1. PURPOSE

The purpose of this procedure is to establish processes for Principal Investigators (PIs), and PIs who also may be sponsors holding an Investigational New Drug (IND) or Investigational Device Exemption (IDE), for the test article under study.

2. PROCEDURE

Avera requires its researchers and its IRBs to comply with all applicable regulations of the FDA when conducting research with drugs, devices, supplements, botanicals, or biologics (collectively referred to as "items") that are regulated by the FDA. This includes research use of items that have already received FDA approval as well as the research use of investigational items.

If the principle intent of the investigational use of a test article is to develop information about the product's safety or efficacy, an IND or IDE may be required. If an IND or IDE is required, the PI proposing to conduct the study must first obtain FDA approval of an IND or IDE application either directly or indirectly via a device or pharmaceutical sponsor. It is also the responsibility of the PI to meet the requirements of regulations in 21 CFR 312 (Investigational Drug Application) or 21 CFR 812 (Investigational Device Exemption).

3. SPECIFIC PROCEDURES

3.1 Definition of Investigational Drug. An investigational drug is a drug or biologic that is used in a clinical investigation. The term also includes a biologic product that is used in vitro for diagnostic purposes. An investigational drug can be:

- A new chemical compound, which has not been released by the FDA for general use;
- An approved drug that is being studied for an approved or unapproved use, dose, dosage form, administration schedule, or under an IND application, in a controlled, randomized, or blinded clinical trial;
- Concurrent medications, comparators, or rescue medications used in the investigational trial that are not the drug(s) being studied are not defined as investigational drugs unless they are not commercially approved or not available through commercial channels; or
- Prescription drugs, over-the-counter drugs, nutritional supplements, herbal preparations, and legend items used for diagnosis or treatment and meeting the definition described above are considered investigational drugs.

3.2 Definition of Drug. A drug according to section 201(g)(1) of the FD & C Act, is "articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease…" and "articles (other than food) intended to affect the structure or any function of the body of man or other animals."

3.3 Definition of Investigational Device. An investigational device means a device, including a transitional device, which is the object of an investigation.

3.4 Definition of Clinical Investigation As per IND regulation 312.3(b), a clinical investigation is "[an] experiment in which a drug is administered or dispensed to, or used involving, one or more human

subjects. For the purposes of [the IND regulations], an experiment is any use of a drug [whether approved or unapproved] except for the use of a marketed drug in the course of medical practice."

3.5 Research governed by FDA

When the research involves the use of unapproved drugs, biologics or devices, including clinical investigations of approved drugs used outside their FDA-approved indications, the researcher must provide one of the following:

- A protocol with the IND or IDE number on it; communication from the sponsor linked to the specific protocol; or communication from the FDA with approval of an IND or IDE;
- An official letter or other communication from the FDA indicating the study does not require an IND or IDE (the researcher must provide a separate letter from the FDA for each study);
- For drugs, a detailed explanation why the investigation is exempt from IND requirements. This explanation can be included in the protocol; or
- For devices, a detailed explanation of why the device is not a significant risk.

3.6 IRB Review

The IRB will review each protocol that uses drugs, biologics, or devices to see if an IND or IDE has been received or required. If an IND or IDE is required, it is the PI's responsibility to obtain the FDA assignment letter and provide a copy of it to the IRB.

The reviewer(s) will use current IRB checklists to determine if an IND or IDE is required. If so, the PI must provide documentation of a valid IND or IDE number on the IRB application.

The IRB will review protocols involving investigational devices to determine if the device is a Significant Risk device (SR) or a Non- Significant Risk device (NSR) using the "HRP-418 – SR/NSR Device Checklist." If the IRB determines that the research involves a SR device, an IDE is necessary unless the device is being used within FDA-approved indications. If the PI does not already have an IDE, the PI will be notified, and an IDE will be required before further review of the research.

Studies involving an IND or IDE will undergo the appropriate level of IRB review as required by regulations.

Studies involving an IND or IDE will be reviewed according to policy and procedure and, in addition, the IRB will confirm that the PI's plans for inventory controls for storage, monitoring, dispensing of investigational drugs or devices meet appropriate standards.

The research must not begin until a valid IND or IDE (when required) is in effect, as well as IRB approval. This includes recruiting, obtaining consent, and screening participants for a specific study that is subject to the IND or IDE.

4. RESPONSIBILITY

IRB members are responsible for reviewing IND or IDE protocol submissions.

IRB Staff are responsible for verifying the IND or IDE.

5. APPLICABLE REGULATIONS AND GUIDELINES

21 CFR parts 50 and 56, 50.24
21 CFR 312.2(b), 312.7
21 CFR 312
21 CFR 812
FDA Guidance Document – Guidance for Clinical Investigators, Sponsors, and IRBS: Investigational New Drug Applications (INDs) – Determining Whether Human Research Studies Can Be Conducted Without an IND

6. REFERENCED DOCUMENTS

HRP-306 – Drugs and Biologics
HRP-307 - DevicesHRP-418 – SR/NSR Device Checklist

REVISION HISTORY

Revision Number	Version Date	Approved By	Date Approved
2.0	7/29/2019	Avera Institutional Official	8/22/2019
• If the IRB determines that an IND or IDE is necessary for the research, the IRB will not review the research until the letter from the FDA is received with the assigned IND or IDE number. • Updated the name of the checklist the IRB will use for SR/NSR, and referenced current IRB checklists that the IRB uses to review investigational drugs and devices.			
1.0	August 2016	Director HSRP / August 2016	