



Office for Human Research Protections
The Tower Building
1101 Wootton Parkway, Suite 200
Rockville, Maryland 20852

Telephone: 240-453-8298
FAX: 240-453-6909
E-mail: Lisa.Buchanan@HHS.gov

September 16, 2009

Carl A. Fox, Ph.D.
Vice Provost for Research & Graduate Studies
Northern Arizona University
Applied R&D Bldg #56, Suite 240
1501 South Knoles Drive
Flagstaff, AZ 86011-4087

Re: Human Research Subject Protections under Federalwide Assurance (FWA) - 357

Dear Dr. Fox:

Thank you for your responses to the Office for Human Research Protection's (OHRP's) request (dated March 24, 2009) for information in order to conduct an evaluation of the Northern Arizona University (NAU) system for protecting human subjects. The evaluation was conducted as part of our program to evaluate human subjects protection programs of institutions that receive Department of Health and Human Services (HHS) support for research in compliance with 45 CFR part 46. Based on the documentation provided in your responses, we make the following determinations:

A. Determinations regarding your institution's system for protecting human subjects:

- (1) HHS regulations at 45 CFR 46.110(b) state that under an expedited review procedure, the review may be carried out by the institutional review board (IRB) chairperson or by one or more experienced reviewers designated by the chairperson from among the members of the IRB. In particular, we note as per your responses, the NAU human protections coordinator, who is not listed on the IRB membership roster, "approve[s] new studies eligible for expedited review and approval." As such, we have determined that an individual who was not a member of the NAU IRB reviewed and approved research at the time of initial and continuing review, as well as minor changes to already approved research, purportedly under an expedited review procedure, in violation of HHS regulations at 45 CFR 46.103(b), 46.109(a) and 46.110(b).

Required Action: Please provide a corrective action plan for the IRB to re-review all active HHS-supported research and changes to HHS-supported research previously

reviewed and approved by individual(s) other than the NAU IRB chairperson, or by one or more experienced reviewers designated by the chairperson from among the members of the IRB, in accordance with HHS regulations at 45 CFR 46.103(b), 46.109(a), and 46.110(b). All such research must be suspended until it is re-reviewed by the NAU IRB chairperson or one or more experienced members of the IRB designated by the chairperson, unless it is in the best interests of subjects to continue. Additionally, please revise the NAU IRB policies and procedures to reflect the regulatory requirements regarding expedited review.

- (2) We have reviewed the NAU IRB policies and procedures, and determined that those procedures do not include, or in some cases do not provide sufficient details for, the procedures required by HHS regulations at 45 CFR 46.103(b)(4) and (5), specifically:
- procedures which the IRB will follow for determining which projects require review more often than annually;
 - procedures which the IRB will follow for determining which projects need verification from sources other than the investigators that no material changes have occurred since previous IRB review;
 - procedures which the IRB will follow for ensuring prompt reporting to the IRB of proposed changes in a research activity, and for ensuring that such 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 when necessary to eliminate apparent immediate hazards to the subject; and
 - procedures for ensuring prompt reporting to the IRB, appropriate institutional officials, any department or agency head, and our office of: (a) any unanticipated problems involving risks to subjects or others; (b) any serious or continuing noncompliance with 45 CFR part 46 or the requirements or determinations of the IRB; and (c) any suspension or termination of IRB approval.

Required Action: Please provide revised written IRB policies and procedures that adequately describe the procedures referenced above. For assistance in developing or revising your written policies and procedures, please refer to the OHRP Guidance on Written IRB Procedures at <http://www.hhs.gov/ohrp/humansubjects/guidance/irbgd107.htm>.

B. Questions and concerns:

- (1) [Redacted]

(2) [Redacted]

(3) [Redacted]

If you identify any additional noncompliance when preparing your response to the above questions and concerns, please provide a description of any corrective actions that have been or will be taken to address the noncompliance.

C. Recommendations:

- (1) We recommend that the NAU IRB policies and procedures be modified to clarify that the IRB defers or tables research for further review at a future date whenever the IRB lacks sufficient information to make the determinations required for approval by HHS regulations at 45 CFR 46.111 and, if applicable, subparts B, C, and D of 45 CFR part 46.
- (2) We recommend that the NAU IRB Policy 4.05, Exempt and Expedited Review Procedures, clarify that HHS regulations at 45 CFR 46.110(b) limit the use of expedited review procedures for initial or continuing review to specific research categories (see <http://www.dhhs.gov/ohrp/humansubjects/guidance/expedited98.htm>) when the research is determined to involve no more than minimal risk.
- (3) We recommend that documentation for initial and continuing reviews conducted under an expedited review procedure include the specific categories permitting the expedited review (see <http://www.hhs.gov/ohrp/humansubjects/guidance/exprev.htm>).
- (4) We recommend that the minutes of IRB meetings clearly document the approval period (continuing review interval).

Please provide us with responses to the above determinations, questions, and concerns by October 30, 2009, including a corrective action plan for each of our determinations. Feel free to contact me if you would like guidance in developing a corrective action plan.

We appreciate your institution's continued commitment to the protection of human research subjects.

Sincerely,

Lisa R. Buchanan, MAOM, CIP
Division of Compliance Oversight

cc:

Dr. Lee C. Drickhamer, VP for Research, NAU
Dr. Robert T. Trotter, IRB Chairperson, NAU
Dr. Margaret Hamburg, Commissioner, Food and Drug Administration
Dr. Joanne Less, Food and Drug Administration

Dr. Fox — Northern Arizona University
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Mr. Joseph Ellis, National Institutes of Health, Office of Extramural Research
Dr. Sherry Mills, National Institutes of Health