Division of Sponsored Programs:

*Who are we and How do we impact Clinical Trials?*

________________________________________

Academy for Research Professionals Series
January 30, 2019

Presented by:
Caitlin Flaherty J.D. &
Katherine Gonzales B.A.
Today’s Agenda

• Overview of DSP’s role in clinical trial studies
• CDA/CTA Definitions
• UIRIS Routing Forms
• The DSP Process
• Issues in CTAs
• Accelerated Research Agreements
• Resources
Meet our DSP Clinical Trial Staff:

Jessica Boyle (Associate Director)

Confidential Disclosure Agreement (CDA) Reviewers:
Carrie Damon
Jeanne Towell

Clinical Trial Agreements (CTA) Contract Reviewers:
Caite Flaherty
Kathie Gonzales
Adwin Hesseltine
Linda Jones (part-time)
Kristen Stoll

See also: DSP Staff Directory https://dsp.research.uiowa.edu/dsp-staff-directory
Who is DSP & What do We Do?

• Division of Sponsored Programs (DSP) reviews all external agreements for research that involve UI staff and/or occur on the UI or UIHC campuses.

• We are a resource for campus.

• Review and negotiate contract terms to ensure compliance with Iowa law, federal law & UI policies.
Group Question

- **Should the PI sign this Agreement?**

IN WITNESS WHEREOF, the parties, duly authorized, have executed this Agreement in duplicate as of the day and year first written above.

**SPONSOR**

By: Name: ____________________________  
Title: ____________________________  
Date: ____________________________

**THE UNIVERSITY OF IOWA**

By: ____________________________  
Title: ____________________________  
Date: ____________________________
Group Question

- **Should the PI sign this Agreement?**

IN WITNESS WHEREOF, the parties, duly authorized, have executed this Agreement in duplicate as of the day and year first written above.

<table>
<thead>
<tr>
<th>SPONSOR</th>
<th>THE UNIVERSITY OF IOWA</th>
</tr>
</thead>
<tbody>
<tr>
<td>By: Name:</td>
<td>By:</td>
</tr>
<tr>
<td>Title:</td>
<td>Title:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

If the Agreement contains a ‘**Read and Acknowledged**’ signature line, the PI should sign the Agreement.

**READ AND ACKNOWLEDGED**

<table>
<thead>
<tr>
<th>By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
</tbody>
</table>

Note: The PI and Department are responsible for reviewing **every** Agreement and are responsible for adhering the its terms. **Questions?** Contact DSP
Definition: Confidential Disclosure Agreement (CDA)

- CDA-Confidential Disclosure Agreement
- NDA-Non-Disclosure Agreement

Collaboration
- Signed prior to disclosure of information
- e.g. Study Protocol, Drug/Device Information

Protection
- Investigator Initiated Trials
- PI-authored or will co-author the Study Protocol
Definition: Clinical Trial Agreement (CTA)

- A Clinical Trial Agreement (CTA) is the legally binding agreement that manages the relationship between the sponsor & the UI.

- Sponsor may provide:
  - Study drug or device
  - Financial support
  - Proprietary information

- Institution may:
  - Enroll/consent subjects
  - Provide data and/or results
  - Contribute to a publication
  - Further develop intellectual property

- The CTA allocates risk, responsibility, funds and obligations, and protects academic and intellectual property interests.
Definition: Clinical Trial

2018: Clinical Trial definitions have been updated

- **NIH funded studies:**
  - Does the study involve human participants?
  - Are the participants prospectively assigned to an intervention?
  - Is the study designed to evaluate the effect of the intervention on the participants?
  - Is the effect being evaluated a health-related biomedical or behavioral outcome?

- **Non-NIH funded studies:**
  - Clinical trials are studies that involve evaluation of a technology or product. These studies include Phase 1-3 clinical investigations, Phase 4 post-marketing studies, IDE investigations, and post-market surveillance studies involving human subjects.

Getting Started with a CDA or CTA

• Each CDA and CTA requires a UIRIS routing form:

  ➢ CDAs – use Non-monetary Routing Form
  ➢ CTAs – use Proposal Routing Form

See also: University of Iowa Research Information System (UIRIS), https://dsp.research.uiowa.edu/university-iowa-research-information-system-uiiris
UIRIS Routing Form: Proposal and Non-Monetary

UIRIS Applications
- Training
  - Responsible Conduct of Research (CITI)
- Advance MFK
  - Advance MFK Submission
  - Advance MFK DSP Review
  - Advance MFK Reports (Excel File)
  - Month End Inventory Report
- Animal Resources Information
  - View Animal Protocol Report
  - View Billing Report
  - Manage my Animal Account Authorizations
  - View Animal Inventories
- Animal Resources Management
- DSP Proposal Routing Form
  - DSP Proposal Routing Form
  - DSP Activity Log
  - DSP Labels
- DSP Non-Monetary Routing Form (includes MTAs)
  - DSP Non-Monetary Routing Form (includes MTAs)
  - DSP Activity Log

