**Please note that all Duke-sponsored regulatory submissions to the FDA (or other federal regulatory agency) must be reviewed and submitted by the Duke Office of Regulatory Affairs and Quality (ORAQ).**

**General Instructions – FDA Pre-submission (Pre-sub)**

**Is the Pre-Sub the correct mechanism within the Q-Sub program for requesting FDA feedback for my project?**

The Pre-Sub is an opportunity to request FDA feedback prior to intended submission of a premarket submission (i.e. IDE, 510(k), PMA, HDE, De Novo request). A Pre-Sub is appropriate when FDA’s feedback is needed to guide product development and/or submission preparation. There are several other types of submissions within the Q-Sub program:

* **Submission Issue Request (SIR)**: Request for FDA feedback on a proposed approach to address issues conveyed in a hold letter (i.e. a marking submission hold letter or an IDE Letter).
* **Study Risk Determinations**: Request for FDA determination for whether a planned medical device clinical study is significant risk (SR), non-significant risk (NSR), or exempt from IDE regulations.
* **Informational Meeting**: Request to share information with FDA without the expectation of feedback. The Informational Meeting may also be used for requesting feedback regarding study design for a NSR or IDE exempt study for which the results are not intended to support a future IDE or marking submission. In this case, you should clearly note in your cover letter that you are requesting feedback from FDA.
* For additional information on other uses of the Q-Sub program:

<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/requests-feedback-and-meetings-medical-device-submissions-q-submission-program>

**How do I submit my Pre-Sub?**

At Duke University, device eCopy premarket submissions directed to the Center for Devices and Radiological Health (CDRH) at FDA are submitted through the CDRH Customer Collaboration Portal (CDRH Portal). All Duke-sponsored Pre-Subs must be reviewed and submitted to FDA by the Duke Office of Regulatory Affairs and Quality (ORAQ).

For additional information on the CDRH Portal: <https://www.fda.gov/medical-devices/industry-medical-devices/send-and-track-medical-device-premarket-submissions-online-cdrh-portal>

For Device eCopy premarket submissions directed to the to the Center for Biologics, Evaluation, and Research (CBER), reach out to the assigned ORAQ Regulatory Affairs Scientist for information on how to submit.

For additional information on submissions to CBER: <https://www.fda.gov/about-fda/center-biologics-evaluation-and-research-cber/regulatory-submissions-electronic-and-paper-format-cber-regulated-products>

**What Should I submit?**

The pre-sub should be submitted in eCopy format, and the following technical standards must be followed:

* All documents should be in Portable Document Format (PDF) when possible
* Individual PDFs must be 50MB or smaller in size
* Remove any password protections
* No embedded attachments or attributes
* If non-PDFs are required, zip all non-PDF content into one file and save within a folder labeled either “STATISTICAL DATA” or “MISC FILES”
* Follow the eCopy PDF naming convention described in the eCopy guidance (see link below)
* For volume-based eCopies, follow the volume (i.e., folder) naming convention described in the [eCopy guidance](https://www.fda.gov/media/83522/download)[[1]](#footnote-1)
* Include a cover letter in the eCopy (The cover letter should either be the first page(s) of the PDF for merged PDFs, the first file if multiple PDFs are being submitted, or the first PDF in the first folder for a volume based eCopy.)
  + Include a handwritten or valid digital signature
  + Include the submission tracking number, if previously assigned
  + Use the company letterhead and include full contact information
  + Provide a brief description of the purpose of the submission along with submission type (e.g., IDE) and stage of review (i.e. original, amendment, supplement, or report)
  + The Form FDA 3514, if included, should name the **individual sponsor** in the fields for Company/Institution Name and Contact Name (Section B). **Duke should not be listed as the Company/Institution.**

**What is an eCopy and where can I find information on the eCopy program for medical device submissions?**

An electronic copy (eCopy) is an electronic version of your medical device submission. Including an eCopy with your submission has been required since January 1, 2013, and a final rule was issued by FDA on December 13, 2019 requiring medical device premarket submissions to be sent in electronic format, eliminating the need for paper submissions. An eCopy submission that does not meet the technical standards outlined in the eCopy guidance will be placed on eCopy hold until a valid eCopy is received.

The following resources will help you in understanding the eCopy program and how to successfully create and submit your eCopy:

* eCopy Guidance:

<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/ecopy-program-medical-device-submissions>

* Video Tutorial on eCopy Basics:

<https://www.accessdata.fda.gov/cdrh_docs/presentations/eCopy/Module1.mp4>

* Frequently Asked Questions:

<https://www.fda.gov/about-fda/ecopy-program-medical-device-submissions-frequently-asked-questions>

* eSubmitter-eCopies Tool- a voluntary tool that formats your eCopy content and allows you to download onto a local drive:

<https://www.fda.gov/industry/fda-esubmitter/esubmitter-ecopies-tool>

* eCopies Validation Module- a voluntary tool that verifies the format of an eCopy you have already developed on your local drive

<https://www.fda.gov/medical-devices/how-study-and-market-your-device/ecopy-program-medical-device-submissions>

If you have additional questions about the eCopy program, please contact the eCopy Program Coordinators at CDRH- eCopyinfo@fda.hhs.gov or 240-402-3717.

