Welcome to today's
FDA/CDRH Webinar

Thank you for your patience while we register all of today's participants.

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Complexity Categorization of IVDs According to CLIA

Program Updates

March 18, 2014

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Outline

- CLIA Background

- What has or is changing
  - Administrative Tracking Mechanisms
  - MDUFA III Commitments
  - Guidance for CLIA Administrative Procedures

- What changes mean for stakeholders
  - Industry Sponsors
  - Clinical Labs and CMS

Background

- 1988: Clinical Laboratory Improvement Amendments (CLIA) established quality standards for all laboratory testing to ensure accuracy, reliability and timeliness of patient test results regardless of where the test was performed

- 1992: Final Regulations

Background (continued)

- 1999: FR Notice transferring responsibility for categorization from CDC to FDA/CDRH

- 2008: FDA issued 2 separate guidance documents
  - Administrative Procedures for CLIA Categorizations
  - Recommendations on CLIA Waiver Applications

- 2012: FDASIA/MDUFA III
  - instituted review goals for Waiver by Application and
  - established a Dual 510(k) Waiver by Application submission pathway

What gets categorized?

**Reference: 64 FR 73561, Dec 30, 1999*

1. IVDs approved/cleared by CDRH/OIR*
2. IVDs approved/cleared/ licensed by CBER*
3. IVDs exempt from premarket review*
4. Letters reissued for name and/or distributor changes
5. IVDs that are legally marketed and for which the sponsor is seeking a waiver categorization*

How are IVDs categorized?

- Legally marketed IVDs (i.e., cleared, approved, licensed, or exempt) are categorized:
  - as high or moderate complexity based on an objective scoring system; or
  - as waived by regulation (42 CFR 493.15); or
  - as waived by clearance/approval for over-the-counter use
- FDA also considers applications requesting waiver categorizations of legally marketed IVDs (called Waiver by Application) based on clinical data that demonstrate a test is accurate and poses an insignificant risk of erroneous results

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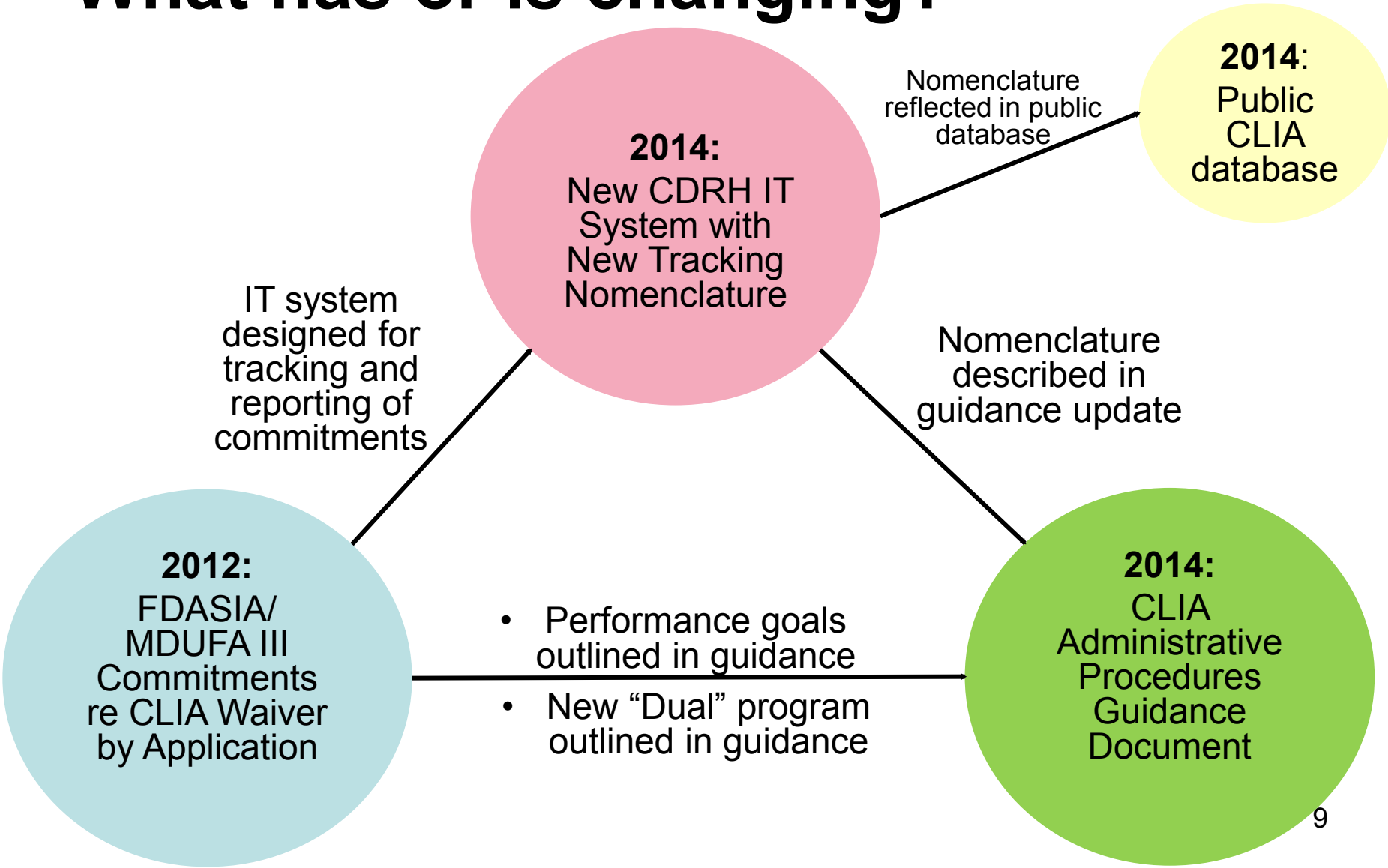
- What has or is changing
  - Administrative Tracking Mechanisms
  - MDUFA III Commitments (implemented 2012)
  - Guidance for CLIA Administrative Procedures

