FDA Inspection Response

[redacted]

Inspection Dates: 4/19-20, 23-30, 5/1-4, 5/7 2001

FDA ITEM:

1. There was no documentation to show that the CI notified the IRB about all amendments, changes, or significant deviations to the protocol (per IRB requirements) prior to implementation. For example, the FDA granted your firm an increase in the number of subjects you could treat with your investigational device on January 20, 1999. IRB Annual review dated 7/29/00 does not indicate the IRB knew about the population increase. The IRB did not approve the population increase until August 28, 2000, 20 months later

DR. [redacted] RESPONSE:

1. Protocol [redacted] Version 1.1, dated 7/19/97) was approved by [redacted] on 8/20/97. Version 1.1 of the protocol contained the full cohort of subjects for the IDE study (900 subjects). Although conditional approval was initially granted by FDA for 225 subjects, neither Protocol [redacted] the application cover letter to the IRB, nor the initial approval letter limited the population to the initial 225 subjects. We had kept the IRB abreast of our progress and FDA status through the various 6-month status reports and annual reports that were submitted since the protocol was initially approved on 8/20/97. When we received full FDA approval for the full cohort of 900 subjects, FDA's letter did not specify that IRB approval was needed for the expansion. In previous FDA letters in which an expansion had been granted and a substudy approved in the same letter, FDA had specified that the changes required IRB approval but had clarified that it was only the substudy that required approval. Therefore, we did not believe that IRB approval was needed for the expansion granted on January 20, 1999 because: (1) FDA's letter did not specify IRB approval was needed; (2) the full cohort had been included in the original IDE submission; and, (3) we had not completed enrollment of the conditionally approved number of subjects at the time that full approval was granted.