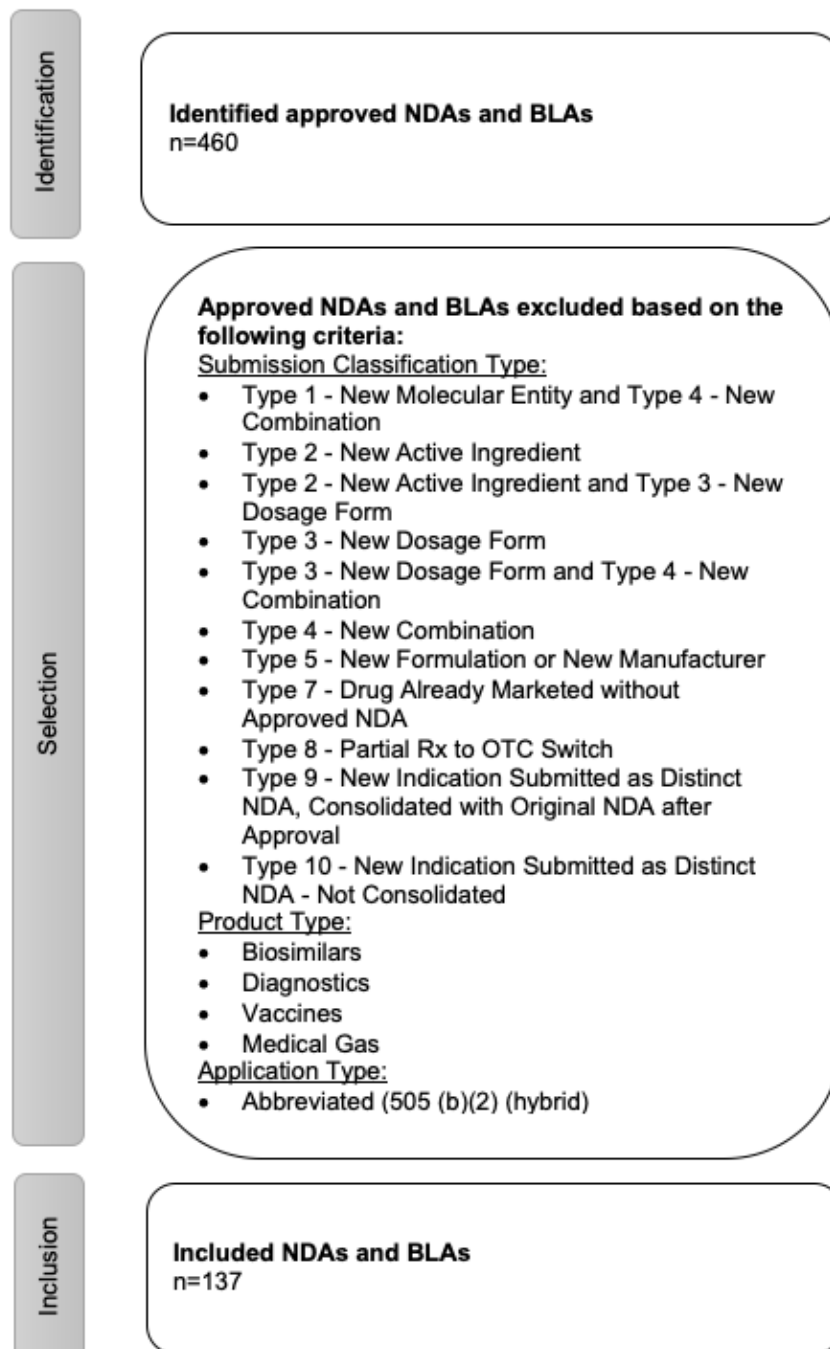


Figure 11 Selection Process for Medicinal Products approved by the FDA

Source: Own presentation

In 70% of the identified cases, die medicinal products were submitted and approved via a new drug application, whereas the remaining 30% of 137 cases were submitted via a biological license application (**Fig. 12**).

