Unsolicited Request Process

For Distributors

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Biocomposites®

Unsolicited Request Process for Off Label Information

Once a device has been approved or cleared by FDA, generally, health care professionals can lawfully use or prescribe that product for uses or treatment indications that are not included in the device's statement of intended uses.

FDA recognizes that these off-label uses may be important therapeutic options and may even constitute a medically recognized standard of care.

If a manufacturer responds to an unsolicited request for off-label information in the manner described in current FDA Guidance, FDA does not intend to use such responses as evidence of the manufacturer's intent that its product be used for an unapproved or uncleared use.

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Key Definitions

Solicited Request

- A request that is prompted in any way by a manufacturer or its representatives.
- Responding to solicited off-label questions can be considered evidence of an intended new use or misbranding. Thus, soliciting off-label questions must be avoided.

Unsolicited Request

- Initiated by persons completely independent of the manufacturer or its representatives.
- As a representative of Biocomposites, a specific procedure must be followed when unsolicited requests for off-label information are received regarding all Biocomposites' devices. The Biocomposites' process has been carefully developed in accordance with FDA guidance for industry.

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Stimulan Clearance

- Stimulan (FDA 510K #K141830) is cleared for use to fill a bone void or defect of the skeletal system (i.e. extremities, pelvis and posterolateral spine) created by: surgery, a cyst, a tumor, osteomyelitis or traumatic injury.
- Stimulan is indicated only for bone voids or defects/gaps that are not intrinsic to the stability of the bony structure.
- Stimulan paste can be digitally packed into the bone void to set in-situ, or molded into solid implants that are to be gently packed into the defect

- Stimulan is biodegradable and biocompatible and may be used at an infected site.

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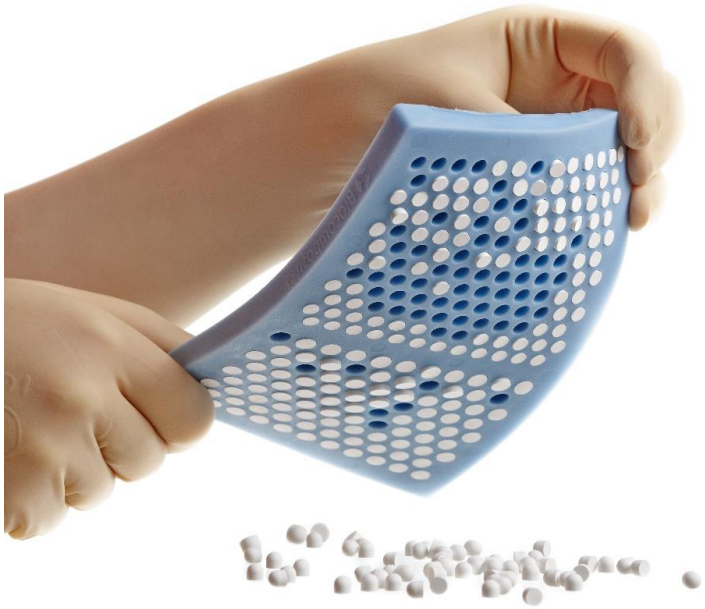
Dealing with Unsolicited Requests



Primarily due to the clearance of use at an infected site, Biocomposites and its representatives may receive unsolicited requests from customers regarding Stimulan in off-label applications.

In order to respond to a customer with an off-label question (such as mixing Stimulan with antimicrobials), the following Biocomposites' process must be utilized.

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Procedure – Standard Requests

1. Representative receives an unsolicited request/question for off-label information from a customer.

2. Representative explains to the customer that the request involves a use of the device that is not currently FDA cleared/approved. To comply with current FDA guidance and the manufacturer's policy, the request will be routed to the manufacturer's compliance unit for response.
   - The customer can expect to receive an email response within 1-10 business days, depending on the complexity of the request

3. Representative provides to Biocomposites Regional Manager:
   - Requestor's full name/credentials, affiliated institution, email address
   - The specific question(s) / request(s)
   - Note any deadlines for the information, if applicable

4. Biocomposites' compliance staff will respond directly to the requestor in a 1-on-1 email communication, which typically includes:
   - Cover letter
   - Current US Instructions for Use for the relevant Biocomposites device(s)
   - List(s) of relevant peer reviewed literature (web links provided for freely available references)

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Procedure – Urgent Requests

If a customer requires an immediate response to an off-label use question (i.e. *patient in surgery*):

1. Clearly respond to the customer that the question is in regard to a use of the product that is not currently FDA approved and that Biocomposites' Compliance Unit will follow up with a written response.

2. Respond verbally whenever possible.

3. Only respond with information within your sphere of knowledge. For example:
   - "I am aware that Dr. X at Hospital Y does _____."
   - "I believe that the addition of X may extend the setting time by N minutes."

4. If you must respond by text or email, include (*template available*):
   - Statement that the question is in reference to a question not cleared by FDA.
   - Statement that the question will be routed to the manufacturer's compliance unit.

5. After responding to the customer:
   - Forward correspondence record to Biocomposites' Regional Manager, who will route to compliance unit for formal follow up.
   - Include customer's full name, email address, institution and the details of the unsolicited request, as per the standard procedure.

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Template for responding to an urgent request by text or email

Dear Doctor,

The question you have posed relates to a use of the product that is not currently cleared by the FDA. I will forward your question to Biocomposites' Compliance Unit via the company's Unsolicited Request process. You should expect to receive an email response containing a list of any existing well-balanced, relevant medical literature.

However, since you have requested an immediate response related to emergency patient care, I would like to inform you I am aware of the following: _____.

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Tips

Phrase emailed requests as closely as possible to requestor's actual verbal request.

Always avoid interpreting and elaborating.

Provision of full text copies of papers with associated copyright costs are subject to Physician Payments Sunshine Act reporting requirements.

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Capturing the Question

Each question must contain a level of detail necessary for a specific response to be provided in return. Common elements of a specific question:

Data Type

- Clinical data
- Efficacy data
- Elution data

Product

- Company device name
- Component of a company device

Use

- Indication
- Procedure name

Remember to include the off label element.

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References

FDA Draft Guidance for Industry:

Responding to Unsolicited Requests for Off-Label Information about Prescription Drugs and Medical Devices.

FDA Guidance for Industry:

Good Reprint Practices for the Distribution of Medical Journal Articles and Medical or Scientific Reference Publications on Unapproved New Uses of Approved Drugs and Approved or Cleared Medical Devices.

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Further Information

For any further information please contact your Biocomposites' Regional Manager.

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