

OFF-LABEL/UNPROVEN SPECIALTY DRUG TREATMENT

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Related Policies
<ul style="list-style-type: none"> • Acquired Rare Disease Drug Therapy Exception Process • Injectable Chemotherapy Drugs: Application of NCCN Clinical Practice Guidelines • Preventative Care Services • Vaccines

INSTRUCTIONS FOR USE

This Clinical Policy provides assistance in interpreting Oxford benefit plans. Unless otherwise stated, Oxford policies do not apply to Medicare Advantage members. Oxford reserves the right, in its sole discretion, to modify its policies as necessary. This Clinical Policy is provided for informational purposes. It does not constitute medical advice. The term Oxford includes Oxford Health Plans, LLC and all of its subsidiaries as appropriate for these policies.

When deciding coverage, the member specific benefit plan document must be referenced. The terms of the member specific benefit plan document [e.g., Certificate of Coverage (COC), Schedule of Benefits (SOB), and/or Summary Plan Description (SPD)] may differ greatly from the standard benefit plan upon which this Clinical Policy is based. In the event of a conflict, the member specific benefit plan document supersedes this Clinical Policy. All reviewers must first identify member eligibility, any federal or state regulatory requirements, and the member specific benefit plan coverage prior to use of this Clinical Policy. Other Policies may apply.

UnitedHealthcare may also use tools developed by third parties, such as the MCG™ Care Guidelines, to assist us in administering health benefits. The MCG™ Care Guidelines are intended to be used in connection with the independent professional medical judgment of a qualified health care provider and do not constitute the practice of medicine or medical advice.

CONDITIONS OF COVERAGE

Applicable Lines of Business/ Products	This policy applies to Oxford Commercial plan membership.
Benefit Type	General Benefits Package
Referral Required (Does not apply to non-gatekeeper products)	No
Authorization Required (Precertification always required for inpatient admission)	Yes ^{1,2}
Precertification with Medical Director Review Required	Yes ²
Applicable Site(s) of Service (If site of service is not listed, Medical Director review is required)	Other
Special Considerations	<p>¹Providers must call Oxford's Medical Management Department to obtain precertification.</p> <p>²Precertification with review by a Medical Director or their designee is required.</p>

BENEFIT CONSIDERATIONS

Before using this policy, please check the member specific benefit plan document and any federal or state mandates, if applicable.

If the coverage review using the NCCN Compendium determines that the drug is unproven, then further review is indicated. Some Certificates of Coverage allow for coverage of experimental/investigational/unproven treatments for life-threatening illnesses when certain conditions are met. The member specific benefit plan document must be consulted to make coverage decisions for this service. Some states mandate benefit coverage for off-label use of medications for some diagnoses or under some circumstances. Some states also mandate usage of other Compendium references. Where such mandates apply, they supersede language in the benefit document or in the drug policy.

Benefit coverage for an otherwise unproven service for the treatment of serious rare diseases may occur when certain conditions are met. See the policy titled [Acquired Rare Disease Drug Therapy Exception Process](#).

Essential Health Benefits for Individual and Small Group

For plan years beginning on or after January 1, 2014, the Affordable Care Act of 2010 (ACA) requires fully insured non-grandfathered individual and small group plans (inside and outside of Exchanges) to provide coverage for ten categories of Essential Health Benefits ("EHBs"). Large group plans (both self-funded and fully insured), and small group ASO plans, are not subject to the requirement to offer coverage for EHBs. However, if such plans choose to provide coverage for benefits which are deemed EHBs, the ACA requires all dollar limits on those benefits to be removed on all Grandfathered and Non-Grandfathered plans. The determination of which benefits constitute EHBs is made on a state by state basis. As such, when using this policy, it is important to refer to the member specific benefit plan document to determine benefit coverage.

COVERAGE RATIONALE

Description

This policy provides parameters for coverage of off-label and unproven indications of FDA-approved medications covered under the medical benefit for **one** of the following:*

- Injectable specialty drug with a corresponding Oxford Health Plans policy that does not address the requested indication
- Injectable specialty drug with a corresponding Oxford Health Plans policy that lists the drug as unproven for the requested indication
- Injectable specialty drug without an Oxford Health Plans drug policy

* <http://www.uhcspecialtyrx.com/>

This policy does not address coverage for medications covered under the pharmacy benefit.

Please refer to pharmacy benefit coverage.

This policy does **not** address coverage of injectable oncology medications (J9000 - J9999) and select other medications used for oncology conditions [including, but not limited to octreotide acetate (J2353 and J2354) and leuprolide acetate (J1950)] covered under the medical benefit based upon the National Comprehensive Cancer Network (NCCN) Drugs & Biologics Compendium™. Please refer to the following Oxford Health Plans policy, [Injectable Chemotherapy Drugs: Application of NCCN Clinical Practice Guidelines](#), for more information.

