Refinements to Change Notification process for Field Safety Corrective Actions (FSCA)

04/05 September 2014

Vigilance & Compliance Branch (VCB) &
Medical Device Branch (MDB)
Health Products Regulation Group
Health Sciences Authority

Scope and Limitations

Scope and Limitations

These refinements to the Change Notification process for FSCA are targeted and limited to:

- Changes made to registered medical devices (MD) in the course of a FSCA, and
- Changes made to existing supply* of MDs.

Refinements would apply to all FSCAs **notified from 01 Oct 2014** onwards.

**Existing supply refers to any affected MDs supplied to consignees in Singapore prior to Date of Initiation of FSCA in Singapore, OR Date of Notification of FSCA to HSA, whichever is earlier.*

FSCA review

FSCA review

Consider the following FSCA involving a Tracheostomy Tube:

Product owner (a.k. legal manufacturer) has become aware that certain Tracheostomy Tubes they manufactured were with an internal diameter (ID) slightly smaller than specifications.

So what did product owner decide to do?

For affected lots, to send users a revised Guidance Chart telling them to use a tube with a particular ID on a particular patient group, e.g. 6 mth old baby use 4.0mm tracheal tube ID.

This guidance chart was intended to apply to only affected lots. So for non-affected lots there was another guidance chart to refer to.

Is this Corrective and Preventative Action (CAPA) acceptable?

FSCA review

Issues:

1. Product owner has to be responsible for the manufacturing defect, not the user.
2. How was the guidance chart arrived at? Are the recommendations sound?
3. Patient population exposed to product defect, e.g. neonatals, pediatrics
4. What if user used the wrong guidance chart for the non-affected lots? Would the user incur liability? Is this fair?

Final outcome

After FSCA review, it was determined that a manufacturing defect was involved.

The product owner's proposed risk mitigation measures were assessed to be inadequate.

In the interest of public health, appropriate corrective action had to be a recall.

Company notified to perform recall in Singapore.

In conclusion, product owner's CAPA may sometimes be unacceptable (i.e. due to inadequate risk mitigation) and additional measures may be imposed through FSCA review process.

FSCA – Change Notification Nexus

Change Notification

Reg 49(3) of the *Health Products (Medical Devices) Regulations 2010* ("MD Regs") stipulates that changes to registered MD to be notified to HSA. If these changes affect safety, quality or efficacy, these changes require approval from HSA prior to supply.

Reg 49(3) – as reproduced below:

> (3) Where any change made to a registered medical device may affect the safety, quality or efficacy of the medical device, the registrant of the medical device shall ensure that the medical device is not supplied until after the Authority has given its approval for the change.

.

Why are some FSCA affected by Change Notification?

In general, during a FSCA, it is likely that a change would be made to the MD. This change would more often than not affect safety, quality or efficacy of the MD.

In the case of a registered MD, these changes may cause the MD to depart from its registered specifications or such changes may be intended to bring back the MD to registered specifications as it had deviated along the way.

Therefore, these changes that impact the specifications of a registered device would certainly have to be reviewed to ensure that the device continues to be safe and effective.

NOTE: For FSCA, additional measures can be imposed under Regulation 46 of the MD Regs.

.

Do all FSCA require Change Notification?

Answer: No

UNREGISTERED MDs do **NOT** require Change Notification (CN).

CN submission would not be required for the following categories of MDs:

- Class A non-sterile MD (except IVD analysers registered with specific IVD test kits),
- Transition List device,
- Special Authorisation Route (SAR) device,
- Unregistered device that has been supplied before mandatory registration came into effect, and
- Locally manufactured but unregistered device for export

In some rare instances, REGISTERED MDS may also not require CN.

If CN is not required, correction of existing supply of MDs and new supply of corrected devices can proceed unless HSA notifies otherwise.

How do I know whether Change Notification is required?

Answer: Identify Corrective and Preventative Action (CAPA). Refer to GN-21 Guidance on Change Notification to make determination.

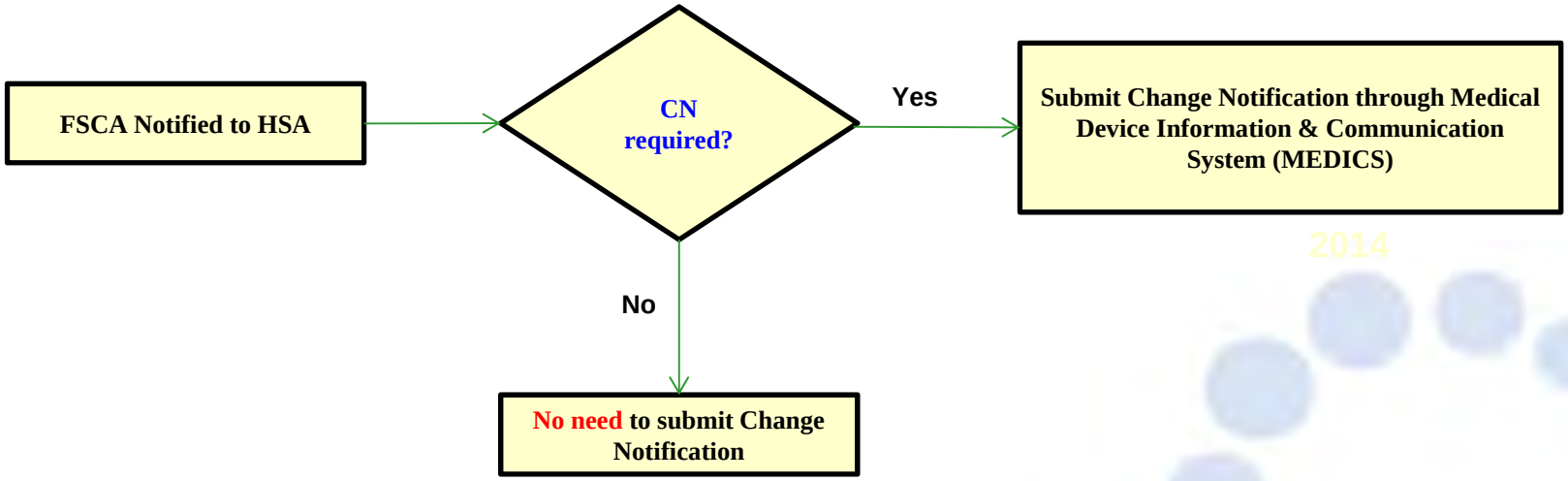
During FSCA Notification, HSA would still verify whether a Change Notification requires submission.

