From: OC GCP Questions
To: [redacted]
Subject: RE: GCP question on: SAE reporting to FDA by sponsor or by clinical investigator?
Date: Friday, September 23, 2016 4:08:00 PM

Dear Inquirer-
I consulted my colleagues in CDER and here is the information they provided:

> The definition of "person" is not defined in section 320.1, Definitions. However, "person" refers to the sponsor, or if the study was performed under contract, the CRO. Thus, either the sponsor or the CRO would be responsible for notifying the FDA.

If you have any additional questions about this issue, please contact CDER's Division of Drug Information at druginfo@fda.hhs.gov directly.

I hope this information is useful.

Best Regards,

Janet

Janet Donnelly, RAC, CIP
Policy Analyst, Office of Good Clinical Practice
Office of Special Medical Programs, Food and Drug Administration

From: [redacted]
Sent: Tuesday, September 20, 2016 4:18 PM
To: OC GCP Questions
Subject: Re: GCP question on: SAE reporting to FDA by sponsor or by clinical investigator?

For example, this is for a study that does not require an IND and thus under an ANDA application that meets 21 CFR 320.31(d)(3). Therefore in page 21 of the guidance titled "Guidance for Industry and Investigators - Safety Reporting Requirements for INDs and BA/BE Studies" there is a paragraph that states:

A. BA/BE Study Safety Reporting Requirements (21 CFR 320.31(d)(3))

The person conducting a BA or BE study, including any contract research organization, must notify FDA and all participating investigators of any serious adverse event observed during conduct of the study, regardless of whether the event is considered drug related, as soon as possible but in no case later than 15 calendar days after becoming aware of its occurrence (21 CFR 320.31(d)(3)). This includes, for example, serious adverse events listed in the reference listed product's approved labeling, the investigator brochure, and protocol. Serious adverse events, whether observed in the investigational drug group or in the approved drug group (e.g., reference listed drug), must be reported (21 CFR 320.31(d)(3)).

My follow-up question is what is the definition of "The **person**" conducting a BA/BE study. Let's assume that no CRO (Contract Research Organization) is used by the Sponsor. Does "**person**" primarily mean the Sponsor? Or is the "person" the Principal Investigator of the applicable clinical trial? Or is it the Clinical Investigation Site? Basically should the Sponsor report a SAE to the Agency? Or should it be the PI or Clinical Site? That's what I am trying to ascertain. Who is the primary responsible "person" to directly report a SAE to the Agency? Thank you again.

On Sep 20, 2016, at 10:59 AM, OC GCP Questions <gcp.questions@fda.hhsgov> wrote:

Dear Inquirer-

Thank you for your question. Based on the limited information provided, it is not clear whether the bioequivalence study in question is or is not required to be conducted under an IND. I have provided references below for both scenarios (i.e., required to be conducted under an IND and not required to be conducted under an IND) and recommend you review the referenced regulations and guidance to assist you in answering your question.

The Study is Required to be Conducted Under an IND

The IND regulations can be found at 21 CFR 312 (see http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=312), with 21 CFR 312.32 addressing IND safety reporting.

The Study is Not Required to be Conducted Under an IND

The FDA regulations at 21 CFR part 320 address bioavailability and bioequivalence requirements (see http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=320), with 21 CFR 320.31 addressing safety reporting.

FDA has guidance titled, "Guidance for Industry and Investigators - Safety Reporting Requirements for INDs and BA/BE Studies" found at http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM227351.pdf .

If you have any additional questions regarding the study in question, please contact CDER's Division of Drug Information at druginfo@fda.hhs.gov.

I hope this information is useful.

Best Regards,

Janet

Janet Donnelly, RAC, CIP
Policy Analyst, Office of Good Clinical Practice
Office of Special Medical Programs, Food and Drug Administration

From: [redacted]
Sent: Friday, September 16, 2016 11:25 AM
To: OC GCP Questions
Subject: GCP question on: SAE reporting to FDA by sponsor or by clinical investigator?

For a clinical investigator site conducting a bioequivalence trial and does not utilize a CRO, would FDA's CDER/OGD expect any SAEs be reported by the Sponsor to FDA (once after the PI reports it to the sponsor and the IRB) per appropriate reporting timelines and required forms such 3500A/Medwatch? Or should the SAEs be reported by the clinical site directly to FDA?

Thank you for your assistance.