



# FDA's MEDICAL DEVICE INSPECTION PROCESS

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# FDA INSPECTION PROCESS

- ◆ FDA Authority, Regulations, and Guidance
- ◆ FDA Inspection/Audit Process
  - Types of Inspections/Audits
  - Audit Closeout Meetings & Findings
  - Audit Reports & Agency Conclusions
- ◆ FDA Enforcement Tools
- ◆ Accredited Persons -- 3<sup>rd</sup> Party



# FDA Authority

- ◆ Regulatory

- Federal Food Drug and Cosmetic Act

- ◆ Misbranded Device

- ◆ Labeling False or Misleading

- ◆ Failure to provide adequate directions for use

- ◆ Failure to report mandatory device reports



# FDA Authority

## ◆ Adulterated Device

- Contains filthy, putrid, decomposed substance
- Does not conform to performance standards
- If it is a banned device
- Not manufactured under Quality System Regulation [GMP's]
- It has not been approved for marketing and not found substantially equivalent under premarket notification and is not exempt under an Investigational Device Exemption (IDE)



# REGULATIONS

- ◆ 21 Code of Federal Regulations [CFR]  
Parts 800 to 1299
  - ◆ 21 CFR 820 Quality System Regulation  
[current Good Manufacturing Practices -cGMP]
    - 21 CFR 803 Medical Device Reporting
    - 21 CFR 806 Medical Devices; reports of corrections and removals
    - 21 CFR 821 Medical device tracking requirements
  - ◆ 21 CFR 809 In vitro diagnostic products for human use
- ◆ [www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFSearch.cfm](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFSearch.cfm)



# Inspectional Guidance

- ◆ IOM - Investigations Operations Manual  
[www.fda.gov/ora/inspect-ref/iom/default.htm](http://www.fda.gov/ora/inspect-ref/iom/default.htm)
- ◆ Compliance Program: CP 7382.845  
Inspection of Medical Device Manufacturers  
(June 15, 2006)  
[www.fda.gov/ora/cpgm/default.htm#devices](http://www.fda.gov/ora/cpgm/default.htm#devices)
- ◆ Guide to Inspections of Quality Systems:  
Quality Systems Inspection Techniques  
[www.fda.gov/ora/inspect-ref/igs/iglist.html](http://www.fda.gov/ora/inspect-ref/igs/iglist.html)  
[www.fda.gov/ora/inspect\\_ref/igs/qsit/qsitguide.htm](http://www.fda.gov/ora/inspect_ref/igs/qsit/qsitguide.htm)



# Inspections/Audits Process

- ◆ Biennial (every 2 years)
  - Pre - announced audits for firms that qualify
- ◆ Quality System Regulation Inspections/Audits: Surveillance audits, Premarket approvals, Postmarket approvals, and other Special investigations
  - Level I
  - Level II
  - Level III
  - Special
- ◆ Most device audits use the FDA Quality System Inspection Technique -- QSIT



# Level I Abbreviated Inspection

- ◆ Covers 2 subsystems
  - Corrective & Preventive Actions [CAPA]
    - ◆ Must be covered in each audit
  - Production & Process Controls [P & PC] or Design Controls
    - ◆ Alternate coverage each audit



# Level II

## Baseline (Comprehensive) Inspection

### 4 Major Subsystems



### Linked To 3 Other Subsystems

1. Management Controls
2. Design Controls
3. Corrective and Preventive Actions
4. Production and Process Controls
5. Materials Control
6. Facility & Equip. Controls
7. Records/Documents /Change Controls

# Level III

## Compliance Follow-up Inspection

- ◆ Official Action Indicated [OAI] Follow up
- ◆ Follow up on previous Warning Letter
  - Verify that adequate corrections have or have not been implemented to the quality system problems previously identified
  - If corrections were not implemented, verify violations continue to exist, and provide adequate evidence to support a possible regulatory action
  - If new situation 1 items are found -- follow to their conclusion and document your findings



# Special Inspection - For Cause

- ◆ More in-depth than the QSIT approach
- ◆ Directed toward regulatory development activities
  - Finding and documenting evidence of system failure in investigating, identifying, and correcting system problems [root cause]
  - Finding and documenting evidence of distribution of non-conforming products

# Inspection Closeout Meeting

- ◆ Closeout meeting with upper management
  - Issue Audit Findings
    - ◆ FDA 483, Inspectional Observations
      - Notify firm in writing of observations, conditions, and/or practices that are nonconformities with regulated products or processes inspected [Pursuant to section 704(b) FD&C Act]



# Inspection Closeout Meeting

- ◆ Closeout meeting with upper management Con't
  - ◆ Inform management that the 483 contains observations that (in your judgment) are objectionable conditions that may, after further review by the agency, be considered violations of the FD & C Act.

