Electronic Drug Registration & Listing Compliance Overview

October 2018

Leyla Rahjou-Esfandiary, Pharm. D.

Tasneem Hussain, Pharm. D.

Who are we?

Registration and Listing Compliance Program

- Data Quality and Compliance Team within the eDRLS Staff
- Program started in September 2015
- Mission: Achieve accuracy, completeness and integrity in FDA's establishment registration and drug listing data
- Work closely on implementing R&L regulations.

Registration and Listing Compliance Program

- Phases
  - Surveillance
  - Deficiency letter
  - Data removal
  - Untitled Letter or Warning Letter
- Online webpage:
  - Updated periodically
  - Includes helpful resources and links
  - Includes list of all published R&L WLs to date

We *DO* look at the data!

Who are you?!

The Procrastinator

Knows but doesn't do

The Well-Intentioned

Doesn't know but tries

The Expert

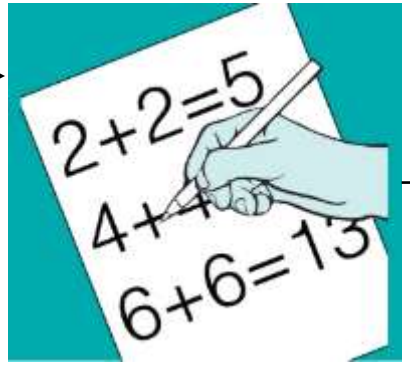
Knows and does

FOLLOW:

- Section 510 of the Food, Drug and Cosmetic Act
- Part 207 of 21 CFR
  - Revised in August 2016
  - In effect since November 2016

R&L Compliance Life Cycle

Bad data

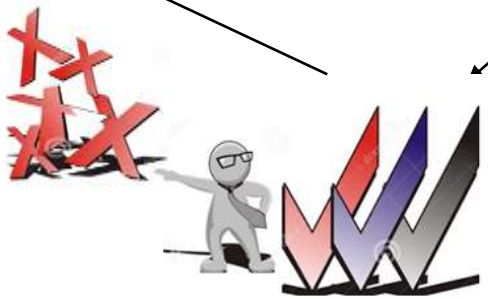


Compliance case created,
Deficiency letter sent

30 days to correct

Data Removal Notification

Untitled or Warning Letter



Correction made

Submission Errors

Contact
eDRLS,
Contact SPL
Coordinator

Compliance case closed,
Data released back

Compliance Do's and Don'ts

- Registration
  - Register domestic establishments no later than 5 calendar days after beginning to manufacture a drug. *21 CFR §207.21 (a)*
  - Register foreign establishments before a drug manufactured at the establishment is imported or offered for import into the US. *21 CFR §207.21 (b)*
  - Renew your registration annually (between October 1 and December 31). *21 CFR §207.29 (b)*

Compliance Do's and Don'ts

- Registration
  - Expedited registration updates must be sent within 30 days of:
    - Closing or selling an establishment
    - Changing an establishment's name or physical address
    - Changing any contact info of the official contact or the United States agent.
      - *An email notification about terminating or designating an employee or agent does not suffice.*

Compliance Do's and Don'ts

- Registration
  - Do NOT register if you do not perform any drug manufacturing activity
  - Do not include vendor's contact info as the establishment or registrant's contact info
  - Do not register an establishment, unless you are an authorized agent

Compliance Do's and Don'ts

- Labeler Code (LC) Request
  - Each person who engages in manufacturing, repacking, relabeling, or private label distribution of a drug must apply for an NDC LC. *21 CFR §207.33 (c)*
  - NDC format under a single LC remains the same
  - LC Request must be updated within 30 days of:
    - Any changes in LC contact info
    - Any changes to the activities and business operations

Compliance Do's and Don'ts

- Labeler Code (LC) Request
  - Do not request a LC if you already have one assigned
  - Do not include vendor's contact info as the LC Request's contact info
  - If not reported electronically, send an initial LC request and include your previously assigned LC
  - If you run out of available product codes under your assigned LC and NDC format, you can request another LC

Compliance Do's and Don'ts

- Labeler Code (LC) Request
  - LCs can be transferred as part of mergers/ acquisitions
    - LCs can be transferred only if *all* drug products are transferred/ acquired
    - LC Request info must be updated to include the latest information
      - New labeler name, address, business operation, if any
      - New contact info, if any
    - Drug listing info for each drug listing file must be updated to include the new labeler

Compliance Do's and Don'ts

- Listing
  - DO NOT LIST NON-DRUGS WITH CDER
  - Registrants must list all drugs they manufacture
    - no later than 3 calendar days after the initial registration of the establishment. *21 CFR §207.45*
  - Private Label Distributors (PLDs) may list own label drug
  - Listing updates must be submitted in June or December of the same year. *21 CFR §207.57*