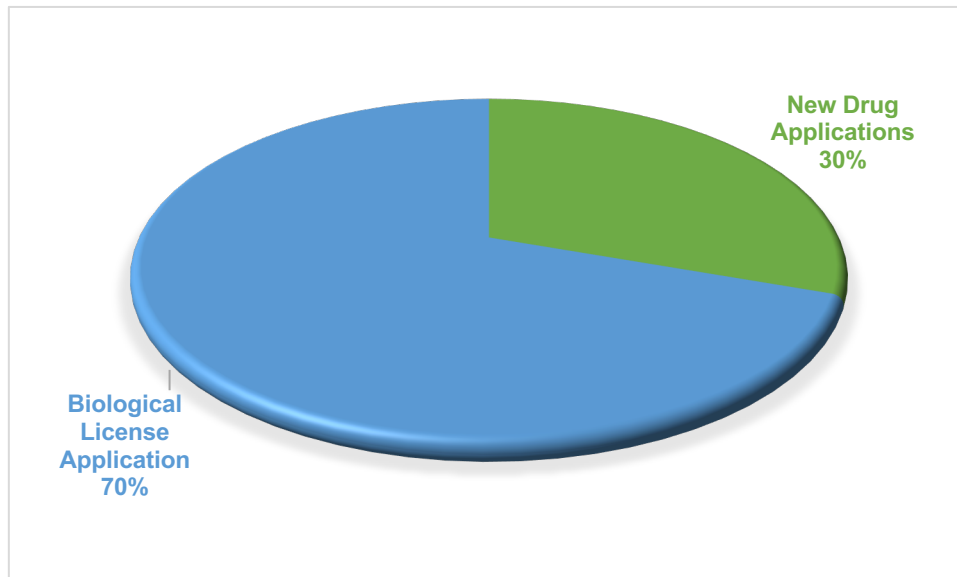


Figure 12 Characteristics: Type of Applications FDA (n=137)
Source: Own presentation)

About half of the included medicinal products (n=66) were approved via Priority Review. Furthermore, 46% (n=64) of the medicinal products are orphan medicines. Only 14% of the approved medicinal products received accelerated approval as shown in **figure 13**:

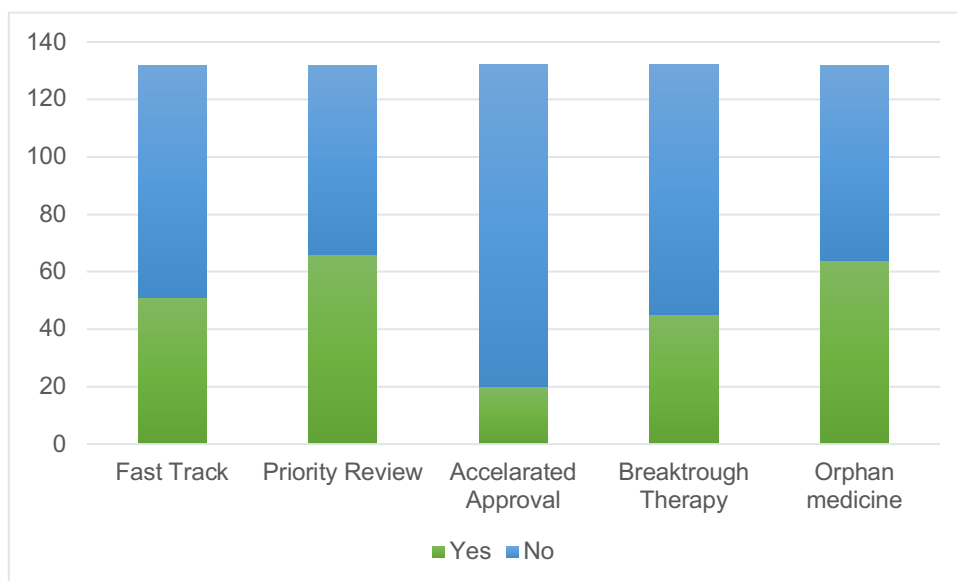


Figure 13 Characteristic: Special Regulatory Pathways FDA (n=137)
Source: Own presentation

For 17 out of 137 of the identified medicinal products, the FDA requested an advisory committee meeting or engaged with individual patient representatives.