This policy does **not** address coverage of vaccines. Please refer to policies [Vaccines](#) and [Preventative Care Services](#) for additional information on vaccines covered as preventive services.

Indications of Coverage

A specialty drug may be determined medically necessary for the requested off-label or unproven indication when ALL of the following criteria are met:

- The drug is approved by the U.S. Food and Drug Administration; **and**
 - The requested drug has **not** been excluded from coverage by Oxford Health Plans due to lack of efficacy, clinical benefit, or administrative program (e.g., exclusion at launch, plan document); **and**
 - **One** of the following:
 - The requested drug is considered 'unproven or not medically necessary' per Oxford Health Plans drug policy, where applicable
 - The indication for the requested drug is not addressed by an Oxford Health Plans drug policy, where applicable
 - An Oxford Health Plans drug policy does not exist for the requested drug.
- and**
- The drug is prescribed by a licensed health care professional; **and**

- The requested drug is intended to treat a chronic and seriously debilitating condition; **and**
- Documented history of failure, contraindication, or intolerance to standard, conventional therapies to treat or manage the disease or condition, where available; **and**
- Diagnosis is *clinically supported* as a use by at least **one** of the following:
 - **One** of the following compendia:
 - The American Hospital Formulary Service Drug Information (AHFS-DI) under the Therapeutic Uses section¹
 - The Elsevier Gold Standard's Clinical Pharmacology under the Indications section²
 - DRUGDEX System by Micromedex® has a Strength of Recommendation rating of Class I, Class IIa, or Class IIb under the Therapeutic Uses section³
 - or**
 - MCG™ Care Guidelines, Ambulatory Care;⁸ **or**
 - **Two (2)** articles from major peer reviewed medical journals that present data supporting the proposed off-label use or uses as generally safe and effective unless there is validated and uncontested contradictory evidence presented in a major peer-reviewed medical journal.

[Examples of accepted journals include, but are not limited to, *Journal of American Medical Association*, *New England Journal of Medicine*, and *Lancet*. Accepted study designs may include, but are not limited to, randomized, double blind, placebo controlled clinical trials.]

U.S. FOOD AND DRUG ADMINISTRATION (FDA)

The U.S. FDA released an information sheet entitled '*Off-Label' and Investigational Use of Marketed Drugs, Biologics, and Medical Devices* which states: "Good medical practice and the best interests of the patient require that physicians use legally available drugs, biologics and devices according to their best knowledge and judgment. If physicians use a product for an indication not in the approved labeling, they have the responsibility to be well informed about the product, to base its use on firm scientific rationale and on sound medical evidence, and to maintain records of the product's use and effects."⁵

BACKGROUND

An off-label/unlabeled use of a drug is defined as a use for a non-FDA approved indication, that is, one that is not listed on the drug's official label/prescribing information. An indication is defined as a diagnosis, illness, injury, syndrome, condition, or other clinical parameter for which a drug may be given. Off-label use is further defined as giving the drug in a way that deviates significantly from the labeled prescribing information for a particular indication.

CLINICAL EVIDENCE

In order to meet the requirement that the use of the drug is medically necessary for the treatment of disease, the drugs must be safe and effective relative to other available treatments. Off-label drug prescribing may be determined medically necessary if scientific evidence and/or compendia support the regimen. A compendium is defined "as a comprehensive listing of FDA-approved drugs and biologicals (or a comprehensive listing of a specific subset of drugs and biologicals in a specialty compendium, for example, a compendium of anti-cancer treatment)."⁴

American Hospital Formulary Service Drug Information (AHFS-DI)

AHFS-DI utilizes the following **levels of evidence rating system**:¹

Level 1

- **High Strength/Quality** as defined by at least one of the following:
 - Evidence consists of at least one randomized, double-blind trial without important limitations (i.e., large treatment effect); intent-to-treat analysis used, confidence intervals reported. If more than one trial is available, these trials have consistent results.
 - Evidence consists of a meta-analysis of such trials with consistent results (i.e., low heterogeneity).
- Evidence consisting of a non-blinded or single-blinded trial that meets study objective end points may be considered as Level 1 evidence in some cancer-related cases (e.g., NCI-sponsored cooperative group study or a multicenter trial).

Level 2

- **Moderate Strength/Quality** as defined by at least one of the following:
 - Evidence consists of at least one non-blinded or single-blinded, randomized clinical trial.
 - Evidence consists of at least one non-blinded or single-blinded, non-randomized clinical trial.
 - Evidence consists of a meta-analysis of randomized, controlled clinical trials with heterogeneous results if reasons for heterogeneity in individual trials are adequately discussed.

