1. Purpose

To establish and describe the Office of Sponsor and Regulatory Oversight's (OSRO) Single Patient Expanded Access policy.

2. Scope

2.1. OSRO in the Center for Cancer Research (CCR), National Cancer Institute (NCI) shall establish and control the policy.

2.2. Investigators, research team members, other departmental personnel, and external NIH collaborators and contractors when they are working on studies conducted under a CCR-held Investigational New Drug application (IND), Investigational Device Exemption (IDE), or supported by a CCR-held Master File under OSRO oversight shall comply with the policy.

2.3. Limitations

2.3.1. This policy does not apply to personnel working on studies that are not under a CCR-held IND, IDE, and/or when no OSRO oversight or interdepartmental collaboration is required.

2.3.2. Nothing in this policy will supersede NCI, National Institutes of Health (NIH) or Health and Human Services (HHS) requirements.

3. Responsibilities

3.1. CCR Management is committed to providing resources to meet the requirements for implementing a Single Patient Expanded Access policy within OSRO and supporting its continual improvement.

3.2. OSRO personnel are responsible for understanding and using the Single Patient Expanded Access policy.

3.3. OSRO Sponsor and Regulatory Oversight Support (SROS) Contractor staff assisting OSRO are responsible for understanding the Single Patient Expanded Access policy.

3.4. The OSRO Director is responsible for establishing and maintaining the Single Patient Expanded Access policy.

3.5. The OSRO Director is responsible for assessing single patient expanded access requests.

4. References

4.1. U.S. Department of Health and Human Services' Guidance for Industry: Expedited Programs for Serious Conditions – Drugs and Biologics, dated May 2014

4.2. 21 CFR 312.305 Investigational New Drug Application – Requirements for all expanded access uses

4.3. 21 CFR 312.310(d) Investigational New Drug Application – Individual patients, including for emergency use – Emergency procedures

4.4. 21 CFR 312.320 Investigational New Drug Application – Treatment IND or treatment protocol

4.5. 45 CFR 46 Protection of Human Subjects

4.6. 21CFR 812.35(a) Investigational Device Exemptions – Supplemental applications: changes in investigational plan

5. Definitions

Refer to the OSRO Lexicon.

6. Policy

6.1. A patient is eligible to participate in the Single Patient Expanded Access Program if all the following criteria are met:

6.1.1. Patients must:

6.1.1.1. Suffer from a serious or immediately life-threatening disease or condition.

6.1.1.2. Have undergone appropriate standard treatments without success and no comparable or satisfactory alternative treatment is available or exists to treat the disease or condition.

6.1.1.3. Be ineligible for participation in any ongoing clinical study of the investigational product, which includes lack of access due to geographic limitations.

6.1.1.4. Have a disease for which there is sufficient evidence of a potential benefit from the use of the investigational product and the benefit outweighs the known or anticipated risks.

6.1.1.5. There is adequate information to support appropriate dosing for a special population for which the patient is a part of.

6.1.2. The Principal Investigator (PI) has determined, and provided the assessment to the OSRO Director that:

6.1.2.1. The patient meets the eligibility criteria listed in Step 6.1.1.

6.1.2.2. The patient cannot obtain the investigational product under another IND or protocol.

6.1.2.3. The risk-benefit ratio for the specific patient is favorable.

6.1.2.4. There is an adequate supply of the investigational product available.

6.1.2.5. Allocation of the investigational product for the expanded access single patient protocol will not adversely affect ongoing research in the CCR, or any future regulatory submission for that product.

6.2. Administrative

6.2.1. Two types of regulatory submissions can be made: (1) an expanded access protocol submitted as a protocol amendment to an existing IND (i.e., an expanded access protocol) or (2) a new IND submission, which is separate and distinct from any existing INDs and is intended only to make a drug available for treatment use (i.e., an expanded access IND).

6.2.1.1. An expanded access protocol submission should be used only if:

6.2.1.1.1. there is an existing IND in effect for the investigational product, and

6.2.1.1.2. CCR is the manufacturer of the investigational product.

6.2.1.2. A new expanded access IND submission should be used in all other cases.

6.2.2. In general, a maximum of two requests for single patient expanded access will be allowed. If indicated for a third recipient and the request is under:

6.2.2.1. An existing IND, then the original study protocol must be amended to allow inclusion of the patient population.

6.2.2.2. A new expanded access IND, then a clinical trial protocol should be developed.

6.2.3. For an expanded access protocol submitted to an existing IND, the following documents must be received by OSRO Regulatory before the submission to the IND can proceed:

6.2.3.1. Case Summary and justification for the request

6.2.3.2. Single Patient Expanded Access Protocol

6.2.3.3. Single Patient Expanded Access Informed Consent

6.2.3.4. Form FDA 1572 signed by the PI

6.2.3.5. The PI's CV, signed and dated

6.2.3.6. Certificate of Analysis (CoA) for the investigational product(s) used, if different from the one previously submitted to the IND – with OSRO Regulatory approval, this may be provided after the submission to the IND.

6.2.4. OSRO will only activate an expanded access protocol submitted to an existing CCR IND. The study may not begin until it is activated by OSRO. In order for the single patient expanded access protocol to be activated, the following must be in place:

6.2.4.1. FDA approval; and

6.2.4.2. IRB approval.

6.2.5. For an expanded access protocol submitted to a new IND, OSRO will support the PI in the regulatory submission of the IND, with the PI as the Sponsor. In addition to the documents identified in Step 6.2.3, the following must be received by OSRO Regulatory before the submission of the IND can proceed:

6.2.5.1. Form FDA 3926 signed by the PI; and

6.2.5.2. Letter of Authorization from the Company providing the investigational product.

7. Change Summary

Revision Number	Effective Date	Description of Change
1	06JAN2020	New Document
2	30APR2020	Step 6.2.1.1 changed to include CCR as the investigational product manufacturer. Step 6.2.1.2 changed to read that a new expanded access IND is necessary in all other cases (to those listed in Step 6.2.1.1). Removed the clause that an expanded access IND is needed when there is no pre-existing IND for the investigational product.
3	22NOV2022	Step 2.3.1 - updated Step 3.3 – added Section 4 – added hyperlinks Step 6.3 – removed