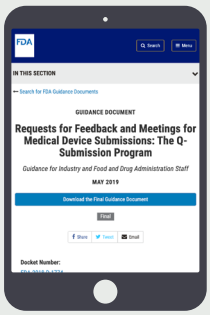
AdvaMed Accel | Regulatory Best Practices Guide

INTRODUCTION & OVERVIEW

The Q-Submission (Q-Sub) Program provides medical device manufacturers with the opportunity to engage in discussions with FDA review teams during the product development process. There are several types of Q-Submissions, including:

- Pre-Submissions (Pre-Subs)
- Informational Meetings
- Submission Issue Requests (SIRs)
- Study Risk Determinations
- Other (PMA Day 100 Meetings, Agreement and Determination Meetings, Breakthrough Device Meetings)



Pre-Submissions are the original and most common type of Q-Submission; they permit companies to receive guidance from FDA review teams prior to a premarket submission (i.e. 510(k), PMA) or IDE. When it was established in 1995, the Pre-Submission Program was intended for IDEs only, but it was modified in 2012 to include all types of premarket submissions. In 2014, the Pre-Submission Program was renamed to the Q-Submission Program, establishing a method for the FDA to manage all company interactions.

Pre-Submission meetings normally take place in the later stages of product development, or once the device design is complete. Informational meetings are often treated as a pre-cursor to Pre-Submission meetings; they allow companies to a discuss a technology or device in its early stages. During Informational meetings, FDA is not obligated to answer any questions, but may provide useful feedback and further questions for consideration.

While voluntary, Pre-Submission meetings:

- May help to shorten total review times and expedite regulatory pathways for innovative medical technologies.
- Enable company sponsors to establish a line of communication, build a working relationship with FDA review teams, and gain insights to FDA expectations for the device.
- Are held either in-person or via conference call with FDA review teams, first line managers, and other FDA staff.

Pre-Submission Applications

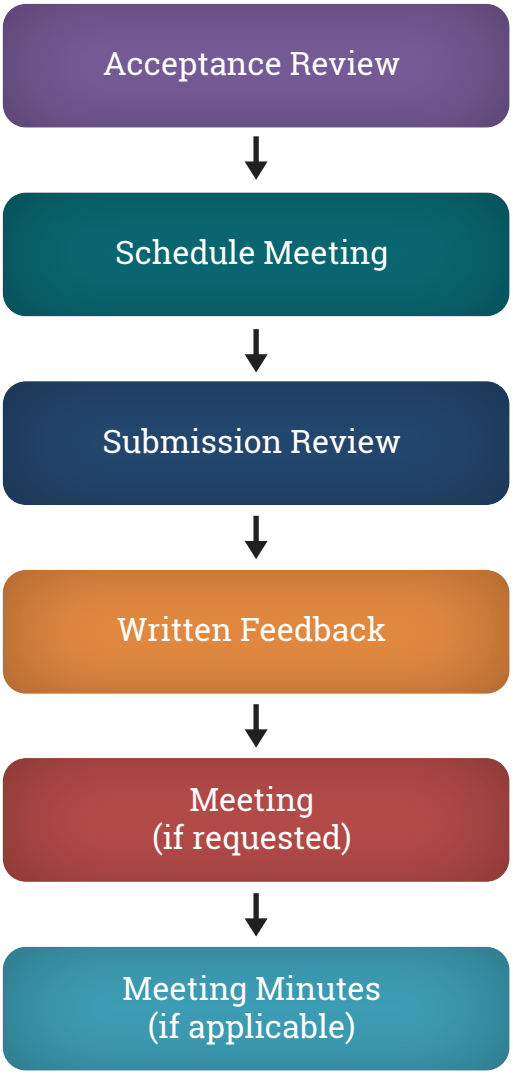
Company sponsors may reference the Q-Submission Program Guidance Document and the Refuse to Accept (RTA) checklist to confirm a Pre-Submission application contains all necessary components:

- ✓ **Cover letter**
- ✓ **Device description**
- ✓ **Intended use**
- ✓ **Previous submissions** (if applicable)
- ✓ **List of directed questions**

At the time of application, companies must choose if they would like an in-person meeting, a conference call, or written feedback only. If an in-person meeting or conference call is requested, company sponsors must provide a draft agenda and at least three dates and times when they are available. The FDA has full discretion in scheduling Pre-Submission meetings, based on availability of staff and meeting space at the FDA.

