FY 2023 Sponsor FDA 483 Observation Trends

Purpose

Broadly written regulations do not always convey the specific details of the observed violation(s).

FDA 483 citations issued during this fiscal year were reviewed and sub-categorized into more granular themes in order to identify trends.

These data slides are the result of the sub-categorization efforts.

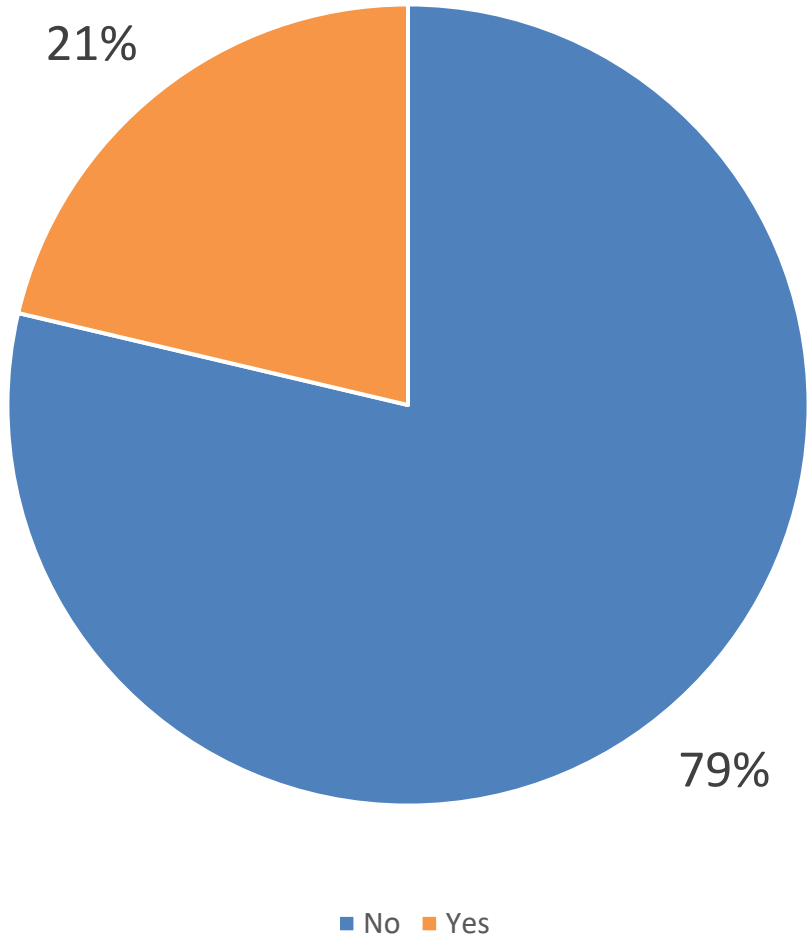
Acronyms

- FDA (Food and Drug Administration)
- ICF (Informed Consent Form)
- IND (Investigational New Drug)
- IRB (Institutional Review Board)
- PD (Protocol Deviation)
- IDE (Investigational Device Exemption)

FY 2023 Sponsor Inspections with an Issued FDA 483

122 Inspections

No FDA 483 Issued – 96
FDA 483 Issued - 26



Trends and Themes Identified in FY 2023 Sponsor Data

- Lack of IRB Approval
- General Sponsor Responsibilities
- Missing ICF Elements
- Failure to Secure Compliance
- Annual Report
- Failure to Submit IND to FDA

Details for Themes

Lack of IRB Approval

- Not all changes in research activity were approved by an IRB prior to implementation
- Failure to assure that an IRB was responsible for the initial approval and continuing review of a clinical study
- Investigator did not report to the IRB subsequent emergency use of a test article

General Sponsor Responsibilities

- Sponsors did not ensure sites were:
  - Properly monitored
  - Adequately obtaining consent
  - Following protocol procedures
  - Collecting biological samples
  - Reporting all adverse events and/or adverse device effects
  - Submitting Investigator Agreements
  - Maintaining IRB approval
  - Following general GCPs

Details for Themes

Missing ICF Elements

- No statement of research, purpose, duration of participation
- No statement of potential benefits of participating
- No disclosure of appropriate alternate procedures or courses of treatment
- No statement that the FDA might inspect the records
- No indication as to whom to contact with questions regarding subjects' rights
- No statement regarding the need for birth control due to the protocol specified risk

