FDA Update

CLIAC

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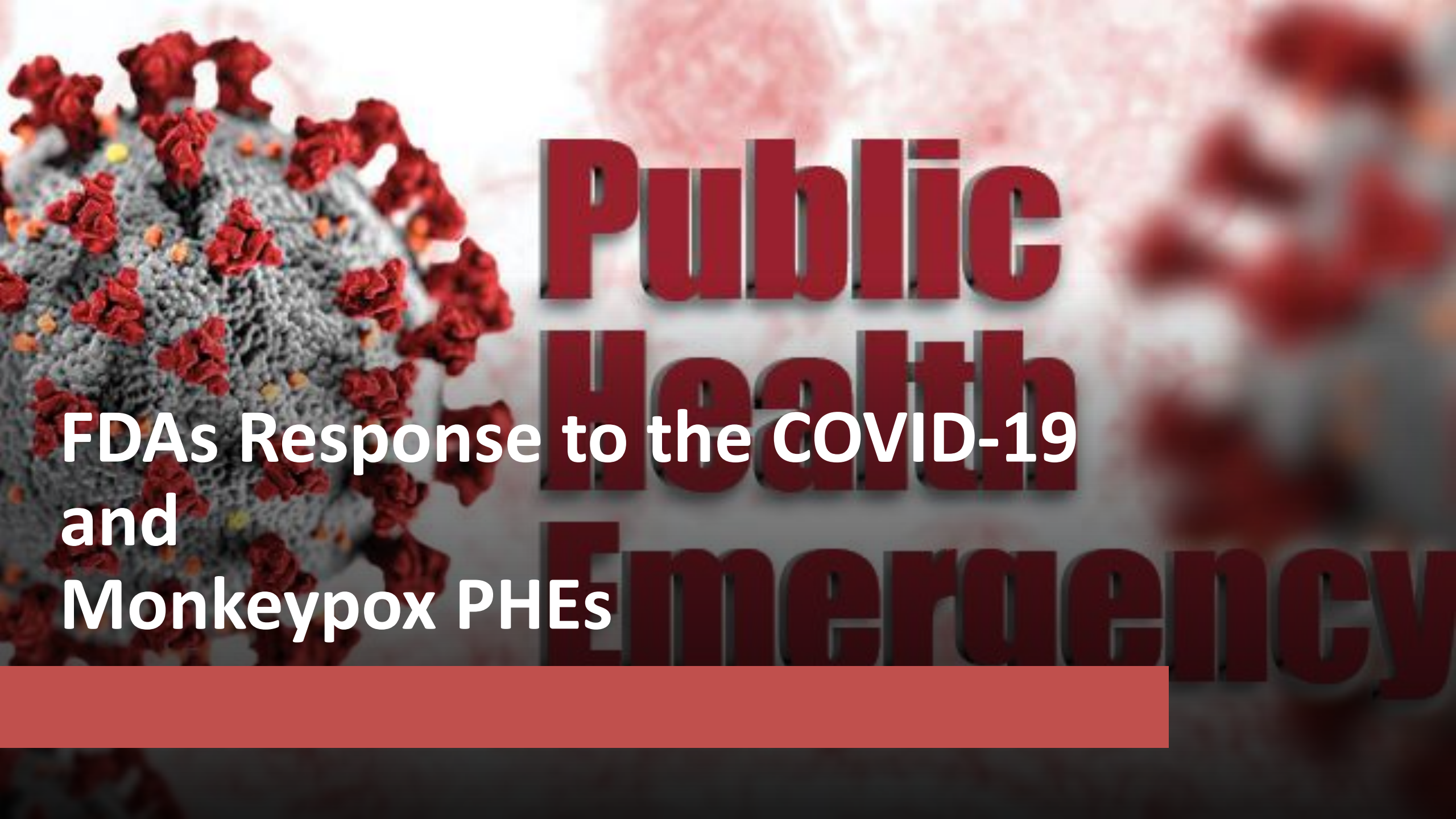
CDRH's Efforts to Return to Normal

- Reauthorization of the Medical Device User Fee Amendments (MDUFA) authorizes FDA to collect user fees for the review of device applications for fiscal years 2023 through 2027
- CDRH is accepting and immediately initiating the review process for all new IVD premarket submissions and pre-submissions in accordance with the performance goals established in the MDUFA V Commitment Letter
- OHT7 is diligently working to clear the backlog of premarket submissions received during MDUFA IV, which are being reviewed under extended timelines due to prioritization of work to support the COVID-19 PHE



