



TAP PHARMACEUTICAL PRODUCTS INC.

675 North Field Drive
Lake Forest, IL 60045

2006 7 14 10:10

March 14, 2007

Food and Drug Administration
Division of Dockets Management (HFA-305)
5630 Fishers Lane
Room 1061
Rockville, MD 20852

RE: Comments on Docket 2006N-0062 and RIN 0910-AF14; Expanded Access to Investigational Drugs for Treatment Use

TAP Pharmaceutical Products Inc. (TAP) hereby submits comments on Docket 2006N-0062 and RIN 0910-AF14 provided in the enclosed attachment.

Please telephone me at your earliest convenience if I can provide any additional information.

Sincerely,

A handwritten signature in black ink that reads 'Jean M. Conaway'. The signature is written in a cursive style with a large, looped 'J' at the beginning.

Jean M. Conaway, R.Ph., RAC, MBA
Regulatory Advisor
Phone: 847-582-2377
Fax: 847-582-2880

JMC:jmc
3-07.fda.2

2006N - 0062

C20



Page Two

March 14, 2007

**Center for Drug Evaluation and Research (CDER):
Expanded Access to Investigational Drugs for Treatment Use
Proposed Rule: Docket 2006N-0062 and RIN 0910-AF14**

1. Proposed Rule Issue:

The proposed rule explains that the term "serious disease or condition" has been previously described or illustrated in various documents as conditions that have an important effect on functioning or on other aspects of quality of life. Short-lived and self-limiting morbidity will usually not be sufficient to qualify a condition as serious, but the morbidity need not be irreversible, provided it is persistent or recurrent. Specific examples of "serious diseases or conditions" are included in the proposed rule in which FDA has granted expanded access to investigational drugs in the past.

TAP Response:

The definition of "serious disease or condition" requires further clarification as it remains unclear what serious conditions would have an important effect on functioning or other aspects of quality of life as well as persistent or recurrent morbidity.

2. Proposed Rule Issue:

The proposed submission requirements for expanded access trials are outlined for each type of expanded access trial.

TAP Response:

- Clarification is needed if the proposed submission requirements for expanded access trials are applicable to both sponsor and sponsor-investigator.
- Clarification is needed whether it is acceptable to include as part of the protocol instead of generating separate documents the following:
 - a) the rationale for intended use of the investigational drug with a list of generally available treatment options and an explanation on why they are not preferable and
 - b) criteria for patient selection or if a single patient then a description of the patient's disease including recent medical history and previous treatment use

3. Proposed Rule Issue:

Investigators that function as sponsor-investigators must comply with the responsibilities for sponsors and investigators.

TAP Response:

Industry sponsors need to be aware of adverse events (especially serious adverse events that have expedited reporting requirements) resulting from expanded use trials that are conducted by sponsor-investigators. Clarification is needed on whether PIs will be required to report adverse events to both sponsors and FDA. This is especially true for products that are not yet available on the market.



Page Three

March 14, 2007

**Center for Drug Evaluation and Research (CDER):
Expanded Access to Investigational Drugs for Treatment Use
Proposed Rule: Docket 2006N-0062 and RIN 0910-AF14**

4. Proposed Rule Issue:

In the expanded access proposed rule for individual patients and intermediate populations, it states that the FDA may require sponsors to monitor patients.

TAP Response:

In the case of the investigator and investigator-sponsor extended access trials, the monitoring responsibilities should be the responsibility of the investigator and not the industry sponsor.

5. Proposed Rule Issue:

The proposed rule for expanded access for intermediate size patient populations requires that a rationale be written explaining whether or not the investigational product is being developed, a description of the patient population and why expanded access studies can not be combined with ongoing clinical trials.

TAP Response:

Clarification is needed on where this information is to be included in the eCTD.

6. Proposed Rule Issue:

FDA distinguishes extended access trials as those that are not primarily to answer safety or effectiveness questions about the drug but are intended to treat the patient. Whereas clinical trials intended to support marketing applications are those that demonstrate the safety and effectiveness of the drug

TAP Response:

Oftentimes the treatment INDs will involve a different patient population compared to the current ongoing clinical trials to support marketing applications and may not generate reliable information typically generated by clinical trials with safety endpoints. Clarification is needed on whether data generated by extended access trials will need to be submitted to the NDA and if so how it will be evaluated when determining safety and efficacy of the proposed label claim and the proposed patient population.

7. Proposed Rule Issue:

A study described as an open-label safety study that provides broad access to an investigational drug in the later stages of development, but lacks planned, systematic data collection and a design appropriate to evaluation of as safety issue is likely to be considered a treatment IND or treat protocol.

TAP Response:

Clarification is needed whether open label studies if considered as treatment INDs will require only seriously ill subjects to be enrolled in these studies.