Authorization Agreement Between the Centers for Disease Control and Prevention (CDC) Institutional Review Board and the Veterans Health Administration (VHA) Office of Research and Development, Department of Veterans Affairs

Authorization Agreement Section

A. Name of Organization Providing IRB Review:

CDC Federalwide Assurance: FWA00001413
IRB Registration Number: IRB000002724

B. Name of Federal Agency Relying on Organization Providing IRB Review:
Department of Veterans Affairs
Office of Research and Development
Veterans Health Administration
810 Vermont Avenue, NW
Washington, DC 20420

VA Authority:

The Veterans Health Administration Office of Research and Development, hereinafter referred to as VHA, is entering into this Reliance Agreement under the authority of 21 CFR 56.114.

This agreement is entered into by VHA, which oversees VHA medical facilities referenced below. VHA will implement a written agreement with each participating VA medical facility signatory official in which they concur with this agreement and agree to comply with the requirements herein.

Reliance Agreement Section

C. Reliance

The CDC IRB shall conduct IRB review for the Expanded Access IND titled "Use of Tecovirimat (TPOXX®) for Treatment of Human Non-Variola Orthopoxvirus Infections in Adults and Children" (IND 116039/CDC #6402), conducted by participating VHA medical facilities covered by this agreement. The CDC IRB will adhere to the human subject protection requirements of its IRB registration.

The CDC IRB will maintain the validity of the IRB registration as required by FDA; VHA will retain the validity of the FWA as required by Veterans Health Administration (VHA) and OHRP. Each institution will notify the other of any changes in the status of the IRB Registration and will provide copies of the IRB Registration upon request. Each institution will adhere to the federal regulations as codified in 21 CFR parts 50,56, and 312 and other pertinent federal regulations and guidance.

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Each VHA medical facility research program operates under the oversight of a Research and Development Committee (R&DC) which provides local institutional oversight of the conduct of the Expanded Access IND. For the purposes of this agreement, the R&DC reviews research proposals for final Institutional approval, ensures the effective operations of the facility research program, and ensures that all research in which the facility is engaged is consistent with the VA mission and complies with all applicable statutory and regulatory requirements.

For purposes of this agreement, the following are agreed by both organizations:

1. VHA Facilities agreeing to rely upon the CDC IRB are responsible for complying with all federal and state laws, regulations, and policies applicable to the use and administration of Tecovirimat (TPOXX®) under the Expanded Access IND.
2. VHA Facilities agree to follow all applicable CDC IRB policies related to its review of the Expanded Access IND.
3. A VA-specific informed consent addendum will be approved by the CDC IRB for VA Investigators to comply with VA regulations if the standard CDC IRB approved consent form cannot be modified to include the VA requirements. The VA-specific informed consent addendum does not replace the “Patient Consent and Privacy Authorization Form” approved by the CDC IRB.
4. VA is responsible for ensuring any HIPAA authorization and privacy requirements are compliant with federal regulations applicable to VA research, including the Privacy Act of 1974 and U.S.S.C. 7332.
5. The CDC IRB will maintain IRB membership that satisfies the requirements of 21 CFR part 56 and provide special expertise as needed to adequately assess all aspects of the Expanded Access IND.
6. The CDC IRB will conduct review of apparent unanticipated problems and serious or continuing noncompliance when the VHA facility, or other entity reports an incident, experience, or outcome to the IRB. This review includes reporting any unanticipated problems and/or serious or continuing noncompliance determination to the Food and Drug Administration (FDA), and any other applicable agencies.
7. The CDC IRB will report any reportable suspension or termination of IRB approval of a VA Facility or the entire program to FDA, and the VHA ORD.
8. The CDC IRB will provide access to IRB minutes related to its review of the Expanded Access IND if requested by the VHA Facility’s R&D Committee.
9. The CDC IRB will notify VHA’s Chief Research and Development Officer immediately if there is ever a suspension or restriction of the CDC IRB’s authorization to review this Expanded Access IND.