Web Addresses for UIRIS Login:
- V3 - [https://uiris.uiowa.edu/dashboard](https://uiris.uiowa.edu/dashboard)
- V2 -- [https://uiris.research.uiowa.edu/](https://uiris.research.uiowa.edu/)
UIRIS Routing Form
(Sample View of UIRIS Inbox)

1. Start a Proposal Routing Form
   - Begin a New Proposal Routing Form (Workflow or Paper)
   - Begin a Proposal Routing Form From a Previously Submitted Proposal Routing Form (Workflow or Paper)
   - Begin a Proposal Routing Form From a Previously Created Template (Workflow or Paper)

2. Search for a Proposal Routing Form
   - Search My Proposal Routing Forms for
   - You may search on Proposal Routing Form, PI, Proposal Title, or Sponsor.

3. Unsubmitted Proposal Routing Forms
   - Edit
   - Delete
   - View
   - R2014110186
   - Thompson, Karen L E
   - Three-eared frogs: A tool to dissect ear connection mechanisms
   - NIH
   - 11/13/2014 - 04:01

4. Submitted Proposal Routing Forms in Workflow
   - View
   - R2012060363
   - De Andrade, James P
   - TFAP2C Regulated Pathways of Proliferation in Luminal Breast Cancer (ACS)
   - Am Coll of Surg
   - 09/04/2012 - 01:23

5. Voided Proposal Routing Forms
   - View
   - R2014110162
   - Tate, Eric
   - Fire Weather Decision Making in Alaska: A Social and Modelling Analysis
   - No Acronym
   - 11/13/2014 - 09:46

6. Proposal Routing Forms Approved through Workflow or Paper Routing
   - View
   - R2014110182
   - Zamba, Oldeon K
   - Workflow Iowa Summer Institute in Biostatistics
   - NIH
   - 11/13/2014 - 04:04

7. Proposal Routing Form Template
   - Create a routing form template from a blank routing form
   - Create a routing form template from a previously created routing form
   - Edit existing templates

8. Editors
   - Add or change editors for all my routing forms (both UI Proposal Routing Forms and Non-Monetary Routing Forms)
UIRIS Routing Form

Project Purpose:

Clinical Trial,
Corporate Sponsored

Clinical Trial, Other
# UIRIS Routing Form

**Question 7.1 Human and Animal Research**

<table>
<thead>
<tr>
<th>HawkIRB</th>
<th>Provide IRB Application number or Email once known</th>
</tr>
</thead>
<tbody>
<tr>
<td>WIRB</td>
<td></td>
</tr>
<tr>
<td>External</td>
<td>A HawkIRB application is still required</td>
</tr>
<tr>
<td>Central IRB</td>
<td></td>
</tr>
</tbody>
</table>

Email [dsp-contracts@uiowa.edu](mailto:dsp-contracts@uiowa.edu) or your DSP Contract Reviewer with the IRB number as soon as it is known.
UIRIS Routing Form

Attachments Required:

**CDA**
- Word Version of Agreement
- Protocol Title/Number
- Deadline? (e.g. Site Visit scheduled)

**CTA**
- Word Version of Agreement
- Protocol
- Draft Budget
- OTHER: Investigator Initiated; Central IRB; Limited Enrollment

*If there are missing attachments, the contract is NOT ready for DSP to review and this WILL cause delays*
UIRIS Routing Form

Question 10.1 Before Submission

Sponsor/CRO Contact Information (10.1.3)
• Email Address (Required)

Deadline? (10.1.1.1)
• Expanded Access/Compassionate Use Situation
• Sponsor/CRO scheduled visit

Other Comments (10.1.5)
• Investigator Initiated Protocol
• Departmental cc’s (10.1.3.3)
• Additional information
UIRIS Routing Form

When should a Proposal or Non-Monetary Routing form be submitted to DSP?

A. One day before a requested deadline
B. The morning of the Sponsor’s visit
C. After the IRB is approved
D. After the Budget is approved
E. None of the Above

Answer: E. None of the Above

Route at least 5 Business Days in advance of a deadline, prior to or while completing the IRB application and budget negotiation.

Most Agreements will take time (average 2-6 weeks) to negotiate, excluding budget and IRB reviews.
The DSP Process: CTA Reviews

Contract Negotiation
- DSP negotiates with Sponsor

Budget Negotiation
- PI/Coordinator negotiates with Sponsor

IRB/Committee Approvals
- PI/Coordinator submits IRB application

All of these processes take time and depend on the complexity of your study. Route the CTA to DSP to begin negotiations while working with the IRB.
The DSP Process: Budgets

• DSP does not review clinical trial budgets.

