DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
1401 Rockville Pike
Rockville, MD 20852-1448

January 12, 2001

Mr. C. Donald Kafader II
Calypte Biomedical Corporation
1265 Harbor Bay Parkway
Alameda, CA 94502

Re: BP000009/0
Device: Calypte HIV-1 Urine EIA
Date Received: 10-FEB-00
Amended: 23-MAY-00, 19-JUL-00, 02-AUG-00, 21-NOV-00

Dear Mr. Kafader:

The Center for Biologics Evaluation and Research (CBER) of the Food and Drug Administration (FDA) has completed its review of your premarket approval application (PMA) for the Calypte HIV-1 Urine EIA. This device is indicated for detection of antibodies to HIV-1 in urine. The test is intended for use in professional laboratory settings as an aid in clinical diagnosis of HIV infection. We are pleased to inform you that the PMA is approved subject to the conditions described below and in the "Conditions of Approval" (enclosed). You may begin commercial distribution of the device upon receipt of this letter.

The post-approval conditions to which you have agreed in your December 28, 2000 letter include the following:

1 [redacted]

2. [redacted]

In addition, you are requested to submit samples of each future lot of the Calypte HIV-1 Urine EIA together with protocols showing results of all applicable tests. No lots of the device shall be distributed until notification of release is received from the Director, CBER. In accordance with 21 CFR 814.82(a)(8) and (9), this lot release requirement has been deemed necessary to provide continued reasonable assurance of the safety and effectiveness of the device.

The Calypte HIV-1 Urine EIA is intended for professional use only. Therefore, commercial distribution of the device should be limited to sale for use within a clinical laboratory setting.

Expiration dating for this device has been granted for 15 months at 2-8°C. We would like to advise you that the protocol you used to establish this expiration dating is considered an approved protocol for the purpose of extending the expiration dating as provided by 21 CFR 814.39(a)(7).

CBER will publish a notice of its decision to approve your PMA in the FEDERAL REGISTER. The notice will state that a summary of the safety and effectiveness data upon which the approval is based is available to the public upon request. Within 30 days of publication of the notice of approval in the FEDERAL REGISTER, any interested person may seek review of this decision by requesting an opportunity for administrative review, either through a hearing or review by an independent advisory committee, under section 515(g) of the Federal Food, Drug, and Cosmetic Act (the act).

Failure to comply with the conditions of approval invalidates this approval order. Commercial distribution of a device that is not in compliance with these conditions is a violation of the act.

You are reminded that as soon as possible, and before commercial distribution of your device, that you must submit an amendment to this PMA submission with copies of all approved labeling in final printed form.

All required documents should be submitted in triplicate, unless otherwise specified, to the address below and should reference the above PMA number to facilitate processing.

Document Control Center (HFM-99)
Center for Biologics Evaluation and Research
Food and Drug Administration
1401 Rockville Pike
Rockville, Maryland 20852-1448

If you have any questions concerning this approval order, please contact Howard Balick, Division of Blood Applications, Regulatory Project Management Branch at (301) 827-3524.

Sincerely yours,

Hiralal Nakhasi

Hira L. Nakhasi, Ph.D.
Director
Division of Emerging and Transfusion
Transmitted Diseases
Office of Blood Research and Review
Center for Biologics Evaluation and Research

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STANDARD CONDITIONS OF APPROVAL

The "Conditions of Approval" are the standard postapproval conditions imposed by FDA. These are applicable to all original PMAs and PMA supplements. Additional specific conditions may be required for implanted devices. Applicants should carefully read the conditions of approval enclosed with the FDA approval letter. The following is an example of a "Conditions of Approval" that would accompany the FDA approval letter.

CONDITIONS OF APPROVAL

ISSUED: 5-22-95

Approved Labeling. As soon as possible, and before commercial distribution of your device, submit two copies of an amendment to this PMA submission with copies of all approved labeling in final printed form to the PMA Document Mail Center (HFZ-401), Center for Devices and Radiological Health, Food and Drug Administration (FDA), 9200 Corporate Blvd., Rockville, Maryland 20850.

Advertisement. No advertisement or other descriptive printed material issued by the applicant or private label distributor with respect to this device shall recommend or imply that the device may be used for any use that is not included in the FDA approved labeling for the device. If the FDA approval order has restricted the sale, distribution and use of the device to prescription use in accordance with 21 CFR 801.109 and specified that this restriction is being imposed in accordance with the provisions of section 520(e) of the FD&C Act under the authority of section 515(d)(1)(B)(ii) of the FD&C Act, all advertisements and other descriptive printed material issued by the applicant or distributor with respect to the device shall include a brief statement of the intended uses of the device and relevant warnings, precautions, side effects and contraindications.

