



AMERICAN ACADEMY OF  
ORTHOPAEDIC SURGEONS

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Andrew C. Von Eschenbach, M.D.  
FDA Commissioner  
Division of Dockets Management (HFA-305)  
Food and Drug Administration (FDA)  
5630 Fishers Lane, Rm. 1061  
Rockville, MD 20852

RE: Docket Number 2007D.0106

The American Academy of Orthopaedic Surgeons (AAOS/Academy), representing over 17,000 Board certified orthopaedic surgeons, welcomes the opportunity to comment on the proposed Guidance for Clinical Investigators, Sponsors, and IRBs: Adverse Event Reporting – Improving Human Subject Protection as published in the Federal Register on April 9, 2007.

The AAOS commends the FDA for addressing concerns over the increasing volume of “unanticipated problem” reports related to human subjects testing whereby those reports may not have a significant impact on the subjects or on the outcome of the study. The Academy shares the FDA’s concerns for patient safety and champions its efforts to insure the protection of the rights and welfare of human subjects without placing undue burden on the Institutional Review Boards (IRBs) tasked with their oversight. The AAOS understands that reports lacking sufficient context and detail do not provide useful information for the assessment of a subject’s rights and welfare and that similar problems exist in other adverse event reporting systems. We believe that it is imperative that users be educated and that every opportunity be taken to improve these systems so that they may function in the most efficient and effective manner possible.

#### Determination of an Adverse Event as an Unanticipated Problem

The Academy agrees with the FDA’s assessment of the inherent challenge of categorizing an adverse event report as an unanticipated problem and the need for careful consideration of whether the adverse event warrants a report to the IRB. The subset of adverse drug experiences the FDA proposes to be considered as unanticipated problems provides useful criteria for the categorization of these events. The Academy believes that the recommendations will support the submission of useful information to IRBs.

## Reporting Unanticipated Problems to IRBs

The AAOS believes that the central role of sponsors in the coordination of these studies makes them well suited to manage the submission of unanticipated problems to IRBs. Additionally, the sponsor's relationship to multiple study sites will enable them to more readily identify trends that would otherwise appear as isolated incidents and to act in a manner to reduce the potential harm from these events.

## Definition of Adverse Events

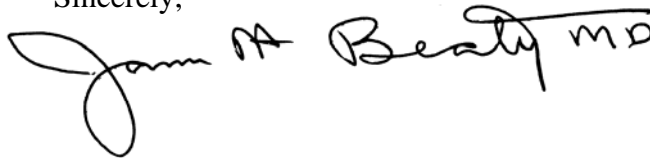
As noted in our April 25, 2005 comment to the FDA regarding Medical Device Reporting proposed rules, the Academy remains concerned with the definition of *adverse event*. *Adverse event* is defined as "any undesirable experience associated with the use of a medical product in a patient." The AAOS considers this definition overly broad and deficient in specificity. While the AAOS strongly supports reporting adverse events observed with medical products, we recommend the FDA adopt definitions that provide more specificity to user facilities and/or physicians in ascertaining whether the medical product was or may have been a factor in a death or serious injury. The Academy suggests the following definition for *adverse event*: "any undesirable experience for which the medical product cannot be ruled out as the cause."

The AAOS believes that modifying the language as noted will reduce ambiguity in reporting to IRBs and the FDA. We believe that failure to revise this language will continue to contribute to over-reporting as a result of definitions that are too broad. Furthermore, the revision will serve to facilitate the collection of data more precisely attributable to the medical product(s) in use.

We commend the FDA for its actions to clarify the reporting requirements of adverse events that may constitute unanticipated problems. We advocate for further refinement of the definitions mentioned above, both to elucidate the proposed guidance and provide direction for reporting. The Academy looks forward to working with the FDA on future initiatives to promote the assurance the protection of the rights and welfare of human subjects.

Thank you for your consideration in this matter.

Sincerely,



James H. Beaty, MD  
President, AAOS