U.S. FOOD & DRUG ADMINISTRATION
OFFICE OF REGULATORY AFFAIRS
OFFICE OF PHARMACEUTICAL QUALITY OPERATIONS

November 6, 2020

Case #: 605688

VIA Electronic Mail
Return Confirmation Requested

Brad M. Cherson, Owner and Pharmacist in Charge
Pavilion Compounding Pharmacy, LLC
3200 Downwood Cir. NW Suite 210
Atlanta, Georgia 30327-1611

Mr. Cherson:

From February 4, 2019 to February 8, 2019, a U.S. Food and Drug Administration (FDA) investigator inspected your facility, Pavilion Compounding Pharmacy, LLC, located at 3200 Downwood Cir. NW Suite 210, Atlanta, Georgia 30327. During the inspection, the investigator noted that drug products you produced failed to meet the conditions of section 503A of the Federal Food, Drug, and Cosmetic Act (FDCA) [21 U.S.C. § 353a] for exemption from certain provisions of the FDCA. The investigator also noted deficiencies in your practices for producing sterile drug products, which put patients at risk.

FDA issued a Form FDA 483 to your firm on February 8, 2019. FDA acknowledges receipt of your facility's response, dated February 27, 2019. Based on this inspection, it appears that you produced drug products that violate the FDCA.

A. Compounded Drug Products Under the FDCA

Section 503A of the FDCA describes the conditions under which human drug products compounded by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or by a licensed physician, qualify for exemptions from three sections of the FDCA: compliance with current good manufacturing practice (CGMP) (section 501(a)(2)(B)); labeling with adequate directions for use (section 502(f)(1)); and FDA approval prior to marketing (section 505) [21 U.S.C. §§ 351(a)(2)(B), 352(f)(1) and 355(a)].[1] Receipt of valid prescriptions for individually-identified patients is one of the conditions for the exemptions under section 503A.

[1] We remind you that there are conditions other than those discussed in this letter that must be satisfied to qualify for the exemptions in section 503A of the FDCA.

B. Failure to Meet the Conditions of Section 503A

During the inspection, the FDA investigator noted that drug products produced by your firm failed to meet the conditions of section 503A. For example, the investigator noted that your firm did not receive valid prescriptions for individually-identified patients for a portion of the drug products you produced, including phenylephrine HCL/lidocaine HCL nasal 1%/4% solution and cantharidin plus topical 1% liquid.

Therefore, you compounded drug products that do not meet the conditions of section 503A and are not eligible for the exemptions in that section, including the FDA approval requirement of section 505 of the FDCA, the requirement under section 502(f)(1) of the FDCA that labeling bear adequate directions for use, and the requirement of compliance with CGMP under section 501(a)(2)(B) of the FDCA. In the remainder of this letter, we refer to your drug products that do not qualify for exemptions under section 503A as the "ineligible drug products."

Specific violations are described below.

C. Violations of the FDCA

Adulterated Drug Products

The FDA investigator noted that drug products intended or expected to be sterile were prepared, packed, or held under insanitary conditions, whereby they may have become contaminated with filth or rendered injurious to health, causing your drug products to be adulterated under section 501(a)(2)(A) of the FDCA [21 U.S.C. § 351(a)(2)(A)]. For example, the investigator observed that media fills performed at your facility were not representative of your most challenging aseptic operations; there appeared to be a gap between the HEPA filter and ceiling in the ISO 7 anteroom; smoke studies were not performed in the ISO 5 areas under dynamic conditions; controls were not implemented to limit endotoxin levels in intrathecal drug products; there was no evidence to show that (b) (4) testing was performed when finished products were dispensed from stock solutions; and hazardous and non-hazardous drug products were prepared without adequate containment, segregation, or cleaning to prevent cross-contamination.

Furthermore, the manufacture of the ineligible drug products is subject to FDA's CGMP regulations, Title 21, Code of Federal Regulations (CFR), parts 210 and 211. The FDA investigator observed significant CGMP violations at your facility, causing the ineligible drug products to be adulterated within the meaning of section 501(a)(2)(B) of the FDCA. The violations included, for example:

1. Your firm failed to have separate or defined areas or such other control systems necessary to prevent contamination or mix-ups. (21 CFR 211.42(c)).

2. Testing and release of drug product for distribution do not include appropriate laboratory determination of satisfactory conformance to the final specifications and identity and strength of each active ingredient prior to release. (21 CFR 211.165(a)).

3. Batch production and control records do not include complete information relating to the production and control of each batch. (21 CFR 211.188).

Under section 301(a) of the FDCA [21 U.S.C. § 331(a)], the introduction or delivery for introduction into interstate commerce of any drug that is adulterated is a prohibited act. Further, it is a prohibited act under section 301(k) of the FDCA [21 U.S.C. § 331(k)] to do any act with respect to a drug, if such act is done while the drug is held for sale after shipment in interstate commerce and results in the drug being adulterated.

