

Janssen Policy

Evaluating and Responding to Pre-approval Access Requests for Investigational Medicines

PURPOSE

This policy establishes the principles by which the Janssen Pharmaceutical Companies of Johnson & Johnson evaluate and respond to requests for the provision of pre-approval access to investigational medicines outside of a clinical trial.

PRINCIPLES FOR PRE-APPROVAL ACCESS REQUESTS

At the Janssen Pharmaceutical Companies of Johnson & Johnson (Janssen), our Credo values guide our decision-making. We adhere to these values and we strive to maintain the highest ethical standards in our scientific research methods and programs. We also comply with regulatory and industry guidelines as we seek to make advances in science and technology.

We are often asked how patients with serious diseases can obtain medicines not yet approved by government health authorities (investigational medicines). Pre-approval access (PAA) is the overarching term for any access to an investigational medicine prior to approval to market the medicine. The main pathway for gaining access to Janssen's investigational medicines is for a patient to enroll in a clinical trial. For patients who cannot enroll in clinical trials, pre-approval access programs for multiple patients and single-patient access requests ("compassionate use") can be considered.

Our policy for considering pre-approval access to investigational medicines is grounded in key ethical principles, including that:

- 1) All requests for pre-approval access are considered in a fair and just manner;
- 2) Sufficient understanding of the potential benefits and risks of the investigational medicine has been established through the conduct of a rigorously designed, scientifically and medically sound, development program;
- 3) Patients are not put at risk of unnecessary harm;
- 4) Fulfillment of pre-approval access will not jeopardize the development program that may lead to broader public access through marketing authorization; and
- 5) Fulfillment of pre-approval access fully complies with applicable laws and regulations

SCOPE

This policy describes the pathways by which patients may seek pre-approval access to investigational medicines including:

- contact information for Janssen;
- the procedure to make pre-approval access requests;
- the criteria Janssen uses to evaluate pre-approval access requests;
- the time it will take to acknowledge the receipt of such a request; and
- reference to Janssen clinical trial and pre-approval access information

This policy applies to investigational medicines that are being developed under Janssen's sole control. In cases where an investigational medicine is developed in partnership with another company, Janssen may not control decisions regarding pre-approval access.

This policy does not apply to Janssen medicines that have already been approved by government health authorities, since those medicines may be accessed by way of a physician's prescription.

Decisions on pre-approval access are some of the most difficult that any company can face. Janssen will consider each request carefully, but cannot guarantee that pre-approval access will be granted in any particular case.

POLICY STATEMENTS

Pathways for Access to Investigational Medicines

When evaluating a request for pre-approval access, the patient's eligibility for clinical trials must first be considered, then the patient's ability to participate in any available pre-approval access *programs*, and finally through pre-approval *single patient access*.

Clinical Trials

The main pathway for gaining potential access to Janssen's investigational medicines is to enroll in a clinical trial. Clinical trials are scientific studies in which investigational medicines are tested to assess whether they are safe and effective.

Pharmaceutical companies, like Janssen, conduct clinical trials to establish the scientific proof needed to ask a government health authority to approve our medicines. Obtaining that approval is critical because it means that an independent health authority has reviewed all of the efficacy and safety information on the medicine and believes that it should be made available for physicians for prescribing to patients.

Sometimes patients are not eligible to enter a clinical trial. Reasons for this can include if the patient has other health conditions in addition to the type of disease being studied, or if the patient is taking certain other medicines that might interfere with the trial results or put the patient at unreasonable risk.

Pre-Approval Access Programs

If a clinical trial is not available or patients do not qualify for participation, there may be other options. Patients may sometimes obtain access to an investigational medicine through a pre-approval access program. These programs are designed for a group of patients by which pharmaceutical companies may provide certain investigational medicines outside of a clinical trial before those medicines have been approved by the government health authority in the country in which the patients live. Similar to clinical trials, pre-approval access programs may have specific criteria that patients must meet to be included. Such pre-approval access programs also need to be approved by government health authorities. In the United States, pre-approval access programs are referred to as Expanded Access Programs (EAP) and are regulated by the U.S. Food and Drug Administration (FDA). Generally, Janssen considers opening an EAP for a particular investigational medicine in the U.S. when the clinical studies of the medicine are complete and we are waiting for completion of review of the medicine from the FDA. However, an EAP is not opened for every investigational medicine.