- What changes mean for stakeholders
  - Industry Sponsors
  - Clinical Labs and CMS

What has or is changing?



What is changing: Administrative Tracking Mechanisms

Type of CLIA Categorization	Today CLIA Categorizations tracked under:	On March 21th 2014 CLIA will be filed as:	Parent Document
Devices Approved / Cleared by CDRH	510(K), PMA, HDE, De Novo	CRxxxxxx	Kxxxxxx, Pxxxxxx, Hxxxxxx
Devices Approved / Cleared / Licensed by CBER	BP, BL, BK	CRxxxxxx	BPxxxxxx, BLxxxxxx, BKxxxxxx
Pre-Market Review Exempt Devices	X-file (Xxxxxxx)	CRxxxxxx	CRxxxxxx
Name Changes (e.g., name, distributor)	510(k) Add-to-File or PMA supplement	CRxxxxxx	Kxxxxxx, Pxxxxxx, Hxxxxxx,

What is changing: Administrative Tracking Mechanisms

Type of CLIA Waiver by Application	Today CLIA Waiver By Application tracked under:	On March 21th 2014 CLIA will be filed as:	Parent Document
Devices Approved / Cleared by CDRH	510(k) Add-to-File or PMA supplement	CWxxxxxx	Kxxxxxx, Pxxxxxx, Hxxxxxx
Devices Approved / Cleared / Licensed by CBER	BP, BL, BK	CWxxxxxx	BPxxxxxx, BLxxxxxx, BKxxxxxx
Pre-Market Review Exempt Devices	X-file (Xxxxxxx)	CWxxxxxx	CWxxxxxx
Dual 510(k) and CLIA Waiver by Application	Manually	CWxxxxxx	Kxxxxxx

What has changed: MDUFA III Commitments

- Performance goals for CLIA Waiver by Application (i.e., IVDs that are legally marketed and for which the sponsor is seeking a waiver categorization)
  - FDA will engage in a substantive interaction within 90 days
  - FDA will issue a decision for 95% within 180* FDA days

**330 if advisory panel review is required*

What has changed: MDUFA III Commitments

- New Dual 510(k) CLIA Waiver by Application (Dual) program and associated performance goals
  - Requires Pre-Submission
  - FDA will engage in a substantive interaction within 90 days
  - FDA will issue a decision for 90% within 210 FDA days

