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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

February 14, 2000

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

00-SWR-WL-30/7

Robert L. Fincher, M.D.
Medical Director
Baptist Breast Center
9500 Kanis Road
Little Rock, AR 72205

RE: Inspection ID - 1021520005

Dear Dr. Fincher,

On February 09, 2000 a representative from 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 findings at your facility:

Level 1: Phantom QC records were missing for 4 weeks for unit 1, Siemens Medical Systems, room 4.

Level 1: Phantom QC records were missing for 4 weeks for unit 2, Siemens Medical Systems, room 5.

Level 1: Phantom QC records were missing for 4 weeks for unit 7, General Electric Co. (GE Medical Systems), room 3.

Level 1: Phantom QC records were missing for 4 weeks for unit 10, General Electric Co. (GE Medical Systems), DMR room 1.

Level 1: Phantom QC records were missing for 4 weeks for unit 11, Lorad Medical Systems Inc., room 2.

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

Level 1 findings may be symptomatic of serious underlying problem 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. 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.

June 3, 1999

- 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. 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.
- 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 Ms. McGee at (214) 655-8100, extension 138.

Sincerely yours,



Edward R. Esparza
Regional Food and Drug Director

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cc:

HFA-224

HFC-210

HFI-35 (redacted copy for public display)

HFZ-240 Attention: Denise Robinson, DMQRP

HFR-SW19 (RRHR)

ADH

ATM

Priscilla F. Butler, M.S., FAAPM

Director, Breast Imaging Accreditation Programs

American College of Radiology

1891 Preston White Drive

Reston, Virginia 22091