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Food and Drug Administration
Minneapolis District
240 Hennepin Avenue
Minneapolis MN 55401-1999
Telephone: 612-334-4100

March 27, 2001

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Refer to MIN 01 - 44

Dennis Miley
Administrator
Tri County Hospital
415 Jefferson Street No.
Wadena, Minnesota 56482

Dear Mr. Miley:

On March 6, 2001, a representative of the State of Minnesota, acting on behalf of the Food and Drug Administration (FDA) inspected your facility (FDA Certificate #143636). This inspection revealed a serious regulatory problem involving the mammography at your facility.

Under a United States Federal law, the Mammography Quality Standards Act of 1992 (MQSA), your facility must meet specific requirements for mammography. These requirements help protect the health of women by assuring that a facility can perform quality mammography. Based on the documentation your site presented at the time of the inspection, the following non-compliances were documented at your facility:

Repeat Level 2 Non-Compliance:

1. Two of eight reports reviewed did not contain an acceptable assessment category for Tri County Hospital site. A listing of the official and approved alternate wording for assessment categories is enclosed. This non-compliance was also cited during the previous inspection.

Level 2 Non-Compliance:

2. Failed to produce documents verifying that the Radiologic Technologist *W* met the initial requirement of having 40 contact hours of training specific to mammography.

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- 3: Failed to produce documents verifying that the Radiologic Technologist   met the initial requirement of having 40 contact hours of training specific to mammography.

The specific problems noted above appeared on your MQSA Facility Inspection Report which was issued to your facility following the close of the inspection.

Individuals failing to meet either the "Initial" and/or "Continuing" MQSA requirements must immediately cease performing mammography independently. Conditions for Direct Supervision of unqualified personnel are specified in regulation and formal FDA policy. Policy references may be found at the Internet address below. For the performance of a mammography examination, direct supervision means that the supervisor is present to observe and correct, as needed, the performance of the trainee. This requires that the supervisor be in the examination room itself during the time the examination is being conducted.

Because these conditions may be symptomatic of serious underlying problems that could compromise the quality of mammography at your facility, they represent a serious violation of the law which may result in FDA taking regulatory action without further notice to you. These actions include, but are not limited to, placing your facility under a Directed Plan of Correction, charging your facility for the cost of on-site monitoring, assessing civil money penalties up to \$10,000 for each failure to substantially comply with, or each day of failure to substantially comply with, the Standards, suspension or revocation of your facility's FDA certificate, or obtaining a court injunction against further mammography.

It is necessary for you to act on this matter immediately. Please explain to this office in writing within 15 working days from the date you received this letter:

- the specific steps you have taken to correct all of the violations noted in this letter;
- each step your facility is taking to prevent the recurrence of similar violations;
- equipment settings (including technique factors), raw test data, and calculated final results, where appropriate; and
- sample records that demonstrate proper record keeping procedures if the findings relate to quality control or other records.

Please submit your response to Thomas W. Garvin, Radiological Health Specialist, Food and Drug Administration, 2675 N. Mayfair Road, Suite 200, Milwaukee, WI 53226-1305.

Finally, you should understand that there are many FDA requirements pertaining to mammography. This letter pertains only to findings of your inspection and does

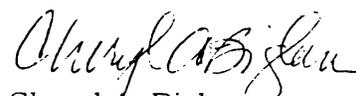
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not necessarily address other obligations you have under the law. You may obtain general information about all of FDA's requirements for mammography facilities by contacting the Mammography Quality Assurance Program, Food and Drug Administration, P.O. Box 6057, Columbia, MD 21045-6057 (1-800-838-7715) or through the Internet at <http://www.fda.gov/cdrh/mammography/index.html>.

If you have specific questions about mammography facility requirements or about the content of this letter please feel free to phone Mr. Garvin at (414) 771-7167 ext. 12.

Sincerely,



Cheryl A. Bigham
Acting Director
Minneapolis District

Enclosure

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Lead Interpreting Radiologist
Tri County Hospital
415 Jefferson Street No.
Wadena, MN 56482

Sue McClanahan
Supervisor, Radiation Unit
Minnesota Department of Health
1645 Energy Park Drive, Suite 300
St. Paul, MN 55108-2970

Priscilla F. Butler
Director, Breast Imaging Accreditation Programs
American College of Radiology
1891 Preston White Drive
Reston, VA 20191