FDAs Response to the COVID-19 and Monkeypox PHEs

COVID-19 Tests Authorized as of April 6, 2023

300

Molecular diagnostic tests

- 34 Pooling
- 69 Asymptomatic single use screening
- 8 Serial screening
- 28 Multi-analyte (i.e., SARS-CoV-2 + Influenza)
- 25 Point-of-care
- 78 Home collection
  - 16 Direct-to-consumer
  - 6 Multi-analyte
  - 15 Saliva home collection
- 21 Standalone home collection kits
- 3 Standalone saliva collection devices
- 1 Prescription at-home test
- 5 Over-the-counter (OTC) at-home tests

61

Antigen diagnostic tests

- 55 Point-of-care
- 2 Prescription at-home tests
- 28 Over-the-counter (OTC) at-home tests
- 46 Serial Screening
- 3 Serial Testing
- 3 Multi-Analyte

84

Serology and other immune response tests

- 13 Point-of-care
- 3 Neutralizing antibody tests
- 16 Semi-quantitative
- 1 Quantitative
- 1 Home collection

Independent Test Assessment Program (ITAP) provides support for FDA authorization of rapid at-home COVID-19 tests

Tests with Emergency Use Authorization (EUA) after being evaluated through ITAP
SD Biosensor (distributed by Roche)
Siemens Clinitest
Maxim Biomedical
Osang
Xiamen Boson
Watmind
GenBody
Lucira Health
Azure
Mologic

- The National Institutes of Health (NIH) Rapid Acceleration of Diagnostics (RADx) initiative established the Independent Test Assessment Program (ITAP) in order to accelerate regulatory review and availability of high-quality, accurate, and reliable OTC COVID-19 tests to the public
- Collaboration between the FDA and the NIH RADx program
- These tests contribute significant manufacturing volume for OTC COVID-19 tests on the US market

At-Home OTC COVID-19 Diagnostic Tests

- Over 30 OTC COVID-19 diagnostic tests authorized
- FDA web page provides List of Authorized At-Home OTC COVID-19 Diagnostic Tests including links to home use instructions for each test
- FDA Safety Communication regarding repeat testing for at-home COVID-19 antigen tests (updated November 17, 2022):
  - *Perform repeat, or serial testing following a negative result on any at-home COVID-19 antigen test,* ***whether or not you have symptoms***

COVID-19 Test Policy Update Encourages Developers to Seek Traditional Premarket Review for Most Test Types

September 28, 2022 – Policy Update

- FDA generally expects EUAs (or marketing authorization) for all COVID-19 tests
- Encouraging traditional review pathways; reducing types of tests prioritized for review under EUA
- Continuing prior enforcement policy for tests already being offered during ongoing FDA review
- FDA does not expect EUA requests for certain validated modifications made by a high-complexity CLIA-certified laboratory to an authorized COVID-19 diagnostic test

*Enforcement policies regarding LDTs **do not apply** to tests with home specimen collection or at-home tests*

*These slides present high level discussion points. Please refer to the guidance document for the details and official policies.

COVID-19 EUA Review Priorities

*Details in Section IV.A of the COVID-19 Test Policy

The FDA generally intends to focus its review on EUA requests and supplemental EUA requests from experienced developers for:

