DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

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May 31, 2002

Fletcher H. McDowell, M.D.
President
Winifred Masterson Burke Medical Research Institute
785 Mamaroneck Avenue
White Plains, NY 10605

Mary Beth Walsh, M.D.
Chief Executive Officer
Burke Rehabilitation Hospital
785 Mamaroneck Avenue
White Plains, NY 10605

RE: Human Research Subject Protections Under Single Project Assurance (SPA) S-17050

Research Project: A Multicenter, Double-Blind, Placebo-Controlled Study of Estrogen Replacement Therapy in Patients with Mild to Moderate Alzheimer's Disease: A Pilot Study of the Alzheimer's Disease Study Unit
Principal Investigator: John P. Blass, M.D.
IRB Protocol #: D-94-29
HHS Project Number: U01-AG10483

Research Publication: Estrogen Replacement Therapy for Treatment of Mild to Moderate Alzheimer Disease: A Randomized Controlled Trial (Mulnard, et al. JAMA. 2000;283:1007-1015)

Dear Dr. McDowell:

The Office for Human Research Protections (OHRP) has reviewed your May 6, 2002 report that was submitted in response to OHRP's February 8, 2002 letter regarding the above-referenced research.

Based upon its review, OHRP makes the following determinations:

(1) Department of Health and Human Services (HHS) regulations at 45 CFR 46.111(b) stipulate that in order to approve research, the Institutional Review Board (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 8, 2002 letter, OHRP expressed concern that the Burke Medical Research Institute (BMRI) IRB may have failed to ensure that this requirement was satisfied for the above-referenced research.

OHRP finds that BMRI has adequately responded to this concern. Furthermore, OHRP acknowledges that the BMRI IRB has implemented procedures to ensure consideration of additional safeguards for subjects who may be vulnerable as a result of impaired mental capacity.

(2) HHS regulations at 45 CFR 46.116(a)(1) require that when seeking informed consent, each subject be provided with, among other things, a description of the procedures to be followed and identification of any procedures which are experimental. OHRP finds that the IRB-approved informed consent documents failed to describe the procedure for having the subject's caregiver fill out quality-of-life and pharmacoeconomic questionnaires related to the subject's condition and care. OHRP acknowledges that the research has been completed.

(3) OHRP finds that BMRI has adequately addressed the additional concerns raised by OHRP in its February 8, 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 commitment of BMRI to the protection of human research subjects. Please do not hesitate to contact me should you have any questions.

Sincerely,

Michael A. Carome, M.D.
Director, Division of Compliance Oversight

cc: Dr. Henry M. Thomas, III, Chair, IRB, BMRI
Dr. John P. Blass, BMRI
Commissioner, FDA
Dr. David Lepay, FDA
Dr. Greg Koski, OHRP
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Mr. George Gasparis, OHRP
Ms. Yvonne Higgins, OHRP
Mr. Barry Bowman, OHRP