U.S. FOOD & DRUG ADMINISTRATION

Waiver to Allow Participation in a Food and Drug Administration Advisory Committee

DATE: June 8, 2021

TO: Russell Fortney
Director, Advisory Committee Oversight and Management Staff
Office of the Chief Scientist

FROM: CDR Daniel Bailey, M.S., M.B.A., M.DIV, COR III
Assistant Director, Committee Management and Planning
Division of Management Services, Office of Management
Center for Devices and Radiological Health (CDRH)

Name of Advisory Committee Meeting Temporary Member: Jennifer C. Lai, M.D., M.B.A.

Committee: Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee

Meeting date: July 14, 2021

Description of the Particular Matter to Which the Waiver Applies:

The Panel will discuss, make recommendations and vote on information regarding a premarket approval application (PMA) submitted by TransMedics, Inc. for the TransMedics® Organ Care System (OCS™) - Liver. The proposed Indication for Use for the TransMedics OCS Liver is as follows: The TransMedics® Organ Care System (OCS™) Liver is a portable extracorporeal liver perfusion and monitoring system indicated for the resuscitation, preservation, and assessment of liver allografts from donors after brain death (DBD) or liver allografts from donors after circulatory death (DCD) ≤55 years old in a near-physiologic, normothermic and functioning state intended for a potential transplant recipient.

The meeting type is a particular matter involving specific parties.

Type, Nature, and Magnitude of the Financial Interest(s):

Jennifer C. Lai, M.D. serves as a voting member of the Gastrointestinal Drugs Advisory Committee at the Center for Drug Evaluation and Research. She is being requested to serve as temporary voting member of the Gastroenterology and Urology Devices Panel, which reviews and evaluates data concerning the safety and effectiveness of marketed and investigational gastroenterology, urology and nephrology devices and makes appropriate recommendations to the Commissioner of Food and Drugs.

U.S. Food & Drug Administration
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Dr. Lai's employer, the University of California, San Francisco (UCSF) is (b) (6) for the TransMedics Preserving and Assessing Donor Livers for Transplantation (PROTECT) trial and (b) (6), for the PROTECT CAP trial. The premarket approval application (PMA) for the TransMedics OCS Liver System is the particular matter under review by the Panel at this meeting. Data from the PROTECT and PROTECT CAP trials support the PMA.

Dr. Lai's employer was awarded funding between $10,001 and $25,000 in 2021 by TransMedics, Inc. for the PROTECT study for trial-related activities; this study began on December 14, 2018 and is expected to run until March 14, 2022. In addition, UCSF was awarded funding between $1,001 and $5,000 in 2021 by TransMedics, Inc. for the PROTECT CAP study for trial-related activities; this study began on September 12, 2020 and is expected to run until June 26, 2023.

Dr. Lai is not personally involved with the PROTECT or PROTECT CAP studies at UCSF. She does not oversee or have any relationship with the investigator's activities, including any clinical trial involvement.

Basis for Granting the Waiver:

Dr. Lai has unique qualifications and specialized expertise needed for this particular matter.

Dr. Jennifer Lai received a B.S. degree in biology from Stanford University and received her M.D. degree from Tufts University School of Medicine. She is currently the Director of the Clinical & Translational Core at the UCSF Liver Center. She is trained as a general and transplant hepatologist who specializes in caring for patients with chronic viral hepatitis, autoimmune disorders, and cirrhosis, particularly those awaiting liver transplantation. Dr. Lai's academic mission is to improve the lives of patients with end-stage liver disease through the application of core principles of geriatrics into the care of patients with cirrhosis. She is well published in the liver transplantation field and well respected in her field. Dr. Lai's expertise in assessing and reversing physical frailty, reducing polypharmacy, and integrating palliative care into liver transplantation will be vital to the discussion and deliberations for this panel meeting.

