



**VIA SIGNATURE CONFIRMED DELIVERY**

January 2, 2018

Mr. David Lamb, Owner  
Professional Pharmacy Services, Inc.  
dba Good Day Pharmacy  
3780 E 15th Street, Suite 102  
Loveland, CO 80538-5037

Dear Mr. Lamb:

From July 11, 2016, to July 18, 2016, U.S. Food and Drug Administration (FDA) investigators inspected your facility, Professional Pharmacy Services, Inc., dba Good Day Pharmacy, located at 2033 Boise Avenue, Loveland, CO 80538-5037. During the inspection, the investigator noted that drug products you produced failed to meet the conditions of section 503A of the Federal Food, Drug, and Cosmetic Act (FDCA) [21 U.S.C. § 353a] for exemption from certain provisions of the FDCA.

Based on this inspection, it appears you produced drug products that violate the FDCA.

**A. Compounded Drug Products Under the FDCA**

Section 503A of the FDCA describes the conditions under which human drug products compounded by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, qualify for exemptions from three sections of the FDCA: compliance with current good manufacturing practices (CGMP) (section 501(a)(2)(B)); labeling with adequate directions for use (section 502(f)(1)); and FDA approval prior to marketing (section 505) [21 U.S.C. §§ 351(a)(2)(B), 352(f)(1) and 355(a)].<sup>1</sup> Receipt of valid prescriptions for individually-identified patients is one of the conditions for the exemptions under section 503A.

**B. Failure to Meet the Conditions of Section 503A**

During the inspection, the FDA investigators noted that drug products produced by your firm failed to meet the conditions of section 503A. For example, the investigators noted that your firm did not receive valid prescriptions for individually-identified patients for a portion of the drug products you produced.

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<sup>1</sup> We remind you that there are conditions other than those discussed in this letter that must be satisfied to qualify for the exemptions in section 503A of the FDCA.

Therefore, you compounded drug products that do not meet the conditions of section 503A and are not eligible for the exemptions in that section from the FDA approval requirement of section 502(f)(1) of the FDCA that labeling bear adequate directions for use and the requirement of compliance with CGMP under section 501(a)(2)(B) of the FDCA. In the remainder of this letter, we refer to your drug products that do not qualify for exemptions under section 503A as the “ineligible drug products”.

### **C. Violations of the FDCA**

The ineligible drug products you compounded are intended for conditions not amenable to self-diagnosis and treatment by individuals who are not medical practitioners; therefore, adequate directions for use cannot be written so that a layman can use these products safely for their intended uses. Consequently, their labeling fails to bear adequate directions for their intended uses.<sup>2</sup> Accordingly, these ineligible drug products are misbranded under section 502(f)(1) of the FDCA. It is a prohibited act under section 301(k) of the FDCA [21 U.S.C. § 331(k)] to do any act with respect to any human or animal drug, if such act is done while the drug is held for sale after shipment in interstate commerce and results in the drug being misbranded.

### **D. Corrective Actions**

As explained above, receipt of valid prescriptions for individually-identified patients is a condition of section 503A, which your firm failed to meet for a portion of the drug products you produced. In addition, we noted that in May 2016, your firm compounded drug products using hyaluronic acid sodium salt. Drug products compounded using hyaluronic acid sodium salt are not eligible for the exemptions provided by section 503A(a), because hyaluronic acid sodium salt is not the subject of an applicable United States Pharmacopoeia (USP) or National Formulary (NF) monograph, is not a component of an FDA-approved human drug, and does not appear on a list developed by the Secretary through regulation (“503A bulks list”) (section 503A(b)(1)(A)(i) of the FDCA).<sup>3</sup>

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<sup>2</sup> Your ineligible drug products are not exempted from the requirements of section 502(f)(1) of the FDCA by regulations issued by the FDA (see, e.g., 21 CFR 201.115).

<sup>3</sup> In January 2017, FDA issued revision 1 of a final guidance titled, *Interim Policy on Compounding Using Bulk Drug Substances Under Section 503A of the Federal Food, Drug, and Cosmetic Act*. This guidance describes FDA’s interim regulatory policy for State-licensed pharmacies, Federal facilities, and licensed physicians that compound human drug products using bulk drug substances that do not otherwise meet the conditions of section 503A(b)(1)(A)(i) while the 503A bulks list is being developed. Specifically, the guidance sets out the conditions under which FDA does not intend to take action against a State-licensed pharmacy, Federal facility, or licensed physician for compounding a drug product using a bulk drug substance that is not the subject of an applicable USP or NF monograph or a component of an FDA-approved drug, until the substance is identified in a final rule as included or not included on the 503A bulks list. These conditions include that the substance may be eligible for inclusion on the 503A bulks list, was nominated with adequate support for FDA to evaluate it, and has not been identified by FDA as a substance that appears to present significant safety risks pending further evaluation. Hyaluronic acid sodium salt was nominated for inclusion on the 503A bulks list. It has been identified as a substance that was not nominated with adequate support for FDA to evaluate the substance. For additional information, see the guidance at <https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM469120.pdf>

Should you continue to compound and distribute drug products that do not meet the conditions of section 503A, the compounding and distribution of such drugs would be subject to the new drug approval requirement, the requirement to label drug products with adequate directions for use, and the drug CGMP regulations.

**E. Conclusion**

The violations cited in this letter are not intended to be an all-inclusive statement of violations at your facility. You are responsible for investigating and determining the causes of the violations identified above and for preventing their recurrence or the occurrence of other violations. It is your responsibility to ensure that your firm complies with all requirements of federal law, including FDA regulations.

Within thirty (30) working days of receipt of this letter, please notify this office in writing if you have taken any steps to correct the violations. Please include an explanation of each step being taken to prevent the recurrence of the violations, as well as copies of related documentation. If you do not believe that the products discussed above are in violation of the FDCA, include your reasoning and any supporting information for our consideration. If you cannot complete the corrective actions within thirty (30) working days, state the reason for the delay and the time within which you will complete the correction.

Your written response should be addressed to:

CDR Steven E. Porter, Jr.  
Director, Division of Pharmaceutical Quality Operations IV  
United States Food and Drug Administration  
19701 Fairchild  
Irvine, California 92612

If you have questions regarding the contents of this letter, please contact Matthew Dionne, Pharm.D, by phone at (303) 236-3064 or via email at [Matthew.Dionne@fda.hhs.gov](mailto:Matthew.Dionne@fda.hhs.gov). Any correspondence should reference unique identifier CMS 523295.

Sincerely,



CDR Steven E. Porter, Jr.  
Director, Division of Pharmaceutical Quality Operations IV

SP: mrd

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