Wake Forest Baptist Medical Center	Compliance in the Conduct of FDA Regulated Human Research RARI –S - 03- 07	Type:	SOP Tier 3
		SOP Number:	07
		Original Effective Date:	9/13/18
		Current (Revised) Date:	
		Contact:	Office of Regulatory Affairs and Research Integrity - CTSI
Approval Signature:		Date of Signature:	9/13/18
Typed Name and Title: Christopher O'Byrne, Vice President of Research Administration and Operations			

1. **General Statement**
   The purpose of this policy is to ensure that all investigators and study staff members conduct human subjects research in accordance with FDA guidance and regulation.
   a) Scope: All WFBMC employees, faculty and staff involved with FDA regulated human subjects research are responsible for complying with this policy.
   b) Responsible Department/Parties
      i. Policy Owner: Clinical and Translational Science Institute (CTSI)
      ii. Procedure: CTSI
      iii. Supervision: CTSI
      iv. Implementation: CTSI

2. **Definitions:**
   a) **Clinical Investigation:** any experiment that involves a test article and one or more human subjects and that either is subject to requirements for prior submission to the Food and Drug Administration under section 505(i) or 520(g) of the act, or is not subject to requirements for prior submission to the Food and Drug Administration under these sections of the act, but the results of which are intended to be submitted later to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit.

   b) **Clinical Trial:** A research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of those interventions on health-related biomedical or behavioral outcomes.

   c) **FDA:** Food and Drug Administration

   d) **Informed Consent:** Except as provided in 50.23 and 50.24, no investigator may involve a human being as a subject in research covered by these regulations unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative. An investigator shall seek such consent only under circumstances that provide the prospective subject or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The information that is given to the subject or the representative shall be in language understandable to the subject or the representative. No informed consent, whether oral or written, may include any exculpatory language through which the subject or the representative is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator, the sponsor, the institution, or its agents from liability for negligence.

e) **Institutional Review Board (IRB):** Under FDA regulations, an IRB is an appropriately constituted group that has been formally designated to review and monitor biomedical research involving human subjects. In accordance with FDA regulations, an IRB has the authority to approve, require modifications in (to secure approval), or disapprove research. This group review serves an important role in the protection of the rights and welfare of human research subjects. The purpose of IRB review is to assure, both in advance and by periodic review, that appropriate steps are taken to protect the rights and welfare of humans participating as subjects in the research. To accomplish this purpose, IRBs use a group process to review research protocols and related materials (e.g., informed consent documents and investigator brochures) to ensure protection of the rights and welfare of human subjects of research.

f) **Investigational Plan**: A brief description of the overall plan for investigating the drug product for the following year. The plan should include the following: (*a*) The rationale for the drug or the research study; (*b*) the indication(s) to be studied; (*c*) the general approach to be followed in evaluating the drug; (*d*) the kinds of clinical trials to be conducted in the first year following the submission (if plans are not developed for the entire year, the sponsor should so indicate); (*e*) the estimated number of patients to be given the drug in those studies; and (*f*) any risks of particular severity or seriousness anticipated on the basis of the toxicological data in animals or prior studies in humans with the drug or related drugs.

g) **Protocol:** Formal description and design for a specific research project. A protocol involving human subject research must be reviewed and approved by an Institutional Review Board (IRB) if the research is not exempt, and by an IRB or other designated institutional process for exempt research.

h) **FDA form 1572:** The Statement of Investigator, Form FDA 1572 (1572), is an agreement signed by the investigator to provide certain information to the sponsor and assure that he/she will comply with FDA regulations related to the conduct of a clinical investigation of an investigational drug or biologic.

i) **Human subject** means a living individual about whom an investigator (whether professional or student) conducting research obtains

(1) Data through intervention or interaction with the individual, or
(2) Identifiable private information.

j) **Research** means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes.

3. Guidelines

a) It is the goal of the institution to conduct safe, compliant, and meaningful research. In order to do so, it is of paramount importance that clinical investigations be conducted in accordance with the investigational plan that has been submitted and approved by the Institutional Review

Board. Deviations and violations from the investigational plan may have a negative impact on the safety of participants and be cited by monitors, auditors, or inspectors for regulatory non-compliance. The following sections are example of situations that violate the investigational plan. The examples listed in this document are not intended to be an exhaustive list.

i. Informed Consent (21 CFR 50.20)

With limited exceptions, permitted under the regulations, no investigation may involve a human being as a subject in research unless the investigator has obtained the legally effective informed consent of the subject or the subject's legal representative. An investigator shall seek such consent only under circumstances that provide the prospective subject or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The information that is given to the subject or the representative shall be in language understandable to the subject or the representative. No informed consent, whether oral or written, may include any exculpatory language through which the subject or the representative is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator, the sponsor, the institution, or its agents from liability for negligence.

Practices should not be implemented that jeopardize the informed consent process. For example, orders for research tests and procedures should not be finalized until after informed consent has been obtained, in order to avoid the potential for conducting research prior to obtaining consent.

ii. Eligibility Criteria

To ensure the safety of participants and the integrity of data collected in research, protocols are required to list the criteria for participant selection and for exclusion of participants. The inclusion/exclusion criteria are based on previous experience with the study procedures or interventions, and are in place to mitigate risks to study participants. The inclusion/exclusion criteria should be strictly followed. Willful violation of inclusion/exclusion criteria exposes participants to drugs, procedures, devices, etc. that they would have not otherwise encountered. Appropriate steps should be taken to assess, verify, and document all inclusion/exclusion criteria before a participant is enrolled on study. Similarly, requirements with respect to tests, procedures etc. specified in the investigational plan should be strictly followed.

All deviations and violations must be reported to the Institutional Review Board according to institutional policies. Submission should include a corrective and preventative action plan to remedy the current situation and prevent similar future events. Repeated, willful, or blatant violations of the regulations on obtaining informed consent or following the investigational plan may be considered serious or continuing non-compliance. Such determinations result in reports to sponsors, funding agencies, regulatory oversight agencies, and may include actions up to and including suspension or termination of study activities.

4. **Review/Revision/Implementation**
   This policy shall be reviewed at least every three (3) years from the effective date.

5. **Related Policies and Standard Operating Procedures**

6. **Regulations: N/A**

7. **Revision Dates**