New PDUFA VII Commitments: Pre-approval & Post-approval Postmarketing Requirements (PMRs)

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OBJECTIVES

- Discuss two new postmarketing requirement (PMR) Commitments under PDUFA VII
- Review the authorities for PMRs
- Discuss the new process for communicating "anticipated" PMRs prior to marketing application approval (pre-approval)
- Discuss the new processes for requesting PMR release after a marketing application approval (post-approval)

What are Postmarketing Requirements (PMRs)?

Postmarketing studies or trials[1] required under one of these 4 authorities

Accelerated Approval	21 CFR 314.500 (Subpart H) and 601.40 (Subpart E)
Animal Efficacy Rule	21 CFR 314.600 (Subpart I) and 601.90 (Subpart H)
Pediatric Research Equity Act (PREA)	21 CFR 314.55(b) and 601.27(b)
505(o)(3) PMRs	Section 505(o)(3) of the Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(o)(3))

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[1] See October 2019 Guidance titled, 505(o)(3) of the Federal Food, Drug, and Cosmetic Act. (https://www.fda.gov/regulatory-information/search-fda-guidance-documents/postmarketing-studies-and-clinical-trials-implementation-section-505o3-federal-food-drug-and-0)

New PDUFA VII Commitment: Pre-Approval PMRs

Communication of "anticipated" PMRs*

New processes were needed to support consistency and predictability for both the Agency and applicants throughout the identification, determination, and evaluation of postmarketing studies and trials.

Created a new timeline and processes for communicating "anticipated" PMRs.

*Anticipated PMRs are those studies and trials based on data received with the original application submission.

New PDUFA VII Commitment: Pre-Approval PMRs

Created a new timeline for communicating anticipated PMRs for NME NDA and Original BLA applications

Standard Applications	anticipated PMRs will be communicated *no later than 8 weeks* prior to the PDUFA action goal date
Priority Applications	anticipated PMRs will be communicated *no later than 6 weeks* prior to the PDUFA action goal date
Timelines may not apply if…	a major safety issue that requires a PMR is identified based on data submitted subsequent to submission of the application
PDUFA Metrics	FY 2023 (60%), FY 2024 (70%), FY 2025 to 2027 (80%)

New PDUFA VII Commitment: Pre-Approval PMRs

NEXT STEPS FOR APPLICANTS

after receiving the letter communicating "anticipated PMRs"

- Continue discussions with the FDA about anticipated PMRs and PMCs*
- Consider study or trial design *(1 study or 1 trial per PMR/PMC)*
- Prepare to send FDA a schedule of milestones

  (milestones may include a draft protocol submission, a final protocol submission, a study/trial completion date, and a final report submission)

* Postmarketing commitments: study or trials agreed upon in writing between the FDA and the applicant.