**Whom do I address in the submission?**

For submissions to CDRH, the initial submission is usually sent to the attention of the appropriate review division or Division Director if you know where the subject device or similar devices are reviewed. For CBER submissions, the addressee may be the appropriate Office Director or Regulatory Project Manager where the subject device or similar devices are reviewed.

The CDRH Management Directory on the FDA website can be helpful in identifying the appropriate review division or Division Director to be addressed: <https://www.fda.gov/about-fda/cdrh-offices/cdrh-management-directory-organization>

The CDRH Office of Product Evaluation and Quality (OPEQ) website may also be helpful in identifying the appropriate review division:

<https://www.fda.gov/about-fda/cdrh-offices/office-product-evaluation-and-quality>

For CBER submissions, the CBER Key Staff Directory may be helpful in identifying the appropriate Office Director or Regulatory Project Manager:

<https://www.fda.gov/about-fda/center-biologics-evaluation-and-research-cber/center-biologics-evaluation-and-research>

Additionally, you can contact our office and we can assist you in determining the correct contact information.

**What happens after I send my pre-sub meeting request to the FDA?**

* Within 15 calendar days of receipt of a Pre-Sub, FDA staff will conduct an acceptance review to determine that the request is administratively complete. You will receive notification whether or not the submission has been accepted for review as well as the contact information for the lead reviewer. If a Pre-Sub requesting a meeting is accepted, this notification will also either confirm one of your requested meeting dates or provide two alternative dates that are prior to day 75 from receipt of the submission.
* FDA assigns a unique identification number to all Q-Subs. Original Q-Subs submitted to CDRH will be assigned a number starting with “Q” followed by two digits representing the year, and four digits representing the order in which the request was received during the calendar year. For example, the first original Q-Sub received by CDRH in 2018 is identified as “Q180001.” Original Q-Subs submitted to CBER will be assigned a number starting with “BQ.”
* Written feedback will be provided to you by e-mail or fax and will include: written responses to your questions; FDA’s suggestions for additional topics for the meeting or teleconference, if applicable; or, a combination of both.
  + If no meeting is requested, written feedback will be provided within 70 days of receipt.
  + If a meeting is requested, written feedback will be provided at least 5 days prior to the scheduled meeting, and no later than 70 days from receipt of the accepted Pre-Sub. If all your questions are addressed to your satisfaction, you may cancel the meeting.

**What should i do following my pre-sub meeting or teleconference?**

* **Meeting Minutes**: A member of your team is responsible for drafting meeting minutes and providing to FDA for review. You should submit the meeting minutes to FDA within 15 calendar days of the meeting as an amendment to the Q-Sub. If slides were presented, the actual version used in the meeting or teleconference should be included with the draft minutes.
  + If FDA does not have any edits to the draft minutes, the minutes will be final, and FDA will communicate their acceptance of the minutes via e-mail.
  + If FDA does edit your draft minutes, FDA will e-mail those to you in a timely manner (generally within 30 days). Minutes edited by FDA will become final 15 calendar days after your receive FDA’s edits, unless you indicate to FDA that there is a disagreement with how a significant issue or action item has been documented.
* **Supplement**: If you have a new request for feedback or would like to have another meeting about the same or similar device and indications for use as your original Pre-Sub, you can submit a Q-Sub supplement. Each supplement is tracked by appending “/S” after the original followed by a three-digit sequential number (ex. “Q18001/S001”).
* **Amendment***:*  If you would like to submit any additional information relevant to your original Pre-Sub that does not represent a new request for feedback and/or meeting, you should submit a Q-Sub amendment. For example, this could include presentation slides, meeting minutes, minor clarifications, or requests to change contact information. Each amendment is tracked by appending “/A’ after the original or supplement to which it applies (ex. “Q18001/A001” or “Q18001/S001/A001”).
* **Future Submissions**: Many Pre-Subs are followed by marketing submissions, IDEs, and/or supplementary Q-Sub interactions. To help link your Pre-Subs to the subsequent related submissions, you should identify the relevant Pre-Sub(s) in the cover letter of any subsequent related submission.

**Where can I get more information on the pre-sub process?**

Additional Information on the pre-sub process can be found in the FDA guidance *Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program*

<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/requests-feedback-and-meetings-medical-device-submissions-q-submission-program>

1. A volume-based eCopy is generally recommended for large or complex submissions in order to facilitate the review of the submission. This eCopy structure includes volumes (i.e., folders) at the root level. [↑](#footnote-ref-1)