The Pre-Submission Program and Meetings with FDA Staff

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Learning Objectives

1. To understand what is a Q-Submission
2. To understand the various types of requests for FDA feedback that are tracked as Q-Submissions
3. To provide an overview of the recommended information which should be submitted in these requests
4. To understand when certain feedback requests are appropriate and when they are not

Presentation Outline

- Q-Submissions
- Pre-Submissions
- Informational Meetings
- Study Risk Determinations
- Formal Early Collaboration Meetings
- Submission Issue Meetings
- Day 100 Meetings for PMA Applications

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Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff

Guidance for Industry and Food and Drug Administration Staff

Document issued on: February 18, 2014

This document supersedes Pre-IDE Program: Issues and Answers - Blue Book Memo D99-1, dated March 25, 1999

The draft of this document was issued on: July 13, 2012

http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM311176.pdf

Q-Submissions

- Feedback mechanisms addressed in guidance:
  - Pre-Submissions
  - Informational Meetings
  - Study Risk Determinations
  - Formal Early Collaboration Meetings
  - Submission Issue Meetings
  - Day 100 Meetings for PMA Applicants

- Organizational Structure: Q-Submissions or Q-Subs

Tracking a Q-Sub

Requests will be assigned unique identification number (e.g. Q150001)

- Supplements (Q150001/S001)
- Amendments (Q150001/A001)

Submitting a Q-Sub

- Two copies are required (One copy must be an electronic copy or eCopy)
- Requests must be submitted through the Document Control Center (DCC)
- Address for Q-Subs:

  U.S. Food and Drug Administration
  Center for Devices and Radiological Health
  Document Control Center (DCC) – WO66-G609
  10903 New Hampshire Avenue
  Silver Spring, MD 20993-0002

- Q-Sub applicants will receive an acknowledgement letter that contains the Q number
- For a subset of Q-Subs, an acceptance review will be conducted within 14 days of receipt of the Q-Sub (e.g. Pre-Submissions, Informational Meeting requests and Submission Issue Meeting requests)

Q-Sub Reminders

- Clearly identify the desired mechanism for feedback
- Submissions should be in English
- Be clear and concise
- Must submit an eCopy
- Feedback requests are confidential and subject to disclosure review pursuant of the Freedom of Information Act (FOIA)

Q-Sub Reminders – Meeting Requests

- Various factors affect the scheduling of meetings
- Teleconferences are encouraged, whenever possible and appropriate
- Complete background information should be provided at the time of the initial request
- For meeting duration requests longer than 1 hour a rationale should be provided

Q-Sub Reminders – Meeting Requests Continued

- Foreign Meeting Attendees
- Meeting slides should be provided electronically at least two business days before the scheduled meeting
- Attendees should arrive 30 minutes before the scheduled meeting
- No audio or video taping is permitted
- Meeting minutes should be taken and submitted within 15 calendar days of the meeting

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Q-Sub Type: Pre-Submissions

- A formal written request for feedback from FDA to help guide product development and/or application preparation
- Voluntary program
- No user fees
- Feedback methods: in-person meeting, teleconference, facsimile or email
- Timeframe: 75-90 days (*21 days for urgent public health issues)

Recommended Information for Pre-Sub Packages

- Cover Letter
- CDRH Premarket Review Submission Cover Sheet (Form FDA 3514)
- Table of Contents
- Detailed Device Description
- Proposed Intended Use/Indications for Use
- Summary of Previous Discussions or Submissions Regarding the Same Device
- Overview of Product Development
- Specific Questions for FDA Feedback
- Preferred method to receive FDA Feedback
- *Meeting Format, Preferred Dates and Times, Planned Attendees, and Audiovisual Equipment Needs, if meeting or teleconference is requested*

Examples of Appropriate Pre-Sub Questions

- Are the proposed trial design and selected control group appropriate?
- Does the FDA concur with the use of the proposed alternative test method, which is different than the normally recognized standard?
- Is a “moderate level of concern” the appropriate level of concern for my software?
- Are there concerns with the predicate device proposed?
- What specific information about a postapproval study should the PMA contain?
- Are the proposed study designs for demonstrating precision and accuracy adequate to support use of the assay in the Phase 3 clinical study?

A Pre-Sub is Not For…

- Requests for general information or questions
- FDA to design study protocols or clinical trial design for applicants
- Substitute for conducting your own research and analysis of current medical device development practices
- Addressing questions that a reviewer could readily answer
- The interactive review of an active submission
- An appeal regarding a decision on a premarket submission
- Requests for jurisdictional designation (RFD)
- Requests for device classification (Section 513(g))
- Other mechanisms of feedback addressed later in this presentation

Pre-Sub Reminders

- A Pre-Sub is not meant to be iterative
- FDA review of a Pre-Sub does not guarantee approval or clearance of future premarket applications
- FDA intends to stand behind their feedback
- Sponsors should reference Pre-Sub feedback received in subsequent submissions

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Q-Sub Type: Informational Meetings

- A meeting with the intent to share information with FDA without the expectation of receiving feedback
- FDA is in listening mode
- Timeframe: 90 days, resource permitting
- An Informational Meeting may be appropriate:
  - Provide an overview of ongoing device development
  - Familiarize reviewers about new device with significant differences in technology from currently available devices

