



Public Meeting on Financial Transparency and Efficiency of the Prescription Drug User Fee Act, Biosimilar User Fee Act, and Generic Drug User Fee Amendments

Public Meeting
June 28, 2021
2:00 – 4:00 PM



2:05 - 2:10 PM

WELCOME AND INTRODUCTION

Sahra I. Torres-Rivera
Deputy Chief Financial Officer, Office of Financial Management Director
Office of Finance, Budget, Acquisitions and Planning

Agenda



Topic	Presenter	Time
Begin Meeting	Monica Ellerbe Director, Business Management Services Office of Finance, Budget, Acquisitions and Planning	2:00 PM
Welcome and Introduction	Sahra I. Torres-Rivera Deputy Chief Financial Officer, Director of Office of Financial Management Office of Finance, Budget, Acquisitions and Planning	2:05 – 2:10 PM
Update on 5-Year Financial Plans	Robert Marcarelli Director, Division of User Fees Office of Financial Management OFBAP	2:10 – 2:30 PM
Resource Capacity Planning (RCP) Implementation Updates	Josh Barton Director, Resource Capacity Planning Staff Office of Program and Strategic Analysis CDER	2:30 – 2:50 PM
Update on the FDA Action Plan in Response to Financial Management Evaluation	Sahra I. Torres-Rivera Deputy Chief Financial Officer, Director of Office of Financial Management Office of Finance, Budget, Acquisitions and Planning	2:50 – 3:20 PM
Wrap Up & Additional Information		3:20 – 4:00 PM



2:10 - 2:30 PM

UPDATE ON 5-YEAR FINANCIAL PLANS

Robert Marcarelli
Director, Division of User Fees
Office of Finance, Budget, Acquisitions and Planning

Overview of the PDUFA Financial Plan



Budgetary Resources	FY 2018	FY 2019	FY 2	020	FY 2021	FY 2022
Budgetary Resources	Actual	Actual	Estimate	Actual	Estimate	Estimate
Target Revenue	\$911,346,000	\$1,010,322,000	\$1,074,714,000	\$1,074,714,000	\$1,107,199,000	\$1,144,915,000
Cash Collections	\$908,077,723	\$1,015,152,012	\$1,074,714,000	\$1,020,229,037	1,107,199,000	\$1,144,915,000
Recoveries	\$13,149,599	\$12,857,171	\$9,000,000	\$28,773,047	\$12,000,000	\$12,000,000
Carryover Available for Use, Beginning of Year	\$271,257,205	\$130,372,943	\$136,237,817†	\$141,237,817	\$94,752,990†	\$90,898,147
Total Budgetary Resources	\$1,192,484,527	\$1,158,382,126	\$1,219,951,817	\$1,190,239,900	\$1,213,951,990	\$1,247,813,147

Colle	ection	Shor	rtfall
-------	--------	------	--------

• Cohort year 2020 collections were short of the revenue target by 4%.

Heav Foo Obligations	FY 2018	FY 2019	FY 2020 FY 2021 FY		FY 2022	
User Fee Obligations	Actual	Actual	Estimate	Actual	Estimate	Estimate
Payroll & Operating						
CBER	\$129,543,398	\$132,847,629	\$135,357,938	\$136,614,045	\$149,475,247	\$161,477,428
CDER	\$688,935,477	\$632,811,258	\$680,411,849	\$685,618,671	\$698,930,717	\$721,276,326
CDRH	\$786,091	\$1,501,379	\$4,051,811	\$3,360,240	\$4,122,893	\$4,233,943
ORA	\$7,733,467	\$7,443,695	\$8,628,940	\$7,553,941	\$8,753,009	\$8,961,189
HQ	\$54,211,488	\$55,910,342	\$56,102,552	\$51,768,233	\$59,746,750	\$51,730,481
Total Rent	\$49,964,883	\$52,437,964	\$65,931,103	\$53,231,596	\$66,590,414	\$67,256,319
Total Shared Services	\$130,936,781	\$134,192,042	\$136,248,526	\$137,340,185	\$135,434,813	\$136,789,161
Total Obligations	\$1,062,111,583	\$1,017,144,309	\$1,086,732,719	\$1,075,486,910	\$1,123,053,843	\$1,151,724,846

Carryover Balance

 Operations in FY 2020 resulted in a net decrease of the carryover balance due to a decrease in application fee collections and higher refunds than planned.

