**DEPARTMENT OF HEALTH AND HUMAN SERVICES**
FOOD AND DRUG ADMINISTRATION

| DISTRICT ADDRESS AND PHONE NUMBER | DATE(S) OF INSPECTION |
|---|---|
| 555 Winderley Place, Suite 200<br>Maitland, FL 32751<br>(407) 475-4700 Fax:(407) 475-4768<br>Industry Information: www.fda.gov/oc/industry | 12/01/2010 - 12/16/2010*<br>FEI NUMBER<br>3008522961 |

NAME AND TITLE OF INDIVIDUAL TO WHOM REPORT ISSUED

**TO:** Carol L. Roberts, MD, Principal Investigator

| FIRM NAME | STREET ADDRESS |
|---|---|
| Carol Roberts | 1209 Lakeside Drive<br>Wellness Works |
| CITY, STATE AND ZIP CODE, COUNTRY | TYPE ESTABLISHMENT INSPECTED |
| Brandon, FL 33510-4109 | Clinical Investigator |

This document lists observations made by the FDA representative(s) during the inspection of your facility. They are inspectional observations, and do not represent a final Agency determination regarding your compliance. If you have an objection regarding an observation, or have implemented, or plan to implement, corrective action in response to an observation, you may discuss the objection or action with the FDA representative(s) during the inspection or submit this information to FDA at the address above. If you have any questions, please contact FDA at the phone number and address above.

**DURING AN INSPECTION OF YOUR FIRM WE OBSERVED:**

## OBSERVATION 1

An investigation was not conducted in accordance with the signed statement of investigator and investigational plan.

Specifically,

a. Commitment to follow the protocol.

1. Subject (b) (6) met exclusion criterion #16 "Inability to tolerate the weekly fluid load (500cc of fluids)" due to underlying lung disease that left the subject "very sensitive to even slight fluid overload" according to a physician that assessed him two months prior to the subject enrolling into the study.

2. Subjects (b) (6) , and (b) (6) received their infusions of study drug in less than the three hours required by the protocol.

3. Subjects (b) (6) , and (b) (6) had laboratory values that required delay of subsequent infusions and increased laboratory follow-up per the protocol that did not occur.

4. Subject (b) (6) received an infusion that was meant for another subject.

5. Subject (b) (6) received an infusion that was prepared outside of the (b) (4) hour window specified by the protocol.

b. Obtaining informed consent

1. Subjects (b) (6) were not re-consented with version 3 of the ICF as required by the IRB.

2. Subjects (b) (6) were not re-consented with version 4 of the ICF as required by the IRB.

## AMENDMENT 1

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|---|---|---|
| | Gene R. Gunn, Investigator<br>Jennifer A. Robinson, Investigator | 12/16/2010 |

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3. Subjects (b) (6) were not re-consented with version 5 of the ICF as required by the IRB.

c. Informing subjects of investigational status of drug

a. The last paragraph on the PATIENT GENERAL CONSENT states the following:

"I understand that some of the treatments suggested for me are as of yet unproven and experimental, however, I have been informed of this, and I am willing to accept the risks on the basis of the information provided to me. I will have the opportunity to ask questions and to research any treatment suggested before I agree to do it. I understand that the doctors have done their research as well, including (in most cases) having taken these treatments themselves."

b. On 11/02/09 Subject (b) (6) asked via phone message if the IV is FDA approved. The reponse on the phone message is "Yes!". The study drug, edetate disodium, was not approved for any indication at this time as the NDAs and ANDAs were withdrawn on 05/15/08 as was published in the Federal Register. Edetate disodium was never approved for the indication being studied and was being evaluated under an IND.

## OBSERVATION 2

Failure to report promptly to the IRB all unanticipated problems involving risk to human subjects or others.

Specifically,

~~a. Subject (b) (6) was hospitalized from (b) (4) for atrial fibrillation and angina. This event was not reported by the site as an SAE to the IRB.~~

b. Subject (b) (6) was hospitalized from (b) (4) for weakness, chest pain, and transient ischemic attack. These events were not reported by the site as SAEs to the IRB.

c. Subject (b) (6) died on (b) (4) This SAE was reported to the site on 06/02/05. It was reported to the IRB on 05/23/08.

d. Subject (b) (6) died on (b) (4) . This SAE was reported to the site on 11/18/05. It was reported to the IRB on 05/23/08.

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## OBSERVATION 3

Failure to obtain informed consent in accordance with 21 CFR Part 50 from each human subject prior to conducting study-related tests .

Specifically,

Subject (b) (6) was screened for the trial on 09/13/05 and had study related laboratory tests done on 09/06/05. The subject did not sign the Informed Consent Form until 09/16/05.

## OBSERVATION 4

Failure to assure that an IRB complying with applicable regulatory requirements was responsible for the initial and continuing review and approval of a clinical study.

Specifically,

Continuing review of the study was approved for 12 months by the IRB on 02/07/08. It was approved again 16 months later on 06/04/09, four months past the IRB imposed deadline.

## OBSERVATION 5

Failure to prepare or maintain adequate case histories with respect to observations and data pertinent to the investigation and informed consent.

Specifically,

Subject (b) (6) 's original source documentation and consent forms were not available for review.

* DATES OF INSPECTION:
12/01/2010(Wed), 12/02/2010(Thu), 12/06/2010(Mon), 12/07/2010(Tue), 12/08/2010(Wed), 12/09/2010(Thu), 12/16/2010(Thu)

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