Pre-approval Single Patient Access (Compassionate Use)

Single Patient Access (SPA) is a pre-approval access pathway in which access to an investigational medicine may be considered for an individual patient in situations where (i) the patient does not meet the eligibility criteria for clinical trials and (ii) is not able to participate in any type of pre-approval access program. Single patient access is also known as "compassionate use" and is also regulated by local health authorities.

Right to Try (RTT)

Right-to-try laws are U.S. state laws that were enacted to permit terminally ill patients to try experimental therapies (drugs, biologics, devices) that have completed Phase 1 testing but have not been approved by the FDA. In this setting, the company from whom the drug is being requested must approve each request. Federal legislation is pending that, if enacted, would provide for a similar mechanism.

Janssen fully supports efforts to improve the safe and timely access to investigational medicines for patients whose chronic or terminal illnesses are not responding to currently available treatments. We are guided by a priority to ensure the safety of all patients and believe every member of the public, including patients seeking access to investigational medicines, deserves the reassurance of knowing that safeguards are in place to protect public health and ensure the safety of all medicines.

Our own innovation in this area, developed in collaboration with the NYU Division of Medical Ethics has been the [Compassionate Use Advisory Committee](#). We believe that this is a fair, ethical and streamlined process for patients seeking access to our investigational medications, while still offering a thorough consideration of safety.

We are committed to helping patients with serious illnesses and their families request access to our investigational medicines. We support these requests through our established review and evaluation processes, which includes independent review by the FDA to assure full consideration of available safety data of which the FDA may be uniquely aware. In addition to internal review, these requests may also be reviewed by the Compassionate Use Advisory Committee (CompAC) to support our commitment to fair and equitable evaluation.

Circumstances in which Pre-approval Access Programs and Single Patient Requests May be Considered

For both Pre-approval Access Programs and Pre-approval Access Single Patient Access, Janssen considers a request for pre-approval access to an investigational medicine (other than through a clinical trial), when all the following circumstances can be confirmed:

- The patient must have a serious or life-threatening disease or condition.
- There must be an unmet medical need, or alternative therapies are not available or the patient must have exhausted all such alternative therapies.
- The patient is not eligible or cannot participate in a clinical trial. In assessing the eligibility of a patient for potential pre-approval access, preference will be given to clinical trials, then pre-approval access programs, and then single patient access.
- There is sufficient scientific evidence to demonstrate that the benefits of the investigational medicine outweigh the risks.
- Providing pre-approval access will not jeopardize the initiation, conduct, or completion of clinical investigations and the overall development program to support registration of the product.
- Pre-approval access must be permitted by, and run in accordance with, applicable laws.
- The treating physician making the request is licensed and qualified to administer the investigational medicine, and agrees to comply with Janssen requirements and local regulations governing pre-approval access, and adhere to applicable laws and regulations.

Procedure to Submit a Request and obtain an Acknowledgement of Receipt

1. How do I submit a Pre-approval Access request to Janssen?

Requests must be submitted by the treating physician caring for a patient. Physicians in the United States wishing to submit a Pre-approval Access request should call 1-800-JANSSEN or email: janssenmedinfo@its.jnj.com. Physicians outside of the U.S. should contact the Janssen office in their country. Janssen does not accept requests directly from patients or family members.

2. Does Janssen accept Right to Try requests?

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Physicians in the United States wishing to submit a Pre-approval Access request should call 1-800-JANSSEN or email: janssenmedinfo@its.jnj.com. Physicians outside of the U.S. should contact the Janssen office in their country. Janssen does not accept requests directly from patients or family members.

For additional guidance and assistance with submitting requests to the FDA as well as information about IRB submissions, please visit:

<https://www.fda.gov/NewsEvents/PublicHealthFocus/ExpandedAccessCompassionateUse/default.htm>

<http://navigator.reaganudall.org/>

3. What will happen when I call 1-800-JANSSEN or the local Janssen office?

A Medical Information Specialist will discuss the request with the treating physician.

Based on the particular request, the physician may be directed to the Janssen Managed Access Portal to register and submit a Pre-approval Access request.

In the United States, specifically for a pre-approval access program request, the Medical Information Specialist will immediately advise the physician whether an existing pre-approval access program is available or not. If an existing pre-approval access program is available, the Medical Information Specialist will forward that request to the relevant Janssen contact to initiate internal review.

4. When will an acknowledgement of receipt be received?

For physicians submitting a formal Pre-approval Access request to Janssen's Managed Access Portal, an acknowledgement of receipt will immediately be issued upon submission completion.

