From: Lee, Bonnie on behalf of OC GCP Questions
Sent: Thursday, February 23, 2006 4:46 PM
To: [purged]
Subject: RE: GCP questions

Dear [purged],

In response to your questions (below) I should note that there is no way a sponsor can know all the requirements of each investigators IRB, and thus, there is no way a sponsor can ensure the investigator is following all the IRB's requirements. That being said, among other things, the sponsor is responsible for
- selecting investigators qualified by training and experience as appropriate experts to investigate the drug (312.53(a) and who commit (on the FDA-1572) to comply with our regulations (312.53(c)); and
- monitoring the conduct of the study and ensuring that the study is conducted in accordance with the general investigational plan and protocols contained in the IND. (see 21 CFR 312.50)

As such, through those monitoring efforts, the sponsor ought to be able to ensure that certain requirements are in fact being fulfilled.

I'm not sure what you mean by "reporting SAEs in the timeframe they require." The IRB regulations require each IRB to follow written procedures for ensuring the prompt reporting of unanticipated problems involving risks to subjects or others. (21 CFR 56.108(b)(1)). As I'm sure you are aware there has been a great deal of discussion of what types of adverse events might be unanticipated problems and thus would need to be reported; the role of the sponsor in preparing aggregate reports of AEs with analysis included in those reports for IRBs, etc.

As to ensuring that the IRB is in compliance, again, there is no absolute way of doing that, but you can check a number of different things to determine the compliance status of the IRB. I believe that OHRP lists those institutions that have a federal wide assurance; they review information submitted to them to determine paper compliance with the HHS regulations (45 CFR 46), which are very close to FDA's human subject protection regulations. You might want to look on the internet at: http://ohrp.cit.nih.gov/search/asearch.asp#ASUR where you can find more information and search for specific IRBs and/or institutions. We have information on FDA's website on IRBs that have received warning letters: http://www.fda.gov/oc/gcp/clinenforce.html. Finally, it never hurts to "google" the identify of the IRB or institution--periodically, it's amazing what comes up. Some IRBs have a standard letter they send sponsors indicating they operate

in compliance with the relevant regulations; that too could provide some assurance of compliance. You could also ask the IRB whether they had been recently inspected by FDA and if so what classification they received--I'm not sure how forthcoming IRBs are on this information.

I hope this information is helpful to you.

Sincerely,

Bonnie
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Good Clinical Practice Program, FDA
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-----Original Message-----
From: [purged]
Sent: Friday, February 17, 2006 3:58 PM
To: OC GCP Questions
Subject: GCP questions

Please provide clarification on the following:

1. What is the responsibility of the sponsor with regard to ensuring the principal investigator is following all the requirements of his IRB (e.g. reporting SAEs in the timeframe they require)?

2) What is the responsibility of the sponsor relative to ensuring the IRB is in compliance with 21 CFR 56, especially since many IRBs won't release the names of its members or copies of its minutes?

Thank you,

[purged]