CDER's Advisors & Consultants Staff (ACS) Perspective on Preparing for Advisory Committee Meetings

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Key Points That Will Be Discussed

- **Today's Perspective is CDER's**
- Meeting Triggers
- Committee Basics
- Involvement / Roles of FDA Components in ACs
- Timelines
- Important Factoids
- Conflict of Interest Dilemma
- Do's / Don'ts for Sponsor
- Websites of Interest

How Does FDA Determine the Need for the Meeting?

- No Set Criteria – Review Division Decides
- Typical Triggers Include:
  - Safety, Efficacy, Risk / Benefit Questions
  - Dosing Concerns
  - Target Population or Labeling Issues
  - New Molecular Entity / New Indication
  - Rx to OTC Switches
  - Guidelines / Study / Protocol Designs
  - Post-marketing Assessment
  - Appeals of FDA Decisions

Composition of an Advisory Committee

- Members and Chair Appointed by Commissioner and Serve up to **Four** Years
- Members Include Consumer, Industry, and Sometimes Patient Representatives – All Represent Broader Interests
- Consumer and Patient Representatives Appointed by FDA; However, Industry Reps Are Appointed by Industry
- Committees Are Usually Supplemented With Additional Consultants

Member Selection

- **Referrals Come From:**
  - Former / Current Advisory Committee Members
  - FDA Scientists
  - Professional Societies and Journals
  - Academic Institutions
  - Consumer Groups
  - Self Nominations
  - Congressional Staff
  - Industry

Member Selection *Continued*

- Federal Register Notice for Nominations
- Résumés Reviewed by Product Related Area
  - *Screened for Needed Expertise*
  - *Preliminary Screen for Conflicts of Interest*
- Consideration is Made for Committee Balance: Race, Gender, Geography, Institution, e.g.

Who's Involved in AC Meetings on the CDER Side?

- The CDER Review Division
- Office of Drug Evaluation (ODE / CDER)
- Advisors & Consultants Staff (ACS / CDER)
- Division of Information Disclosure Policy (DIDP) aka "FOI" (CDER)
- Dockets (OC / FDA)
- FDA Ethics, ACOMS, Associate Commissioner for External Relations (OC), HHS's OGC (Conflict of Interest "COI")

Depending on the Meeting, These Entities Can Also Be Involved

- Office of New Drugs (OND)
- Center Director
- Office of the Commissioner (OC)
- Office of Surveillance & Epidemiology (OSE)
- One or More Review Divisions in CDER (Consult or Joint Meeting)
- Another Center (Biologics, Devices)

The FDA Review Division

- Reviews Product Application or Issue
- Determines the Need for the Meeting
- Develops Background Materials
- Develops and Rehearses Presentations
- Develops Questions to the Committee
- IDs Need for Additional Expertise (Other Committees, Consultants, Guest Speakers)
- Limited Number Will Sit at the Table

CDER ACS

- ACS Makes Sure That the Meeting Process Satisfies FACA, FDAMA, CFRs, and FDA Policies / Memos
- Organizes and Coordinates Administrative Meeting Logistics: Backgrounder, Hotel, AV, Transcriber, Travel for Members / Consultants
- The ACS Executive Secretary = Project Manager of the Meeting on the Admin End
- Exec Sec is a Conduit for Information Between Review Division, Sponsor, AC Members, Public

AC Meeting Deadlines (Business Days)

- **Day 76+: Review Division**
  - Notifies Sponsor / ACS of Need for AC Meeting
  - Begins to ID & Notify Current / Prospective Additional SGE Consultants
  - IDs Topic, Starts Competing Product List
- **Day 71: Review Division Submits to ACS**
  - Individuals Who Need to be Appointed as SGEs
  - Proposed FR Including Indication / Topics
  - Draft Competing / Affected Products List
  - Meeting Topics / Issues for Discussion

AC Meeting Deadlines (Business Days) *Continued*

- **Day 61: ACS**
  - Receives Complete SGE Appointment Paperwork From Prospective SGE
  - If Paperwork Not Received in ACS by This Date, Prospective SGE Will Not be Able to Attend Meeting
- **Day 55: Review Division / ACS Meet / Discuss**
  - ACS's Changes (If Any) in the Division's Draft Competing / Affected Products List
  - Draft Agenda / Questions
  - Need to Open a Docket?

