From: OC GCP Questions
To: [redacted]
Subject: RE: Progress and final report submissions by sponsor to IRBs (21 CFR 812.150 b)
Date: Tuesday, September 12, 2017 9:08:00 AM
Attachments: [redacted]

My responses are below your questions, in purple.

I hope this information is helpful to you. If you need further assistance, please feel free to contact the GCP mailbox at gcp.questions@fda.hhs.gov .

Best regards,

Sheila

Sheila Brown, RN, MS
Policy Analyst

Office of the Commissioner (OC)
Office of Good Clinical Practice (OGCP)
U.S. Food and Drug Administration
Tel: 301-796-6563
sheila.brown@fda.hhs.gov

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From: [redacted]
Sent: Wednesday, September 06, 2017 2:00 PM
To: OC GCP Questions
Subject: Progress and final report submissions by sponsor to IRBs (21 CFR 812.150 b)

Hello,

My questions pertain to 21 CFR 812.150 (b - Sponsor reports), subsections 5 (progress reports) and 7 (final report):

5) Progress reports.

At regular intervals, and at least yearly, a sponsor shall submit progress reports to all reviewing IRBs.

7) Final report.

...the sponsor...shall submit a final report to FDA and all reviewing IRB's and participating investigators

within 6 months after completion or termination

Question 1. Is it acceptable for the sponsor to submit to participating study sites the progress/final report, but then ensure that the site submits the report their IRB? The regulation specifically states that the sponsor shall submit to the IRBs in both of these paragraphs. However, study sites have their own IRB account/login (especially with local IRBs) and must submit documents to their IRB via an electronic portal. It is uncommon for sponsors to have an account with a local IRB.

You are correct that 21 CFR 812.150(b)(5) and (7) state that the sponsor shall submit reports to the IRB; however, in most cases, the sponsor reports are submitted to the IRB via the clinical investigator at the site. The clinical investigator is responsible for maintaining documentation of all communication with the IRB and sponsor, per 21 CFR 812.140(a)(1):

> *Investigator records.* A participating investigator shall maintain the following accurate, complete, and current records relating to the investigator's participation in an investigation:
>
> (1) All correspondence with another investigator, an IRB, the sponsor, a monitor, or FDA, including required reports.

The following questions/answers from FDA's information sheet guidance, *Institutional Review Boards Frequently Asked Questions*, may be helpful:

19. Are there any regulations that require clinical investigators to report to the IRB when a study has been completed?

IRBs are required to function under written procedures. One of these procedural requirements [21 CFR 56.108(a)(3)] requires ensuring "prompt reporting to the IRB of changes in a research activity." The completion of the study is a change in activity and should be reported to the IRB. Although subjects will no longer be "at risk" under the study, a final report/notice to the IRB allows it to close its files as well as providing information that may be used by the IRB in the evaluation and approval of related studies.

30. Does FDA prohibit direct communication between sponsors and IRBs?

It is important that a formal line of communication be established between the clinical investigator and the IRB. Clinical investigators should report adverse events directly to the responsible IRB, and should send progress reports directly to that IRB. However, FDA does not prohibit direct communication between the sponsor and the IRB, and recognizes that doing so could result in more efficient resolution of some problems.

FDA does require direct communication between the sponsors and the IRBs for certain studies of medical devices and when the 21 CFR 50.24 informed consent waiver has been invoked. Sponsors and IRBs are required to communicate directly for medical device studies under 21 CFR 812.2, 812.66 and 812.150(b). For informed consent waiver studies, direct communication between sponsors and IRBs is required under 21 CFR 50.24(e), 56.109(e), 56.109(g), 312.54(b), 312.130(d), 812.38(b)(4) and 812.47(b).

The information sheet can be found at
https://www.fda.gov/RegulatoryInformation/Guidances/ucm126420.htm#IRBRecords

Question 2. In subsection 7, what is defined as "completion" of the study, and thus begins the 6-month start time for this requirement? Conservatively, "completion" could be interpreted as the last patient's last visit. However, after that final visit, the data will be reviewed remotely, and, most likely, the data will be monitored on-site (this will most certainly be several weeks after data entry). Also, during the data analysis and final report development, there could be additonal queries. Each of

these could, in some respects, establish a different "completion" date for the study.

FDA's guidance document, *Procedures for Handling Post-Approval Studies Imposed by PMA Order*, (which can be found at https://www.fda.gov/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm070974.htm) describes [anticipated] "study completion date" as "complete follow-up of all study participants".

We recommend discussing terminology (e.g., "completion date") and expectations for submitting documents and progress/final reports with the sponsor and IRB, to be sure everyone has the same expectations for prompt reporting.

Thank you.

[redacted]