- Evidence consists of at least one randomized, controlled clinical trial, but with important methodological limitations (e.g., large number of patients lost to follow-up and/or no intent-to-treat analysis and/or important data not recorded).
- Evidence is inconsistent (i.e., two or more randomized controlled trials with unexplained, widely varying estimates of treatment effects, even if results of individual trials would constitute strong Level 1 evidence when considered alone).
- Evidence consisting of a non-blinded, non-randomized trial (e.g., a phase II study) may be considered as Level 2 evidence in some cancer-related cases (e.g., rare cancers or cancers with limited available treatment options).

Level 3

- **Low Strength/Quality** is defined as: Evidence consists of observational studies, case reports, or case series; may also include randomized clinical trials with multiple serious deficiencies or study limitations.

Level 4

- **Opinion/Experience** is defined as: Evidence consists of expert consensus panel reports or expert reviewers' comments.

AHFS-DI utilizes the following **grades of recommendation**:

- **Recommended (Accepted)**: The drug or biologic should be used, is recommended/indicated, or is useful/effective/beneficial in most cases.
- **Reasonable Choice (Accepted, with Possible Conditions)** (e.g., treatment option): The drug or biologic is reasonable to use under certain conditions (e.g., in certain patient groups), can be useful/effective/beneficial, or is probably recommended or indicated.
- **Not Fully Established (Unclear Risk/Benefit, Equivocal Evidence, Inadequate Data and/or Experience)**: Usefulness and/or effectiveness is unknown, unclear, or uncertain or is not well established relative to the standard of care.
- **Not Recommended (Unaccepted)**: The drug or biologic is considered inappropriate, obsolete, or unproven; is not recommended, is not indicated, or is not useful/effective/beneficial; or may be harmful.

Clinical Pharmacology

Off-label drug indication data are included within Clinical Pharmacology when identified as a clinically relevant or as emerging treatment that are adequately supported by a systematic review of the evidence. Off-label data are primarily identified for inclusion in the database through a regular and comprehensive review of:²

- Primary published literature
- New or updated national practice guidelines
- Surveillance of other accepted sources of medical information (e.g., FDA, CDC, NIH communications)
- Dialogue with customers or other external reviewers of the compendia content

Grading of Recommendations Assessment, Development, and Evaluation (GRADE)

The Grading of Recommendations Assessment, Development, and Evaluation (GRADE) system is used to evaluate and rate the quality of evidence to determine qualities of evidence levels and recommendations as follows:⁶⁻⁷

Grade of Recommendation	Clarity of Risk/Benefit	Quality of Supporting Evidence	Implications
1A. Strong recommendation. High quality evidence	Benefits clearly outweigh risk and burdens, or vice versa	Consistent evidence from well performed randomized, controlled trials or overwhelming evidence of some other form. Further research is unlikely to change our confidence in the estimate of benefit and risk	Strong recommendation, can apply to most patients in most circumstances without reservation
1B. Strong recommendation. Moderate quality evidence	Benefits clearly outweigh risk and burdens, or vice versa	Evidence from randomized, controlled trials with important limitations (inconsistent results, methodologic flaws, indirect or imprecise), or very strong evidence of some other form. Further research (if performed) is likely to have an impact on our confidence in the estimate of benefit and risk and may change the estimate	Strong recommendation, likely to apply to most patients
1C. Strong recommendation. Low quality evidence	Benefits appear to outweigh risk and burdens, or vice versa	Evidence from observational studies, unsystematic clinical experience, or from randomized, controlled trials with serious flaws. Any estimate of effect is uncertain	Relatively strong recommendation; might change when higher quality evidence becomes available

Grade of Recommendation	Clarity of Risk/Benefit	Quality of Supporting Evidence	Implications
2A. Weak recommendation. High quality evidence	Benefits closely balanced with risks and burdens	Consistent evidence from well performed randomized, controlled trials or overwhelming evidence of some other form. Further research is unlikely to change our confidence in the estimate of benefit and risk	Weak recommendation, best action may differ depending on circumstances or patients or societal values
2B. Weak recommendation. Moderate quality evidence	Benefits closely balanced with risks and burdens, some uncertainty in the estimates of benefits, risks and burdens	Evidence from randomized, controlled trials with important limitations (inconsistent results, methodologic flaws, indirect or imprecise), or very strong evidence of some other form. Further research (if performed) is likely to have an impact on our confidence in the estimate of benefit and risk and may change the estimate	Weak recommendation, alternative approaches likely to be better for some patients under some circumstances
2C. Weak recommendation. Low quality evidence	Uncertainty in the estimates of benefits, risks, and burdens; benefits may be closely balanced with risks and burdens	Evidence from observational studies, unsystematic clinical experience, or from randomized, controlled trials with serious flaws. Any estimate of effect is uncertain	Very weak recommendation; other alternatives may be equally reasonable

