Letter-to-File 101:

Are you sure you're preparing yours correctly?

presented by:

Michael Drues, Ph.D.

President, Vascular Sciences
Carlsbad, California

and

Adjunct Professor of Regulatory Science, Medicine and Biomedical Engineering
Cornell University Graduate Dept. of Biomedical Engineering

GreenLight.Guru (March 4, 2022)

https://www.greenlight.guru/webinar/letter-to-file-101

For questions or more information, call
(508) 887 – 9486 or e-mail mdrues@vascularsci.com

Speaker Biography

Michael Drues, Ph.D., is President of Vascular Sciences, an education, training, & consulting company offering a broad range of services to medical device, pharmaceutical & biotechnology companies including stimulating & innovative educational programing, creative regulatory strategy & completive regulatory intelligence, regulatory submission design, FDA presentation preparation & defense, brain-storming sessions, prototype design, product development, benchtop & animal testing, , clinical trial design, reimbursement, clinical acceptance, business development & technology assessment.

Dr. Drues received his B.S., M.S., and Ph.D. degrees in Biomedical Engineering from Iowa State University in Ames, Iowa. He has worked for and consulted with leading medical device, pharmaceutical and biotechnology companies ranging in size from start-ups to Fortune 100 companies. He also works on a regular basis for the U.S. Food and Drug Administration (FDA), Health Canada, the US and European Patent Offices, the Centers for Medicare and Medicaid Services (CMS) and other regulatory and governmental agencies around the world.

Dr. Drues is an internationally recognized expert and featured keynote speaker on cutting-edge medical technologies and regulatory affairs. He conducts seminars and short-courses for medical device, pharmaceutical and biotechnology companies, the U.S. Food and Drug Administration (FDA), Health Canada, the US and European Patent Offices, the US Centers for Medicare and Medicare Services (CMS) and other regulatory and governmental agencies around the world.

Finally, as an Adjunct Professor of Regulatory Science, Medicine, Biomedical Engineering & Biotechnology, Dr. Drues teaches graduate courses in Regulatory Affairs & Clinical Trials, Clinical Trial Design, Medical Device Regulatory Affairs & Product Development, Combination Products, Pathophysiology, Medical Technology & Biotechnology at several universities & medical schools on-ground & on-line.

For a comprehensive list of columns, webinar, podcasts, etc., visit,

Global Medical Device Podcast (GreenLight.Guru) here, Mike on MedTech (Medical Product Outsourcing) here, Medical Design and Outsourcing here, Guerilla Regulatory Strategy (MED Device Online) here and Healthcare Packaging here or LinkedIn here.

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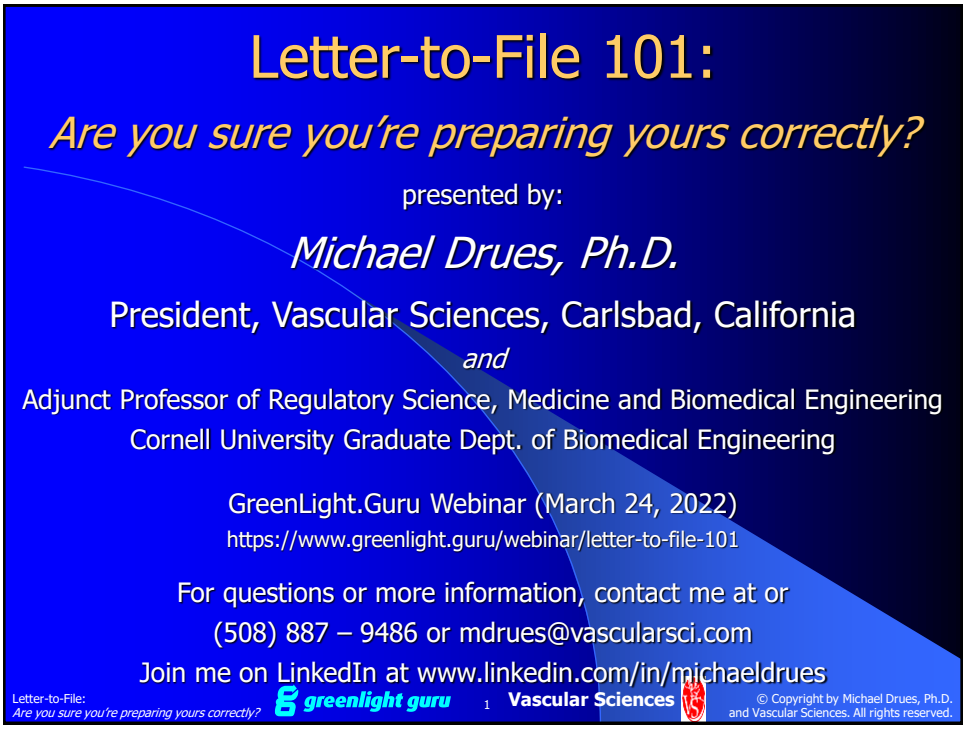

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Letter-to-File 101:

Are you sure you're preparing yours correctly?

First, an important disclaimer...

I can't make you an expert in a few minutes!

I'm not even going to try but…

Remember my philosophy of education:

To teach you how to think not what to think!

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Is it possible to think regulatory?

"Science is a way of thinking much more than it is a body of knowledge."

