

December 12, 2022

SunYoung Jeong
SD Biosensor, Inc.
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Device: Pilot COVID-19 At-Home Test

EUA Number: EUA210661

Company: SD Biosensor, Inc.

Indication: Non-prescription home use for the qualitative detection of nucleocapsid protein antigen from SARS-CoV-2 with self-collected anterior nasal (nares) swab samples from individuals aged 14 years or older, or adult collected anterior nasal (nares) swab samples from individuals aged 2 years or older. This test is authorized for individuals with symptoms of COVID-19 within the first 6 days of symptom onset when tested at least twice over three days with at least 48 hours between tests, and for individuals without symptoms or other epidemiological reasons to suspect COVID-19 when tested at least three times over five days with at least 48 hours between tests. This test can be performed with or without the supervision of a telehealth proctor.

Dear SunYoung Jeong:

On December 24, 2021, based on your¹ request the Food and Drug Administration (FDA) issued an Emergency Use Authorization (EUA) for the COVID-19 At-Home Test, pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. §360bbb-3) for the indication stated in the letter.² Based on subsequent requests, FDA reissued the letter in its

¹ For ease of reference, this letter will use the term “you” and related terms to refer to SD Biosensor, Inc.

² The December 24, 2021, letter authorized the COVID-19 At-Home Test for non-prescription home use for the qualitative detection of nucleocapsid protein antigen from SARS-CoV-2 with: (1) Self-collected anterior nasal (nares) swab samples from individuals aged 14 years or older with symptoms of COVID-19 within the first 6 days of symptom onset, (2) Adult-collected anterior nasal (nares) swab samples from individuals aged 2 years or older with symptoms of COVID-19 within the first 6 days of symptom onset, and (3) Self-collected anterior nasal (nares) swab samples from individuals aged 14 years or older, or adult-collected anterior nasal (nares) swab samples from

entirety with revisions incorporated on January 5, 2022³ and April 4, 2022,⁴ and in addition granted updates on March 7, 2022,⁵ April 28, 2022,⁶ June 24, 2022,⁷ July 13, 2022,⁸ and October 14, 2022.⁹ Further, FDA revised the authorized uses and established one additional Condition of Authorization requiring updates to product labeling regarding repeat, or serial, testing, for all currently authorized SARS-CoV-2 antigen tests on November 1, 2022.¹⁰

On May 26, 2022 and November 14, 2022, you requested to amend your EUA. Based on these requests, and having concluded that revising the April 4, 2022, EUA is appropriate to protect the public health or safety under section 564(g)(2)(C) of the Act (21 U.S.C. § 360bbb-3(g)(2)(C)), FDA is reissuing the April 4, 2022, letter in its entirety with the revisions incorporated.¹¹ Pursuant to section 564 of the Act and the Scope of Authorization (Section II)

individuals aged 2 years or older, with or without symptoms or other epidemiological reasons to suspect COVID-19 when tested twice over three days with at least 24 hours (and no more than 48 hours) between tests.

³ On January 5, 2022, the revisions to the December 24, 2021, letter and authorized labeling included: (1) offering the test kit with a 4-pack option, in addition to the 1-, or 25-pack options offered, (2) updating the 1- and 25-pack box labels to fix a typographical error identified post authorization with respect to testing of users who are within the 6 days of symptom onset, to match the intended use, and not the 5 days as stated in original box labels, and (3) updates to the Fact Sheet for Healthcare Providers to fix some minor errors and update the date to match the date of reissuance.

⁴ On April 4, 2022, the revisions to the January 5, 2022, letter and authorized labeling included: (1) updating the device name of the product from “COVID-19 At-Home Test” to “Pilot COVID-19 At-Home Test,” (2) updates to the Scope of Authorization section in the letter for consistency with language used in more recent authorizations, (3) addition of Condition of Authorization M., and (4) update Conditions of Authorization X. and Y. to maintain the original 4 and 6 month timeline, respectively, afforded in the January 5, 2022, letter to 1 and 3 months, respectively.

⁵ On March 7, 2022, your request was granted to update the COVID-19 At-Home Test to support the product’s stability after exposure to conditions that may be encountered during shipping, based on the results of your transport stability study.

⁶ On April 28, 2022, your request was granted to update the Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use and the Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients with the results of your post authorization clinical evaluation study to further evaluate your product in pediatric individuals <14 years of age, performed to fulfill Condition of Authorization X. in the April 4, 2022 letter.