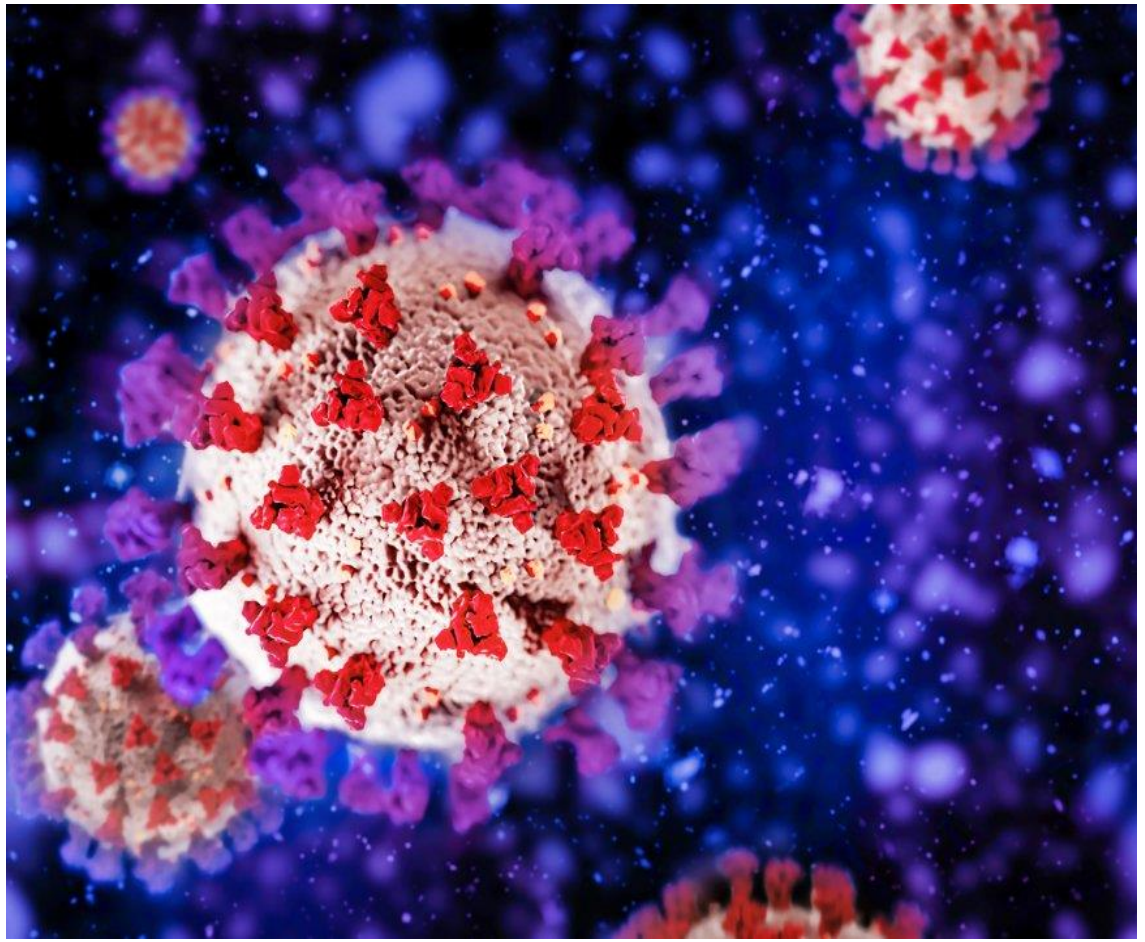
- Diagnostic tests that are likely to have a significant benefit to public health (such as those that employ new technologies)
- Diagnostic tests that are likely to fulfill an unmet need (such as diagnosing infection with a new variant or subvariant)
- Supplemental EUA requests for previously authorized tests when the request is intended to fulfill a condition of authorization or includes a modification that will significantly benefit public health or fulfill an unmet need
- Tests for which the EUA request is from (or supported by) a U.S. government stakeholder, such as tests funded by the Biomedical Advanced Research and Development Authority (BARDA) or the National Institutes of Health's Rapid Acceleration of Diagnostics (RADx)

In Vitro Diagnostics EUAs: Novel Tests for SARS-CoV-2

- **InspectIR COVID-19 Breathalyzer**: First COVID-19 diagnostic test using breath samples. Authorized April 14, 2022

- **Labcorp VirSeq SARS-CoV-2 NGS Test**: First genotyping test for SARS-CoV-2. Authorized June 10, 2022

- **Twist Bioscience SARS-CoV-2 NGS Assay:** Test for genotyping and identifying specific mutations of SARS-CoV-2. Authorized July 28, 2022



FDA Authorizes First Over-the-Counter At-Home Test to Detect Both Influenza and COVID-19 Viruses

- **Lucira COVID-19 & Flu Home Test:** First over-the-counter (OTC) diagnostic test for detection and differentiation of influenza A and B, and SARS-CoV-2. Authorized February 24, 2023

- At-home test kit provides results from self-collected nasal swab samples in roughly 30 minutes

- Authorization underscores the Agency's continued commitment to increase availability of accurate and reliable at-home diagnostic tests

FDA Issues Final Guidances to Assist with Transition Plans for COVID-19-Related Medical Devices