Carl Sagan (1934–1996)
American astronomer, author and science journalist

So how about this?

"Regulatory affairs is a way of thinking much more than it is a body of rules and regulations – or at least it should be!"

Michael Drues (1964–)
Regulatory Strategist and Amateur Philosopher ☺
www.meddeviceonline.com/author/michael-drues

Maybe Carl Sagan would be proud!

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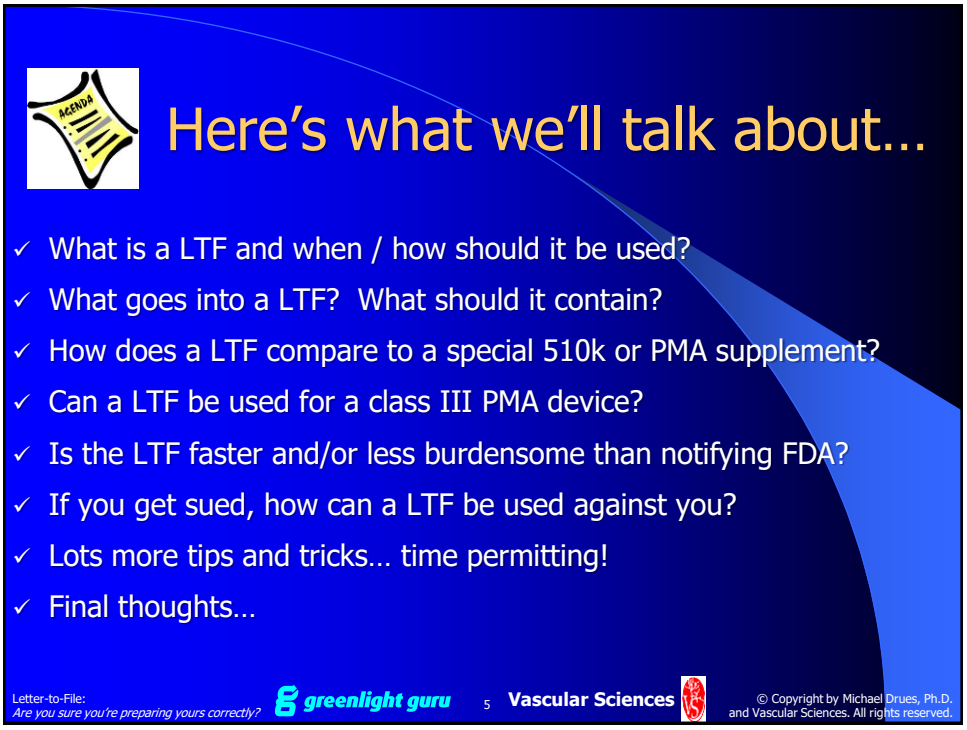

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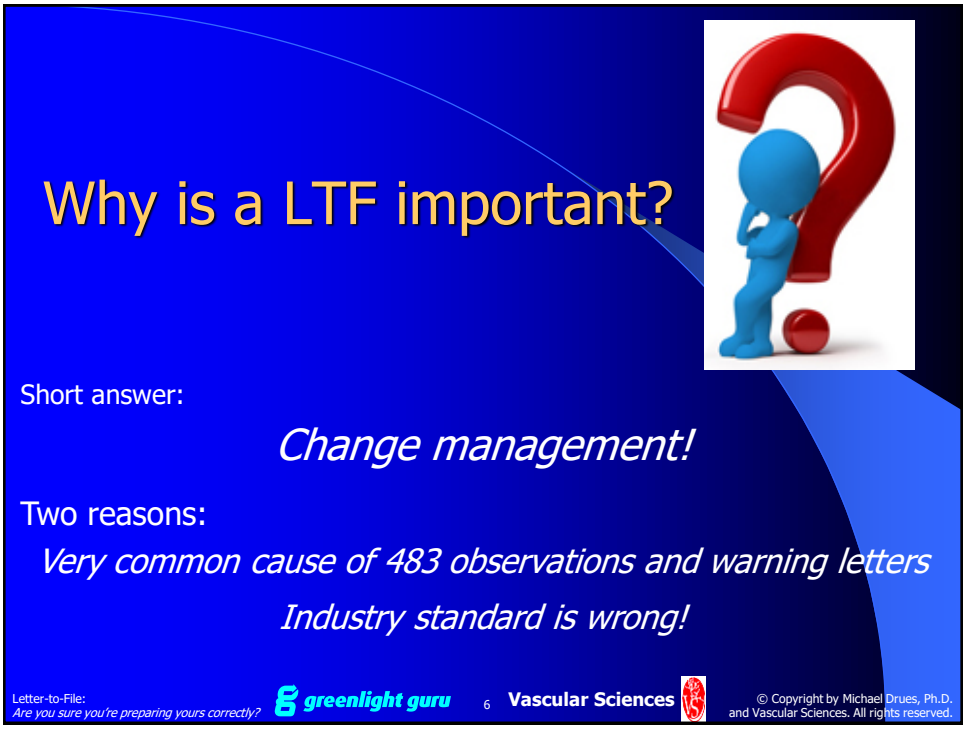

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Letter-to-File 101:

Are you sure you're preparing yours correctly?

What is a LTF and when/how should it be used?

First question:

You have a device on the market and want to change it in some way…

Do you notify FDA or not? and if so, how?

