Overview from FDA

2021 Preparedness Summit
Tri-Agency Task Force for Emergency Diagnostics Session
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Outline

- Why are emergency use authorities needed?
- What is an Emergency Use Authorization (EUA) ?
- EUA Interactive Review
- EUA vs. IVD Premarket Review
- Post EUA
- Declarations and IVD EUAs
- FDA Engagement in TTFED

Why are legal/regulatory mechanisms for emergency use of medical products needed?

Without these mechanisms, certain preparedness and response activities could otherwise violate provisions of the Federal Food, Drug, and Cosmetic (FD&C) Act:

- Some products needed for a response might not be approved, licensed, or cleared by FDA
- Some products needed for a response might be approved by FDA, but not for the emergency use (e.g., for a new indication)
- Also, to ensure any available HHS Public Readiness and Emergency Preparedness (PREP) Act liability protections apply
- Import or Export

What is an EUA?

- FDA may issue an EUA to allow use of an unapproved medical product, or an unapproved use of an approved medical product, if certain criteria are met (section 564 FD&C Act)

- Before FDA can issue an EUA, HHS Secretary must make an EUA Declaration based on 1 of 4 Determinations described in statute

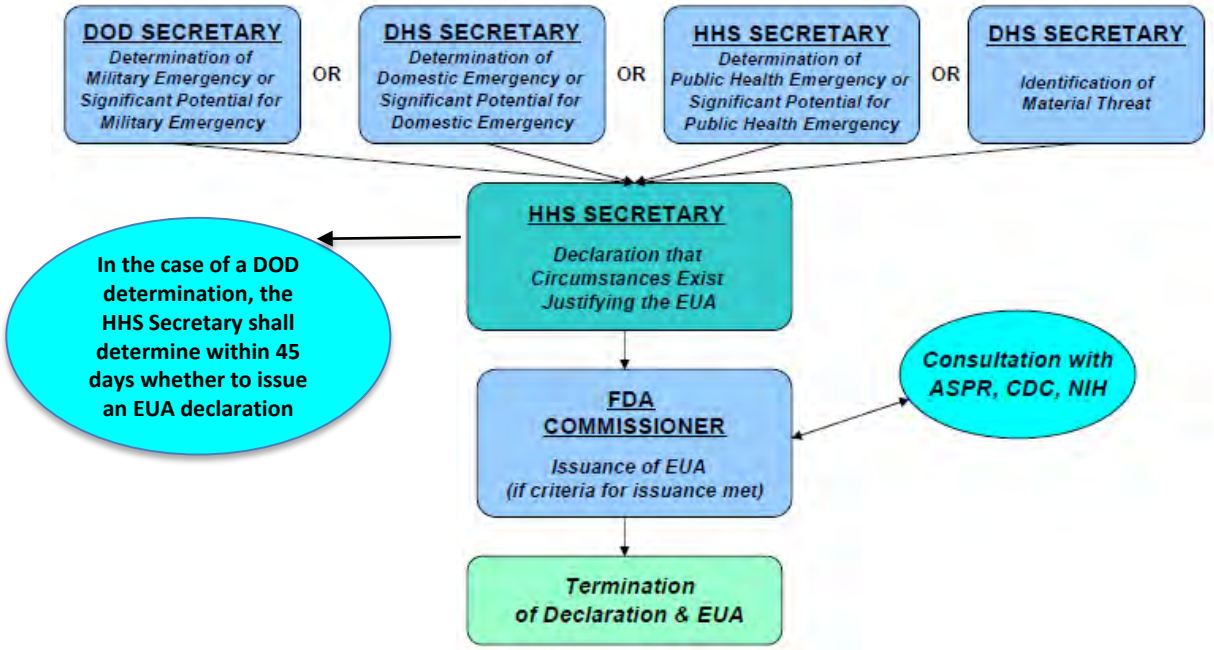
- Statutory criteria must be met:
  - agent referred to in a declaration is one that can cause a serious or life-threatening disease or condition
  - Based on totality of scientific evidence, reasonable belief:
    - product may be effective (in preventing, diagnosing, or treating)
    - Known/potential benefits outweigh known/potential risks
  - No adequate, approved, available alternative to the product