# Annotation for Device Audits

- ◆ Device firms are given the opportunity to annotate the FDA 483, Inspectional Observations
  - ◆ Firm told about the voluntary annotation option prior to the close-out discussion
  - ◆ Annotation limited to specific wording
    - Reported corrected, not verified
    - Corrected and verified
    - Promised to correct [by \*\*\* date]
    - Under consideration
  - ◆ We honor requests not to annotate observations



# Audits Findings

- ◆ Quality System Regulation/GMP deviations
- ◆ Non-Conformity with:
  - Medical Device Reporting (21 CFR 803)
  - Reports of Corrections and Removals (21 CFR 806)
  - Medical Device Tracking (21 CFR 821)
  - Premarket Notification (510(k) or PMA)
    - ◆ Note: This must have CDRH approval

# Audit Reports

- ◆ Audit Report

- Establishment Inspection Report [EIR]

- ◆ Follow Instructions in IOM, compliance program, &

- ◆ Automated Turbo Program Format
      - Computer generated



# Agency Conclusions

## ◆ Audit Reports reviewed by:



- Auditor's supervisor and district compliance officer for recommended regulatory action
- CDRH compliance review for certain agency regulatory action/s

# Agency Conclusions

- ◆ Audit Report Classifications
  - NAI - No Action Indicated
  - VAI - Voluntary Action Indicated
    - ◆ Situation II
  - OAI - Official Action Indicated
    - ◆ Situation I

# Audit Conclusions

## ◆ Situation 1

- Documented evidence of one or more major deficiencies with the Quality System Regulation
- Total failure to implement a quality system or one of the 7 subsystems
- Deficiency in one or more element of the subsystems
- Existence of products which do not comply with the manufacturer's specifications



# Audit Conclusions

## ◆ Situation I con't

- Noncorrection or inadequate correction of major deficiencies from previous inspection
- Repeat deficiencies of same or similar deficiencies from previous inspection

## ◆ Situation II

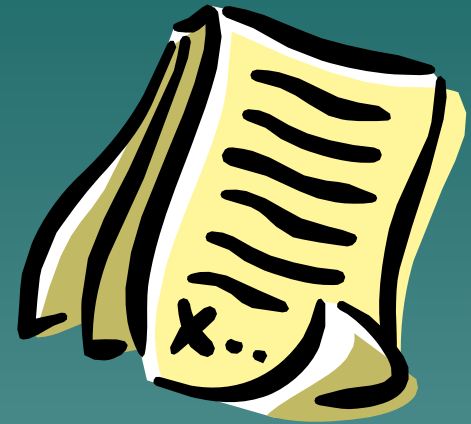
- QS deficiencies of a quantity and/or type to conclude there is minimal probability the firm will produce nonconforming and/or defective devices

# Audit Report & Audit Conclusions

- ◆ A copy of the completed EIR is sent to the firm when the inspection is **“closed”** (21 CFR 20.64)
  - ◆ “closed” means after any pending legal or regulatory actions have been finished and corrective action is satisfactory

# FDA Enforcement Tools

- ◆ Warning letter
  - Voluntary compliance
- ◆ Seizure of Product
  - Administrative Detention
- ◆ Injunction
  - Stops business operations
- ◆ Import Alerts
  - Detention: Stops devices from entering U.S.
- ◆ Criminal Prosecution
  - Jail and/or Fines

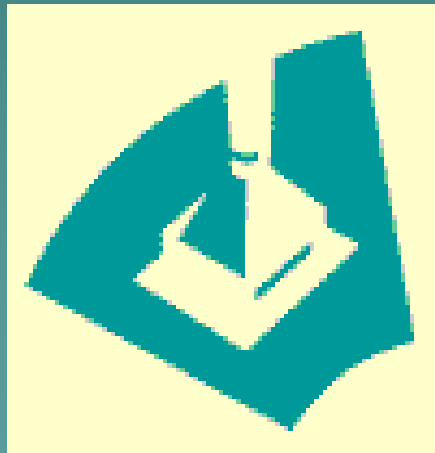


# FDA Enforcement Tools

- ◆ Civil Penalties
- ◆ FDA requested recall
- ◆ FDA mandated recall
- ◆ Note: Voluntary correction does not preclude the initiation of administrative and/or judicial action



# ACCREDITED PERSONS AUDIT PROGRAM



# WHAT IS AN AP?

**Accredited Persons (AP) -- third party recognized by FDA to:**

- ◆ Assess Quality System of eligible manufacturers of Class II and III devices under 21 CFR Part 820
- ◆ Determine compliance with other device requirements in the act and regulations
- ◆ Prepare and submit reports to FDA -- for FDA to make the final compliance assessment

[www.fda.gov/cdrh/ap-inspection/ap-inspection.html](http://www.fda.gov/cdrh/ap-inspection/ap-inspection.html)



# Accredited Persons [AP] Audit Program Key Dates

- ◆ 10/26/02 – MDUFMA signed into law
  - ◆ Medical Device User Fee and Modernization Act
- ◆ 10/25/03 – Top 15 AP's listed
- ◆ 1/12/04 – FDA AP Training
- ◆ 04/28/04 – New AP applications accepted
- ◆ 05/16/05 - FDA AP Training
- ◆ 2007 - Awaiting any MDUFMA updates from Congress

# Accredited Persons Audit Program

- ◆ 4 candidates [from 2 firms] need to complete the classroom training phase
- ◆ 44 AP's [from 15 firms] are in the Joint FDA/AP audit training phase
- ◆ 13 AP's from 7 firms
  - May conduct independent audits for FDA
    - ◆ 8 of the 13 AP's completed 3 performance audits under the MRA [Mutual Recognition Agreement] and meet AP requirements

Data above as of 5/2007



# Summary

- ◆ Identified FDA's Authority
- ◆ Discussed FDA's Device Inspection/Audit Process
- ◆ Described FDA Enforcement Tools
- ◆ Presented information on the Accredited Persons program
- ◆ For additional information go to:

[www.fda.gov](http://www.fda.gov)

[www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm)

