DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

Office for Human Research Protections
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January 6, 2004

Fawwaz T. Ulaby, Ph.D.
Vice President for Research
University of Michigan
4080 Fleming Building
503 Thompson Street
Ann Arbor, MI 48109-1340

RE: Human Research Subject Protections Under Multiple Project Assurance (MPA) M-1184 and Federalwide Assurance (FWA) 4969

Research Project: Prospective, Randomized, Multi-Center Trial of 12 ml/kg vs. 6 ml/kg Tidal Volume Positive Pressure Ventilation for Treatment of Acute Lung Injury and Acute Respiratory Distress Syndrome (ARMA Trial)
Principal Investigator: Galen B. Toews, M.D.

Research Project: Prospective, Randomized, Multi-Center Trial of Pulmonary Artery Catheter (PAC) vs. Central Venous Catheter (CVC) for Management of Acute Lung Injury (ALI) and Acute Respiratory Distress Syndrome (ARDS) and Prospective, Randomized, Multi-Center Trial of 'Fluid Conservative' vs. 'Fluid Liberal' Management of Acute Lung Injury (ALI) and Acute Respiratory Distress Syndrome (ARDS) (FACTT Trial)
Principal Investigator: Galen B. Toews, M.D.

Dear Dr. Ulaby :

The Office for Human Research Protections (OHRP) has reviewed the University of Michigan's (UM) September 30 and November 14, 2003 reports responding to determinations of noncompliance with Department of Health and Human Services (HHS) regulations for the protection of human subjects involving the above-referenced research.

Based upon its review, OHRP finds that the UM has implemented the required actions stipulated by OHRP's July 25, 2003 letter. In particular, OHRP acknowledges the following:

(1) The UM Institutional Review Board (IRB) received the additional supplemental information and the revised model informed consent document for the FACTT trial, and has subsequently re-reviewed and approved the research.

(2) UM has provided OHRP with a copy of the final version of the IRB-approved informed consent document.

(3) UM has implemented a variety of procedures including the instructions and form "How to Request Approval of a New Project" to help ensure that the UM IRBs receive sufficient information to make all determinations required under HHS regulations at 45 CFR 46.111. The UM IRB also has developed an Informed Consent Document Template and Instructions, and the UM IRB Operational Procedures include the required elements of informed consent to help ensure that the UM IRBs approve an informed consent process that satisfies all requirements of HHS regulations at 45 CFR 46.116. OHRP recommends that the criteria for IRB approval under HHS regulations at 45 CFR 46.111 be included in the UM IRB Operational Procedures or as a checklist for IRB members.

OHRP finds that the above corrective actions adequately address OHRP's findings and are appropriate under the UM FWA. As a result, OHRP anticipates no need for further involvement with UM related to this matter.

OHRP appreciates the commitment of UM to the protection of human subjects. Do not hesitate to contact us should you have any questions.

Sincerely,

Kristina Borror, Ph.D.
Director
Division of Compliance Oversight

Michael A. Carome, M.D.
Associate Director for Regulatory Affairs
Office for Human Research Protections

cc: Dr. Judith Nowack, Assistant Vice President for Research, UM
Dr. Galen B. Toews, Principal Investigator, ARMA and FACTT trial, UM
Dr. Robert Cody, Chair, IRB #1 and #6, UM
Dr. Charles Kowalski, Chair, IRB #2, UM
Mr. John O'Shea, Chair, IRB #3, UM
Dr. Gerald Gardner, Chair, IRB #4, UM
Dr. Suzanne Selig, Chair, IRB #5, UM
Dr. Vernon Sondak, Chair, IRB #7 and #8, UM
Dr. B. Taylor Thompson, ARDS Network Coordinating Center Principal Investigator, Massachusetts General Hospital
Dr. Arthur Wheeler, FACTT Trial Committee Chair, Vanderbilt University
Dr. Gordon R. Bernard, Chairman, ARDS Steering Committee, Vanderbilt University
Dr. Herbert P. Wiedemann, FACTT Trial Committee Chair, Cleveland Clinic Foundation
Dr. James Kiley, Director, Division of Lung Diseases, NHLBI
Dr. Lana Skirboll, Director, Office of Science Policy, NIH

Dr. David Lepay, Director, Good Clinical Practices Program, FDA
Ms. Melinda Hill, OHRP
Ms. Patricia El-Hinnawy, OHRP