Cormicover	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
Carryover	Actual	Actual	Estimate	Actual	Estimate	Estimate
Total Carryover, End of Year	\$209,223,938	\$220,088,812	\$217,070,092	\$193,603,985	\$189,749,142	\$194,939,296
Carryover Unavailable for Use, End of Year	(\$78,850,995)	(\$78,850,995)	(\$83,850,995)	(\$98,850,995)	(\$98,850,995)	(\$98,850,995)
Carryover Available for Use, End of Year	\$130,372,943	\$141,237,817	\$133,219,097	\$94,752,990	\$90,898,147	\$96,088,301

Overview of the BsUFA Financial Plan



Dudgetowy Decourage	FY 2018	FY 2019	FY 2	.020	FY 2021	FY 2022
Budgetary Resources	Actual	Actual	Estimate	Actual	Estimate	Estimate
Target Revenue	\$40,214,000	\$38,847,000	\$41,923,000	\$41,923,000	\$42,493,000	\$43,314,000
Cash Collections	\$29,238,601	\$34,685,713	\$41,923,000	\$37,971,967	\$42,493,000	\$43,314,000
Recoveries	\$1,074,997	\$456,236	\$400,000	\$535,834	\$600,000	\$600,000
Carryover Available for Use, Beginning of Year	\$48,723,308	\$38,757,343	\$31,340,903†	\$31,840,903	\$35,475,695†	\$36,369,722
Total Budgetary Resources	\$79,036,907	\$73,899,291	\$73,663,903	\$70,348,704	\$78,568,695	\$80,283,722

User Fee Obligations	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
User ree Obligations	Actual	Actual	Estimate	Actual	Estimate	Estimate
Payroll & Operating						
CBER	\$-	\$-	\$300,000	\$46,149	\$304,080	\$309,954
CDER	\$31,113,433	\$33,004,440	\$37,274,273	\$25,932,156	\$32,781,241	\$38,511,023
ORA	\$1,128,256	\$676,738	\$1,440,770	\$1,092,113	\$1,460,366	\$1,488,574
HQ	\$2,293,521	\$1,529,197	\$1,515,983	\$1,297,005	\$1,627,682	\$1,232,939
Total Rent	\$1,104,785	\$1,382,811	\$1,536,143	\$732,615	\$1,551,504	\$1,567,019
Total Shared Services	\$4,639,568	\$5,465,202	\$4,741,118	\$4,772,972	\$4,474,100	\$4,518,841
Total Obligations	\$40,279,564	\$42,058,388	\$46,808,287	\$33,873,010	\$42,198,973	\$47,628,351

Санилалан	FY 2018	FY 2019	FY 2	2020	FY 2021	FY 2022
Carryover	Actual	Actual	Estimate	Actual	Estimate	Estimate
Total Carryover, End of Year	\$38,757,343	\$31,840,903	\$27,355,616	\$36,475,695	\$37,369,722	\$33,655,371
Carryover Unavailable for Use, End of Year	\$0	\$0	(\$500,000)	(\$1,000,000)	(\$1,000,000)	(\$1,000,000)
Carryover Available for Use, End of Year	\$38,757,343	\$31,840,903	\$26,855,616	\$35,475,695	\$36,369,722	\$32,655,371

Collection Shortfall

• Cohort year 2020 collections were short of the revenue target by 9%.