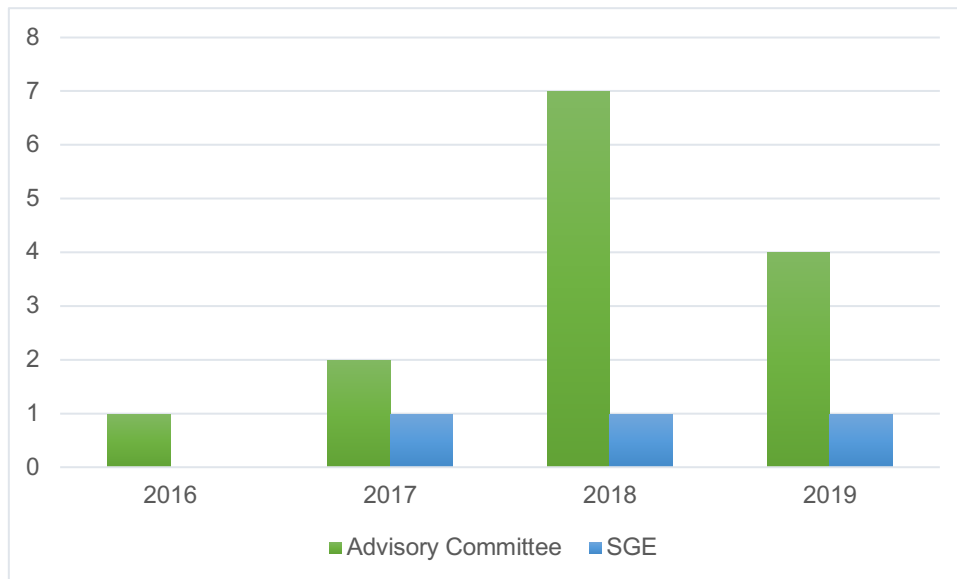


Figure 14 Number of FDA Advisory Committees and SGE Consultations per Year (n=17)

Source: Own presentation

Individual patient representatives were rarely consulted (n=3) (**Fig.14**). The method which was mainly used to collect patient perspectives was the consultation of patient in advisory committees. Overall, the number of advisory committees and individual patient representative contracted as special governmental employees (SGEs) is relatively small in relation to the total number of the included medicinal products.

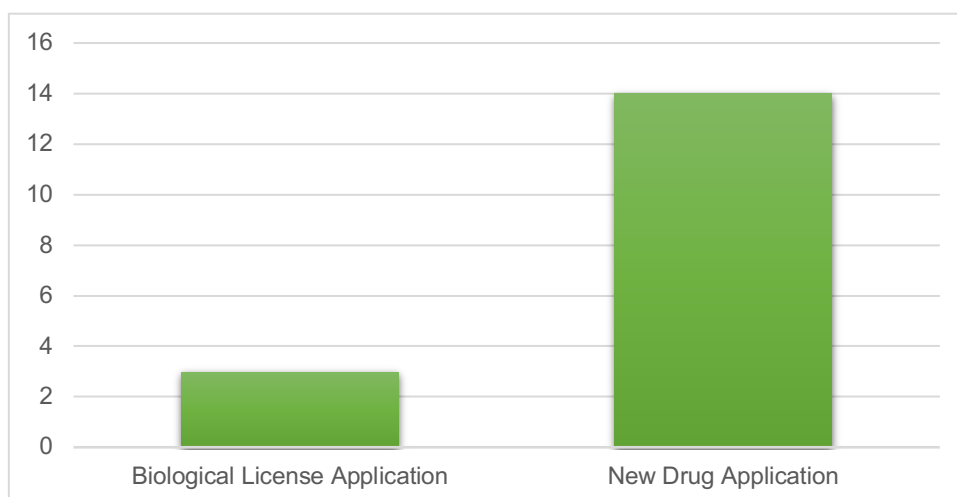


Figure 15 Number of Advisory Committee and SGE Consultations per Type of Application (n=17)

