

(2) Any personal, medical, and similar information (including the serial number of implanted devices), which would constitute an invasion of personal privacy under §20.63 of this chapter. FDA will disclose to a patient who requests a report, all the information in the report concerning that patient, as provided in §20.61 of this chapter; and

(3) Any names and other identifying information of a third party voluntarily submitting an adverse event report.

(c) FDA may not disclose the identity of a device user facility which makes a report under this part except in connection with:

(1) An action brought to enforce section 301(q) of the act, including the failure or refusal to furnish material or information required by section 519 of the act;

(2) A communication to a manufacturer of a device which is the subject of a report required by a user facility under §803.30;

(3) A disclosure relating to a manufacturer or distributor adverse event report that is required under section 519(a) of the act; or

(4) A disclosure to employees of the Department of Health and Human Services, to the Department of Justice, or to the duly authorized committees and subcommittees of the Congress.

§803.10 General description of reports required from user facilities and manufacturers.

(a) *Device user facilities.* User facilities must submit the following reports, which are described more fully in subpart C of this part.

(1) User facilities must submit MDR reports of individual adverse events within 10 days after the user facility becomes aware of an MDR reportable event as described in §§803.30 and 803.32.

(i) User facilities must submit reports of device-related deaths to FDA and to the manufacturer, if known.

(ii) User facilities must submit reports of device-related serious injuries to manufacturers, or to FDA, if the manufacturer is unknown.

(2) User facilities must submit semi-annual reports as described in §803.33.

(b) [Reserved]

(c) *Device manufacturers.* Manufacturers must submit the following reports as described more fully in subpart E of this part:

(1) MDR reports of individual adverse events within 30 days after the manufacturer becomes aware of a reportable death, serious injury, or malfunction as described in §§803.50 and 803.52.

(2) MDR reports of individual adverse events within 5 days of:

(i) Becoming aware that a reportable MDR event requires remedial action to prevent an unreasonable risk of substantial harm to the public health or,

(ii) Becoming aware of an MDR reportable event for which FDA has made a written request, as described in §803.53.

(3) Annual baseline reports as described in §803.55.

(4) Supplemental reports if they obtain information that was not provided in an initial report as described in §803.56.

(5) Annual certification to FDA of the number of MDR reports filed during the preceding year as described in §803.57.

§803.11 Obtaining the forms.

User facilities and manufacturers must submit all reports of individual adverse events on FDA Form 3500A (MEDWATCH form) or in an electronic equivalent as approved under §803.14. This form and all other forms referenced in this section can also be obtained from the Consolidated Forms and Publications Office, Washington Commerce Center, 3222 Hubbard Rd., Landover, MD 20785, or from the Division of Small Manufacturers Assistance, Office of Health and Industry Programs, Center for Devices and Radiological Health, 1350 Piccard Dr. (HFZ-220), Rockville, MD 20850, telephone facsimile (FAX) 301-443-8818. FDA Form 3500A may also be obtained from the Food and Drug Administration, MEDWATCH (HF-2), 5600 Fishers Lane, rm. 9-57, Rockville, MD 20850, 301-443-0117.

§803.12 Where to submit reports.

(a) Any written report or additional information required under this part shall be submitted to: Food and Drug Administration, Center for Devices and

Radiological Health, Medical Device Reporting, PO Box 3002, Rockville, MD 20847–3002.

(b) Each report and its envelope shall be specifically identified, e.g., “User Facility Report,” “SemiAnnual Report,” “Manufacturer Report,” “5-Day Report,” “Baseline Report,” etc.

(c) If an entity is confronted with a public health emergency, this can be brought to FDA’s attention by contacting the FDA Emergency Operations Branch (HFC–162), Office of Regional Operations, at 301–443–1240, and should be followed by the submission of a FAX report to 301–443–3757.

(d) A voluntary telephone report may be submitted to, or information regarding voluntary reporting may be obtained from, the MEDWATCH hotline at 800–FDA–1088.

§ 803.13 English reporting requirement.

(a) All reports required in this part which are submitted in writing or electronic equivalent shall be submitted to FDA in English.

(b) All reports required in this part which are submitted on an electronic medium shall be submitted to FDA in a manner consistent with § 803.14.

§ 803.14 Electronic reporting.

(a) Any report required by this part may be submitted electronically with prior written consent from FDA. Such consent is revocable. Electronic report submissions include alternative reporting media (magnetic tape, disc, etc.) and computer-to-computer communication.

(b) Any electronic report meeting electronic reporting standards, guidelines, or other procedures developed by the agency for MDR reporting will be deemed to have prior approval for use.

§ 803.15 Requests for additional information.

(a) FDA may determine that protection of the public health requires additional or clarifying information for medical device reports submitted to FDA under this part. In these instances, and in cases when the additional information is beyond the scope of FDA reporting forms or is not readily accessible, the agency will notify

the reporting entity in writing of the additional information that is required.

(b) Any request under this section shall state the reason or purpose for which the information is being requested, specify the date that the information is to be submitted and clearly relate the request to a reported event. All verbal requests will be confirmed in writing by the agency.

§ 803.16 Disclaimers.

A report or other information submitted by a reporting entity under this part, and any release by FDA of that report or information, does not necessarily reflect a conclusion by the party submitting the report or by FDA that the report or information constitutes an admission that the device, or the reporting entity or its employees, caused or contributed to the reportable event. The reporting entity need not admit and may deny that the report or information submitted under this part constitutes an admission that the device, the party submitting the report, or employees thereof, caused or contributed to a reportable event.

§ 803.17 Written MDR procedures.

User facilities and manufacturers shall develop, maintain, and implement written MDR procedures for the following:

(a) Internal systems that provide for:

(1) Timely and effective identification, communication, and evaluation of events that may be subject to medical device reporting requirements;

(2) A standardized review process/procedure for determining when an event meets the criteria for reporting under this part; and

(3) Timely transmission of complete medical device reports to FDA and/or manufacturers;

(b) Documentation and record-keeping requirements for:

(1) Information that was evaluated to determine if an event was reportable;

(2) All medical device reports and information submitted to FDA and manufacturers;

(3) Any information that was evaluated for the purpose of preparing the submission of semiannual reports or certification; and