SMART Talks

A Community Forum to Explore Issues Surrounding Single IRB Review

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SMART IRB

Pondering Post-Approval Monitoring for Single IRB: FDA-Regulated Research Edition

July 2024

FYI

Questions for the presenter or SMART IRB Team are welcome! Please post these under ‘Q/A’

Questions for fellow attendees should be posted under ‘Chat’

A link to today’s recording will be emailed to attendees. A recording will be posted on the SMART IRB website

Your feedback is valued! Please complete the survey at the end of the SMART Talk! The survey will be emailed as well.

What Is SMART IRB?

SMART IRB is…

A federally funded project to support institutions and researchers in the implementation of single IRB

SMART IRB provides…

A global IRB reliance agreement

An Online Reliance System to initiate and track reliance

Zero Cost Education, Guidance, and Resources

SMART IRB is NOT…

An IRB

An electronic system for Reviewing IRBs to receive studies for review

Reach out to a SMART IRB Ambassador

Aaron Kirby
Harvard Catalyst

Polly Goodman
Harvard Catalyst

Jeremy Lavigne
Harvard Catalyst

Ada Sue Selwitz
University of Kentucky

https://smartirb.org/ambassadors/

Carissa Minder
Washington University in St. Louis

Kathy Lawry
AAHRPP

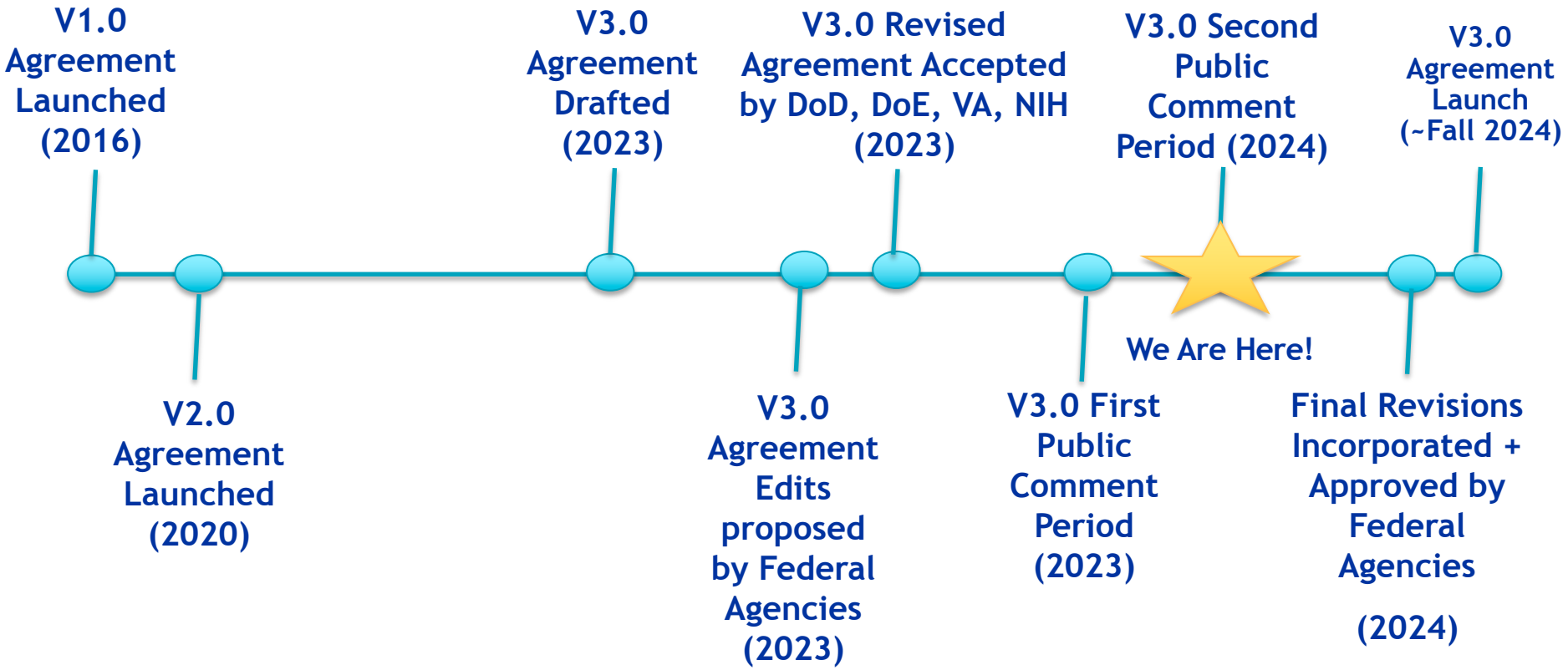
Nichelle Cobb
AAHRPP

Stacey Goretzka

Lubabah Helwani
University of Southern California

What's happening with Version 3.0 of the SMART IRB Agreement?