What has changed: MDUFA III Commitments

- "To provide greater transparency, FDA will issue guidance regarding review and management expectations throughout the entire submission review process."
  - Addressed by updating existing Guidance on "Administrative Procedures for CLIA Categorization" to include review and management expectations for CLIA Waiver by Application and Dual review processes

What is changing: Updates to Guidance

- Categorizations
  - Explains when a “CR” number will be assigned
  - Includes target categorization timeframes
  - Includes instructions for submitting requests for multiple categorizations due to name/distributor changes across multiple IVDs in spreadsheet format
    - Per current policy/procedures
- Waiver by Applications
  - Explains when a “CW” number will be assigned
  - Includes review and management expectations throughout the entire submission process

What is changing: Updates to Guidance

Review/mgmt expectations for Waiver by Application

1. Submission should be sent to CDRH with:
   - reference to cleared/approved marketing application; will not be accepted if device is under premarket review
   - voluntary eCopy to expedite process
2. FDA will notify sponsor of CW tracking number
3. FDA will complete substantive review of initial submission within 90 days and notify sponsor of:
   - A request for Additional Information (puts file on hold),
   - A plan to Proceed Interactively (without placing file on hold), or
   - Waiver granted.

What is changing: Updates to Guidance

Review/mgmt expectations for Waiver by Application

4. FDA will review additional information (received via supplement responding to request for additional information or via interactive review) and notify sponsor within 180 total FDA days of:
   - Waiver Granted, or
   - Waiver Denied.

5. FDA will post waiver categorization in public CLIA database upon notification of Waiver Granted

What is changing: Updates to Guidance

Review/mgmt expectations for Duals

1. Submission should be sent to CDRH with:
   - reference to the Pre-submission during which dual pathway was discussed
   - the complete 510(k) and waiver application in a single submission; can not be staged or modular
   - mandatory eCopy
2. FDA will notify sponsor of CW (and K) tracking numbers
3. FDA will follow 510(k) RTA policies per Guidance

What is changing: Updates to Guidance

Review/mgmt expectations for Duals

4. FDA will complete substantive review of initial submission within 90 days and notify sponsor of:
   - A request for Additional Information (puts file on hold),
   - A plan to Proceed Interactively (without placing file on hold), or
   - SE and Waiver granted.

5. FDA will review additional information (received via supplement responding to request for additional information and/or via interactive review) and notify sponsor within 210 total FDA days of:
   - SE and Waiver Granted, or
   - NSE and Waiver Denied.

What is changing: Updates to Guidance

Review/mgmt expectations for Duals

6. FDA will post waiver categorization in public CLIA database upon notification of Waiver Granted

What is changing: Updates to Guidance

- No changes to scientific review process; therefore:
  - "This guidance does not specifically address the recommended content of CLIA waiver applications."
  - "For additional information regarding the data necessary to support a CLIA Waiver by Application, refer to the guidance entitled 'Recommendations for CLIA Waiver applications'"
- Sponsors may submit Pre-Submissions to request feedback on planned protocols or study designs to support CLIA waiver
  - Strongly encouraged for all CWs; *required for Duals*
  - Enables discussion of valuable device-specific feedback

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What this means for Industry Sponsors of IVD marketing submissions sent to CDRH

- Sponsors will receive a pre-market tracking number (e.g., K140055, P140003) AND a CLIA categorization record tracking number (e.g., CR140032)
  - Sponsors will receive acknowledgement letters for each
- If categorization not needed (i.e., for calibrators and controls or NSE), sponsors will receive an email closing out the CR file without a categorization
- If categorization is needed, sponsors will receive a categorization letter via e-mail attachment within 10 days of marketing decision
- Categorization will appear in public database with a CR "Document" Number and a K/P/H "Parent" Number

What this means for Industry Sponsors

of IVD marketing submissions sent to CBER

- Sponsors will initially receive a marketing tracking number only (e.g., BK140048, BP140002, BL140015)
- If a positive marketing decision is reached, CBER will automatically forward a request for categorization to CDRH
- Sponsors will receive an acknowledgement letter from CDRH with their CR number when the process begins
- Within 30 days, CDRH will issue a categorization letter via e-mail attachment
- Categorization will appear in public database with a CR "Document" Number and a BK/BP/BL "Parent" Number

