



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Louise Silver
Quigley

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FEDERAL EXPRESS

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Food and Drug Administration
2098 Gaither Road
Rockville MD 20850

WARNING LETTER

Ebrahim Versi, M.D., Ph.D.
Chief, Division of Urogynecology
Brigham and Women's Hospital
Department of Obstetrics and Gynecology
500 Brookline Avenue, Suite E
Boston, Massachusetts 02115

Dear Dr. Versi:

You were inspected between May 20-30, 1997, by Sandra P. White, an investigator with the Food and Drug Administration (FDA), New England District Office. The purpose of that inspection was to determine whether your activities as a clinical investigator for the investigational study of the

~~_____~~
_____ complied with applicable FDA regulations. This product is a device as that term is defined in section 201(h) of the Federal Food, Drug and Cosmetic Act (the Act).

Our review of the inspection report submitted by the district office revealed violations of Title 21, Code of Federal Regulations (21 CFR), Part 812 - Investigational Device Exemptions and Part 50 - Informed Consent of Human Subjects. These items were listed as observations on the Form FDA-483, Inspectional Observations, which was presented to and discussed with you at the conclusion of the inspection. The following list of violations is not intended to be an all-inclusive list of deficiencies in the above referenced clinical study.

- 1) Failure to conduct an investigation in accordance with the investigational plan, conditions of approval imposed by the Institutional Review Board (IRB), sponsor's investigator agreement, and applicable FDA regulations as required by 21 CFR 812.110(b).

~~_____~~ identified as ~~_____~~
~~_____~~ experienced unanticipated adverse device events which were not reported to the sponsor and the reviewing institutional review board (IRB), the Brigham and Women's Hospital Human Research Committee, as required by 21 CFR 812.150(a)(1). In addition, there was no evidence that either subject was treated for their injury, as indicated in the patient informed consent document.

In memos addressed to you dated April 24, 1996, July 17, 1996, and August 12, 1996, the sponsor notified you of changes in the risk status of the study and recommended changes in the protocol. These changes were not disclosed to the reviewing IRB as required as a condition of their approval.

There was no evidence that the sponsor or the IRB was notified about subjects [REDACTED] were allowed to alter the physical characteristics of the device (trimming). 21 CFR 812.150(a)(4) requires all deviations from the protocol be reported to the sponsor and reviewing IRB..

In addition, the checklist, medical history, incontinence and urogenital distress questionnaires were not completed by you or your subjects as required by the protocol.

- 2) Failure to ensure that proper informed consent is obtained as required in 21 CFR 812.100 and 21 CFR 50.20.

The informed consent document (Research Consent Form) did not meet the requirements of 21 CFR 50.25 because it did not include correct information about study duration and benefits, which the sponsor directed that you amend per letters dated July 17, 1996, and August 12, 1996. In addition, the informed consent specified that the length of participation is 28 days. However, some subjects remained in the study for as long as 90 days.

There was no evidence that study subject [REDACTED] consented to the study before her enrollment, as required in 21 CFR 50.27.

- 3) Failure to keep accurate records of the receipt, use, or disposition of the investigational device as required by 21 CFR 812.140 (a)(2).

With the exception of the sponsor's partial listing of devices shipped, the records available for inspection were inadequate to meet the requirements of this section.

- 4) Failure to maintain accurate, complete, and current records of all correspondence with the sponsor, monitor, and the IRB as required in 21 CFR 812.140(a)(1).

You failed to maintain the signed investigator agreements for you and your co-investigator, Dr. David J. Griffiths. There was no documentation to verify that Dr. Griffiths' and your curriculum vitae, the February 1996 IRB-approved informed consent, and the 30-day phase summary report were sent to the sponsor. Also, the required monitor visit log was not maintained at your site.

- 5) Failure to maintain accurate, complete, and current records of each subject's case history and exposure to the device as required by 21 CFR 812.140 (a)(3).

You failed to maintain copies of the sponsor prescription registration forms completed by subjects. Slide photos (a set of two) taken of each subject's parted vulva before and after the device use lacked the subject's (CRF) number identification.

We acknowledge receipt of your June 10, 1997, letter in response to the FDA-483. However, you did not include documentation to support your responses. Also, we acknowledge the receipt of the sponsor's June 17, 1997, response which included your curriculum vitae and the initial informed consent form. These letters will be placed in the permanent record.

This letter is not intended to be an all-inclusive list of your clinical study deficiencies. It is your responsibility to assure adherence to each requirement of the Act and regulations. This includes adequate and accurate record-keeping, as well as the reporting of all adverse device events and effects.

Within fifteen (15) working days of receipt of this letter, please provide this office with written documentation of any other specific steps you have taken or will be taking to bring any future studies into compliance with FDA regulations.

Your response should be directed to the Food and Drug Administration, Center for Devices and Radiological Health, Office of Compliance, Division of Bioresearch Monitoring, Program Enforcement Branch I (HFZ-311), 2098 Gaither Road, Rockville, Maryland 20850, Attention: Kevin M. Hopson. A copy of this Warning Letter has been sent to the Food and Drug Administration, New England District Office, One Montvale Avenue, Stoneham, Massachusetts 02180. We request that a copy of any correspondence from you also be sent to that office.

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Please direct all questions concerning this matter to Mr. Hopson at (301) 594-4720, extension #128.

Sincerely yours,



for

Lillian J. Gill
Director
Office of Compliance
Center for Devices
and Radiological Health