From: OC GCP Questions
To: [redacted]
Subject: ICF and voluntary participation
Date: Monday, April 10, 2017 10:55:00 AM
Attachments: [redacted]

Good morning –

The key points regarding FDA's policy on the withdrawal of subjects from a clinical investigation are as follows: https://www.fda.gov/downloads/RegulatoryInformation/Guidances/UCM126489.pdf

- According to FDA regulations, when a subject withdraws from a study, the data collected on the subject to the point of withdrawal remains part of the study database and may not be removed.

- An investigator may ask a subject who is withdrawing whether the subject wishes to provide continued follow-up and further data collection subsequent to their withdrawal from the interventional portion of the study. Under this circumstance, the discussion with the subject would distinguish between study-related interventions and continued follow-up of associated clinical outcome information, such as medical course or laboratory results obtained through non-invasive chart review, and address the maintenance of privacy and confidentiality of the subject's information.

- If a subject withdraws from the interventional portion of the study, but agrees to continued follow-up of associated clinical outcome information as described in the previous bullet, the investigator must obtain the subject's informed consent for this limited participation in the study (assuming such a situation was not described in the original informed consent form). In accordance with FDA regulations, IRB approval of informed consent documents would be required (21 CFR 50.25, 56.109(b), 312.60, 312.66, and 812.100).

- If a subject withdraws from the interventional portion of a study and does not consent to continued follow-up of associated clinical outcome information, the investigator must not access for purposes related to the study the subject's medical record or other confidential records requiring the subject's consent. However, an investigator may review study data related to the subject collected prior to the subject's withdrawal from the study, and may consult public records, such as those establishing survival status.

As you can see FDA is very broad when it comes to withdraw of study subjects. There is no FDA requirement that the withdraw be in writing. However it should be documented in the study records.

As to the ICD amendments your IRB should have standard operating procedures to address this situation.

FDA's regulations on informed consent (21 CFR part 50) do not prohibit using methods other than a face-to-face interview to obtain informed consent from patients as long as the principles for obtaining informed consent are followed. FDA's guidance on informed consent is from 1998 ("A Guide to Informed Consent - Information Sheet Guidance for Institutional Review Boards and Clinical Investigators" available at www.fda.gov/RegulatoryInformation/Guidances/ucm126431.htm)

The guidance states, "Informed consent is more than just a signature on a form, it is a process of information exchange that may include, in addition to reading and signing the informed consent document, subject recruitment materials, verbal instructions, question/answer sessions and measures of subject understanding. Institutional Review Boards (IRBs), clinical investigators, and research sponsors all share responsibility for ensuring that the informed consent process is adequate. Thus, rather than an endpoint,

the consent document should be the basis for a meaningful exchange between the investigator and the subject."

So the concept of remote informed consent is acceptable, as is faxing a consent form. I believe that scanning and e-mailing the consent form may also be acceptable provided that it is through a secure e-mail account to protect the confidentiality of the subject. I also recommend that your IRB review and approve the procedures and methods you plan to use to obtain informed consent.

You might be interested in reviewing FDA guidance on electronic informed consent.

https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM436811.pdf

And draft guidance on Informed consent.

https://www.fda.gov/downloads/RegulatoryInformation/Guidances/UCM405006.pdf

Kind regards,

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From: [redacted]
Sent: Thursday, April 6, 2017 9:10 AM
To: 'gcp.questions@fda.hhs.go' <gcp.questions@fda.hhs.go>
Subject: ICF and voluntary participation

Good Morning:

We wanted input in regards to an issue that we are facing with a sponsor. Originally, the post market study was four years which was now extended. The issue we have is for withdrawal of consent.

The site feels that a person can withdraw at any point and there is no obligation on there part to continue. We consulted with the IRB who agrees. However, the CRA says that unless it is in writing by subject there is no withdrawal. Furthermore, the language in the ICF states that there is no set termination date and that they are agreeing to allow the sponsor to inquire with whatever means including but not limited to neighbors, social media, physicians etc….

We as a site don’t feel that a person should have to jump through hoops to withdraw. In addition, the sponsor wants us to have people that have agreed to be followed to continue to sign ICF amendments. The ICF amendments are asking individuals to agree to activity participate in the study not just to be followed. The sponsor states that we must email, or mail the ICFs and send a letter explaining the changes . We do don’t feel that this is correct ICF process.

Thank you for any insight.

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