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So you want to make a change to your existing medical device, i.e., a device already on the US market…

How to decide when to handle the change internally (via letter-to-file) vs. notifying FDA with a special 510k or PMA supplement

Ask these questions:

<u>Can</u> the proposed change(s) affect safety, efficacy, performance, etc. of the "<u>new</u>" device? What do you do to answer this?

What is the impact on labeling, usability, risk, etc.?

Recommendation:

You need your own process with specific criteria and validate it!

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Letter-to-File 101:

Are you sure you're preparing yours correctly?

Question:

Whether you do a L2F or a s510k or PMA supplement…

What should you document

Short answer:

FDA – easy (see guidance)

L2F – totally up to you!

Here's a start:

What is the change, why are you making it, how did you test it, what are the consequences, how will you monitor them, etc. but…

Be very, very careful!

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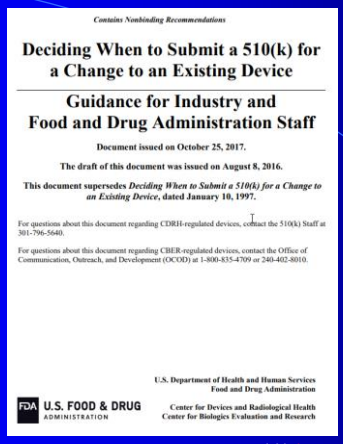
Additional Resources



Contains Nonbinding Recommendations

Deciding When to Submit a 510(k) for a Change to an Existing Device

Guidance for Industry and Food and Drug Administration Staff

Document issued on October 25, 2017.

The draft of this document was issued on August 8, 2016.

This document supersedes *Deciding When to Submit a 510(k) for a Change to an Existing Device*, dated January 10, 1997.

For questions about this document regarding CDRH-regulated devices, contact the 510(k) Staff at 301-796-5640.

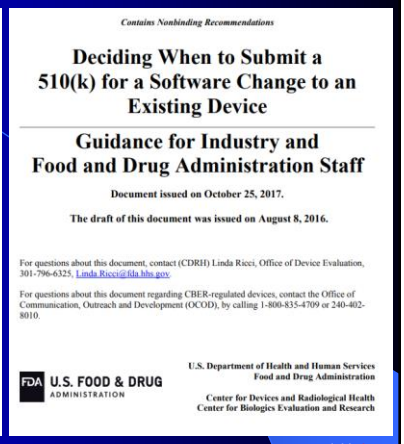
For questions about this document regarding CBER-regulated devices, contact the Office of Communication, Outreach, and Development (OCOD) at 1-800-835-4709 or 240-402-8010.

U.S. FOOD & DRUG ADMINISTRATION

U.S. Department of Health and Human Services
Food and Drug Administration

Center for Devices and Radiological Health
Center for Biologics Evaluation and Research

Available here.



Contains Nonbinding Recommendations

Deciding When to Submit a 510(k) for a Software Change to an Existing Device

Guidance for Industry and Food and Drug Administration Staff

Document issued on October 25, 2017.

The draft of this document was issued on August 8, 2016.

For questions about this document, contact (CDRH) Linda Ricci, Office of Device Evaluation, 301-796-6325, Linda.Ricci@fda.hhs.gov.

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Available here.

Recommendations:

- ✓ Like all guidance… nothing new but read anyway – I'm not going to read it to you! ☺
- ✓ All guidance is a starting point only
- ✓ Think more broadly… CDRH>7 and FDA>30 guidance's in area of "Change Management"
- ✓ Most important: ***develop your own process & apply your own test!*** (think design controls)

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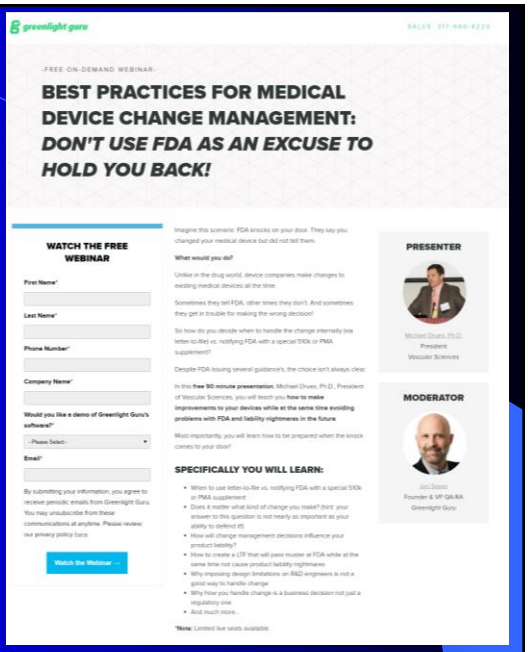
Want to know more about change management?

Specifically, when you should notify FDA and when you don't need to?

Check out →



www.greenlight.guru/webinar/medical-device-change-management-best-practices

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What is a LTF and when/how should it be used?

If you decide notifying FDA is not necessary…

LTF is the tool to use!

