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 8, 2003

Eugene P. Trani, Ph.D.
President
Virginia Commonwealth University
Office of the President
President's House
910 West Franklin Street
P.O. Box 842512
Richmond, VA 23284-2512

RE: Human Research Subject Protections Under Multiple Project Assurance (MPA) M-1315
Research Projects: Genetic Epidemiology of Seizures: A Twin Study
Principal Investigator: Linda Corey, Ph.D.

Dear Dr. Trani:

The Office for Human Research Protections (OHRP) has reviewed your February 27, April 9, and October 17, 2002 reports and additional correspondence pertaining to OHRP's January 29, 2002 letter requesting that you investigate allegations of possible noncompliance by Virginia Commonwealth University (VCU) with Department of Health and Human Services (HHS) regulations for the protection of human subjects (45 CFR Part 46) involving the above-referenced research.

Based upon its review, OHRP makes the following determinations with respect to the allegations described in OHRP's letter:

(1) OHRP finds no evidence that Virginia Commonwealth University (VCU) failed to ensure that adequate provisions existed in the above study to protect the privacy of subjects and to maintain the confidentiality of data, as required by HHS regulations at 45 CFR 46.111(a)(7). Specifically, OHRP finds no evidence that VCU principal investigator (PI) Dr. Linda Corey received, or had access to, any data, documents or specimens that could be linked to identifiable human subjects in the Norwegian Twin Registry.

(2) OHRP finds that Norwegian Twin Registry subjects in the above research were not provided with a complete description of experimental procedures, as required by 45 CFR 46.116(a)(1). OHRP further finds that Dr. Corey failed to report to the VCU institutional review board (IRB), and the IRB therefore failed to report to OHRP, an unanticipated problem involving risks to subjects and serious noncompliance with HHS regulations protecting human research subjects, as required by 45 CFR 46.103(a) and (b)(5). In June of 2001, Dr. Corey learned that a collaborating PI at the University of Oslo (UoO) had added blood sampling for an unrelated lipid study to the procedures performed on Norwegian subjects in the above study, without IRB review or approval. Dr. Corey failed to report this problem to the VCU IRB or other VCU officials, and instead personally contacted the Dean of UoO's Medical School and initiated negotiations to replace the UoO PI. VCU's subsequent investigation revealed that UoO's single project assurance was signed by the collaborating PI who was not an authorized signatory official at UoO, and that UoO IRB records documented no review or approval of the above-referenced research.

Corrective Action: The VCU IRB removed Dr. Corey as PI at the VCU site and reinstated her only after it received her statement acknowledging her failure to notify VCU officials when she learned about the unauthorized research conducted on Norwegian Twin Registry subjects. Dr. Corey subsequently underwent PRIM&R/ARENA investigator training with emphasis on multinational studies and privacy issues. In addition, VCU has suspended research at the Oslo sites until such time as a new PI and a new local IRB are in place under an Assurance approved by OHRP. OHRP finds that these corrective actions adequately address the above finding.

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

In addition, OHRP provides the following guidance to VCU:

Recommendation: OHRP recommends that VCU take steps to ensure that its investigators are appropriately trained regarding HHS regulatory requirements at 45 CFR 46.103(a) and (b)(5) for reporting unanticipated problems involving risks to subjects or others, and serious or continuing noncompliance with the HHS regulations, IRB determinations, or suspensions or terminations of IRB approval.

OHRP appreciates the continued commitment of your institution to the protection of human research subjects. Feel free to contact me should you have any questions.

Sincerely,

Carol J. Weil, J.D.
Compliance Oversight Coordinator
Division of Human Subject Protections

cc: Dr. Bernard Schwetz, OHRP
Ms. Melinda Hill, OHRP
Dr. Michael Carome, OHRP
Dr. Kristina Borror, OHRP
Mr. George Gasparis, OHRP
Dr. Melody H. Lin, OHRP
Ms. Janice Walden, OHRP
Commissioner, FDA
Dr. David Lepay, FDA