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28 September 2023 Dear

**Re: Final Appraisal Document — Tebentafusp for treating advanced uveal melanoma [ID1441]**

Thank you for your letter of 21 September 2023 responding to my initial scrutiny views. This is my final decision on initial scrutiny.

I consider the ground 1 point followed by the ground 2 point.

***Ground 1(a): In making the assessment that preceded the recommendation, NICE has failed to act fairly***

***Ground 1(b): In making the assessment that preceded the recommendation, NICE has exceeded its powers***

# Appeal point 1: Appeal point 1: NICE determined that Tebentafusp would be unsuitable for the Cancer Drugs Fund based on the likely impact of the severity modifier at exiting the CDF rather than on the end-of-life modifier that applied to Tebentafusp at the time of appraisal

I remain of the view that this appeal point should not proceed to an oral hearing. That is for the reasons set out in my initial scrutiny letter. I note that you have not responded directly to those reasons in your letter of 21 September 2023.

***Ground 2: the recommendation is unreasonable in the light of the evidence submitted to NICE***

# Appeal point 2.1 The recommendation is unreasonable in the light of the evidence submitted to [NICE] about the Quality of Life of people affected by advanced uveal melanoma and the costs associated with this condition which should have been taken regarding the end-of-life criteria and not the requirements of the new severity modifier;

At the initial scrutiny stage I expressed the provisional view that this appeal point was insufficiently detailed to support an arguable case that the Committee's recommendation is unreasonable. Thank you for elaborating on your point in your letter of 21 September 2023.

In particular, I note your contention that the Committee's decision to adopt modelling using monthly best supportive care costs is unreasonable because the ERG and/or the Committee did not take due account of appropriate experts in reaching their views.

I agree that this is an arguable appeal point and refer it to an appeal panel for hearing, as follows:



*The Committee's decision to adopt modelling using monthly best supportive care costs is unreasonable because the ERG and/or the Committee did not take due account of appropriate experts in reaching their views.*

Conclusion

Therefore the valid appeal points are:

* 2.1: The Committee's decision to adopt modelling using monthly best supportive care costs is unreasonable because the ERG and/or the Committee did not take due account of appropriate experts in reaching their views.

NICE shares the valid appeal grounds of each appellant with the other appellants to assist with preparation for the hearing.

NICE will be in contact with you regarding the administration of the appeal, which will be held orally.

Yours sincerely

Dr Mark Chakravarty

Lead Non-Executive Director for Appeals & Vice Chairman National Institute for Health and Care Excellence

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