

HUMAN RESEARCH PROTECTION PROGRAM DEPARTMENTAL POLICY AND PROCEDURE

9.6 CLINICALTRIALS.GOV REQUIREMENTS

RESPONSIBLE OFFICE: Human Research Protection Program Department (HRPPD)

EFFECTIVE DATE: JUNE 7, 2021

I. POLICY STATEMENT

- A. UT Southwestern Medical Center is committed to fostering compliance with requirements concerning the public availability of clinical trial data on ClinicalTrials.gov. This policy is in support of requirements from the Food and Drug Administration, National Institutes of Health, International Committee of Medical Journal Editors and Centers for Medicare and Medicaid Services (CMS).
- B. The Human Research Protection Program Department (HRPPD) in collaboration with the Office of Compliance provides administration, monitoring, auditing, training and oversight to foster compliance with FDAAA and NIH.
- C. The research community has the responsibility to create and maintain records in ClinicalTrials.gov while making determinations about registrations required to comply with ICMJE and CMS. Additionally, the research community must notify HRPP when there is an external agency notification and when a Principal Investigator/Responsible Party personnel change on a ClinicalTrials.gov record has occurred.
- D. Applicable Clinical Trials and National Institutes of Health clinical trials are required to include a word-for-word statement regarding ClinicalTrials.gov registration in the informed consent documentation.
- E. Researchers who fail to comply with the requirements may be subject to enforcement actions.
 - 1. Failure to comply with FDAAA requirements may result in financial penalties, withholding of funds and sanctions imposed by the FDA.
 - 2. Failure to comply with NIH may result in withholding of cash payments, disallowing cost for an activity, suspending or terminating either in part or whole the current award, withholding a future award and having a non-compliance notice publically available.
 - 3. Failure to comply with ICMJE requirements may result in an inability to publish in an ICMJE affiliated journal.
 - 4. Failure to comply with CMS requirements can result in a lack of payment for a qualified research billing service and a need to refile the qualified research billing claim.

II. SCOPE

- A. This policy applies to all UT Southwestern investigators conducting clinical trials/studies as defined by the Food and Drug Administration, International Committee of Medical Journal

Editors, National Institutes of Health or submitting qualified research billing claims to the Centers for Medicare and Medicaid Services.

III. PROCEDURES

A. Researcher responsibilities

1. Identifying studies that require ClinicalTrials.gov registration

- a) Various entities, including the FDA, the International Committee of Medical Journal Editors (ICMJE), the National Institutes of Health (NIH), and the Centers for Medicare and Medicaid Services (CMS), have individually defined which studies must be registered on ClinicalTrials.gov.
 - i. NIH - Clinical Trials funded either in whole, or in part by National Institutes of Health (NIH). Applicable to all NIH-funded studies independent of whether the study meets the definition of an applicable clinical trial.
 - ii. ICMJE - Trials that meet the clinical trial definition of The International Committee of Medical Journal Editors (ICMJE) that the investigator may wish to publish.
 - a. ICMJE journals will consider [for publication] trials beginning on or after July 1, 2005 only if registration occurred before the first patient was enrolled ("prospective registration")
 - iii. CMS - Qualifying clinical trials which will render claims for items and services to the Center for Medicare and Medicaid Services (CMS)
 - a. The National Clinical Trial (NCT) number must be included on claims for items and services provided in clinical trials that are qualified for coverage as specified in the "Medicare National Coverage Determination (NCD) Manual," Section 310.1
 - iv. FDA - "Applicable Clinical Trials (ACT)" which include the following:
 - a. Trials of Drugs/Biologics: Controlled, clinical investigations of a product subject to FDA regulations. This includes preliminary studies or phase I trials to be published in an ICMJE journal.
 - b. Trials of Devices: Controlled trials with health outcomes, other than small feasibility studies, and pediatric post-market surveillance.
 - c. Applicable Clinical Trials generally include interventional studies (with one or more arms) of FDA-regulated drugs, biological products, or devices that meet one of the following conditions.
 - The trial has one or more sites in the U.S.

