

**From:** Brown, Sheila (OGCP)  
**To:** [REDACTED]  
**Subject:** RE: Exempt Category 8 (a) - 2  
**Date:** Monday, December 21, 2015 2:49:00 PM

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Dear [REDACTED]

As you note in your response below, FDA's Guidance on IRB Continuing Review after Clinical Investigation Approval interprets "long-term follow-up" to include:

- Research interactions that involve no more than minimal risk to subjects (e.g., quality of life surveys); and
- Collection of follow-up data from procedures or interventions that would have been done as part of routine clinical practice to monitor a subject for disease progression or recurrence, regardless of whether the procedures or interventions are described in the research protocol.

All interventions must meet the definition of minimal risk to be included in an expedited review under category 8(a). Using your original example, mammograms as part of the subject follow-up would not be considered minimal risk, and therefore this study follow-up would not be eligible for expedited review.

I hope this information is helpful to you. If you need further assistance, please feel free to contact the GCP mailbox at [gcp.questions@fda.hhs.gov](mailto:gcp.questions@fda.hhs.gov).

Best regards,

Sheila

Sheila Brown, RN, MS  
Policy Analyst, Office of Good Clinical Practice  
Office of Special Medical Programs, Food and Drug Administration

*This communication does not constitute a written advisory opinion under Title 21 CFR 10.85, but rather is an informal communication under Title 21 CFR 10.85(k), which represents the best judgment of the employee providing it. This information does not necessarily represent the formal position of FDA, and does not bind or otherwise obligate or commit the agency to the views expressed.*

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**From:** [REDACTED]  
**Sent:** Friday, December 18, 2015 3:07 PM  
**To:** OC GCP Questions  
**Subject:** RE: Exempt Category 8 (a)

Dear Ms. Brown,

I am sorry if my question was not clear.

I was asking about being able to use expedited review category 8 (a) that applies to continuing review.

1. Expedited Review Category (8), which applies only to continuing review, provides that continuing review of research previously approved by the convened IRB (e.g., not originally subject to expedited review) may be eligible for expedited review:

(a) Where:

- (i) the research is permanently closed to the enrollment of new subjects;
- (ii) all subjects have completed all research-related interventions; and
- (iii) the research remains active only for long-term follow-up of subjects;

*According to FDA Guidance on IRB Continuing Review after Clinical Investigation Approval (<http://www.fda.gov/downloads/RegulatoryInformation/Guidances/UCM294558.pdf>), page 12:*

*Expedited review category (8)(a) and the meaning of “long-term follow-up” Under expedited review category (8)(a), FDA interprets “long-term follow-up” to include:*

*§ Research interactions that involve no more than minimal risk to subjects (e.g., quality of life surveys); and*

*§ Collection of follow-up data from procedures or interventions that would have been done as part of routine clinical practice to monitor a subject for disease progression or recurrence, regardless of whether the procedures or interventions are described in the research protocol.*

Does this mean that if the criteria in expedited category 8(a) i and ii are met, criterion iii can include both/either follow-up that involves minimal risk and/or long term follow-up that would be done as part of routine clinical practice, even if it involves more than minimal risk (e.g., mammogram, chest x-ray, etc.)

Or

Does this mean that expedited review category 8(a) only applies to long term follow-up that involves no more than minimal risk?

I do not question that expedited review cannot be used for research that involves x-rays during initial or continuing review (when the study is not closed to enrollment and/or all subjects have not completed all research-related interventions).

[REDACTED]

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**From:** OC GCP Questions [<mailto:gcp.questions@fda.hhs.gov>]

**Sent:** Friday, December 18, 2015 1:30 PM

**To:** [REDACTED]

**Subject:** RE: Exempt Category 8 (a)

Dear [REDACTED]

In general, research involving radiation exposure would not be considered minimal risk, and would not qualify for expedited review because Category 4 explicitly excludes procedures involving x-rays or microwaves (i.e., energy introducing interventions). According to the Information Sheet Guidance on Significant Risk and Nonsignificant Risk Medical Device Studies <http://www.fda.gov/downloads/RegulatoryInformation/Guidances/ucm126418.pdf> , digital mammography is considered nonsignificant risk, but not minimal risk. To the best of my ability to determine, FDA has never indicated a radiation dose or procedure that would be considered "minimal risk" or that an IRB could review studies involving radiographic procedures through the "expedited" process.

I hope this information is helpful to you. If you need further assistance, please feel free to contact the GCP mailbox at [gcp.questions@fda.hhs.gov](mailto:gcp.questions@fda.hhs.gov) .

Best regards,

Sheila

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**From:** [REDACTED]  
**Sent:** Thursday, December 17, 2015 9:07 AM  
**To:** OC GCP Questions  
**Subject:** Exempt Category 8 (a)

"Guidance for IRBs, Clinical Investigators, and Sponsors IRB Continuing Review after Clinical Investigation Approval U.S. Department of Health and Human Services Food and Drug Administration Center for Biologics Evaluation and Research (CBER) Center for Devices and Radiological Health (CDRH) Center for Drug Evaluation and Research (CDER) Office of Good Clinical Practice (OGCP) February 2012 Procedural (<http://www.fda.gov/downloads/RegulatoryInformation/Guidances/UCM294558.pdf>)

...

Expedited review category (8)(a) and the meaning of "long-term follow-up" Under expedited review category (8)(a), FDA interprets "long-term follow-up" to include:

§ Research interactions that involve no more than minimal risk to subjects (e.g., quality of life surveys); and

§ Collection of follow-up data from procedures or interventions that would have been done as part of routine clinical practice to monitor a subject for disease progression or recurrence, **regardless of whether the procedures or interventions are described in the research protocol.**

...

Please clarify if a study that meets the criteria in 8(a) i and ii, can undergo expedited review if the procedure or intervention that would have been done as part of routine clinical practices to monitor a subject for disease progression or recurrence involves more than minimal risk.

E.g., if a study of an experimental drug treatment for breast cancer (after the study is closed to enrollment and the experimental treatment is over) requires annual mammograms, or a chest x-ray, that would be done if the subject was not in a research study, could that have expedited review under the provisions of expedited category 8(a)?

Thanks very much,

[REDACTED]