Carryover Balance

 Operations in FY 2020 resulted in a net increase of the carryover balance. The primary driver of the increase is the impact of COVID-19-related efforts, as well as fewer-thanexpected submissions, which caused a decrease in payroll spending.

Overview of the GDUFA Financial Plan



D. Janton D.	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
Budgetary Resources	Actual	Actual	Estimate Actual		Estimate	Estimate
Target Revenue	\$493,600,000	\$501,721,000	\$513,223,000	\$513,223,000	\$520,209,000	\$530,544,000
Cash Collections	\$493,655,974	\$496,503,494	\$513,223,000	\$483,285,782	\$520,209,000	\$530,544,000
Recoveries	\$4,920,184	\$8,544,957	\$5,000,000	\$9,968,653	\$7,000,000	\$7,000,000
Carryover Available for Use, Beginning of Year	\$142,412,048	\$163,715,667	\$199,171,168	\$204,171,168	\$152,731,582†	\$118,846,058
Total Budgetary Resources	\$640,988,205	\$668,764,117	\$717,394,168	\$697,425,603	\$679,940,582	\$656,390,058

User Fee Obligations	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
Oser ree Obligations	Actual	Actual	Estimate	Actual	Estimate	Estimate
Payroll & Operating						
CBER	\$49,462	\$23,658	\$1,004,864	\$131,615	\$1,018,541	\$1,038,776
CDER	\$323,591,582	\$316,437,772	\$370,219,339	\$378,276,891	\$385,402,867	\$395,125,900
ORA	\$46,518,651	\$40,694,363	\$50,938,151	\$48,355,675	\$49,604,248	\$50,589,736
HQ	\$27,801,624	\$27,565,531	\$44,408,872	\$35,022,863	\$37,774,571	\$33,812,690
Total Rent	\$22,019,962	\$24,962,969	\$26,053,053	\$19,802,082	\$26,313,583	\$26,576,719
Total Shared Services	\$57,291,257	\$54,908,657	\$58,631,822	\$59,104,896	\$60,980,714	\$61,590,521
Total Obligations	\$477,272,539	\$464,592,949	\$551,256,100	\$540,694,021	\$561,094,525	\$568,734,343

Carryover	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
Carryover	Actual	Actual	Estimate	Actual	Estimate	Estimate
Total Carryover, End of Year	\$163,715,667	\$204,171,168	\$171,138,068	\$156,731,582	\$122,846,058	\$91,655,715
Carryover Unavailable for Use, End of Year	\$0	\$0	(\$5,000,000)	(\$4,000,000)	(\$4,000,000)	(\$4,000,000)
Carryover Available for Use, End of Year	\$163,715,667	\$204,171,168	\$166,138,068	\$152,731,582	\$118,846,058	\$87,655,715

Collection Shortfall

 Cohort year 2020 collections were short of the revenue target by 6%.

Carryover Balance

 Operations in FY20 resulted in a net decrease of the carryover balance. The decrease was primarily driven by increased hiring for the program, lower than projected attrition rates, and actual collections being less than estimated.



2:30 - 2:50 PM

RESOURCE CAPACITY PLANNING IMPLEMENTATION UPDATES

Josh Barton
Director, Resource Capacity Planning Staff
Office of Program and Strategic Analysis | CDER

Recap: Our Vision for the Program is to...



Develop a unified & trusted resource management capability to foster innovation and maximize our operational performance, facilitating a flow of products to patients first in the world in order to protect & promote public health and meet our commitments to the American public.



Recap: What is Resource Capacity Planning (RCP)?



Identifying the resources you need **before** you need them.

