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: 301-435-0668
FAX: 301-402-2071
E-mail: pmcneilly@osophs.dhhs.gov

January 11, 2002

Gerald Litwack, Ph.D.
Associate Dean for Scientific Affairs
Thomas Jefferson University
1020 Locust Street, M-5
Philadelphia, PA 19107-6799

Thomas J. Lewis
President and Chief Executive Officer
Thomas Jefferson University Hospital, Inc.
111 South 11th Street
Philadelphia, PA 19107

RE: Human Research Subject Protections Under Multiple Project Assurances (MPA) — M-1115

Research Project: **Gene Therapy Research Related to Canavan Disease**
Principal Investigator: **Paola Leone, Ph.D.**

Dear Dr. Litwack and Mr. Lewis:

The Office for Human Research Protections (OHRP) has reviewed the Thomas Jefferson University (TJU) report dated July 10, 2000, as well as the report dated June 15, 2001 from Dr. George Kalf. Based on the documents provided in your reports and subsequent discussion during a telephone call

with Dr. Kalf on January 8, 2002, OHRP makes the following determinations regarding the above-referenced research:

> OHRP finds that the TJU Institutional Review Board (IRB) appropriately reviewed the above-referenced research and satisfied the requirements of Department of Health and Human Services (HHS) regulations at 45 CFR 46 Subpart D. In specific, OHRP notes that the TJU IRB determined that the above-referenced research represented a greater than minimal risk intervention to children and that the research held out the prospect of direct benefit to the individual subjects.
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> In addition, OHRP notes that the TJU IRB required numerous changes to the informed consent document to ensure that the information provided to the subjects legally authorized representative was complete, accurate, and met the requirements under HHS regulations at 45 CFR 46.116.

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

At this time, OHRP would like to provide the following additional guidance:

> Where HHS regulations require specific findings on the part of the IRB, such as (a) approving a procedure which alters or waives the requirements for informed consent [see 45 CFR 46.116(d)]; (b) approving a procedure which waives the requirement for obtaining a signed consent form [see 45 CFR 46.117(c)]; (c) approving research involving prisoners (see 45 CFR 46.305-306); or (d) approving research involving children (see 45 CFR 46.404-407), the IRB should document such findings. OHRP strongly recommends that all required findings be fully documented in the IRB minutes, including protocol-specific information justifying each IRB finding.

Based on the above determination there should be no further involvement of OHRP relating to this matter.

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,

Patrick J. McNeilly, Ph.D.

Compliance Oversight Coordinator
Division of Compliance Oversight

cc: Dr. David G. Brock, Chairperson, IRB-01, TJU
Dr. Stephen P. Weinstein, Chairperson, IRB-02, TJU
Dr. Gregory Mokrynski, Chairperson, IRB-03XB, TJU

Dr. George Kalf, TJU
Commissioner, FDA
Dr. David Lepay, FDA
Dr. James F. McCormack, FDA
Dr. John Mather, Veterans Health Administration, Department of Veterans Affairs
Dr. Greg Koski, OHRP
Dr. Melody Lin, OHRP
Dr. Michael Carome, OHRP
Mr. Harold Blatt, OHRP
Mr. George Gasparis, OHRP
Dr. Jeffrey Cohen, OHRP
Mr. Barry Bowman, OHRP