- The trial is conducted under an FDA Investigational New Drug Application (IND) or Investigational Device Exemption (IDE) application
 - The trial involves a drug, biologic, or device that is manufactured in the U.S. or its territories and is exported for research
- d. The following trials are generally excluded (unless funded either in whole, or in part by NIH):
- (Non-serious/life-threatening) Phase 1 drug trials, including studies in which drugs are used as research tools to explore biological phenomena or disease processes
 - Small clinical trials to determine the feasibility of a device or a clinical trial to test prototype devices where the primary outcome measure relates to feasibility and not to health outcomes
 - Trials that do not include drugs, biologics, or devices (e.g., behavioral interventions)
 - Non-interventional (observational) clinical research, such as cohort, case control or cross-sectional studies
 - Trials that were ongoing as of September 27, 2007, and reached the Completion Date before December 26, 2007. An “ongoing” trial has enrolled one or more subjects and the final subject has not been examined or received an intervention for the purpose of collecting data on the primary outcome
- b) When studies are created in eIRB with a review level of Expedited or Full Board, the ClinicalTrials.gov questions must be completed. The questions ask the researcher to identify all applicable requirements for registration.
- c) The National Clinical Trial (NCT) Number is required for completed registrations.
2. ClinicalTrials.gov account set-up and modification
- a) ClinicalTrials.gov records are created and edited within ClinicalTrials.gov's Protocol Registration and Results System (PRS). To access the PRS, researchers/users must have a PRS user account. HRPPO staff assist researchers in obtaining a new account or modifying an existing account. To request a new user account, an email should be sent to ctgov@utsouthwestern.edu and include the following information: account holder name, username (UTSW ID); email address; Department If a current account is no longer accessible or requires modifications, HRPPO staff may assist. Users should send an email to ctgov@utsouthwestern.edu and include the following: account holder name and a description of the modification/issue.

- b) The person who creates the study record in ClinicalTrials.gov becomes the record owner. The record owner may maintain the record or may grant additional users access to make record changes. All email communications from PRS will be sent to the record owner.
 - c) A record owner on an existing ClinicalTrials.gov record may need to be modified due to personnel or responsibility changes. To request modifications to an existing record owner, users should send an email to ctgov@utsouthwestern.edu and include the following information: National Clinical Trial (NCT) Number; Institutional Review Board (IRB) protocol number; full name of new record owner; and account information if the user is new. The current record owner, the new record owner, and the principal investigator/responsible party should be copied on this request.
- B. ClinicalTrials.gov registration, record maintenance, problem resolution
- 1. Study registration
 - a) Specific data elements, such as study design, outcome measures, eligibility criteria, as well as information about the study's reviewing IRB and Data Monitoring Committee (if applicable), are required in the PRS system to register a study.
 - b) Resources, including instructions and reference materials related to the study registration process, are available on both the ClinicalTrials.gov website and the PRS website.
 - c) Once a study registration record has been completed by the user, it must be reviewed by both UTSW HRPP staff and by PRS staff before the study record will be published to the public ClinicalTrials.gov site
 - 2. Record maintenance
 - a) Ongoing maintenance and updates to the ClinicalTrials.gov record are required for Applicable Clinical Trials and National Institutes of Health clinical trials. Editing a ClinicalTrials.gov record is required when a reportable modification is made or an update to the verification date is completed.
 - b) The verification date in the ClinicalTrials.gov record needs to be modified at least **every 12 months**.
 - i. It is advised that this date be updated every time the ClinicalTrials.gov record is accessed.
 - ii. HRPP staff will confirm the verification date has been updated at each continuing review.
 - c) ClinicalTrials.gov records must be updated within **15 days** following a change to:

- i. Device approval status, if the device under investigation was not approved or cleared by the Food and Drug Administration at the time of study registration, but undergoes a change in approval or clearance status
 - d) ClinicalTrials.gov records must be updated within **30 days** following a change to:
 - i. Study start date
 - ii. Intervention name
 - iii. Availability or type of expanded access
 - iv. Overall recruitment status
 - v. Individual site status
 - vi. Human subjects protection review board (IRB) status
 - vii. Primary completion date
 - viii. Study completion date
 - ix. Responsible party and contact information
 - x. Protocol amendments
 - xi. Any content changes including modification needed to the posted protocol and/or statistical analysis plan
 - e) Detailed instructions available on the PRS website.
- 3. Results reporting
 - a) Results of research must be reported to the ClinicalTrials.gov record **12 months** after the Primary Completion Date for Applicable Clinical Trials (FDAAA) and National Institutes of Health clinical trials.
- 4. Problem resolution
 - a) Problems may occur during the creation and modification of a record on ClinicalTrials.gov. Resolving problems can be accomplished through the main menu, in the record, and are received through notifications from ClinicalTrials.gov. Editing a ClinicalTrials.gov record is advised and often required when a problem is encountered. ClinicalTrials.gov identifies four types of problems:
 - i. ERROR—Problem is serious.
 - ii. WARNING—Problem is/may be required to be addressed by Food and Drug Administration Amendments Act of 2007 801.
 - iii. ALERT—Problem needs to be addressed.
 - iv. NOTE—Potential problem needs to be addressed.

