From: OC GCP Questions
To: [redacted]
Subject: RE: Information request
Date: Wednesday, February 04, 2015 4:19:00 PM

Dear [redacted] -

Thank you for your question. You won't find that the FDA regulations or guidance documents reference specific timeframes for IRB actions, such as the example you provided. The FDA IRB regulations at 21 CFR 56.108 outline the IRB functions and operations (see http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?fr=56.108). Specifically, the regulations at 56.108(a)(3) and (4) state:

> *Sec. 56.108 IRB functions and operations.*
>
> *In order to fulfill the requirements of these regulations, each IRB shall:*
>
> *(a) Follow written procedures:*
> ---
> ---
> *(3) for ensuring prompt reporting to the IRB of changes in research activity; and*
> *(4) for ensuring that changes in approved research, during the period for which IRB approval has already been given, may not be initiated without IRB review and approval except where necessary to eliminate apparent immediate hazards to the human subjects.*

These regulations require IRBs to follow written procedures for ensuring prompt reporting to the IRB of changes in research activity, and for ensuring that those changes may not be initiated without IRB review and approval, except where necessary to eliminate apparent immediate hazards to the human subjects. These regulations do not provide a specific timeframe around what "prompt reporting" to the IRB means or a specific timeframe for IRB review and approval prior to initiation of the change, but rather provides IRBs some flexibility in how they develop their processes and written procedures to meet these requirements. When the regulations are silent, IRBs, institutions, investigators and sponsors are free to develop their own procedures and practices as long as applicable regulatory requirements are met. Such procedures and practices should take into account any associated timelines that must be followed to ensure timely processing of important information, such as changes in research activities and the implications of such changes.

The FDA IND regulations at 21 CFR 312 subpart D (see http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=312&showFR=1&subpartNode=21:5.0.1.1.3.4) outline the responsibilities of sponsors and investigators for IND studies. Specifically, the regulations at 312.66 state:

> *Sec. 312.66 Assurance of IRB review.*
>
> *An investigator shall assure that an IRB that complies with the requirements set forth in part 56 will be responsible for the initial and continuing review and approval of the proposed clinical study. The investigator shall also assure that he or she will promptly report to the IRB all changes in the research activity and all unanticipated problems involving risk to human subjects or others, and that he or she will not make any changes in the research without IRB approval, except where necessary to eliminate apparent immediate hazards to human subjects.*

These regulations require investigators to promptly report all changes in research activities to the IRB and to not make any changes in the research without IRB approval, except where necessary to eliminate apparent immediate hazards to human subjects. These regulations do not provide a specific timeframe for what "prompt reporting" to the IRB means, or a specific timeframe to get IRB approval of a change.

The ICH GCP E6 Good Clinical Practice: Consolidated Guidance, (which is recognized as official FDA guidance – see http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm073122.pdf) mentions changes in research, for example, in sections 3.3.7, 3.3.8, and 4.5.2, but again, the guidance does not provide specific timeframes.

Most IRBs, institutions, investigators/sites and sponsors have written policies and procedures that specify requirements and expectations about the conduct of research, including specific timelines for processing changes in research activities. You should check with your institutional official(s) and your IRB about what your institutional and IRB policies and procedures are with respect to the conduct of clinical investigations, and any associated requirements and timelines for submitting changes and amendments to the IRB prior to initiation of such changes.

I hope this information is useful. If you need further information and/or have additional questions, please feel free to contact us at the official GCP mailbox, gcp.questions@fda.hhs.gov. You may also find it useful to access the set of redacted GCP e-mails found at http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/RepliestoInquiriestoFDAonGoodClinicalPractice/default.htm since we find that many questions and concerns are repeated over time.

Best Regards,

Janet

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Office of Special Medical Programs, Food and Drug Administration

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From: [redacted]
Sent: Tuesday, February 03, 2015 9:57 AM
To: OC GCP Questions
Subject: Information request

Hello,

I am trying to find the regulations and/or guidance documents that reference the timeframes in which a regulatory actions needs IRB approval. An example would be: IRB approval within 90 days of receipts for an amendment.

Where can I find this information? I am conducting a training soon and internet searches have not had any results.

Thanks,
[redacted]