In general, if the device is registered and is affected by a FSCA, the likelihood of a CN submission and approval being required is **high**.

Current Change Notification Process for FSCA

Current process

Currently, any Change to a registered MD that impacts safety, quality or efficacy requires a submission and approval through MEDICS. GN-21 guidance lists categories of such changes. The relevant fees would also apply.



Note: CN would not apply to the following categories of MDs: (i)Class A non-sterile MD (except IVD analysers registered with specific IVD test kits), (ii) Transition List device, (iii) SAR route device , (iv) Unregistered device that has been supplied before mandatory registration, (v)Locally manufactured but unregistered device for export, (v) Registered MD that does not require CN approval as change does not impact SQE.

Refinements to Change Notification Process for FSCA

Aim of refinements

1. These refinements expedite the CN review process so as to **enable corrections** to be made to **existing supply** as soon as possible.

- However, it remains important for requisite documents to be submitted in a timely fashion.
- If corrections cannot be made available, existing users may need to notified to cease use.

2. In any FSCA, the intent is to **contain the risk** and **not increase exposure** by introducing more devices that may remain affected by the FSCA.

- Therefore, for **new supply**, the **CN application process through MEDICS continues to apply** to ensure that the changes are extensively reviewed prior to entry of new/additional stock to the market.

Refined process (effective 01 Oct 2014)

Existing supply

Moving forward, and only for existing supply*, the FSCA Notification would also be accepted as a valid Change Notification (CN) under Regulation 49.

Any clearance provided to proceed with correction through this FSCA Notification process would only apply to existing supply.

Fees that normally apply to Change Notification (CN) would not be triggered yet. (Payment system is triggered via MEDICS)

New supply (includes supply of corrected MDs)

For new supply, changes to a registered MD, made in the context of a FSCA, that impacts safety, quality or efficacy would require a CN submission through MEDICS, and an approval from the Medical Device Branch (MDB).

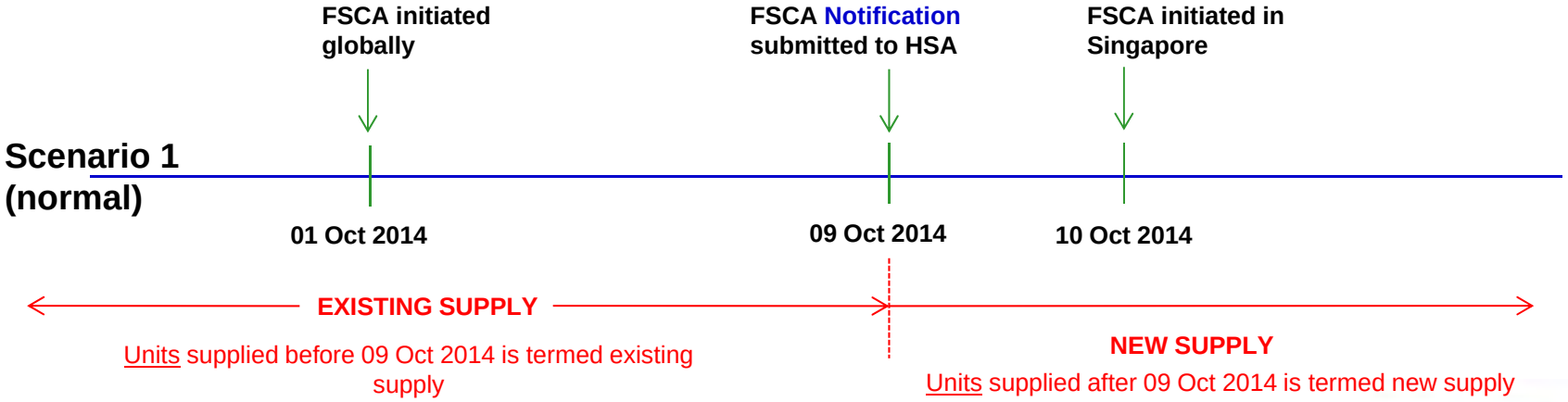
Fees will apply.

