DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

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July 3, 2008

Robert M. Mahley, M.D., Ph.D.
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Sue Carlisle, M.D., Ph.D
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Eugene Washington, M.D., MSc
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RE: Human Research Subject Protections Under Federalwide Assurances FWA-87, FWA-315 and FWA-68

Research Project: The Use of Recombinant Growth Hormone to Enhance T-Cell Production in Adults Infected with HIV-1

Principal Investigators: Drs. Joseph M. McCune and Laura Napolitano

Project Number: CHR Approval #H851-19587

Dear Drs. Mahley, Carlisle, and Washington:

Thank you for your June 11, 2008 letter which was submitted in response to our letter dated May 19, 2008. In our May 19, 2008 letter, we determined that the University of California, San

Francisco (UCSF) institutional review board (IRB) approved research contingent upon substantive modifications or clarifications that are directly relevant to the determinations required by the IRB under Department of Health and Human Services (HHS) regulations at 45 CFR 46.111 without requiring additional review by the convened IRB. When making this determination, we relied upon November 3, 2005 and October 18, 2006 IRB meeting minutes; meeting minutes reflecting IRB actions that occurred after UCSF: (a) re-trained its IRB members and staff regarding this issue; and (b) revised its IRB Presentation Checklist and various Human Research Protections Program (HRPP) Procedures Manual Policies to address this particular situation. We note now, however, that the reference to October 18, 2006 IRB meeting minutes was incorrect; the reference should have been to October 18, 2001 IRB meeting minutes; meeting minutes reflecting IRB actions that occurred before UCSF made the changes noted above to address this particular situation. Thus, we recognize that the above-referenced finding should have been based solely on November 3, 2005 IRB meeting minutes. Thank you for bringing this error to our attention.

Corrective Action: We acknowledge that since 2005, USCF has taken repeated actions to ensure that the UCSF IRB does not inappropriately approve research contingent upon substantive clarifications or modifications that are directly relevant to the determinations required by the IRB under HHS regulations at 45 CFR 46.111. We note that the UCSF IRB now requires that responses to such modifications/clarifications be returned to the convened IRB for additional review/approval. In specific, we note that the following actions have been taken to address this determination:

(a) The IRB Presentation Checklist has been further refined and distributed to current IRB members;
(b) IRB Chairs/staff repeatedly remind IRB members at each meeting that if substantive clarifications or modifications are needed before an application can satisfy the checklist criteria, the response must be returned to the convened IRB for additional review before the study can be approved;
(c) IRB staff are trained to recognize when the nature of the IRB's requests for clarifications or modification or the researcher's response require the response to be returned to the convened IRB;
(d) IRB coordinators are certified IRB professionals; and
(e) The May 19, 2008 OHRP determination letter had been/will be distributed to IRB Chairs/IRB coordinators for discussion.

These actions adequately address the determination noted above and are appropriate under the UCSF FWA.

At this time, there should be no need for further involvement by our office in this matter. Please notify us if you identify new information which might alter this determination.

We appreciate your institution's continued commitment to the protection of human research subjects.

Sincerely,

Lisa A. Rooney, J.D.
Compliance Oversight Coordinator

Cc: Mr. Donald M. Campbell, Senior Grants and Contracts Manager, The J. David Gladstone Institutes
Dr. Victor I. Reus, Chairperson, UCSF Committee on Human Research, Parnassus #1
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Mr. Joe Ellis, NIH Office of Extramural Research