SMART IRB Agreement: Progress Over Time



Next Steps

- SMART IRB team is following up with some commenters as needed for additional information/clarification on some of their comments
- SMART IRB team will discuss with federal agencies some specific issues that had been previously negotiated
- Version 3.0 is being updated to reflect the additional comments and will be re-posted for another brief public comment period (highlighting the updates from the previously posted draft)
- FAQs and Guidance will be developed to address areas of confusion

Pondering Post-Approval Monitoring for Single IRB: FDA-Regulated Research Edition

Today's presenters:

- **Joshua Fedewa,** Director, Research Compliance, Advarra
- **Nadia Johnson,** Assistant Director, Human Research Protections, External Relations, Office of Science & Research, NYU Langone
- **Adam McClintock,** Director, Office of the Institutional Review Board, The University of Alabama at Birmingham

Moderator:

- **Mike Linke**, Program Director for Education, SMART IRB

Agenda

- Overview of FDA Single IRB Mandate
- Key Challenges
- Potential Solutions

sIRB Timeline

Jan 2018
- An NIH-funded study being conducted at more than one US site involving non-exempt human subjects research may be subject to the NIH Single IRB policy

Jan 2020
- The revised Common Rule cooperative research provision (46.114) states "any institution located in the US that is **engaged** *in cooperative research that is conducted in the US.*"

Sept 2022
- FDA NPRM: The proposed rule would generally "require that any institution located in the US **participating** in FDA-regulated cooperative research rely on approval by a single IRB for that portion of the research that is conducted in the US."

TBD
- Projected publication date of the Proposed Rule: **Institutional Review Boards; Cooperative Research**

TBD
- The Proposed Rule becomes effective one year after the final rule is published in the Federal Register.

FDA NPRM Overview

Current regulatory text § 56.114 Cooperative research:

- "In complying with these regulations, institutions involved in multi-institutional studies may use joint review, reliance upon the review of another qualified IRB, or similar arrangements aimed at avoidance of duplication of effort."

Proposed revisions:

- "… describe cooperative research covered by these regulations as a **clinical investigation that involves more than one institution** and to explain that, in the conduct of cooperative research, each institution is responsible for safeguarding the rights and welfare of human subjects and for complying with these regulations."
- "… require that any **institution located in the United States** participating in FDA-regulated cooperative research **rely on approval by a single IRB** for that portion of the research that is conducted in the United States."

"Institutional Review Boards; Cooperative Research," published in the Federal Register on September 28, 2022

Anticipated Benefits

- This proposed rule should “reduce the administrative and coordination costs of conducting FDA-regulated cooperative research by (1) reducing duplicative reviews; (2) facilitating an earlier start of cooperative research; and (3) reducing the need to reconcile variability in IRB review decisions for cooperative research conducted with a common protocol.”
- Under what circumstances does sIRB review achieve its anticipated goal?
- When does sIRB review add burden rather than reduce it?

Proposed Exceptions to sIRB Mandate

Cooperative research for which more than single IRB review is required by law (including tribal law passed by the official governing body of an American Indian or Alaska Native tribe) (harmonize with 45 CFR 46.114(b)(2)(i))
NOTE: this is identical to the first exception in the revised Common Rule.

Cooperative Research Involving a Highly Specialized FDA-Regulated Medical Product (i.e., localized expertise is required, FDA specific)

Cooperative Research on Drugs Exempt From the IND Regulations (FDA specific)

Cooperative research on medical devices that is not required to submit an application (IDE) to FDA (i.e., studies that are IDE-exempt and non-significant risk device studies; FDA specific)

Unique Considerations

Studies under oversight of multiple regulatory bodies and agencies:

An NIH-funded investigator-initiated study of an investigational medical product would have to comply with the Common Rule, NIH policy, and FDA regulations.

If implemented as proposed, the FDA sIRB requirement will not apply to research that is not conducted under an IND application or for device studies subject only to the abbreviated IDE requirements.

- Impact of differences?

Guidance is needed to know what to do when there are conflicting requirements or how polices function together.

Important Points

- Acknowledge that regulations on monitoring within 312/812 are not being changed
- FDA unified agenda identifies a projected publication date of December 2024 (https://www.fda.gov/about-fda/fda-track-agency-wide-program-performance/fda-track-unified-agenda-track)
- The final rule becomes effective one year after publication in the Federal Register

Key Challenges

- Post Approval Monitoring
- Exception from Informed Consent (EFIC)
- Investigator Held IND/IDE Monitoring
- Funded v. Unfunded or Minimally Funded

Post Approval Monitoring

Challenges

1. Who is responsible for monitoring?
   - Relying Institution
   - PI
   - Reviewing IRB
2. Variations in SOC and Institutional clinical SOPs

Exception from Informed Consent

- Is sIRB model effective at gauging community feedback?

- Unique process may not lend itself well to standardized monitoring

Investigator Held IND/IDE Monitoring

- sIRB may change expectations regarding lead site monitoring responsibilities
  - Monitoring costs money
- sIRB introduces varying policies for reporting AEs/SAEs/UAPs/non-compliance and determinations

Funded v. Unfunded or Minimally Funded

- Unlike NIH/Common Rule sIRB mandates, the FDA mandate could be unfunded
- Investigator-initiated, multi-site studies will be subject to the mandate
- Reviewing IRB limited in ability to recoup costs of review
- This compounds all the problems we have already discussed

Are There Solutions?

- Post Approval Monitoring
- Exception from Informed Consent (EFIC)
- Investigator Held IND/IDE Monitoring
- Funded v. Un-Funded or Minimally Funded

Additional Points to Consider

- How does this mandate impact the FDA's core charge?
  - Where's the proof that this is more efficient?
  - Effect of Chevron ruling?
- What is FDA regulated and who is responsible to make those determinations?
  - Reporting to Federal Agencies
  - Determining IND Exemptions/Device Determinations/ Exceptions (etc.)
  - Determine IRB of Record

Questions and Discussion