Premarket Approval Application (PMA) Supplement. Before making any change affecting the safety or effectiveness of the device, submit a PMA supplement for review and approval by FDA unless the change is of a type for which a "Special PMA Supplement-Changes Being Effected" is permitted under 21 CFR 814.39(d) or an alternate submission is permitted in accordance with 21 CFR 814.39(e). A PMA supplement or alternate submission shall comply with applicable requirements under 21 CFR 814.39 of the final rule for Premarket Approval of Medical Devices.

All situations which require a PMA supplement cannot be briefly summarized, please consult the PMA regulation for further guidance. The guidance provided below is only for several key instances.

A PMA supplement must be submitted when unanticipated adverse effects, increases in the incidence of anticipated adverse effects, or device failures necessitate a labeling, manufacturing, or device modification.

A PMA supplement must be submitted if the device is to be modified and the modified device should be subjected to animal or laboratory or clinical testing designed to determine if the modified device remains safe and effective.

A **"Special PMA Supplement - Changes Being Effected"** is limited to the labeling, quality control and manufacturing process changes specified under 21 CFR 814.39(d)(2). It allows for the **addition** of, but **not the replacement** of previously approved, quality control specifications and test methods. These changes may be implemented before FDA approval upon acknowledgment by FDA that the submission is being processed as a "Special PMA Supplement - Changes Being Effected." This acknowledgment is in addition to that issued by the PMA Document Mail Center for all PMA supplements submitted. **This procedure is not applicable to changes in device design, composition, specifications, circuitry, software or energy source.**

Alternate submissions permitted under 21 CFR 814.39(e) apply to changes that otherwise require approval of a PMA supplement before implementation of the change and include the use of a **30-day PMA supplement** or **annual postapproval report**. FDA must have previously indicated in an advisory opinion to the affected industry or in correspondence with the applicant that the alternate submission is permitted for the change. Before such can occur, FDA and the PMA applicant(s) involved must agree upon any needed testing protocol, test results, reporting format, information to be reported, and the alternate submission to be used.

Postapproval Reports. Continued approval of this PMA is contingent upon the submission of postapproval reports required under 21 CFR 814.84 at intervals of 1 year from the date of approval of the original PMA. Postapproval reports for supplements approved under the original PMA, if applicable, are to be included in the next and subsequent annual reports for the original PMA unless specified otherwise in the approval order for the PMA supplement. **Two copies** identified as **"Annual Report"** and bearing the applicable PMA reference number are to be submitted to the PMA Document Mail Center (HFZ-401), Center for Devices and Radiological Health, Food and Drug Administration, 9200 Corporate Blvd., Rockville, Maryland 20850. The postapproval report shall indicate the beginning and ending date of the period covered by the report and shall include the following information required by 21 CFR 814.84:

(1) Identification of changes described in 21 CFR 814.39(a) and changes required to be reported to FDA under 21 CFR 814.39(b).

(2) Bibliography and summary of the following information not previously submitted as part of the PMA and that is known to or reasonably should be known to the applicant:

Reporting Under the Medical Device Reporting (MDR) Regulation. The Medical Device Reporting (MDR) Regulation (21 CFR 803) requires that all manufacturers report to FDA whenever a device:

(1) may have caused or contributed to a death or serious injury or

(2) has malfunctioned and would be likely to cause or contribute to a death or serious injury if the malfunction were to recur.

The same events subject to reporting under the MDR Regulation may also be subject to the above "Adverse Reaction and Device Defect Reporting" requirements in the "Conditions of Approval" for this PMA. FDA has determined that such duplicative reporting is unnecessary. Whenever an event involving a device is subject to reporting under both the MDR Regulation and the "Conditions of Approval" for this PMA, you **shall** submit the appropriate reports required by the MDR Regulation and identified with the PMA reference number to the following office:

Food and Drug Administration
Center for Devices and Radiological Health
Office of Surveillance and Biometrics
Information and Analysis Branch (HFZ-531)
1350 Piccard Drive
Rockville, Maryland 20850
Telephone (301) 594-2731

Events included in periodic reports to the PMA that have also been reported under the MDR Regulation must be so identified in the periodic report to the PMA to prevent duplicative entry into FDA information systems.