Effective Use of the FDA Pre-Submission Process: An Industry View

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History of Pre-Submission Meetings with FDA

- Pre-submission meetings have been occurring with FDA and industry for over twenty years
- CBER and CDRH started pre-IND and pre-IDE meetings with industry sponsors in the early 1990's
- FDA wrote a Blue Book Memorandum for the Pre-IDE Program on March 25, 1999
- The pre-IDE Draft Guidance was published on July 13, 2012 (35 pages long)

History of Pre-Submission Meetings with FDA

- The Final Pre-Submission Guidance was published on February 18, 2014 (53 pages long)
- The guidance is very detailed and specific
- These meetings are now tracked in the FDA Q-Submission process to see if it meets the timeframes specified in MDUFMA III
- An FDA Webinar for the Guidance was held on February 26, 2014 by Kalb (ODE) and Hillebrenner (OIR). Link to video, presentation and transcript highly recommended and found at CDRH Learn

  http://www.fda.gov/downloads/Training/CDRHLearn/UCM387291.pdf

Pre-Submission Guidance – Helpful Information

- The right time for Pre-Sub meetings with FDA is not too early and not too late
- FDA generally recommends only one Pre-Sub meeting for a product; it is not supposed to be an iterative process
- Decide if you want an in-person meeting at FDA or a conference call or video conference
- You will get a written response to your pre-sub questions in advance, so that might be sufficient

Planning Your Pre-Submission Meeting

- Start by setting a clear objective for the Pre-Sub meeting!
- Determine the key questions you need answered; put the questions in the form of statements of what you want and ask FDA if they agree
- Assemble the feasibility data you have on your new device
- Make sure to understand the Pre-Sub Guidance
- and the eCopy Guidance

Recommendations for a Successful Pre-Sub Meeting

- Take advantage of the Pre-Sub process, which gives industry one-time free advice from FDA
- FDA will send a written response before the scheduled Pre-Sub meeting; if you are happy with the written response, you can cancel the meeting.
- Meetings can be held in person or by video or teleconference
- Discussion and understanding of key topics should lead to a better submission and faster clearance/approval from FDA. Everyone is happy!

Recommendations for a Successful Pre-Sub Meeting

- Assemble the proposed labeling and proposed study plan for your device for the Pre-Sub meeting packet
- Submit a clear intended use for your new product; research applicable predicate devices for a 510(k) product.
- Prepare a bibliography and copies of pertinent literature references that are helpful
- Submit your request 75-90 days prior to the meeting
- Submit 2 hard copies and 2 eCopies
- You should receive a response within 14 days that your submission is complete and accepted; if you don't get a response, make sure FDA has received your request.
- FDA has a RTA policy for Q-Subs but will allow you to submit an amendment.

Experiences from Industry - Rapid HIV Confirmatory Test

- Four pre-IDE (CBER Type B/C) meetings with the company and FDA CBER
- Meetings occurred over 3 year span (Oct 2009 – Nov 2012)
- For each meeting, a packet of information was submitted to FDA and meetings were held 2 months later
- 3 meetings were in-person at FDA and 1 meeting was by teleconference
- The company prepared draft meeting minutes within 1 week after each meeting
- Final meeting minutes were supplied 1 month after the meeting by FDA

Experiences from Industry - Rapid HIV Confirmatory Test

- Discussions – 1st Type B meeting
  - Feasibility data
  - Intended use and labeling
  - Proposed clinical trial plan
- Discussions – 2nd and 3rd Type B meetings
  - Updated performance data
  - Reporting of HIV-1 and HIV-2 results
  - Automated reader - hardware/software
- Discussions – 4th Type C meeting (FDA request)
  - Final Clinical Trial Plan
  - CLIA waiver (CDRH was included for these discussions)

Experiences from Industry - Pre-Sub Example #2

- A company followed the Pre-Sub guidance and also submitted a lot of details to FDA in the Pre-Sub document
- FDA did a thorough desk review and responded with a detailed written response
- The company was satisfied and was able to cancel the Pre-Sub teleconference

Experiences from Industry - Pre-Sub Example #3

- A company submitted a Pre-Sub for a Class I exempt antibody test where they were considering making a claim that would exceed the exemption and therefore require a 510(k) submission
- There are predicates listed in similar 510(k) submissions
- OIR recommended a De Novo application and a prospective clinical trial for this Class I IVD
- The company is still considering whether or not to proceed

Experiences from Industry - Pre-Sub Example #4

- A company submitted a pre-sub for a molecular quality control product to FDA CBER because it contained HIV and hepatitis and had a blood bank claim
- CBER responded by replying to the questions related to the blood bank claim and HIV and said that the company would receive a separate response because the hepatitis claim would be reviewed by OIR
- The company would have preferred to receive a single response from FDA rather than two separate responses
- The good news is a single 510(k) submission to OIR will be reviewed and cleared by both centers under the 1991 Inter Center agreement