



September 9, 2022

Vesalio
% Sigi Caron, MBA, RAC
Chief Executive Officer
Biologics and Medical Device Consulting Group (BioMDg)
377 Second Tee Drive
Incline Village, Nevada 89451

Re: H210004
HUD Number: 17-0390
Trade/Device Name: NeVa VS
Product Code: QTK
Filed: September 20, 2021
Amended: May 6, 2022

Dear Sigi Caron:

The Center for Devices and Radiological Health (CDRH) of the Food and Drug Administration (FDA) has completed its review of your humanitarian device exemption (HDE) application for the NeVa VS. This device is indicated for use as an adjunct treatment for symptomatic cerebral vasospasm in the internal carotid artery (ICA), middle cerebral artery (MCA), anterior cerebral artery (ACA), posterior cerebral artery (PCA), or basilar artery caused by aneurysmal subarachnoid hemorrhage in adults 22 years of age or older who have exhausted maximal medical treatment and have had the intracranial aneurysm secured by either surgical or endovascular intervention. Symptomatic cerebral vasospasm is defined as more than 50% narrowing of the indicated cerebral vessels confirmed by angiographic imaging and a decreased level of consciousness or a focal neurological deficit. We are pleased to inform you that the HDE is approved. You may begin commercial distribution of the device in accordance with the conditions of approval described below. Although this letter refers to your product as a device, please be aware that some approved products may instead be combination products. The Premarket Approval Database located at <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPMA/pma.cfm> identifies combination product submissions.

The sale and distribution of this device are restricted to prescription use in accordance with 21 CFR 801.109 and under section 515(d)(1)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (the act). The device is further restricted under section 515(d)(1)(B)(ii) of the act insofar as the labeling must specify the specific training or experience practitioners need in order to use the device. FDA has determined that these restrictions on sale and distribution are necessary to provide reasonable assurance of the safety and probable benefit of the device. Your device is therefore a restricted device subject to the requirements in sections 502(q) and (r) of the act, in addition to the many other FDA requirements governing the manufacture, distribution, and marketing of devices.

Expiration dating for this device has been established and approved at 2 years. This is to advise you that the protocol you used to establish this expiration dating is considered an approved protocol for the purpose of extending the expiration dating as provided by 21 CFR 814.108 and 21 CFR 814.39(a)(7).

Continued approval of the HDE is contingent upon the submission of periodic reports, required under 21 CFR 814.126, at intervals of one year (unless otherwise specified) from the date of approval of the original HDE. This report, identified as "Annual Report" and bearing the applicable HDE reference number, should be submitted to the address below. The Annual Report should indicate the beginning and ending date of the period covered by the report and should include the information required by 21 CFR 814.126.

In accordance with 21 CFR 814.124, an HDE holder is responsible for ensuring that a humanitarian use device (HUD) under an approved HDE is administered only in facilities having institutional review board (IRB) oversight. In addition, approval by an IRB or an appropriate local committee is required before the HUD can be used at a facility, with the exception of emergency use. An HDE holder is also required to maintain records of the names and addresses of the facilities to which the HUD has been shipped, correspondence with reviewing IRBs as well as any other information requested by a reviewing IRB or FDA (21 CFR 814.126(b)(2)).

This is a reminder that as of September 24, 2014, class III devices are subject to certain provisions of the final Unique Device Identification (UDI) rule. These provisions include the requirement to provide a UDI on the device label and packages (21 CFR 801.20), format dates on the device label in accordance with 21 CFR 801.18, and submit data to the Global Unique Device Identification Database (GUDID) (21 CFR 830 Subpart E). For more information on these requirements, please see the UDI website, <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/unique-device-identification-udi-system>.