Note: *not necessary ≠ not required!*

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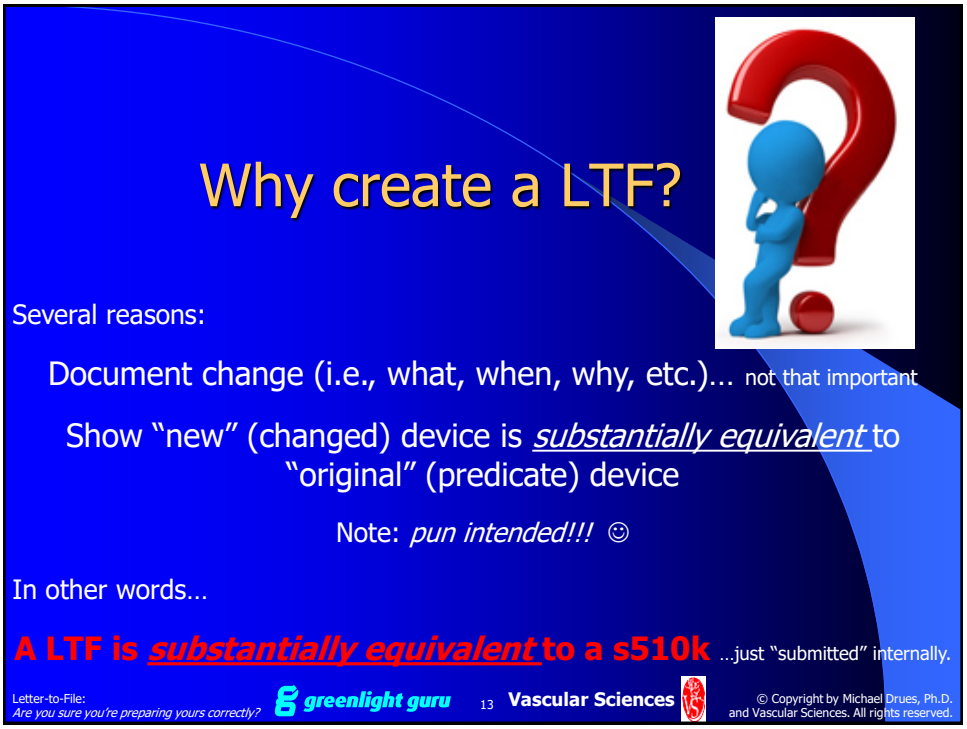

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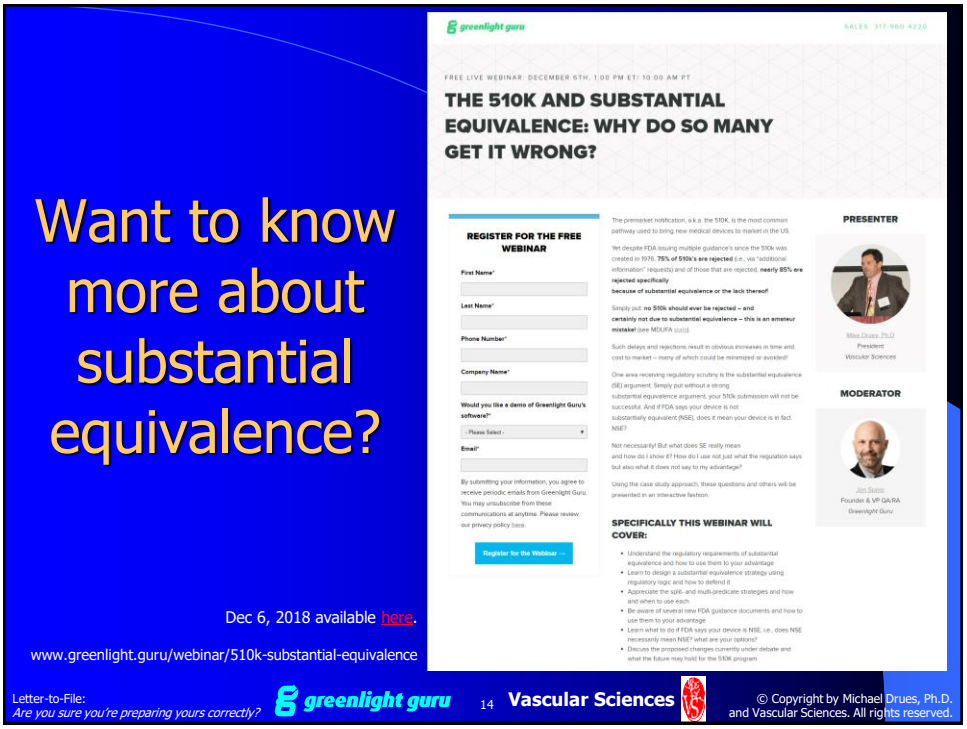