Failure to Secure Compliance

- Clinical Investigator sites had numerous instances of non-compliance, poor GCPs, without sponsor remediation
- The investigational plan for control of the investigational drug was not followed, investigational drug was lost
- One subject was withdrawn 5 days after being implanted with an investigational device due to a pre-existing condition that the sponsor never evaluated per the protocol requirements

Details for Themes, cont'd

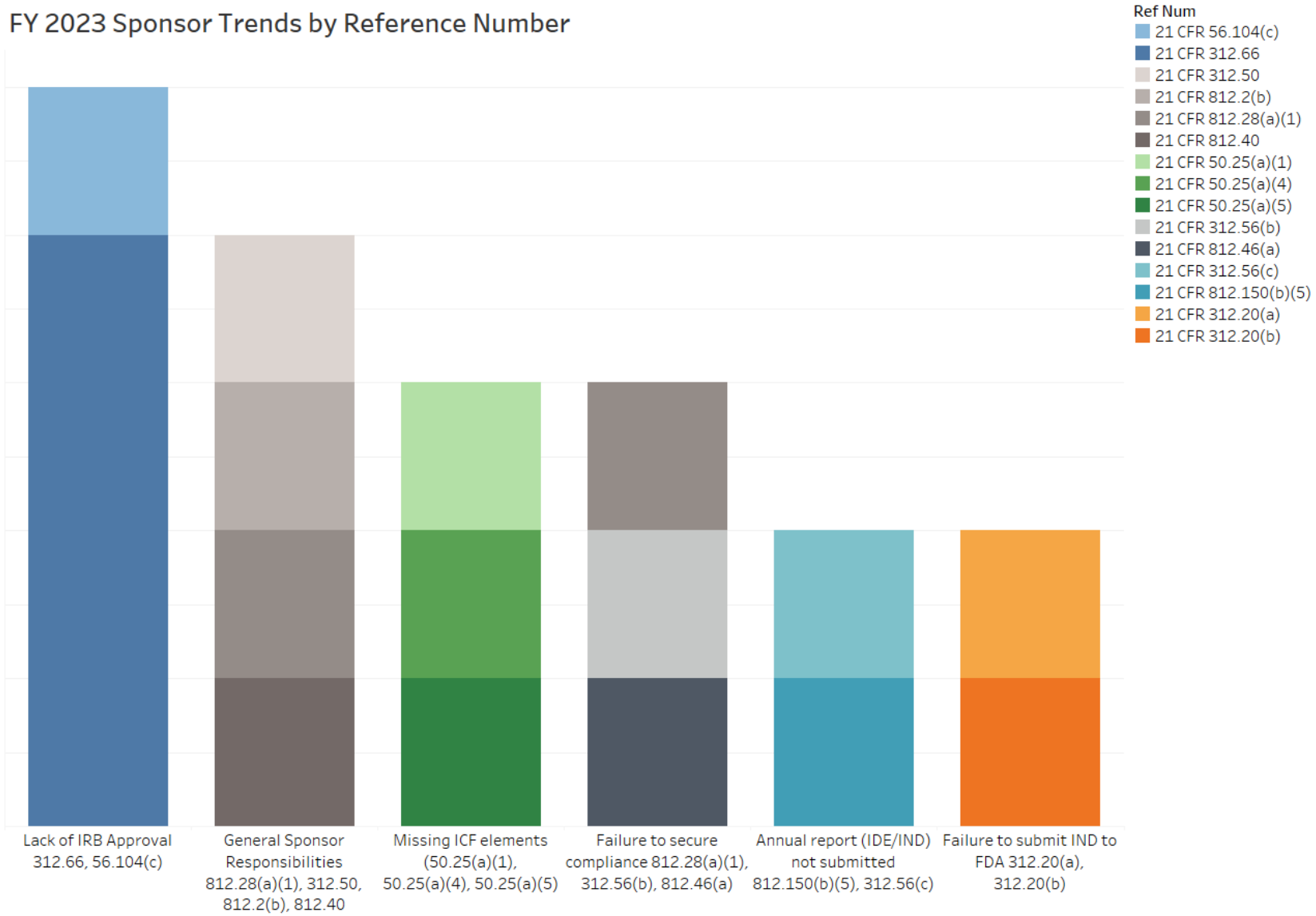
Inadequate Annual Reporting

- Progress reports for a significant risk device study were not submitted at least yearly to FDA
- Annual progress report to the FDA within 60 days of anniversary of the IND timeframe was not met
- An annual report of the IND investigation was never reported to the FDA