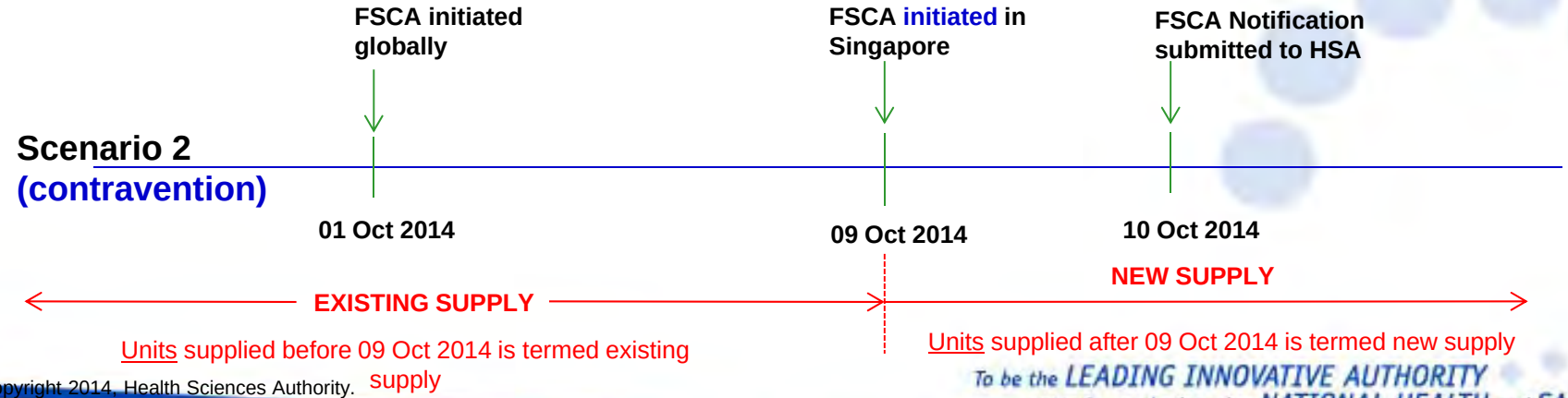
*Existing supply refers to any affected MDs supplied to consignees in Singapore prior to Date of Initiation of FSCA in Singapore, OR Date of Notification of FSCA to HSA, whichever is earlier.

What is ‘existing supply’?

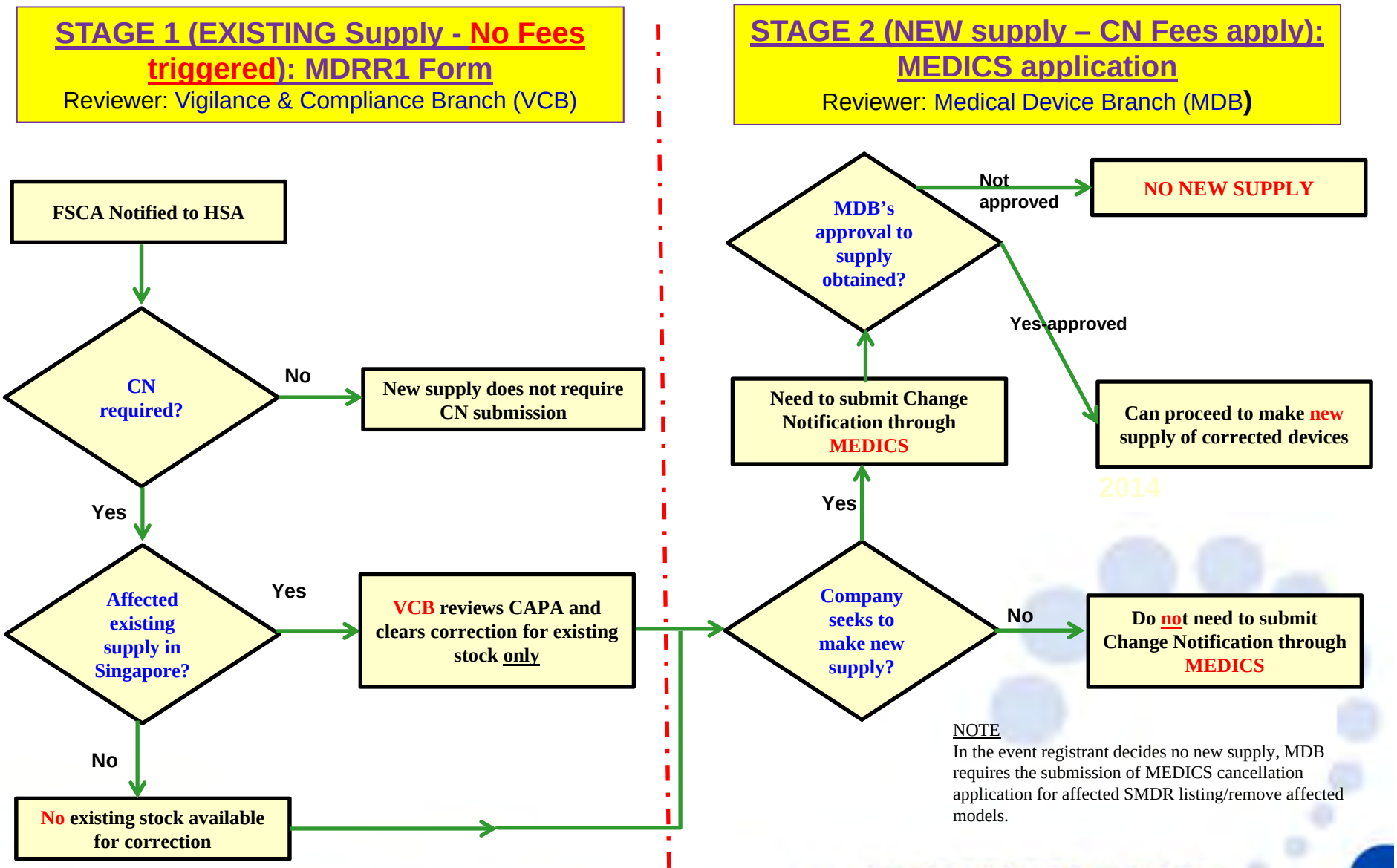
Existing supply refers to any affected MDs supplied to consignees in Singapore prior to Date of Initiation of FSCA in Singapore, OR Date of Notification of FSCA to HSA, whichever is earlier.