⁷ On June 24, 2022, your request was granted to update the Pilot COVID-19 At-Home Test to extend the shelf-life expiration date to 9 months, when stored at 2°C – 30°C, based on the results of your ongoing stability studies.

⁸ On July 13, 2022, FDA posted Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use and the Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients updated to enhance the accessibility of the labeling.

⁹ On October 14, 2022, your request was granted to update the Pilot COVID-19 At-Home Test to extend the shelf-life expiration date to 12 months, when stored at 2°C – 30°C, based on the results of your ongoing stability studies.

¹⁰ The Repeat Testing Revision Letter - November 1, 2022, can be accessed at:

<https://www.fda.gov/media/162799/download>.

¹¹ The revisions to the April 4, 2022, letter and authorized labeling include: (1) incorporating your response to Condition of Authorization (1) of the Repeat Testing Revision Letter dated November 1, 2022 to revise the authorized use(s) as required and described in Appendix A, and make various updates to the authorized labeling as required and described in Appendix B of the letter, (2) updating the intended use to include “*This test can be performed with or without the supervision of a telehealth proctor*” to facilitate a telehealth proctor supervised workflow, (3) adding Conditions of Authorization I. and J. associated with the telehealth proctor supervised workflow, (4) deleting Conditions of Authorization T. and X. in the April 4, 2022 letter as fulfilled through data submitted to the agency, (5) deleting Condition of Authorization R. in the April 4, 2022 letter in accordance with the Repeat Testing Revision Letter dated November 1, 2022, (6) providing an extension on the deadline for Condition of Authorization X. (below), (7) updating the Fact Sheet for Healthcare Providers with the revised intended use, and (8) adding a new outer box specific for the telehealth proctor supervised workflow.

and Conditions of Authorization (Section IV) of this reissued letter, your product¹² is now authorized for use consistent with the indication described above.

On February 4, 2020, pursuant to Section 564(b)(1)(C) of the Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad, and that involves the virus that causes COVID-19. Pursuant to Section 564 of the Act, and on the basis of such determination, the Secretary of HHS then declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of the virus that causes COVID-19 subject to the terms of any authorization issued under Section 564(a) of the Act.¹³

FDA considered the totality of scientific information available in authorizing the emergency use of your product for the indication above. A summary of the performance information FDA relied upon is contained in the “Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use” (identified below).

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the Act are met, I am authorizing the emergency use of your product, described in the Scope of Authorization of this letter (Section II), subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of your product meets the criteria for issuance of an authorization under Section 564(c) of the Act, because I have concluded that:

1. The SARS-CoV-2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that your product may be effective in diagnosing COVID-19, and that the known and potential benefits of your product when used for diagnosing COVID-19, outweigh the known and potential risks of your product; and
3. There is no adequate, approved, and available alternative to the emergency use of your product.¹⁴

II. Scope of Authorization

¹² For ease of reference, this letter will use the term “your product” to refer to the Pilot COVID-19 At-Home Test for the indication identified above.

¹³ U.S. Department of Health and Human Services, *Determination of a Public Health Emergency and Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act*, 21 U.S.C. § 360bbb-3. 85 FR 7316 (February 7, 2020).

¹⁴ No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the Act.

I have concluded, pursuant to Section 564(d)(1) of the Act, that the scope of this authorization is limited to the indication above.

Authorized Product Details

Your product is a lateral flow chromatographic immunoassay intended for the qualitative detection of nucleocapsid protein antigen from SARS-CoV-2. This test is authorized for non-prescription home use with self-collected anterior nasal (nares) swab samples from individuals aged 14 years or older, or adult collected anterior nasal (nares) swab samples from individuals aged 2 years or older. This test is authorized for individuals with symptoms of COVID-19 within the first 6 days of symptom onset when tested at least twice over three days with at least 48 hours between tests, and for individuals without symptoms or other epidemiological reasons to suspect COVID-19 when tested at least three times over five days with at least 48 hours between tests. This test can be performed with or without the supervision of a telehealth proctor.¹⁵ The Pilot COVID-19 At-Home Test does not differentiate between SARS-CoV and SARS-CoV-2.

Results are for the identification of SARS-CoV-2 nucleocapsid protein antigen which is generally detectable in anterior nasal (nares) swabs during the acute phase of infection. Positive results indicate the presence of viral antigens, but clinical correlation with patient history and other diagnostic information is necessary to determine infection status. Positive results do not rule out bacterial infection or coinfection with other viruses. The agent detected may not be the definite cause of disease. Individuals who test positive with your product should self-isolate and seek follow-up care with their physician or healthcare provider as additional testing may be necessary.