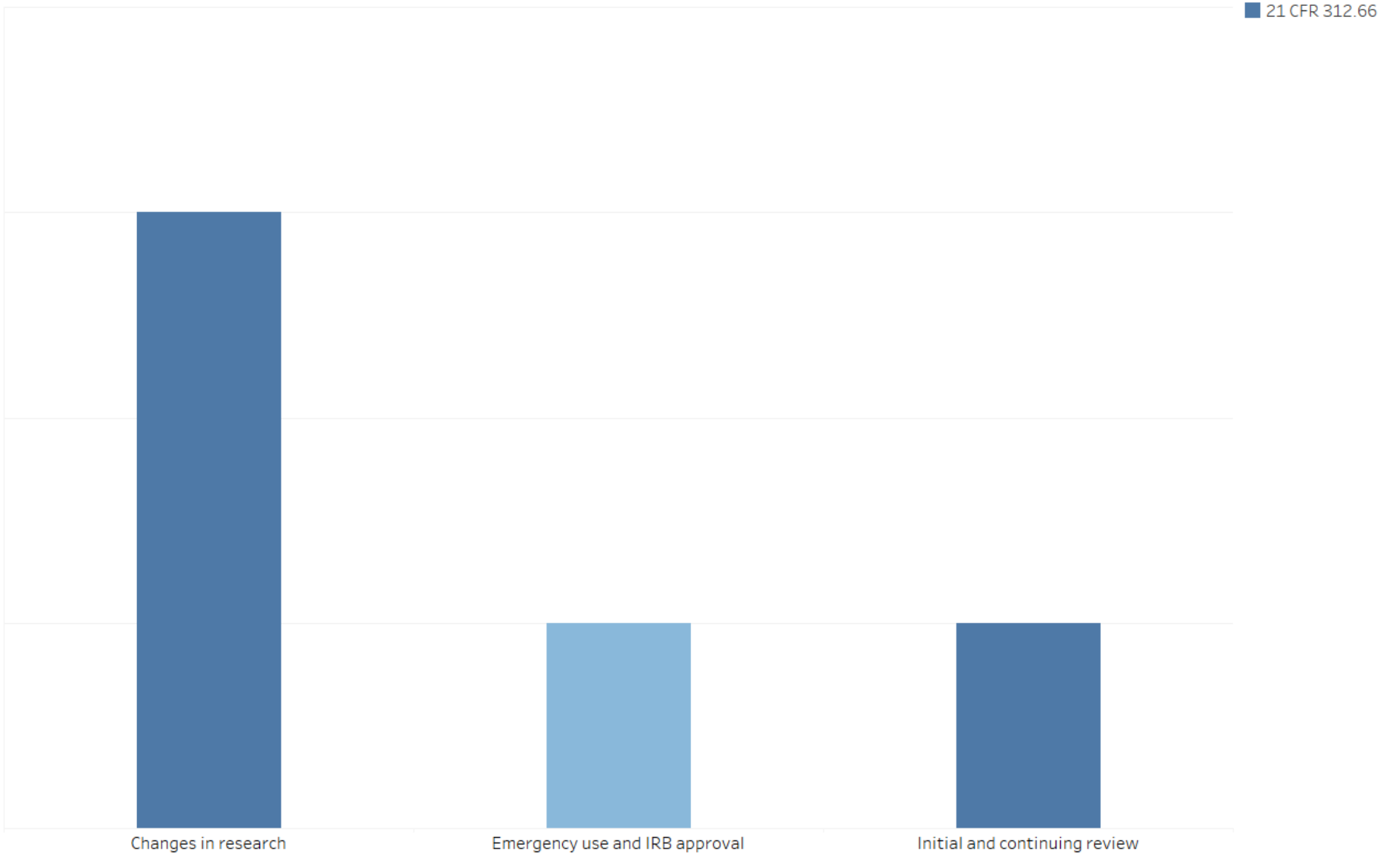
Failure to Submit IND to FDA

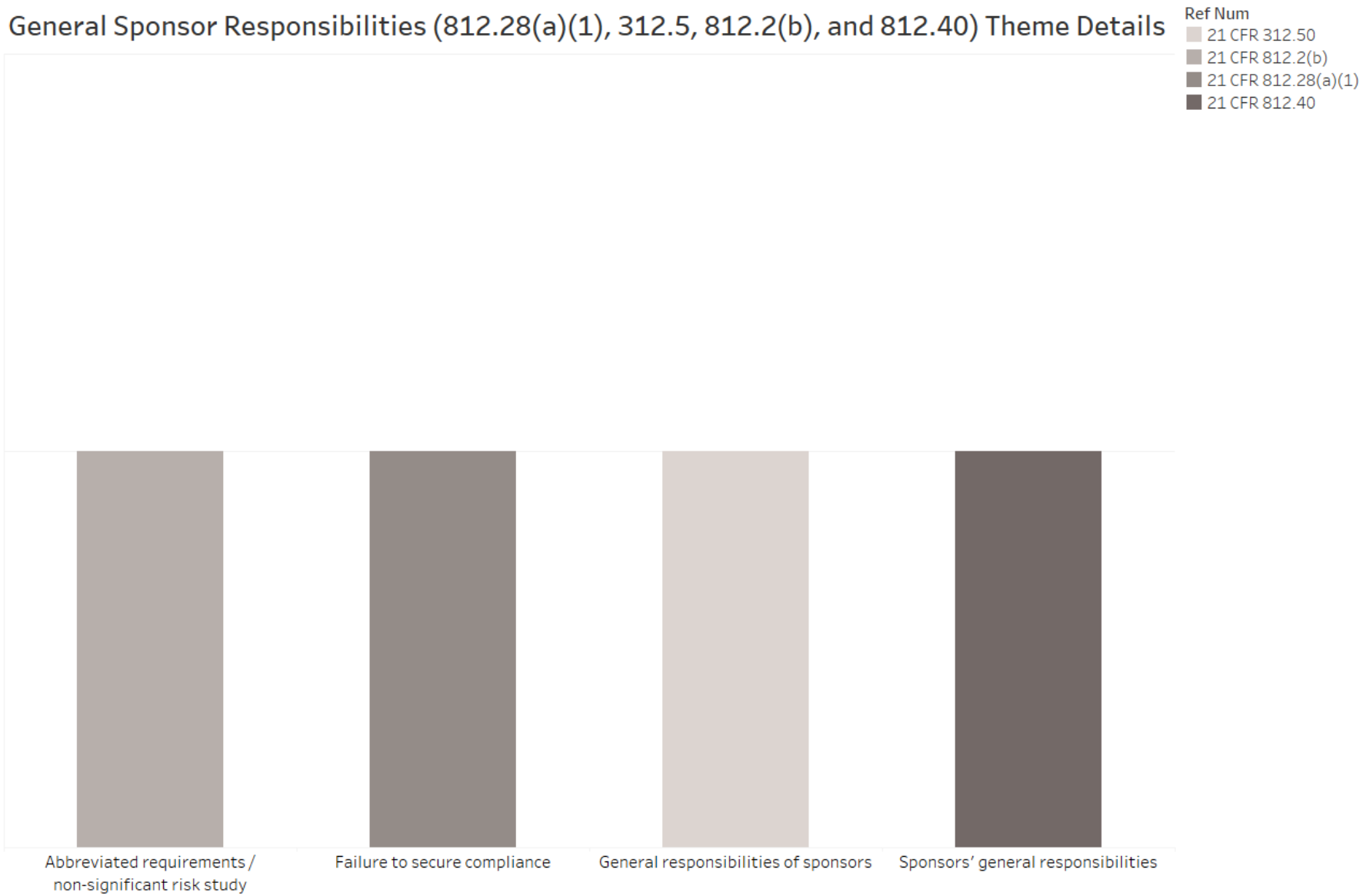
- Failed to submit an IND to the FDA prior to conducting a clinical investigation with an investigational new drug
- Began a clinical investigation subject to IND requirements before an IND was in effect