New supply includes supply of MDs ‘corrected’ for FSCA.

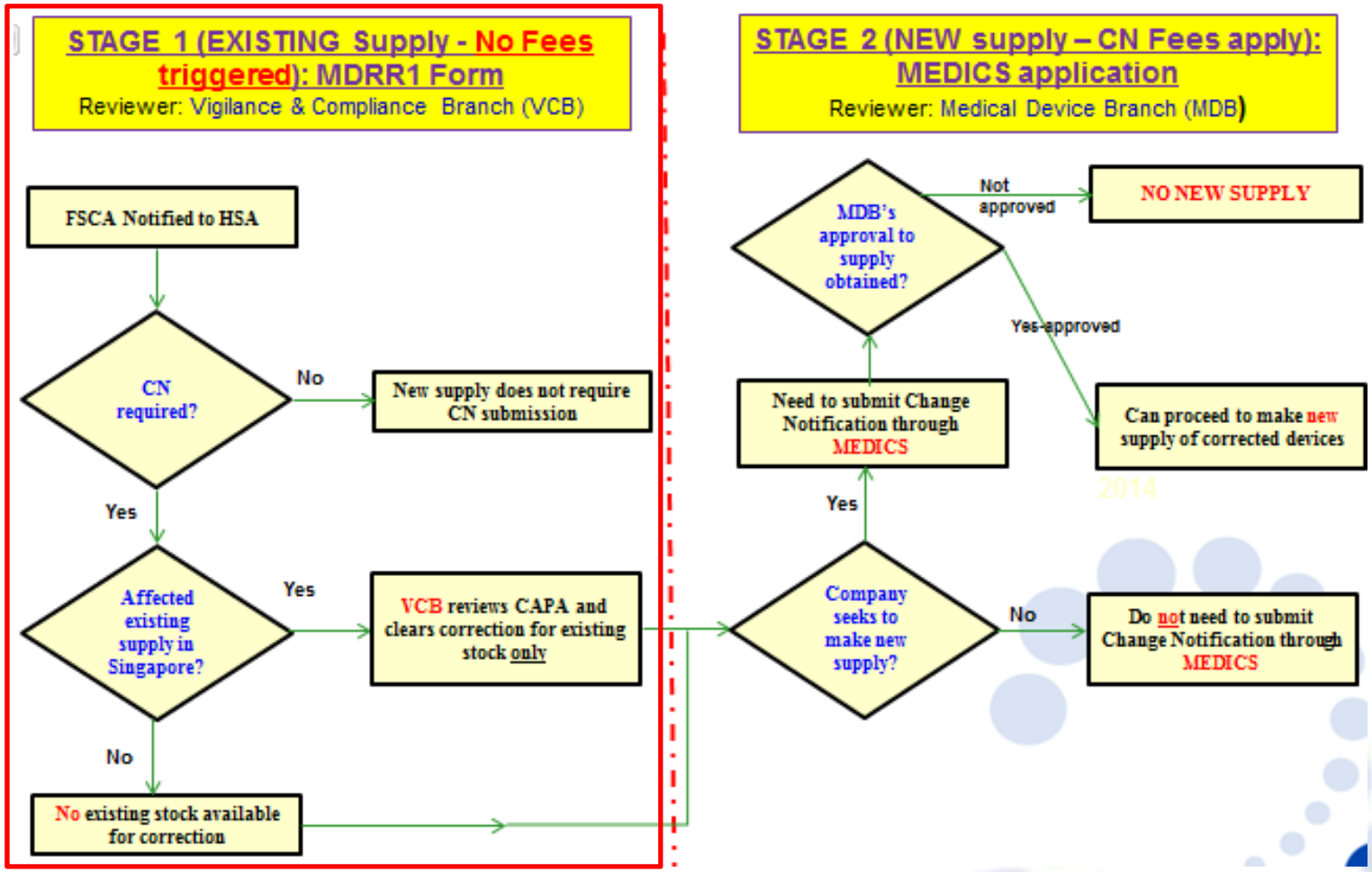




New process (effective 01 Oct 2014)



NOTE
In the event registrant decides no new supply, MDB requires the submission of MEDICS cancellation application for affected SMDR listing/remove affected models.



Stage 1 - Documentary Requirements

Revised MDRR1 form

HSA VIGILANCE & COMPLIANCE BRANCH
FIELD SAFETY CORRECTIVE ACTION NOTIFICATION / PRELIMINARY REPORT

MDRR1 Form
Last revised 01 Oct 2014

Instructions
1. This form may take you 30 minutes to fill in. You will need to prepare some information to fill in the form.
2. This form is to be submitted to the Vigilance & Compliance Branch either (i) as a scanned signed copy in pdf version via email to hsa_medical_devices@hsa.gov.sg. For submissions via email, ensure email size (inclusive of all attachments) is under 2MB, (ii) through fax at (65) 6478 9038 or (iii) through postal mail to FSCA Review Unit, Vigilance & Compliance Branch, Health Products Regulation Group, Health Sciences Authority, 11 Biopolis Way, #11-01 Helios, Singapore 138667
3. If the space provided in the form is insufficient, please provide the information as an attachment.
4. The notification report should be submitted at least 24 hours before the commencement of the field safety corrective action.
5. In the preliminary report, please provide required information that was not available at the notification stage and also any updated information.
6. This form serves as a Notification of Changes to be made to existing supply of registered medical devices as part of this FSCA. In such an instance, this Notification solely applies to stock supplied prior to initiation of this FSCA in Singapore. For new wholesale or retail supply of medical devices corrected for this FSCA, a Change Notification submission and approval through MEDICS is required, and the relevant fees would apply. Any approval to proceed with implementation of changes shall be subject to conditions imposed by the Authority. Any approval accorded under this submission shall only apply to stock supplied to consignee prior to initiation of this FSCA.

