

Actions for an FDA Inspection

Upon receiving the call from the FDA to schedule the inspection, please send notification (from FDA Audit Checklist) to The Office of Research c/o Catharine.V.Carter@uth.tmc.edu, fax: 713-500-0335, phone: 713-500-3524. The notification will then be distributed to the CPHS, Institutional Compliance, and Auditing and Advisory Services.

The following actions are to be taken during an FDA inspection from the time the FDA inspector is greeted to the time the exit interview is conducted and a response to the FDA's observations are made.

Investigators are required to permit the FDA to inspect and copy any records pertaining to the investigation including, in certain situations, those which identify subjects.

Designate a person to serve as escort who will oversee the inspection (usually the research coordinator for the study). The FDA investigator must not be permitted free access to areas that files are kept, the escort serves as a monitor as well as guide and general study contact person.

- 1. Before the site inspection, identify records FDA are likely to audit, including:**
 - a. Identify all subjects, enrollment/screening log, and ALL Informed Consents.
 - b. Selected Case Report Forms and all supportive source documentation including:
 - i. AE Reports
 - ii. Clinic or hospital chart
 - iii. Consultation reports
 - iv. All informed consents
 - v. Laboratory, radiology reports, EKGs, etc.
 - vi. Patient diaries
 - c. Write a summary (enrollment, AEs, SAEs, deviations, violations)
 - d. Identify all IRB correspondence (approvals, continuing reviews)
 - e. Device /Drug Accountability Logs
 - f. Notify others that may be involved, e.g. sponsor, pharmacy, IRB
 - g. Locate and organize records, review for:
 - i. Comprehensiveness, accuracy and compliance
 - ii. Identify weakness/gaps
 - iii. Correct those that can be corrected
 - iv. Understand scope of remaining issues
 - v. Write and approve corrective action plan / preventative action plan (how will you prevent recurrence of identified issues)

- h. Sequester these records and your reviews in readiness for easy access, but do not volunteer a list of them to the inspector. Always wait for a specific request to provide information.

2. Arrival of inspector

- a. There may be times that persons/department directors should be notified that the FDA is conducting an inspection in the building.
- b. Where a sign in log is used: if the inspector will not sign in, make a note in the sign in log of the name, date/time, purpose and escort name.
- c. The escort will walk the inspector to an appropriate meeting room. The inspector will present her credentials to verify that they are in order; do not expect the investigator to permit a copy to be made of her badge/credentials.
- d. The inspector will then present a Notice of Inspection (482) to the Principal Investigator, this notice authorizes the inspection and its presentation officially begins the inspection.
- e. The inspector will explain the intended purpose and scope of the inspection, then ask the PI to summarize the study.

3. The inspection

- a. The escort should have made arrangements for a comfortable work area for the FDA inspector(s) for the duration of the inspection. The room must contain no confidential records, either clinical or research. The inspector will not generally want the escort in the room while s/he works, but the escort should be readily available to the investigator at all times.
- b. The inspector must never have access to any site records not specifically provided by the host. Standard procedure is for the inspector to request files for review, starting with the “general” study materials including the regulatory documents binders, then all signed informed consent forms, followed by a sampling of specific patient records. Study finances and personnel records are not included in the standard inspection.
- c. The Principal Investigator should set aside time each day to talk with the inspector, as well as being available for questions that may arise.
- d. The escort’s role is to coordinate all FDA requests and see that the inspector’s questions are answered honestly and completely. Listen to the question; answer the question that was asked. Defer to others if you don't know; when possible use documents already provided for support of answers. Stop when the question is fully answered. There is nothing wrong with silence: when you have answered, wait for the next questions.
- e. How to answer FDA Questions
 - i. Be concise; answer only the question that is asked.
 - ii. Always be clear with the answers to questions.
 - iii. Be positive and confident.
 - iv. Take corrective actions if possible, commit only to what you can deliver.

- v. DO NOT volunteer information. DO NOT guess or speculate.
- vi. DO NOT lie. DO NOT argue.
- vii. DO NOT panic.
- viii. DO NOT sign affidavits.

f. Inspection of Documents

- i. Escort the inspector to an information sterile room away from sources of casual conversation to review requested documents. Always sequester the reviewer in an isolated room and bring the requested documents to her.
- ii. Only documents specifically requested by the inspector shall be provided for review. The escort may need to obtain patient records from the hospital or clinic records to supplement or corroborate the research records.
- iii. Gather the documents requested for review. When documents are copied for inspectors, either a copy is also made to retain or identify each copied document by maintaining an inspection record log. All copies provided should be stamped "Confidential". Usually copies are provided without charge to the FDA; however, if the inspector requests an inordinate number of copies, notify the inspector that an invoice will be provided.
- iv. Documents that the inspector is not entitled to review or copy: financial, personnel (except for training/qualification records), and internal audits (section 704(a) FDC Act).

g. Photographs

If the FDA insists on taking photographs, take duplicates at the same time.

h. Samples

If the FDA requests a reasonable quantity of samples, fill the request but pull identical samples to retain. Ask the FDA to issue a receipt for the samples (form 484). Depending on the nature of the samples requested, advise the FDA that an invoice will be presented.

4. Exit Interview

- a. The FDA will usually hold an exit interview at the conclusion of the inspection. The escort, Principal Investigator, a representative from Institutional Compliance, and other individuals as appropriate should be notified of the time and place and expect to attend. During this exchange, if serious deficiencies have been found during the inspection, an Inspectional Observations form 483 will follow from the regional office, listing the deficiencies. If no deficiencies are found, or the inspector has comments that he believes are not serious enough to warrant a 483, no form will be issued.
- b. During the exit interview:

- i. The Principal Investigator will seek to correct any errors in the findings.
- ii. Both the FDA and Principal Investigator will make sure everything is clear and understood.
- iii. Observations, comments, and commitments will be noted in the escort inspection notes.

5. Response to FDA 483

- a. Individuals as appropriate shall draft a response to an FDA 483. The PI is responsible for sending the draft of the response to UTHSC-H Institutional Compliance, and Auditing and Advisory Services. The PI is also responsible for sending the written response to the FDA.
- b. The written response should include specifics:
 - i. Determine if a finding was an oversight/one-time occurrence; or systemic, where a change of procedure is indicated.
 - ii. Delineate corrective actions: including justification of why the proposed response will remediate the issue; and a realistic timeline for correction.
 - iii. If you disagree with an observation: respond factually, providing clear and verifiable evidence.
 - iv. Address each particular observation or finding, point by point.
 - v. The reply should be sent within two weeks. Keep a copy of the final signed response in your office.

6. To request an EIR (establishment inspection report)

- a. The FDA inspector will file an EIR within approximately 30 days. This report is subsequently available through FOI. It may be requested from:
FOI, Freedom of Information Office
5600 Fisher
Rockville, MD 20857

7. Institutional follow up

- a. Please provide a copy of the **final** establishment inspection report (EIR) and/or the Inspectional Observation Form 483 upon receipt to UTHSC-H Institutional Compliance, and Auditing and Advisory Services.