U.S. FOOD & DRUG ADMINISTRATION

NOTICE OF INITIATION OF DISQUALIFICATION PROCEEDINGS AND OPPORTUNITY TO EXPLAIN (NIDPOE)

VIA UNITED PARCEL SERVICE

Naveed Razzaque, M.D.
3165 McKelvey Road, Suite 102
Bridgeton, Missouri 63044

Dear Dr. Razzaque:

This letter informs you of objectionable conditions observed during the U.S. Food and Drug Administration (FDA) inspection conducted at your clinical site between September 9 and September 25, 2019. Karen M. Montgomery, representing FDA, conducted an inspection to review your conduct of the following clinical investigations:

- (b)(4)
- (b)(4)

This inspection was conducted as a part of FDA's Bioresearch Monitoring Program, which includes inspections designed to evaluate the conduct of research and to help ensure that the rights, safety, and welfare of human subjects have been protected.

At the conclusion of the inspection, Investigator Montgomery presented and discussed with you the items listed on Form FDA 483, Inspectional Observations. We acknowledge receipt of your October 16, 2019, written response to the Form FDA 483.

We have reviewed the inspection report, the documents submitted with that report, and your October 16, 2019, written response to the Form FDA 483. We do not find your response acceptable in addressing the matters under complaint, which are described below.

Based on our evaluation of information obtained by FDA, we believe that you have repeatedly or deliberately submitted false information to the sponsor in required reports.

This letter provides you with written notice of the matters complained of and initiates an administrative proceeding, described below, to determine whether you should be disqualified from eligibility to receive test articles as set forth under 21 CFR 312.70, and disqualified from eligibility to conduct any clinical investigation that supports an application for a research or marketing permit for products regulated by FDA, including drugs, biologics, devices, new animal drugs, food and dietary supplements that bear a nutrient content claim or a health claim, infant formulas, food and color additives, and tobacco products.

The violations and applicable CFR provisions are as follows:

You repeatedly or deliberately submitted to the FDA or to the sponsor false information in any required report [21 CFR 312.70(a)].

As a clinical investigator for Protocol [redacted (b)(4)], you were required to perform on-site protocol-required procedures and telephone call assessments at certain timepoints.

FDA has concluded that you repeatedly or deliberately submitted false information to the sponsor in the form of falsified study records. Specifically:

1. Protocol [redacted (b)(4)] required that a total of [redacted (b)(4)] scheduled on-site study visits be conducted for each subject. Specifically, during scheduled on-site study visits, you were required to conduct the following medical procedures:

   a. Primary efficacy endpoint assessments: [redacted (b)(4)]

   b. Physical exam and clinical assessments (blood pressure, heart rate, height, and weight)

   c. Laboratory assessments: serum chemistry, fasting lipid panel, and hemoglobin A1c

   d. Adverse event assessments

   e. Concomitant medication review

   Subject [redacted (b)(6)] passed away on [redacted (b)(6)] You signed and dated study records that falsely indicate that required study procedures, such as primary [redacted (b)(4)] endpoint assessments, physical exams, adverse event assessments, and concomitant medication assessments, were completed for two protocol-required study visits occurring after this date.

You also submitted falsified records for several more study visits between November 22, 2016, and September 28, 2018.

These falsified records were submitted to the sponsor to support data (including primary efficacy data) collected at your site during the conduct of the study.

2. Protocol [redacted] required a total of [redacted] assessment, adverse events, changes in medication, and major issues with the investigational product (losses or noncompliance).

   As noted above, Subject [redacted], passed away on [redacted] Study records falsely documented that study staff personnel spoke directly with Subject [redacted] and protocol-required [redacted] endpoint, adverse event, concomitant medication, and investigational product assessments, after this date, between January 6, 2017, and December 27, 2017.

   These falsified records were submitted to the sponsor to support data (including primary efficacy data) collected at your site during the conduct of the study.

In your October 16, 2019, written response to the Form FDA 483, you stated that the subject's death and falsification of records were discovered during an internal audit conducted by the site management organization (SMO) between January 21, 2019, and February 14, 2019, and that the falsification was attributable to the misconduct of a site manager.

We acknowledge your corrective actions that include, for example:

- Enrollment suspension of all clinical studies
- Dismissal of the site manager
- Retraining of all site staff
- SMO quality-control review of all source records
- Updating and implementation of site guidelines, including management-level verification and clinical investigator oversight by SMO
- Unannounced clinical study audits

In addition, you indicated that due to the immense complexities of conducting clinical trials and the responsibilities of a primary investigator, you will "no longer conduct clinical research trials as a primary investigator while continuing my full-time practice."