Misbranded Drug Products

The ineligible drug products you compounded are intended for conditions not amenable to self-diagnosis and treatment by individuals who are not medical practitioners; therefore, adequate directions for use cannot be written so that a layman can use these products safely for their intended uses. Consequently, their labeling fails to bear adequate directions for their intended uses.[2] Accordingly, these ineligible drug products are misbranded under section 502(f)(1) of the FDCA. It is a prohibited act under section 301(k) of the FDCA to do any act with respect to a drug, if such act is done while the drug is held for sale after shipment in interstate commerce and results in the drug being misbranded.

D. Corrective Actions

We have reviewed your firm's response to the Form FDA 483, dated February 27, 2019. Examples of your corrective actions include:

1. The preparation of hazardous drugs will be segregated in dedicated hoods using dedicated equipment.
2. (b) (4) will be used to clean between batches of hazardous drug products.
3. Personnel will wash hands and change gloves after the preparation of a batch of hazardous drugs products.
4. Gowns worn while preparing hazardous drugs will not be worn in other areas to avoid the potential spread of contamination and contaminated gowns will be changed immediately.
5. Personnel were trained in updated procedures and techniques related to the handling of hazardous drug products.

[2] Your ineligible drug products are not exempted from the requirements of section 502(f)(1) of the FDCA by regulations issued by the FDA (see, e.g., 21 CFR 201.115).

6. A layer of sealant was applied around the HEPA filter in the ISO 7 Anteroom to ensure a smooth surface.
7. Standard operating procedure (SOP) governing media fills was updated to reflect all aseptic operations, including syringe, vial, and ophthalmic bottle filling operations.
8. The preparation of intrathecal drug products was discontinued.
9. Finished drug products will not be dispensed from (b) (4) stock solutions.

However, we cannot fully evaluate the adequacy of the following corrective actions described in your response because you did not include sufficient information or supporting documentation:

1. Videos of the smoke studies that were performed under dynamic conditions were not provided.
2. You stated that (b) (4) was used to perform the smoke studies. (b) (4) is not suitable for use in smoke studies because it leaves residues that are difficult to clean. (b) (4) is typically used for HEPA filter leak testing and is not used to generate smoke for airflow visualization studies.

Please be aware that section 501(a)(2)(A) of the FDCA concerning insanitary conditions applies regardless of whether drug products you compound meet the conditions of section 503A, including the condition on receipt of valid prescriptions for individually-identified patients.

As explained above, receipt of valid prescriptions for individually-identified patients is a condition of section 503A, which your firm failed to meet for a portion of the drug products you produced. Should you continue to compound and distribute drug products that do not meet the conditions of section 503A, the compounding and distribution of such drugs would be subject to the new drug approval requirement, the requirement to label drug products with adequate directions for use, and the drug CGMP regulations.

In addition to the issues discussed above, you should note that CGMP requires the implementation of quality oversight and controls over the manufacture of drugs, including the safety of raw materials, materials used in drug manufacturing, and finished drug products. *See* section 501 of the FDCA. If you choose to contract with a laboratory to perform some functions required by CGMP, it is essential that you select a qualified contractor and that you maintain sufficient oversight of the contractor's operations to ensure that it is fully CGMP compliant. Regardless of whether you rely on a contract facility, you are responsible for assuring that drugs you produce are neither adulterated nor misbranded. [*See* 21 CFR 210.1(b), 21 CFR 200.10(b)].

FDA strongly recommends that your management undertake a comprehensive assessment of operations, including facility design, procedures, personnel, processes, maintenance, materials, and systems. In particular, this review should assess your

aseptic processing operations. A third-party consultant with relevant sterile drug manufacturing expertise should assist you in conducting this comprehensive evaluation.

E. Conclusion

The violations cited in this letter are not intended to be an all-inclusive statement of violations at your facility. You are responsible for investigating and determining the causes of the violations identified above and for preventing their recurrence or the occurrence of other violations. It is your responsibility to ensure that your firm complies with all requirements of federal law, including FDA regulations.

Within thirty (30) working days of receipt of this letter, please notify this office in writing of the specific steps that you have taken to correct violations. Please include an explanation of each step being taken to prevent the recurrence of violations, as well as copies of related documentation. If you do not believe that the products discussed above are in violation of the FDCA, include your reasoning and any supporting information for our consideration. If you cannot complete corrective action within thirty
(30) working days, state the reason for the delay and the time within which you will complete the correction.

Your written notification should refer to case 605688.

Please electronically submit your reply, on company letterhead, to Rebecca Asente, Compliance Officer, at ORAPHARM2_RESPONSES@fda.hhs.gov. In addition, please submit a signed copy of your response to me via john.diehl@fda.hhs.gov.

If you have questions regarding the contents of this letter, you may contact Ms. Asente via (504) 846-6104 or Rebecca.asente@fda.hhs.gov.

Sincerely,

Monica R Maxwell -S
Digitally signed by Monica R. Maxwell -S
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Date: 2020.11.06 11:27:37 -06'00'

Monica R. Maxwell
Program Division
Director
Office of Pharmaceutical Quality
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