From: Toth-Allen, Jean
Sent: Tuesday, July 18, 2006 9:17 AM
To: [Redacted]
Subject: RE: CRO audits of clinical trials sites

Dear [Redacted]:

Thank you for your inquiry regarding CROs and audits related to clinical trials.

There are no FDA regulations that require a sponsor to have audits performed of the various aspects of a clinical trial that you list. However, when giving presentations many of us encourage sponsors to have such audits conducted, of both the study and any third parties that may be contracted to cover some or all sponsor regulatory responsibilities. Even for pharmaceutical studies, where regulations cover transfer of regulatory responsibility to parties contracted (21 CFR 312.52), the sponsor is ultimately responsible for the conduct of the study.

As described, you are planning to contract to third parties both the conduct of a clinical trial and the auditing of the company to whom you are contracting study responsibilities. The second contractor is advising you that to allow the CRO to both conduct the clinical trial and then audit it places the CRO in the position of verifying the integrity of their own work. Even if the CRO separates its functions for conducting clinical trials and auditing them, this can be viewed as a potential conflict of interest. However, since there are no regulations even requiring audits, this is a business decision to consider and not a regulatory issue. As stated above, the sponsor will ultimately be held responsible for conduct of the clinical trial in compliance with applicable regulations, including those pertinent to the protection of human subjects and the integrity of the data.

Hope this information is useful. If you need further information and/or have additional questions, please submit them once again to the official GCP mailbox, gcpquestions@oc.fda.gov, in lieu of responding to my personal e-mail address.

Sincerely yours,

Jean Toth-Allen, Ph.D.
Good Clinical Practices Program
OSHC, Office of the Commissioner, US FDA

This communication does not constitute a written advisory opinion under 21 CFR 10.85, but rather is an informal communication under 21 CFR 10.85(k) which represents the best judgment of the employee providing it. This information does not necessarily represent the formal position of FDA, and does not bind or otherwise obligate or commit the agency to the views expressed.

From: [Redacted]
Sent: Tuesday, July 11, 2006 2:28 PM
To: OC GCP Questions
Subject: CRO audits of clinical trials sites

Dear OGCP staff,

We are planning a Phase 3 pivotal trial that will be conducted by a CRO. The CRO will be responsible for study site monitoring, data collection using electronic data capture, laboratory, data management, statistical analysis and writing of the final study report.

We are planning to have an independent audit company perform a prequalification audit of the CRO for the following capabilities: regulatory affairs, quality assurance, clinical operations, study drug management, monitoring, project management, site management, financial management, investigator meetings, medical monitoring, pharmacovigilence, data entry, data management, biostatistics and medical writing.

The independent audit company that we are proposing to use is telling us that audits of clinical trial sites, trial master files, databases, clinical study reports, and third party vendors (IVRS, labs, IRBs, etc.) cannot be audited by the auditing arm of the CRO but should be audited by an independent audit company or the sponsor. The tell me that this idea came from a DIA discussion by Dr. David LePay.

I wanted to confirm that this is the case, as we were planning to have the clinical trials sites audits, etc. performed by the large and well established CRO that we are using to conduct the trial. Since we are a small company and the trial is very important to us, I wanted to be sure that the audits are conducted properly, however in my past experience it has been considered acceptable for the CRO to perform such audits.

I would greatly appreciate your input on this question.

Best regards,

[Redacted]