All negative results are presumptive and confirmation with a molecular assay, if necessary, for patient management, may be performed. Negative results do not rule out SARS-CoV-2 infection and should not be used as the sole basis for treatment or patient management decisions, including infection control measures such as isolating from others and wearing masks. Negative results should be considered in the context of an individual's recent exposures, history and the presence of clinical signs and symptoms consistent with COVID-19. Individuals who test negative and continue to experience COVID-like symptoms of fever, cough and/or shortness of breath may still have SARS-CoV-2 infection and should seek follow up care from their healthcare provider.

Individuals should provide all results obtained with this product to their healthcare provider for public health reporting. All healthcare providers will report all test results they receive from individuals who use the authorized product to relevant public health authorities in accordance with local, state, and federal requirements using appropriate LOINC and SNOMED codes, as defined by the Laboratory In Vitro Diagnostics (LIVD) Test Code Mapping for SARS-CoV-2 Tests provided by the Centers for Disease Control and Prevention.

Your product is performed using anterior nasal (nares) swab samples from individuals aged 2 years and older. When using your product, the individual performing the test with or without the supervision of a telehealth proctor must follow the instructions provided in the "Pilot COVID-19

¹⁵ For purposes of this EUA, a telehealth proctor is someone who has been trained to observe sample collection and provide instructions and result interpretation assistance to patients using your product. In general, the telehealth proctor that will observe testing is not a healthcare provider.

At-Home Test Quick Reference Instructions for Patients” when collecting the specimen, running the test procedure and interpreting the results.

The Pilot COVID-19 At-Home Test includes the materials or other authorized materials (as may be requested under Condition N. and O. below), required to collect the anterior nasal (nares) swab sample and perform the test procedure, as described in the “Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use,” and the “Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients”.

Your product includes an internal control line (C) that must generate the expected result for a test to be considered valid, as outlined in the “Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use” and the “Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients.”

The labeling entitled “Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use,” the “Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients”, the “Pilot COVID-19 At-Home Test” box labels,¹⁶ and the following fact sheet pertaining to the emergency use, is required to be made available as set forth in the Conditions of Authorization (Section IV), and are collectively referred to as “authorized labeling” (available at <https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/in-vitro-diagnostics-euas>):

- Fact Sheet for Healthcare Professionals:¹⁷ Roche Diagnostics (Distributor) /SD Biosensor, Inc.- Pilot COVID-19 At-Home Test

The above described product when accompanied by the authorized labeling provided as set forth in the Conditions of Authorization (Section IV), is authorized to be distributed and used under this EUA, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

I have concluded, pursuant to Section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of your product, when used consistent with the Scope of Authorization of this letter (Section II), outweigh the known and potential risks of your product.

I have concluded, pursuant to Section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that your product may be effective in diagnosing COVID-19, when used consistent with the Scope of Authorization of this letter

¹⁶ “Pilot COVID-19 At-Home Test” box labels include boxes for 1-, 4-, or 25-pack kits, the “eMed COVID-19 RAPID ANTIGEN TEST” 1-test/kit (applicable only for the telehealth proctor supervised workflow) and “Pilot COVID-19 At-Home Test” or “eMed COVID-19 RAPID ANTIGEN TEST” box labels for additional test kits numbers/options as may be requested, and for which you receive appropriate authorization, in accordance with Condition O. below. Pilot COVID-19 At-Home Test kits numbers/options are described in the “Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use”, and the “Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients”.

¹⁷ Note that the information typically found in a Fact Sheet for Individuals is contained in the “Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients” that will be available to end users as set forth in the Conditions of Authorization (Section IV).

(Section II), pursuant to Section 564(c)(2)(A) of the Act.

FDA has reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, and concludes that your product (as described in the Scope of Authorization of this letter (Section II)) meets the criteria set forth in Section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of your product under this EUA must be consistent with, and may not exceed, the terms of this letter, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section IV). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) of the Act described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1) of the Act, your product is authorized for the indication above.

III. Waiver of Certain Requirements

I am waiving the following requirements for your product during the duration of this EUA:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR Part 820 with respect to the design, manufacture, packaging, labeling, storage, and distribution of your product, but excluding Subpart H (Acceptance Activities, 21 CFR 820.80 and 21 CFR 820.86), Subpart I (Nonconforming Product, 21 CFR 820.90), and Subpart O (Statistical Techniques, 21 CFR 820.250).

