Requirements to Register Certain Clinical Trials and Report Certain Results to the ClinicalTrials.gov Data Bank

Investigators and others who conduct clinical trials may be subject to mandatory trial registration and results reporting at www.ClinicalTrials.gov. A law passed in 2007, the Food and Drug Administration Amendments Act of 2007 (FDAAA), Public Law 110-85, section 801, required these registration and results requirements for certain “applicable clinical trials.”

The Food and Drug Administration (FDA) and the National Institutes of Health/National Library of Medicine (NIH/NLM) are working collaboratively to help ensure compliance with these registration and results reporting requirements. In reviewing and evaluating compliance with the statutory provisions of FDAAA, it appears that many academic and individual investigators may not be familiar with their statutory obligations. Thus, FDA is providing this reminder and urges you to familiarize yourself with these requirements.

The statutory definition of “applicable clinical trial” generally includes controlled interventional studies (with one or more arms) of drugs, biological products, or devices that are subject to FDA regulation. A drug, biological product, or device is subject to FDA regulation when it is evaluated in a clinical trial with one or more sites in the United States; is manufactured in the United States (or its territories) and exported for study in another country, or is studied under an investigational new drug application (IND) or investigational device exemption (IDE). An IND exempt trial also may be subject to the reporting requirements.

Sponsor-investigators and other persons who initiate and conduct clinical trials have the responsibility of determining whether or not the trial is an “applicable clinical trial.” Definitions vary for applicable device and drug (including biological products) clinical trials.

- The trial is an “applicable device clinical trial” if: (I) the trial is a prospective study of health outcomes comparing a device-based intervention subject to FDA regulation against a control in human subjects and is not a small clinical trial to determine the feasibility of a device or a clinical trial to test prototype devices where the primary outcome measure relates to feasibility, not health outcomes; or (II) the trial is a pediatric post-market surveillance trial.

- The trial is an “applicable drug clinical trial” if the trial is a controlled clinical investigation, other than a phase I clinical investigation, of a drug (including biological products) subject to FDA regulation. For the purposes of this definition, a “clinical investigation” is “any experiment in which a drug is administered or dispensed to, or used involving, one or more human subjects.” 21 CFR § 312.3.
Results for certain “applicable clinical trials” are required to be submitted. For applicable clinical trials of drugs, biological products, and devices that 1) were initiated after FDAAA’s enactment on September 27, 2007, or were ongoing 90 days after enactment and 2) are trials of approved products, results are generally due 12 months after the completion date of the clinical trial. The completion date is defined in FDAAA as the date that the final subject was examined or received an intervention for the purposes of final collection of data for the primary outcome, whether the clinical trial concluded according to the pre-specified protocol or was terminated. Currently, results are not required to be submitted for applicable clinical trials of unapproved products.

NIH/NLM provides the current thinking on the meaning of the term “applicable clinical trial,” as well as other information at http://prsinfo.clinicaltrials.gov/fdaaa.html. This webpage also includes a link to the NIH Draft Elaboration of Definitions document (http://prsinfo.clinicaltrials.gov/ElaborationsOnDefinitions.pdf). Information about registering trials and submitting data to ClinicalTrials.gov can be found at: http://prsinfo.clinicaltrials.gov. Additional background information is available on the ClinicalTrials.gov homepage at: http://clinicaltrials.gov. The general statutory cite for these provisions is 42 U.S.C. 282(j).

You also should be aware of changes to informed consent documents. In accordance with FDAAA requirements, FDA published a rule in 2011 that mandated a new statement must appear in informed consent documents for applicable clinical trials. Compliance with this new rule started March 7, 2012, for trials initiated on or after March 7, 2012. This requirement is found at 21 CFR § 50.25(c). A Question & Answer guidance concerning this informed consent obligation is available at: http://www.fda.gov/downloads/RegulatoryInformation/Guidances/UCM291085.pdf