

Guidance on Requirements of the Sponsor and the Investigator as a Sponsor

NYU SOM secures assurances from the sponsor or the investigator-sponsor* that the manufacture and formulation of investigational or unlicensed test articles conform to federal regulations.

** Investigator-sponsor refers to a situation in which the individual investigator is a NYU SOM investigator and is the holder of the IND or IDE and therefore assumes the duties of the sponsor of the clinical investigation under the applicable FDA regulations.*

Responsibilities of an Investigator acting as an Investigator

Under FDA regulations and guidance, investigators (and investigator-sponsor) are responsible for the conduct of the study and for leading the team of individuals conducting the study. Their responsibilities include the following:

- Ensuring informed consent of each subject is obtained
- Ensuring the investigation is conducted according to the investigational plan
- Personally conducting or supervising the investigation
- Protecting the rights, safety, and welfare of participants
- Preparing and maintaining adequate, current, and complete case histories or records
- Retaining records for two years following the date the marketing application is approved or withdrawn
- Furnishing the required reports to the sponsor, including reports of adverse events and study completion
- Providing timely reports to the IRB, including reports of changes in the research activity needed to avoid immediate hazards to participants, unanticipated problems involving risks to participants or others, including adverse events to the extent required by the IRB
- Ensuring that changes are not implemented without prospective IRB approval, unless required to eliminate immediate hazard to participants
- Complying with the requirements of the Controlled Substances Act
- Complying with all FDA test article requirements
- Adequately maintaining control of test articles, including appropriate tracking documentation for test articles to the extent that such control and documentation are not centrally administered
- Supervising the use and disposition of the test article
- Disclosing relevant financial information
- Ensuring that all associates, colleagues, and employees assisting in the conduct of the investigation(s) are informed about their obligations in meeting the above commitments.

Responsibilities of the Investigator/Sponsor acting as the Sponsor

The traditional **sponsor**, a pharmaceutical, biotech, or medical device company, takes responsibility for initiating the clinical investigation, and holding the IND or IDE, but does not usually conduct the investigation. However, it is important to note that an individual or group of individuals or medical center can also be considered a **sponsor** for an investigation if they hold the IND or IDE. These studies are typically called investigator initiated studies that use an investigational drug or device or use an approved drug or device for investigational purposes.

The **sponsors'** responsibilities include the following:

- Selecting qualified investigators
- Providing investigators with the information they need to conduct the investigation properly
- Ensuring proper monitoring of the investigation
- Ensuring that the FDA and (for devices) any reviewing IRBs or (for drugs) all participating investigators are promptly informed of significant new information about an investigation.

Sponsors

When the Sponsor is a pharmaceutical, biotech, or medical device company the Sponsor provides assurances through a sponsored research agreements, i.e., the NYU SoM Clinical Trial **Study Agreement template (ATTACH TO APP)**.

Investigator-Sponsors

In reviewing research involving FDA regulated articles, the IRB determines if the study involves an investigator-sponsor. If so, the IRB informs the investigator that there are sponsor responsibilities, including reporting requirements to the FDA, (as well as the investigator responsibilities) and all these requirements are his/her responsibility. The investigator is directed to the *NYU SoM IRB Guidance for Special Considerations for the Oversight of Research Protocols in FDA-regulated Drug or Device Studies*

Investigator-sponsors who submit protocols to the IRB involving FDA test articles must include all supporting FDA documentation for their IND or IDE and any NYU SOM or NYUMC required approvals for applying for an IND or IDE. Additionally, if the IND or IDE product will be manufactured at NYUMC, the Principal Investigator must submit documentation that::

1. The product preparation and manufacture meets the standards for current Good Manufacturing Practice (GMP), or any modification to those standards approved by the FDA in issuing the IND or IDE.
2. The GMP plan has been approved by the applicable NYU SOM official, appointed by the Sr. Assoc. Dean of Research in the School of Medicine.
3. If a NYU SoM investigator-sponsor, the GMP plan has been reviewed and accepted by Risk Management and the Office of Research Compliance.

The IND or IDE product must be stored, secured, dispensed, and documented in accordance with the policies of the NYU SOM and NYUMC in which it will be **used, i.e., NYU SoM and NYUMC (see Section 5.7, Internal Handling of Test Articles)**,

An investigator-sponsor for an IDE protocol must follow the FDA regulations in 21 CFR 812 applicable to sponsor responsibilities, particularly Subpart C. This includes:

- the record keeping requirements of 21 CFR 812.140(b), and
- the required notification under 21 CFR 812.150(b)(1) to the FDA and all participating investigators of any evaluation of an unanticipated device effect within ten (10) working days of first receiving notice of the effect.

An investigator-sponsor for an IND protocol must follow the FDA regulations in 21 CFR 312 applicable to sponsor responsibilities, particularly Subpart D. This includes:

- the record keeping requirements of 21 CFR 312.57, and
- promptly reporting as required in 21 CFR 312.55(b) to the FDA and all participating investigators of significant new adverse effects or risks with respect to the drug or biologic.

All Code of Federal Regulations (CFR) can be found at <http://www.gpoaccess.gov/cfr/retrieve.html>

NYU SOM IRB Quality Assurance Program

NYU SoM IRB Guidance Document

The IRBs Quality Assurance Specialist must site visit the investigator-sponsor before initiation of the research to determine compliance with these FDA regulatory requirements. If compliance has been demonstrated, the investigator-sponsor may begin the research. The audit must be repeated at the time of, and prior to the renewal, of the protocol by the IRB.