DRUGDEX (Micromedex)

The DRUGDEX (Micromedex) *efficacy, strength of evidence and strength of recommendation* definitions are outlined below:³

DRUGDEX (Micromedex)		
Strength of Recommendation		
Class I	Recommended	The given test or treatment has been proven to be useful, and should be performed or administered
Class IIa	Recommended, In Most Cases	The given test, or treatment is generally considered to be useful, and is indicated in most cases
Class IIb	Recommended, In Some Cases	The given test, or treatment may be useful, and is indicated in some, but not most, cases
Class III	Not Recommended	The given test, or treatment is not useful, and should be avoided
Class Indeterminate	Evidence Inconclusive	
Strength of Evidence		
Category A	Category A evidence is based on data derived from: Meta-analyses of randomized controlled trials with homogeneity with regard to the directions and degrees of results between individual studies. Multiple, well-done randomized clinical trials involving large numbers of patient	
Category B	Category B evidence is based on data derived from: Meta-analyses of randomized controlled trials with conflicting conclusions with regard to the directions and degrees of results between individual studies. Randomized controlled trials that involved small numbers of patients or had significant methodological flaws (e.g., bias, drop-out rate, flawed analysis, etc.). Nonrandomized studies (e.g., cohort studies, case-control studies, observational studies)	
Category C	Category C evidence is based on data derived from: Expert opinion or consensus, case reports or case series	
No evidence		
Efficacy		
Class I	Effective	Evidence and/or expert opinion suggests that a given drug treatment for a specific indication is effective
Class IIa	Evidence Favors Efficacy	Evidence and/or expert opinion is conflicting as to whether a given drug treatment for a specific indication is effective, but the weight of evidence and/or expert opinion favors efficacy

Efficacy

Class IIb	Evidence is Inconclusive	Evidence and/or expert opinion is conflicting as to whether a given drug treatment for a specific indication is effective, but the weight of evidence and/or expert opinion argues against efficacy
Class III	Ineffective	Evidence and/or expert opinion suggests that a given drug treatment for a specific indication is ineffective

MCG™ Ambulatory Care

Some MCG guidelines are designated as "Current Role Remains Uncertain". To help clarify the reasoning behind designating a given guideline as "Current Role Remains Uncertain," each area of uncertainty that is discussed (under the heading "Inconclusive or Non-Supportive Evidence") has been assigned a Recommendation Grade summarizing the evidence base for that indication. MCG utilizes the following recommendation grades:⁸

- **RG B:** Evidence is insufficient, conflicting, or poor and demonstrates an incomplete assessment of net benefit versus harm; additional research is recommended.
- **RG C1:** Evidence demonstrates a lack of net benefit; additional research is recommended.
- **RG C2:** Evidence demonstrates potential harm that outweighs benefit; additional research is recommended.

The evidence presented in the Evidence Summary is graded according to level of authoritativeness. The evidence hierarchy is as follows:

- **(EG 1) Evidence Grade 1:**
 - Meta-analyses
 - Randomized controlled trials with meta-analysis
 - Randomized controlled trials
 - Systematic reviews
- **(EG 2) Evidence Grade 2:**
 - Observational studies; examples include:
 - Cohort studies with statistical adjustment for potential confounders
 - Cohort studies without adjustment
 - Case series with historical or literature controls
 - Uncontrolled case series
 - Published guidelines
 - Statements in published articles or textbooks
- **(EG 3) Evidence Grade 3:**
 - Unpublished data; examples include:
 - Large database analyses
 - Written protocols or outcomes reports from large practices
 - Expert practitioner reports

REFERENCES

The foregoing Oxford policy has been adapted from an existing UnitedHealthcare Pharmacy, Clinical Pharmacy Program that was researched, developed and approved by the UnitedHealth Group National Pharmacy & Therapeutics Committee. [2018D0054E]

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5. U.S. Food and Drug Administration Regulatory Information [website]. "Off-Label" and Investigational Use of Marketed Drugs, Biologics, and Medical Devices - Information Sheet. <http://www.fda.gov/RegulatoryInformation/Guidances/ucm126486.htm>. Last updated March 29, 2018. Accessed April 30, 2018.
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7. Grading Guide. UpToDate [database online]. Available at: <http://www.uptodate.com/home/grading-guide>. Accessed April 30, 2018.

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POLICY HISTORY/REVISION INFORMATION

Date	Action/Description
07/01/2018	<ul style="list-style-type: none">Updated supporting information to reflect the most current references; no change to coverage rationaleArchived previous policy version PHARMACY 282.5 T2