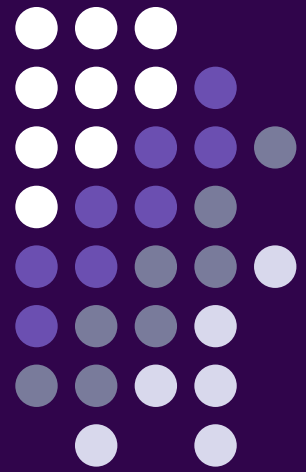
Regulatory Oversight through HRPP

Melody Lin, Ph.D.
Deputy Director, Office for Human Research Protections
Director, International Activities
Melody.Lin@hhs.gov

Bangkok, Thailand

November, 2008



Objective

- Regulatory Framework
- HRPP
- Regulatory Oversight

Regulatory Framework

Office for Human Research Protections (OHRP)

45 CFR 46

Food and Drug Administration

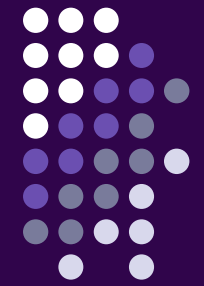
Regulations:

- Informed Consent - 21 CFR 50
- IRB - 21 CFR 56

Health and Human Services (HHS) vs. FDA Regulations (1/2)

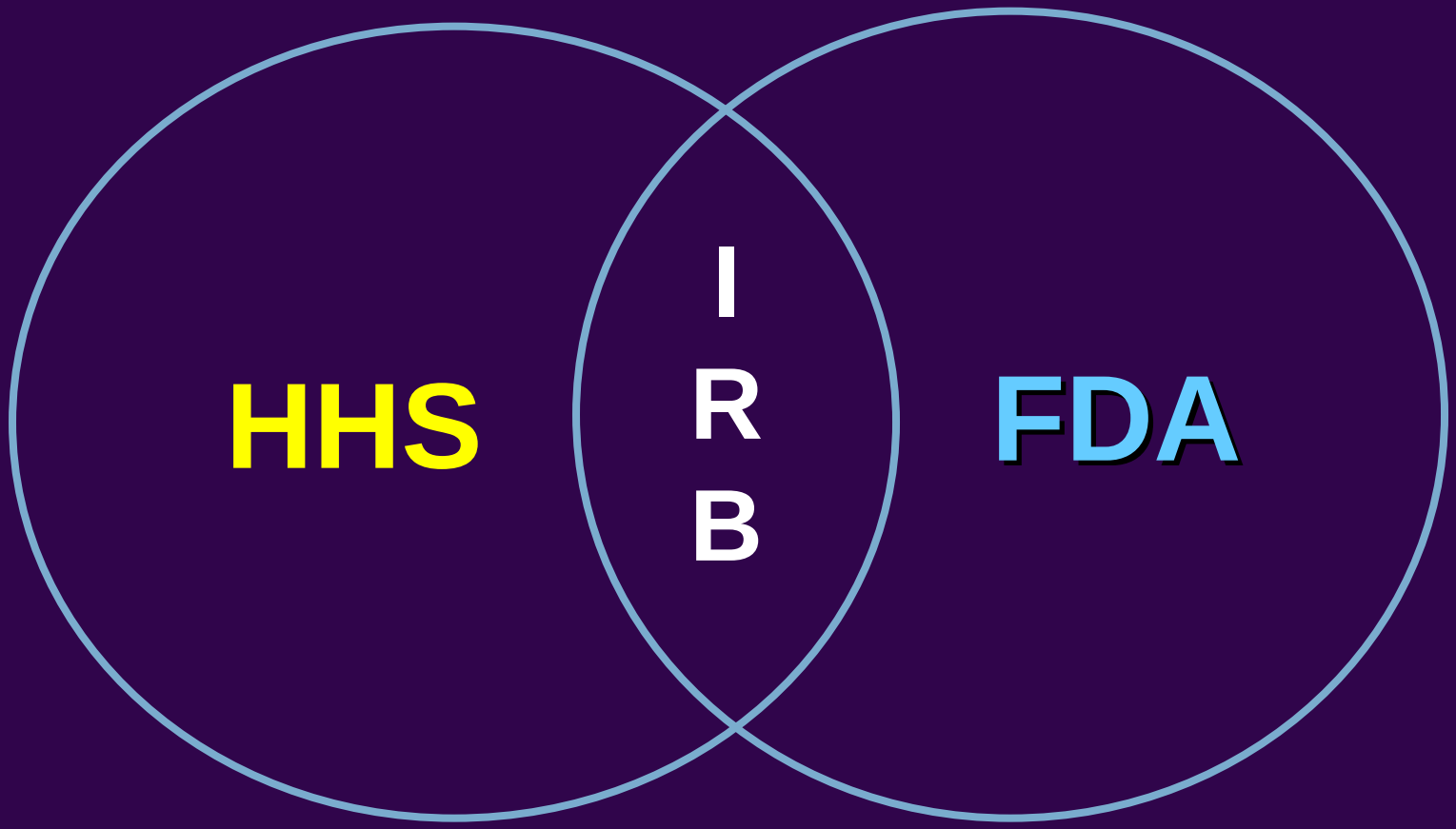
Basic requirements for IRBs and for Informed Consent are **congruent**