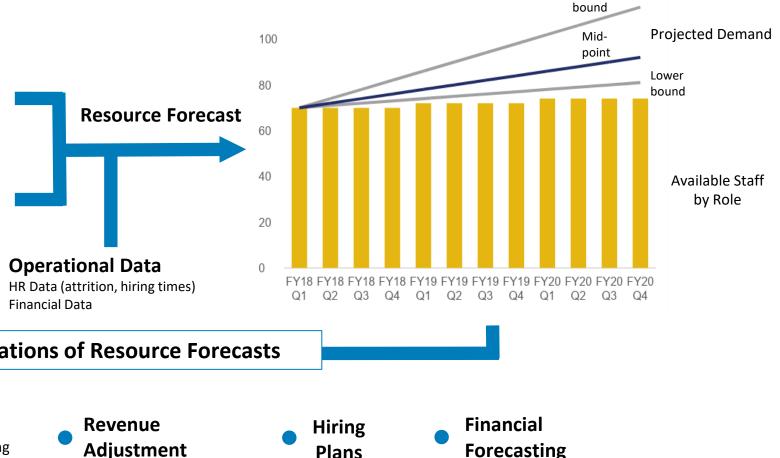
Modernized Time Reporting (MTR)

52-week time reporting to provide:

- Better measure of level of effort
- Better analysis of available hours

Workload Forecasting

Advanced analytics to forecast likely incoming work & productivity



Applications of Resource Forecasts

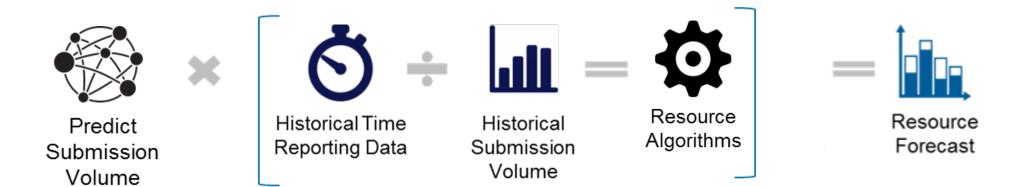
Capacity Balancing Identify ops to prioritize existing resources

Upper

Recap: RCP Methodology at FDA



FDA has developed a sequenced approach to sequencing the implementation of key resource capacity planning capabilities. Resource demand will be generated utilizing the following general methodology.



Forecast Workload

Utilize analytical techniques to develop predictive models to estimate the volume of direct submission categories i.e. NDA/BLAs, INDs, Supplements, Meetings

Develop Resource Algorithms

Continuous forecasting algorithms are calculated based on historical time reporting data. For direct review effort, unit effort algorithms are calculated by aligning historical time reporting data with historical volume data.

Generate Resource Forecasts

Algorithms are applied to estimated submission volumes to generate a demand forecast for offices.

Recent Key Achievements



Workload Forecasting



2nd Generation Workload Models

Identified and implemented improvements to the PDUFA and BsUFA workload models prior to last refresh cycle



GDUFA Planning

Continued refinement of predictive models for GDUFA submissions for internal planning purposes



Increased Automation & QC

Optimized source data integration, transformation and predictive model code to decrease manual effort while monitoring data quality

Modernized Time Reporting



Continued to Support Accuracy & Compliance

Utilized targeted training & communications to provide guidance on how to report time accurately



Understanding Resource Utilization

Developed a set of operational dashboards to understand resource utilization & effort to organizational priorities



Enhanced Quality Control

Developed an automated code-based methodology to identify potential outliers in time reporting data based on historical information

Resource Forecasting



Improved Algorithm Design

Continued refinement of resource algorithms based on growing time reporting dataset