Source: Own presentation

One advisory meeting took place outside the investigation time period. This is because the approval date is used to limit the investigation period.

The majority (14 out of 17) of the advisory committees and SGE consultation were for medicinal products which were submitted as NDA, while three were submitted as BLA (Fig. 15).

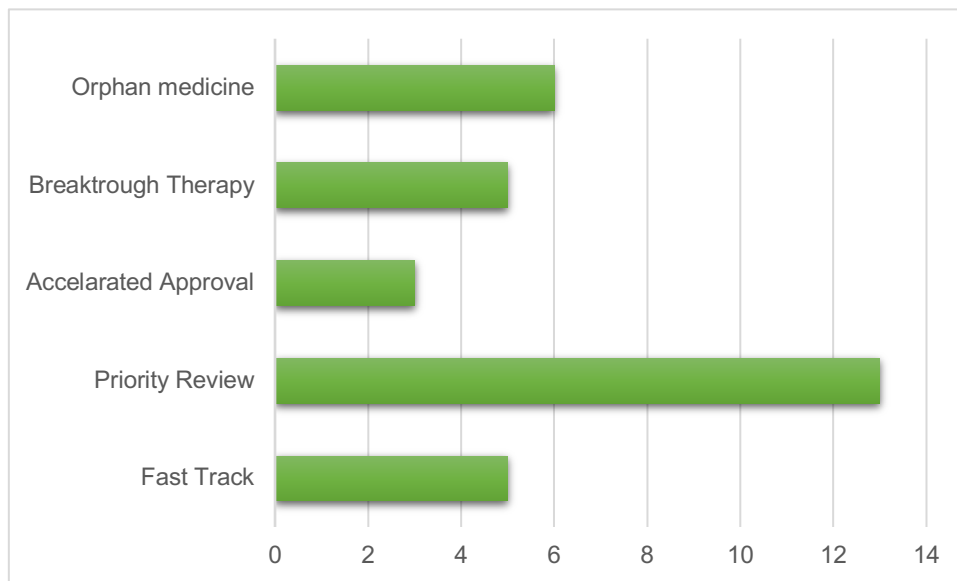


Figure 16 Number of Advisory Committees and SGE Consultation per Special Regulatory Authorisation (n=32)

Source: Own presentation

In 13 out of 17 advisory committees and SGE consultations, the medicinal products concerned had a Priority Review Designation.