Type of Field Safety Corrective Action (FSCA)	☐ Product recall ☐ Other corrective actions
Type of Report	☐ Notification ☐ Preliminary Report (Compliance Branch FSCA Ref.No. _____)
Company Particulars	
Name of company	
Company address	
Contact person name	
Job title	
Tel No. / Fax No.	
Email Address	
Device Details	
Device Name	
Device Intended use	
Device Regulatory Status (e.g. SMDR Listing No. if device is registered)	
Model No.	
Catalogue No.	
Serial No.	
Lot/Batch No.	
Accessories/Associated Devices affected (if any)	
Product owner Name	
Product owner Address	
Manufacturer(s) and contact details	

Date of commencement of FSCA by product owner (dd/mm/yyyy)	
Date of commencement of FSCA in Singapore (if applicable) (dd/mm/yyyy)	
Proposed date of completion of FSCA in Singapore (if applicable) (dd/mm/yyyy)	
Change Notification Details (if applicable)	
Type of change with reference to GN-21 (e.g. software change, design change, labelling change)	
For software-related changes, have any features not related to this FSCA been incorporated?	☐ Yes (Provide further details in Appendix 1: _____) ☐ No
Summary of Root Cause Analysis	
Summary of Corrective and Preventative Action (CAPA)	
Summary of CAPA Effectiveness	
Other Information	

NEW – 'Change Notification Details' Section

I attest that the information submitted is true and correct.

Signature _____
Name of Reporting Person _____
Date of this notification _____ (dd/mm/yyyy)
Company stamp _____

Appendix 1

NEW - Appendix 1

Software details	Current approved	Proposed
Name of software		
Version number	Software version number (accurate to e.g. 4.xx) to be supplied in Singapore	Software version number (accurate to e.g. 4.xx) to be supplied in Singapore
Intended use of the software	E.g. to capture and analyse MRI images	E.g. to capture and analyse MRI images
Description of the differences between current and proposed software.	Description of existing features	To include description of the additional feature. E.g. to include additional feature of image transfer to external printer for printing

The above change(s) is not related to any FSCA and the medical device with the additional software features conform(s) to the Essential Principles for Safety and Performance as laid out in the Health Products (Medical Devices) Regulations 2010.

I attest that the information submitted is true and correct.

Signature _____
Name of Reporting Person _____
Date of this notification _____ (dd/mm/yyyy)
Company stamp _____

To be

protecting and advancing NATIONAL HEALTH and SAFETY

Stage 1 Review documents

1. The following documents would have to be provided together with the revised MDRR1 FSCA Notification form:

- Summary of Root Cause Analysis
- Summary of Corrective and Preventative Action (CAPA)
- Summary of CAPA Effectiveness

2. For software changes with additional features, a new Appendix 1 to the MDRR1 form has to be completed.

3. The following declarations may be required (format to be provided in near future):

A. Where CAPA effectiveness documents not available currently

Declaration that product owner has verified CAPA effectiveness and will provide documentary evidence in support as soon as it becomes available.

B. Where additional features not related to FSCA have been incorporated as part of software patch

Declaration that the incorporation of these additional features are part of a global release and not specific to the Singapore market.

When should the 'Change Notification Details' section be completed?

Change Notification Details (if applicable)	
Type of change with reference to GN-21 (e.g. software change, design change, labelling change)	
For software-related changes, have any features not related to this FSCA been incorporated?	☐ Yes (Provide further details in Appendix 1: _____) ☐ No
Summary of Root Cause Analysis	
Summary of Corrective and Preventative Action (CAPA)	
Summary of CAPA Effectiveness	

As mentioned earlier, not all FSCA require Change Notification.

Step 1: Identify Corrective and Preventative Action (CAPA).

Step 2: Refer to GN-21 Guidance on Change Notification to make determination based on CAPA.

If not sure, fill up this section on Change Notification Details in the MDRR1 form as long as the MD affected by the FSCA is a **registered MD**.

14

When should Appendix 1 be completed?

Change Notification Details (if applicable)	
Type of change with reference to GN-21 (e.g. software change, design change, labelling change)	
For software-related changes, have any features not related to this FSCA been incorporated?	☐ Yes (Provide further details in Appendix 1: _____) ☐ No
Summary of Root Cause Analysis	
Summary of Corrective and Preventative Action (CAPA)	
Summary of CAPA Effectiveness	

If no such software changes, Appendix 1 doesn't need to be filled up!

Only applies to software-related changes that include features not related to FSCA – verify with product owner.

If the FSCA involves a software-related CAPA, and the software correction patch includes any new non-FSCA-related features (e.g. enhanced functionalities, new imaging capabilities, etc) that were not submitted during registration of MD, then Appendix 1 shall be completed and submitted.

Appendix 1

Appendix 1

Software details	Current approved	Proposed
Name of software		
Version number	Software version number (accurate to e.g. 4.xx) to be supplied in Singapore	Software version number (accurate to e.g. 4.xx) to be supplied in Singapore
Intended use of the software	E.g. to capture and analyse MRI images	E.g. to capture and analyse MRI images
Description of the differences between current and proposed software.	Description of existing features	To include description of the additional feature. E.g. to include additional feature of image transfer to external printer for printing

The above change(s) is not related to any FSCA and the medical device with the additional software features conform(s) to the Essential Principles for Safety and Performance as laid out in the Health Products (Medical Devices) Regulations 2010.