Informing Business Processes

Piloted use of resource forecasts to support resource needs and operations

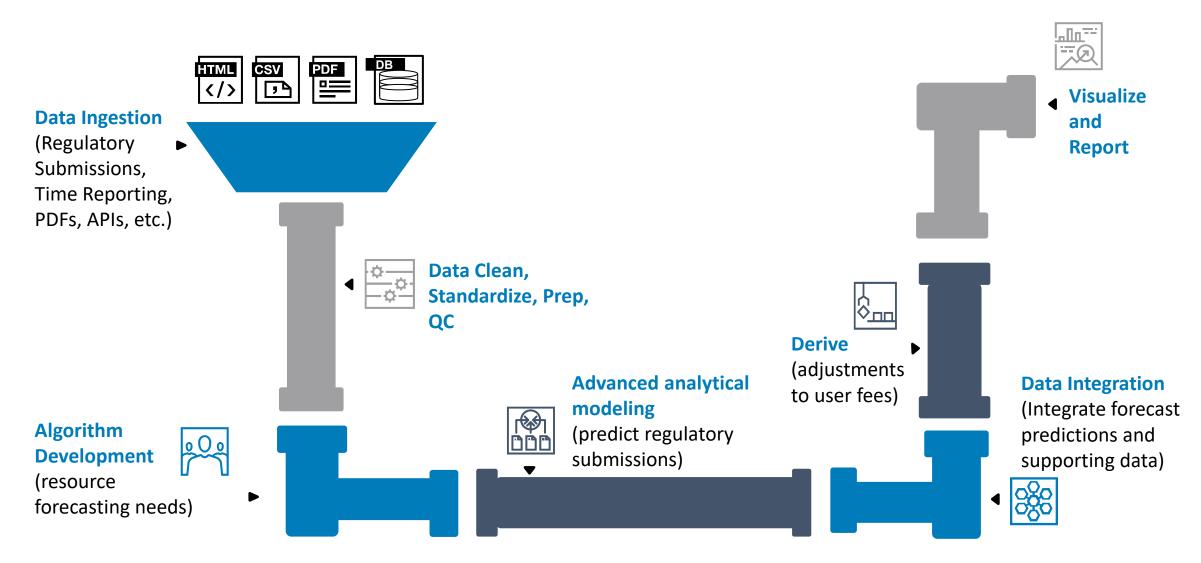


Increased Automation & QC

Developed a code-based algorithm engine to generate resource forecasts and significantly reduce manual effort

Implementing & Operationalizing RCP

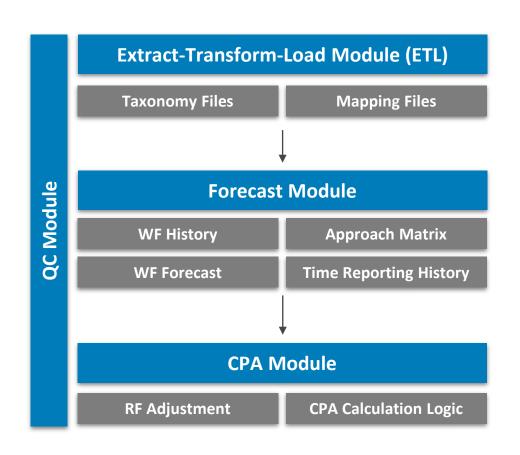




Pipeline Automation: The Algorithm Engine



The Algorithm Engine streamlines Resource Forecast, Workload Forecast and Capacity Planning Adjustment while providing transparency of the models to the end user.



Module Descriptions

- The ETL module provides a standardized data extraction, cleaning, and mapping process to create common datasets that can be utilized by downstream modules
- The Forecast module integrates WF volume and resource forecast to provide an automated FTE forecast
- The CPA module converts CPA-specific resource forecast results and WF volume into CPA output for managerial decision
- The QC module is implemented throughout the algorithm engine to streamline QC process with automated logics and taxonomy files

Utilizing RCP in the Capacity Planning Adjustment



The adjustment methodology was reviewed by an independent third party prior to implementation last year and is currently in-progress for FY22.











Resource Forecast for Direct Review Effort

Generate algorithm-based resource forecast for Direct Review Offices by User Fee allocation



Adjust the forecast for internal operational factors i.e. sustainability of workload, hiring capacity, outstanding vacancies, financial considerations

Convert Adjusted FTEs to User Fee Dollars

The final feasible FTEs are converted to a dollar amount and added to the inflationadjusted annual target revenue

Improving Upon Previous CPA Methodology



Utilizing the RCP capabilities in the CPA process enables FDA to address several challenges with the previous methodology employed for PDUFA.* FDA plans to continually improve the CPA methodology as additional data and insights become available.