AC Meeting Deadlines (Business Days) *Continued*

- **Day 50: Review Division / ACS**
  - Finalize / Sign-off on the FR Notice
  - Finalize Competing / Affected Products
  - Finalize Attendee List
  - Review Division Submits Final Current SGEs / Guest Speakers
- **Day 36: ACS**
  - Receives SGE's Complete Answers to COI Questions
- **Day 26: ACS**
  - Waivers Sent to Ethics / OC / Dockets / FOI
  - **Miss This Date = No Waivers = No SGE**

AC Meeting Deadlines (Business Days) *Continued*

- **Day 22: Sponsor**
  - Submits Backgrounder to ACS
- **Day 19: Review Division**
  - Submits Its Backgrounder to ACS
- **Day 18: ACS**
  - Sends Both Backgrounders to FOI for Redaction Review, Overnights Unredacted Backgrounder to the Committee

AC Meeting Deadlines (Business Days) *Continued*

- **Day 11 (15 calendar): Dockets**
  - Posts Waivers Onto the Web
- **Day 14: ACS**
  - ACS Overnights Redacted Version of CDER Backgrounder to Sponsor – **Your First Look!**
- **1 Business Day Prior** to the Advisory Committee Meeting (24 Hours Prior to Meeting), FDA Posts on Its Website the Sponsor Package and CDER's Redacted Package

When Will You Get to See the Questions?

- If No Questions Are in Backgrounder, Hopefully Contact Between Sponsor & CDER Has Been Frequent & Meaningful so That Surprises Are Minimal (?)
- ACS Has Been Encouraging Divisions to Include Either "Points to Consider" and / or a Cover Memo for the Backgrounder
- ACS Has Also Encouraged Divisions to Avoid "Regulatory Conclusions"

Important Factoids

- If Your Backgrounder Is Going to Be Late: Work With the Exec Sec (Consider DIDP & Dockets)
- Errata Sheets Allowed for Sponsor & CDER
- Actual Data Amendments Are Discouraged
- CDER Applies the Disclosability Guidance to Non-NDA Meetings for Consistency
- CDER Doesn't Release SGE Names, Specialties Only
- MAPP 6001.1: SGEs Appearing Before FDA
- Other Feds Can't Represent You Before FDA

FY '06 Appropriations Bill

- *"**none of the funds** made available in this Act may be **used to…grant a waiver** of a financial conflict of interest…*
- *[this] **shall not apply** to a waiver…**if** – (1) **not later than 15 days prior** to a meeting of an advisory committee , the Secretary of HHS **discloses on the Internet website** of the FDA…the **nature and basis of such waiver**…."*
- Any SGE Who Needs a Waiver MUST Have This Waiver Posted on the Web 15 Calendar Days Before the Meeting – **Your First Chance to See Some of the Added Consultants Who Will Be There!**

Criminal Conflict of Interest Statute Title 18 U.S.C. 208

- Prior to **Every** Meeting Each SGE is Evaluated for Conflict of Interest Relative to the Meeting Topic
- SGE May **Not** Participate If the Individual Has a Financial Conflict of Interest.
- Interests Are Also Imputed to the Spouse, Minor Child, and Employer.
- If Disclosed in Advance – There are Provisions for Exceptions – WAIVERS

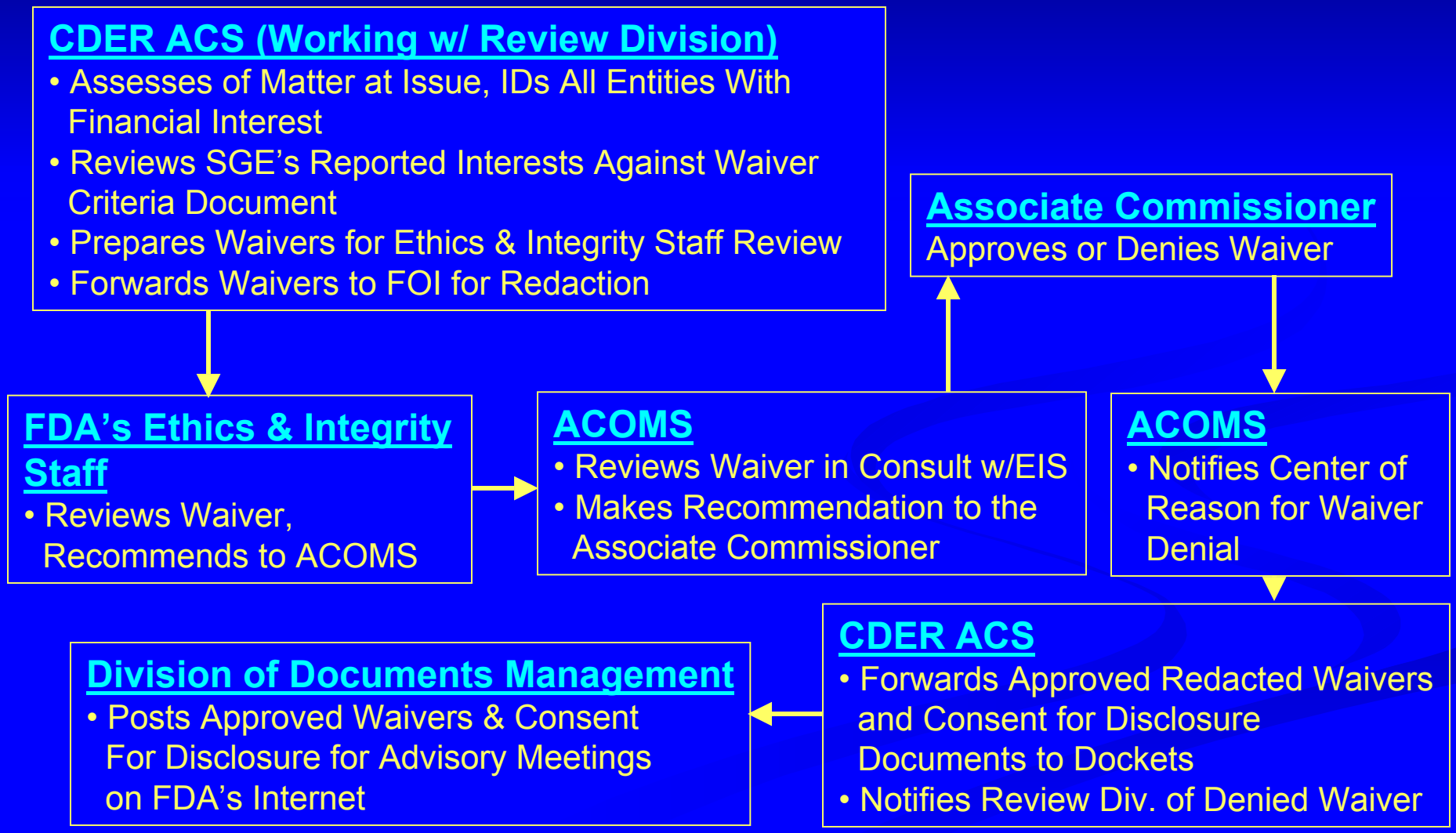
What Are the Types of Interests That Are Screened?

