REVIEW OF INVESTIGATIONAL NEW DRUG (IND)/INVESTIGATIONAL DEVICE EXEMPTION (IDE) RESEARCH
IN HUMAN SUBJECTS RESEARCH

POLICY

It is the policy of the University of Cincinnati that studies involving investigational drugs, biologics, or devices be reviewed and approved in accordance with federal regulations. In order for an investigational drug, biologic or device to be used in clinical research, which is not otherwise exempt, an Investigational New Drug (IND) or Investigational Device Exemption (IDE) must be approved by the Food and Drug Administration (FDA).

DEFINITIONS

Investigational new drug application (IND). A set of documents submitted to the FDA for the purpose of obtaining authorization to administer an investigational new drug or biological product to humans in addition to authorization to transport or distribute the given product across state lines. An IND is required for studies of drugs and biological products that are already approved for marketing if the intent of the study is to generate data that will lead to FDA approval of a new advertising claim, clinical indication, formulation of the product or any other significant change in labeling.

Investigational device exemption (IDE). A set of documents submitted to the FDA for the purpose of obtaining authorization to conduct of clinical study using a significant risk device (21 CFR Part 812.3(m)) that is new or not approved for that use.

Investigator. An Investigator is a researcher under whose immediate direction the investigational drug or investigational device is administered or dispensed.

Sponsor-Investigator is an individual who both initiates and conducts an investigation, under whose immediate direction the investigational drug or investigational device are administered or dispensed. The term does not include any person other than the individual. The Sponsor/Investigator complies with all the obligations of both a Sponsor and an Investigator under (21 CFR §312 Subpart D; 21 CFR §812 Subparts C & E).

Case Report Form (CRF) is a printed, optical, or electronic document designed to record all of the protocol-required information to be reported on each clinical trial subject.

Study Monitoring is one of the obligations of the Sponsor of a clinical investigation. Clinical monitoring is the act of overseeing the progress of a clinical trial, and of ensuring that it is conducted, recorded, and reported in accordance with the protocol, standard operating procedures (SOPs), Good
Clinical Practice (GCP), and the applicable regulatory requirement(s). The monitoring functions may be delegated to a Contract Research Organization (CRO). Proper monitoring is necessary to ensure adequate protection of the rights of the human subjects and the safety of all subjects involved in clinical investigations and the quality and integrity of the resulting data. FDA has set forth Guidelines for the Monitoring of Clinical Investigations.

**Contract Research Organization (CRO)** is a person or an organization (commercial, academic, or other) contracted by the Sponsor, to perform one or more of the obligations of a Sponsor, e.g., design of a protocol, selection or monitoring of investigations, evaluation of reports and preparation of materials to be submitted to the FDA.

**APPLICABILITY**

- All University of Cincinnati faculty members who act as Sponsor-Investigators under an IND/IDE must be qualified to do so and have a knowledge of all applicable federal, state, and local regulations prior to submitting the IND/IDE to the FDA. As mandated by 21 CFR §312.50 (IND) and 21 CFR § 812.40 (IDE), Sponsor-Investigators are responsible for selecting qualified Investigators (when applicable). This also includes knowledge of Human Research Protection Program (HRPP) Policy IV.03 Demonstrating Knowledge of Human Research Protection by Researchers.
- Ongoing educational support and oversight will be performed at the discretion and direction of UC Office of Research Integrity (UCORI) and the Institutional Review Board (IRB).

**PROCESS**

**IND/IDE Documentation (see IRB Procedure #327)**

1. The following items must be submitted for review and evaluation to the HRPP:
   a. Complete IND/IDE application including cover letter;
   b. For INDs - a copy of the 1571 submitted to the FDA with ‘Initial Investigational New Drug Application (IND) box checked along with the initial submission packet;
   c. Copy of the letter from the FDA acknowledging receipt of the IND/IDE and assigning the IND/IDE number or an IND/IDE Exemption status letter;
   d. Copy of Clinical Hold letter and Clinical Hold Release letter (if applicable);
   e. A copy of all labels and labeling to be provided to each Investigator for each new investigational product (if applicable);
   f. Study monitoring plan, including name and qualifications of monitors (CV or resume). This function may be outsourced to a qualified individual or CRO.
The HRPP Director or designee will review the documents submitted by the faculty member to assess completeness, accuracy and compliance with relevant policies and regulations. If, in the opinion of the HRPP Director or designee a faculty member requires additional training to fulfill his or her obligations as the Sponsor or Sponsor-Investigator, supplemental educational materials or specialized consultation services will be provided to help such faculty member fulfill his or her obligations. The IRB must also be satisfied with the qualifications of the faculty member to serve as a Sponsor or Sponsor-Investigator. If the Sponsor or Sponsor-Investigator has no arrangements for study monitoring, the IRB will be advised that adequate resources for the study are currently unavailable and request that release of final IRB approval be held until such time as the Sponsor or Sponsor-Investigator has provided sufficient documentation that study monitoring has been secured. Final IRB approval may also be withheld if the Sponsor-Investigator requires additional training and/or resources in order to effectively fulfill his or her obligations under the applicable laws and University policies.

