MEETING TO DISCUSS POST-APPROVAL RESPONSIBILITIES FOR SPONSORS OF CONDITIONAL APPROVALS

I. PURPOSE

This document describes our procedures for requesting and holding a meeting prior to the conditional approval (CA) and the requirements and responsibilities for sponsors who have a conditional approval as they work towards obtaining a full approval.

II. GENERAL INFORMATION

The Office of New Animal Drug Evaluation (ONADE) recognizes that sponsors obtaining a CA may be unfamiliar with the sponsor's post-approval responsibilities after obtaining a CA. The sponsor's assigned project manager (PM) will recommend that the sponsor request a meeting shortly before obtaining CA to discuss these responsibilities. The meeting is intended to answer the sponsor's questions as well as provide an opportunity for ONADE, the Office of Surveillance and Compliance (OSC), and the Office of Minor Use and Minor Species Animal Drug Development (OMUMS) (if applicable) to clarify the post-approval obligations for sponsors of a CA product. This meeting is strongly recommended for sponsors obtaining their first CA; sponsors already familiar with the CA process can determine whether this meeting would benefit them. If during the end-game Day 150 check-in process[1] the project is on track for approval, the PM will follow up with the sponsor about requesting this meeting.

III. CONTENT OF THE SPONSOR'S MEETING REQUEST

The sponsor will include in their meeting request a proposed agenda and detailed questions that the sponsor would like CVM to address. The sponsor should include the following topics at minimum, plus any additional questions that they have:

- The process and timing for annual renewal requests
- Content of annual renewal requests

[1] See ONADE P&P 1243.3051 Verifying Scope and Technical Section Status for Phased Review Investigational New Animal Drug (INAD) Projects in the End Game

- The process and timing for the application for full approval
- The sponsor's post-conditional approval obligations
- How to maintain designation [if a designated MUMS product]

IV. PROCESS FOR SUBMITTING AND PROCESSING THE MEETING REQUEST

The meeting request will be submitted to the investigational new animal drug (INAD) file as a Z submission, meeting type Other ONADE (OO), using eSubmitter and will be directed to the Division of Business Information Science and Management (HFV-180) for the appropriate project management team. The meeting will be assigned to the PM as the primary reviewer.

The PM will follow the procedures for OO meetings as described in P&P 1243.3024 Scheduling and Holding Meetings with Outside Parties. The PM will issue consult requests based on the content and questions in the meeting materials. Typically, the following teams will be consulted for the meeting:

- ONADE
    a. The appropriate target animal division (TAD) team
- OSC
    a. The Marketed Product Information Team (HFV-212)
    b. The Post-Approval Review Team (HFV-216)
    c. Division of Veterinary Product Safety, Team 1 (HFV-241)
- OMUMS, if applicable

Following the meeting, the review team will prepare the MOC and acknowledgement letter according to P&P 1243.3025 Preparing Meeting Documentation. The review team will follow up on any action items and include responses in the acknowledgment letter accompanying the MOC as described in P&P 1243.3025, as appropriate.

V. AGENDA FOR MEETING

The agenda will typically consist of the following items and will be expanded, as needed, based on the sponsor's questions.

- The process and timing for annual renewal requests (PM)
- Content of annual renewal requests (TAD)
- Process and timing for the application for full approval (PM)
- The sponsor's post-conditional approval obligations to OSC
    - Introduction to the product manager (HFV-216)

- Safety reporting (HFV-241)
- Periodic reporting (HFV-212)
- Advertising and promotion (HFV-216)
- Drug listing (HFV-212)

- How to maintain designation with OMUMS [if a designated MUMS product]

See section VI below for details of what ONADE will cover in the meeting. OSC and OMUMS will maintain their own talking points.

VI. TOPICS ONADE WILL COVER IN THE MEETING

In addition to answering questions from the sponsor, ONADE will address the points below. Note that CVM will typically follow the order prescribed in Section V. as appropriate, but the topics are presented here according to the team that is responsible.

