



**National Institute for
Health and Clinical Excellence**

MidCity Place
71 High Holborn
London
WC1V 6NA

Tel: 0845 003 7780
Fax: 0845 003 7784

Email: nice@nice.org.uk
www.nice.org.uk

Sent via email

[REDACTED]

James Whale Fund for Kidney Cancer

17 June 2009

Dear [REDACTED]

Final Appraisal Determination: Bevacizumab (first line) sorafenib (first and second line) sunitinib (second line) and temsirolimus (first line) for the treatment of advanced and/or metastatic renal cell carcinoma

Thank you for your response to the initial scrutiny of your appeal lodged against this FAD. This letter represents the final decision on initial scrutiny.

Point one

I note your further concern. If the evidence did show that the appraisal committee had failed to take account of all relevant evidence then I would expect that the appeal panel would allow the appeal. However I feel the discussion at the appeal hearing will be more fruitful if the parties prepare on the basis of perversity, rather than the narrower allegation that evidence was not considered at all, and so my decision remains that this point should be considered under ground two.

Point three

As you have described it in your letter, this now seems to me to be another ground two point, in that you are saying that in the light of the subgroup analysis it was wrong not to recommend use. I note your suggestion that this is a ground one point, but it is clear from the FAD that the subgroup data were considered, see e.g. FAD para 4.3.11. Therefore this can only be a ground two point.

Point four

It remains my view that this is a ground two point, essentially for the reasons given under point one.

Finally, I have considered your comments relating to the pathway of care. It still seems to me that your concern raises issues which are outside the appeal process, and I do not think this argument should proceed.

Conclusion

This is the final decision on initial scrutiny. The valid appeal points are points one to four, under ground two.

Yours sincerely



Appeal Committee Chair