• The PI’s department is responsible for ensuring that all costs to conduct the Study are covered, including IRB fees and applicable indirect costs (F&A).
The DSP Process: Budgets – F&A

• Industry Funded Clinical Trials =
  • 26% on (TDC) Total Direct Costs

• NIH funded Clinical Trials =
  • 52.5% F&A on MTDC (Modified Total Direct Costs);
    54.5% starting July 1, 2019
  • This rate also applies to NIH pass-through funding

Resource: https://dsp.research.uiowa.edu/facilities-administrative-fa-costs
The DSP Process: Budgets

- Many contracts include budget and payment terms in the text of the agreement itself, as well as in the specific budget exhibit to the contract.

- Please review and notify the DSP reviewer if you have problems or concerns with any terms of an agreement.
The DSP Process: Budgets

CTA Example #1 – Payment language

Payments
Payment shall be made in accordance with the Payment Schedule, Terms and Budget attached hereto (the “Budget”) and incorporated herein as Appendix A. Payment for partially completed cases, i.e., early withdrawals, shall be made pro rata for procedures performed according to the Budget. Protocol violations are non-payable.
The DSP Process: Budgets

CTA Example #2 - Payment language

PAYMENT.

a) Payments for services rendered under this Agreement will be calculated in accordance with the following schedule:

- Hospital and Physician: The amount of such payments represents the fair market value for the services that Institution has agreed to render and has not been determined to any incorrect or erroneous value or amount of the services otherwise generated between Institution and Physician and Sponsor. All payments under this Agreement shall be made on an annual basis not to exceed the amount of all services rendered by the Institution under this Agreement. Payments in excess of the annual budget shall be deemed to have been made in accordance with the terms of this Agreement. The Institution agrees to use reasonable efforts to resolve any disputes of this type in a timely manner.

b) Institution agrees that in the event of a dispute regarding this Agreement, any dispute arising from the Agreement, or any issue of interpretation of the Agreement, including any dispute regarding the payment of monies due hereunder, shall be resolved by the Institution in accordance with such procedures as may be set forth in Exhibit A.

c) Institution understands and agrees that any services rendered to the Sponsor or any other study site personnel shall be paid for and reimbursed by the Sponsor or PRA, as applicable, and any such payments shall be made in accordance with the terms of this Agreement.

d) Institution, acknowledges and agrees that any services paid for or provided without charge by Sponsor or PRA shall not include any services provided under any Federal or state programs, including, but not limited to, the Federal Patient Protection and Affordable Care Act (Physician Payment Solvency Act).

e) Institution agrees that, if services are paid for or provided without charge by Sponsor or PRA, the Institution shall not separately bill or seek reimbursement for such services from any third party including, without limitation, the patient, any payee provider of assistance, or any Federal or state program (e.g., Medicare, Medicaid, Veterans Affairs programs, Child Health Insurance Program (CHIP) programs, and other government programs funded under Title XIX and XX of the Social Security Act).

f) If applicable, items and/or equipment provided to the Institution, Physician or subjects as part of the Protocol, shall not be used for clinical or research purposes, shall be returned, and made available to the Sponsor or the Sponsor’s designated representative upon completion or termination of the Study.

g) The Study Team Participant and the Physician, if available, shall be reimbursed for all reasonable and necessary expenses incurred in connection with the Study, including, but not limited to, reasonable and necessary travel-related costs and expenses incurred by the Physician or other Study Team Participants in connection with the Study. The Sponsor shall pay all reasonable and necessary expenses incurred by the Physician or other Study Team Participants in connection with the Study. The Sponsor shall be responsible for all reasonable and necessary expenses incurred by the Physician or other Study Team Participants in connection with the Study. The Sponsor shall be responsible for all reasonable and necessary expenses incurred by the Physician or other Study Team Participants in connection with the Study. The Sponsor shall be responsible for all reasonable and necessary expenses incurred by the Physician or other Study Team Participants in connection with the Study.
The DSP Process:

- Requirements to sign a clinical trial agreement:
  - Agreement on contract terms
    - If applicable:
      - Conflicts of Interest
      - Export Control
  - Agreement on budget
The DSP Process: Signatures

• Who needs to sign?
  • PI
    • He or she *may* have to sign the contract
    • Only as “Read & Acknowledged” of the terms
  • **Institutional signatory**
    • DSP’s Executive Director (Wendy Beaver)

DocuSign (preferred)  Sign, scan and email  Wet ink signatures

• PI-specific signature instructions: note on routing form
The DSP Process:

• Requirements for release of MFK:
  • Fully signed contract
  • IRB Approval

  AAAN is issued and MFK is assigned

• Common Delay: DSP does not have your IRB number.
  • Submit your IRB number (even if still pending) on your routing form or send to dsp-contracts@uiowa.edu.
Issues in CTAs:

• Investigator-Initiated Studies
• Liability and Indemnification
• Subject Injury
• Publication
• AAHRPP
• Working with Contract Research Organizations (CRO)
Issues in CTAs: Investigator-Initiated Studies

• UI Principal Investigator or other UI employees are an author or co-authors on the Protocol or Study design.

