



University of California San Diego  
Trauma Study and Waived Consent

David Hoyt, MD, is beginning to study an experimental drug for trauma patients called FluZP2G thought to help reduce the life threatening complications of low blood pressure following blood loss. To be effective, this drug needs to be given as soon after injury as possible. Most severely injured patients are unconscious, and their family members may not be immediately available making it difficult to obtain consent for using the drug.

The Food and Drug Administration (FDA) has developed a process called "waived" consent to aid in the development of drugs to treat patients who are in need of emergency therapy including those that have suffered severe trauma (motor vehicle accidents / shootings / stabbings etc.). The inability to obtain patient or family consent in trauma patients has made the development of new treatments very difficult. Waived consent allows, in a few special cases, doctors to decide if a trauma patient would benefit from the drug without obtaining signed consent from the patient or his/her family. A meeting will be held at UCSD Medical Center, 200 W. Arbor Dr. San Diego, in Small Dining Room #1 at 7:00 p.m. on 3/13/98. Any person interested in learning more about the study, or the waived consent process or to express their opinions are invited to attend.



16. **Industry Studies:** This is a drug company sponsored study. The company is ICOS Corporation, 22021 20<sup>th</sup> Avenue S.E., Bothell, WA 98021. No member of the investigative team has had any role in the design of this protocol or has any financial interest in the ICOS Company. The IND number is BB-IND 6421 and is held by the ICOS Corporation.

17. **Other Funding:** None.

18. **Cancer Studies:** This is not a cancer study.

19. **Biological Materials Transfer Agreement:** N/A

20. **Investigational Drug Fact Sheet:** See attached sheet.

21. **Conflict of Interest:** See attached sheet.

22. **Nursing Staff:** All procedures associated with this protocol will be done by research personnel. There are no nursing staff responsibilities.

23. **Information Service:** N/A

24. **Waived Consent:**

- (1) Subjects with hemorrhagic shock are in a life-threatening situation, available treatments are unproved or unsatisfactory, and a randomized, placebo controlled trial is necessary to determine the safety and effectiveness of Hu23F2G. The FDA has given approval to conduct this study under waiver of informed consent. The IND number is BB IND 7371. A copy of the FDA notification is included with this application.
- (2) Obtaining informed consent is not feasible because the subjects will not be able to give their informed consent as a result of their medical condition. Hu23F2G must be administered before consent from most of the subjects' legally authorized representative is feasible, and there is no reasonable way to identify prospectively the individuals likely to suffer trauma-induced hemorrhagic shock. In the previous pilot study, only 10% of the patients meeting eligibility criteria could be consented.
- (3) Participation in this research holds out the prospect of direct benefit because animal data clearly shows attenuation of the ischemia reperfusion injury which is the most likely cause of early organ failure. In the dose picked, Hu23F2G will maintain saturation at above 80% for approximately 22 hours which is the time that the reperfusion injury occurs.

Following this saturation, falls off rapidly and as such, the risk of infection is very low. This translates into a risk benefit ratio which is highly likely to show benefit.

- (4) This clinical study can not practicably be carried out without the waiver because less than 10% of eligible subjects have a next-of-kin or legally authorized representative available to provide consent in a timely manner.
- (5) Evidence from animal studies suggest that the potential therapeutic window for Hu23F2G therapy is within the first several hours following injury and resuscitation. Investigators in this study are committed to attempting to contact a legally authorized representative for each subject within three hours of resuscitation room admission in order to obtain consent rather than proceeding without consent. The FDA has requested this of this study. The investigator will summarize efforts made to contact legally authorized representatives and this information will be available to the IRB at the time of continuing review.

For the first three hours after admission the following will be used to attempt to contact a legally authorized representative by the study research nurse: (algorithm attached)

- An attempt will be made to try to obtain a phone number from the patient. All personal belongings and clothing of the patient will be searched for any identification or phone numbers. If successful, attempts will be made to telephone and identify the next of kin or legal representative. Telephone contact will be tried every 5 minutes. If successful, the study will be explained in detail and the consent will be faxed to that person for signature and returned by fax.
- The police agency (if any) investigating the incident will be contacted in an effort to identify family or legal representative. If successful, the procedures above will be followed.
- The ambulance personnel transporting the patient to the hospital will be queried for information concerning family at the scene of the trauma. If successful, the procedures above will be followed.

- All attempts to find the family or legal representative will be documented in the patients medical chart and in the retained research record.
- During the first three hours following admission, study personnel will attempt to obtain informed consent form the subject, or legally authorized representative. If no one can be reached by the end of the three hour period, then the subject may be enrolled and dosed with Waiver of Informed Consent if all eligibility criteria are satisfied.

- (6) When family is located or arrives at the hospital, the study will be explained by study personnel. They will be informed that they may discontinue participation at any time without penalty of loss of benefit of care to the patient. They will be asked to sign a consent. See attached.

When the patient becomes able to comprehend, the study will be explained to him/her and they will be asked to sign a consent form. If they decline to participate, they will be asked to sign the "Decline to Continue to Participate" portion of the patient consent form.

If the subject entered with waiver of consent dies before a legally authorized representative or family member can be contacted, information about the clinical investigation will be provided to them as soon as feasible by a member of the research team. A copy of that form is attached.

- (7) An independent data monitoring committee, approved by the FDA, has been established to exercise oversight of this clinical investigation.

- (8) Each of the attending physicians for the Trauma Division are co-investigators and schooled in the protocol. When patients are admitted to the resus room that are thought to be eligible for the study, the research

nurse is called. These nurses are on call 24 hours a day. They come into hospital, evaluate the patient for potential entry and call the Principal Investigator, Dr. Hoyt or one of the co-investigators. If he feels that the patient is eligible, the research nurse begins the consent process outlined in items # 5 & 6 above.

The staff nurses in the Surgical Intensive Care Unit (SICU) are inserviced at one of several 15 minute talks. They are provided with an overview of the study and the study drug; potential side effects; and given the research

co-ordinator's phone and beeper numbers for any problems or questions that might arise in the SICU after the study drug is given. A record is kept in the study file of all who attended.

**Community Consultation:**

1. **Advisory Board for Waiver of Consent in Emergency Meeting:** This meeting was held on March 12, 1998 in the conference room at the Dean of the School of Medicine's office. Included in this Board were members from the Hispanic and Pan-Asian communities. Those in attendance expressed favorable opinions of the protocol and gave input as to how they felt their communities in general would react. The attendees and minutes of this meeting are on file with the IRB.

2. **Public Meeting.** A public meeting was held at UCSD Medical Center on the evening of March 13, 1998. Notices were placed in the following papers:

- San Diego Evening Tribune
- Voice and Viewpoint (Black community)
- La Prensa (Hispanic community)
- UPAC (Union of Pan-Asian Communities) Bulletin Board
- Linda Vista Health Care Bulletin Board. (Asian community)

This meeting was attended by five community members. They stated that they had no objection to the waived consent process in this instance. The unanimous consensus was that if one of their loved ones were to be in an accident and needed this drug they would want them to participate in this study. Minutes of this meeting are on file with the IRB.

### Trauma Waived Consent Algorithm

