Actions as a result of referral to the Inspection Action Group (IAG)

Possible action as a result of IAG referral

Inspection Action Group 1 (IAG1) considers issues related to good manufacturing practice (GMP)**,** good distribution practice (GDP) **and** blood establishment authorisations (BEAs).

Possible actions as a result of a referral are:

- refusal to grant a licence or a variation
- proposal to suspend the licence for a stated period
- notification of immediate suspension of the licence for a stated period (no longer than 3 months)
- proposal to revoke the licence
- proposal to vary the licence
- action to remove a Qualified Person/Responsible Person (QP/RP) from the licence
- ia cease and desist order in relation to a blood establishment authorisation
- a warning letter to the company/individual
- request a written justification for actions of a QP/RP
- referral of a QP to his/her professional body
- increased inspection frequency
- request the company/individual attend a meeting at the agency
- referral to the MHRA Enforcement Group for further consideration
- a statement of non-compliance with GMP
- a conditioned GMP Certificate

Inspection Action Group IAG2 (GCP/GPvP) considers issues related to good clinical practice (GCP) and good pharmacovigilance practice (GPvP).

Possible actions as a result of a referral are:

- an infringement notice issued in relation to a clinical trial
- suspension or revocation of a clinical trial authorisation
- further follow-up inspections or triggered inspections at related organisations (eg issues in GCP may trigger a GMP inspection)
- referral to the appropriate Committee for consideration of action against a marketing authorisation (eg suspension, variation or revocation)
- liaison and coordinated action with the European Medicines Agency (EMA) and other member states regarding concerns
- referral to EMA for consideration of the use of the EU Infringement Regulation (which could result in a fine)
- request for written justification for action of a QPPV (Qualified Person responsible for pharmacovigilance)
- request the company/individual attend a meeting at the agency
- referral to the MHRA Enforcement Group for further consideration

In the case of inspections in third countries:

- a refusal to name a site on a marketing authorisation
- a recommendation that a site be removed from a marketing authorisation

- issuing of a GMP non-compliance statement
- in the case of an adverse (voluntary or triggered) active pharmaceutical ingredients (API) inspection, this could result in the removal of the API site from the marketing authorisation
- in the case of an adverse (voluntary or triggered) investigational medicinal products (IMP) inspection, this could result in the suspension of a clinical trial

In all cases, an action could result in the withdrawal of a product (API, investigational medicinal product (IMP) medicinal product etc) from the market. This action is handled by the Defective Medicines Reporting Centre (DMRC) at MHRA rather than IAG.

What to do if you are referred

In the first instance, a referral should be treated as requirement to immediately correct the deficiencies identified during the inspection and report completed actions to the IAG secretariat/Medicines and Healthcare products Regulatory Agency (MHRA) inspectorate as soon as possible.

If the referral results in an immediate suspension of a manufacturer's/wholesale dealer's licence, there are no rights of appeal for the immediate suspension (which can last no longer than 3 months), but the suspension can be challenged in the High Court. During this time a company should be focused on correcting the inspection deficiencies.

If the referral results in a proposed suspension, variation or revocation of a licence, before a decision is made a company can:

- make written representations to MHRA
- appear before and be heard by a person appointed for the purpose by the licensing authority (MHRA or Veterinary Medicines Directorate (VMD)) - a fee of £10,000 will be charged for a person appointed request

If a company submits written representations, the licensing authority must take those representations into account before determining the matter. In practice, this means that any proposed action may not be progressed until the written representations have been reviewed and considered afresh by IAG and a recommendation made on whether to proceed with the action or not.

If a company submits a request for a person appointed hearing this will be taken forward by the Panel Secretariat which sits within the MHRA Committee Support. Any proposed action may not be progressed until the person appointed hearing has taken place.

It should be noted that a person appointed hearing will only offer its opinion on the case. A final decision on whether to suspend or revoke a licence will still rest with the licensing authority who will take the report of the person appointed hearing into account.

Follow-up actions

Potential follow up actions include (this list is not exclusive):

- a re-inspection to ensure corrective actions have been implemented
- a request for regular updates on the corrective action plan
- the issue of a short-dated GMP certificate

- a recommended increase of inspection frequency
- continued monitoring of the company by IAG via inspectorate updates
- if serious and persistent non-compliance continues referral, for consideration of criminal prosecution
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The legal basis for action

Below are links to the legislation that cover all actions that can be taken by IAG.

Human Medicines Regulations 2012

The Medicines for Human Use (Clinical Trials) Regulations 2004
The Blood Safety and Quality Regulations 2005

Contact

For further information you should email IAGSecretariat@mhra.gsi.gov.uk