April 21, 2006

Notice of Expedited Approval

INVESTIGATORS: Bruce Hillner, MD
        Barry Siegel, MD

SPONSOR: American College of Radiology Imaging Network (ACRIN)

RE: National Oncologic PET Registry (NOPR)

Dear Drs. Hillner and Siegel:

The American College of Radiology (ACR) Institutional Review Board (IRB) reviewed and approved the above-mentioned National Oncologic PET Registry (NOPR) on April 21, 2006, under expedited review as set forth in 45 CFR 46 § 46.110(b) and 45 CFR 46 § 46.111(c)(2). The NOPR meets categories 5 and 7 of the expedited review list below. The NOPR was initially reviewed on January 11, 2006 and was determined to be exempt research. The protocol for the NOPR was subsequently modified and therefore required a new review.

This notification certifies that the IRB has reviewed the following materials for the NOPR and has determined that the NOPR research activities are of minimal risk and a written documentation of consents have been waived for both the patient and the referring physician under Title 45 CFR 46 § 46.117(c)(2). Both the patient and the referring physician must be provided with the ACR IRB approved information sheets. This approval is for the period of one year from the date of initial approval. The approval period is from January 11, 2006 to January 10, 2007.

The following documents were included in this review:

➢ Revised NOPR Operations Manual, dated April 20, 2006;
➢ Patient Information Sheet, dated April 14, 2006;
➢ Referring Physician Informational Sheet, dated April 13, 2006;
➢ Revised Information Materials, dated April 18, 2006.

The Study Chairs must keep the ACR IRB informed of any changes in the research component of the NOPR, including procedures, recruitment, information sheets, and pre-and post-PET
forms that affects the study participants. Any changes to this registry must be submitted to ACR IRB. Changes cannot be initiated until appropriate IRB approval has been given.

Please notify the ACR IRB of the status of the NOPR. It is the responsibility of the Study Chairs to complete the necessary requirements to secure IRB approval. If you have any questions, please do not hesitate to contact me at 610-237-5019 or crominger@mercyhealth.org.

Thank you for your cooperation with the American College of Radiology IRB.

Sincerely,

[Signature]

C. Jules Rominger, M.D.
Chair, ACR Institutional Review Board

cjr/mo

Categories of Research That May Be Reviewed by the Institutional Review Board (IRB) through an Expedited Review Procedure

Applicability

(A) Research activities that (1) present no more than minimal risk to human subjects, and (2) involve only procedures listed in one or more of the following categories, may be reviewed by the IRB through the expedited review procedure authorized by 45 CFR 46.110 and 21 CFR 56.110. The activities listed should not be deemed to be of minimal risk simply because they are included on this list. Inclusion on this list merely means that the activity is eligible for review through the expedited review procedure when the specific circumstances of the proposed research involve no more than minimal risk to human subjects.

(B) The categories in this list apply regardless of the age of subjects, except as noted.

(C) The expedited review procedure may not be used where identification of the subjects and/or their responses would reasonably place them at risk of criminal or civil liability or be damaging to the subjects—financial standing, employability, insurability, reputation, or be stigmatizing, unless reasonable and appropriate protections will be implemented so that risks related to invasion of privacy and breach of confidentiality are no greater than minimal.

(D) The expedited review procedure may not be used for classified research involving human subjects.

(E) IRBs are reminded that the standard requirements for informed consent (or its waiver, alteration, or exception) apply regardless of the type of review—expedited or convened—utilized by the IRB.
(F) Categories one (1) through seven (7) pertain to both initial and continuing IRB review.

**Research Categories**

(1) Clinical studies of drugs and medical devices only when condition (a) or (b) is met.

(a) Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)

(b) Research on medical devices for which (i) an investigational device exemption application (21 CFR Part 812) is not required; or (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.

(2) Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:

(a) from healthy, nonpregnant adults who weigh at least 110 pounds. For these subjects, the amounts drawn may not exceed 550 ml in an 8 week period and collection may not occur more frequently than 2 times per week; or

(b) from other adults and children, considering the age, weight, and health of the subjects, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these subjects, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8 week period and collection may not occur more frequently than 2 times per week.

(3) Prospective collection of biological specimens for research purposes by noninvasive means.

