



**DEPARTMENT OF HEALTH & HUMAN SERVICES**  
Public Health Service  
Food and Drug Administration  
SOUTHWEST REGION

Office of the Regional  
Food and Drug Director  
7920 Elmbrook Drive, Suite 102  
Dallas, TX 75247-4982  
TELEPHONE: 214-655-8100  
FACSIMILE: 214-655-8130

November 13, 2001

**WARNING LETTER**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

02-SWR-WL-05/8

Warren K. Spellman  
Chief Executive Officer  
Holy Cross Hospital  
1397 Weimer Road  
Taos, NM 87571

RE: Inspection ID - 1740780007

Dear Mr. Spellman,

On October 24, 2001, a representative of the Food and Drug Administration (FDA) inspected your facility. This inspection revealed a serious regulatory problem involving the mammography at your facility.

The Mammography Quality Standards Act of 1992 requires your facility to meet specific standards. These requirements help protect the health of women by assuring that a facility can perform quality mammography. The inspection revealed the following level 1 repeated level 2 findings at your facility:

Level 1: Mammograms were processed in processor 1, Fuji, when it was out of limits on 35 days.

Level 2 repeat: 2 of 5 random reports reviewed did not contain an assessment category.

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

[A finding is considered a repeat finding if the same type of violation was cited during the previous inspection, whether or not the finding is associated with the same piece of equipment (x-ray unit, processor, or darkroom) or the same personnel in a given category.]

Level 1 and repeated level 2 findings 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.

In addition, your response should address the level 2 findings that were listed on the inspection report provided to you at the close of the inspection. The inspection revealed the following level 2 findings:

Level 2: Corrective action before further exams, for a failing image score, or a phantom background optical density, or density difference outside the allowable regulatory limits, was not documented for unit 2, Lorad Medical Systems Inc., MIV.

Level 2: The time period between the previous and current surveys for x-ray unit 2, Lorad Medical Systems Inc., MIV exceeds 14 months.

Level 2: The interpreting physician did not meet the continuing education requirement of having completed a minimum of 15 CME credits in mammography in a 36 month period: [REDACTED] (0 CME's in 36 months).

Level 2: The interpreting physician did not meet the continuing experience requirement of having read or interpreted 960 patient examinations in a 24 month period: [REDACTED].

Level 2: The interpreting physician did not meet the continuing experience requirement of having read or interpreted 960 patient examinations in a 24 month period: [REDACTED].

Level 2: The interpreting physician did not meet the continuing experience requirement of having read or interpreted 960 patient examinations in a 24 month period: [REDACTED].

Level 2: The medical physicist did not meet the continuing experience requirement of having surveyed a minimum of 2 facilities and 6 units in a 24 month period: [REDACTED].

It is necessary for you to act on this matter immediately. You are required to respond to this office in writing within fifteen (15) working days from receipt of this letter. Please address the following:

- 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.

Page 3  
November 13, 2001

- Sample records that demonstrate proper record keeping procedures, if the findings relate to quality control or other records (Note: Patient names or identification should be deleted from any copies submitted).

Please submit your response to:  
Deborah M. McGee, Radiation Specialist  
Food and Drug Administration  
7920 Elmbrook Drive, Suite 102  
Dallas, TX 75247-4982

This letter pertains only to findings of your inspection and does 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>.

If you have more specific questions about mammography facility requirements, or about the content of this letter, please feel free to contact Deborah M. McGee at (214) 655-8100 ext. 138.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gary L. Pierce". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Gary L. Pierce  
Regional Food and Drug Director