



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

Office for Human Research Protections
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Laurel Evans, L1.B.
Associate Director, Ethics
University of British Columbia
Office of Research Services
102-6190 Agronomy Road
Vancouver, B.C. – V6t 1z3

Re: Human Research Subject Protections under Federal wide Assurance FWA-00000668

Dear Ms. Evans:

Thank you for your March 10, 2010 report in response to our May 27, 2009 letter requesting that University of British Columbia (UBC) conduct an evaluation of its system for protecting human research subjects to ensure that it is in compliance with Department of Health and Human Services (HHS) regulations for the protection of human research subjects (45 CFR part 46), and our January 29, 2010 letter outlining questions and concerns.

The evaluation was conducted as part of our program to evaluate human subjects protection programs of institutions that receive HHS support for research for compliance with 45 CFR part 46.

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

- (1) The Research Evaluation Board (REB) Policy 404 indicates that the REB may approve research by a determination referred to as "Proviso." The policy defines Proviso as research approval "...provided that certain conditions are met or required changes are made;" without further review by the convened REB. Based on the December 9, 2008 minutes, we note that for HHS-supported study #H08-02473, the REB "questioned why there were no stopping rules." However, the REB proceeded to grant Proviso approval and requested that stopping rules for this study be submitted for final review and approval by the REB Chair. Please note that when the convened REB requests additional

clarifications or information regarding a research study for which the investigator's response would be necessary in order for the REB to make the determinations required for institutional review board (IRB) approval under HHS regulations at 45 CFR 46.111, REB approval of the proposed research must be deferred, pending subsequent review by the convened REB of responsive material, unless the research is eligible for review under an expedited review procedure. We have determined that the REB approved study #H08-02473 contingent upon clarifications for which the investigator's response was necessary in order for the REB to make the determinations required for IRB approval under HHS regulations at 45 CFR 46.111 without requiring additional review by the convened REB.

Corrective Action: We acknowledge that UBC amended REB policies and procedures to clarify that when the convened REB requests additional clarifications or information regarding a research study for which the investigator's response would be necessary in order for the REB to make the determinations required for IRB approval under HHS regulations at 45 CFR 46.111, REB approval of the proposed research must be deferred, pending subsequent review by the convened REB of responsive material, unless the research is eligible for review under an expedited review procedure. Additionally, REB members have been informed of this clarification.

- (2) HHS regulations at 45 CFR 46.115(a)(2) require that minutes of REB meetings be in sufficient detail to show attendance at the meetings; actions taken by the IRB; the vote on each of these actions including the number of members voting for, against, and abstaining; and the basis for requiring changes in or disapproving research. The REB minutes provided do not specify the number of members voting for, against, and abstaining; and the basis for requiring changes in research for each study. In order to document the continued existence of a quorum, OHRP recommends that votes be recorded in the minutes using the following format: Total = 15; Vote: For-14, Opposed-0, Abstained-1. We have determined that, for HHS-supported research, the REB meeting minutes do not provide sufficient detail required by HHS regulations at 45 CFR 46.115(a)(2).

Corrective Action: We acknowledge that UBC amended REB policies and procedures to clarify that when reviewing HHS-supported research, the REB meeting minutes will specify the number of members voting for, against, and abstaining; and the basis for requiring changes in research for each study.

- (3) We have reviewed the UBC REB policies and procedures and we have determined that they do not provide sufficient details for the procedures required by HHS regulations at 45 CFR 46.103(b)(4) and (5); specifically:
- (a) procedures which the REB will follow for determining which projects require review more often than annually;

- (b) procedures which the REB will follow for determining which projects need verification from sources other than the investigators that no material changes have occurred since previous REB review; and
- (c) procedures for ensuring prompt reporting to the REB, appropriate institutional officials, any department or agency head, and OHRP of any unanticipated problems involving risks to subjects or others; any serious or continuing noncompliance with 45 CFR part 46 or the requirements or determinations of the IRB; and any suspension or termination of REB approval.

Corrective Action: We acknowledge that UBC amended and created REB policies and procedures to detail the specific written procedures for reporting of unanticipated events, serious or continuing noncompliance and suspension or termination of research both to the appropriate institutional officials and by the appropriate institutional officials to the supporting agency head and to OHRP (SOP 410), and SOP 405 which provides appropriate definitions and reflects UBC's current thinking on reporting of non-local (external) adverse events.

These corrective actions adequately address our determinations and are appropriate under the UBC's FWA. At this time, there should be no need for further involvement by our office in this matter. Please notify us if you identify new information which might alter this determination.

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

Sincerely,

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

cc: Ms. Shirley A. Thompson, Manager, Ethical Reviews, UBC
Dr. Gail Bellward, REB Chairperson, REB #1, UBC
Dr. Judith Lynam, REB Chairperson, REB #2, UBC
Dr. Daniel Salhani, Chairperson, Research Ethic Board Okanagan, UBC-Okanagan
Dr. Margaret Hamburg, Commissioner, Food and Drug Administration
Dr. Joanne Less, Food and Drug Administration
Ms. Sherry Mills, National Institutes of Health, Office of Extramural Research
Mr. Joe Ellis, National Institutes of Health, Office of Extramural Research