Johns Hopkins Office of Clinical Trials
Investigational New Drug (IND)/ Investigational Device Exemption (IDE) Regulatory Program
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JOHNS HOPKINS
SCHOOL of MEDICINE

Frequently Asked Questions

A. Scope of the IND/IDE Policy

A1. Does the policy apply to clinicians who seek to obtain an emergency use IND or treatment IND to treat a single patient?

No, the policy's scope is limited to individuals seeking to conduct a clinical investigation as a Sponsor- Investigator. As single patient treatment use and emergency use of test articles does not qualify as a clinical investigation, the policy does not apply to these use cases. The Johns Hopkins IND/IDE Regulatory Program is able to provide guidance in this circumstance.

A2. Does the policy apply to Humanitarian Use Devices (HUDs)/Humanitarian Device Exemptions (HDEs)?

No, the policy's scope is limited to individuals seeking to conduct a clinical investigation as a Sponsor Investigator. As use of a HUD does not qualify as a clinical investigation, the policy does not apply to these use cases. The Johns Hopkins IND/IDE Regulatory Program is able to provide guidance in this circumstance.

A3. Does the policy apply to abbreviated IDEs?

No, the policy does not apply to abbreviated IDEs. The intent of the policy was to limit the policy's scope to applications to the FDA for an IND or IDE. Non-significant risk device assessments may be proposed by the investigator and affirmed by the IRB without an application to the FDA. As non-significant risk device determinations do not require application to the FDA, the policy is not applicable to individuals conducting a clinical investigation under an abbreviated IDE. There are cases where the ability of a device to qualify as a non-significant risk device may be uncertain and the IRB may require a formal application to the FDA. In these cases, where an IDE is suspected to be required, the IRB and the Office of Clinical Trials (OCT), IND/IDE Regulatory Program will advise the research team if the requirements to adhere to the policy may be deferred until the FDA makes a formal assessment about the need for an IDE.

In certain cases, FDA staff may advise the sponsor to submit **a full** IDE application for the proposed investigation for FDA review. In this event, the proposed Sponsor-Investigator must first complete the investigator qualification process, be approved to serve as an IND/IDE holder, and obtain OCT approval for an associated planning phase application, prior to submitting an IDE application to FDA.

A4. Does the policy apply to IND/IDE transfers?

Yes, the policy is intended to apply to all investigators who seek to conduct a clinical investigation as a Sponsor-Investigator, including investigators who wish to assume the role of Sponsor-Investigator when an existing IND/IDE is transferred.

While the application for the IND/IDE itself is not "new", the application for that Sponsor-Investigator to serve in the role is "new". New Sponsor-Investigators are required to be qualified through the OCT and obtain approval for the transfer, **prior** to submission of the IND/IDE transfer notification to the FDA.

Sponsor-Investigators that have been qualified by the OCT should initiate a Change in Research (CIR) in eIRB for each protocol conducted under the IND/IDE to be transferred, and provide a link to the **draft** submission(s) for review by the OCT: IND_IDEprogram@jh.edu

Once the OCT has reviewed each for compliance with the IND/IDE policy, a formal approval letter will be issued. The approval letter should then be uploaded to Section 20, Item 2 of each draft CIR in eIRB, and submitted.

A5. What if I want to submit a new or amended clinical protocol as part of an existing IND/IDE application?

If submission of the new or amended protocol is for an existing IND/IDE application with FDA date of authorization to proceed (IND) or approval (IDE) preceding 6/1/22, the policy does not apply and no further action is required.

A6. What do I do if I submitted an IND or IDE application to the FDA prior to learning of the IND/IDE policy?

If you submitted an IND or IDE application to the FDA prior to learning of the policy, you must obtain approval for an associated planning phase application, before the IRB can issue approval for your human subjects research (HSR) project. All IND/IDE applications must be filed with the OCT, and all FDA correspondence must be copied to the OCT: IND_IDEprogram@jh.edu.

The requirement for formal approval of investigator-held IND/IDEs is the Johns Hopkins University policy. As outlined in the policy, the OCT will investigate suspected violations of this policy, and may recommend further action in accordance with University codes of conduct, policies, or applicable laws including but not limited to:

- mandatory retraining;
- restrictions on the future ability to serve as a Sponsor-Investigator of studies carried out at JHU or its affiliates;
- transfer of IND/IDE sponsorship to another Sponsor or Sponsor-Investigator;
- referral of violations for further disciplinary action under IRB or school level disciplinary policies.

B. Investigator Qualification Submission and Approval Process

B1. How does an investigator become qualified to serve as an IND/IDE holder?
The Investigational New Drug (IND)/Investigational Device Exemption (IDE) Regulatory Program of the OCT provides guidance to Johns Hopkins faculty members regarding this process. The initial step

requires Sponsor-Investigators to complete the Sponsor-Investigator qualification survey and be approved to serve as an IND/IDE holder by the OCT.

