DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

Office for Human Research Protections
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November 10, 2003

Ralph Snyderman, M.D.
Chancellor for Health Affairs
Executive Dean, School of Medicine
Duke University Health System, Inc
DUMC 3701
Durham, North Carolina 27710

RE: Human Research Subject Protections Under Multiple Project Assurance (MPA) M-1106

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: William Fulkerson, 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: Neil MacIntyre, M.D.

Dear Dr. Snyderman:

The Office for Human Research Protections (OHRP) has reviewed Duke University Health System's (DUHS) August 27 and October 13, 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 DUHS has implemented the required actions stipulated by OHRP's July 25, 2003 letter. In particular, OHRP acknowledges the following:

(1) The DUHS 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) DUHS has provided OHRP with a copy of the final version of the IRB-approved informed consent document.

(3) DUHS has implemented a variety of procedures including research summary instructions in the form for IRB New Research Study Protocol Submission and an Assent/Consent Checklist to ensure that the protocol contains sufficient information to make the determinations required under HHS regulations at 45 CFR 46.111 and that the informed consent document satisfies all requirements of HHS regulations at 45 CFR 46.116. In addition, DUHS has developed an IRB staff checklist, a reviewer checklist for IRB members, and an IRB consent form checklist to help ensure that the DUHS IRBs (a) receive sufficient information to make all determinations required under HHS regulations at 45 CFR 46.111; and (b) approve an informed consent process that satisfies all requirements of HHS regulations at 45 CFR 46.116.

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

OHRP appreciates the commitment of DUHS 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. R. Sanders Williams, Dean, School of Medicine, Duke University Medical Center
Dr. Ross E. McKinney, Jr, Vice Dean for Research, Duke University School of Medicine
Dr. Russel Kaufman, Chancellor for Health Center, DUHS
Dr. John M. Falletta, Chair, IRB-01 and IRB-05, DUHS
Dr. Joseph Farmer, Chair, IRB-02, DUHS
Dr. George Parkerson, Chair, IRB-03, DUHS
Dr. W. Vance Singletary, Chair, IRB-04, DUHS
Dr. William Fulkerson, Principal Investigator, ARMA Trial, DUHS
Dr. Neil MacIntyre, Principal Investigator, FACTT Trial, DUHS
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