Previous Adjustment Methodology

(PDUFA only)

 Utilized a lagging indicator of upcoming submission volumes through a moving threeyear retrospective average



New Adjustment Methodology

(PDUFA & BsUFA)

 Utilizes forward-looking advanced analytical models to predict future workload

 Did not translate volume into expected resource demand



 Incorporates time reporting and submission data to calculate expected future effort

^{*} The previous adjustment methodology applied to PDUFA only. It was known as the Workload Adjuster prior to PDUFA VI and as the Interim Capacity Planning Adjustment from FY18 – FY20.

Looking to the Future: Enabling, Embedding & Utilizing RCP Capabilities in Operations





Models & Algorithms Enhancements

Further advance
workload and resource

forecasting capabilities

Utilize RCP outputs to inform existing operational processes at FDA

Operations Support Framework & Methodology



Business Process & Support Model



Technical
Environment Design
& Deployment

Define processes & related roles and responsibilities to maintain and utilize RCP capabilities

Design and deploy RCP capabilities on a scalable technical environment to enable flexibility and efficiency.



2:50 - 3:20 PM

UPDATE ON THE FDA ACTION PLAN IN RESPONSE TO FINANCIAL MANAGEMENT EVALUATION

Sahra I. Torres-Rivera

Deputy Chief Financial Officer, Office of Financial Management Director

Office of Finance, Budget, Acquisitions and Planning

Background on the FY 2018 Financial Management Evaluation

FDA

During FY 2018, the CMS Alliance to Modernize Healthcare (The Health FFRDC) was engaged to develop a comprehensive evaluation focused on five specific areas of FDA's financial management capability for PDUFA, BsUFA and GDUFA programs. In response, the FDA developed an Action Plan to address the recommendations.

About: The Health FFRDC is the first **federally-funded research and development center** dedicated to protecting and promoting health and well-being. It is composed of an alliance of partners and members who are committed to providing conflict-free, objective expertise to HHS and its divisions.

FY2018 Financial Management Evaluation



Financial Management Evaluation Focus Areas



Focus Area 1: Resource Planning, Request and Allocation, and User Fee Administration



Focus Area 2: Administration of Fee Program Resources



Focus Area 3: Oversight and Governance

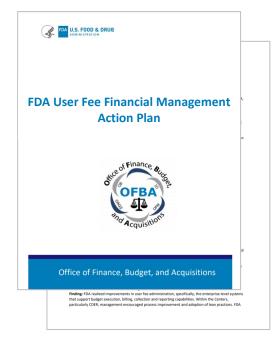


Focus Area 4: Technical Capabilities



Focus Area 5: User Fee Estimating Methodology

FDA Action Plan



FDA Action Plan Overview and Progress in FY 2021



The FDA Action Plan is comprised of strategic and targeted measures that address the full scope of the evaluation's five focus areas. The FDA continues to track progress against the plan and is committed to continuous improvement.