B2. What documentation will I receive to confirm I have been qualified to serve as a Sponsor-Investigator?
All Johns Hopkins faculty members who have been qualified to serve as a Sponsor-Investigator will receive a formal Sponsor-Investigator approval notice with instructions to submit a Planning Phase Application through eIRB, emailed from the OCT IND/IDE Regulatory Program. A copy of this approval notice should be uploaded to your Planning Phase Application within eIRB, to initiate institutional review of requests to submit a new IND/IDE application.

B3. Do I need to submit any changes to the investigator qualification survey?
The Sponsor-Investigator qualification process is only required once, and may be completed at any time. Should any changes to the qualifications of the Sponsor-Investigator occur, as defined in Section IIA-B of the IND/IDE policy, the Sponsor-Investigator should notify the OCT: IND_IDEprogram@jh.edu.

B4. What if I was qualified to serve as an IND holder? Do I need to repeat the process to serve as IDE holder, or vice versa?
No, the Sponsor-Investigator qualification process is only required once, and may be completed at any time. The process does not need to be repeated, once the Sponsor-Investigator has been qualified by the OCT.

C. Planning Phase Application Submission and Review Process

C1. What is a planning phase application and why is it required before I submit my application to the FDA?

A planning phase application is an abbreviated application type in eIRB used when a study is in its planning stages. It is the policy of Johns Hopkins that all new Johns Hopkins Sponsor-Investigator IND or IDE submissions to the FDA be first reviewed and processed via this application submitted to the OCT. This notification is critical for a shared understanding between the institution and Sponsor-Investigator that the Sponsor-Investigator is authorized to submit an IND/IDE application to the FDA.

C2. What do I do if I already have an existing application in eIRB and did not first submit a planning phase application?

If you have submitted an eIRB application prior to submitting a planning phase application, you must submit the planning phase application before you can proceed with the filing of your IND/IDE application with the FDA. A planning phase application must be approved by the OCT prior to submission to the FDA. Investigators should follow these step by step instructions for completion of the planning phase application. The IRB will not be able to approve your research eIRB application until the review and approval of your planning phase application is complete.

C3. Does the policy apply if my study will be conducted through the Johns Hopkins Bloomberg School of Public Health or the Homewood Schools?

Yes, studies that will be conducted through the Johns Hopkins Bloomberg School of Public Health or the Homewood Schools must submit an associated planning phase application through the Johns Hopkins SoM IRB to initiate institutional review of requests to submit a new IND/IDE application. A Planning Phase Application must be approved by the OCT prior to submission to the FDA. The JHM eIRB submission system is used to facilitate review of all planning phase applications by the OCT.

C4. What criteria do Conflict of Interest (COI) reviewers apply when looking at my project?

The Office of Outside Interests will review all cases where potential conflicts of interest (individual and/or institutional) are identified at the time of the Planning Phase. The COI review will be limited to determining if the application submitter may serve as the holder of the IND or IDE under current COI policy. In cases where the Sponsor-Investigator is conflicted and may not serve as the IND/IDE holder, a new Sponsor-Investigator must be identified in the planning phase application before it may be reviewed. Further review of any reported conflicts and issuance of any applicable management plans will occur at the time of review of the full eIRB application for any protocols conducted under the IND/IDE. For more information, please contact the Office of Outside Interests.

C5. How long does review of planning phase applications take?

Please ensure that you complete the planning phase application according to the step by step instructions to ensure that the application is complete. This will help expedite review of the planning phase application and minimize returns for missing/incomplete information. The planning phase applications are typically screened for completeness and returned to address any identified issues within 5 business days of receipt by the JHM IRB office. Planning phase applications may be subject to additional ancillary committee reviews (e.g. the Investigational Drug Service or Conflicts of Interest Committee review). These reviews must be complete (and any issues raised by these reviews addressed) before the OCT can complete its final review. Generally, review of planning phase applications can be completed in 2 to 4 weeks, depending on the need for ancillary reviews.

C6. What delays approval of my planning phase application?

Some things that may delay approval of your planning phase application include submitting an incomplete application, or an application that contains inconsistencies. Please ensure that you follow the step by step instructions for planning phase applications, cross-check information on the supplemental form against other documents uploaded in the application, and proofread the application and relevant documents.

C7. What are the possible outcomes of Planning Phase Application review?

The OCT may approve or table a Planning Phase Application.

If the OCT identifies significant areas of concern in an application for a Notice of IND or IDE Suitability, the OCT will notify the proposed IND or IDE Sponsor-Investigator and Department Chair/Institute Director issuing the Letter of Support, and work with the proposing Sponsor-Investigator to address the area(s) of concern. All concerns must be satisfactorily addressed before the OCT will issue a Notice of IND or IDE Suitability.

C8. What happens after I receive approval for my planning phase application?