FY 2023 Sponsor Trends by Reference Number

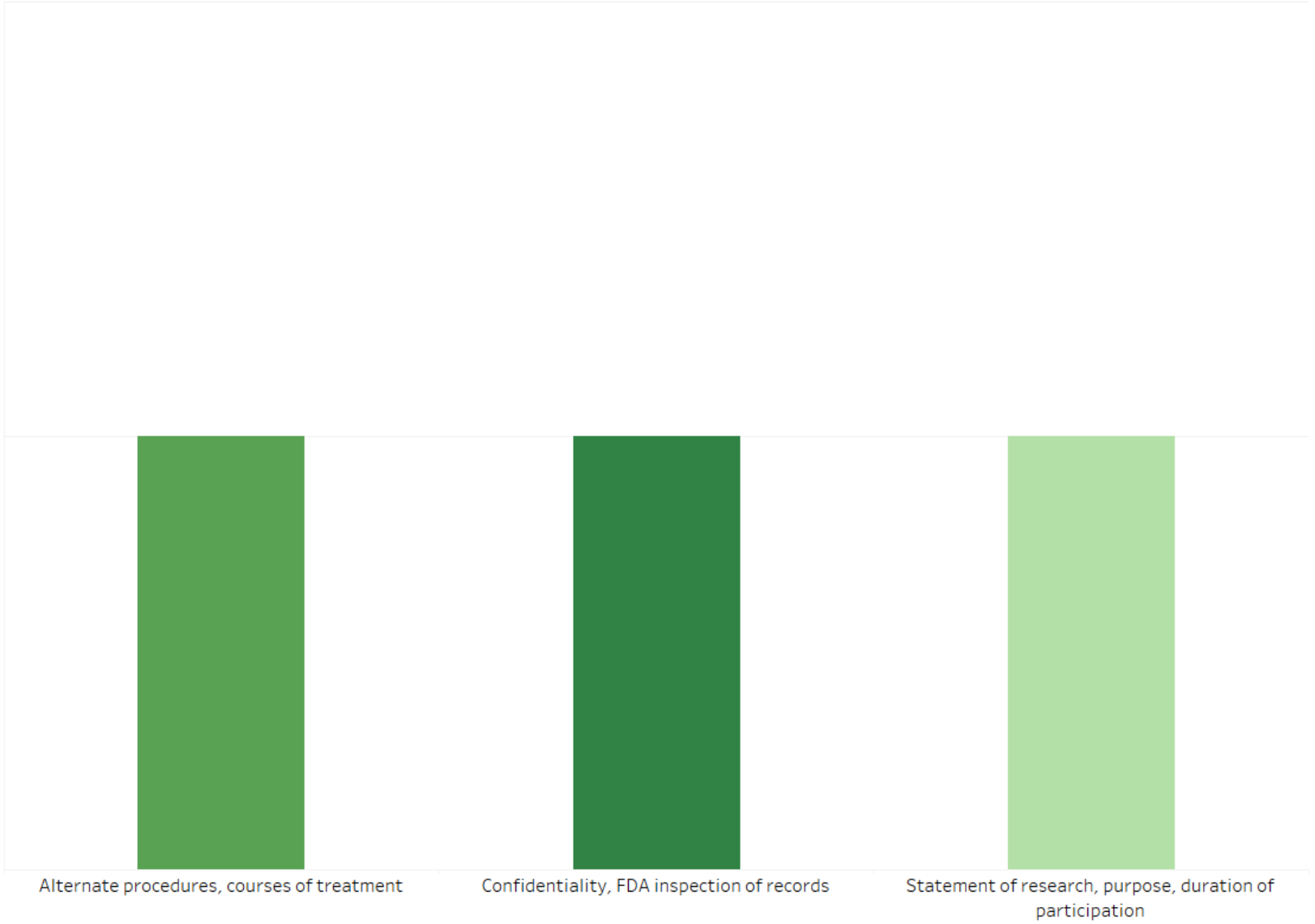


Lack of IRB Approval (312.66 and 56.104(C)) Theme Details

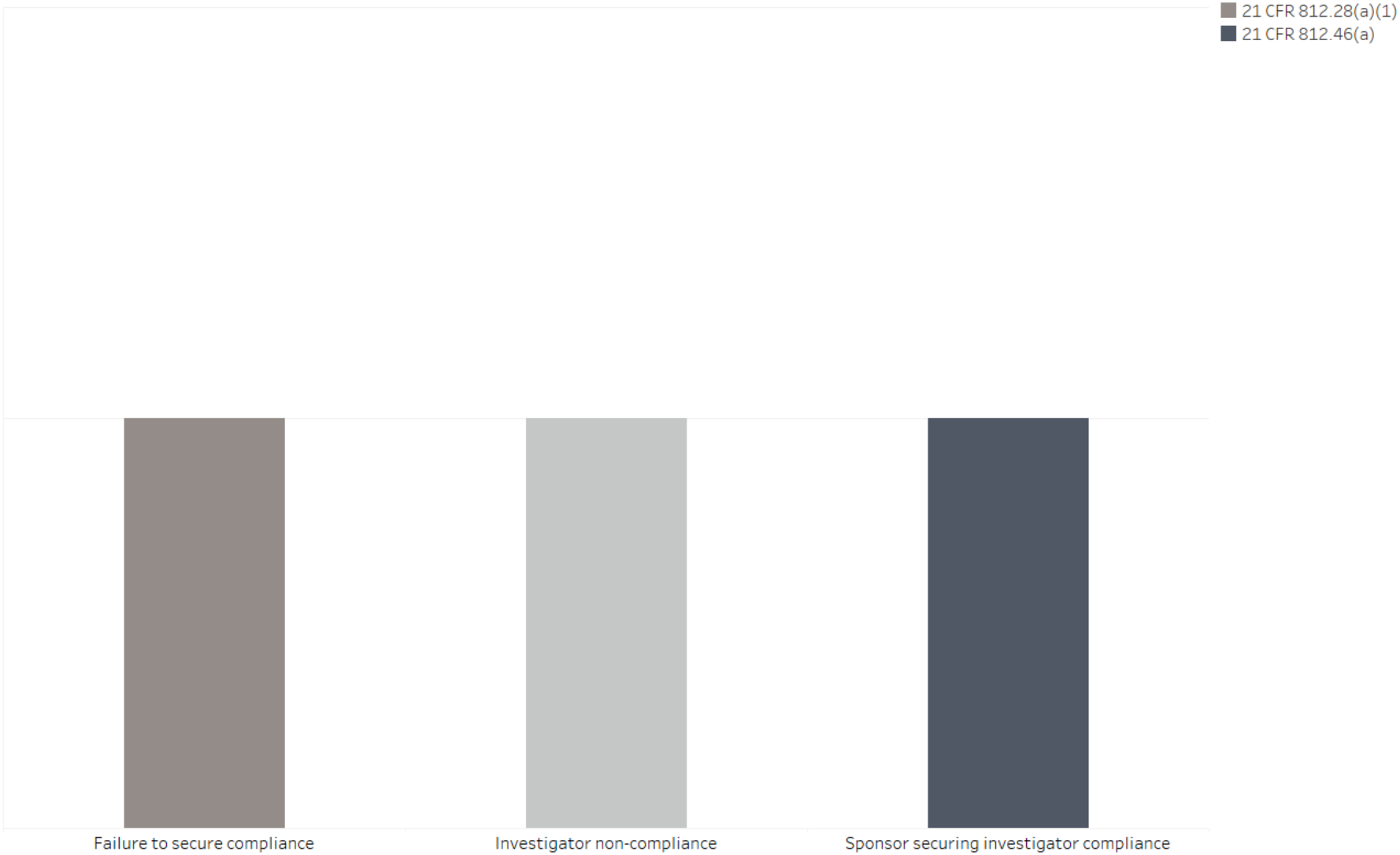



General Sponsor Responsibilities (812.28(a)(1), 312.5, 812.2(b), and 812.40) Theme Details
Ref Num
21 CFR 312.50
21 CFR 812.2(b)
21 CFR 812.28(a)(1)
21 CFR 812.40
Abbreviated requirements / non-significant risk study
Failure to secure compliance
General responsibilities of sponsors
Sponsors' general responsibilities

