From: OC GCP Questions
To: [redacted]
Subject: Investigator Responsibilities/Delegation of Authority
Date: Wednesday, December 09, 2015 10:02:10 AM

Good morning –

If your study is exempt from the need for an IND, then the reporting requirements specified for IND studies do not apply. However, studies that are IND exempt - studies meeting the specifications of 21 CFR 312.2(b) - are still required to follow 21 CFR Parts 50 and 56, informed consent of study subjects and institutional review board (IRB) approval (21 CFR 312.2(b)(iv)). The reviewing IRB will expect to see a study that is scientifically sound, ethical, and with provisions to protect the rights, welfare, and safety of the study subjects. It is internationally recognized that to meet such criteria, clinical studies need to follow good clinical practice (GCP) standards. The requirements in Part 312 are a GCP standard, though reports to FDA are obviously not required if the study is IND exempt. ICH E6 (www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM073122.pdf), which is an official FDA guidance document, is also a GCP document. It is advisable the IRB should have written procedures on how they handle IND exempt studies in order to protect the rights, welfare, and safety of the study subjects.

A draft guidance was issued in October 2010. It addresses research without an IND. See link below. www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM229175.pdf. Section IV discusses IND exempt studies

Any activities related to complying with these regulations would also fall under sponsor responsibilities, in addition to investigator responsibilities. Even if the study is IND exempt the clinical investigator (PI) is still responsible for overseeing the study and cannot completely turn over all his responsibilities to the sub-investigator. The regulations require that sponsors choose investigators qualified by training and experience (see 21 CFR 312.53(a)). The regulations also require that investigators commit themselves to personally conduct or supervise the investigation (see 21 CFR 312.53(c)(1)(vi)(c)). Ultimately it is the CI who is responsible for overseeing the clinical trial at his/her site and if he/she is off site may not be able to adequately oversee the study. I strongly suggest that you discuss this situation with your reviewing IRB and the sponsor of the study.

I hope this information is helpful. Please contact us again at gcp.questions@fda.hhs.gov should you have additional questions.

Kind regards,

Doreen M. Kezer, MSN
Senior Health Policy Analyst
Office of Good Clinical Practice
Office of the Commissioner, FDA

From: [redacted]
Sent: Tuesday, December 08, 2015 4:57 PM
To: OC GCP Questions
Subject: Investigator Responsibilities/Delegation of Authority

Hello,

I have two questions…

1) What are the consequences of a Principal Investigator (PI) delegating a subinvestigator the primary supervisory responsibility at a site where the PI has no authority or privileges?
2) Is it acceptable for a PI to delegate a subinvestigator the primary supervisory responsibility at a site where the PI has no authority or privileges if the study is IND exempt?

Thank you for your time in advance.

Best regards,
[redacted]

Code of Federal Regulations…

21 CFR 812.3(i)

(i) *Investigator* means an individual who actually conducts a clinical investigation, i.e., under whose immediate direction the test article is administered or dispensed to, or used involving, a subject, or, in the event of an investigation conducted by a team of individuals, is the responsible leader of that team.

21 CFR 312.3(b)

Investigator means an individual who actually conducts a clinical investigation (*i.e.* , under whose immediate direction the drug is administered or dispensed to a subject). In the event an investigation is conducted by a team of individuals, the investigator is the responsible leader of the team. "Subinvestigator" includes any other individual member of that team.

Guidance for Industry - Investigator Responsibilities…

3. What Is Adequate Supervision of the Conduct of an Ongoing Clinical Trial? For each study site, there should be a distinct individual identified as an investigator who has supervisory responsibility for the site. Where there is a subinvestigator at a site, that individual should report directly to the investigator for the site (i.e., the investigator should have clear responsibility for evaluating the subinvestigator's performance and the authority to terminate the subinvestigator's involvement with the study) and the subinvestigator should not be delegated the primary supervisory responsibility for the site.