- On March 27, 2023, CDRH issued two guidance documents to assist with transition plans for medical devices that were issued EUAs or fall within certain enforcement policies issued to support the response to the COVID-19 pandemic
  - Transition Plan for Medical Devices Issued Emergency Use Authorizations (EUAs) Related to Coronavirus Disease 2019 (COVID-19)
  - Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

- The final transition guidances provide recommendations and expectations for medical device manufacturers that may or may not want to continue to distribute their devices after the relevant device EUA declaration related to COVID-19 under section 564 of the FD&C Act terminates or the enforcement policies in certain COVID-19 device guidances are no longer in effect

Key Transition Guidance Highlights

EUA Transition Guidance

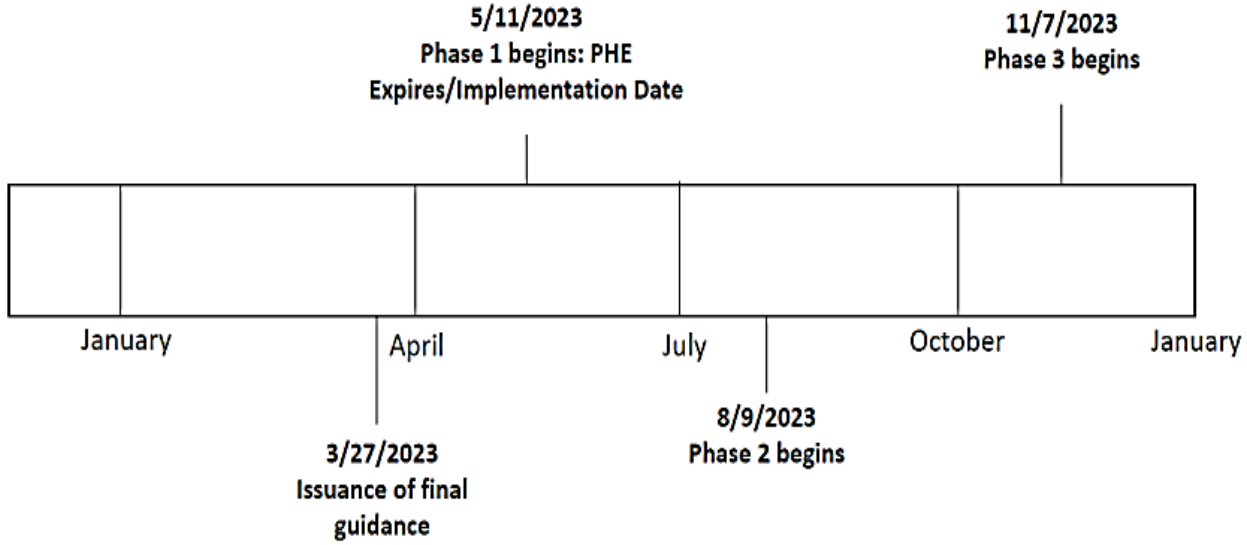
- EUAs may remain in effect even after the end of the Public Health Emergency on May 11, 2023
- For each EUA declaration, FDA will publish advance notice of termination in the Federal Register, **180 days** before termination of the EUA declaration and associated EUAs
- FDA expects manufacturers of these devices to submit any necessary marketing applications before the EUA's termination date or remove the device from the market no later than that date
  - **For manufacturers that wish to continue distributing their COVID-19 tests after the termination of the EUA declaration**: For COVID-19 tests that are authorized under an EUA where the manufacturer has submitted a marketing submission and had it accepted by FDA before the EUA termination date, and FDA has not taken a final action on the marketing submission or made a determination on CLIA categorization, FDA does not intend to object to the continued distribution and use of such test, as further outlined in the EUA Transition Guidance
  - **For manufacturers that do not wish to continue distributing their COVID-19 tests after the termination of the EUA declaration:** For COVID-19 tests that are already distributed, FDA does not intend to object to use of such tests prior to the product expiration date

Key Transition Guidance Highlights Cont'

Enforcement Policy Transition Guidance

- FDA is implementing a 180-day transition period that will begin on the “implementation date”, the date the COVID-19 section 319 PHE declaration expires (May 11, 2023)
- The guidances in List 1 will no longer be in effect after the 180-day transition period ends
- For most medical devices that are marketed in accordance with COVID-19 enforcement policy guidances, FDA plans a three-phase transition process that will begin on May 11, 2023
- For a very small number of these devices, FDA plans to announce revised enforcement policies at a later date

Transition Timeline



FDA to Host Virtual Town Hall and Webinar on Finalized COVID-19 Transition Guidances for Medical Devices

