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

DATE: February 15, 2023

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

FROM: Byron Marshall
Director, Division of Advisory Committee and Consultant Management
Office of Executive Programs
Center for Drug Evaluation and Research

Name of Advisory Committee Meeting Voting Member: **Lindsey Baden, M.D.**

Committee: Antimicrobial Drugs Advisory Committee

Meeting date: March 16, 2023

Description of the Particular Matter to Which the Waiver Applies:

Lindsey Baden, M.D. is a standing voting member and Chairperson of the Antimicrobial Drugs Advisory Committee (AMDAC). The Committee's function is to review and evaluate available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders and make appropriate recommendations to the Commissioner of Food and Drugs.

On March 16, 2023, the committee will discuss new drug application (NDA) 217188, for Paxlovid (nirmatrelvir and ritonavir co-packaged tablets) for oral use, submitted by Pfizer, Inc. The proposed indication is treatment of mild-to-moderate coronavirus disease 2019 (COVID-19) in adults who are at high risk for progression to severe COVID 19, including hospitalization or death. The topic of this meeting is a particular matter involving specific parties.

Type, Nature, and Magnitude of the Financial Interest:

Dr. Baden's employing institution, Brigham and Women's Hospital (BWH), is developing a protocol for a study that is part of the Researching COVID to Enhance Recovery (RECOVER) initiative, funded by National Heart, Lung, and Blood Institute (NHLBI). The study is considering antiviral therapies such as Paxlovid (product at issue) to try to treat long-COVID (post-acute sequelae of COVID). Dr. Baden will be the principal investigator of the protocol for this intervention if it happens. He is designing the study with colleagues from NHLBI, and Duke

Clinical Research Institute (DCRI). The protocol and implementation plan are still under development and there is no known start or end dates.

Since the protocol is still under development, Dr. Baden is not aware of the anticipated funding amount being provided to BWH from NHLBI/DCRI for its participation in this study. Further, Dr. Baden will not receive any personal remuneration, but he will receive salary support of less than 5% of his total salary from the study funding.

Basis for Granting the Waiver:

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

Dr. Lindsey Baden is the Vice President of Clinical Research for Brigham and Women's Hospital (BWH), Director of the BWH/Dana-Farber Cancer Institute (DFCI) Infectious Diseases Services. He is Professor of Medicine at Harvard Medical School and Program Lead, Harvard Catalyst Clinical Research Center and serves as Chair of the Infectious Diseases Panel, National Cancer Center Network (NCCN), on behalf of Harvard Cancer Care.

Dr. Baden received his medical degree from Albert Einstein College of Medicine followed by a residency in Internal Medicine at Beth Israel Hospital. He completed a fellowship at the Beth Israel and Brigham and Women's Hospital in Infectious Diseases and is Board Certified in Infectious Diseases and Internal Medicine. He further pursued a Medical Sciences degree in Clinical Investigation as well as a Master of Science in Epidemiology from Harvard Medical School and Harvard School of Public Health.

Dr. Baden's research interests focus on early-stage vaccine development and the development of novel diagnostics and therapeutics for fungal and viral diseases that affect transplant and cancer patients disproportionately. As a highly respected clinician and clinical investigator, he has received continuous funding from the National Institutes of Health (NIH) throughout his career and is an expert in developing new therapeutics and vaccines. In response to the COVID-19 crisis, he was integral in the design and conduct of the pivotal NIH co-sponsored vaccine efficacy trials. It is particularly important to include Dr. Baden in the upcoming AMDAC meeting, given he has been a standing voting member of the AMDAC since 2014 and chaired the committee since 2015.

The particular matter is sensitive.

The meeting topic is considered to be sensitive. The FDA Division responsible for review of Paxlovid expects the meeting to receive significant public and (non-trade) press interest, as there is a continued public health need for a safe and effective oral COVID-19 treatment for the prevention of progression to severe disease, including hospitalization or death. The product at issue has been demonstrated to have efficacy in preventing progression to severe disease in high-risk patients in clinical trials; however, there continues to be significant interest from the press and public on understanding the use of Paxlovid under certain conditions. If approved, it will be the first COVID-19 oral therapeutic.

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

COVID-19 is a respiratory illness caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a coronavirus discovered in 2019. The virus spreads mainly from person to person through respiratory droplets and small particles produced when an infected person coughs, sneezes, or talks. The spectrum of COVID-19 in adults ranges from asymptomatic infection to mild respiratory tract symptoms to severe pneumonia with acute respiratory distress syndrome (ARDS) and multiorgan dysfunction. Adults 65 years and older and people of any age with underlying medical conditions are at higher risk for severe illness. According to the Centers for Disease Control and Prevention (CDC), there have been over 1 million deaths in the United States due to COVID-19. In 2023, weekly cases have been in the hundreds of thousands.

Current treatment options for non-hospitalized adults with mild-to-moderate COVID-19 at high risk for severe COVID-19 include Veklury (remdesivir) for injection, an FDA approved antiviral administered intravenously. Other products available through FDA's emergency use authorization include Paxlovid (nirmatrelvir and ritonavir), product at issue, and Lagevrio (molnupiravir), both antivirals. Paxlovid would be the first oral approved treatment for mild to moderate COVID-19.

In the interest of public health, it is important that the Agency has the availability of Dr. Baden to provide his unique expertise for the discussion of the particular matter before the committee.

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

The committee will discuss new drug application (NDA) 217188, for Paxlovid (nirmatrelvir and ritonavir co-packaged tablets) for oral use, submitted by Pfizer, Inc. The proposed indication is treatment of mild-to-moderate COVID-19 in adults who are at high risk for progression to severe COVID 19, including hospitalization or death. Having Dr. Baden chair the upcoming AMDAC meeting is critically important given his extensive background in clinical trials and his expertise in infectious diseases. Considering the global impact of COVID-19 and the extent of engagement of physician scientists in clinical trials, there are few to none other experts in this field with similar experience and abilities without disqualifying financial interests, or other potential conflicts of interests. Dr. Baden has demonstrated abilities to handle (and chair) complex topics in past advisory committee meetings. Given his clinical and research background and his ability to effectively chair advisory committee meetings, the need for Dr. Baden to serve as the Chair of this advisory committee meeting strongly outweighs the potential for a conflict of interest.

Accordingly, I recommend that you grant Dr. Lindsey Baden, a standing voting member and Chairperson of the Antimicrobial Drugs Advisory Committee, a waiver from the conflict-of-interest prohibitions of 18 U.S.C. § 208(a).

Certification:

✓ 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):

_____

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_____ Denied – The individual may not participate.

Russell Fortney -S Digitally signed by Russell Fortney -S Date: 2023.02.26 22:16:09 -05'00'

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

February 26, 2023
Date