

DEPARTMENT OF HEALTH & HUMAN SERVICES

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

August 12, 2019

PUBLIC HEALTH SERVICE NATIONAL INSTITUTES OF HEALTH

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

Re: Animal Welfare Assurance A3823-01 [OLAW Case 7V]

Dr. Adam Kuspa Senior Vice President for Research Baylor College of Medicine One Baylor Plaza, BCM310 Houston, TX 77030

Dear Dr. Kuspa,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your August 1, 2019 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at Baylor College of Medicine. According to the information provided, OLAW understands that twelve mice were administered an expired anesthetic drug. No adverse effects were exhibited by the mice due to this action.

The corrective actions consisted of the Institutional Animal Care and Use Committee (IACUC) directing the Principal Investigator (PI) to develop a plan to ensure that all procedure drugs are accounted for and verified by another individual; the plan must be approved by the IACUC and must be discussed by the IACUC chair, PI and staff; procedures and compliance will be reviewed at laboratory meetings; and the PI will document review of surgical records and report deviations to the IACUC. The laboratory was placed under enhanced IACUC oversight which includes post-approval monitoring visits and monthly review of all records. The laboratory staff was retrained, expired controlled drugs must be labeled and discarded, and any future noncompliance will result in escalating sanctions.

Based on its assessment of this explanation, OLAW understands that measures have been implemented to correct and prevent recurrence of this problem. OLAW concurs with the actions taken by the institution to comply with the PHS Policy.

Sincerely,

(b) (6)

Axel Wolff, M.S., D.V.M. Deputy Director Office of Laboratory Animal Welfare

cc: IACUC Chair John Diggs, Team Leader, NHLBI

A3823-7V

OFFICE OF RESEARCH

One Baylor Plaza, BCM310 Houston, Texas 77030-3411

> (713) 798 – 6983 (713) 798 – 2721 FAX akuspa@bcm.edu

Baylor College of Medicine

CONFIDENTIAL

August 1, 2019

Brent Morse, DVM Acting Director, Division of Compliance Oversight Office of Laboratory Animal Welfare National Institutes of Health olawdco@mail.nih.gov

RE: Assurance #D16-00475

Dear Dr. Morse,

As Institutional Official for Baylor College of Medicine (BCM), I have the duty to inform you of our Institutional Animal Care and Use Committee's (IACUC) recent finding in animal research after an assessment of the following protocol:

Protocol: AN-1002: Nuclear Orphan Receptor, Coup-TFII, in Development and Disease Species: Mice Funding Sources: National Institutes of Health (NIH) R01-HL114539 and Non-PHS Funding

For this investigator's first incident of this nature, the IACUC determined that the following finding constituted serious

Expired Drugs

noncomplianceⁱ with the federal regulations:

During a post approval monitoring assessment, it was found that expired Buprenorphine sustained-release had been administered to twelve mice. None of the twelve mice had any adverse effects and recovered without incident.

Corrective Actions:

- The IACUC requires a comprehensive plan from the PI to ensure appropriate oversight of compliance by all personnel involved in surgery.
 - The oversight plan must include a process of accounting of all surgeries conducted, substances delivered to an animal during the perioperative periods, including anesthetic and analgesic drugs (pre- & post-surgery), and a verification process that such activities were performed by the surgeon, .e.g. review and sign-off by a lab manager or another lab surgeon (i.e. a "buddy system").
 - The plan will be reviewed at the next convened IACUC meeting for approval. If the plan is not approved, all surgeries will be suspended until a satisfactory plan is approved by the IACUC.
 - Once the plan is approved, the IACUC Chair will convene a mandatory meeting with the PI and laboratory personnel to review and discuss the determination, the required corrective actions, and the plans for ensuring compliance.

PHS Policy IV.F.3.a: "The IACUC, through the Institutional Official, shall promptly provide OLAW with a full explanation of the circumstances and actions taken with respect to: a. any serious or continuing noncompliance with this Policy;"

[&]quot; PHS Policy IV.C.1.a: "Procedures with animals will avoid or minimize discomfort, distress, and pain to the animals, consistent with sound research design."

