

FDA Structure and Mandate

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Clinical Investigator Training Course – December 6, 2023



Learning Objectives

- Provide a brief history of FDA
- Describe the current mission of FDA
- Introduce FDA's legal and regulatory framework for drugs and biologics

Brief History of FDA

- Built on legacy of public health failures
 - Unsafe, ineffective, counterfeit, or adulterated drugs
 - Unethical practices and fraud



Copyright Museum of Health Care



Brief History of FDA

- 1848:** Drug Importation Act
- 1902:** Biologics Control Act
- 1906:** Pure Food and Drug Act
- 1912:** Sherley Amendment
- 1938:** Food, Drug, and Cosmetic Act
- 1944:** Public Health Service Act
- 1951:** Durham-Humphrey Amendment
- 1962:** Kefauver-Harris Drug Amendments
- 1968:** Drug Efficacy Study Implementation (DESI)

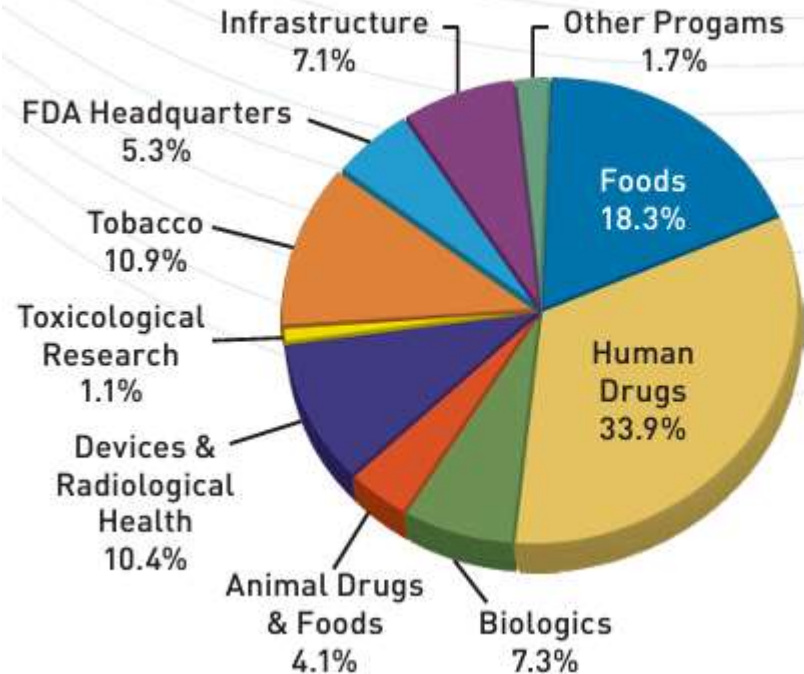


FDA in 2023

- ~18,000 employees
- Oversees safety of more than \$2.1 trillion worth of food, tobacco, and medical products, accounting for 15 cents of every dollar spent by U.S. consumers



Percent Distribution by Program (Total = \$6.3 billion)





Legal Framework: Statute

- **Federal Food, Drug, and Cosmetic Act (FD&C Act) & Public Health Service Act:** provides statutory authority for FDA's oversight of clinical investigations to evaluate safety and effectiveness

Legal Framework: Regulations

- **Code of Federal Regulations (CFR):** implement FDA's statutory authority over conduct of clinical investigations

▼ Title 21 Food and Drugs		Part / Section
▼ Chapter I	Food and Drug Administration, Department of Health and Human Services	1 – 1299
Subchapter A	General	1 – 99
Subchapter B	Food for Human Consumption	100 – 199
Subchapter C	Drugs: General	200 – 299
Subchapter D	Drugs for Human Use	300 – 499
Subchapter E	Animal Drugs, Feeds, and Related Products	500 – 599
Subchapter F	Biologics	600 – 680
Subchapter G	Cosmetics	700 – 799
Subchapter H	Medical Devices	800 – 898
Subchapter I	Mammography Quality Standards Act	900
Subchapter J	Radiological Health	1000 – 1040
Subchapter K	Tobacco Products	1100 – 1150
Subchapter L	Regulations Under Certain Other Acts Administered by the Food and Drug Administration	1210 – 1299