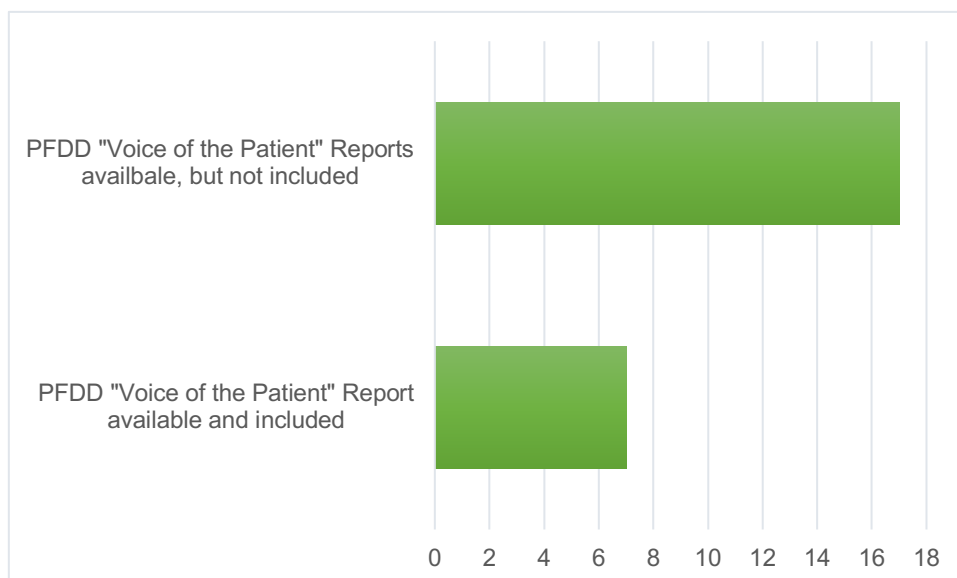


Figure 17 Inclusion of PFDD "Voice of the Patient" Reports (n=24)

Source: Own presentation

Only 3 advisory committees and SGE consultations were requested for medicinal products with an accelerated approval (Fig. 16).

For 7 of 137 identified medicinal products, the FDA considered PFDD “Voice of the Patients” reports in the assessment (**Fig. 17**). In 17 cases PFDD “Voice of the Patients” reports were available for the approved indications but were not mentioned in the assessment.

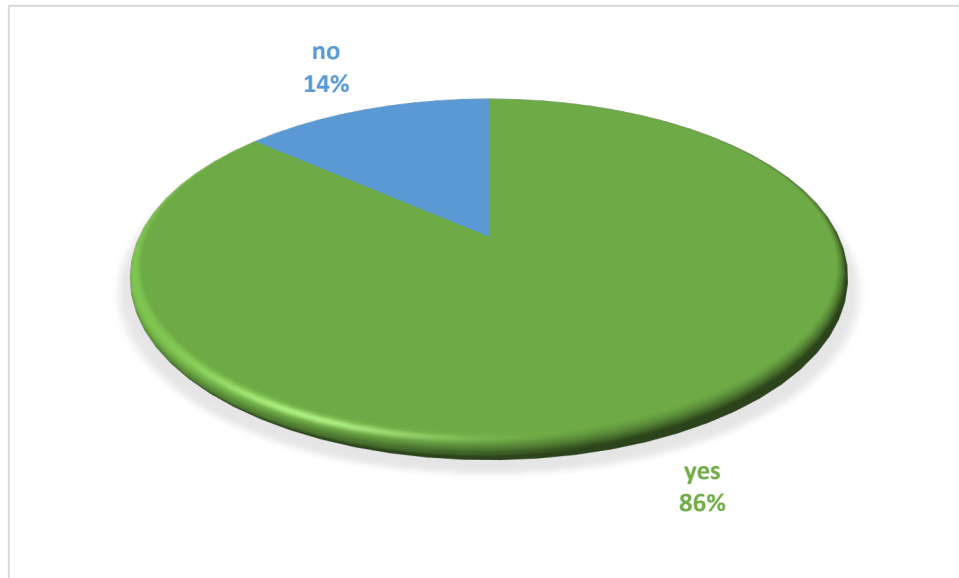


Figure 18 Patient Experience Date Statement (Application submitted after June 2017)
(n=88)

Source: Own presentation

The FDA is requested by law to publish a PED statement for medicinal products which were submitted either as an NDA or BLA after 180 days after enactment of 21st CC Act in 13 December 2016. Since 12 June 2017, in 86% (n=76) of the identified medical review documents a statement is included (**Fig.18**).

