Nurse and Midwife Medicinal Product Prescribing

Authorised Medicinal Products, Off-label Prescription and Exempt Medicinal Products Information Sheet

June 2020

Changing practice to support service delivery

Building a Better Health Service | Seirbhís Sláinte Níos Fearr á Forbairt

HPRA An tÚdarás Rialála Táirgí Sláinte Health Products Regulatory Authority

Office of the Nursing & Midwifery Services Director

Authorised, Off-label and Exempt Medicinal Products Information Sheet[1]

The Registered Nurse/Midwife Prescriber (RN/MP) is legally and professionally accountable and responsible for their prescribing practices as mandated by the medicinal products legislation, *The Practice Standards and Guidelines for Nurses and Midwives with Prescriptive Authority*, (NMBI, 2019) and *Scope of Nursing and Midwifery Practice Framework* (NMBI, 2015). Each RN/MP is individually accountable to keep up-to-date with advances in medicinal product prescribing and clinical practice and must acknowledge any limitations in their competence as part of their professional responsibility.

RN/MPs have authority to prescribe medicinal products within their scope of practice. The scope and context of practice is determined by the *Scope of Nursing and Midwifery Practice Framework* (NMBI, 2015) and the *Practice Standards and Guidelines for Nurses and Midwives with Prescriptive Authority* (NMBI, 2019) and local health service provider's policies, procedures, protocols and guidelines (PPPG's). Practising in an accountable manner requires a sound knowledge base, upon which to make decisions in conjunction with professional judgement. The RN/MP must be able to justify and provide a rationale for taking a particular course of action.

Most prescribing in Ireland will involve authorised medicinal products, used within the terms of their marketing authorisations (MA), (also known as the product authorisation or licence). The terms of the MA are described in the Summary of Product Characteristics (SmPC) for each medicinal product, as well as on the HPRA website in the section titled "Find a Medicine".

The authorised product information is comprised of the Summary of Product Characteristics (SmPC) and the Package Leaflet (PL). The SmPC and PL are issued when a medicine is first licensed for use and are reviewed and updated as necessary throughout the lifetime of the medicine. The SmPC is mainly intended for use by healthcare professionals and includes detailed information on the use, dosing recommendations, precautions for use and the known side-effects of the medicine concerned. SmPCs for all products currently authorised in Ireland are accessible from the HPRA website (www.hpra.ie). The PL reflects the more comprehensive information described in the SmPC, but is required to be presented in an abbreviated and easy-to-read format for patients.

Authorised Medicinal Product

A medicinal product which is authorised (or registered, in the case of homeopathic and certain herbal medicinal products) by the HPRA to be marketed in Ireland, or by the European Commission (following a common EU assessment procedure co-ordinated by the European Medicines Agency (EMA)) to allow medicinal products to be placed on the markets in EU Member States. Under European and Irish legislation, all medicinal products must be authorised (or registered) before being placed on the market (Directive 2001/83/EC).

The HPRA/EU Commission grants marketing authorisations (MAs) for medicinal products following clinical and pharmaceutical assessment of data relating to the safety, quality and efficacy of the medicinal product for which an application is received. The decision to grant or vary an authorisation (or a registration) is based on the outcome of this assessment of applications submitted by pharmaceutical companies in relation to their products, for which the benefit/risk profile is considered acceptable.

1 This Information Sheet replaces the Nurse and Midwife Medicinal Product Prescribing Toolkit, Authorised Medicinal Products, Off-label Prescription and Exempt Medicinal Products Toolkits (HSE & HPRA, 2017).

Office of the Nursing & Midwifery Services Director
HPRA An tÚdarás Rialála Táirgí Sláinte Health Products Regulatory Authority
Building a Better Health Service | Seirbhís Sláinte Níos Fearr á Forbairt

Following authorisation, the HPRA and EMA continue to monitor the safety, quality and efficacy of medicinal products through national and EU regulatory procedures, including the operation of national adverse reaction and quality defect reporting systems and inspections. Manufacturing licences are also granted to the companies who make, distribute and market medicinal products in Ireland. This follows onsite inspections to ensure compliance with relevant standards and legislation.

The HPRA monitors national experience and intelligence regarding the importation and/or online sale of falsified (including counterfeit and illegal) medicinal products in Ireland, which may pose a serious health risk for people.

Authorised or registered medicinal products may become unavailable for various reasons, including shortages of supply due to manufacturing difficulties; safety recalls; or product discontinuation by the marketing authorisation holder.

In certain circumstances it may be necessary to prescribe an authorised medicinal product outside the terms of its MA. This is known as **off-label prescribing**. RN/MPs may prescribe a medicinal product off-label provided certain criteria are fulfilled. See guidance for practice, page 4.

Off-label Prescribing

Off-label use refers to the use of an authorised medicinal product outside the terms of its marketing authorisation (MA) or product registration. It is the prescribing of the medicinal product that is off- label, rather than the medicinal product itself. The *Medicinal Products (Control of Placing on the Market) Regulations 2007* as amended do not prohibit the sale, supply, manufacture, possession or procuring the sale, supply, manufacture of a medicinal product for off-label use. It is permissible for an authorised or registered medication to be supplied from a prescription issued by any prescriber, including where it has been prescribed for off-label use.