FDA Guidance



- Advisory, to assist regulated entities in complying with regulations and to understand FDA's current thinking on a topic

GUIDANCE DOCUMENT

Investigator Responsibilities – Safety Reporting for Investigational Drugs and Devices

Draft Guidance for Industry

SEPTEMBER 2021

GUIDANCE DOCUMENT

Informed Consent

Guidance for IRBs, Clinical Investigators, and Sponsors

AUGUST 2023

GUIDANCE DOCUMENT

Clinical Investigator Administrative Actions - Disqualification

Guidance for Institutional Review Boards, Clinical Investigators, and Sponsors

DECEMBER 2022

GUIDANCE DOCUMENT

Information Sheet Guidance for Sponsors, Clinical Investigators, and IRBs Frequently Asked Questions Statement of Investigator (Form FDA 1572) (Revision 1)

*Draft Information Sheet Guidance for Sponsors, Clinical Investigators, and IRBs Frequently Asked
Questions Statement of Investigator (Form FDA 1572) (Revision 1)*

MAY 2021

FDA Applications



- Investigational New Drug (IND) Application
- New Drug Application (NDA) and Biologics License Application (BLA)

Investigational New Drug (IND) Application



- Allows interstate shipping of product across state lines
- Allows initiation of clinical studies in humans
- Three types: investigator, emergency use, treatment
- Two categories: commercial, research
- Must include preclinical data, manufacturing information, clinical protocols and investigator information

<https://www.fda.gov/drugs/types-applications/investigational-new-drug-ind-application>



IND Exemptions for Drugs

- Product lawfully marketed in the U.S.
- Not intended to support new indication or significant labeling change
- Does not involve route of administration, dose, patient population, or other factor that significantly increases risk
- Investigation conducted in compliance with regulations for Institutional Review Boards, Informed Consent, and promotion

<https://www.fda.gov/drugs/investigational-new-drug-ind-application/ind-application-procedures-exemptions-ind-requirements>

Clinical Hold

- Order issued by FDA to delay proposed clinical investigation or suspend ongoing investigation
 - No new subjects can be recruited and given the drug
 - Patients in study taken off therapy unless permitted to continue by FDA in interest of patient safety

<https://www.fda.gov/drugs/investigational-new-drug-ind-application/ind-application-procedures-clinical-hold>

Grounds for Clinical Hold



Phase 1, 2, and 3:

- Unreasonable and significant risk of illness or injury
- Insufficient information to assess risk
- Investigator brochure is misleading, erroneous, or incomplete
- Clinical investigators not qualified
- Exclusion by gender if for life-threatening condition

Phase 2 and 3:

- Protocol deficient in design to meet stated objectives

Marketing Applications



- New Drug Application (NDA) under 505(b) of FD&C Act
- Biologics License Application (BLA) under 351(a) of the PHS Act
- Submission of information needed to support marketing approval of a new product or additional information for an already approved product

Key Decisions for Drug Approval



- Whether the **drug is safe and effective** in its proposed use(s), and whether the benefits of the drug outweigh the risks
- Whether the drug's proposed **labeling is appropriate**, and what it should contain
- Whether the **manufacturing methods** used to maintain the drug's quality **are adequate** to preserve the drug's identity, strength, quality, and purity



Challenge Question #1

For a drug that is lawfully marketed in the United States, an Investigational New Drug application is never required to conduct a clinical investigation using the drug.

True

False

Challenge Question #2

Which of the following is NOT a reason for a Clinical Hold?

- A. Investigator brochure is incomplete
- B. Insufficient information to assess risk
- C. Investigation of drug for disease that manifests in childhood excludes children
- D. Clinical investigators are not qualified

Summary



- FDA has been working to promote and protect public health for over 100 years
- Laws, regulations, and guidance provide a framework for the development and approval of drugs and biologics
- INDs allow FDA to evaluate whether clinical investigations are reasonably safe to proceed
- NDAs and BLAs are mechanism for FDA oversight of U.S. sale and marketing of drugs and biologics