6 Discussion

Based on the results presented, it can be confirmed that both agencies, EMA and FDA, engage with patients in the benefit-risk assessment process of medicinal products. There are differences in the management of the underlying processes, however it is important to note that assessors at both agencies request patient input when it is considered it to be important to inform regulatory decision-making. In the first part of this discussion the results derived from the EMA assessment reports are discussed. In the second part the outcomes of the evaluation of the medical review documents prepared by the FDA are put into perspective. In the final section, specific aspects concerning the EMA and FDA identified in the evaluation of this master thesis will be compared.

Discussion concerning EMA Results

The first objective: Assess the type of methods which are used by both agencies to involve patient in benefit-risk assessment process. The type of methods which are primarily used by the EMA to involve patients in benefit-risk assessment process are SAG or AHEGs. These platforms are commonly used to obtain expert public input. As outlined in **table 6**, the EMA recently presented in the Annual Report 2019 the total number of SAG and AHEG consultation covering the last 5 years. According to the annual report, the CHMP consulted 63 times with experts from SAGs and AHEGs in the context of new marketing authorisations, re-examinations, and article 58 procedures (EMA, 2020). However, this number cannot be confirmed by this assessment. In total, 23 SAG and AHEG meetings were identified based on the assessment report which were included in this evaluation. The exclusion of medicinal product like i.e. biosimilars, generics, diagnostics, vaccines and other specific types of application procedures i.e. well-established uses, informed consent and hybrid application might be reasons for this discrepancy. Furthermore, it cannot be confirmed if patients were involved in public hearings as part of the benefit-risk assessment process during the investigation period. No additional methods of patient involvement were identified in the assessment reports which were in scope of this analysis.

Furthermore, the second objective of this thesis was to analyse if the EMA requested more frequently a SAG or AHEG consultation for a specific type of medicinal product or for medicinal products registered under a specific regulatory pathway i.e. Orphan Medicine, Accelerated Approval, Authorisations under Exceptional Circumstances or

Conditional Approval. No SAG or AHEG were requested for medicinal products which were conditionally approved or approved via Accelerated Assessment. It might have been expected that for these type of products SAGs or AHEGs occur more frequently due to fact that there is a specifically high unmet medical need in the disease area or a major public health interest associated with the medicinal products (EMA, 2020). An explanation for this observation might be that there is already a close interaction during the drug development process of medicinal products eligible for an Accelerated Assessment or Conditional Approval procedure. As a consequence, no further expert consultation may be required during the benefit-risk assessment process. This can be supported by the finding that apparently patients are increasingly involved in Scientific Advices (**Tab. 4**) (EMA, 2013) (EMA, 2020). This information cannot be extracted from the public summary report. The vast majority of the medicinal products approved during the investigation time period for which SAG and AHEG consultation was requested do not have any special regulatory designation (Fig. 10).

As the third objective of this thesis it was assessed how transparent patient involvement has been documented in regulatory assessment reports which are publicly available. It is often not clear if patient representatives were involved in all the documented SAG and AHEG meetings. In almost 70% of the identified SAG and AHEG consultation it is not documented in the public assessment report if patient representatives were involved or not. As patient representatives are not involved in all SAGs at the EMA, it cannot be assumed that patients were involved in all the identified SAGs and AHEGs. Efforts were undertaken to confirm the involvement of patient participation in all identified SAG and AHEG consultations. However, no additional documentation is publicly available like i.e. SAG or AHEG meeting minutes to confirm the patient representation and to understand the full scope of patient contribution. If patient representatives were involved in SAGs and AHEGs, they provided feedback on symptoms under a specific treatment, treatment burdens, quality of life aspects as well as experience made with medicinal products used off-label and how products are used to achieve best possible benefit. They also contributed to potential warnings and labeling restrictions. As an outcome of this analysis, the author recommends for the sake of transparency to make patient involvement more visible in the EPAR, especially to facilitate access for patients who are interested to read this a kind of information. Further, it would be very insightful to highlight in the reports when no patient representative was consulted via SAGs or AHEGs. Based on the information extracted

from the assessment reports, only in 8 out of 118 medicinal products approved in 2017-2019 patient representatives were involved in the benefit-risk assessment.