What is an EUA? (continued)

- Conditions of authorization = safeguards, such as:
  - Information on emergency use, including "not FDA-approved"
    - fact sheets for recipients and health care providers
  - Record keeping and monitoring of adverse events
  - Collection of information
  - Conditions of authorization also clarify roles (e.g., CDC, laboratories)

- Publicly available EUA packages:
  - Consist of:
    - Letter of Authorization
    - Accompanying materials (e.g., fact sheets for health care professionals and patient/recipients, instructions for use, labels)
  - FDA must publish in the Federal Register a notice of each authorization, termination, and revocation
  - FDA posts all of this information near real-time on FDA's website

Summary of Process for EUA Issuance



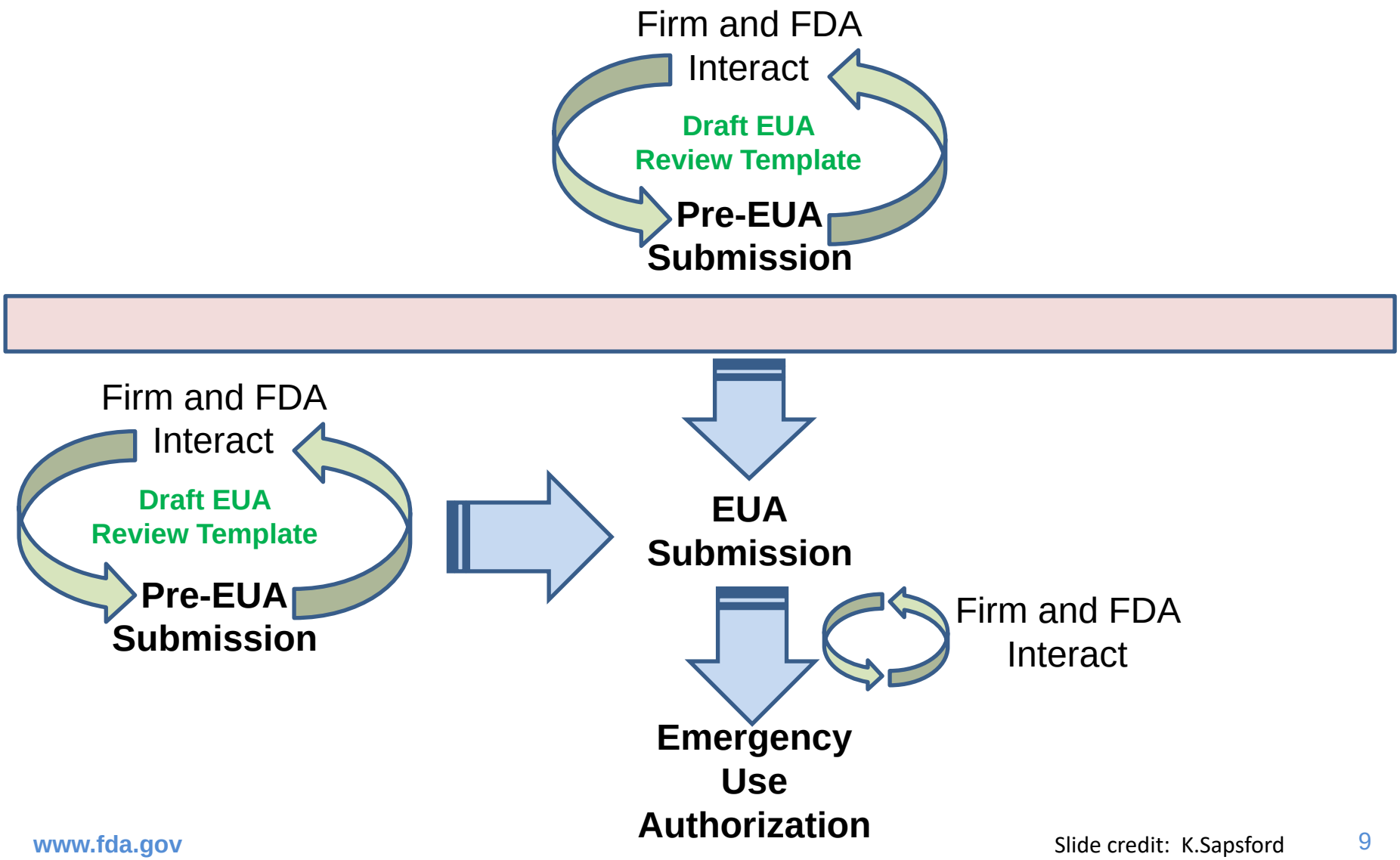
COVID-19 Determination and Declarations Supporting EUAs