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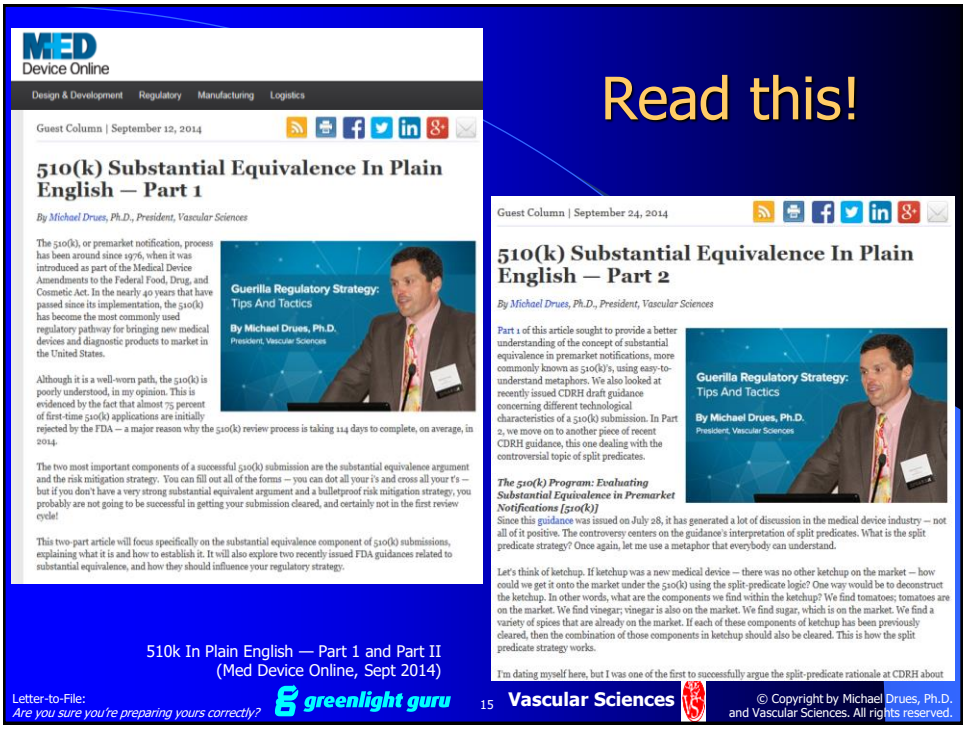

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Third reason:

Imagine this scenario:

FDA knocks on your door. They say you changed your medical device but did not tell them.

What are the consequences of your decision

Consider:

Regulatory?

Product Liability?

It's the "right" thing to do? …or am I just being naïve?

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What goes into a LTF? What should it contain?

Short answer:

Same information as special 510k!

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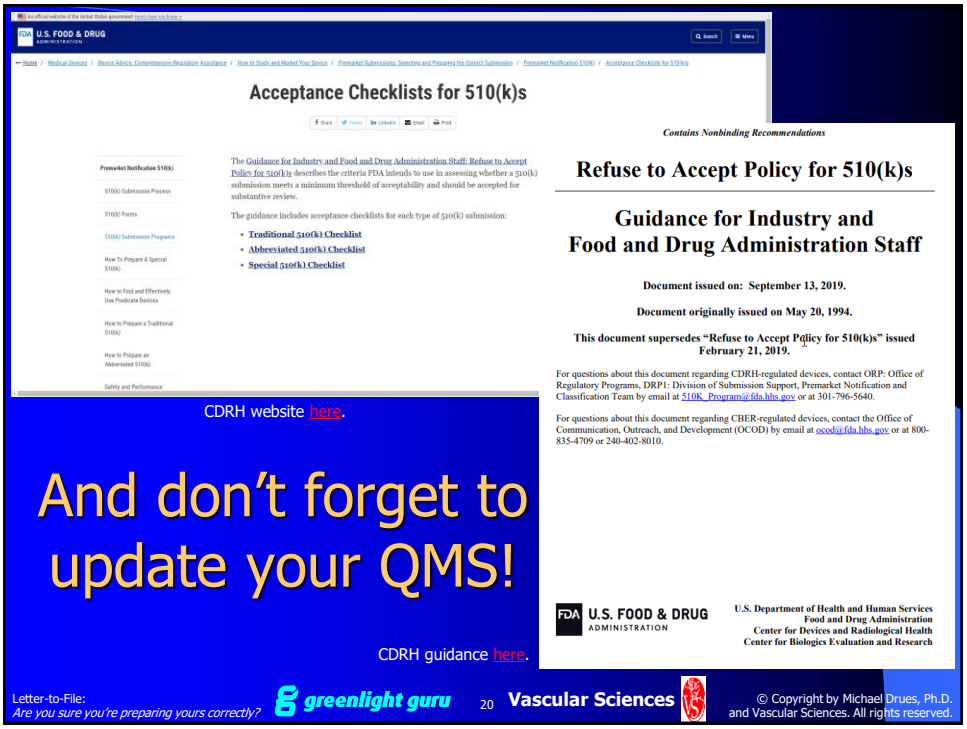