• Notify the IRB

• Notify DSP by adding a comment on the Routing Form or emailing dsp-contracts@uiowa.edu

• IIS agreements typically take longer to negotiate - route as soon as possible.
Issues in CTAs: Indemnification

• A legal claim that involves a third party (e.g., a Study subject sues the University for something that occurred as a result of their participation in the Study).

  • Resource: UI Operations Manual II-27.1.d(2) requires contractual safeguards (indemnification) to protect the University in corporate funded clinical trials.

• The University can agree to be responsible for some actions (negligence), but we are limited as a state-funded institution.
Issues in CTAs:
Subject Injury

• Coverage is always sought from industry sponsors where the study involves the Sponsor’s protocol; this language is reflected in the informed consent.

• Sample language:
Sponsor agrees to promptly reimburse Institution for all hospital and medical costs required for the diagnosis and treatment of any injury or illness suffered by a Subject related to Protocol-mandated procedures, including, but not limited to, the administration of the Study Drug/Device in accordance with the Protocol.
Issues in CTAs:
Publication

• University faculty, staff and students must be able to disseminate their research results in a timely manner.

• Allowing a sponsor to **review and comment** on the content of such publications is acceptable.

• Allowing a sponsor to **approve** the content of a publication is **not** acceptable.
Issues in CTAs: AAHRPP

• The Association for the Accreditation of Human Research Protection Programs, Inc., (AAHRPP) is an independent accrediting body that protects the rights and welfare of research participants.

• Clinical Trial Agreements must contain language that a Sponsor will notify the University of any information that could directly affect the health or safety of past or current Study Subjects even after a Study is over.
Issues in CTAs: Contract Research Organizations (CRO)

• Many sponsors contract with a CRO to manage certain aspects of a study. Some CROs negotiate terms of the CTA.
Other Issues in CTAs:

- Central IRB
- Changes to the Protocol
- Non-UI Employee Involvement
- FDA
Accelerated Research Agreements

- Master Confidential Disclosure Agreements: 12
- Master Clinical Trial Agreements: 41
- **Contact DSP** if a Master Agreement may be beneficial or a sponsor indicates interest
Accelerated Research Agreements

ACDA
Accelerated Confidential Disclosure Agreement
No negotiating terms; sign when budget is final

ACTA
Middle-ground language
Proactively offering to new Sponsors
Accelerated Clinical Trial Agreement
Other Agreements

• DSP also reviews:
  • **Grant Proposals** to the federal government, industry sponsors, private foundations or non-profit organizations
  • **Material Transfer Agreements** (MTA)
  • **Data Use Agreements** (DUA)
  • **Equipment Loan Agreements** (for research purposes or in connection with external funding)
Who is reviewing my Agreement?
What is the Status of my Agreement?

• **DSP Research Tracker**
  Find the contact in DSP who is negotiating your agreement

• Easily find access to the status of the Agreement
  • `DSP Review`=DSP reviewer is still waiting on documents or is still reviewing the agreement
  • `Negotiating`=DSP has emailed edits to the Sponsor
  • `Pending Signature` (either PI, UI or Sponsor)=Agreement is out for signature
  • `Held for IRB`= IRB approval has not been rec’d from HSO or UI department has not responded to an email from DSP
  • `Pending GAO Action`=Agreement is final but MFK has not yet been assigned.
Resources

• Online "How to" information:  https://dsp.research.uiowa.edu/how

• DSP Website:  https://dsp.research.uiowa.edu/
Resources

DSP Training Courses/Presentations

https://dsp.research.uiowa.edu/training-opportunities

February 28, 2019

#758 DIVISION OF SPONSORED PROGRAMS (DSP) PROPOSAL ROUTING FORM

• Sign up for our Listservs!

https://dsp.research.uiowa.edu/sign-dsp-newsletters-research-administration-dispatch-rad-and-grant-bulletin-gb
Questions?

DSP
2 Gilmore Hall
112 N. Capitol Street
The University of Iowa
Iowa City, Iowa 52242

(319) 335-2123
Dsp-contracts@uiowa.edu
https://dsp.research.uiowa.edu/
Staff Directory: https://dsp.research.uiowa.edu/dsp-staff-directory