

28 May 2008

NHS
**National Institute for
Health and Clinical Excellence**

Midcity Place
71 High Holborn
London
WC1V 6NA

Tel: 0845 003 7780
Fax: 0845 003 7784

Sent via email

www.nice.org.uk

Dear [REDACTED]

FAD Ranibizumab and Pegaptinib for age related macular degeneration

Thank you for your letter dated 20 May. This letter represents my final determination on the admissibility of your client's appeal points.

Ground 1

It seems to me there is some confusion as to what exactly happened here. The PCT's initial letter suggested to me that High Peak and Dales PCT had engaged with the appraisal, and that that engagement was not handed over to Derbyshire County PCT. Your letter presents a rather different picture where (in effect) NICE was attempting to involve Derbyshire County PCT, but under the name of a predecessor body. On that basis, I agree that this ground should be considered by the appeal panel. In view of the helpful and pragmatic comments made in your paragraph 8, it may well be that the issue falls to be considered essentially as part of your ground 2 challenge in any event.

Ground 2

Thank you for your elaboration of this ground of appeal. I agree that this should go before an appeal panel. It may be helpful to indicate that your appeal is novel in arguing that a less cost effective subgroup should be identified and excluded from treatment. (Arguments that a more cost effective subgroup should be identified and included in treatment have been made before. But this will be the first time the point has been put the other way around.) You may want to prepare to argue both why in principle this is a proper issue for the committee to have considered, as well as why on the facts of this case it should have been considered.

Ground 3

Already accepted as a valid ground of appeal.

As regards your requests for information, I believe the Institute has directed you to the pages on its website which already contain the requested documents. The exception is the appeal documentation from Pfizer, which I will arrange to have forwarded to you. However, I should stress that you are not a party to their appeal, (and nor are they to yours). It will be a matter for the chair of the appeal panel to what extent, if at all, he or she allows you to comment on each other's submissions.

Yours sincerely

Mark Taylor
Chair of the Appeal Committee