IV. Conditions of Authorization

Pursuant to Section 564(e) of the Act, I am establishing the following conditions on this authorization:

SD Biosensor, Inc. (You), and Authorized Distributor(s),¹⁸ including Roche Diagnostics

- A. Your product must comply with the following labeling requirements pursuant to FDA regulations: the intended use statement (21 CFR 809.10(a)(2), (b)(2)); adequate directions for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5), (7), and (8)); appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4); and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).
- B. You and authorized distributor(s) must make available on your website(s) all authorized labeling. You and authorized distributor(s) must make available the “Pilot COVID-19 At-Home Test Quick Reference Instructions for Patients” for your product in the shipped kit using the “Pilot COVID-19 At-Home Test” or “eMed COVID-19 RAPID ANTIGEN TEST” box labels (see Footnote 16).

¹⁸ “Authorized Distributor(s)” are identified by you, SD Biosensor, Inc, in your EUA submission as an entity allowed to distribute your product. Roche Diagnostics is an authorized distributor.

- C. You and authorized distributor(s) must maintain records of customer complaint files and report to FDA any significant complaints about usability or deviations from the established performance characteristics of which you and authorized distributor(s) become aware.
- D. You and authorized distributor(s) must inform relevant public health authorities of this EUA, including the terms and conditions herein, and any updates made to your product and authorized labeling.
- E. Through a process of inventory control, you and authorized distributor(s) must maintain records of the locations (e.g., pharmacies, doctor's offices, etc.) to which your product is distributed and the number of your product distributed to each location.
- F. You and authorized distributor(s) must collect information on the performance of your product and have a process in place to track adverse events, including any occurrence of false positive or false negative results and significant deviations from the established performance characteristics of the product of which you become aware and report any such events to FDA in accordance with 21 CFR Part 803. Serious adverse events, especially unexpected biosafety concerns, should immediately be reported to the Division of Microbiology (DMD)/Office of Health Technology 7 (OHT7)-Office of In Vitro Diagnostics /Office of Product Evaluation and Quality (OPEQ)/Center for Devices and Radiological Health (CDRH) (via email: CDRH-EUAREporting@fda.hhs.gov).
- G. You and authorized distributor(s) are authorized to make available additional information relating to the emergency use of your product that is consistent with, and does not exceed, the terms of this letter of authorization.
- H. You and authorized distributor(s) using your product will ensure that any records associated with this EUA are maintained until otherwise notified by FDA. Such records will be made available to FDA for inspection upon request.
- I. You and authorized distributor(s) must ensure that any telehealth proctor, whether hired by you or a third-party, is appropriately trained with training materials as agreed to with DMD/OHT7/OPEQ/CDRH, on the processes for providing instructions and documenting results, including use of any future reporting application(s) developed under Condition of Authorization X., with respect to use of your product.
- J. You and authorized distributor(s) must ensure that any telehealth proctor provider that provides services related to use of your product has processes in place to track and promptly report any adverse events or other performance concerns about the use of your product to you. You must ensure that such telehealth provider adequately trains appropriate personnel about such processes.

SD Biosensor, Inc. (You)

- K. You must notify FDA of any authorized distributor(s) of your product, including the name, address, and phone number of any authorized distributor(s).
- L. You must provide authorized distributor(s) with a copy of this EUA and communicate to authorized distributor(s) any subsequent revisions that might be made to this EUA and its authorized accompanying materials, including the authorized labeling.
- M. You must provide the opportunity to request a copy of the “Pilot COVID-19 At-Home Test Healthcare Provider Instructions for Use” and Fact Sheet for Healthcare Providers in paper form, and after such request, promptly provide the requested labeling at no additional cost.
- N. You may request changes to this EUA for your product, including to the Scope of Authorization (Section II in this letter) or to the authorized labeling, including requests to make available additional authorized labeling specific to an authorized distributor. Such additional labeling may use another name for the product but otherwise must be consistent with the authorized labeling, and not exceed the terms of authorization of this letter. Any request for changes to this EUA should be submitted to the DMD/OHT7/OPEQ/CDRH and require appropriate authorization from FDA prior to implementation.
- O. You may request new box labels to allow additional test kits numbers/options for your product. Such additional labeling requests to this EUA should be submitted to and require concurrence of DMD/OHT7/OPEQ/CDRH prior to implementation.
- P. You must comply with the following requirements pursuant to FDA regulations: 21 CFR 820 Subpart H (Acceptance Activities, 21 CFR 820.80 and 21 CFR 820.86), Subpart I (Nonconforming Product, 21 CFR 820.90), and Subpart O (Statistical Techniques, 21 CFR 820.250).
- Q. You must have lot release procedures and the lot release procedures, including the study design and statistical power, must ensure that the tests released for distribution have the clinical and analytical performance claimed in the authorized labeling.
- R. If requested by FDA, you must submit lot release procedures to FDA, including sampling protocols, testing protocols, and acceptance criteria, that you use to release lots of your product for distribution in the U.S. If such lot release procedures are requested by FDA, you must provide it within 48 hours of the request.
- S. You must evaluate the analytical limit of detection and assess traceability¹⁹ of your product with any FDA-recommended reference material(s). After submission to and concurrence with the data by FDA, you must update your labeling to reflect the additional testing. Such labeling updates will be made in consultation with, and require concurrence of, DMD/OHT7 /OPEQ/CDRH.