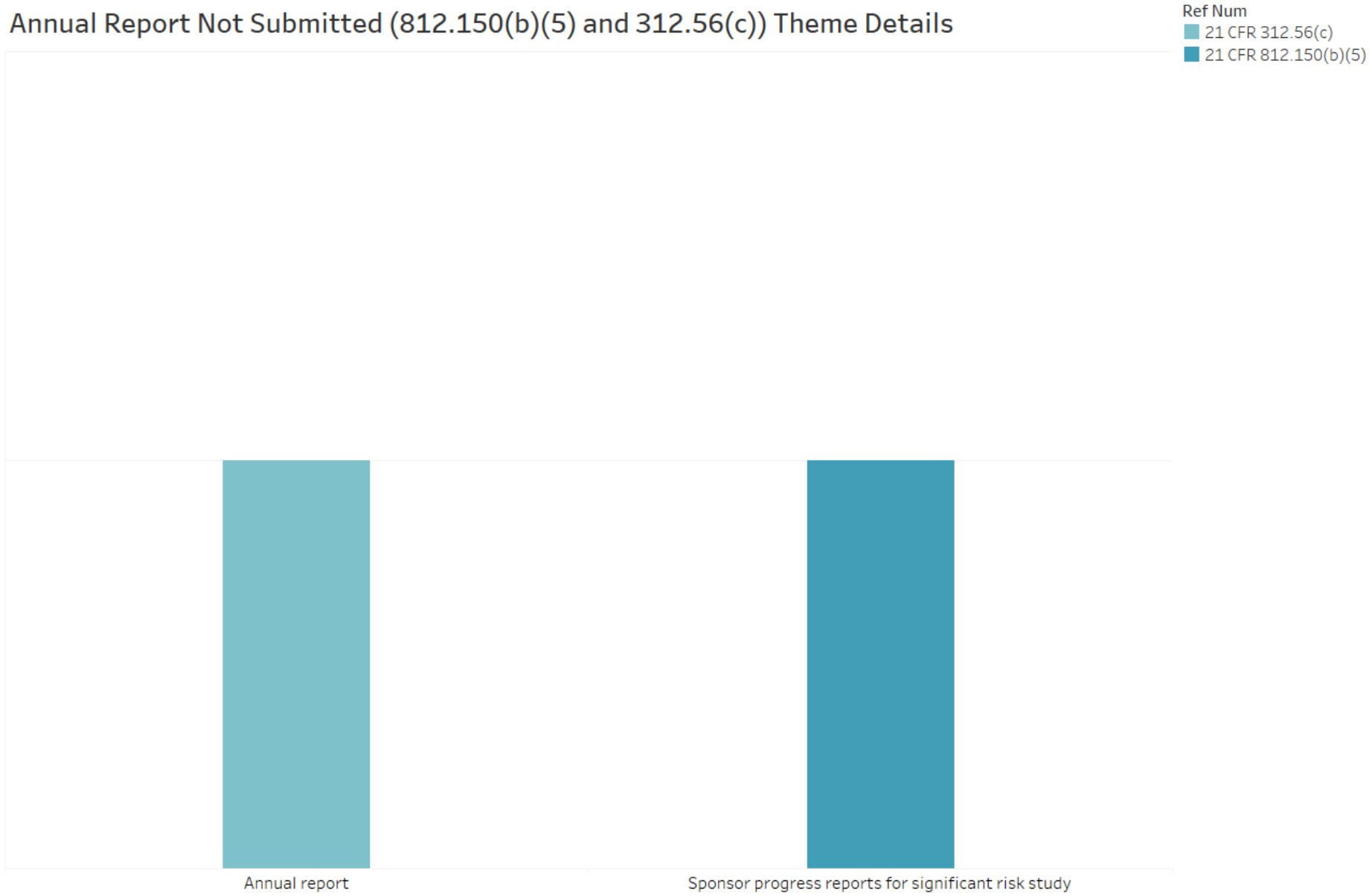
Missing ICF Elements (50.25(a)(1), 50.25(a)(4), and 50.25(a)(5)) Theme Details