Examples: (a) hair and nail clippings in a nondisfiguring manner; (b) deciduous teeth at time of exfoliation or if routine patient care indicates a need for extraction; (c) permanent teeth if routine patient care indicates a need for extraction; (d) excreta and external secretions (including sweat); (e) uncannulated saliva collected either in an unstimulated fashion or stimulated by chewing gumbase or wax or by applying a dilute citric solution to the tongue; (f) placenta removed at delivery; (g) amniotic fluid obtained at the time of rupture of the membrane prior to or during labor; (h) supra- and subgingival dental plaque and calculus, provided the collection procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques; (i) mucosal and skin cells collected by buccal scraping or swab, skin swab, or mouth washings; (j) sputum collected after saline mist nebulization.

(4) Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice, excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.)
Examples: (a) physical sensors that are applied either to the surface of the body or at a distance and do not involve input of significant amounts of energy into the subject or an invasion of the subject's privacy; (b) weighing or testing sensory acuity; (c) magnetic resonance imaging; (d) electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, electroretinography, ultrasound, diagnostic infrared imaging, doppler blood flow, and echocardiography; (e) moderate exercise, muscular strength testing, body composition assessment, and flexibility testing where appropriate given the age, weight, and health of the individual.

(5) Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for nonresearch purposes (such as medical treatment or diagnosis). (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human subjects. 45 CFR 46.101(b)(4). This listing refers only to research that is not exempt.)

(6) Collection of data from voice, video, digital, or image recordings made for research purposes.

(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies. (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human subjects. 45 CFR 46.101(b)(2) and (b)(3). This listing refers only to research that is not exempt.)

(8) Continuing review of research previously approved by the convened IRB as follows:

(a) where (i) the research is permanently closed to the enrollment of new subjects; (ii) all subjects have completed all research-related interventions; and (iii) the research remains active only for long-term follow-up of subjects; or

(b) where no subjects have been enrolled and no additional risks have been identified; or

(c) where the remaining research activities are limited to data analysis.

(9) Continuing review of research, not conducted under an investigational new drug application or investigational device exemption where categories two (2) through eight (8) do not apply but the IRB has determined and documented at a convened meeting that the research involves no greater than minimal risk and no additional risks have been identified.

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1 An expedited review procedure consists of a review of research involving human subjects by the IRB chairperson or by one or more experienced reviewers designated by the chairperson from among members of the IRB in accordance with the requirements set forth in 45 CFR 46.110.
Children are defined in the HHS regulations as "persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law of the jurisdiction in which the research will be conducted." 45 CFR 46.402(a).

STATEMENT REGARDING USE OF INDIVIDUAL PROTECTED HEALTH INFORMATION IN NOPR

WHEREAS, the National Oncologic PET Registry ("NOPR"), a nation-wide, internet-based data repository, was established by the Center for Medicare and Medicaid Services ("CMS") as part of its new "coverage with evidence development" approach;

WHEREAS, NOPR is sponsored by the Academy of Molecular Imaging ("AMI") and managed by the American College of Radiology ("ACR") through the American College of Radiology Information Network ("ACRIN");

WHEREAS, a determination was made that individual patient consent would not be necessary for the release of protected health information for use in NOPR and related research, pursuant to the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. § 164.512(i);

WHEREAS, this IRB has determined that its waiver of authorization satisfies the three criteria of 45 C.F.R. § 164.512(i)(2), namely:

(A) The use or disclosure of this protected health information involves no more than a minimal risk to the privacy of individuals, based on, at least, the presence of the following elements;

   (1) An adequate plan exists to protect patient identifiers from improper use and disclosure;

   (2) An adequate plan exists to destroy patient identifiers at the earliest opportunity consistent with conduct of the research, unless there is a health or research justification for retaining the identifiers or such retention is otherwise required by law; and

   (3) Adequate written assurances have been provided that the protected health information will not be reused or disclosed to any other person or entity, except as required by law, for authorized oversight of the research study, or for other research for which the use or disclosure of protected health information would be permitted by this subpart;

(B) The research could not practicably be conducted without the waiver or alteration; and

(C) The research could not practicably be conducted without access to and use of the protected health information.

WHEREAS, this waiver of authorization has been reviewed and approved by standard IRB procedures.

THEREFORE, this IRB approves the use of the protected health information described above for NOPR research purposes, effective upon the initiation of NOPR, as of May 8, 2006.

[Signature]
C. Miles Rominger, MD
ACR IRB Chairman