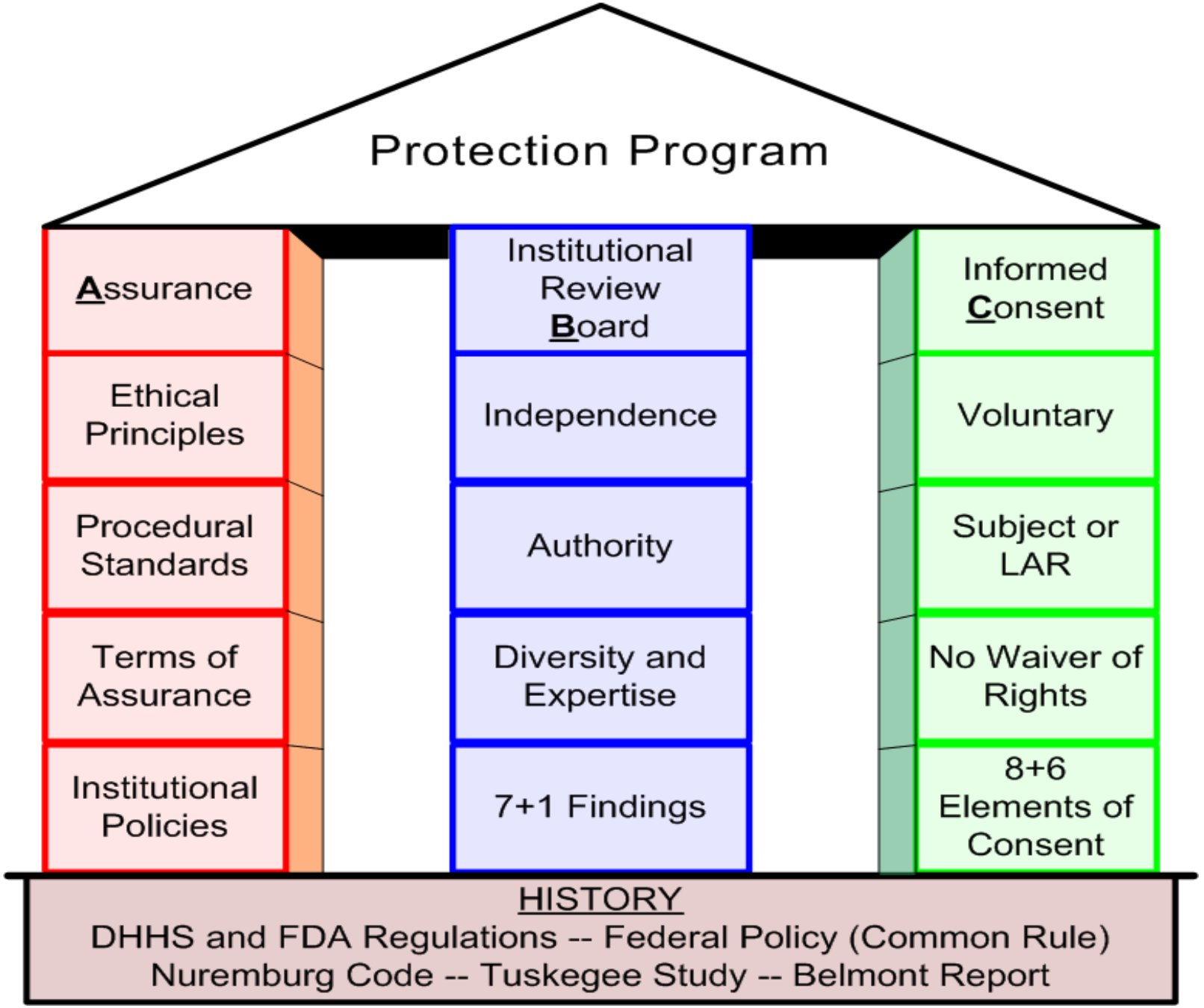
Health and Human Services (HHS) vs. FDA Regulations (2/2)