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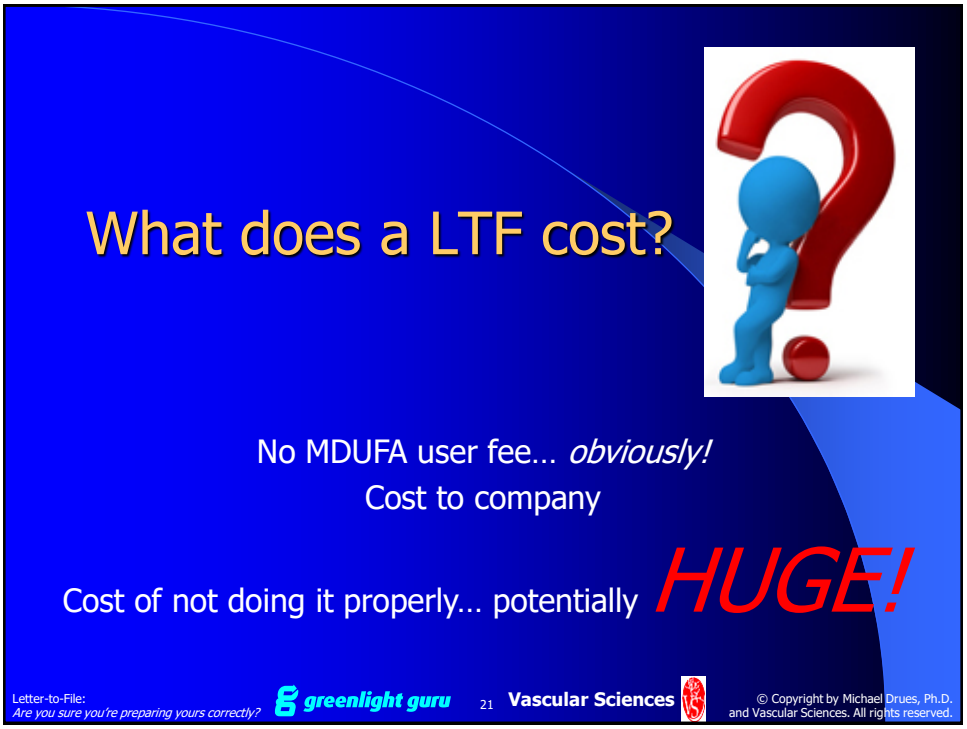

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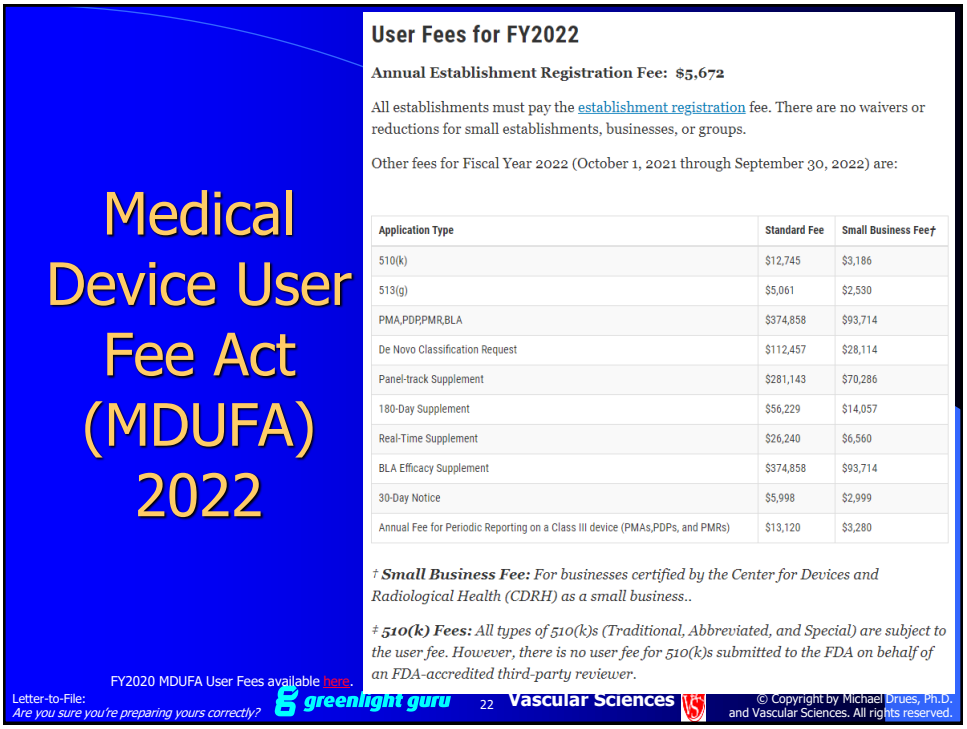

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How does a LTF compare to a special 510k or PMA supplement?

Short answer:

Principles (i.e., logic) is exactly the same!

Though less "freedom to operate" in Class III universe… why?

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Can a LTF be used for a class III PMA device?

Short answer:

Yes but…

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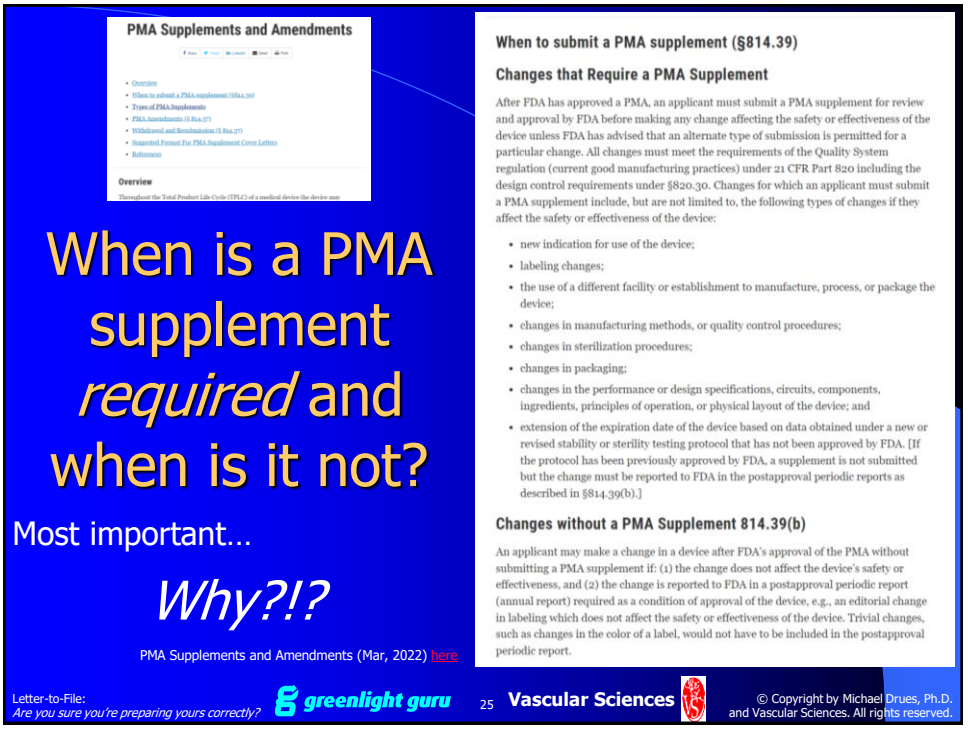

