DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

Office for Human Research Protections
The Tower Building
1101 Wootton Parkway, Suite 200
Rockville, Maryland 20852
Telephone: 301-496-6411
FAX: 301-402-2071
E-mail: Lball@osophs.dhhs.gov

July 1, 2003

Winfred M. Phillips, D.Sc.
Vice President for Research
University of Florida
223 Grinter Hall
PO Box 115500
Gainesville, FL 32611-5500

RE: Human Research Subject Protections Under Multiple Project Assurance (MPA) M-1266

Research Project: Neural Tissue Transplantation in Syringomyelia: Feasibility and Safety
Principal Investigator: Dr. Edward D. Wirth
HHS Project Number: 5M01 RR0082-27
IRB Project Number: 325-1996

Research Publication: Wirth ED et al. Feasibility and Safety of Neural Tissue Transplantation in Patients with Syringomyelia. Journal of Neurotrauma. 2001;18:911-929

Dear Dr. Phillips:

The Office for Human Research Protections (OHRP) has reviewed the University of Florida at Gainesville's (UF) October 15, 2002 letter regarding the above-referenced research.

Based on its review, OHRP makes the following determinations:

(1) In its September 4, 2002 letter to UF, OHRP found substantive discrepancies and ambiguities within different sections of the IRB-approved protocol (e.g., study design section, inclusion criteria, and informed consent document) regarding patient eligibility for the above-referenced research. OHRP requested that UF submit a corrective action plan to ensure that all future and ongoing research conducted at UF satisfies the requirements under HHS regulations at 45 CFR 46.111(a)(1) which

stipulate that in order to approve research, the IRB shall determine that risks to the subjects are minimized by using procedures which are consistent with sound research design and which do not unnecessarily expose subjects to risk.

Corrective action: OHRP acknowledges that UF has developed a satisfactory corrective action plan to address the above finding. Specifically, OHRP notes that UF has hired a coordinator to provide educational coordination, materials, and presentations to investigators, research personnel and institutional review board members, and intends to hire a quality assurance coordinator who will be charged with auditing and educating investigators in ongoing research protocols regarding the informed consent process and documentation. UF has developed a "reviewer's comment sheet" to help ensure that risks of the research are appropriately considered prior to approval. In addition, UF has revised its sample informed consent document and provided additional instructions to investigators to help ensure that relevant provisions of the HHS human subject protection regulations are addressed.

(2) In its September 4, 2002 letter to UF, OHRP found that screening procedures were performed expressly for the purpose of determining eligibility for the above-referenced research protocol, without the investigators first obtaining and documenting the legally effective informed consent of the subjects. OHRP requested that UF submit a corrective action plan to ensure that no research-related interventions are conducted prior to the investigator obtaining and documenting legally effective informed consent in accordance with, and to the extent required by, HHS regulations at 45 CFR 46.116 and 46.117.

Corrective action: OHRP finds that UF has developed a satisfactory corrective action plan to address the above finding. These action included modifications to the UF IRB protocol application, termed "Introductory Questionnaire," to include the investigator's assurance to obtain legally effective informed consent, or IRB waiver of consent, from research subjects before any research-related screening or intervention commences.

OHRP finds that the corrective actions noted above, and other actions detailed in UF's letter of October 15, 2002, adequately address the findings of non-compliance noted in OHRP's letter of September 4, 2002 and are appropriate under the UF MPA. As a result of this determination, there should be no need for further involvement of OHRP in this matter. Of course, UF must notify OHRP promptly of any new information that 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,

Leslie K. Ball, M.D.
Division of Compliance Oversight

cc: Dr. R. Peter Iafrate, Chair IRB-01, UF
Dr. C. Michael Levy, Chair, IRB-02, UF
Dr. Ana Alvarez, Chair, IRB-03, UF
Dr. Thomas Walsh, Director of Sponsored Research, UF
Dr. Edward D. Wirth, Department of Neuroscience, UF
Dr. David A. Weber, VAMC
Dr. Mark McClellan, FDA
Dr. David Lepay, FDA
Dr. Bernard A. Schwetz, OHRP
Dr. Melody H. Lin, OHRP
Dr. Michael Carome, OHRP
Dr. Kristina Borror, OHRP
Ms. Shirley Hicks, OHRP
Ms. Yvonne Higgins, OHRP
Ms. Janice Walden, OHRP
Ms. Patricia El-Hinnawy, OHRP
Ms. Melinda Hill, OHRP