



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

July 19, 2019

Re: Animal Welfare Assurance
A3606-01 [OLAW Case B]

Dr. Julia Bradsher
President and Chief Executive Officer
Huntington Medical Research Institutes
686 S. Fair Oaks Avenue
Pasadena, California 91105

Dear Dr. Bradsher,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your July 15, 2019 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals (PHS Policy) at the Huntington Medical Research Institute (HMRI). Your letter supplements information received from an initial prompt telephone report on January 24, 2019. According to the information provided, OLAW understands that due to an administrative error, the continuing review of the NIH-sponsored animal activity associated with referenced grant did not occur before the 36-month period required by the PHS Policy. The protocol expired on February 20, 2018 and was not reviewed and approved by the IACUC until January 8, 2019, a period of approximately 11 months during which animal activities involving felines were carried-out. This resulted in charges to the grant during the period of noncompliance. This animal activity was PHS-supported by NINDS grant 5R01NS088379-04.

Corrective and preventive actions, in addition to the protocol review and renewal, included the IACUC Chair creating an automated calendar that notifies the Chair of protocol annual review and de novo review due dates. In addition, a spreadsheet with protocol review and approval dates will be distributed at each IACUC meeting.

OLAW believes that the corrective and preventive measures put in place by the Huntington Medical Research Institute are consistent with the provisions of the PHS Policy on Humane Care and Use of Laboratory Animals. We note that this was an administrative noncompliance that did not result in any animal welfare concerns. We understand that you have notified the Program Official at NINDS, Dr. Nickolas Lenghals, of this incident. We appreciate being informed of 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

July 15, 2019

Brent Morse, DVM
Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
Rockledge 1, Suite 360
6705 Rockledge Drive
Bethesda, MD 20892

Dear Dr. Morse:

The Huntington Medical Research Institutes (HMRI), in accordance with Assurance D16-00366 and PHS Policy IV.F.3., provides this report of noncompliance regarding conduct of animal-related activities beyond the expiration date established by the HMRI Institutional Animal Care and Use Committee (IACUC) involving Doug McCreery's (Principal Investigator) animal study protocol, titled "Configuring microelectrodes for safe and effective chronic electrical stimulation".

This incident was first reported to Dr. Brent Morse, OLAW, on January 24, 2019 via a telephone call by Janet Baer, DVM, DACLAM, HMRI Attending Veterinarian.

The HMRI IACUC approved the original protocol on February 20, 2015. Annual review/renewal of the protocol was reviewed and approved by the IACUC in February 2016 and 2017. The IACUC also reviewed and approved an annual renewal of the protocol on December 14, 2017. The protocol unfortunately did not undergo de novo review by February 20, 2018 due to an administrative error. A de novo renewal was submitted to the IACUC on December 19, 2018 and was subsequently reviewed and approved by the IACUC on January 8, 2019.

Dr. McCreery is a long standing NIH investigator in good standing. Major changes in administration occurred at HMRI resulting in the appointment of a new IACUC Chair who took over in late 2017. The new IACUC Chair mistakenly thought that an annual renewal of the protocol would suffice versus a de novo renewal and thus requested that the PI provide an annual renewal in December 2017 instead of requesting a de novo renewal. This administrative error was not identified until January 2019.

We feel that this was an unfortunate, but honest administrative error. During the recent de novo review of the protocol, the IACUC confirmed that no significant changes were made in the de novo protocol as compared to the original protocol.

In response to this situation, our Attending Veterinarian (AV), Chief Executive Officer (CEO) who serves as the Institutional Official (IO), and the Chief Scientific Officer (CSO) met with the IACUC Chair. The CSO and the AV also subsequently met with the PI. During the meeting with the IACUC Chair, she expressed that this was an unfortunate incident and took responsibility for the

noncompliance. She assured the IO that she would take action to ensure that an incident of such nature would not occur again. The IACUC Chair has subsequently taken several steps to ensure that this situation does not recur. Corrective action taken by the IACUC Chair includes creation of a computer automated calendar that provides notification of the IACUC Chair of protocol annual review and de novo review due dates. The IACUC Chair has also created a spread sheet which includes protocol review and approval dates for all IACUC approved protocols. This spread sheet will be distributed at each IACUC meeting. The IACUC will be notified of the administrative oversight involved in this situation during the next convened IACUC meeting.