Before making any change affecting the safety or probable benefit of the HDE device, you must submit an HDE supplement or an alternate submission (30-day notice) in accordance with 21 CFR 814.108 and 814.39 except a request for a new indication for use of a humanitarian use device (HUD). A request for a new indication for use for an HUD shall comply with the requirements set forth in 21 CFR 814.110 which includes obtaining a new designation of HUD status for the new indication for use and submission of an original HDE application in accordance with §814.104. The application for the new indication for use may incorporate by reference any information or data previously submitted to the agency.

You are reminded that many FDA requirements govern the manufacture, distribution, and marketing of devices. For example, in accordance with the Medical Device Reporting (MDR) regulation, 21 CFR 803.50 and 21 CFR 803.52 for devices or post-marketing safety reporting (21 CFR 4, Subpart B) for combination products, you are required to report adverse events for this device. Manufacturers of medical devices, including in vitro diagnostic devices, are required to report to FDA no later than 30 calendar days after the day they receive or otherwise becomes aware of information, from any source, that reasonably suggests that one of their marketed devices:

1. May have caused or contributed to a death or serious injury; or
2. Has malfunctioned and such device or similar device marketed by the manufacturer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur.

Additional information on MDR, including how, when, and where to report, is available at <https://www.fda.gov/medical-devices/medical-device-safety/medical-device-reporting-mdr-how-report-medical-device-problems> and on combination product post-marketing safety reporting is available at (see <https://www.fda.gov/combination-products/guidance-regulatory-information/postmarketing-safety-reporting-combination-products>).

In accordance with the recall requirements specified in 21 CFR 806.10 for devices or the post-marketing safety reporting requirements (21 CFR 4, Subpart B) for combination products, you are required to submit a written report to FDA of any correction or removal of this device initiated by you to: (1) reduce a risk to health posed by the device; or (2) remedy a violation of the act caused by the device which may present a risk to health, with certain exceptions specified in 21 CFR 806.10(a)(2). Additional information on recalls is available at <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/industry-guidance-recalls>.

This device may not be sold for an amount that exceeds the costs of research and development, fabrication, and distribution of the device. See section 520(m)(3) of the Federal Food, Drug, and Cosmetic Act.

CDRH does not evaluate information related to contract liability warranties. We remind you, however, that device labeling must be truthful and not misleading. CDRH will notify the public of its decision to approve your HDE by making available, among other information, a summary of the safety and probably benefit data upon which the approval is based. The information can be found on the FDA CDRH Internet Home Page located at

<https://www.fda.gov/medical-devices/device-approvals-denials-and-clearances/pma-approvals>. Written requests for this information can also be made to the Food and Drug Administration, Dockets Management Branch, (HFA-305), 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. The written request should include the HDE number or docket number. Within 30 days from the date that this information is placed on the Internet, any interested person may seek review of this decision by submitting a petition for review under section 515(g) of the act and requesting either a hearing or review by an independent advisory committee. FDA may, for good cause, extend this 30-day filing period.

Failure to comply with any post-approval requirement constitutes a ground for withdrawal of approval of a HDE. The introduction or delivery for introduction into interstate commerce of a device that is not in compliance with its conditions of approval is a violation of law.

You are reminded that, as soon as possible and before commercial distribution of your device, you must submit an amendment to this HDE submission with a copy of all final labeling. Final labeling that is identical to the labeling approved in draft form will not routinely be reviewed by FDA staff when accompanied by a cover letter stating that the final labeling is identical to the labeling approved in draft form. If the final labeling is not identical, any changes from the final draft labeling should be highlighted and explained in the amendment.

All required documents should be submitted, unless otherwise specified, to the address below and should reference the above HDE number to facilitate processing.

U.S. Food and Drug Administration
Center for Devices and Radiological Health
Document Control Center - WO66-G609
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

If you have any questions concerning this approval order, please contact Leigh Anderson at 301-796-5613 or Leigh.Anderson@fda.hhs.gov.

Sincerely,

David P. McMullen -S

David McMullen, M.D.

Director

OHT5: Office of Neurological

and Physical Medicine Devices

Office of Product Evaluation and Quality

Center for Devices and Radiological Health