Discussion concerning FDA Results

The first objective was to assess the type of methods which are used by the FDA to involve patients in benefit-risk assessment process. Concerning those medicinal products which were approved by the FDA in the investigation period for 14 out of 137 advisory committee meetings were held. The FDA is using PFDD “Voice of the Patients” reports as a specific source to incorporate patient perspective in the assessment. In 7 of 137 approved medicinal product reference is made to a PFDD “Voice of the Patients” reports. This number can be considered rather low; however, it can be justified on the basis that 25 disease-specific reports are available (**Tab. 17**). Interestingly, for 17 medicinal products approved for Psoriasis, Breast Cancer, Parkinson’s disease, Lung Cancer, Haemophilia A, Human Immunodeficiency Virus, and Narcolepsy available PFDD “Voice of the Patients” reports were not considered in the benefit-risk assessment of the affected medicinal products. Considering that the affected medicinal products were approved in the time period 2017 – 2019, it is questionable a proportion of these of reports could have contributed to the benefit-risk assessment since a number of reports go back to 2013 as for narcolepsy and lung cancer. Available treatment options and also knowledge about a specific disease usually change over time. However, the 17 out of 25 PFDD reports already provide a disease-specific framework of benefit-risk assessment which can serve as a basis for the reviewer to inform regulatory decision-making (FDA, 2018). In three cases FDA consulted individual patient representatives asking for advice.

Furthermore, the second objective of this thesis is to analyse if the FDA requested more frequently FDA advisory committees and SGE consultations for a specific type of medicinal product or for medicinal products registered under a specific regulatory pathway i.e. orphan medicine, accelerated approval, priority review, fast track or breakthrough therapy designation. Advisory committees and SGE consultations were predominantly requested for medicinal products with a priority review designation, taking into consideration that the review timetables are shortened from 10 month to a 6-month review period (FDA, 2018). However, this information needs to be interpreted with caution because only for 13 of 66 medicinal product approved during the investigation period an advisory committee or SGE was consulted.

The third objective of this thesis is to assess how transparent patient involvement has been documented in regulatory assessment reports which are publicly available.

The evaluation of the review documents published on FDA's webpage covering the investigation period were based on two review strategies. The primary review strategy comprises the review of the Patient Experience Data Statement which has been incorporated into the medical review template in June 2017 and the secondary search review strategy was a manual search based on predefined keywords especially for those medicinal products which were approved before June 2017.

As already outlined in previous sections FDA is requested to publish "[...] a brief statement regarding the patient experience data and related information if any, submitted and reviewed as part of such application" to fulfil the commitment under the Sec. 3001 of the 21st CC Act. The statement is presented in tabular format and has been placed in the first chapter of the medical review document. In the PED statement only in 1 of 14 cases the FDA advisory committee was mentioned although patient perspective has been considered in the benefit-risk assessment. The conduct of advisory committees is documented in section 9.3 of the medical review document identified via the manual search. For none of the conducted advisory committee meetings patient participation was documented in the review document. However, the FDA is publishing the meeting minutes of all advisory committee meetings on the FDA webpage. For the medicinal products for which an advisory committee was convened, the publicly available documentation confirmed that in all 14 meetings one or two patient representatives participated in the meeting (FDA, 2020).

In 86% of 88 cases a PED statement is included in the medical review statement. However, it was noticed that the usage of the PED statement increased over time. In 2019 in only 4 of 43 cases the PED statement was missing. The PED statement was implemented the first time for the medicinal product Hemlibra (Emicizumab) indicated for routine prophylaxis to prevent or reduce the frequency of bleeding episodes in adult and pediatric patients with hemophilia A (congenital factor VIII deficiency) with factor VIII inhibitors (FDA, 2017). The quality of completion of the statement differs across all the medicinal products concerned. In some cases, only the included PED types are selected in the PED statement which requires a full review of the clinical review document to identify the method being used. In some cases, the reviewer provides information on the method or instrument included in the application or the method considered in the review including the section where further information can be found.