Focus Area	Action	Status	Date
Focus Area 1: Resource Planning, Request and Allocation, and User Fee	 Develop a comprehensive fiscal manual, inclusive of sections on budget execution and user fee financial planning and administration. Phase 1: General aspects of user fee financial management and for the PDUFA program Phase 2: BsUFA and GDUFA Programs Phase 3: Other programs (ADUFA, AGDUFA, Color Cert, CQA, EREA, MDUFA, MQSA, PRV, TPA, VQIP, Tobacco, RR, and OMUFA) 	Completed	Sept. 2020
Administration	Develop and implement an online and classroom training module that covers user fee financial planning and administration.	Completed	Oct. 2020
	Require applicable FDA staffs to take the training and include this requirement in their performance plans for 2020	Completed	Dec. 2020
	Leverage corporate tools and ensure they are appropriately deployed into the FDA centers and offices.	On Track	Sept. 2021
Focus Area 2:	Utilize specialized financial working group from the User Fee Financial Management Committee (UFFMC) to facilitate better financial analytics for user fee programs.	Completed	Sept. 2021
Administration of Fee Program Resources	Train applicable FDA Center and Office staff on existing automated tools and reports. Require that completion be incorporated into 2020 performance plans of identified staffs. • Phase 1: Develop training for applicable FDA Center and Office staffs	Completed	Sept. 2020
	Include clearer information about roles and responsibilities relative to FDA user fee financial planning and administration in the fiscal manual. Leverage the UFFMC to enhance collaboration and increase knowledge base of user fee financial management processes across the agency.	Completed	June 2020
	Receive strategic policy direction from FDA's Executive Committee to be leveraged by UFFMC when making user fee resource allocation decisions.	Completed	Oct. 2019
Focus Area 3: Oversight and Governance	Formally document decisions from the UFFMC and review results relative to investment decisions at least once within one year after funds have been allocated.	Completed	Feb. 2020
	Utilize a specialized financial working group from the UFFMC to enhance business case templates and documentation required to provide more business analytics and robust financial analysis to facilitate user fee investment decisions.	Completed	Feb. 2020
Focus Area 5: User Fee Estimating Methodology	Develop new predictive models to enhance forecasts of fee-paying units in PDUFA, BsUFA and GDUFA as part of the resource capacity planning capability. Work to outline the new fee forecasting methodologies into the annual fee setting process, including making any changes to MAPPs, SOPs, and delegations of authority as needed.	Completed	May 2020

Highlights from the FDA Action Plan

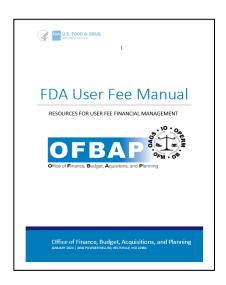
FDA

The FDA has taken a holistic approach to improve the financial management of human drug user fee programs. This includes developing new resources and integrating training on existing tools and reports, better enabling FDA employees to keep up with the increasing complexity of the financial management of human drug user fee programs.

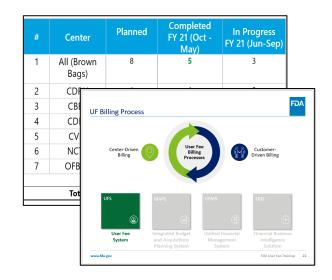
Financial Management Manual



User Fee Manual



User Fee & FBIS/IBAPS Reports Training



DCFO Metrics Dashboard



Fiscal Management Manual



As part of the FDA's response to the Health FFRDC's recommendation for a fully integrated user fee management policy and procedures framework, FDA developed a comprehensive fiscal manual, inclusive of sections on budget execution, user fee financial planning and administration.

The Fiscal Management Manual (FMM) serves as a "one-stop-shop" for fiscal management resources and is available FDA-wide. The FMM:

- Provides easy access to fiscal resources needed to perform job responsibilities
- Improves collaboration, productivity and learning across FDA
- Increases consistency to improve customer service

------ Impact

- Over 45 finance, budget, and acquisition SMEs collaborated to identify, update, and upload over 2,800 documents into the FMM
- FDA staff has visited the FMM site over 56,000 times since its launch in October 2020



FDA User Fee Manual



FDA developed the User Fee Manual (UFM) as part of FDA's Action Plan, which leverages opportunities and challenges identified in the fiscal year 2018 Financial Management Evaluation for Human Drug User Fees. The User Fee Manual provides a centralized repository of user fee-specific financial management resources.

This User Fee Manual consolidates high-level summaries of the FDA's user fee standard operating procedures (SOPs), manuals, job aids and templates in one location to expand agency-wide awareness and understanding.

