How ClinicalTrials.gov Can Help Define the Window for Required Posting of Consent Forms

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The U.S. Revised Common Rule includes a new provision under 45 CFR 46.116(h), which requires the posting of informed consent forms for clinical studies.¹ The provision is intended to increase the transparency of clinical studies to the public.

Specific requirements in the provision include the following:

- Which consent forms must be posted: Consent forms from clinical studies that are (a) approved on or after January 21, 2019 and (b) are conducted or supported by one of the 20 government agencies and departments that have adopted the Revised Common Rule.

- What must be posted: An unsigned copy of an Institutional Review Board (IRB)-approved consent form that has been used in enrolling participants in the clinical study.

- Where they must be posted: On ClinicalTrials.gov ("CTgov"), Regulations.gov or other publicly available federal website(s) that may be added in the future.

- When they must be posted: After active recruitment closes, but, in no case, later than 60 days after the last study visit.

This last requirement, when consent forms must be posted, defines the window during which posting is required. Because most research institutions have no central tracking system for capturing when recruitment closes or when the last study visit has occurred, determining this window can be challenging. Fortunately, CTgov can help determine the window for posting consent forms.

If the consent form is posted too early (i.e., before all subjects have been recruited), the consent form can be posted again after recruitment actually closes. However, if the consent form has not posted within 60 days after the last study visit, the study is out of compliance with 45 CFR 46.116(h). Given the timing of the window, the final version of the consent form would typically be the one that is posted, although the Office for Human Research Protections (OHRP) has emphasized that the posting requirement is satisfied provided any version used to consent at least one participant is posted.

ClinicalTrials.gov

CTgov is a publicly available database of clinical studies. Both the Federal Drug Administration (FDA) and the National Institutes of Health (NIH) require that most clinical studies under their jurisdiction initially be registered and regularly updated on CTgov. In addition, many journals require, as a condition for publication, that a clinical study be registered on CTgov or another registration site prior to the enrollment of the first subject. Many institutions, including Boston Medical Center/Boston University Medical Campus (BMC/BUMC), have incorporated requirements to post on CTgov into their institutional policies and procedures.

CTgov’s Protocol Registration and Results System (PRS) is structured with an account for each research organization, which designates a PRS Administrator to manage the account.
The PRS Administrator issues study accounts to researchers and serves as the point of contact for PRS staff.

Each study registered on CTgov has a “Responsible Party,” the entity or individual responsible for verifying the accuracy of the study record and releasing it to CTgov. The Responsible Party for a study might be the study sponsor, the principal investigator, or the sponsor-investigator.

One of the items of information that must be included in the CTgov record is the “study completion date,” defined as “the date the final participant was examined or received an intervention for purposes of final collection of data for the primary and secondary outcome measures and adverse events (e.g., last participant’s last visit), whether the clinical study concluded according to the pre-specified protocol or was terminated.”

Thus, the CTgov record includes a date that can be used to identify the consent form posting window.

Implementation at BMC/BUMC

BMC/BUMC has created a four-step process to ensure that that consent forms are posted to CTgov within the required window:

1. Require posting on CTgov

   BMC/BUMC requires that clinical studies be registered on CTgov prior to IRB approval. If the study is sponsored by someone other than the BMC/BUMC investigator, that sponsor is the Responsible Party, must register the study and also be responsible for updating and posting results and other documents, including the consent form, if required by 45 CFR.116(h). For clinical studies initiated by a BMC/BUMC investigator, that investigator is the Responsible Party and is required to register the study on CTgov. The PRS Administrator maintains a database of studies for which a BMC/BUMC investigator is the Responsible Party and ensures investigators comply with all CTgov requirements.

   BMC/BUMC also requires that the consent form be posted on CTgov, and not Regulations.gov because (a) Responsible Parties are already required to register and update their study on CTgov and (b) CTgov includes robust reporting mechanisms that allow institutions to track study progress and monitor compliance with the consent form posting requirement.

2. Identify studies requiring consent form posting

   Only those studies funded by one of the 20 agencies and departments adopting the Revised Common Rule and have been either (a) approved by an IRB on or after January 21, 2019 or (b) approved earlier but transitioned to Revised Common Rule requirements earlier than 61 days after the last study visit require consent form posting, although FDA has indicated plans to harmonize its regulations to adopt this requirement. Currently, BMC/BUMC does not plan to transition studies to the Revised Common Rule requirements until later than 61 days after the last study visit.

   When a study is first registered on CTgov, the PRS Administrator determines whether, based on the funding source, it will require consent form posting. If information about the funder of the study is not listed on CTgov, the PRS Administrator obtains this information from BMC/BUMC’s IRB electronic system to identify studies funded by any of the 20 agencies/departments that have adopted the Revised Common Rule. BMC/BUMC does not currently require posting of consent forms from industry-sponsored studies, although it will do so in the future if FDA imposes a posting requirement.
3. Use the CTgov planning report to monitor study completion dates

The CTgov planning report, which is available to PRS administrators on register.clinicalstudies.gov, allows the PRS Administrator to download information on all of the institution’s studies in a single spreadsheet. However, the PRS planning report currently identifies only studies funded by NIH and not those from other agencies or departments, so the PRS administrator manually adds funder information as a column in the spreadsheet to identify which trials are required to post consent forms. For purposes of determining the consent form posting window, the important variable in the CTgov planning report is the study completion date.

4. Check for consent form posting

When the database shows that today’s date is 60 days prior to the study completion date (120 days before the end of the window for consent form posting), the PRS Administrator checks a study record to see if a consent form has been posted.

If a consent form has been posted, the PRS Administrator contacts the Responsible Party to verify that the posting meets all requirements, including being posted after recruitment has ended. The PRS Administrator assists the Responsible Party in correcting any errors.

If a consent form has not been posted, the PRS Administrator asks the Responsible Party whether enrollment has ended. (When studies fall behind schedule, Responsible Parties often fail to update the study completion date.) If enrollment is still ongoing, the PRS Administrator advises the Responsible Party about updating the study completion date. If enrollment has ended, the PRS Administrator reminds the Responsible Party about the consent form posting requirements, and continues to monitor the record on a weekly basis until the consent form has been posted, escalating the issue to higher-ups at BMC or BUMC as the deadline — 60 days after study completion date — approaches.

Conclusion

Because BMC/BUMC, like many other research institutions, does not have its own system for capturing when recruitment closes for a study or when the last study visit has occurred, it relies on information from CTgov to serve this purpose.

References

2. See: https://prsinfo.clinicaltrials.gov/definitions.html

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