Regulatory Oversight through HRPP

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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

HHS  IRB  FDA
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)
Nuremberg 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

IRB

Investigator

Institution
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

DHHS

FDA
all FDA Regulated products regardless of funding

OHRP
all DHHS supported research

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