- On **April 26, 2023**, FDA will host a virtual town hall for test developers to discuss the two final guidances on COVID-19 transition plans for medical devices, specifically for in vitro diagnostics (IVDs). The guidances outline FDAs recommendations for:
  - Developing a transition implementation plan for IVDs with an EUA
  - Submitting an IVD marketing submission
  - Taking other actions with respect to these IVDs
  - Additional information related to test developers and COVID-19 tests
- A general webinar (not IVD specific) will be held on April 18, 2023

April 18th Webinar

April 26th Virtual Town Hall

The 510(k) Pathway is Available for COVID-19 Molecular and Antigen Tests

BioFire Respiratory Panel 2.1 (RP2.1): First COVID-19 diagnostic test (molecular) granted marketing authorization using the De Novo review pathway, a regulatory pathway for low- to moderate-risk devices of a new type. Granted March 17, 2021

Quidel Sofia 2 SARS Antigen+ FIA: First COVID-19 antigen test granted full marketing authorization using the De Novo premarket review pathway. Granted March 8, 2023

- In addition to these two De Novos, FDA has also cleared four COVID-19 molecular tests using the 510(k) pathway. We welcome additional 510(k) submissions for molecular and antigen tests

Omnibus Bill provision allows Dual De Novo and CW submission for COVID-19 tests waived under EUA

Sec. 3301 – Dual Submission for Certain Devices

Provides that sponsors of diagnostic tests that have been deemed to be Clinical Laboratory Improvement Amendments (CLIA)-waived under section 564(m) of the FFDCA as part of a COVID-19 emergency use authorization that submit requests for de novo classification of their test under section 513(f)(2) of the FFDCA may submit such request together with sufficient information to enable FDA to determine whether the test satisfies the criteria for CLIA categorization under section 353(d)(3) of the Public Health Service Act in a single submission.

- Directs FDA to establish a Dual De Novo/CLIA Waiver pathway for COVID-19 EUA tests that have been authorized for use in CLIA waived settings
- Since De Novos have already been granted for the first molecular and antigen COVID-19 tests, there's not likely to be many additional COVID De Novos
- Most Duals will be able to go through the established Dual 510k/CLIA Waiver pathway
- EUA Transition guidance addresses Omnibus bill provision