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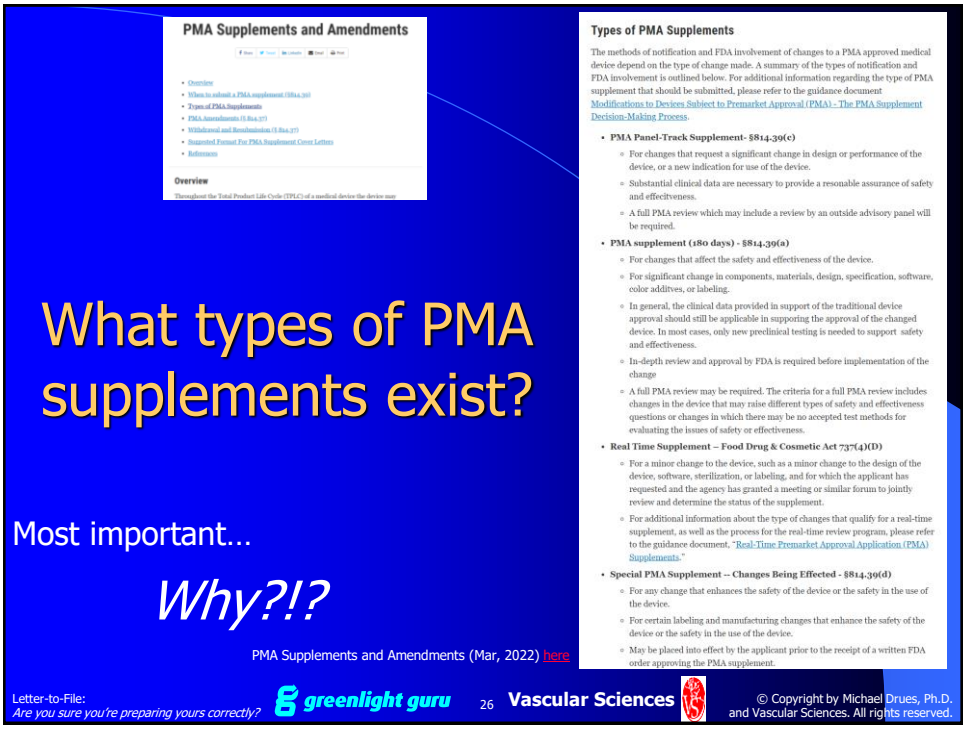

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What more?

www.greenlight.guru/webinar/pre-market-approval

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Is the LTF faster and/or less burdensome than notifying FDA?

Short answer: *Yes and no!*

Reminder:

LTF is not a shortcut… that's when you get in trouble!

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What's the relationship between change management and product liability

Remember,

L2F and related documents (or the lack thereof) is the first place I point product liability attorney's!

Note: Who should you fear?

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If you get sued, can a LTF be used against you?

Short answer:

Absolutely!

LTF's are one of the first things I ask for during discovery… why?

Can be used against you if you have them…

can be used against you if you don't!

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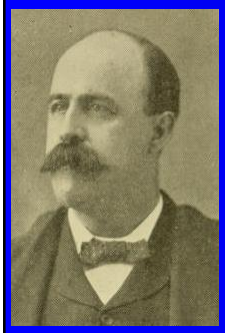
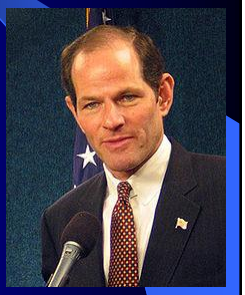
Advantages and Disadvantages of Documentation



"Never write if you can speak…
never speak if you can nod…
and never nod if you can wink!"

Martin Lomasney (1859–1933), Massachusetts politician
best remembered for being the ward boss of Boston's Ward Eight



Or put another way…

"Never talk when you can nod…
never nod when you can wink…
and never write an e-mail because it's death.
You're giving prosecutors all the evidence we need!"

Eliot Spitzer (1959–) is a lawyer and former New York Governor (2007–2008)

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on the LTF

Positives
- ✓ More freedom
- ✓ Less formal
- ✓ Quicker… *or is it?*

Negatives
- ✓ No FDA review… *but is that a good thing?*
- ✓ Can get you in BIG trouble if not done properly!