- On February 4th, 2020, the Secretary of Health and Human Services (HHS) announced the determination and declaration
  - COVID-19 presents a public health emergency that has a significant potential to affect national security or the health and security of US citizens living abroad
  - Circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of the virus that causes COVID-19
- On March 24, 2020, the Secretary of HHS declared circumstances exist justifying the authorization of emergency use of medical devices during the COVID-19 outbreak.
- Additional declarations for other products

Draft IVD EUA Review Templates

- Draft **EUA Review Templates** developed to streamline data submission as well as **data review** and **review documentation**
- **Outlines** FDA's current **recommendations** for the **analytical and clinical validation studies** needed in support of an EUA submission for various IVDs.
- **Dynamic Template**: Draft document, adapted depending on specific circumstances of the outbreak, Analyte & Technology (e.g., molecular, serology), starting point
- **Assist EUA Submitter** and **FDA Reviewers**:
  - Submitter fills out the template
  - Template serves as basis for interactive review
  - Template will later serve as sponsor's EUA Submission AND
  - Review memorandum

EUA Interactive Review



Slide credit: K.Sapsford

EUA Vs. Premarket: In Vitro Diagnostics

Requirements	Emergency Use Authorization (EUA)	Premarket Notification or Application
Special Circumstances	Requires declaration by the HHS Secretary that circumstances exist justifying the EUA There is no adequate, approved, and available alternative to the product	No
Analytical Evaluation	Limited	Extensive
Clinical Evaluation	Limited	Extensive
Duration	Temporary - remains in effect for the duration of the declaration unless revoked sooner	Not Limited
CGMP	Expected but limits or waivers may be granted in an EUA on a case-by-case basis	Required

Slide credit: K.Sapsford

Post EUA

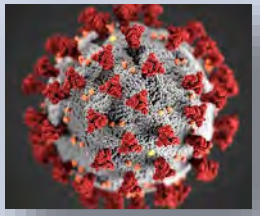
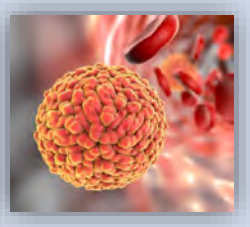
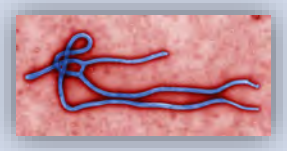
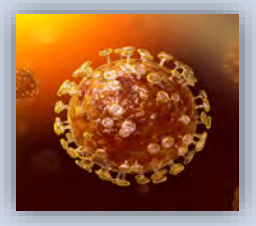
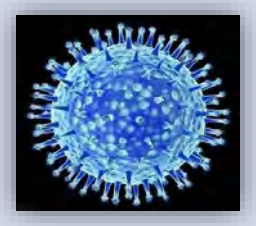
FDA's role once an EUA is issued:

- Review, Revision, and Revocation
  - Review the circumstances and appropriateness of each authorization
  - FDA may revise or revoke if:
    - The emergency circumstances no longer exist
    - The criteria for the issuance of the EUA are no longer met, or
    - Other circumstances make revision or revocation appropriate to protect public health and safety

EUA is not a substitute or short-cut for approval or clearance

FDA issued a De Novo classification order for the BioFire Respiratory Panel 2.1 (RP2.1) as a Class II (Special Controls) device under the generic name “Device to detect and identify nucleic acid targets in respiratory specimens from microbial agents that cause the SARS-CoV-2 respiratory infection and other microbial agents when in a multi-target test.” (to be codified in 21 CFR 866.3981) on March 17, 2021.