- Stocks and Investments
- Primary Employment
- Consultant Work
- Contracts / Grants / CRADAS
- Patent / Royalties / Trademarks
- Expert Witness Activities
- Teaching / Speaking / Writing
- Department Heads / Administrative Duties
- Exceptions for Institutional Directors

Conflict of Interest *Continued*

- FDA May NOT Grant a Waiver for an Advisory Committee Member to Review Their **Own Work**
- COI Criteria Are VERY Complex – Mostly Shades of Gray
- Current FDA Criteria Used for COI Screening Are Found on the Web

COI Clearance Workflow



Conflict of Interest Dilemma

- Congress, Consumer Watchdog Groups, the Public Want AC Members With "Minimal Conflicts" – Who Doesn't? Is That Possible?
- Ideal AC Member Has Practitioner + Clinical Trials Experience
- Where Does One Get Clinical Trials Experience?

Conflict of Interest Dilemma *Continued*

- Since Drug Development Is Primarily Funded by Private Sector, Most Clinical Trial Experience Is Gained by Working With Industry-Sponsored Trials
- We Don't Want AC Members Who Lack Clinical Trial Experience – Can't Properly Advise FDA, Can Potentially Hurt the Company, Hurt the Public (95% of Time, FDA Agrees With AC)
- FDA will continue to refine how it discloses the Balance Between Experience and "Conflict"

DOs for the Sponsor

- Keep Up the GREAT Work Regarding Rehearsals – Presentations are Excellent
- Keep Up the GREAT Work Regarding Back-up Slides – Some Are Amazing
- Keep Up the GREAT Work in "Knowing the Committee"
- Encourage Review Divisions to Put Questions in Their Backgrounder; in Place of That, Ask for Either a "Points to Consider" Document and / or a Backgrounder Summary Memo

DON'Ts for the Sponsor

- Don't Forget: CDER Doesn't Release SGE Names – Other Centers Do – We Release Specialties (SGE Clearance Hard to Predict)
- Don't Forget About MAPP 6001.1: SGEs Representing You in Front of FDA
- Ex-FDAers Have a Lifetime If Worked on That Issue; 1-Year Cooling-off Otherwise
- Other Feds Can't Represent You Before FDA
- Don't Forget: Sponsor Package Goes to FOI
- Don't Spring New Data or B.S. Committee
- **Don't Lose Your Cool!**

Websites of Interest

- 1 (One) Business Day Prior to the Meeting – CDER Posts Both Backgrounders Onto the Web at: http://www.fda.gov/ohrms/dockets/ac/acmenu.htm
- Disclosability Guidance at: http://www.fda.gov/cder/guidance/3479dft.htm
- Conflict of Interest Criteria at: http://www.fda.gov/oc/advisory/conflictofinterest/intro.html
- MAPP 6001.1 at: http://www.fda.gov/cder/mapp/6001-1.pdf