After the OCT issues approval for your planning phase application, you will receive a system-generated notification from eIRB, and be formally authorized to submit a complete IND/IDE application to FDA. All IND/IDE applications must be filed with the OCT, and all FDA correspondence must be copied to the OCT: IND_IDEprogram@jh.edu.

C9. When do I need to submit a change in research for my planning phase application?
Sponsor-Investigators should submit a change in research to the planning phase application when there are changes to the Sponsor-Investigator's conflict of interest/commitment, if the Sponsor-Investigator intends to begin to support multi-site clinical trial(s) under their associated IND/IDE application, and/or if Johns Hopkins manufacturing of investigational products begins to be pursued under the IND/IDE application.

D. General IND/IDE questions

D1. How do I know if an IND is required, to conduct my proposed clinical investigation?

Investigators should refer to the Guidance for Clinical Investigators, Sponsors, and IRBs: Investigational New Drug Applications (INDs)— Determining Whether Human Research Studies Can Be Conducted Without an IND (PDF - 210KB) to determine whether their clinical investigations may be conducted without submitting an IND application.

If you are uncertain whether your proposed investigation would require an IND, or if it meets criteria for exemption, please contact the OCT, IND/IDE Regulatory Program at IND_IDEprogram@jh.edu.

The three most commonly occurring scenarios when clinical investigations may be exempted from the IND application requirements refer to certain limited situations of clinical investigations with approved marketed drugs, bioavailability or bioequivalence studies, or clinical investigations involving radioactive drugs considered safe for certain research uses. For each of these and a few other scenarios, the specific criteria for exemption (PDF - 210KB) must be met.

Sponsors who are uncertain if their proposed investigation meets the criteria for IND exemption may seek advice from the FDA Review Division responsible for the relevant therapeutic area of the proposed trial. In some cases, FDA staff may be able to provide this advice through informal communications (e.g., phone conversation, e-mail). In other cases, FDA staff may request that the sponsor submit a summary of their proposed investigation in writing for FDA review before providing advice.

In certain cases, FDA staff may advise the sponsor to submit **a full** IND application for the proposed investigation for FDA review. In this event, the proposed Sponsor-Investigator must first complete the investigator qualification process, be approved to serve as an IND/IDE holder, and obtain OCT approval for an associated planning phase application, prior to submitting an IND application to the FDA.

If during that review FDA concludes the IND application meets the criteria for exemption, the sponsor will be so notified, and will receive a letter to that effect. This letter must be uploaded into the eIRB application going to the JHM IRB. If, on the other hand, the FDA determines that an IND

application is required, the FDA would already have the paperwork necessary for the IND application submission, and can proceed directly to review the application to determine whether an IND could be granted for the proposed clinical investigation. If the FDA requires an IND application, all document from the FDA and from the Johns Hopkins faculty member who is also the Sponsor-Investigator of the IND must be uploaded into the eIRB application.

D2. How do I know if an IDE is required, to conduct my proposed clinical investigation?

The federal regulations at 21 CFR 812 state that all clinical investigations of devices must have an approved IDE, or be exempt from the IDE regulations. Investigators should consult JHM guidance on clinical trials of investigational medical devices to understand whether the proposed clinical investigation involves an investigational medical device, how the investigational medical device will be classified, and whether an IDE will be required.

If you are uncertain whether your proposed investigation would require an IDE, or if it meets criteria for exemption, please contact the Office of Clinical Trials, IND/IDE Regulatory Program at IND_IDEprogram@jh.edu.

D3. What are Johns Hopkins' requirements for managing investigational products used in clinical investigations?

Investigational drugs held under a Johns Hopkins Sponsor-Investigator IND must be received, stored and managed by the Investigational Drug Service (IDS), or by a qualified entity approved by the OCT.

A Drug Used in a Clinical Investigation (DUCI) is defined by the Pharmacy and Therapeutics Committee as any drug, biological, botanical, or other substance used specifically for a clinical investigation as described in the investigational protocol. Such drugs shall be either commercially available or not commercially available and used according to, or outside of, the FDA-approved indications. For more information, see the policy: Organization Policy on Drug Use and Control in Clinical Investigations (Policy No. 103.19(a)).

Investigational devices held under a Johns Hopkins Sponsor-Investigator held IDE must be stored, labeled, and managed by the faculty member using a plan approved by the OCT (or IDS, where directed).

D4. What institutional IND/IDE support is available for Johns Hopkins Sponsor-Investigators?

Institutional IND/IDE support is available to Johns Hopkins Sponsor-Investigators from the Office of Clinical Trials, IND/IDE Regulatory Program, Institute for Clinical and Translational Research, Drug and Device Resource Service (DDRS), Sidney Kimmel Cancer Center, Compliance, Gastrointestinal Cancers Program Regulatory Team, and Johns Hopkins All Children's Hospital, Regulatory Affairs & Quality Assurance Unit. The Office of Clinical Trials, IND/IDE Regulatory Program can assist Sponsor-Investigators in obtaining IND/IDE support. Please contact IND_IDEprogram@jh.edu.