



## **UPS EXPRESS MAIL**

November 19, 2019

James Y. Lee, DO  
Woodstock Family Practice  
310 Gold Creek Trail, Suite 200  
Woodstock, GA 30188

Dr. Lee:

It has come to the attention of the United States Food and Drug Administration (FDA or the Agency), Center for Biologics Evaluation and Research (CBER), Office of Compliance and Biologics Quality (OCBQ) that you appear to be offering “stem cell” products to treat a variety of diseases or conditions. FDA generally regulates such products under the Public Health Service Act (PHS Act) as human cells, tissues, or cellular or tissue-based products (HCT/Ps), as defined in 21 CFR 1271.3(d). Although generally regulated as HCT/Ps, such products may also be regulated under the PHS Act and the Federal Food, Drug, and Cosmetic Act (FD&C Act), as biological products, drugs, and/or devices, and may require pre-market review.<sup>1</sup>

FDA’s November 2017 comprehensive regenerative medicine policy framework is intended to spur innovation and efficient access to safe and effective regenerative medicine products, including HCT/Ps. An overview of the framework is outlined in a suite of four guidance documents that are available on FDA’s website at <https://www.fda.gov/BiologicsBloodVaccines/CellularGeneTherapyProducts/ucm585218.htm>.

FDA’s final guidance, *Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use*, issued in November 2017, informed manufacturers, health care providers, and other interested parties about the Agency’s compliance and enforcement policy for these products. The guidance outlined FDA’s intent to exercise enforcement discretion for the first 36 months following issuance of the guidance for certain products with respect to FDA’s IND and premarket approval requirements when the use of the product does not raise reported safety concerns or potential significant safety concerns. This period provides manufacturers time to comply with the IND and premarket approval requirements and

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Sincerely,

Mary A.  
Malarkey -S

Mary A. Malarkey

Director

Office of Compliance and Biologics Quality

Center for Biologics Evaluation and Research

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cn=Mary A. Malarkey -S  
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## **UPS EXPRESS MAIL**

November 19, 2019

Jeff Lester, DO  
Trilogy Medical, Inc  
65 Aspen Way  
Watsonville, CA 95076

Dr. Lester:

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Sincerely,

Mary A.  
Malarkey -S

Mary A. Malarkey  
Director  
Office of Compliance and Biologics Quality  
Center for Biologics Evaluation and Research

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## **UPS EXPRESS MAIL**

November 19, 2019

Dan Feldman, MD  
Medical Director  
Downtown's Healthcare, PLLC  
950 17th Street #200  
Denver, CO 80202

Dr. Feldman:

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## **UPS EXPRESS MAIL**

November 19, 2019

Ronald Festa, DC  
OptiLux Wellness Center  
706 Stevenson Boulevard  
New Kensington, PA 15068

Dr. Festa:

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## **UPS EXPRESS MAIL**

November 19, 2019

Geral Valletta,  
Medical Director  
Optimum Regenerative Care LLC  
2 Stony Hill Road, Suite 208  
Bethel, CT 6801

Mr. Valletta:

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## **UPS EXPRESS MAIL**

November 19, 2019

Liza Maniquis-Smigel, MD  
Founder  
Hawaii Center for Regenerative Medicine, LLC  
136A Ululani Street  
Hilo, HI 96720

Dr. Maniquis-Smigel:

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## **UPS EXPRESS MAIL**

November 19, 2019

Spence Jahner, DC  
Founder and Clinic Director  
Joint Repair Clinic of Montana, LLC  
804 North 19th Avenue #1  
Bozeman, MT 59718

Dr. Jahner:

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## **UPS EXPRESS MAIL**

November 19, 2019

Lloyd Decker, DC  
Founder  
Reno Regenerative Medicine, LLC  
730 Sandhill Rd., Suite 120  
Reno, NV 89521

Dr. Decker:

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Center for Biologics Evaluation and Research

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<sup>2</sup> Please be advised that FDA has not evaluated the application of the compliance and enforcement policy to your firm or its products. You and your firm are responsible for ensuring full compliance with the PHS and FD&C Acts and all applicable regulations.





## **UPS EXPRESS MAIL**

November 19, 2019

Leon Huddleston, MD  
Medical Director  
Absolute Integrated Health Center  
16310 S Lincoln Hwy #124  
Plainfield, IL 60586

Dr. Huddleston:

It has come to the attention of the United States Food and Drug Administration (FDA or the Agency), Center for Biologics Evaluation and Research (CBER), Office of Compliance and Biologics Quality (OCBQ) that you appear to be offering “stem cell” products to treat a variety of diseases or conditions. FDA generally regulates such products under the Public Health Service Act (PHS Act) as human cells, tissues, or cellular or tissue-based products (HCT/Ps), as defined in 21 CFR 1271.3(d). Although generally regulated as HCT/Ps, such products may also be regulated under the PHS Act and the Federal Food, Drug, and Cosmetic Act (FD&C Act), as biological products, drugs, and/or devices, and may require pre-market review.<sup>1</sup>

FDA’s November 2017 comprehensive regenerative medicine policy framework is intended to spur innovation and efficient access to safe and effective regenerative medicine products, including HCT/Ps. An overview of the framework is outlined in a suite of four guidance documents that are available on FDA’s website at <https://www.fda.gov/BiologicsBloodVaccines/CellularGeneTherapyProducts/ucm585218.htm>.

FDA’s final guidance, *Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use*, issued in November 2017, informed manufacturers, health care providers, and other interested parties about the Agency’s compliance and enforcement policy for these products. The guidance outlined FDA’s intent to exercise enforcement discretion for the first 36 months following issuance of the guidance for certain products with respect to FDA’s IND and premarket approval requirements when the use of the product does not raise reported safety concerns or potential significant safety concerns. This period provides manufacturers time to comply with the IND and premarket approval requirements and

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<sup>1</sup> For example, in order to lawfully market an HCT/P that is also a biological product and a drug, a valid biologics license must be in effect. Such licenses are issued only after a showing of safety and efficacy for the product’s intended use. While in the development stage, such products intended for clinical use in humans, generally require an investigational new drug application (IND).

engage with FDA to determine whether they need to submit an IND or marketing authorization application, and if so, to submit their application to FDA.

FDA is currently applying a risk-based approach to enforcement, accounting for how products are being administered and the diseases and conditions for their use, and reminds you that the 36-month period during which FDA intends to exercise enforcement discretion will end in November 2020.<sup>2</sup>


Manufacturers, health care providers, and other interested parties who have any uncertainty regarding the regulatory status of their products, and who have not already done so, are encouraged to contact FDA well in advance of November 2020, to determine whether their products are subject to the agency's premarket approval requirements.

For more information on how to contact FDA to obtain a recommendation or decision regarding the classification of an HCT/P, or for further information about IND requirements for biological products, please see pages 23 and 24 of the guidance entitled *Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use*, available at <https://www.fda.gov/BiologicsBloodVaccines/CellularGeneTherapyProducts/ucm585218.htm>.

Sincerely,

Mary A.  
Malarkey -S

Mary A. Malarkey  
Director  
Office of Compliance and Biologics Quality  
Center for Biologics Evaluation and Research

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## **UPS EXPRESS MAIL**

November 19, 2019

John East, DO  
Owner  
Addison Pain & Regenerative Medicine  
16633 Dallas Parkway, Suite 150  
Addison, TX 75001

Dr. East:

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Director  
Office of Compliance and Biologics Quality  
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