A review of billing records showed that all direct costs associated with the procurement, care, and use of the animals involved during February 21, 2018 - January 8, 2019 were paid from NIH Grant 5R01NS088379-04. Dr. Nick Langhals, Program Director, National Institutes of Neurologic Diseases and Stroke was immediately notified of the issue by phone and subsequently by email. The HMRI CSO, the VP of Finance and the PI have subsequently contacted Dr. Langhals regarding the issue (see attached example of documentation of correspondence with Dr. Langhals).

The HMRI is committed to protecting the welfare of animals used in research and appreciates the guidance and assistance provided by OLAW in this regard. Should you have any questions regarding this report, please feel free to contact me.

Thank you for your consideration of this matter.

Sincerely,

(b) (6)

Julia E. Bradsher, PhD
Chief Executive Officer and President
Institutional Official
HMRI

Robert Kloner

To: Langhals, Nick (NIH/NINDS) [E]
Cc: Talley@mail.nih.gov; Janet Baer; Douglas McCreery; Julia Bradsher; (b) (6)
Subject: Letter that you requested
Attachments: Ltr from Dr. McCreery.pdf

1-29-19 Dear Dr. Langhals, In follow up to our conversation last week, attached please find the letter that you requested from Dr. Doug McCreery, PI on the protocol "Configuring microelectrodes for safe and effective chronic electrical stimulation" and the new IACUC de novo approval letter of this protocol. Thank you for your consideration on this matter.

Sincerely yours,

Robert A. Kloner MD, PhD
Chief Science Officer
Vice President of Translation and
Director of Cardiovascular Research Institute
Huntington Medical Research Institutes, Pasadena, CA
Professor of Medicine (Clinical Scholar)
Cardiovascular Division, Dept. of Medicine
Keck School of Medicine of University of Southern California, Los Angeles, CA
robert.kloner@hmri.org
(b) (6)
HMRI
686 S. Fair Oaks Ave.
Pasadena, CA. 91105

From: (b) (6)
Sent: Tuesday, January 29, 2019 9:15 AM
To: Robert Kloner <robert.kloner@hmri.org>
Subject: scan



January 25, 2019
Dr. Nickolas Langhals
Program Director for Neural Engineering
National Institutes of Neurological Disorders and Stroke
National Institutes of Health
Bethesda Md 20824
Nick.Langhals@nih.gov

Dear Dr. Langhals:

The Huntington Medical Research Institutes (HMRI), in accordance with Assurance A3606-01 and PHS Policy IV.F.3., provides this report of noncompliance regarding conduct of animal-related activities beyond the expiration date established by the HMRI Institutional Animal Care and Use Committee (IACUC). This involved my animal study protocol, titled "Configuring microelectrodes for safe and effective chronic electrical stimulation" (Award 5R01NS088379 for which I am the Principal Investigator.)

The HMRI IACUC approved the original protocol on February 20, 2015. Annual review/renewal of the protocol was reviewed and approved by the IACUC in February 2016 and 2017. The IACUC also reviewed and approved an annual renewal of the protocol on December 14, 2017. The protocol unfortunately did not undergo de novo review by February 20, 2018 due to an administrative error. A de novo renewal was submitted to the IACUC on December 19, 2018 and was subsequently reviewed and approved by the IACUC on January 8, 2019.

Major changes in administration occurred at HMRI resulting in the appointment of a new IACUC chair in late 2017. The new IACUC chair mistakenly thought that an annual renewal of the protocol would suffice versus a de novo renewal and in December 2017 requested I submit a request for an annual renewal instead of requesting a de novo renewal. I did not catch the error and it was not identified until just recently. During the recent de novo review of the protocol, the IACUC confirmed that no substantial changes were made in the de novo protocol as compared to the original protocol.