Compliance Do's and Don'ts

- Listing
  - If no updates, listing certification must be submitted between October 1 and December 31
    - Listing certifications for products with open compliance cases will be accepted (if no errors) but certification date won't be extended until the case is closed.
  - Subsidiary or parent company can list drugs on behalf of establishments under same ownership
  - Include the complete supply chain under "Establishments"

Compliance Do's and Don'ts

- Listing
  - In a repackager's drug listing file, be sure to update the "How Supplied" section to match the listed drug
  - Labeling information of a listed repackaged drug must follow the source drug's labeling updates
  - Inclusion of inactive ingredients is mandatory now and can be marked confidential
  - The application number must be an approved active application and refer to the listed drug

Compliance Do's and Don'ts

- Listing certification
  - Only accepted October 1st to December 31st.
  - After December 31st, a drug listing SPL must be submitted:
    - Previous version can be submitted with a higher version number.
  - If there are any compliance cases associated with the NDC:
    - The submission will get accepted if no errors.
    - The certification date will not be extended till case closed.

Compliance Do's and Don'ts

- General
  - Do not use a listing certification lapse to discontinue a listed drug
  - Monitor possible validation error messages
  - If you have a registration or listing compliance case and receive a validation error message:
    - Contact eDRLS@fda.hhs.gov with Core ID and list of all error messages
    - After CDER approval, forward to SPL@fda.hhs.gov for manual override

Compliance Do's and Don'ts

- General
  - NDC RESERVATION IS NOT DRUG LISTING
  - All listing validation rules will be applied to listing certification starting in 2019
    - Phased-in approach
    - Partial listing validation is place since 2017
  - Updates to supply change must be reported
    - Listing files with non-registered establishments will not be accepted

PLD and CMO listing obligations

- Contract Manufacturing Organizations (CMOs) are registrants and required to list the drug they manufacture under own LC.
  - Use the appropriate “Under Contract” Marketing Category
  - Data will not be published in DailyMed
  - JPeg file with CMO’s NDC or no NDC required
  - No Prescribing Information (PI) required

PLD and CMO listing obligations

- PLDs may choose to submit own label drug listing file
  - If so, they assume full responsibility for compliance
  - In any case, carton label and PI (How Supplied section) should refer to PLD's NDC and packaging
  - CMO must be included under "Establishment"

Labeler

- Labeler in SPL:
  - Business Operation (Label):
    - Must register and list
  - Labeler code assignee (Labeler):
    - Can be a PLD
    - May have to register and list
    - PLD’s SHOULD NOT REGISTER WITH FDA

NDC

- A new NDC product code is required if any of the data below changes:
  - Drug's established name or proprietary name
  - Any active pharmaceutical ingredient or its strength
  - Drug’s Dosage Form
  - A change in drug's status, between prescription and nonprescription
  - A change in the drug's intended use between human and animal
  - Drug’s physical characteristics

NDC

- NDCs can no longer be re-used
- If marketing is resumed for a discontinued drug, same NDC must be assigned to re-list
- A product may be deemed to be misbranded if an NDC is used:
  - To represent a different drug than the listed drug
  - To denote or imply FDA approval of a drug
  - On non-drug products

NDC

- Any future changes will have a big impact on different aspects of healthcare
- Public Hearing to be held on November 5, 2018
- FRN published on August 7, 2018
- Registration deadline (to attend or present): October 15, 2018

BE THE EXPERT!

Resources

- Section 510 of the FD&C Act: http://uscode.house.gov/view.xhtml?path=/prelim@title21/chapter9/subchapter5&edition=prelim
- 21 CFR Part 207: https://www.ecfr.gov/cgi-bin/text-idx?SID=fa8d7e9c3c27e094261bf903b897eb6e&mc=true&node=pt21.4.207&rgn=div5
- R&L Compliance webpage: https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/DrugRegistrationandListing/ucm531142.htm

Resources

- NDC Public Hearing FRN: https://www.federalregister.gov/documents/2018/08/07/2018-16807/future-format-of-the-national-drug-code-public-hearing-request-for-comments
- NDC Public Hearing webpage: https://www.fda.gov/Drugs/NewsEvents/ucm574488.htm

Questions?

Leyla Rahjou-Esfandiary

Leyla.Rahjou-Esfandiary@fda.hhs.gov

Tasneem Hussain

Tasneem.Hussain@fda.hhs.gov

eDRLS Helpdesk

eDRLS@fda.hhs.gov