New Guidance to Facilitate Development of Additional Monkeypox Tests

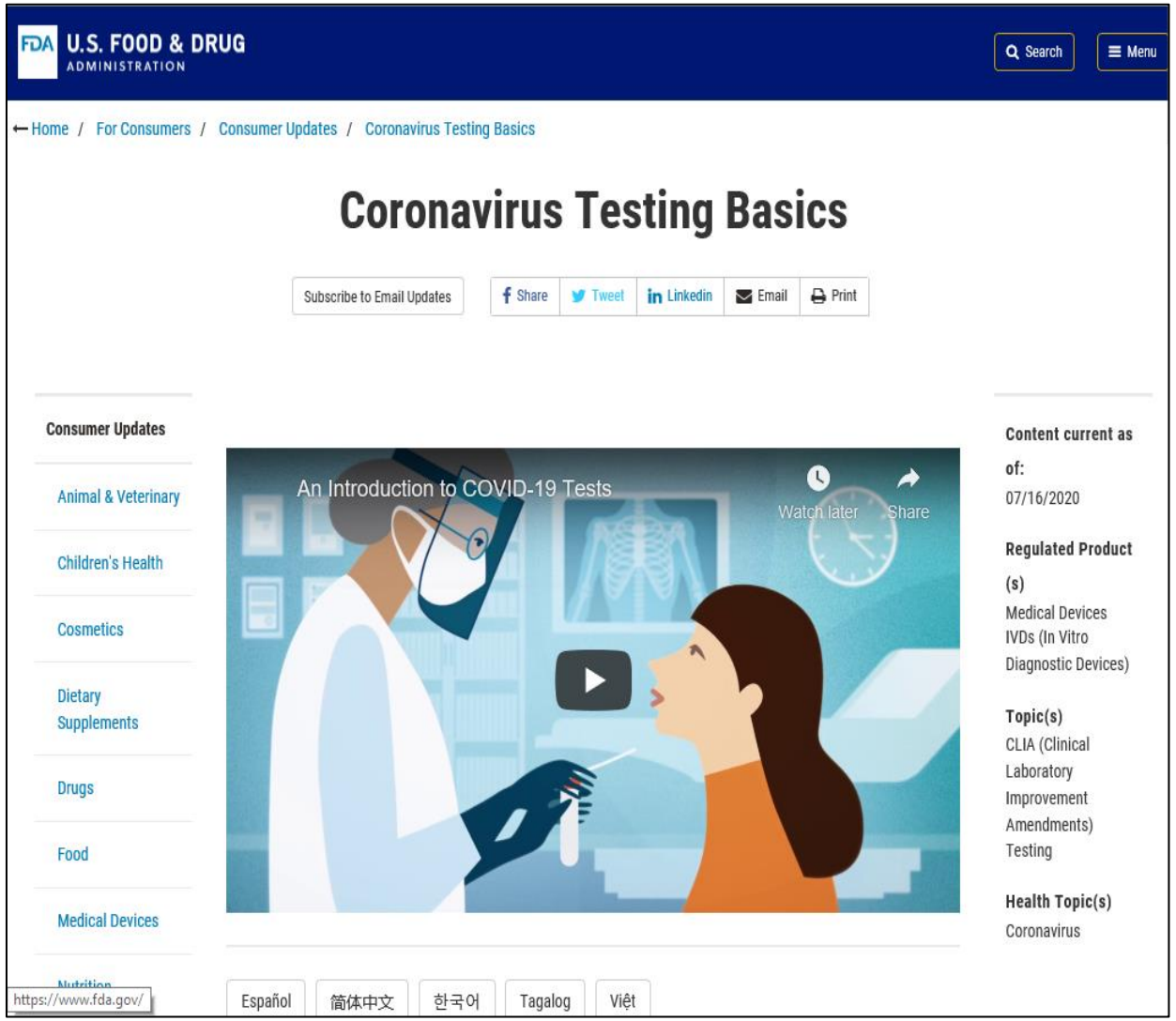
On September 7, 2022, the FDA issued a guidance, *Policy for Monkeypox Tests to Address the Public Health Emergency*, that describes:

- Review priorities of emergency use authorization (EUA) requests for monkeypox diagnostic tests
- Enforcement policies for certain diagnostic tests that are developed by and performed in a laboratory certified under the Clinical Laboratory Improvement Amendments (CLIA) that meets the requirements to perform tests of high complexity
- Enforcement policies for FDA-cleared or authorized monkeypox diagnostic tests that are modified
- Enforcement policies for certain serology tests
- Recommendations for diagnostic test validation

FDA-Cleared and EUA-Authorized Monkeypox Tests

- **CDC Non-variola Orthopoxvirus Real-time PCR Primer and Probe Set:** Currently, the only 510(k) cleared test for monkeypox. Cleared September 20, 2018
- **Quest Diagnostics Monkeypox Virus Qualitative Real-Time PCR:** First EUA for a monkeypox in vitro diagnostic. Authorized September 15, 2022
- **Abbott Molecular Alinity m MPXV:** First commercial test kit to be authorized for detection of monkeypox. Authorized October 7, 2022
- **Cepheid Xpert Mpox:** First point-of-care (POC) test to be authorized for detection of monkeypox. Authorized February 10, 2023 (evaluated through ITAP)

Outreach



On March 22, 2023, CDRH hosted the last recurring Virtual Town Hall in the series *Test Development and Validation during Public Health Emergencies on mpox and COVID-19.* Virtual Town Hall will continue Ad Hoc

- Since the beginning of the series (March 2020), CDRH has hosted 102 Virtual Town Halls with nearly 60,000 participants

CDRH continues to provide the following outreach:

- FAQs on Testing for SARS-CoV-2 and Monkeypox
- Safety Communications
- Resources for Patients, Healthcare Providers, and Developers
- COVID-19 and Monkeypox Diagnostics Mailboxes

FDA Permits Marketing for New Test to Improve Diagnosis of Alzheimer Disease

Lumipulse G β-Amyloid Ratio (1-42/1-40) test

- First in vitro diagnostic test for early detection of amyloid plaques associated with Alzheimer's disease, in patients presenting with cognitive impairment
- Measures the ratio of β-amyloid 1-42 and β-amyloid 1-40 concentrations in human cerebrospinal fluid (CSF)
- Potentially eliminates the need for time-consuming and expensive PET scans
- Test granted Breakthrough Device designation

FDA News Release

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Thank You