Recommended Information for an Informational Meeting Request

- Cover Letter
- CDRH Premarket Review Submission Cover Sheet
- Brief Statement
- Proposed Agenda
- Preferred Meeting Format
- Preferred Dates and Times (minimum of three)
- Planned Attendees
- Audiovisual Equipment Needs, if any

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Q-Sub Type: Study Risk Determinations

- FDA will help sponsors, clinical investigators, or institutional review boards (IRB) make a study risk determination for not exempt studies
- FDA will provide a study determination letter
- FDA's determination is final
- No obligation to submit IDE

Recommended Information for a Study Risk Determination

- Cover Letter
- CDRH Premarket Review Submission Cover Sheet
- Detailed Device Description
- Study Protocol
- Description of how the device will be used
- Description of the population
- Sponsor’s name and contact person(s), including titles, address, phone number, fax number and email address

Q-Sub Type: Study Risk Determination

Information Sheet Guidance for IRBs, Clinical Investigators, and Sponsors – Significant Risk and Nonsignificant Risk Medical Device Studies (http://www.fda.gov/downloads/RegulatoryInformation/Guidances/UCM126418.pdf)

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Q-Sub Type: Formal Early Collaboration Meetings

- Specifically outlined in the FD&C Act, as amended by FDA Modernization Act of 1997 (FDAMA) (Public Law 105-115)
- Two types:
  - Determination Meetings (as described in section 513(a)(3)(D) of the FD&C Act)
  - Agreements Meetings (as described in section 520(g)(7) of the FD&C Act)
- Determination and Agreement Meetings are for specific purposes as described in the FD&C Act

Q-Sub Type: Formal Early Collaboration Meetings

Guidance - Early Collaboration Meetings Under the FDA Modernization Act (FDAMA) (http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm073604.htm)

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Q-Sub Type: Submission Issue Meetings

- To discuss deficiencies identified during the review of a premarket application, including associated amendments or supplements

- Timeframe: 21 days

Recommended Information for a Submission Issue Meeting Request

- Cover Letter
- CDRH Premarket Review Submission Cover Sheet
- Reference to Premarket Submission Number
- Brief Statement (including purpose, scope, or objectives of meeting)
- Proposed Agenda Including Deficiencies for Discussion
- Focused Questions
- Preferred Meeting Format
- Preferred Dates and Times (minimum of three)
- Planned Attendees
- Audiovisual Equipment Needs, if any

A Submission Issue Meeting Request is Not:

- For briefly clarifying questions that can be readily addressed by the lead reviewer
- For FDA feedback on a proposed protocol prior to conducting a major study to address a deficiency
- For the pre-review of planned responses
- Interactive review

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Q-Sub Type: Day 100 Meetings for PMA Applications

- Meeting to discuss the review status of an applicant's PMA application
- Subset of Submission Issue Meetings
- Day 100 Meeting requests should be made in the original PMA or as a Q-Sub within 70 days of the PMA filing date

Recommended Information for a Day 100 Meeting Request

- Preferred Meeting Format
- Planned Attendees
- Preferred Dates and Times

- Guidance on PMA Interactive Procedures for Day-100 Meetings and Subsequent Deficiencies – for Use by CDRH and Industry (http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm080190.htm)

Day 100 Meeting Reminders

- Pre-defined meeting
- If the request is made after the original PMA is submitted, a written request should be submitted
- FDA and the applicant may mutually consent to establish a different time for the Day 100 Meeting
- FDA will identify deficiencies within 90 days from the filing date of the PMA or 10 days prior to any Day 100 Meeting

Summary

1. Q-Submissions or Q-Subs are used to track various mechanisms for requesting FDA feedback.
2. There are six types of feedback requests tracked as Q-Subs.
3. The recommended information to be provided in a feedback request is specified by the Q-Sub type.
4. Questions and/or situations when a feedback request is appropriate depends on the type of Q-Sub.

References

- Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff: http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM311176.pdf
- MDUFA III Commitment Letter: http://www.fda.gov/downloads/MedicalDevices/NewsEvents/WorkshopsConferences/UCM295454.pdf
- eCopy Program for Medical Device Submissions: http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM313794.pdf

References

- CDRH Premarket Review Submission Cover Sheet (Form FDA 3514): http://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM080872.pdf
- Types of Communication During the Review of Medical Device Submissions - Guidance for Industry and Food and Drug Administration Staff: http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm341918.htm

Industry Education Resources

Three Resources

1. **CDRH Learn – Multi-Media Industry Education**
   - over 80 modules
   - videos, audio recordings, power point presentations, software-based "how to" modules
   - mobile-friendly: access CDRH Learn on your portable devices (http://www.fda.gov/Training/CDRHLearn)

2. **Device Advice – Text-Based Education**
   - comprehensive regulatory information on premarket and postmarket topics (www.fda.gov/MedicalDevices/DeviceRegulationandGuidance)

3. **Division of Industry and Consumer Education (DICE)**
   - Contact DICE if you have a question
   - Email: DICE@fda.hhs.gov
   - Phone: 1(800) 638-2014 or (301) 796-7100 (Hours: 9 am-12:30 pm; 1 pm-4:30pm EST)
   - Web: http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/ContactUs--DivisionofIndustryandConsumerEducation/default.htm

Thank You