The issuing of a prescription for an off-label indication must be in accordance with Regulation 5A of the *Medicinal Products (Prescription and Control of Supply) Regulations 2003* (SI 540/2003) as amended. There is no impediment in the relevant legislation or professional regulation to a RN/MP prescribing a medicinal product for off-label use. The *Practice Standards and Guidelines for Nurses and Midwives with Prescriptive Authority* (NMBI 2019), Practice Standard 7, provide guidance on off-label prescribing by the RN/MP.

Exempt Medicinal Product

An exempt medicinal product (EMP) is a medicinal product that is not authorised or registered in Ireland either by the HPRA or in the case of a centrally authorised medicinal product, by the European Commission (via the European Medicines Agency), but which can be legally supplied in response to a bona fide unsolicited order, formulated in accordance with the specifications of a registered medical practitioner or registered dentist for use by their individual patients on her/his direct personal responsibility, in order to fulfil the special needs of those patients (Ref. Medicinal Products (Control of Placing on the Market) Regulations, 2007, as amended.) This legislation provides statutory authority for a medical practitioner to treat a patient under her/his care, using exempt medicinal products.

The enactment of Statutory Instrument (S.I.) No. 529 of 2018 provides the authority for the prescribing of exempt medicinal products by RN/MPs. This action is within the RN/MP's scope of practice for prescriptive authority. The *Practice Standards and Guidelines for Nurses and Midwives with Prescriptive Authority* (NMBI 2019), Practice Standard 7, provide guidance on exempt medicinal product prescribing by the RN/MP.

The term exempt refers to the fact that such products are exempt from the legal requirement to hold a MA, on condition that their supply is in line with the above requirements. An EMP may not be prescribed or supplied in situations where an authorised or registered equivalent (i.e. same active substance(s), strength and dosage form) is available in Ireland. It is essential that all healthcare professionals in the supply chain are aware that EMPs have not been assessed by the HPRA against the criteria of safety, quality and efficacy, and that the responsibility for the clinical use of such products lies with the prescriber.

Under the relevant legislation, Irish manufacturers and wholesalers of medicinal products are required to notify the HPRA of their sourcing of EMPs. These EMPs are then distributed in response to orders from pharmacies, hospitals and registered practitioners who confirm that the EMP has been ordered in response to a bona fide unsolicited order from a registered medical practitioner or registered dentist or RN/MP.

The HPRA maintains a database for the notification, by wholesalers and manufacturers, of EMPs sourced for supply to the Irish market from outside the state. Maintaining this database is particularly important where a notification of a quality defect (or other type of non-compliance issue) in a medicinal product has been received from another market. This database allows the HPRA to check if a notification has been received for that product, indicating that the product concerned has been imported and potentially supplied to patients in Ireland. Where this has occurred the HPRA institutes appropriate risk-mitigating measures (such as a product recall) in order to protect those patients in the event of a quality defect or other issue necessitating market action.

It is the responsibility of each RN/MP to register with the HPRA for relevant updates and alerts and facilitate awareness of the status of the medicinal products listed[2].

For further information please see the HPRA's Guide to the Notification System for Exempt Medicinal Products, available at www.hpra.ie

Guidance for Practice for Authorised, Off-label Use and Exempt Medicinal Products (EMPs)

RN/MPs have authority to prescribe medicinal products within their scope of practice. In tandem with the legislative requirements RN/MPs should be aware of best practice guidance and health service provider's PPPGs when prescribing for off-label and exempt medicinal products (NMBI, 2019). Health service providers can adopt the national *Nurse and Midwife Medicinal Product Prescribing Guideline* (HSE, 2020) and develop addenda or develop their own local PPPG's to provide governance structures for RN/MPs to prescribe all medicinal products. The RN/MP should be knowledgeable of best practice for prescribing medicinal products for off-label use and EMPs. This includes determining;

- If there is an alternative authorised/registered medicinal product that could be prescribed
- If the medicinal product is regularly used to treat patient/service users in the RN/MP's area of clinical practice.

2 Registration with HPRA www.hpra.ie

Glossary of Terms

European Medicines Agency (EMA): An agency of the European Union, located in Amsterdam. The Agency is responsible for the scientific evaluation of medicinal products developed by pharmaceutical companies for use in the European Union. The Agency is responsible for the co-ordination of the scientific evaluation of applications for European marketing authorisations for both human and veterinary medicinal products (centralised procedure). Under the centralised procedure, companies submit a single marketing authorisation application to the Agency. Once granted by the European Commission, a centralised (or community) marketing authorisation is valid in all European Union and EEA-EFTA states (Iceland, Liechtenstein and Norway).

Health Products Regulatory Authority (HPRA): The role of the Health Products Regulatory Authority (HPRA) is to protect and enhance public and animal health by regulating medicinal products, medical devices and other health products. The HPRA has a role in regulating human and veterinary medicinal products, clinical trials and investigations, medical devices and controlled drugs, blood components, tissues and cells, cosmetic products, protection of animals used for scientific purposes and human organs intended for transplantation.

Medicinal Product: The definition of a medicinal product is defined in Article 1 of Directive 2001/83/EC, as amended by Directive 2004/27/EC, as;

- Any substance or combination of substances presented as having properties for treating or preventing disease in human beings.

Any substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action or by making a medical diagnosis.

Summary of Product Characteristics (SmPC): This is a legal document outlining the key quality, safety and efficacy data that were assessed during the authorisation process. It provides specific product information for prescribers and healthcare professionals on how to use that medicinal product safely and effectively, and also provides the basis for the package leaflet and product labelling. The content of the SmPC provides specific details on the use of the medicinal product in its treatment of the conditions for which it is authorised (HPRA, 2015).