From: OC GCP Questions
To: [redacted]
Subject: ICF requirement regarding alternative therapy
Date: Wednesday, January 20, 2016 6:46:32 AM

Good morning --

FDA regulations are not that specific when it comes to informed consent language. Therefore IRBs can suggest specific language. I can offer you the following information.

One of FDA's basic required elements of informed consent under 21 CFR 50.25(a) is as follows:

(4) A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject. [21 CFR 50.25(a)(4)]

FDA's Guide to Informed Consent (www.fda.gov/RegulatoryInformation/Guidances/ucm126431.htm) states the following on this requirement:

To enable a rational choice about participating in the research study, subjects should be aware of the full range of options available to them. Consent documents should briefly explain any pertinent alternatives to entering the study including, when appropriate, the alternative of supportive care with no additional disease-directed therapy. While this should be more than just a list of alternatives, a full risk/benefit explanation of alternatives may not be appropriate to include in the written document. The person(s) obtaining the subjects' consent, however, should be able to discuss available alternatives and answer questions that the subject may raise about them. As with other required elements, the consent document should contain sufficient information to ensure an informed decision.

Although you did not directly ask, I would also note that an additional element requires that subjects be informed that they may decline to participate or to continue to participate at any time without penalty or loss of benefits [21 CFR 50.25(a)(8)]:

(8) A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

FDA's regulations relating to human subject protection and informed consent are available under 21 CFR Part 50: CFR - Code of Federal Regulations Title 21

Additionally since you state you have a FWA in place, you might want to consult OHRP.

Office for Human Research Protections
1101 Wootton Parkway, Suite 200
Rockville, MD 20852

Toll-Free Telephone within the United States: (866) 447-4777
Telephone: (240) 453-6900
Fax: (240) 453-6909
E-mail: OHRP@hhs.gov

I hope this information is helpful. Please contact us again at gcp.questons@fda.hhs.gov should you have additional questions.

Kind regards,

Doreen M. Kezer, MSN

Senior Health Policy Analyst
Office of Good Clinical Practice
Office of the Commissioner, FDA

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, January 19, 2016 2:26 PM
To: OC GCP Questions
Subject: RE ICF requirement regarding alternative therapy

Yes there is an IND and of course it has approval from Health Canada too.

thanks

[redacted]

OC GCP Questions
<gcp.questions@fda.hhs.gov>

2016-01-19 14:11

[redacted]
cc
Objet ICF requirement regarding alternative therapy

Good afternoon –

Is the trial FDA-regulated?

Doreen M. Kezer, MSN
Senior Health Policy Analyst
Office of Good Clinical Practice
Office of the Commissioner, FDA

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From: [redacted]
Sent: Tuesday, January 19, 2016 1:03 PM

To: OC GCP Questions
Subject: ICF requirement regarding alternative therapy

Hello,

We are a Canadian site and we have been struggling with one of our sponsors regarding language in our informed consent text for "Alternative Treatments". The sponsor is a US cooperative group and the trial is under an active FWA. The sponsor insists on requiring us to include at least the general language suggested in the sponsor (an NCI CIRB-approved) sample consent form to meet the requirement for providing patients with information about possible alternative treatments.

Our REB's require text is provided below for your reference:
What other choices do I have if I do not take part in this study?
"If you do not wish to take part in this study, your doctor will discuss your treatment options with you."

The sponosr's sample text is provided below for your reference:

What other choices do I have if I do not take part in this study?
Your other choices may include:

- Getting treatment or care for your cancer without being in this study
- Taking part in another study
- Getting no treatment

Talk to your study doctor about your choices before you decide if you will take part in this study.

Our REB informed us that the wording they require and insist on in the ICF is designed to let the perspective participant know that he should discuss his own particular treatment options with his doctor shall he wishes so. The REB also said that "the listing of possible treatments is not considered relevant in the context of the research, as it refers to possible clinical treatments. In fact, listing some possible alternatives treatments could very well be misleading for the participants, as some or all of the listed alternative treatments may not apply to their particular case. Furthermore, not all possible alternatives could be listed and the information would thus be incomplete."

Given the argument provided by our REB, would you consider our REB's alternative statement acceptable (the single sentence just above in red) to meet the requirement under the federal regulations?

I appreciate your assistance with this request and look forward to your response.

[redacted]