In response to this situation, our Attending Veterinarian (AV), Chief Executive Officer (CEO) who serves as the Institutional Official (IO), and the Chief Scientific Officer (CSO) met with the IACUC Chair. Corrective action taken by the IACUC Chair includes creation of a computer automated calendar that provides notification of the IACUC Chair of protocol annual review and de novo review due dates. The IACUC Chair has also created a spread sheet which includes protocol review and approval dates for all IACUC approved protocols. This spread sheet will be distributed at each IACUC meeting. The IACUC will be notified of the administrative oversight involved in this situation during the next convened IACUC meeting.

A review of billing records shows that all direct costs associated with the procurement, care, and use of the animals involved during February 21, 2018 - January 8, 2019 were paid from NIH Grant 5R01NS088379-04. Please contact me should you have any questions regarding this issue.

Sincerely,

(b) (6)
Douglas McCreery, PhD

IACUC PROTOCOL STATUS MEMORANDUM

TO: Dr. Douglas McCreery
FROM: Thao Tran, IACUC Chair
DATE: January 8, 2019
SUBJECT: IACUC Protocol # 57-19 De Novo Review
TITLE: Configuring microelectrodes for safe and effective neural stimulation

The HMRI IACUC has reviewed the animal protocol application listed above and found that it meets applicable USDA and/or PHS requirements. Your protocol De novo review was approved by the IACUC DMR on 01/08/19. The protocol is valid for three years from the date of approval and therefore will expire on 01/08/2022.

Please note that an Annual Renewal is due each year, the month prior to the anniversary of your approval date. A reminder of the need to submit an annual renewal will be sent to you.

HMRI has an PHS Animal Welfare Assurance on file with the Office of Laboratory Animal Welfare/National Institutes of Health. HMRI Assurance Welfare Assurance #A3606-01 is effective January 1, 2019 to December 31, 2019.

NOTE: NIH requires that the information regarding use of laboratory animals provided in a grant application be consistent with the information provided in the approved animal protocol. The IACUC recommends that significant changes to the protocol be referenced in your next progress report to the sponsor.

If you have any questions, please contact the IACUC Chair at thao.tran@hmri.org or (b) (6)

Sincerely,

(b) (6)

Thao Tran
HMRI IACUC Chair

Morse, Brent (NIH/OD) [E]

From: Morse, Brent (NIH/OD) [E]
Sent: Wednesday, July 17, 2019 8:34 AM
To: (b) (6)
Cc: Robert Kloner; Julia Bradsher; Douglas McCreery
Subject: RE: HMRI

Thank you for providing this report. We will send an official response soon.

Best regards, 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: Tuesday, July 16, 2019 4:10 PM
To: olawco@mail.nih.gov; Morse, Brent (NIH/OD) [E] <morseb@mail.nih.gov>
Cc: Robert Kloner <robert.kloner@hmri.org>; Julia Bradsher <julia.bradsher@hmri.org>; jbaervcs <jbaervcs@gmail.com>; Douglas McCreery <douglas.mccreery@hmri.org>
Subject: HMRI

This message is being sent to you on behalf of Julia E. Bradsher, President, CEO and Institutional Officer of Huntington Medical Research Institutes (HMRI)

Hello,

Please see attached communication to be directed to Dr. Brent Morse.

Should you have any questions, please don't hesitate to contact any of the addressees on this message.

Thank you,

(b) (6)



Initial Report of Noncompliance

By: [Signature]Date: 2/5/19Time: Voice mail fromName of Person reporting: Janet Baer DVM 1/24/19Telephone #: [Redacted]Fax #: [Redacted]Email: [Redacted]Name of Institution: Huntington Med. Resch. Inst.Assurance number: A3606Did incident involve PHS funded activity? YesFunding component: NINDS5R01NS088379Was funding component contacted (if necessary): YesWhat happened? De-Novo review not done. ~~for~~
Overdue by ~ 11 mos.Species involved: FelinePersonnel involved: PI & Chair

Dates and times:

Animal deaths:

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

De-novo completed on 1/8/19.

Projected submission to OLAW of final report from Institutional Official:

OFFICE USE ONLY

Case # _____



Division of Compliance Oversight

Record of Call for Case # A3606-B

Date & Time	Message	Initials
7/2/19 3:40	Left VM for Dr. Baer requesting update	BGM
7/9/19 1:40	Dr. Baer called. She will contact institution and finalize report within a few weeks	BGM