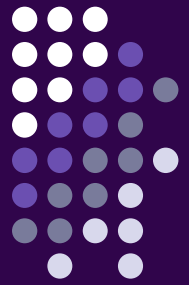
- **Differences** are in **applicability**
  - HHS regulations:
    - Based on **federal funding** of research
    - Apply to biomedical and behavioral research
  - FDA regulations:
    - Based on use of **FDA regulated product**: drugs, devices, or biologics
    - Apply to clinical investigations

HHS vs. FDA Regulations



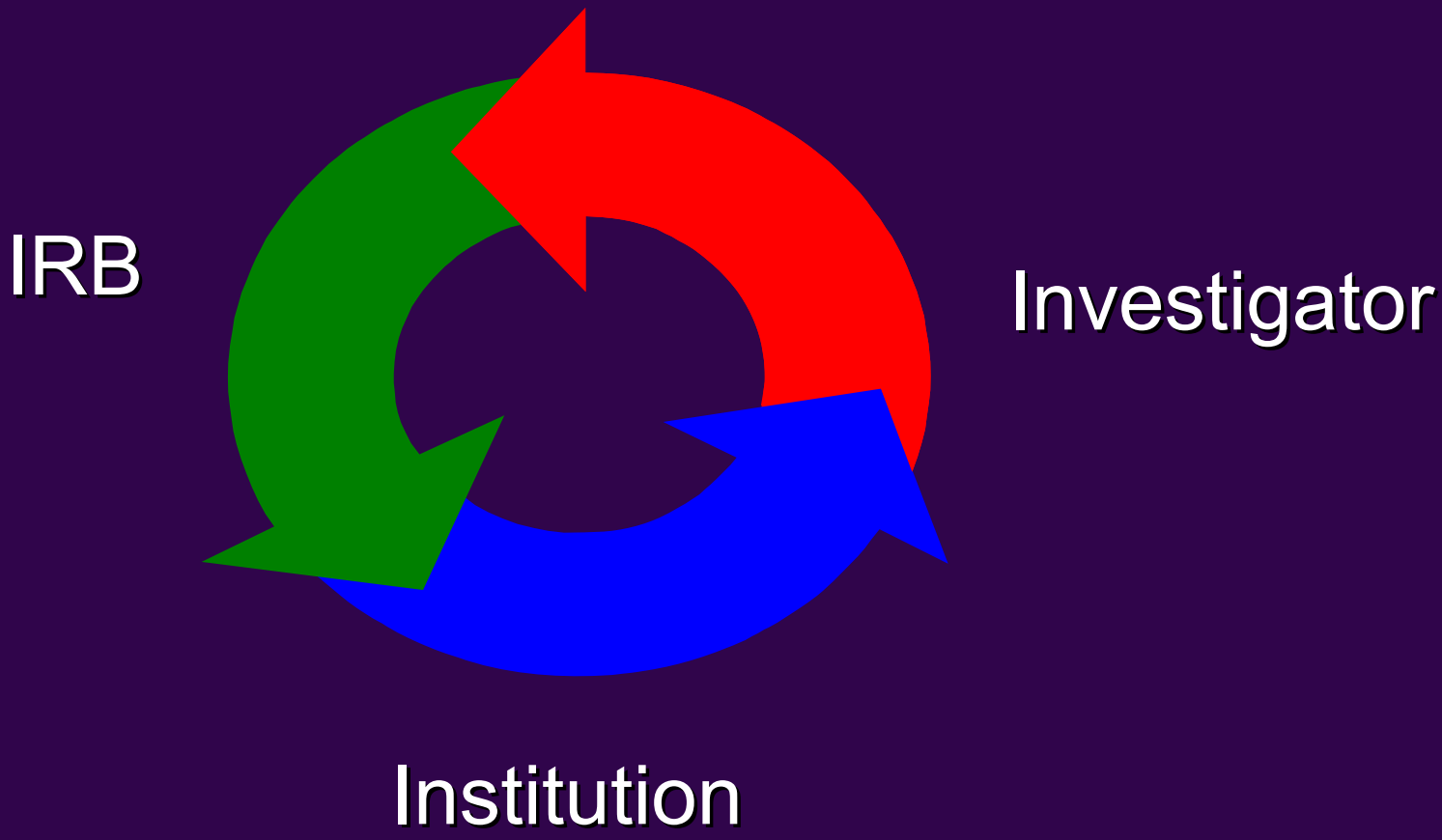

Protection Program
Assurance
Ethical Principles
Procedural Standards
Terms of Assurance
Institutional Policies
Institutional Review Board
Independence
Authority
Diversity and Expertise
7+1 Findings
Informed Consent
Voluntary
Subject or LAR
No Waiver of Rights
8+6 Elements of Consent
HISTORY
DHHS and FDA Regulations -- Federal Policy (Common Rule)
Nuremburg Code -- Tuskegee Study -- Belmont Report