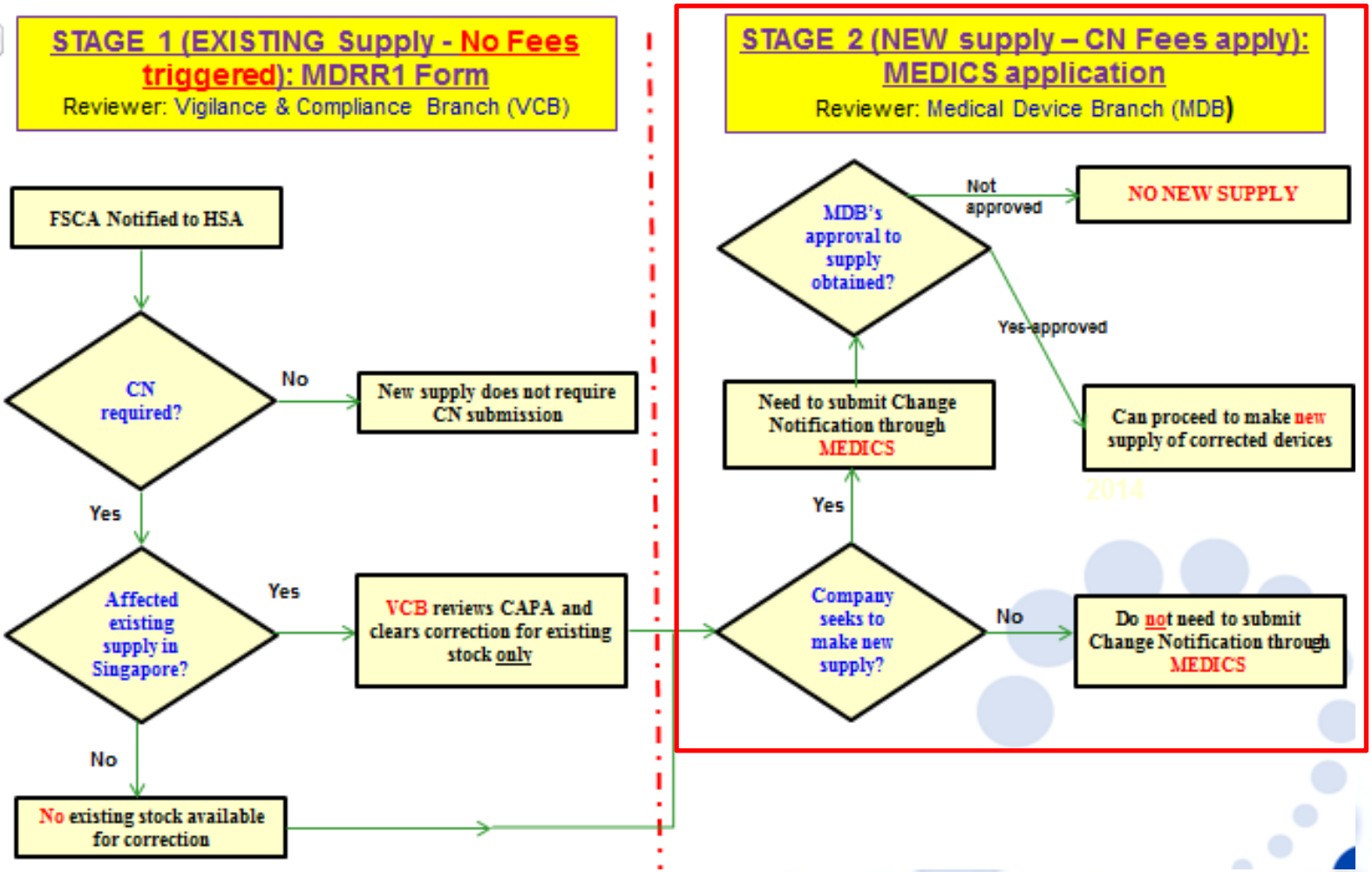
I attest that the information submitted is true and correct.

If Change Notification is **required**, can FSCA changes be made to existing supply once FSCA is notified?

- Within 20 working days, VCB would revert with a response on whether the changes can proceed in relation to the existing supply. This is provided the final correction (e.g. software upgrade) is already available and complete Stage 1 documents have been submitted.

- It is therefore important for requisite documents to be submitted in a timely fashion. If a decision on whether the correction is to be allowed cannot be made due to lack of documentation, a cease use notice may be necessitated.

- In the interim, the Field Safety Notice (FSN) can be disseminated, unless VCB requires amendments to the FSN first. Whether amendments are required to the FSN would be indicated in our FSCA Notification Acknowledgement.



Stage 2

New supply

For new supply, any MD affected by FSCA, and requiring a CN would require

1. a submission through Medical Device Information & Communication System (MEDICS), AND
2. an approval from MDB.

Fees will apply.

MDs pending approval of CN submitted

Default presumption:
If CN is required, new supply cannot proceed until (i) CN has been submitted, and (ii) approval from MDB has been received.

Please write in to MDB (email: hsa_md_info@hsa.gov.sg) if you seek to enquire on new supply options.

FSCA involving labelling changes that require CN

For FSCA, where the final CAPA involves a labelling change that requires CN, *e.g. addition of contraindication, warning, etc*, default presumption applies in that MDB's CN approval is required for supply of new units.