Although we acknowledge the corrective actions you have taken to address the observation noted on the Form FDA 483, your response is inadequate because implementation of the corrective actions, such as dismissal of the site manager responsible for falsification and retraining of site staff, does not negate your repeated submission of falsified study records to the sponsor during a two-year time span (between November 22, 2016, and September 28, 2018). Further, you continue to believe these issues were the result of the deliberate actions of a site manager, without acknowledging that you

should not have signed and dated falsified records and submitted these falsified records to the sponsor without confirming the accuracy of the data documented in those falsified study records.

Your response is also inadequate because although you state you will no longer conduct clinical research trials as a primary investigator "while continuing my full-time practice," this does not guarantee that you will not be involved in or perform clinical investigations (clinical trials) in the future if your decision to conduct research changes or if your decision to practice full-time changes.

As the clinical investigator, it is your responsibility to ensure that the data collected from study subjects are accurate and can be relied upon in any analyses of the study endpoints. When you signed the Statement of the Investigator, Form FDA 1572, you agreed to provide accurate information to the sponsor and to ensure that you will comply with FDA regulations related to the conduct of the clinical investigations of the investigational drugs; and you agreed to ensure that all associates, colleagues, and employees assisting in the conduct of the study or studies are informed about their obligations in meeting their commitments. Furthermore, your signature constitutes both your affirmation that you are qualified to conduct the clinical investigation and your written commitment to abide by FDA regulations in the conduct of the clinical investigations. The use of false information significantly compromises the study integrity, as well as the reliability and validity, of the data.

This letter is not intended to be an all-inclusive list of deficiencies with your clinical studies of investigational products. It is your responsibility to ensure adherence to each requirement of the law and relevant regulations.

Based on the above-listed violations, FDA asserts that you have repeatedly or deliberately submitted false information to the sponsor, which placed unnecessary risks to human subjects and jeopardized the integrity of data, and FDA proposes that you be disqualified as a clinical investigator.

You may reply to the above-stated findings, including an explanation of why you should not be disqualified as a clinical investigator, either in a written response or at an informal conference in my office. This procedure is provided for by regulation 21 CFR 312.70.

Within fifteen (15) working days of your receipt of this letter, write to me at the address below or call me at 301-796-5632 to arrange a conference time or to indicate your intent to respond in writing.

Should you choose to respond in writing, your written response should be forwarded within thirty (30) days of your receipt of this letter.

Your reply should be sent to:

David C. Burrow, Pharm.D., J.D.
Director
Office of Scientific Investigations
Office of Compliance
Center for Drug Evaluation and Research
U.S. Food and Drug Administration
Building 51, Room 5348
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

Should you request an informal conference, we ask that you provide us with a full and complete explanation of the above-listed violations. You should bring with you all pertinent documents, and a representative of your choice may accompany you. Although the conference is informal, a transcript of the conference will be prepared. If you choose to proceed in this manner, we plan to hold such a conference within 30 days of your request.

At any time during this administrative process, you may enter into a consent agreement with FDA regarding your future use of investigational products. Such an agreement would terminate this disqualification proceeding. Enclosed you will find a proposed agreement between you and FDA.

The FDA's Center for Drug Evaluation and Research (the Center) will carefully consider any oral or written response. If your explanation is accepted by the Center, the disqualification process will be terminated. If your written or oral responses to our allegations are unsatisfactory, or we cannot come to terms on a consent agreement, or you do not respond to this notice, you will be offered a regulatory hearing before FDA, pursuant to 21 CFR 16 (copy enclosed) and 21 CFR 312.70. Before such a hearing, FDA will provide you with notice of the matters to be considered, including a comprehensive statement of the basis for the decision or action taken or proposed, and a general summary of the information that will be presented by FDA in support of the decision or action. A presiding officer who has not participated in this matter will conduct the hearing. After such hearing, the Commissioner will determine whether you will remain entitled to receive test articles and to conduct any clinical investigation that supports an application for a research or marketing permit for products regulated by FDA.

You should be aware that neither entry into a consent agreement nor pursuit of a hearing precludes the possibility of a corollary judicial proceeding or administrative remedy concerning these violations.

To enter into the enclosed consent agreement with FDA, thereby terminating this disqualification process, you must:

(1) Initial and date each page of this Agreement;
(2) Sign and date the last page of this Agreement; and
(3) Return this Agreement initialed, signed, and dated to the signer below.

A copy of the fully executed Agreement will be mailed to you.

Sincerely yours,

{See appended electronic signature page}

David C. Burrow, Pharm.D., J.D.
Director
Office of Scientific Investigations
Office of Compliance
Center for Drug Evaluation and Research
U.S. Food and Drug Administration

Enclosures:
#1: Consent Agreement
#2: 21 CFR 16
#3: 21 CFR 312.70

This is a representation of an electronic record that was signed electronically. Following this are manifestations of any and all electronic signatures for this electronic record.

/s/

DAVID C BURROW
06/04/2020 12:24:33 PM