A. The PM will cover the following topics during the meeting:

1. Annual renewal requests must be submitted at least 90 days prior to the annual anniversary date for up to the first four years following the CA.
    a. A CA that is not renewed will no longer be in effect and the conditionally approved product may no longer be marketed.
    b. For CA products that qualify under the Expanded Conditional Approval (XCA) criteria, if an annual renewal is not submitted on time, there may be user fee implications.
    c. A CA annual renewal is submitted as a G submission to the CA application number and has a 90-day due date.[2]
2. The CA annual renewal request is a separate submission from the annual Minor Changes and Stability Reports (MCSRs) that are submitted to the Division of Manufacturing Technologies (see 21 CFR 514.8).
3. The new animal drug application (NADA) for full approval must be submitted at least 180 days prior to the termination of the fifth 1-year period of CA, regardless of whether it is a 180-day NADA or an administrative NADA.
    a. The statute does not allow for any flexibility in the timing for when a sponsor may submit the NADA for full approval.
    b. If the sponsor does not submit their NADA 180 days prior to the termination of the fifth 1-year period, the sponsor could continue their

[2] Please note that to date, ONADE has not programmed these submissions to have a 90-day review time, so the pending review list will reflect an incorrect date.

field study under their INAD; however, the CA will no longer be in effect, so the conditionally approved product could no longer be marketed.

c. To support an NADA for full approval, the sponsor will need to submit data to support substantial evidence of effectiveness (SEE), Environmental Impact, and updated All Other Information (AOI) and Labeling technical sections.

   i. The PM will discuss the implications of pursuing a 180-day NADA review versus the phased review approach.

   ii. For Chemistry, Manufacturing and Controls (CMC) and Target Animal Safety (TAS) technical sections, the sponsor will attach their technical section complete letters (if applicable) and refer to the CA for current CMC information.

   iii. If the sponsor misses the deadline, there may be user fee implications for products that qualified for CA under the XCA criteria.

   iv. The NADA number for full approval will be a different than the one issued for the CA (either a new number, or an existing number if a supplement).

d. If the CA is no longer in effect for any reason, all sales of the CA must stop, and all CA product must be removed from the market.

B. The TAD team will cover the following topics during the meeting:

1. After CA, a sponsor's annual renewal request must include sufficient information to show that the sponsor is making sufficient progress toward meeting the approval requirements under Section 512(d)(1)(E) of the Federal Food, Drug and Cosmetic Act.

   a. The following are examples sponsors could include with their annual renewal requests, as applicable:

      i. Number of investigational sites open for recruitment, number of animals enrolled in total, number of patients enrolled in the past year; number of enrolled patients receiving placebo versus investigational product;

      ii. Enrolled patients versus previous projections; issues encountered with enrollment, and plans for next year's enrollment;

      iii. Number of patients who initiated treatment but discontinued, including impacts on study;

      iv. Quantity of drug shipped for conduct of the clinical effectiveness study through submission of notice of claimed investigational exemption;

v. A summary of the progress the sponsor made with a retrospective study, such as number of cases screened, number of cases deemed eligible, etc.;

vi. Progress against sponsor timeline that accounts for study completion, data analysis, writing of final study reports, etc.;

vii. If the study has not yet started, progress may include CVM's review of field effectiveness study protocols or meetings to discuss protocol design.

2. Quantity of drug distributed must show it is consistent with the conditionally approved intended use and conditions of use.

3. Extra-label use of CA products is prohibited.

4. Serious Adverse Events that occur during the clinical effectiveness study to support SEE must be submitted to both ONADE (under the INAD) and OSC.

5. Other pertinent information related to the SEE submission.

VII. REFERENCES

The FD&C Act

Section 512(d)(1)(E) of the FD&C Act

Section 571(a)(1)(A)(ii) of the FD&C Act

CVM Program Policies and Procedure Manual – ONADE Reviewer's Chapter

1243.3024 Scheduling and Holding Meetings with Outside Parties

1243.3025 - Preparing Meeting Documentation (i.e., Memorandum of Conference, Acknowledgement Letter, Other Review Documentation)

1243.3051 Verifying Scope and Technical Section Status for Phased Review Investigational New Animal Drug (INAD) Projects in the End Game

VIII. VERSION HISTORY

February 1, 2021 – Original version