¹⁹ Traceability refers to tracing analytical sensitivity/reactivity back to an FDA-recommended reference material.

- T. You must complete the agreed upon real-time stability study for your product and notify DMD/OHT7/OPEQ/CDRH of the testing results as they become available until completion of the study. After submission of the study data, and review and concurrence with the data by FDA, you must update your product labeling to reflect the additional testing if requested by FDA. Such labeling updates must be made in consultation with, and require concurrence of, DMD/OHT7/OPEQ/CDRH.
- U. You must evaluate the impact of SARS-CoV-2 viral mutations on your product's performance. Such evaluations must occur on an ongoing basis and must include any additional data analysis that is requested by FDA in response to any performance concerns you or FDA identify during routine evaluation. Additionally, if requested by FDA, you must submit records of these evaluations for FDA review within 48 hours of the request. If your evaluation identifies viral mutations that affect the stated expected performance of your device, you must notify FDA immediately (via email: CDRH-EUA-Reporting@fda.hhs.gov).
- V. If requested by FDA, you must update your labeling within 7 calendar days to include any additional labeling risk mitigations identified by FDA regarding the impact of viral mutations on test performance. Such updates will be made in consultation with, and require concurrence of, DMD/OHT7/OPEQ/CDRH.
- W. You must submit your product for any FDA-recommended independent evaluation to confirm the performance characteristics of your test, if requested by FDA. After submission to and concurrence with the data by FDA, you will update your labeling to reflect the additional testing. Such labeling updates will be made in consultation with, and require concurrence of, DMD/OHT7/OPEQ/CDRH.
- X. You must develop a mobile phone application or website to further facilitate results reporting by the individual using your product and submit to FDA such application or website within 3 months of the date of this letter (unless otherwise agreed to with DMD/OHT7/OPEQ/CDRH). After submission of the mobile phone application or website to, and review of and concurrence with the developed mobile phone application or website by FDA, you must update the authorized labeling. Such labeling updates will be made in consultation with, and require concurrence of, FDA.

Conditions Related to Printed Materials, Advertising and Promotion

- Y. All descriptive printed matter, including advertising and promotional materials relating to the use of your product shall be consistent with the authorized labeling, as well as the terms set forth in this EUA and meet the requirements set forth in section 502(a), (q)(1), and (r) of the Act, as applicable, and FDA implementing regulations.
- Z. No descriptive printed matter, including advertising or promotional materials relating to the use of your product may represent or suggest that this test is safe or effective for the detection of SARS-CoV-2.

AA. All descriptive printed matter, including advertising and promotional materials relating to the use of your product shall clearly and conspicuously state that:

- This product has not been FDA cleared or approved, but has been authorized by FDA under an EUA;
- This product has been authorized only for the detection of proteins from SARS-CoV-2, not for any other viruses or pathogens; and
- The emergency use of this product is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of COVID-19 under Section 564(b)(1) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3(b)(1), unless the declaration is terminated or authorization is revoked sooner.

The emergency use of your product as described in this letter of authorization must comply with the conditions and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of in vitro diagnostics for detection and/or diagnosis of COVID-19 is terminated under Section 564(b)(2) of the Act or the EUA is revoked under Section 564(g) of the Act.

Sincerely,

Namandjé N. Bumpus, Ph.D.
Chief Scientist
Food and Drug Administration