DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

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Food and Drug Administration
Center for Devices and
Radiological Health
2098 Gaither Road
Rockville, MD 20850

MAR 7 2001

Via Federal Express

WARNING LETTER

Rosemary Fox
Vice President and Chief Operating Officer
St. Mary's Medical Center
450 Stanyon Street
San Francisco, California 94117-1079

Dear Ms. Fox:

This Warning Letter informs you of objectionable conditions found during a Food and Drug Administration (FDA) inspection of the St. Mary's Medical Center Institutional Review Board (IRB), and requests from you a prompt written reply informing us of your corrective actions. During the period of October 12 through October 24, 2000, Rochelle B. Young, an investigator from FDA's San Francisco District Office, conducted an inspection of the St. Mary's Medical Center IRB. The purpose of Ms. Young's inspection was to determine whether the IRB's activities and procedures relating to clinical studies of FDA-regulated products complied with applicable FDA regulations.

Our review of the inspection report and exhibits submitted by the District Office revealed that there were serious violations of the requirements of Title 21, Code of Federal Regulations (21 CFR), Part 50 - Protection of Human Subjects; 21 CFR, Part 56 - Institutional Review Boards; and 21 CFR, Part 812 - Investigational Device Exemptions. The observations are listed on the Form FDA 483, "Inspectional Observations," which was presented to and discussed with [redacted] Dr. John Umekubo, Chief of Staff, Committee Chair, Medical Executive Committee; and [redacted], who participated by teleconference, at the conclusion of the inspection. Present during the inspection were [redacted]; Charles Allison, M.D.; and [redacted]

Ms. Young noted two observations that remained uncorrected from an FDA inspection conducted during December 1996. FDA notified the IRB of the December 1996 observations in a December 19, 1997 untitled letter to R. Thomas Decker.

We acknowledge receipt of your letter dated November 3, 2000, regarding your response to the Inspectional Observations. Your letter will be made a part of our official files. We appreciate your efforts in informing FDA of your position on the issues raised during the FDA inspection and listed on the Form FDA 483. Although you responded by letter to the issues raised in the Form FDA 483, this Warning Letter informs you of violations found during our review of the establishment inspection report in addition to the observations on the Form FDA 483.

The observations noted on the Form FDA 483 and the violations noted during our subsequent review of the inspection report are summarized below:

1. **Failure to follow written procedures for IRB functions and operations *(21 CFR 56.108(b)(2))*.**

   The IRB failed to take prompt action concerning a sponsor-initiated suspension of a principal investigator. For example, in a letter dated February 29, 2000, the [redacted] suspended shipment of a device for the [redacted] study to the principal investigator, [redacted]. Although the IRB received a copy of this letter, action by the IRB did not take place until October 9, 2000, when the IRB sent to Dr. [redacted] a letter suspending [redacted] participation in the study effective September 27, 2000.

   In addition, the IRB failed to notify FDA of the sponsor-initiated suspension and the IRB suspension of the principal investigator for the [redacted] study and the [redacted] study. We acknowledge Dr. Allison's November 3, 2000 response letter to the San Francisco District Office whereby he states that the IRB will assure that FDA is promptly notified of any future suspensions, terminations, restrictions or similar circumstances in which a study is so affected.

2. **Failure to maintain records of the IRB functions and activities *(21 CFR 56.115(a)(2) and 812.60)*.**

   The IRB failed to prepare and maintain adequate documentation of IRB activities. For example, no documentation was available to show the number of members voting for, against, and abstaining from voting at IRB meetings. In addition, at the June 24, 1998 IRB meeting, no documentation was available to show the names of members present.

3. **Failure to provide a procedure that describes how the IRB will determine which device studies are significant risk (SR) or non-significant risk (NSR)** ***(21 CFR 56.111 and 812.60).***

   The IRB failed to provide within the written IRB policies and procedures a provision stating how the IRB will determine which device studies are significant risk and non-significant risk. In the December 19, 1997 letter to Mr. Decker, FDA notified the IRB of this deficiency. Enclosed with the December 19, 1997 letter was a copy of *Significant Risk and Nonsignificant Risk Medical Device Studies.*

   We acknowledge in Dr. Allison's response letter of November 3, 2000, that the IRB approved a policy and procedure amendment to include guidelines defining significant risk and non-significant risk devices. **Please include in your response to FDA, after you receive this letter, a copy of this amendment.** Also, for your reference, please see 21 CFR 812.3(m).

The violations listed above are not intended to be an all-inclusive list of violations at your facility. As an IRB, it is your responsibility to ensure that investigations that you approve are conducted in accordance with applicable FDA regulations. To assist you, we have enclosed a copy of the *FDA Information Sheets, Guidance for Institutional Review Boards and Clinical Investigators.*

Please advise this office, in writing, **within fifteen (15) working days of receipt of this letter**, of the specific steps that you have taken to correct these violations and other violations known to you, and to prevent the recurrence of similar violations in current or future studies. Failure to respond can result in further regulatory action without additional notice.

You should direct your response to the Food and Drug Administration, Center for Devices and Radiological Health, Office of Compliance, Division of Bioresearch Monitoring, Program Enforcement Branch II (HFZ-312), 2098 Gaither Road, Rockville, Maryland 20850, Attention: Kathleen E. Swisher, R.N., J.D., Consumer Safety Officer.

A copy of this letter has been sent to our San Francisco District Office, 1431 Harbor Bay Parkway, Alameda, California 94502. We request that a copy of your response be sent to that office as well.

Sincerely yours,

Charmaine Connor, RPh

for Larry D. Spears
Acting Director
Office of Compliance
Center for Devices and
Radiological Health

Enclosure

cc: Charles P. Allison, M.D.
IRB Chair
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