However, in certain instances, provided the CN has been submitted, new supply (together with FSN) may be permitted subject to conditions.

For FSCAs related solely to labelling changes, companies should verify with HSA first before making new supply.

Benefits accrued from Refined Process

Benefits of Refined Process

1. Corrections for existing stock no longer contingent on MEDICS CN submission and approval → can be processed faster (TAT*: 20 working days)

2. For existing supply, fees are not triggered unless company decides to make new supply (Stage 2).

NOTE:

- *The refined process only apply to FSCA situations.*
- *For non-FSCA related changes, Change Notification for existing and new supply requires CN submission and approval through MEDICS. No change in process.*
- *FSCA MDRR1 form would be amended to address changes related to this new workflow.*
- **TAT begins from the date of notification of FSCA.*

Illustrative Case Studies

These case studies are provided merely for illustrative purposes. Please note that actual fact situations can differ from these case studies, and therefore, not have similar outcome/conclusion.

If CN is not required, correction of existing supply of MDs and new supply of corrected devices can proceed unless HSA notifies otherwise.

Case Study 1

MD Type: Catheters
FSCA type: Recall
Issue: During aging, blooming of stabilisers of the catheter material on catheter surface occurred. Product owner intends change to stabiliser used in catheter manufacture. Existing stock to be recalled. New stock to be supplied once CAPA effectiveness is completed.

Question: Is CN required?
→ Is it registered MD?
→ Does the change fall within list of changes required under GN-21?

Existing supply of catheters: Recall can proceed immediately as no 'change' is being made to existing supply, only removal from market.

New supply of catheters (MEDICS CN application required): CN submission required. Supply shall not proceed unless MDB's approval has first been obtained.

Case Study 2

MD Type: X-Ray Diagnostic Radiography System
FSCA type: Software change
Issue: In performing DICOM transfer from the console to a DICOM server or workstation, images of one patient displayed may include another patient's image. Software patch to be installed as permanent fix. In the interim, users would be informed of workaround steps to avoid this failure mode.

Question: Is CN required?
→ Is it registered MD?
→ Does the change (CAPA) fall within list of changes required under GN-21?

Review considerations for existing supply of x-ray system: Proposed interim workaround steps and software correction plan would be reviewed. Software upgrade for existing supply (installed base) in Singapore can proceed once VCB issues clearance.

New supply of x-ray system (MEDICS CN application required):

1. If company does not plan to make new supply of the corrected x-ray devices, **no need** to submit CN application through MEDICS under Stage 2.
2. If new supply of the x-ray system is sought, CN submission required. Supply shall not proceed unless MDB's approval is first obtained.

NOTE: For avoidance of doubt, new supply of uncorrected X-ray device, i.e. MD that has not undergone software upgrade even if supplied with FSN, is not permitted unless prior authorisation has been received from HSA.

Case Study 3

MD Type: IVD reagent
FSCA type: Labelling change/ Design change
Issue: Due to stability issues, product owner is making formulation change to IVD reagent to improve its stability. Existing users would be informed that affected lots would have a reduction in shelf life of 12 months.

Question: Is CN required?
→ Is it registered MD?
→ Does the change (CAPA) fall within list of changes required under GN-21?

Review considerations for existing supply of reagents: Proposed reduction in shelf life has to be reviewed. Whether reduction in shelf life is acceptable for existing supply/use to continue would be reviewed. If not acceptable, recall may be instructed.

New supply of reagents (MEDICS CN application required):

1. CN submission required for change in formulation. Supply shall not proceed unless MDB's approval is first obtained.
2. New interim supply of reagents with reduced shelf life is not permitted unless VCB's approval for such interim supply is first obtained.

Compliance Matters

FSCA Acknowledgement Notices

HSA's FSCA Acknowledgement Notices are issued pursuant to the Health Products Act (HPA) and its subsidiary legislation. Currently, these notices are issued via email and fax.

Applicable legislative provisions, *inter alia*, include HPA section 41 – furnishing of information, HPA section 42 – cease manufacture/import/supply/use and Regulation 46 of *MD Regs* – measures to be undertaken as part of FSCA.

Any measures instructed under these issued Notices are required to be performed. Failure to do so would constitute an offence under Reg 46(4) of the MD Regs. Penalties that apply are a **fine not exceeding $10,000 or to imprisonment for a term not exceeding 6 months or to both.**

Such measures can include (non-exhaustive list):

- Conduct field inspection and submit a report
- Submit acknowledgement receipts
- Publish print advertisement
- Append additional labelling or modified risk communication.

If require further clarification on contents of Notice, please verify with the FSCA Review Unit, Vigilance & Compliance Branch.

Consequences of new supply without submission of Change Notification through MEDICS

Even if correction for existing supply is permitted, new supply of corrected devices (if CN is required) shall only proceed after CN application is received through MEDICS, and APPROVAL by MDB has been issued.

If new supply is made prior to this, it would constitute a contravention under Health Products Act and its subsidiary legislation.

The following regulatory actions (non-exclusive list) may be imposed on the contravening party:

- Recall any new supply made
- Notify affected consignees of supply made in contravention of HPA
- Suspension/cancellation of importer's or wholesaler's licence
- Suspension/cancellation of device registration

Conclusion/Summary

Conclusion/Summary

These refinements to the Change Notification process for FSCA are targeted and limited to:

- Changes made to registered MDs in the course of a FSCA, and
- Changes made to existing supply of MDs.

Refinements would apply to all FSCAs **notified from 01 Oct 2014** onwards.

