

## § 803.53

## 21 CFR Ch. I (4–1–05 Edition)

### § 803.53 Five-day reports.

A manufacturer shall submit a 5-day report to FDA, on Form 3500A or electronic equivalent as approved by FDA under § 803.14 within 5 workdays of:

(a) Becoming aware that a reportable MDR event or events, from any information, including any trend analysis, necessitates remedial action to prevent an unreasonable risk of substantial harm to the public health; or

(b) Becoming aware of an MDR reportable event for which FDA has made a written request for the submission of a 5-day report. When such a request is made, the manufacturer shall submit, without further requests, a 5-day report for all subsequent events of the same nature that involve substantially similar devices for the time period specified in the written request. The time period stated in the original written request can be extended by FDA if it is in the interest of the public health.

### § 803.55 Baseline reports.

(a) A manufacturer shall submit a baseline report on FDA Form 3417, or electronic equivalent as approved by FDA under § 803.14 for a device when the device model is first reported under § 803.50.

(b) Each baseline report shall be updated annually, on the anniversary month of the initial submission, after the initial baseline report is submitted. Changes to baseline information shall be reported in the manner described in § 803.56 (i.e., include only the new, changed, or corrected information in the appropriate portion(s) of the report form). Baseline reports shall contain the following:

(1) Name, complete address, and registration number of the manufacturer's reporting site. If the reporting site is not registered, FDA will assign a temporary registration number until the reporting site officially registers. The manufacturer will be informed of the temporary registration number;

(2) FDA registration number of each site where the device is manufactured;

(3) Name, complete address, and telephone number of the individual who has been designated by the manufacturer as its MDR contact and date of the report. For foreign manufacturers,

a confirmation that the individual submitting the report is the agent of the manufacturer designated under § 803.58(a) is required;

(4) Product identification, including device family, brand name, generic name, model number, catalog number, product code and any other product identification number or designation;

(5) Identification of any device previously reported in a baseline report that is substantially similar (e.g., same device with a different model number, or same device except for cosmetic differences in color or shape) to the device being reported, including the identification of the previously reported device by model number, catalog number or other product identification, and the date of the baseline report for the previously reported device;

(6) Basis for marketing, including 510(k) premarket notification number or PMA number, if applicable, and whether the device is currently the subject of an approved post-market study under section 522 of the act;

(7) Date the device was initially marketed and, if applicable, the date on which the manufacturer ceased marketing the device;

(8) Shelf life, if applicable, and expected life of the device;

(9) The number of devices manufactured and distributed in the last 12 months and, an estimate of the number of devices in current use; and

(10) Brief description of any methods used to estimate the number of devices distributed and the method used to estimate the number of devices in current use. If this information was provided in a previous baseline report, in lieu of resubmitting the information, it may be referenced by providing the date and product identification for the previous baseline report.

EFFECTIVE DATE NOTE: At 61 FR 39869, July 31, 1996, in § 803.55, paragraphs (b)(9) and (10) were stayed indefinitely.

### § 803.56 Supplemental reports.

When a manufacturer obtains information required under this part that was not provided because it was not known or was not available when the initial report was submitted, the manufacturer shall submit to FDA the supplemental information within 1 month

following receipt of such information. In supplemental reports, the manufacturer shall:

(a) Indicate on the form and the envelope, that the reporting form being submitted is a supplemental report. If the report being supplemented is an FDA Form 3500A report, the manufacturer must select, in Item H-2, the appropriate code for the type of supplemental information being submitted;

(b) Provide the appropriate identification numbers of the report that will be updated with the supplemental information, e.g., original manufacturer report number and user facility report number, if applicable;

(c) For reports that cross reference previous reports, include only the new, changed, or corrected information in the appropriate portion(s) of the respective form(s).

#### § 803.58 Foreign manufacturers.

(a) Every foreign manufacturer whose devices are distributed in the United States shall designate a U.S. agent to be responsible for reporting in accordance with § 807.40 of this chapter. The U.S. designated agent accepts responsibility for the duties that such designation entails. Upon the effective date of this regulation, foreign manufacturers shall inform FDA, by letter, of the name and address of the U.S. agent designated under this section and § 807.40 of this chapter, and shall update this information as necessary. Such updated information shall be submitted to FDA, within 5 days of a change in the designated agent information.

(b) U.S.-designated agents of foreign manufacturers are required to:

(1) Report to FDA in accordance with §§ 803.50, 803.52, 803.53, 803.55, and 803.56;

(2) Conduct, or obtain from the foreign manufacturer the necessary information regarding, the investigation and evaluation of the event to comport with the requirements of § 803.50;

(3) Forward MDR complaints to the foreign manufacturer and maintain documentation of this requirement;

(4) Maintain complaint files in accordance with § 803.18; and

(5) Register, list, and submit pre-market notifications in accordance with part 807 of this chapter.

[60 FR 63597, Dec. 11, 1995, as amended at 66 FR 23157, May 8, 2001]

EFFECTIVE DATE NOTE: At 61 FR 38347, July 23, 1996, § 803.58 was stayed indefinitely.

EFFECTIVE DATE NOTE: At 70 FR 9519, Feb. 23, 2005, part 803 was revised effective July 13, 2005. For the convenience of the user, the revised text is set forth as follows:

## PART 803—MEDICAL DEVICE REPORTING

### Subpart A—General Provisions

Sec.

- 803.1 What does this part cover?  
 803.3 How does FDA define the terms used in this part?  
 803.9 What information from the reports do we disclose to the public?  
 803.10 Generally, what are the reporting requirements that apply to me?  
 803.11 What form should I use to submit reports of individual adverse events and where do I obtain these forms?  
 803.12 Where and how do I submit reports and additional information?  
 803.13 Do I need to submit reports in English?  
 803.14 How do I submit a report electronically?  
 803.15 How will I know if you require more information about my medical device report?  
 803.16 When I submit a report, does the information in my report constitute an admission that the device caused or contributed to the reportable event?  
 803.17 What are the requirements for developing, maintaining, and implementing written MDR procedures that apply to me?  
 803.18 What are the requirements for establishing and maintaining MDR files or records that apply to me?  
 803.19 Are there exemptions, variances, or alternative forms of adverse event reporting requirements?

### Subpart B—Generally Applicable Requirements for Individual Adverse Event Reports

- 803.20 How do I complete and submit an individual adverse event report?  
 803.21 Where can I find the reporting codes for adverse events that I use with medical device reports?  
 803.22 What are the circumstances in which I am not required to file a report?

### Subpart C—User Facility Reporting Requirements

- 803.30 If I am a user facility, what reporting requirements apply to me?