HHS Secretary Declaration of Emergency or Threat

SARS-CoV-2 *Coronaviridae*	Zika Virus *Flaviviridae*	Enterovirus D68 *Picornaviridae*	Ebola *Filoviridae*	MERS-CoV *Coronaviridae*	Influenza H7N9 *Orthomyxoviridae*
					
February 4, 2020	February 26, 2016	February 6, 2015	August 4, 2014	May 29, 2013	April 19, 2013
Emergency Use of In Vitro Diagnostic Tests for Detection and/or Diagnosis of the Virus that Causes COVID-19	Emergency Use of *In Vitro* Diagnostic Tests for Detection of Zika Virus and/or Diagnosis of Zika Virus Infection	Emergency Use of New *In Vitro* Diagnostics for Detection of Enterovirus D68	Emergency Use of *In Vitro* Diagnostics for Detection of Ebola Virus	Emergency Use of *In Vitro* Diagnostics for Detection of Middle East Respiratory Syndrome Coronavirus	Emergency Use of *In Vitro* Diagnostics for Detection of the Avian Influenza A (H7N9) Virus

http://www.fda.gov/EmergencyPreparedness/Counterterrorism/MedicalCountermeasures/MCMLegalRegulatoryandPolicyFramework/ucm182568.htm. Slide credit: K.Sapsford

IVD EUA Summary

	H1N1	H7N9	MERS-CoV	Ebola	Enterovirus D68	Zika	SARS-CoV-2
EUA Declaration	April 26, 2009	April 19, 2013	May 29, 2013	August 4, 2014	February 6, 2015	February 26, 2016	February 4, 2020
EUA Diagnostics:							
Molecular	**17**	**2**	**2**	**9**	**1**	**13****	**258**
Molecular with Self/Home-collection	0	0	0	0	0	0	42
Antigen	**1**	**1**	**0**	**3***	**0**	**0**	**16**
Immune Response	**0**	**0**	**0**	**0**	**0**	**3**	**74**
IL-6	**0**	**0**	**0**	**0**	**0**	**0**	**3**

*Includes one product that was authorized for two different intended uses
** Includes one product that was authorized but later withdrawn by the company
Table data as of March 26, 2021; slide credit: K.Sapford

FDA Engagement with TTFED

- Recommendation to include conditions of authorization for laboratories from EUA letter in the manufacturer's instructions
- Recommendation to require external control materials
- Agency FAQs
- Fact-sheets for patients, HCPs
- Challenge: communicating early and often while moving quickly to address an evolving public health emergency

Resources

- FDA FAQs on Testing for SARS-CoV-2

https://www.fda.gov/medical-devices/coronavirus-covid-19-and-medical-devices/faqs-testing-sars-cov-2

- COVID-19 IVD Templates for EUA Submission

https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/in-vitro-diagnostics-euas

- Guidance: Emergency Use Authorization of Medical Products and Related Authorities

https://www.fda.gov/media/97321/download

- List of all EUAs

https://www.fda.gov/medical-devices/coronavirus-covid-19-and-medical-devices/faqs-testing-sars-cov-2

Questions?

- Contact the Division of Microbiology devices: CDRH-EUA-Templates@fda.hhs.gov. Stakeholders interested in pursuing an EUA may submit a pre-EUA to begin discussions with the FDA or may submit an EUA request to this mailbox.

- Virtual Town Hall Series - Coronavirus (COVID-19) Test Development and Validation

https://www.fda.gov/medical-devices/workshops-conferences-medical-devices/virtual-town-hall-series-coronavirus-covid-19-test-development-and-validation-03312021-03312021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