Dr. Lai has the critically needed training and experience that the advisory panel requires to make informed recommendations to FDA about the safety and effectiveness and benefit-risk profile of the PMA submission under consideration. Her expertise as a transplant hematologist and her research will make her a valuable contributor to the deliberations at the advisory panel meeting. The panel staff and CDRH division responsible for review of this product have recruited eight other hepatologists, all with financial or scheduling conflicts. The panel is in need of several hepatologists and liver transplant experts to deliberate during this important panel meeting.

There is limited expertise available and it is difficult to locate similarly qualified individuals without a disqualifying financial interest.

The CDRH division responsible for the review of this submission has struggled to find qualified expert hepatologist without disqualifying conflicts of interest and who could participate in the

panel meeting. To date, approximately eight other hepatologist experts had to be eliminated due to unavailability and conflicts. Dr. Lai will be one of four experts in her specialty area able to participate in the meeting. Because a significant number of institutions participate in TransMedics® Organ Care System (OCS™) - Liver trials or a competing trial, and with limited expertise in this area, it is difficult to find experts, sites and investigators that do not have direct involvement with the device sponsor or its competitors. Therefore, it is challenging to find an expert in this field who is not currently involved in the study or employed by an institution receiving funding related to the study or a study of a competing product. Dr. Lai is not involved in any clinical study with the affected firms; her only conflict is that she works at the University of California, San Francisco which is (b)(6) for the device PMA sponsor's PROTECT study and (b)(6) for the sponsor's PROTECT CAP study.

The particular matter is not sensitive.

Finally, the device being evaluated by the advisory panel is not considered sensitive because CDRH has had other similar meetings for normothermic organ perfusion devices. This emerging technology has been a subject of research and investigation for several years. Past advisory panel meetings addressing organ perfusion technology were not controversial and this meeting is not expected to be different.

Dr. Lai's expertise in this particular matter is necessary in the interest of public health.

The July 14, 2021 Gastroenterology and Urology Devices Panel meeting will discuss the safety and effectiveness of a complex PMA device intended to improve the outcomes of severely ill liver failure patients treated with liver transplantation. Further, in the interest of public health, it is critical for the agency to review new products that can potentially provide device advancement in the area of liver transplantation for treatment of high-risk liver conditions and include advisory panel members with comprehensive knowledge of advanced liver disease and treatment that is consistent with the current standard of care, and situations in which liver transplantation can be a lifesaving option. Dr. Lai's knowledge of hepatology and liver disease will provide the necessary expertise for this important discussion.

Any potential for a conflict of interest is greatly outweighed by the strong need for Dr. Lai's expertise in this matter.

Dr. Lai is employed by (b)(6) participating in the PROTECT clinical study, and (b)(6) participating in the PROTECT CAP clinical trial for the device under discussion: TransMedics OCS Liver System. However, she does not have any involvement or oversight with the study itself. Dr. Lai does not oversee or have any relationship with the studies' investigator at UCSF. She is one of only five hepatologists invited to the meeting and the only one with the expertise in end stage liver disease and liver transplantation that FDA needs to ensure a thoroughly informed and robust discussion of issues associated with this PMA submission. FDA was unable to find any other individual with Dr. Lai' s level of expertise who was available to participate and who did not have a more significant conflict of interest. Therefore, it is essential that Dr. Lai be considered for participation as a temporary voting member at this panel meeting. We believe any potential conflict of interest created by this

situation is greatly outweighed by the FDA's particularly strong need for the services of Dr. Lai in the matter before the panel. Her substantial work and experience in hepatology and liver transplant are imperative to the success of this panel meeting.

Accordingly, I recommend that you grant Dr. Lai, a temporary voting member of the Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee, a waiver from the conflict of interest prohibitions of 18 U.S.C. § 208(a).

Certification:

____**X**___ The individual may participate, pursuant to 18 U.S.C. 208(b)(3) – The need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved.

Limitations on the Regular Government Employee's or Special Government Employee's Ability to Act:

_____ Non-voting

_____ Other (specify):

_____

_____

_____ Denied – The individual may not participate.

/S/ June 21, 2021

Russell Fortney
Director, Advisory Committee Oversight and Management Staff
Office of the Chief Scientist

Date