



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service ¹¹¹⁴ B
Food and Drug Administration

San Francisco District
1431 Harbor Bay Parkway
Alameda, California 94502-7070
Telephone: 510-337-6700

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Our Reference: 2937635

January 17, 1997

John P. Byrnes, President
Lincare, Inc.
19337 US 19 North, Suite 500
Clearwater, Florida 34624

WARNING LETTER

Dear Mr. Byrnes:

An inspection of the compressed medical gas repacking operation in your firm, Home Respiratory Care Company, located at 1431 North Market Boulevard, Suite 1, Sacramento, California 95834, was conducted on November 22, 25, and 26, 1996, by Food and Drug Administration (FDA) Investigator Karen G. Hirshfield. The inspection revealed serious violations of the Federal Food, Drug, and Cosmetic Act (Act) as follows:

VIOLATION

BRIEF DESCRIPTION

501(a)(2)(B)

Your drug product, Oxygen, USP, is adulterated in that the controls used for the manufacture, processing, packing, or holding of this product are not in conformance with the current Good Manufacturing Practice (GMP) regulations, Title 21, Code of Federal Regulations, parts 210 and 211 (21 CFR 210 and 211), such as:

1. Failure to assay incoming liquid oxygen for identity and strength prior to filling home units. [21 CFR 211.165(a)]. Specifically, your firm relied on the supplier for the complete testing of the oxygen, USP; however, the Certificates of Analysis (COA) are not complete. For example, during the period of June 1992 through October 1995, the COA's lacked the supplier's name and address, an air liquefaction statement, and the test method used for analysis. Currently, a COA lacks a reference to the test

- method used for analysis. Without a complete COA, the responsibility of testing the oxygen, USP, is Lincare's.
2. Failure to use an official test procedure for the assay of Oxygen, USP (which is required when a complete COA is not obtained). The inspection found that there is no documentation that the sensitivity and accuracy of the [REDACTED] Oxygen Analyzer will produce identity and strength results equivalent or superior to those obtained using the official test procedure. When using the oxygen analyzer in an environment that does not maintain a constant temperature (such as in a delivery truck), the [REDACTED] has an accuracy range of two-percent, which will not provide test results that meet USP specifications. [21 CFR 211.165(e)].
 3. Failure to properly calibrate the [REDACTED] Oxygen Analyzer used for the assay of Oxygen, U.S.P. according to the manufacturer's directions (i.e., not using a certified calibration gas). [21 CFR 211.160(b)(4)].
 4. Failure to perform adequate prefill operations on each cryogenic vessel prior to filling [21 CFR 211.84(d)(3)].
 5. Failure to follow written procedures with respect to: testing of each bulk oxygen delivery before any cryogenic vessels are filled, calibration of the oxygen analyzer, and documentation of prefill inspections of cryogenic home units [21 CFR 211.100(b)].
 6. Failure to establish the reliability of the supplier's analyses through appropriate validation of the supplier's test results at appropriate intervals [211.84(d)(2)].
- 503(b)(4) 1. The drug product, Oxygen USP, is misbranded in that it is regarded as a prescription drug and its labeling fails to bear the statement, "Caution: Federal law prohibits the dispensing without a prescription." [21 CFR 201.100(b)(1)].

The above enumeration of deficiencies should not be construed as a complete list of deficiencies at your Sacramento facility. It is your responsibility to insure that all of your facilities are in complete compliance with all aspects of the Act.

John P. Byrnes
Clearwater, Florida

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Adulterated and misbranded drugs may be seized under authority of the Act, Section 304. The introduction or delivery for introduction into interstate commerce of any adulterated and/or misbranded drug is prohibited by the Act, Section 301(a).

A copy of the Form FDA-483 (Inspectional Observations) which was presented to Center Manager, Allen H. Heise, is enclosed for your reference. I have also enclosed a copy of the Food and Drug Administration's booklet entitled Compressed Medical Gases Guideline, a copy of a speech by Mr. Duane Sylvia of FDA's Office of Compliance, Division of Manufacturing and Product Quality, Center for Drug Evaluation and Research, and 21 CFR part 211. The Compressed Medical Gases Guideline and Mr. Sylvia's speech contain useful information on how to comply with the requirements of 21 CFR part 211.

Please notify this office in writing within fifteen working days of receipt of this letter, of the specific steps you have taken to prevent the recurrence of similar violations. Failure to promptly correct these deviations may result in enforcement action being initiated without further notice. If corrective action cannot be completed within fifteen days, state the reason for the delay and the time needed to complete the corrections. Please submit your response to the Food and Drug Administration, San Francisco District Office, 1431 Harbor Bay Parkway, Alameda, CA 94502-7070, attention: Drug Team Leader.

Sincerely

Patricia C. Ziobro

Patricia C. Ziobro
District Director
San Francisco District

Enclosures:
FDA 483
21 CFR part 211
Speech by Mr. Duane Sylvia
Compressed Medical Gases Guideline