While not a Pre-Submission or Informational meeting, a **513(g) Request for Information** allows medical device manufacturers to inquire about their products' class and corresponding regulatory requirements, and proposed labeling.

Pre-Submission Review Process



Once a Pre-Submission application is submitted, the FDA review team has **15 days** to accept or deny using the acceptance checklist in the Q-Submission guidance document. If denied, the Agency will notify company sponsors with an explanation. Company sponsors are permitted to respond with a Q-Submission Amendment. If an application is accepted, the Agency has **30 days** to schedule an in-person meeting or conference call. Company sponsors should receive written feedback within **70 days** or at least **5 days** before their scheduled meeting with the FDA review team, whichever comes first. In-person meetings and conference calls are limited to one hour, but company sponsors can request additional time, if needed.

Following the meeting or conference call with Agency staff, **company sponsors are responsible for drafting meeting minutes**. These minutes must be submitted to the Agency for review within **15 calendar days** of the meeting date. If no revisions are needed, the meeting minutes become final once the FDA communicates this information to company sponsors. On the other hand, if the Agency chooses to revise the draft minutes, FDA staff will send an updated copy to company sponsors within **30 days**. In this case, the minutes become final **15 days** after companies receive FDA's edits.

NOTE: It is the company's responsibility to draft the meeting minutes. The FDA is not obligated to do so. This is an opportunity for the company to formally document the regulatory requirements with the FDA review team.

Pre-Submission Feedback

It is critical to ask targeted questions in Pre-Submission applications. If questions are vague, it is difficult to obtain valuable feedback from FDA. Most importantly, during Pre-Submission meetings, company sponsors are advised not to discuss topics that are not included in their corresponding Pre-Submission applications; however, the extent to which this is enforced may vary from one review team to another and may depend on the existing relationship between company representatives and the FDA review team.

There is no official limit to the number of Pre-Submission meetings that a company may request for a specific device. If additional questions and/or topics of discussion arise after written feedback is released, then it may be necessary to apply for a second round of Pre-Submission feedback. Many reviewers, however, may answer questions via phone or e-mail.

Keys to Successful Pre-Submission Meetings

1. **Follow FDA guidance for the preparation of a Pre-Submission package.** In addition to the information FDA specifies as required, provide any additional information that may be helpful to FDA in responding to the questions posed by the company.

2. **Think carefully about the questions that will be posed to FDA, to assure that a clear and complete answer will be provided.** Limit the number of questions per meeting to 3-5. It is preferable to hold additional meetings rather than trying to fit too many subjects into a single meeting.

3. **Treat a Pre-Submission as you would any other application to FDA. Make sure it is clear, concise and logical.** Take time to review it carefully and consider having it reviewed by someone who is not part of the project team, to help assure that it will be clear to an FDA reviewer when submitted.

4. Remember that both **the written submission and the meeting are opportunities to make a good (or bad) impression on FDA.**

5. **Do not hold a pre-scheduled meeting if it is not needed.** If FDA's written feedback is clear and the company has no further questions, the preparation and time needed for a meeting may not be value-added for either FDA or the company.

6. **Take detailed minutes at Pre-Submission meetings, whether in person or by telephone.** It is the company's obligation (and opportunity) to document the meeting, specifying the commitments/statements made by the FDA. Make sure the draft meeting minutes are sent to FDA within the specified 15-day time period following the meeting.

7. **Have clear goals for Pre-Submission meetings and tie them to specific questions** in the Pre-Submission application.

8. **During meetings, allow ample time for questions and discussion.**

9. **Leverage Pre-Submission meetings to establish a constructive working relationship** with the FDA review team.

Additional Resources

CDRH Device Advice

CDRH Division of Industry and Consumer Education (DICE)

FDA Presentation: The Pre-Submission Program and Meetings with FDA Staff (February 8, 2017)

AdvaMed Comments on Docket No. FDA-2012-D-0530, Draft Guidance on Medical Devices: The Pre-Submission Program and Meeting with FDA Staff

Guidance Documents

Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program

AdvaMed Working Groups

FDA Strategy Working Group
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