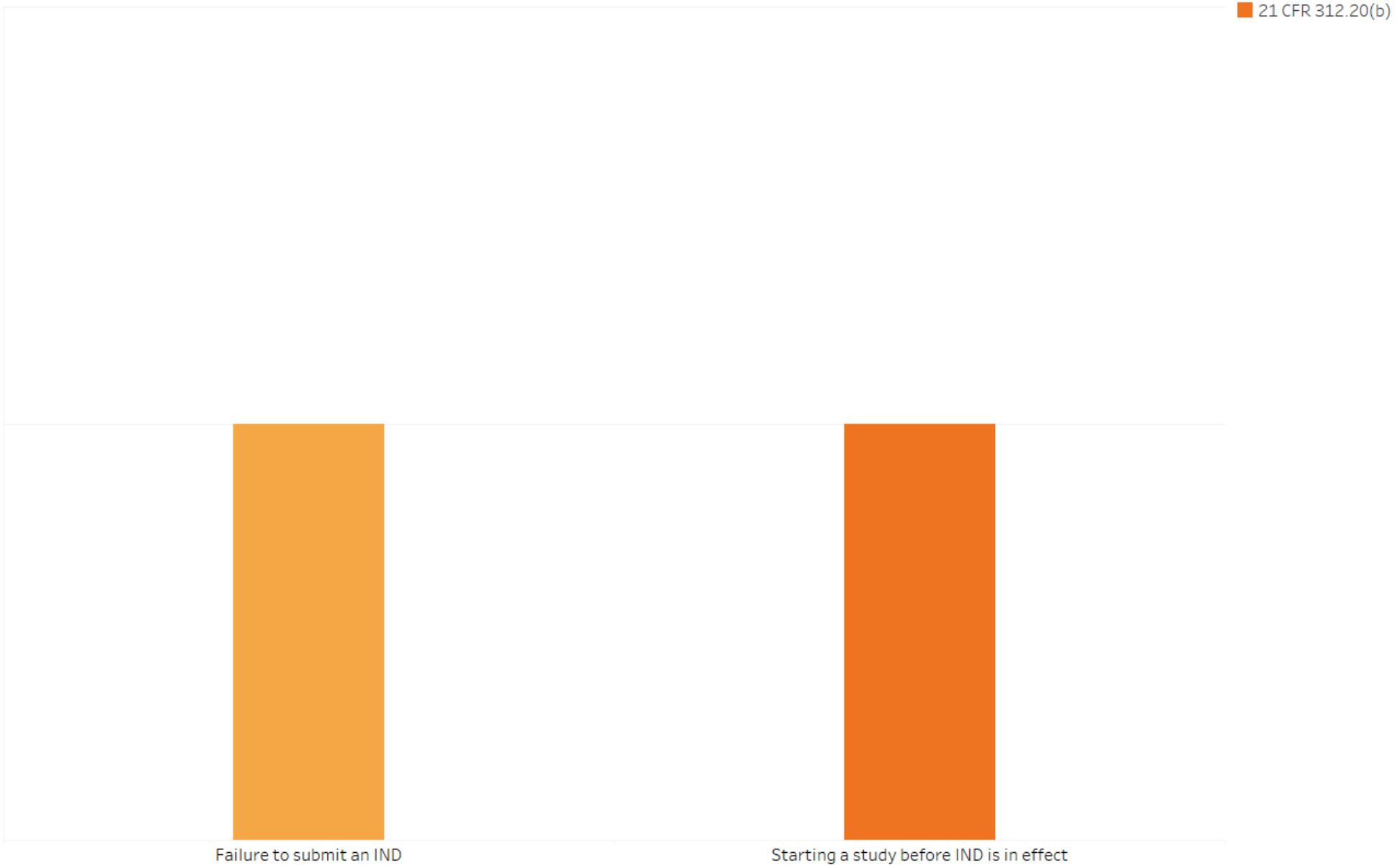
Failure to Secure Compliance (812.28(a)(1), 312.56(b), and 812.46(a)) Theme Details



Annual Report Not Submitted (812.150(b)(5) and 312.56(c)) Theme Details



Failure to Submit IND to FDA Details (312.20(a) and 312.20(b)) Theme Details

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