Once the appropriate documents have been obtained from the Sponsor or Sponsor-Investigator, confirmation will be sent to the HRPP staff in order for the release of approval documentation. This correspondence is documented in the IRB record for the applicable study.

**IND/IDE Maintenance Submissions**

1. A copy of the most recent IND/IDE annual report to FDA must be submitted with the annual progress report for review and evaluation:

2. Periodic visits to the Sponsor or Sponsor-Investigators will be made to assure that required IND/IDE maintenance reports have been submitted to the FDA according to federal regulations and to verify overall study conduct.

3. The HRPP staff will confirm that all required documents have been submitted by the Investigator as required for new protocol submission and the continuing review submission and ensure they are valid.

4. The HRPP staff will notify the Sponsor or Sponsor-Investigator to submit any missing documents.

5. Once the complete submission is received from the Investigator, the HRPP staff will distribute the protocol for review per HRPP Policy III.01 *Review by the IRB of Human Subjects Research*.

6. The IND/IDE application and applicable amendments made to the IND/IDE go into effect 30 days after the FDA has received the application, unless FDA notifies the Sponsor that the investigation is subject to a clinical hold. *(312.40(b)(1), 812.30(a)(1))*
PROCEDURES

1. The IRB should ensure that throughout IND or IDE trials the distinction between therapy and research is maintained.

2. A physician who participates in research by administering a new drug or biologic to consenting patients must assure that the patients understand and remember that the drug is experimental, and that its benefits for the condition under study are unproven.

3. Where an individual is both an Investigator and the participant’s treating physician, these two roles must be harmonized. The participant must recognize that the person with whom he or she is dealing may be fulfilling a dual role. The IRB should consider the need to inform the patient about the dual role of the Investigator/physician and the differences between research and therapy.

7. The IRB will make significant/non-significant device determinations. In deciding whether a medical device is a significant risk, the IRB shall consider if the device:

   a. Is intended as an implant and presents a potential for serious risk to the health, safety, or welfare of a participant. [21 CFR §812.3(m)(1)]

   b. Is purported or represented to be for a use in supporting or sustaining human life and presents a potential for serious risk to the health, safety, or welfare of a participant. [21 CFR §812.3(m)(2)]

   c. Is for a use of substantial importance in diagnosing, curing, mitigating, or treating disease or otherwise preventing impairment of human health and presents a potential for serious risk to the health, safety, or welfare of a participant. [21 CFR §812.3(m)(3)]

   d. Otherwise presents a potential for serious risk to the health, safety, or welfare of a participant. [21 CFR §812.3(m)(4)]

If the IRB determines that an investigation, presented for approval under as a non-significant risk device involves a significant risk device, it notifies the Investigator and, where appropriate, the Sponsor. [21 CFR §812.66]

Applicable Regulations, Document(s):

21 CFR §312 Subpart D
21 CFR §812.3(m)
21 CFR §812.66
21 CFR §812.100
21 CFR §812.110
21 CFR §812.140
21 CFR §812.145
21 CFR §812.150
Review of Investigational New Drug (IND)/Investigational Device Exemption (IDE) in Human Subjects Research

Adopted: 11/2006 Revised: 03/2015


HRPP Policy IV.03 Demonstrating Knowledge of Human Research Protection by Researchers
HRPP Policy III.01 Review by the IRB of Human Subjects Research

Additional Documents:

These documents are located at: http://researchcompliance.uc.edu/
IND/IDE Responsibility Checklist
Clinical Monitoring Guidance for Sponsor-Investigators

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<td>11/2006</td>
<td>M. Linke</td>
<td>04/2007</td>
<td>M. Colbert</td>
<td>Removing the responsibility from the IRB Chairperson of meeting with the Sponsor/Investigator to verify FDA guideline for an active IND and transferring the duties to ORCRA.</td>
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<td>04/2007</td>
<td>M. Linke</td>
<td>10/2007</td>
<td>M. Colbert</td>
<td>Addition of review of IND/IDE information by RCO or FDA Specialist</td>
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<td>10/2007</td>
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<td>07/2008</td>
<td>J. Lindwall</td>
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<td>A. Braggs-Brown</td>
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Date Adopted March 2015 Signature signed copy on file