Conclusion/Summary

Existing supply
Moving forward, and only for existing supply*, the FSCA Notification would also be accepted as a valid Change Notification (CN) under Regulation 49.

Any clearance provided to proceed with correction through this FSCA Notification process would only apply to existing supply.

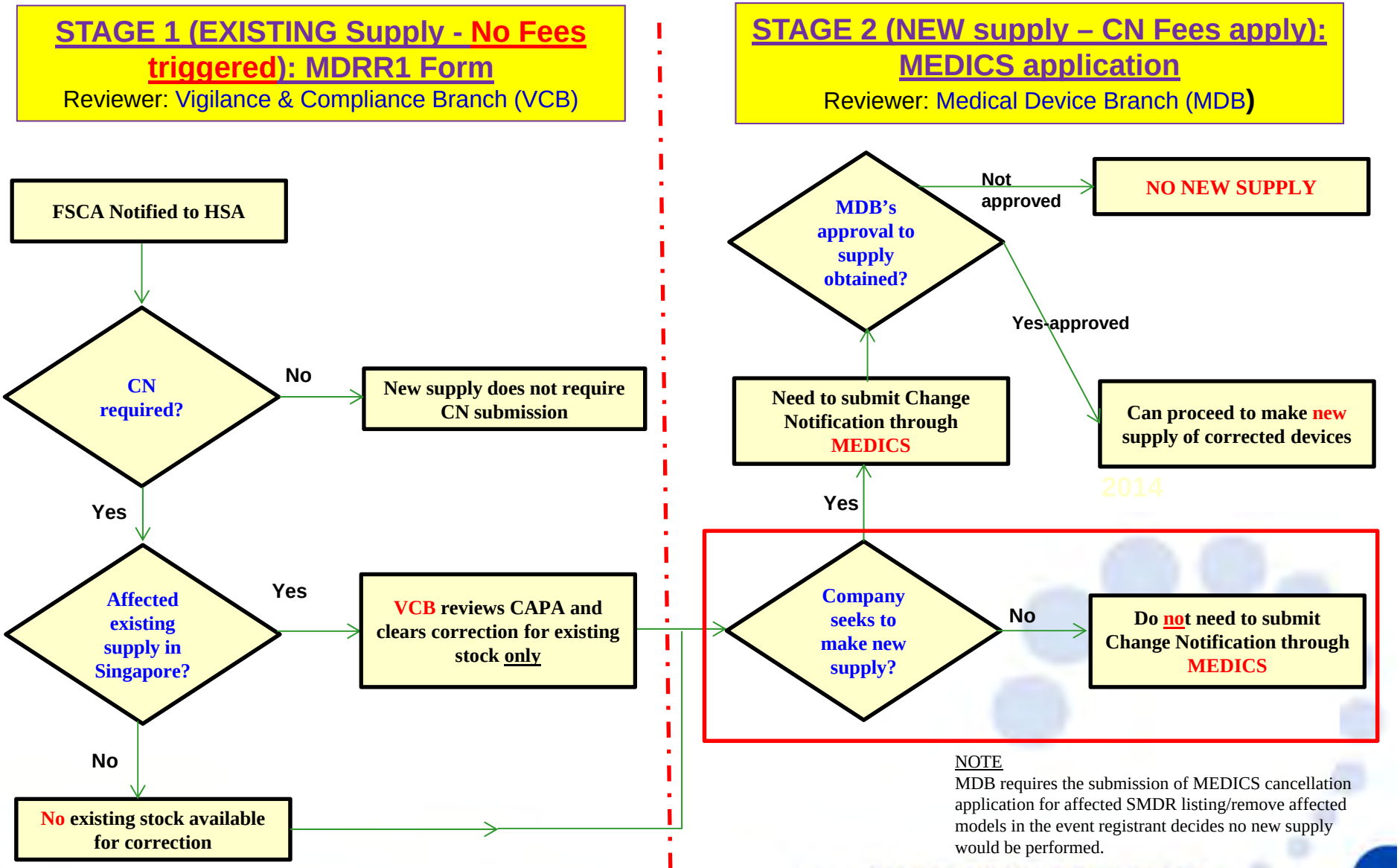
Fees that normally apply to Change Notification (CN) would not be triggered yet. (Payment system is triggered via MEDICS)

New supply (includes supply of corrected MDs)
For new supply, changes to a registered MD, made in the context of a FSCA, that impacts safety, quality or efficacy would require a CN submission through MEDICS, and an approval from the Medical Device Branch (MDB).

Fees will apply.

*Existing supply refers to any affected MDs supplied to consignees in Singapore prior to Date of Initiation of FSCA in Singapore, OR Date of Notification of FSCA to HSA, whichever is earlier.

Conclusion/Summary



NOTE
MDB requires the submission of MEDICS cancellation application for affected SMDR listing/remove affected models in the event registrant decides no new supply would be performed.

Concluding note (FSCA strategy)

When notified of FSCA by the product owner/legal manufacturer or HSA,

DEVELOP COHERENT FSCA STRATEGY!

Which includes among other things:

1. Identify whether existing affected supply exists in Singapore – Initiate FSCA as soon as possible*
2. Gather accurate manufacture, import and/or supply/distribution data for reporting to HSA
3. Plan correction schedule.
4. Ascertain whether change notification applies
5. Take measures to identify immediate shipments – import/supply of affected devices is, by default, barred.
6. Prepare root cause, CAPA, CAPA effectiveness documentation for submission of FSCA Notification

* An unwarranted delay to initiate a FSCA constitutes an offence under the MD Regs.

Thank You

Email: hsa_medical_device@hsa.gov.sg.