Comparison of specific aspects EMA versus FDA

This analysis suggests that the EMA has consulted experts more often than the FDA for the medicinal products which were approved during the investigation period. This may be of specific interest considering the different organisational structures of both agencies. The EMA is a decentralised agency with approximately 900 permanent employees whereas more than 17,000 full-time employees are employed by the FDA (EMA, 2020) (FDA, 2020). The FDA, in addition, has mechanisms in place to ensure adequate resources and financial support to fulfil the commitments agreed in each PDUFA re-authorisation process.

The concept of being involved as a patient representative by the FDA and EMA is also slightly different. At the EMA, the Rapporteur or CHMP actively reaches out to the appointed SAGs or AHEGs asking for advice which will be finally presented by the chairs of each SAG or AHEG to the requesting scientific committee, whereas the FDA announces the planned advisory committees on their webpage. Patient representatives can apply for participation and can physically be present in these meetings to present their perspectives orally. Both approaches may have advantages based on the nature of questions but requiring different level of resources. It would be interesting to know which interaction patients prefer, if they feel more comfortable with expressing their views in smaller groups which will be brought back to the scientific committee via a designated person or if patients prefer to be in direct interaction with the broader committees. This cannot be answered with this evaluation. The EMA's PRAC has implemented public hearings which also allows direct interactions with the scientific committee members.

Providing expert advice as a patient representative will not be remunerated, at the EMA and at the FDA. If the situation requires a personal presence in a meeting at the EMA, travel expenses are being paid when it is declared as such (EMA, 2016). However, patient representatives serving as a committee member at the FDA are contracted for around 6-month period as a Special Governmental Employee (FDA, 2020). A compensation is possible in exceptional cases.

Noteworthy, the FDA is more advanced in developing a regulatory framework to incorporate the patient perspective in BRA. One reason might be that patient participation is a key aspect in different U.S. pharmaceutical legislations that requires the FDA to keep track on the agreed deliverables. The FDA is providing regular

updates for each deliverable under the 21st CC Act, and PDUFA VI which are publicly available (FDA, 2020) (FDA, 2020).

Patients involvement is not only relevant at the timing of the benefit-risk assessment. Involvement of patient can be of benefit throughout the entire lifecycle of a medicinal product to various stakeholders including the industry and HTA bodies (Hoos, et al., 2015; du Plessis D, Morgan, Georgieva, & Bertelsen, 2017). So far, the necessary guidance documents are still lacking describing the appropriate methods to collect patient preference information during the drug development. In the U.S, the FDA committed to develop a series of guidance documents which are expected to be final beginning of 2022. At the EU level, the private-public partnership Innovative Medicines Initiative (IMI) initiated the project PREFER which stands for *Patient Preferences in benefit risk assessments during the drug life cycle* in order to develop methodologies and recommendations in collaboration with various stakeholder i.e. patient organizations, industry, and academics (Janssens, et al., 2019; Janssens, et al., 2019).

Although both authorities are currently progressing differently in the implementation of patient's perspective in BRA, and it seems to be still a significant effort to truly incorporate public input in regulatory decision making at EMA and FDA, it is nevertheless worth to acknowledge that both authorities are working on the implementation of their ambitious commitments to render BRA for medicinal products more relevant from patient perspective.

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Annex

Annex 1: List of Medicinal Products approved during the time period 01 January 2017 - 31 December 2019 by the EMA

Annex 2: List of Medicinal Products approved during the time period 01 January 2017 - 31 December 2019 by the EMA

Eidesstattliche Erklärung

Hiermit erkläre ich an Eides statt, die Arbeit selbständig verfasst und keine anderen als die angegebenen Hilfsmittel verwendet zu haben.

Ort, Datum

Unterschrift