In the United States, physicians who inquire about pre-approval access programs will receive immediate acknowledgement of receipt from the Janssen Medical Information Specialist identifying whether an existing program is available or not.

5. What happens if further medical information is needed from the requesting physician?

For physicians submitting a Pre-approval Access request to Janssen, it is possible that they will be asked to provide further medical information. Responding quickly to any further information requests will enable Janssen's timely evaluation of requests.

6. When will a decision about a Pre-approval Access request from Janssen be available?

We commit to working to provide a decision as quickly as possible, ideally within 5 to 10 business days, **once all required medical information is provided**. This timeline may be impacted by factors such as requests for further medical information, clinical trial processes, national and local requirements, and government health authority feedback.

How Pre-Approval Access Requests are Evaluated

For medicines not yet approved by health authorities, Janssen's clinical personnel will conduct an initial review of all requests for pre-approval access. The goal of this review is to help physicians identify patients who may be immediately eligible for a clinical trial or a pre-approval access program, and the review will direct those requests accordingly.

If, in Janssen's medical assessment, a patient has exhausted all available treatment options, and is not eligible for clinical trials, pre-approval access programs and, the patient fulfills the circumstances (noted above) for access to an investigational medicine, Janssen will consider such request for single patient access. Janssen may utilize the Compassionate Use Advisory Committee (CompAC) to support its decision-making process. (See information below).

The Compassionate Use Advisory Committee (CompAC)

To enhance our long-standing commitment to ethical and patient-centered decision-making, Janssen established a partnership between Janssen and the Division of Medical Ethics at the New York University (NYU) School of Medicine to form the Compassionate Use Advisory Committee (CompAC) to assist in evaluating single patient access requests. This partnership seeks to further ensure that patient's requests for investigational medicines are evaluated in the most thoughtful, ethical and fair manner. The CompAC comprises an external committee of bioethical experts, physicians and patient representatives.

Janssen may utilize CompAC to support decision-making for single patient access requests. Requests are forwarded to CompAC following the initial Janssen review and triage. CompAC evaluates these

requests and provides a recommendation to Janssen. Janssen's physicians make a final decision on patient access, taking the CompAC recommendation into account.

Company Contact Information

To obtain more information on accessing Janssen investigational medicines, physicians in the US should contact Janssen Medical Information at 1-800-JANSSEN or email us at janssenmedinfo@its.jnj.com. Physicians outside of the U.S. should contact the Janssen office in their country. Janssen will not accept requests directly from patients or family members.

Reference to Clinical Trial and Pre-approval Access Information

Patients should speak with their physician about their eligibility to participate in a clinical trial or other pre-approval access options. A list of Janssen clinical trials and information about U.S. pre-approval access by product can be found at www.clinicaltrials.gov.

DEFINITIONS

ClinicalTrials.gov: ClinicalTrials.gov is an online database operated by the U.S. National Institutes of Health (NIH) of publicly and privately supported clinical trials.

Compassionate Use Advisory Committee (CompAC): An external, expert advisory committee comprised of bioethical experts, physicians and patient representatives convened by NYU to evaluate and make recommendations independently from Janssen regarding single patient access requests.

Pre-Approval Access (PAA): Provision of an investigational product prior to its marketing authorization to treat patients with serious/ life-threatening diseases or conditions, where there exists no alternative treatments or where all alternative treatments have been exhausted. Pre-approval access includes pre-approval access programs and single patient access (e.g. compassionate use).

Pre-Approval Access Program (includes Expanded Access Programs): Pre-approval access program is designed to permit a group of patients to access an investigational medicine and intended to allow those patients who may benefit from access to the investigational medicine before it is commercially available. Examples of pre-approval access programs include: Expanded Access Programs (EAP in the US) and Temporary Authorization for Use (ATU) outside of the US.

Right to Try (RTT): Right-to-try laws are U.S. state laws that were created to permit terminally ill patients to try experimental therapies (drugs, biologics, devices) that have completed Phase 1 testing but have not been approved by the FDA. Legislation is under review with the House of Representatives which could make RTT Federal law.

Single Patient Access (SPA): Pre-approval access provided to an individual patient in situations where the patient does not meet the pre-established medical and scientific entry criteria for clinical trials or is unable to participate in a clinical trial or any type of Pre-Approval Access Program. Single Patient Access is also known as 'compassionate use' in some countries.