The responsibilities of each VHA Medical Facility participating in this Expanded Access IND under the oversight of the CDC IRB are to:

1) Comply with the CDC IRB policies and standard operating procedures;

2) Ensure the safe and appropriate conduct under the Expanded Access IND. This includes, but is not limited to:
   a) Ensuring the initial and ongoing qualifications of Principal Investigator and research teams;
   b) Overseeing the conduct of the Expanded Access IND;
   c) Monitoring protocol compliance;
   d) Maintaining compliance with state, local, or institutional requirements related to the protection of human subjects; provide those requirements, to the CDC IRB if any.
   e) Reporting to the IRB per the reporting requirements described in VHA Directive 1058.01 upon becoming aware of any complaints from subjects or others, unanticipated problems involving risks to subjects or others; serious adverse events (whether anticipated or unanticipated; whether related or unrelated to the Expanded Access IND); suspension or termination of activities; and serious or continuing noncompliance encountered in VA human subjects research. Reporting to Office of Research Oversight (ORO) as required under VHA Directive 1058.01.
   f) The Institution's R&DC will Investigate, manage, and ensure notification to the CDC IRB of any treatment-specific incident, experience, or outcome that seems to rise to the level of an unanticipated problem and/or serious or continuing noncompliance. When notifying the CDC IRB of a potential unanticipated problem and/or serious or continuing noncompliance, the institution must provide a plan to manage the incident, experience, or outcome, including measures to prevent similar occurrences;
   g) The institution will provide the CDC IRB access to all relevant investigator records (including data files, regulatory files/binders, case report forms, sponsor queries, internal and external monitoring reports, and audit reports); subjects' clinical record or case files; and facility records (including sponsor agreements), as required for oversight and monitoring of the Expanded Access IND. The access will be provided to any individual(s) designated by the IRB;
   h) Providing reports of Institution's Facility Research Compliance reviews or audits with reportable findings for the protocol(s) under CDC IRB oversight.

   NOTE: As part of ensuring safe and appropriate performance of research the VA facility has the authority to observe any aspect of the research process including observing the consent process. The CDC IRB retains the authority to direct this to be done by the VA facility when necessary.

3) Provide updates in a timely manner to the IRB whenever a Principal Investigator is replaced using procedures required by the CDC IRB;

4) Notify the CDC IRB when a regulatory deficiency has been cited on an audit that occurred during the time that the CDC IRB was responsible for the Expanded Access IND. Institution will provide the results of any internal or external monitoring or audits of the Expanded Access IND overseen by the CDC IRB, including inspections by the sponsors and regulatory/compliance bodies, to the CDC IRB;

5) Complete and submit any documents required by the CDC IRB for participation;

6) Maintain a regulatory file as per local Institution and sponsor policy; and

7) Maintain the currency of required training for the investigator and members of the study team. Provide certification to the IRB as required.

8) VA investigators are responsible for complying with VA requirements for disclosure of conflict of interest. Institution's R&DC will provide a proposed management plan to the CDC IRB for review in accordance with IRB SOPs. Institution represents and certifies that Institution's staff must adhere to, the rules identified in Standard of Conduct for Executive Branch employees in 5 CFR Part 2635 and the criminal conflicts-of interest statue, Title 18, Chapter 11.

This document will go into effect upon the date of the signatures of the Signatory Official for the VHA Office of Research and Development and CDC IRB.

Termination of this agreement by either Institution will be in an orderly manner so as not to harm subjects or put subjects at risk. VHA will acknowledge in writing termination of this agreement and be responsible for notifying the Office of Research Oversight.

Signature Page Follows on Next Page

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Signature Blocks:

Name and Title of Signatory Official for the Veterans Health Administration Office of Research and Development:

Rachel Ramoni, D.M.D., Sc.D.,
Chief Research and Development Officer

RACHEL RAMONI

Digitally signed by RACHEL RAMONI
Date: 2022.07.22 13:21:50 -04'00'

Name and Title of Signatory Official for CDC:

Rebecca Bunnell -S

Digitally signed by Rebecca Bunnell -S
Date: 2022.07.22 14:54:05 -04'00'

Rebecca Bunnell, PhD, MEd.
CDC Chief Science Officer and Institutional Official for Human Subjects Protections