From: OC GCP Questions
To: [redacted]
Subject: RE: Informing Subjects of New Information
Date: Friday, August 05, 2016 3:42:00 PM

Dear [redacted] -

Thank you for your question. The informed consent regulations at 21 CFR 50.25(b)(5) require that, when appropriate, the informed consent form include a statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.

FDA also has various guidance documents that I listed below for your reference that speak to this topic. Both the regulations and guidance address communicating new information to subjects that may relate to the subject's willingness to continue participation in the study, but do not specifically address what to do when the subject has completed the study. When the regulations are silent, sponsors, investigator, IRBs and institutions are free to develop their own procedures and practices as long as applicable regulatory requirements are met.

When thinking through communicating new information involving a clinical trial, I think you have to consider **WHAT** kind of new information you are talking about. Is it new information about something that will not affect any subject who has already completed the study (e.g., subjects will be asked to fill out an additional questionnaire at visit 2) or is it new information that affects any subject who participated in the study, including all current subjects, any subjects who completed the study, and any new subjects yet to enroll (e.g., new safety information regarding a latent serious adverse event)?

Have you consulted your IRB(s) with your question? As you know, the IRB is responsible for approving any changes to the informed consent form (ICF), determining what the revised ICF includes, and advising whether subjects need to sign a revised ICF (e.g., all current subjects and new subjects, or just new subjects). Whether or not a "reconsent" is needed depends upon the nature of the change in the study or information about the study that warranted the change. Your IRB(s) will be familiar with the nature of the change to the ICF, the reason(s) for the change, and may determine whether a revised ICF should be issued and signed by subjects.

Institutions, IRBs, sponsors and investigators may have Standard Operating Procedures (SOPs) to address communicating new information to subjects that must be followed. Whether or not subjects who completed a study need to be informed of new information again depends on the nature of that information. You may consider discussing your question with the appropriate individuals at your company, your investigator sites, and your IRB(s) to determine when a subject who has completed a study may be required to receive new information, and the process to follow to inform them when and if it is necessary.

Here is some information on a few of FDA's guidance documents that may be helpful to you:

The *ICH GCP E6 Good Clinical Practice: Consolidated Guidance*, (which is recognized as official FDA guidance – see http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm073122.pdf) states the following:

Section 4.8.2:

> 4.8.2 The written informed consent form and any other written information to be provided to subjects should be revised whenever important new information becomes available that may be relevant to the subject's consent. Any revised written informed consent form, and written information should receive the IRB/IEC's approval/favorable opinion in advance of use. The subject or the subject's legally acceptable representative should be informed in a timely manner if new information becomes available that may be relevant to the subject's willingness to continue participation in the trial. The communication of this information should be documented.

Section 4.8.10(p):

> 4.8.10 Both the informed consent discussion and the written informed consent form and any other written information to be provided to subjects should include explanations of the following:
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> ---
> (p) That the subject or the subject's legally acceptable representative will be informed in a timely manner if information becomes available that may be relevant to the subject's willingness to continue participation in the trial.

FDA has guidance titled, "*Institutional Review Boards Frequently Asked Questions - Information Sheet*" found at

http://www.fda.gov/RegulatoryInformation/Guidances/ucm126420.htm. FAQ #45 states:

> 45. When should study subjects be informed of changes to the study?
>
> Protocol amendments must receive IRB review and approval before they are implemented, unless an immediate change is necessary to eliminate an apparent hazard to the subjects (21 CFR 56.108(a)(4)). Those subjects who are presently enrolled and actively participating in the study should be informed of the change if it might relate to the subjects' willingness to continue their participation in the study (21 CFR 50.25(b)(5)). FDA does not require reconsenting of subjects that have completed their active participation in the study, or of subjects who are still actively participating when the change will not affect their participation, for example when the change will be implemented only for subsequently enrolled subjects.

FDA also issued Draft Guidance titled, "*Informed Consent Information Sheet – Guidance for IRBs, Clinical Investigators, and Sponsors*" - see http://www.fda.gov/downloads/RegulatoryInformation/Guidances/UCM405006.pdf. Although this guidance is draft, and not for implementation, Pages 24 and 25 provide some insight into recommendations for both the IRB and the investigator for new information, such as significant new findings. The draft guidance says that during the clinical investigation, new information about the research or changes to the clinical investigation may arise that affect the rights or welfare of subjects. FDA recommends that IRBs have procedures in place for the timely, efficient, and effective review of such new information or changes.

I hope this information is useful. If you need further information and/or have additional questions, please feel free to contact us at the official GCP mailbox, gcp.questions@fda.hhs.gov. You may also find it useful to access the set of redacted GCP e-mails found at http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/RepliestoInquiriestoFDAonGoodClinicalPractice/default.htm since we find that many questions and concerns are repeated over time.

Best Regards,

Janet

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Office of Special Medical Programs, Food and Drug Administration

This communication does not constitute a written advisory opinion under 21 CFR 10.85, but rather is an informal communication under 21 CFR 10.85(k) which represents the best judgment of the employee providing it. This information does not necessarily represent the formal position of FDA, and does not bind or otherwise obligate or commit the agency to the views expressed.

From: [redacted]
Sent: Tuesday, August 02, 2016 5:29 PM
To: OC GCP Questions
Subject: Informing Subjects of New Information

Dear GCP Questions,

What is the requirement around consenting/informing subjects of new information after they have completed the trial? If new information becomes available, do subjects need to come in to the facility to re-consent or would certified mail or telephone call with a source documentation noted suffice?

Thank you in advance for any information you provide.

Best regards,

[redacted]

[redacted]

[redacted]