



VIA UNITED PARCEL SERVICE AND E-MAIL

Satish K. Garg, M.D.
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Re: Submission of Clinical Trial Results Information Pursuant to 42 U.S.C. 282(j)
FDA Reference Number: CDER-2020-117
NCT03143816

Dear Dr. Garg:

Based on an initial review of Food and Drug Administration (FDA) records; information from the ClinicalTrials.gov data bank operated by the National Library of Medicine, a part of the National Institutes of Health; and any available public information, it appears that you are the “responsible party”¹ for the above-identified clinical trial, which appears to be an “applicable clinical trial”² subject to the requirements of section 801 of the Food and Drug Administration Amendments Act of 2007, including its implementing regulations in 42 CFR part 11. A responsible party for an applicable clinical trial is required to submit to the ClinicalTrials.gov data bank certain results information for the clinical trial; such results information generally must be submitted no later than one year after the primary completion date of the applicable clinical trial, unless the responsible party has submitted a certification of delay.³

FDA has identified potential noncompliance related to the above-identified clinical trial, titled “Study Comparing Prandial Insulin Aspart vs. Technosphere[®] Insulin in Patients with Type 1 Diabetes on Multiple Daily Injections: Investigator-Initiated A Real-life Pilot Study—STAT Study,” evaluating the efficacy of Technosphere® insulin on postprandial blood glucose

¹ See section 402(j)(1)(A)(ix) of the Public Health Service Act (PHS Act) (42 U.S.C. 282(j)(1)(A)(ix)) and 42 CFR 11.10 for the definition of *responsible party*.

² See section 402(j)(1)(A)(i) and (iii) of the PHS Act (42 U.S.C. 282(j)(1)(A)(i) and (iii)) and 42 CFR 11.10 for definitions of *applicable clinical trial*.

³ See section 402(j)(3)(E) of the PHS Act (42 U.S.C. 282(j)(3)(E)) and 42 CFR part 11, subpart C for results information submission requirements.

(PPBG), postprandial glucose excursions (PPGE), and time-in-range on continuous glucose monitoring (CGM) in subjects with type 1 diabetes mellitus. It appears that you did not update the ACT's primary completion date not later than 30 calendar days after the ACT reached its primary completion date, pursuant to 42 CFR 11.64(a)(1)(i)(C), and it further appears that results information for the referenced applicable clinical trial has not been submitted to the ClinicalTrials.gov data bank. You should review your records of this clinical trial and determine whether you submitted all required information. If you determine that information is required and due for this clinical trial, please submit the results information promptly.

Failure to submit clinical trial information required under section 402(j) of the Public Health Service Act (PHS Act) (42 U.S.C. 282(j)), including information required under the regulations found in 42 CFR part 11, is a prohibited act under section 301(jj)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 331(jj)(2)). FDA intends to further review and assess the above-identified clinical trial beginning 30 calendar days after you receive this letter. If FDA determines that you are not in compliance with all applicable requirements of section 402(j) of the PHS Act (42 U.S.C. 282(j)) and 42 CFR part 11, you may receive from FDA a Notice of Noncompliance,⁴ and FDA may thereafter initiate an administrative action seeking a civil monetary penalty.⁵ In addition to civil monetary penalties, violations of section 301(jj) of the FD&C Act (21 U.S.C. 331(jj)) could also result in other regulatory action, such as injunction and/or criminal prosecution.

As requested, please review your clinical trial records and submit any required information to the ClinicalTrials.gov data bank. You can access the ClinicalTrials.gov website at <https://register.clinicaltrials.gov>. If you have any questions about this letter, you may call Mark S. Miller, Pharm.D., at (301) 796-2798. Please have the FDA Reference Number provided at the top of this letter available when you call. Alternatively, you may e-mail him at CDER-OSI-Advisory@fda.hhs.gov. Please include the FDA Reference Number with any e-mail communications.

⁴ See section 402(j)(5)(C)(ii) of the PHS Act (42 U.S.C. 282(j)(5)(C)(ii)).

⁵ Under section 303(f)(3)(A) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 333(f)(3)(A)), “[a]ny person who violates section 301(jj) [of the FD&C Act (21 U.S.C. 331(jj))] shall be subject to a civil monetary penalty of not more than \$10,000 for all violations adjudicated in a single proceeding.” Moreover, section 303(f)(3)(B) of the FD&C Act (21 U.S.C. 333(f)(3)(B)) provides that “[i]f a violation of section 301(jj) [of the FD&C Act (21 U.S.C. 331(jj))] is not corrected within the 30-day period following notification under section 402(j)(5)(C)(ii) [of the PHS Act (42 U.S.C. 282(j)(5)(C)(ii))], the person shall, in addition to any penalty under subparagraph (A), be subject to a civil monetary penalty of not more than \$10,000 for each day of the violation after such period until the violation is corrected.” The civil monetary penalty amounts listed in this letter reflect the amounts listed in the statute. These amounts are updated annually to reflect inflation, as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. No. 101-410, 104 Stat. 890 (1990) (codified as amended at 28 U.S.C. 2461, note 2(a)), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of the Bipartisan Budget Act of 2015, Pub. L. No. 114-74, November 2, 2015). For the most up-to-date amounts, please see 45 CFR 102.3.

We request that you submit a written response to FDA within 30 calendar days after you receive this letter, stating the actions that you have taken in response to this letter. If you believe that you have complied with applicable requirements, please provide us with your reasoning and include any supporting information for our consideration. Please direct your response to the address below and include the FDA Reference Number in all correspondence relating to this matter.

Mark S. Miller, Pharm.D., BCPS, RAC
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Sincerely yours,

**David
Burrow -S**

Digitally signed by David Burrow -S
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ou=FDA, ou=People, cn=David Burrow -
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David C. Burrow, Pharm.D., J.D.
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