Mike's Take
- ✓ Very useful tool… *when used properly by people who know what they are doing!*
- ✓ overall all… mixed bag

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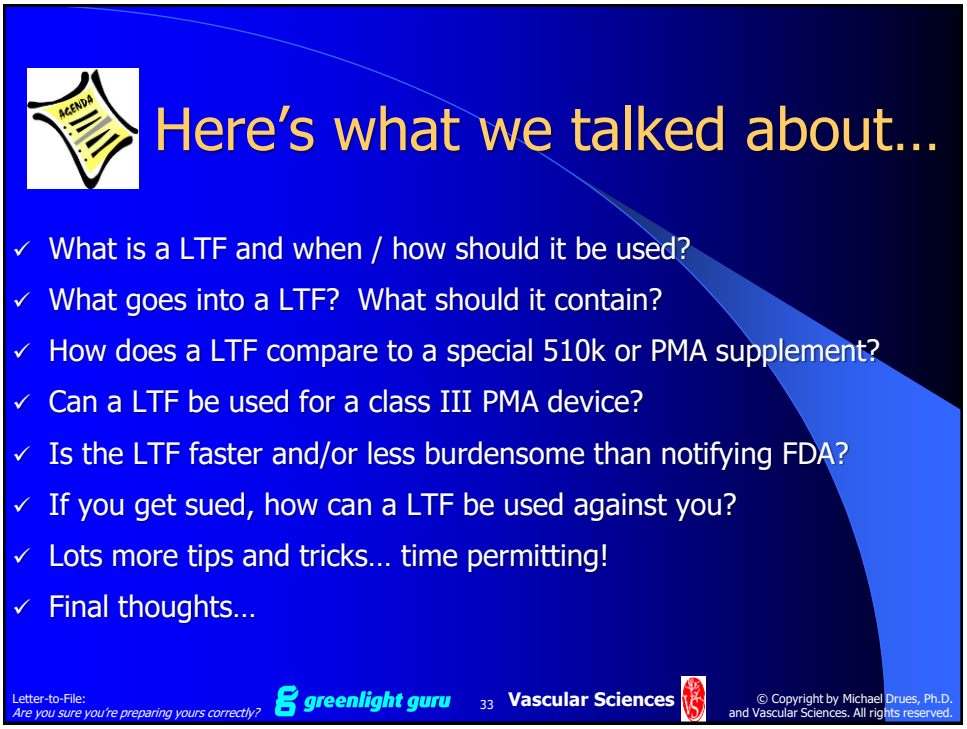

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Don't just follow the rules… think!

Rules are mostly made to be broken and are too often for the lazy to hide behind.

General Douglas MacArthur (1880 –1964) was an American general in the US Army during the 1930s and played a prominent role in the Pacific theater during World War II. He was one of only five men ever to rise to the rank of General of the Army in the U.S.

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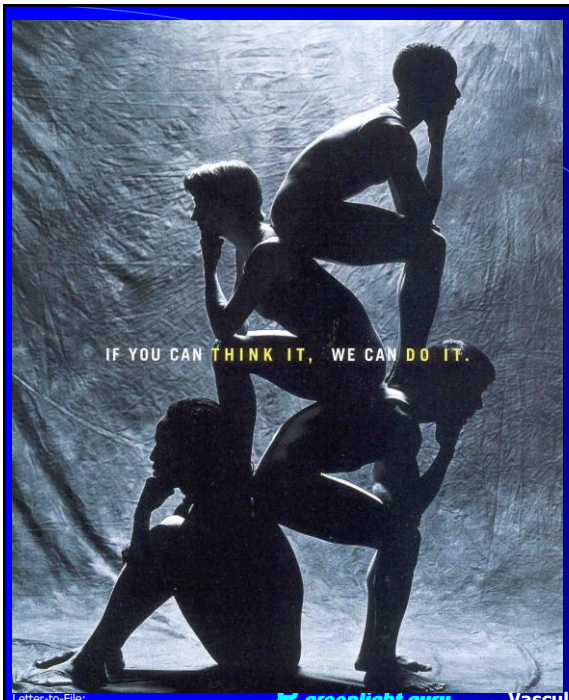
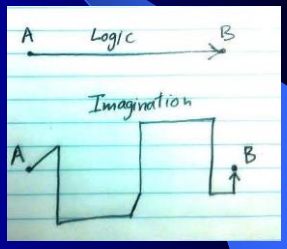


"Imagination is more important than knowledge, for while knowledge points to all there is, imagination points to all that can be."

Albert Einstein



"Logic will get you from A to B. Imagination will take you anywhere."

Albert Einstein

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Taking inspiration from one of best…

"Here's to the crazy ones. The misfits. The rebels. The troublemakers. The round pegs in the square holes. The ones who see things differently. They're not fond of rules. And they have no respect for the status quo. You can quote them, disagree with them, glorify or vilify them. About the only thing you can't do is ignore them. Because they change things. They push the human race forward. And while some may see them as the crazy ones, we see genius. Because the people who are crazy enough to think they can change the world, are the ones who do."

Steve Jobs (1955 – 2011), entrepreneur, marketer and inventor, the co-founder of Apple Inc. and widely recognized as a pioneer of the personal computer revolution.

Steve Jobs Heres To The Crazy Ones (1 min)

More importantly…

"Imagine where we could be if discontent for the status quo was the norm rather than the exception."

Can you guess who said this?

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Questions?

Comments?

Suggestions?

Criticisms?

Complaints?

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