



Food and Drug Administration
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Focus Diagnostics, Inc.
C/O Sharon Young, Senior Regulatory Affairs Specialist
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March 24, 2014

Re: k133621
Simplexa™ HSV 1 & 2 Direct
Evaluation of Automatic Class III Designation – *De Novo* Request
Regulation Number: 21 CFR 866.3307
Regulation Name: Herpes simplex virus nucleic acid-based assay for central nervous system
infections
Regulatory Classification: Class II
Product Code: PGH
Dated: November 19, 2013
Received: December 4, 2013

Dear Ms. Young:

This letter corrects our letter sent March 21, 2014 and dated March 21, 2013.

The Center for Devices and Radiological Health (CDRH) of the Food and Drug Administration (FDA) has completed its review of your *de novo* request for classification of the Simplexa™ HSV 1 & 2 Direct, a prescription device under 21 CFR Part 801.109. The intended use of the Simplexa™ HSV 1 & 2 Direct is

The Focus Diagnostics Simplexa™ HSV 1 & 2 Direct is intended for use on the 3M Integrated Cycler instrument for the qualitative detection and differentiation of HSV-1 and HSV-2 DNA in cerebrospinal fluid (CSF) samples from patients suspected of Herpes Simplex Virus (HSV) infections of the central nervous system (CNS). This test is intended as an aid in the diagnosis of HSV-1 and HSV-2 infections of the CNS.

Negative results do not preclude HSV-1 or HSV-2 infection and should not be used as the sole basis for treatment or other patient management decisions.

The assay is not intended for use as a donor screening test. The assay is for professional use only.

The Positive Control is intended to be used as a control with the Simplexa™ HSV 1 & 2 Direct. This control is not intended for use with other assays or systems.

FDA concludes that this device, and substantially equivalent devices of this generic type, should be classified into class II. This order, therefore, classifies the Simplexa™ HSV 1 & 2 Direct, and substantially equivalent devices of this generic type, into class II under the generic name, “Herpes simplex virus nucleic acid-based assay for central nervous system infections”

FDA identifies this generic type of device as: Herpes simplex virus nucleic acid-based assay for central nervous system infections.

A herpes simplex virus nucleic acid-based assay for central nervous system infections is a qualitative *in vitro* diagnostic device intended for detection and differentiation of HSV-1 and HSV-2 in cerebrospinal fluid (CSF) samples from patients suspected of Herpes Simplex Virus (HSV) infections of the central nervous system (CNS). This test is intended as an aid in the diagnosis of HSV-1 and HSV-2 infections of the CNS. Negative results do not preclude HSV-1 or HSV-2 infection and should not be used as the sole basis for treatment or other patient management decisions.

Section 513(f)(2) of the FD&C Act was amended by section 607 of the Food and Drug Administration Safety and Innovation Act (FDASIA) on July 9, 2012. This new law provides two options for *de novo* classification. First, any person who receives a "not substantially equivalent" (NSE) determination in response to a 510(k) for a device that has not been previously classified under the Act may, within 30 days of receiving notice of the NSE determination, request FDA to make a risk-based classification of the device under section 513(a)(1) of the Act. Alternatively, any person who determines that there is no legally marketed device upon which to base a determination of substantial equivalence may request FDA to make a risk-based classification of the device under section 513(a)(1) of the Act without first submitting a 510(k). FDA shall, within 120 days of receiving such a request, classify the device. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** classifying the device type.

On December 4, 2013, FDA received your *de novo* requesting classification of the Simplexa™ HSV 1 & 2 Direct into class II. The request was submitted under section 513(f)(2) of the FD&C Act. In order to classify the Simplexa™ HSV 1 & 2 Direct into class I or II, it is necessary that the proposed class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

After review of the information submitted in the *de novo* request, FDA has determined that the Simplexa™ HSV 1 & 2 Direct intended for use as follows

The Focus Diagnostics Simplexa™ HSV 1 & 2 Direct is intended for use on the 3M Integrated Cycler instrument for the qualitative detection and differentiation of HSV-1 and HSV-2 DNA in cerebrospinal fluid (CSF) samples from patients suspected of Herpes Simplex Virus (HSV) infections of the central nervous system (CNS). This test is intended as an aid in the diagnosis of HSV-1 and HSV-2 infections of the CNS.

Negative results do not preclude HSV-1 or HSV-2 infection and should not be used as the sole basis for treatment or other patient management decisions.

The assay is not intended for use as a donor screening test. The assay is for professional use only.

The Positive Control is intended to be used as a control with the Simplexa™ HSV 1 & 2 Direct. This control is not intended for use with other assays or systems.

can be classified in class II with the establishment of special controls for this type of device. FDA believes that the class II special controls identified later in this order, along with the applicable general controls, provide reasonable assurance of the safety and effectiveness of the device type.

Table – Identified Risks and Required Mitigations

Identified Risks	Required Mitigations
Risk of false results	Special controls (1), (2), and (3)
Failure to correctly interpret test results	Special controls (4) and (5)
Failure to correctly operate the instrument	Special controls (6) and (7)

In addition to the general controls of the FD&C Act, a herpes simplex virus nucleic acid-based assay for central nervous system infections is subject to the following special controls:

- 1) Premarket notification submissions must include detailed documentation for the device description, including the device components, ancillary reagents required but not provided, and a detailed explanation of the methodology including primer design and selection.
- 2) Premarket notification submissions must include detailed documentation from the following analytical and clinical performance studies: Analytical sensitivity (Limit of Detection), reactivity, inclusivity, precision, reproducibility, interference, cross reactivity, carry-over, and cross contamination. Premarket notification submissions must also document reagent and sample stability recommendations.
- 3) Premarket notification submissions must include detailed documentation from a clinical study. The study, performed on a study population consistent with the intended use population, must compare the device performance to the results of two PCR methods followed by bidirectional sequencing.
- 4) A detailed explanation of the interpretation of results and acceptance criteria must be included in the device's 21 CFR 809.10(b)(9) compliant labeling.
- 5) The device labeling must include a limitation statement that reads: "Negative results do not preclude HSV-1 or HSV-2 infection and should not be used as the sole basis for treatment or other patient management decisions."

- 6) Premarket notification submissions must include quality assurance protocols and a detailed documentation for device software, including, but not limited to, standalone software applications and hardware-based devices that incorporate software.
- 7) The risk management activities performed as part of the manufacturer's 21 CFR 820.30 design controls must document an appropriate end user device training program that will be offered as part of efforts to mitigate the risk of failure to correctly operate the instrument.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device type. FDA has determined premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device type and, therefore, the device is not exempt from the premarket notification requirements of the FD&C Act. Thus, persons who intend to market this device type must submit a premarket notification containing information on the herpes simplex virus nucleic acid-based assay for central nervous system infections they intend to market prior to marketing the device and receive clearance to market from FDA.

A notice announcing this classification order will be published in the **Federal Register**. A copy of this order and supporting documentation are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852 and are available for inspection between 9 a.m. and 4 p.m., Monday through Friday.

As a result of this order, you may immediately market your device as described in the *de novo* request, subject to the general control provisions of the FD&C Act and the special controls identified in this order.

If you have any questions concerning this classification order, please contact Sharon Liang at 301-796-9601.

Sincerely yours,

Sally A. Hojvat -S

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