



## **UPS EXPRESS MAIL**

November 21, 2019

Bryan Haas, DC  
Advanced Health Solutions  
2255 Honolulu Ave., Ste 2A  
Montrose, CA 91020

Dr. Haas:

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

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ou=HHS, ou=FDA, ou=People,  
0.9.2342.19200300.100.1.1=130005435  
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Date: 2019.11.21 10:55:54 -05'00'

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

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## **UPS EXPRESS MAIL**

November 21, 2019

Scott Dwyer, DC  
CEO, Founder  
Advanced Medical Solutions  
4016 River Oaks Dr., Suite 6615  
Myrtle Beach, SC 29579

Dr. Dwyer:

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>

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## **UPS EXPRESS MAIL**

November 21, 2019

Mark Greenberg, MD  
Medical Director, Founder  
Advanced Pain Care  
638 N Main Street, Suite A  
Ashland, OR 97520

Dr. Greenberg:

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>

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## **UPS EXPRESS MAIL**

November 21, 2019

Vimal S. Lala, DO  
Founder  
Advanced Pain Medical  
7230 Medical Center Drive Suite 500  
West Hills, CA 91307

Dr. Lala:

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## **UPS EXPRESS MAIL**

November 21, 2019

Paul B. Johnson, MD  
Founder  
Advanced Pain Medical  
7230 Medical Center Drive Suite 500  
West Hills, CA 91307

Dr. Johnson:

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## **UPS EXPRESS MAIL**

November 21, 2019

Binoy Shah, MD  
Advanced Physical Medicine  
8821 University East Dr. Ste 120  
Charlotte, NC 28213

Dr. Shah:

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## **UPS EXPRESS MAIL**

November 21, 2019

Tamara R. Johnson, MD  
Medical Director  
Advanced Regenerative Health  
6854 S. Dallas Way  
Greenwood Village, CO 80112

Dr. Johnson:

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## **UPS EXPRESS MAIL**

November 21, 2019

Ava Azimi, MD  
Founder  
Advanced Regenerative Medical Center  
1711 Via El Prado, Suite 101  
Redondo Beach, CA 90277

Dr. Azimi:

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Office of Compliance and Biologics Quality  
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 21, 2019

Robert Dean, MD  
CEO, Medical Director  
Advanced Regenerative Orthopedics  
2202 N. Westshore Blvd, Suite 140  
Tampa, FL 33607

Dr. Dean:

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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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,

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Malarkey -S



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## **UPS EXPRESS MAIL**

November 21, 2019

Aldon Williams, MD, PA  
Advanced Spinal Pain Management  
916 River Rd., Ste. 100  
Boerne, TX 78006

Dr. Williams:

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Sincerely,

Mary A.

Malarkey -S

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## **UPS EXPRESS MAIL**

November 21, 2019

Steven McKay, DC  
Center Director  
Advantage Stem Cell  
507 West Palmetto Street  
Florence, SC 29501

Dr. McKay:

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>

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Sincerely,

Mary A.  
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Director  
Office of Compliance and Biologics Quality  
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