What this means for Industry Sponsors

requesting categorization of exempt devices

- Sponsors will receive an acknowledgement letter with CR #
- If the submission is incomplete (i.e., missing package insert) or if CDRH believes the device requires premarket review (i.e., is *not* exempt), sponsors will receive an email closing out the CR file without a categorization and providing further instructions to the sponsor
- Otherwise, CDRH will issue a categorization letter via e-mail attachment within 30 days
- Categorization will appear in public database with a CR "Document" Number and a blank "Parent" Number

What this means for Industry Sponsors

requesting new categorization letters that reflect changes in name and/or distributor

- Sponsors will receive an acknowledgement letter with CR #
- If the submission is incomplete (i.e., missing package insert) or if CDRH believes the change requires premarket review, sponsors will receive an email closing out the CR file without a categorization and providing further instructions to the sponsor
- Otherwise, CDRH will issue a categorization letter via e-mail attachment within 30 days
- Categorization will appear in public database with a CR "Document" Number and a K/P/H/BK/BP/BL "Parent" Number

What this means for Industry Sponsors

requesting a Waiver by Application

- Sponsors will receive an acknowledgement letter with CW #
- If additional information is needed, sponsors will receive an email by day 90 which puts the file on hold pending submission of additional information
  - Sponsors should submit additional information to DCC as a supplement to the CW number
- Within 180* total FDA days, sponsors will receive either an waiver granted or denial letter via e-mail attachment
- If waiver granted, categorization will appear in public database with a CW "Document" Number and a CR or marketing application "Parent" Number

**330 if advisory panel review is required*

What this means for Industry Sponsors

submitting a Dual 510k & CLIA Waiver by Application

- Sponsor should ensure the following criteria are met:
  - Must be preceded by a Pre-Submission during which the dual pathway was discussed
  - Must be a single submission containing all 510k and Waiver by Application required elements
    - may not be staged or modular
    - 510k user fee applies
    - Mandatory eCopy per 510k requirements
- If the above criteria are met, sponsors will receive two acknowledgement letters (CW and K)
- FDA will proceed with *one review* under *one review clock*

What this means for Industry Sponsors

submitting a Dual 510k & CLIA Waiver by Application

- Sponsors will receive either an acceptance or rejection notification via e-mail by day 15 (per 510k RTA criteria)
  - If rejected, sponsor must submit additional information to DCC as a supplement referencing both CW and K numbers
  - Single review clock resets to day 0 when a supplement that is ultimately accepted is received by DCC

- If after substantive review of the entire submission FDA determines additional information is needed, sponsors will receive an email by day 90 which puts the CW and K on hold pending submission of additional information
  - Sponsors should submit additional information to DCC as a supplement referencing both the CW and K numbers

What this means for Industry Sponsors

submitting a Dual 510k & CLIA Waiver by Application

- Within 210 total FDA days, sponsors will receive either:
  - 510k SE and CLIA Waiver Approval letters via e-mail attachment
  - 510k NSE and CLIA Waiver Denial letters via e-mail attachment
- If SE/Approved, categorization will appear in public database with a CW “Document” Number and a K “Parent” Number

What this means for Clinical Labs & CMS

Minor changes to CLIA public database

- All information already displayed will continue to be displayed in the same format
- New categorizations will include the CW or CR tracking number *in addition* to the marketing application number
- Previous categorizations will *not* be updated to include CR or CW numbers
- The presence or absence of a CW or CR number has no impact on validity of a categorization; these numbers are for FDA tracking purposes only

References

- CLIA Administrative Procedures Guidance

http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm070762.htm

- CLIA Waiver by Application Guidance

http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm079632.htm

- CLIA public database

http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCLIA/search.cfm

Thank you for participating!

Please send your questions to:

CDRHCLIACoordinator@fda.hhs.gov

CDRHQuestions@fda.hhs.gov

DSMICA@fda.hhs.gov

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