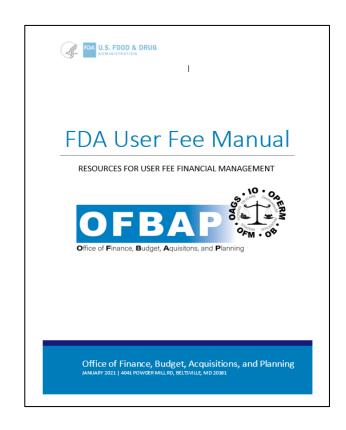
Phase 1: General Overview and PDUFA (launched April 1, 2020)

Phase 2: BsUFA and GDUFA (launched June 30, 2020)

Phase 3: Other Programs (launched January 13, 2021)

----- Impact ---

- OFBAP developed an automated solution in February 2021 to streamline the ongoing, manual, and time-intensive process of updating and validating the 150+ links in the UFM
- Since November 2020, the UFM has been accessed 719 times by 157 unique users, making the UFM the most accessed document on the FMM



User Fee Training



In response to the Health FFRDC's finding that there is an opportunity to further increase technical understanding to better meet stakeholder needs, FDA integrated FDA-wide training on existing automated tools, systems and reports.

The User Fee Training is an **instructor-led training** that educates FDA-wide learners on:

- Purpose of the user fee program
- Key roles and responsibilities involved in administering user fees
- User fee billing and collections processes
- User fee budget operations and key budget activities

Impact

 Since June 2020, FDA has conducted 12 FDA User Fee Training sessions to 194 employees, augmenting their understanding of billing, collections, and budgeting activities for their roles



FBIS/IBAPS Reports Training



In response to Action 3 of **Focus Area 2: Administration of Fee Program Resources** in the FDA Action Plan, FDA Center and Office staff have undergone training on existing automated tools and reports such as the FDA Adverse Event Reporting System (FAERS) Business Intelligence System (FBIS) and the Integrated Budget & Acquisition Planning System (IBAPS).

The FBIS/IBAPS Reports Training:

- Educates FDA-wide staff on existing reporting capabilities within IBAPS and FBIS
- Supports analyzing system-based End User Report usage to create an inventory of reports
- Incorporates requirements that streamlines reporting systems into user fees management systems and tools

..... Impact

- Action 3: Inventory of reports were shared, and the training was completed to all centers in FY 2020.
- In addition, as part of continuation of daily FBIS support for FY21, a total of 42 outreach/brown bag sessions have been completed across 5 Centers and 1 Office for 235 attendees.

#	Center	Planned	Completed FY 21 (Oct - May)	In Progress FY 21 (Jun-Sep)
1	All (Brown Bags)	8	5	3
2	CDRH	1	1	0
3	CBER	2	-	2
4	CDER	2	_	2
5	CVM	3	2	1
6	NCTR	2	2	0
7	OFBAP	35	32	3
	Total	53	42	11

DCFO Metrics Dashboard



In order to streamline the process of capturing Office of Financial Management (OFM) metrics, the FDA developed the Deputy Chief Financial Officer (DCFO) Metrics Dashboard.

The DCFO Metrics Dashboard enables FDA leadership to make **informed decisions** to improve the fiscal health of the FDA and to ensure FDA's resources are being allocated appropriately to **achieve its mission**. The dashboard contains 36 metrics across the following six areas:

Travel

Accounting Transactions

Reconciliations

User Fees

Invoices & Payments

Administrative

User Fees Metrics

- 1. User Fees Net Collections by Program
- 2. Unearned Revenue
- 3. Balance and Aging of User Fee Accounts Receivable

Impact

The Dashboard provides a centralized location for key finance-related metrics and uses automated workflows to consolidate 34 reports from 8 financial systems





WRAP UP AND ADDITIONAL INFORMATION

To submit a public comment following this meeting, please follow these steps:

- 1. Go to Regulations.gov
- 2. Use Docket No. FDA-2021-N-0431 to locate this meeting
- 3. Submit your comment

You will have until **July 19**th to submit a comment.