Human Research Protections Program (HRPP)



- NOT (just) THE IRB
- Shared Responsibility
  - Institution
  - Institutional Review Board
  - Investigator and research team
  - An institution's unique system to safeguard human subjects

Human Subjects Protection is a Shared Responsibility

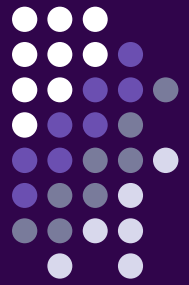


Roles and Responsibilities

Institution

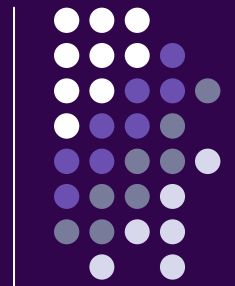
- Assurance –
  BASED ON TRUST on Institutional Official
  - Accountable for actions of investigators and the IRB
  - Ensures IRB is properly constituted and functions within regulations
  - Appropriate support/resources for IRB
  - Investigators meet their obligations to IRB

Institution



- Create culture that promotes and upholds highest ethical standards for research
- Educate and mentor research community (including IRB)
- Involve interested parties in the review process (community)
- Oversee research

Institutional Official



- Set the “tone” for an institutional culture of respect for human subjects
- Provide the HRPP with necessary resources and staff
- Appoint IRB Chair and members
- Support IRB authority and decisions

IRB

- Ensure all appropriate review procedures are followed
- Duly constituted
- Adequate review
- Informed consent
- Research Design
- Continuing Review

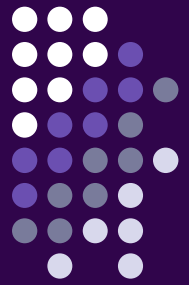
IRB

- Exercise ethical principles of Belmont Report
- Accountability
  - Poor accountability harms the institution, fellow researchers, and puts the institution at risk

IRB

- Knowledge of HRPP
- Knowledge of ethical principles
- Knowledge of regulatory requirements for review and approval of research
  - Special populations
  - Compliance
  - COI

Review by institution (.112)

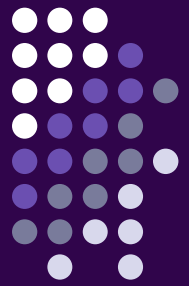


- Research approved by an IRB may be subject to further review by official of the institution
- Those officials MAY NOT approve the research if it is not approved by the IRB

Investigator

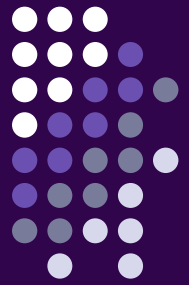
- Submit research for review
- Comply with all IRB conditions for approval, institutional policy, federal/state regulations and laws.
- Knowledgeable of human subjects protections
- Accountable to the IRB and Institution

FDA and GCP (ICH E6)



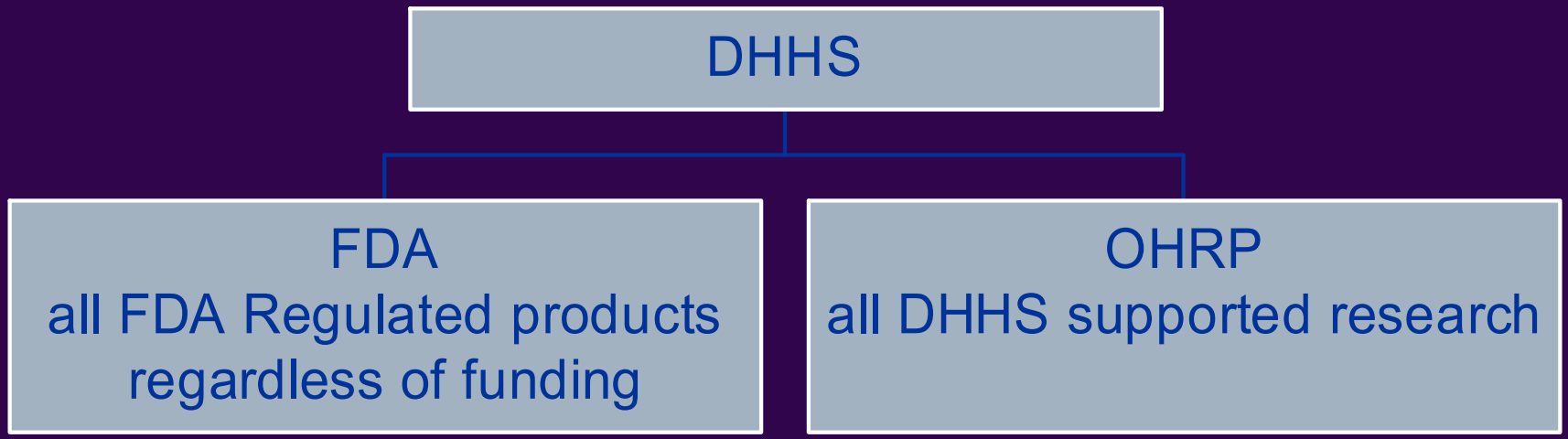
- Investigator qualifications and agreements
  - Permit auditing and inspection
  - Maintain list of appropriately qualified personnel to whom delegated significant trial-related duties
- Adequate resources (patients, time, staff)
- Medical care of trial subjects
- Communicate with the IRB
- Compliance with the protocol
- Investigational product accountability
- Informed consent of trial subjects

