



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE  
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

Office of Laboratory Animal Welfare  
6700B Rockledge Drive, Suite 2500, MSC 6910  
Bethesda, Maryland 20892-6910  
Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

FOR EXPRESS MAIL:

Office of Laboratory Animal Welfare  
6700B Rockledge Drive, Suite 2500  
Bethesda, Maryland 20817  
Telephone: (301) 496-7163  
Facsimile: (301) 402-7065

June 6, 2019

Re: Animal Welfare Assurance  
A3314-01 [OLAW Case 1W]

Dr. David W. Niesel  
Associate Chief Research Officer  
Senior Vice President and Dean of  
Graduate School of Biomedical Sciences  
University of Texas Medical Branch  
301 University Boulevard, Route 0156  
Galveston, TX 77555-0156

Dear Dr. Niesel,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your May 20, 2019 letter reporting a non-compliance with the PHS Policy on the Humane Care and Use of Laboratory Animals at the University of Texas Medical Branch - Galveston. Your letter supplements the information provided in the initial telephone report to our office on May 20. According to the information provided it is understood that 30 mice were inoculated with a substance that was not described or approved for the project to which the animals were assigned. Once identified, the animals were transferred to the correct protocol where the procedure was described and approved. This oversight did not result in additional pain or discomfort for these animals. This was a repeat noncompliance. It is understood that this animal activity was supported by funding from the PHS.

Corrective and preventative actions, in addition to that described above, included the laboratory implementing a mouse order tracking form which will require identifying the intended protocol before an animal order is placed.

The prompt consideration of this matter by the University of Texas Medical Branch - Galveston was consistent with the philosophy of institutional self-regulation. Similarly, the actions taken to resolve the issue and prevent recurrence were appropriate and should help to prevent future incidents. We appreciate you reporting this matter and find no cause for further action by this office.

Sincerely,

(b) (6)

Brent C. Morse, DVM  
Director  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare

cc: IACUC Contact

May 20, 2019

Dr. Brent C. Morse, DVM, DACLAM  
Director  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare

Re: University of Texas Medical Branch, Galveston: Animal Welfare Assurance D16-00202 (A3314-01) case 1W.

Dear Dr. Morse:

As a follow up to a telephone conversation on May 20, 2019, we wish to provide the following information.

Thirty (30) mice assigned to a project were inoculated with a substance that was not described or approved for the project to which the animals were associated. Once identified, the animals were transferred to the correct protocol where the procedure was described and approved by the IACUC. The animals did not go through any additional pain or discomfort from this action. This is a repeat incident of that also occurred with this project in January 2017.

The IACUC quorum met on May 9, 2017, to discuss the self-reported event. The researcher attended the meeting. The Committee's findings were as follows:

**Non-compliance:** The animals were inoculated with an agent that was not described nor approved on the protocol to which the animals were assigned. The non-compliance was corrected shortly after being recognized by transferring the animals to the correct protocol. Animal health and welfare was not compromised by this action.

**Corrective Action:** The laboratory did not follow the implemented procedures developed from the last incident. The Principal investigator of the project spoke to the committee. The lab has implemented a mouse order tracking form. Lab members will have to complete parts of this form, which includes indicating the intended protocol of use, prior to the animal order being placed.

The Committee accepted the plan of action as proposed by the researcher.

This protocol is funded through the National Institute of Allergy and Infectious Diseases award entitled "Advancement of Treatments for Ebola and Marburg Virus Infections, #1U19AI109711-01".

We believe we have taken appropriate and sufficient action in the incidents above. If you have any questions, please do not hesitate to contact me.



Research Services  
Institutional Animal Care & Use Committee

301 University Blvd., Route 0156

Galveston, TX 77555-0156

Office: (409) 266-9427

Fax: (409) 266-9470

Website: <http://research.utmb.edu/iauc>

Sincerely,

(b) (6)

Dr. David W. Niesel, PhD

Institutional Official

Associate Chief Research Officer

Senior Vice President and Dean Graduate School of Biomedical Sciences

## Morse, Brent (NIH/OD) [E]

---

**From:** Morse, Brent (NIH/OD) [E]  
**Sent:** Friday, May 24, 2019 11:12 AM  
**To:** (b) (6)  
**Cc:** Niesel, David W.; (b) (6) Brining, Douglas L.; (b) (6)  
**Subject:** RE: OLAW Case 1W

Thank you for this report (b) (6) We will send an official response soon. Have a great weekend.

Sincerely, Brent Morse

Brent C. Morse, DVM, DACLAM  
Director  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
National Institutes of Health

Please note that this message and any of its attachments are intended for the named recipient(s) only and may contain confidential, protected or privileged information that should not be distributed to unauthorized individuals. If you have received this message in error, please contact the sender.

---

**From:** (b) (6)  
**Sent:** Friday, May 24, 2019 10:32 AM  
**To:** Morse, Brent (NIH/OD) [E] <morseb@mail.nih.gov>  
**Cc:** Niesel, David W. <dniesel@UTMB.EDU>; (b) (6)  
(b) (6) Brining, Douglas L. <dlbrinin@UTMB.EDU>; (b) (6)  
**Subject:** OLAW Case 1W

Dr. Morse

Please find final report concerning case 1W attached.

Thank you

Confidential IACUC Communication  
Texas Health & Safety Code § 161.031 et seq.  
Do Not Distribute Without Authorization

(b) (6)



## Initial Report of Noncompliance

By: BGMDate: 5/20/19Time: 10:00

Name of Person reporting: (b) (6)

Telephone #: (b) (6)

Fax #:

Email:

Name of Institution: UTMBAssurance number: A3314Did incident involve PHS funded activity? Yes

Funding component: \_\_\_\_\_

Was funding component contacted (if necessary): \_\_\_\_\_

What happened? 30 mice assigned to wrong protocol, I injected on that protocol. Subsequently transferred to protocol that allowed the injection.

Species involved: MicePersonnel involved: Researchers

Dates and times:

Animal deaths: No

Projected plan and schedule for correction/prevention (if known): \_\_\_\_\_

Projected submission to OLAW of final report from Institutional Official:

OFFICE USE ONLY

Case # \_\_\_\_\_