New PDUFA VII Commitment: Post-approval PMRs

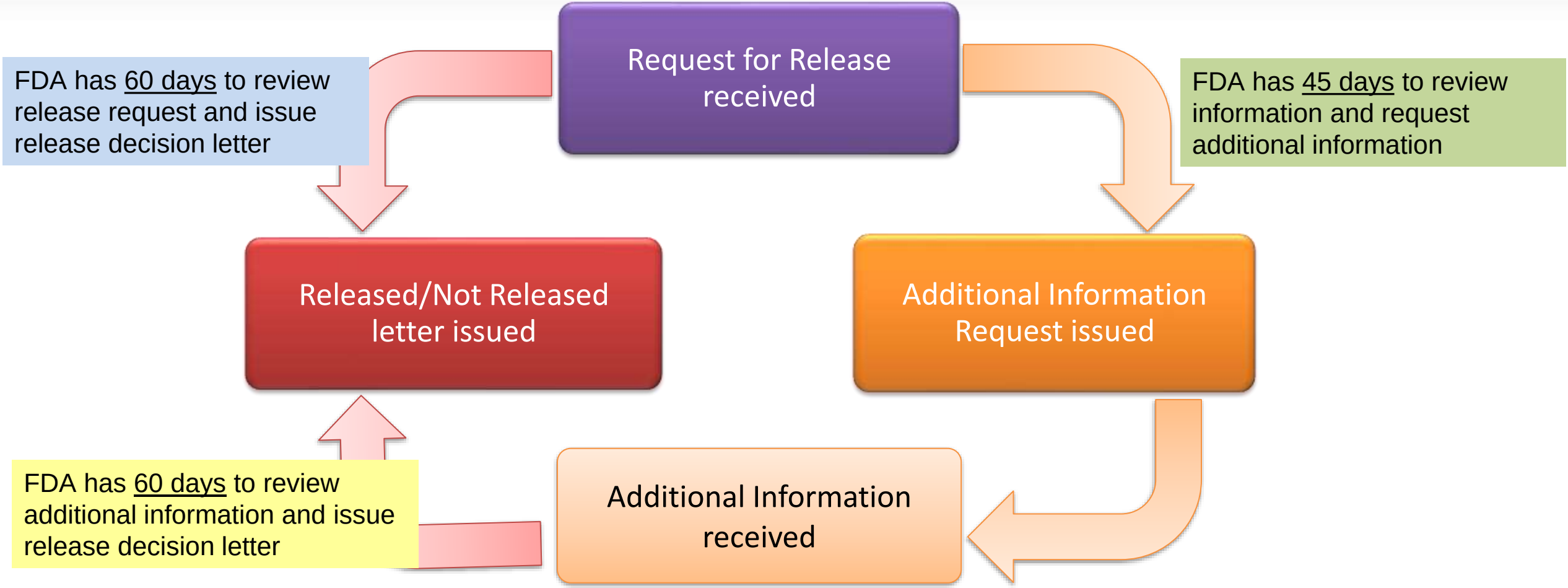
Requests for release of existing PMRs

FDA lacked a standardized process or timeline for reviewing requests for release of existing PMRs

Established new standardized processes for reviewing applicant-initiated Release Requests

New PDUFA VII Commitment: Post-approval PMRs

Established standardized processes for reviewing requests for release of existing PMRs.



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New PDUFA VII Commitment: Post-approval PMRs cont'd

Request for Reconsideration
received in response to a Not Released decision

Request for Reconsideration of release reviewed by appropriate committee(s) including senior leadership*

Release/Not Released letter issued *within 45 days* of receiving Request for Reconsideration

*Medical Policy and Program Review Committee (MPPRC), Medical Policy Coordinating Committee (MPCC), or Pediatric Review Committee (PeRC).

New PDUFA VII Commitment: Post-approval PMRs cont'd

NEXT STEPS FOR APPLICANTS

- ✓ A **Release Request** submission should include:
  - The justification for the request and any additional information and/or data as appropriate.

- ✓ A **Request for Reconsideration** should include:
  - Information submitted with the original release request AND additional information and rationale to support this request.

New PDUFA VII Commitment: Post-approval PMRs cont'd

NEXT STEPS FOR APPLICANTS

- Clearly label release-related submissions [*include PMR/PMC set/number*]
  - → Release Request for PMR (for original requests)
  - → Additional Information for PMR/PMC Release Request
  - → Request for Reconsideration to Release PMR/PMC
- Only one release request per submission

CHALLENGE QUESTION 1

During the pre-approval process, when should you receive official communication about “anticipated” PMRs?

A. Immediately after the mid-cycle meeting

B. Immediately after the late-cycle meeting

C. At 8 weeks (standard) or 6 weeks (priority) before the PDUFA goal for the application

D. In the approval letter

CHALLENGE QUESTION 2

FDA is now required to provide a response to a Release Request for a PMR within _____ days of receipt:

A. 30 days

B. 60 days

C. 90 days

D. There is no time requirement

SUMMARY

- There are two new PMR Commitments under PDUFA VII
- During pre-approval, “anticipated” PMRs will be communicated using a new communication letter:
  - 8 weeks before the PDUFA goal date for standard applications
  - 6 weeks before the PDUFA goal date for priority applications
- During the post-approval period, a new Release Request process and timelines have been created
  - For Release Requests, FDA should respond within 60 days
  - Requests for Reconsideration will be reviewed by FDA’s senior leadership with a response provided within 45 days

QUESTIONS?