DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

Office for Human Research Protections
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April 11, 2002

Floyd D. Loop, M.D.
Executive Vice President and Chairman, Board of Governors
The Cleveland Clinic Foundation
9500 Euclid Avenue
Cleveland, OH 44195

RE: Human Research Subject Protections Under Multiple Project Assurance (MPA) M-1388

Research Publication: Ventilation with Lower Tidal Volumes as Compared with Traditional Tidal Volumes for Acute Respiratory Distress Syndrome. (N Engl J Med 2000; 342:1301-8)
Project Title: A Phase II/III, Randomized, Double-Blind, Placebo-Controlled Trial of Lisofylline in Patients with Acute Lung Injury and Adult Respiratory Distress Syndrome
Principal Investigator: Herbert Wiedemann, M.D.
HHS Project Number: N01-HR46063

Dear Dr. Loop:

The Office for Human Research Protections (OHRP) has reviewed the Cleveland Clinic Foundation's (CCF's) March 14, 2002 report that was submitted in response to OHRP's February 7, 2002 letter regarding the above-referenced research.

Based upon its review, OHRP makes the following determinations regarding the above-referenced research:

(1) HHS regulations at 45 CFR 46.111(b) stipulate that in order to approve research, the IRB shall determine that when some or all of the subjects are likely to be vulnerable to coercion or

undue influence, additional safeguards have been included in the study to protect the rights and welfare of the subjects. In its February 7, 2002 letter, OHRP expressed concern that the CCF IRB may have failed to ensure that this requirement was satisfied for the above-referenced research.

OHRP finds that CCF has adequately addressed this concern. Furthermore, OHRP acknowledges that CCF has implemented a new policy to ensure that additional safeguards are included in research involving subjects who may be vulnerable to coercion or undue influence.

(2) OHRP finds that CCF has adequately addressed the additional concerns raised in OHRP's February 7, 2002 letter.

As a result of the above determinations, there should be no need for further involvement of OHRP in this matter. Of course, OHRP must be notified should new information be identified which might alter this determination.

OHRP appreciates the continued commitment of your institution to the protection of human research subjects. Please do not hesitate to contact me should you have any questions.

Sincerely,

Patrick J. McNeilly, Ph.D.
Compliance Oversight Coordinator
Division of Compliance Oversight

cc: Dr. Alan Lichtin, IRB Chair, CCF
Dr. Herbert Wiedeman, CCF
Commissioner, FDA
Dr. David Lepay, FDA
Dr. Greg Koski, OHRP
Dr. Melody Lin, OHRP
Dr. Michael A. Carome, OHRP
Dr. Jeffrey Cohen, OHRP
Mr. George Gasparis, OHRP
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