FDA and GCP (ICH E6)



- Accurate, complete, legible & timely reports
- Written progress reports
- Safety reporting
- Appropriate follow-up for trial subjects
- Submit final report to institution

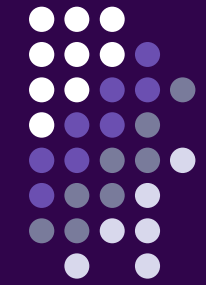
Oversight Authority



Inspection

FWA

Federalwide Assurance (FWA)



- This documents your institutional commitment to comply with the Common Rule.

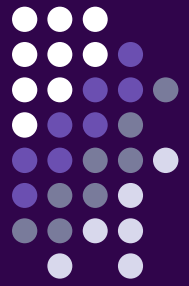
- It is required from each institution “engaged” in covered research:

  http://www.hhs.gov/ohrp/policy/index.html#engagement

Recommendations

Sound HRPP

Educate ALL Involved

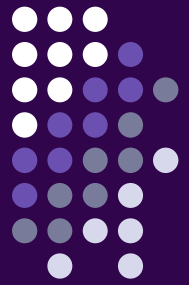


- IRB administrators
- IRB staff
- IRB members
- Investigators
- Research staff

Support IRB Members

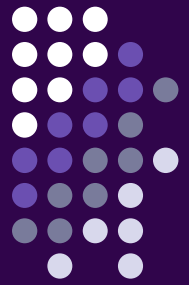
- Need to be recognized
- Given time to do the work
- Valued as an “academic” activity

Assure Adequate Resources



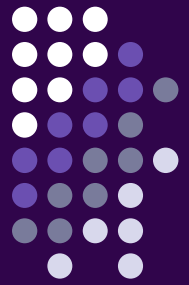
- Sufficient staff
- Staff that functions at a high level
- Variables to consider:
  - **Number of protocols reviewed**
  - **# of IRBs at the institution**
  - **Complexity of protocols**
  - **Complexity of tasks**

Study Subjects



- Obligation of investigator to provide for their welfare
- Recognize their contribution to the common good
- Need to be involved in decision-making
- Education beyond just reading the consent

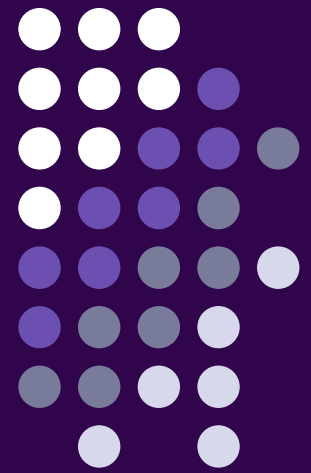
Informed Consent Process



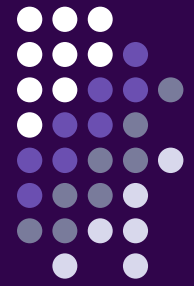
- Legal capacity to consent
- Free from constraint or coercion
- Sufficient comprehension of the elements to make an enlightened decision
- It is ongoing, not just signing a piece of paper

Proactive Compliance

Adherence to rules, regulations, policies and standards of conduct



Proactive Compliance Activities



- Audits
- Quality assurance
- Self assessment tools
- Remediation programs

Summary

- Regulatory Framework
- HRPP
- Regulatory Oversight
  - 3 pillars of protections
  - Education & QA/QI/CQI
  - HRPP