- b) An error can stop completion of ClinicalTrials.gov record status changes. Warnings, alerts, and notes may cause issues with meeting regulatory or system requirements.
 - c) Users are encouraged to review instructions on the PRS website to assist with problem resolution. HRPP staff are also available to assist.
- C. Regulatory noncompliance and principal investigator/responsible party change
- 1. External agency letter notification
 - a) Researchers receiving any correspondence from an external agency regarding Food and Drug Administration Amendments Act of 2007 801 requirements, National Institutes of Health policy requirements, a ClinicalTrials.gov record, registration requirements, maintenance requirements, or results reporting requirements, should notify the HRPP Office at ctgov@utsouthwestern.edu within **seven (7) days** of receipt.
 - 2. Principal investigator/responsible party change notification and modification
 - a) If the principal investigator acting as the responsible party on a ClinicalTrials.gov record leaves the institution, is no longer involved with the clinical trial, becomes incapacitated, or dies, the affected ClinicalTrials.gov record must be modified.
 - b) Each of the following procedures must occur when there is a change to the principal investigator/responsible party. If the change is expected, the following tasks must be completed **30 days** prior to the expected change. If the change is unexpected, the following tasks must occur within **14 days** following the unexpected change:
 - c) Notify the HRPP Office at ctgov@utsouthwestern.edu.
 - i. If the trial is active, complete the modification to the principal investigator/responsible party, modify the record to reflect the current clinical trial information, and notify the newly assigned principal investigator/responsible party of responsibilities.
 - ii. If the clinical trial is a candidate for a record transfer, work with HRPPO to discuss a ClinicalTrials.gov record transfer and assist with the record transfer process.
 - iii. If the trial is not continuing, mark the record as completed/terminated/withdrawn and modify the record to reflect the current clinical trial information.
 - iv. In the event of a record that is given this status but requires results, a modification to the principal investigator/responsible party or record transfer is still required.
 - 3. Record reassignment, transfer and status change

- a) Depending on the qualities of the clinical trial, the record may be reassigned to another principal investigator/responsible party, transferred to another institution, or its status may be changed.
- b) The qualities include whether the trial will remain open, if there is an IND or IDE associated with the record that will remain at UTSW, if there is external funding for the trial that will remain at UTSW, and if results reporting is required.
- c) If the clinical trial will not remain open and if results reporting for the trial is not required, then and only then may the record status be changed to Completed/Terminated/Withdrawn without a change to the responsible party.

D. Informed consent documentation

- 1. Applicable Clinical Trial informed consent statement. The following statement must be included in all applicable clinical trial consent documents:
 - a) *A description of this clinical trial will be available on ClinicalTrials.gov, as required by federal law. This website will not include information that can identify you. At most, the website will include a summary of the results. You can search this website at any time.*
- 2. National Institutes of Health (NIH) Clinical Trial Informed consent statement. The following statement must be included in all NIH clinical trial consent documents:
 - a) *A description of this clinical trial will be available on ClinicalTrials.gov. This website will not include information that can identify you. At most, the website will include a summary of the results. You can search this website at any time.*

E. Ongoing monitoring for compliance

- 1. The HRPP Office will review for ClinicalTrials.gov compliance:
 - a) ClinicalTrials.gov website (at least monthly)
 - b) Individual studies during HRPP monitoring visits

IV. DEFINITIONS

SEE GLOSSARY OF HUMAN RESEARCH TERMS

V. REFERENCES

Resource
National Institutes of Health NIH Policy on the Dissemination of NIH-Funded Clinical Trial Information
International Committee for Medical Journal Editors – ICMJE Clinical Trials Registration
Center for Medicaid Services (CMS) – Section 310.1 of the “Medicare National Coverage Determination (NCD) Manual”
FDAAA – SEC. 801. EXPANDED CLINICAL TRIAL REGISTRY DATA BANK
FDA – Identifying an “Applicable Clinical Trial” under FDAAA
FDA – FDAAA 801 and the Final Rule (on clinicaltrials.gov website)
ClinicalTrials.gov

VI. REVISION AND REVIEW HISTORY

Revision Date	Author	Description
June 2021	HRPP	Separated policies from HRPP P&P. Minor updates in accordance with current procedures.
November 2019	HRPP	New policy Development for HRPP

VII. CONTACT INFORMATION

Regulatory Support Office
CTgov@UTSouthwestern.edu
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