- The Principal Investigator (PI) will review records, procedures, and compliance (e.g. any checklists, discussion at lab meetings, and description of material reviewed).
- The PI will document in writing their review of the surgical records and notify the IACUC of any deviations from approved procedures.
- 2. There will be increased oversight of the surgeries performed under supervision of the PI by the IACUC for six months after approval of the plan.
 - There will be two Post-Approval Monitoring (PAM) reviews focused on surgery within 6 months of the IACUC determination.
 - A monthly review of all surgery, anesthesia, and analgesia records and adherence to the plan will be conducted.
- 3. If compliance with the IACUC approved plan or the increased oversight is not maintained, there will be escalating punitive corrective actions including, but not limited to suspension of all surgical privileges.
- 4. All research personnel are required to complete the "Animal Work at BCM: Mice & Rat" training.
- All research personnel are required to take the AALAS Learning Library Training: "Working with Controlled Substances" which includes use, documentation, and control of controlled substances.
- All expired controlled substances are labelled appropriately and must be disposed of at the next DEA Controlled Substance Collection/Disposal event.

These findings of non-compliance do not appear to pose any potential or actual effect on costs related to this PHS-supported research.

This notification will also be sent to AAALAC International, the National Institutes of Health and the non-PHS funding source according to the terms and conditions of the award.

Please do not hesitate to contact me if you have any questions.

Sincerely,

(b) (6)

Adam Kuspa, PhD Senior Vice President and Dean of Research Institutional Official Baylor College of Medicine

cc: Principal Investigator Department Chair Research Compliance Services files

Ward, Joan (NIH/OD) [E]

From:	OLAW Division of Compliance Oversight (NIH/OD)
Sent:	Monday, August 5, 2019 3:07 PM
То:	(b) (6)
Subject:	RE: OLAW Report- Assurance D16-00475

Thank you (b) (6) for this report. Dr. Morse will respond soon.

Regards, Joan

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From: ^{(b) (6)} Sent: Monday, August 5, 2019 11:36 AM To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov> Cc: ^{(b) (6)} Subject: OLAW Report- Assurance D16-00475

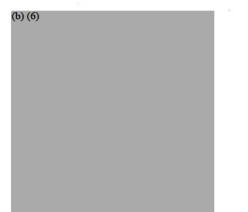
Dear Dr. Morse,

Please find the attached notifications of research non-compliance as determined by our IACUC, and sent on behalf of Dr. Adam Kuspa, Institutional Official.

Please feel free to contact me if you have any questions.

Thank you,

(b) (6)



Wolff, Axel (NIH/OD) [E]

From:	OLAW Division of Compliance Oversight (NIH/OD)
Sent:	Wednesday, August 7, 2019 1:03 PM
To:	Diggs, John W (NIH/NHLBI) [E]; OLAW Division of Compliance Oversight (NIH/OD)
Subject:	RE: HL129191-04: PHS Report- Assurance D16-00475

Thank you for sending this to OLAW. We are aware of the issue and OLAW's Doctor Axel Wolff will send you a copy of our final memo to the institution when it is completed.

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: Diggs, John W (NIH/NHLBI) [E] Sent: Wednesday, August 07, 2019 12:59 PM To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov> Cc: Diggs, John W (NIH/NHLBI) [E] <diggsjw@nhlbi.nih.gov> Subject: HL129191-04: PHS Report- Assurance D16-00475

Dear OLAW,

Please see the attached letter from the grant recipient on NHLBI award R01 HL129191-04 regarding non-compliant animal research. The letter states they sent a copy to OLAW, but I am also sending the letter to ensure it has been received.

Please let us know if any additional action on our part is needed.

Best,

John Diggs Team Leader DERA, OGM National Heart Lung and Blood Institute 6701 Rockledge Drive, Suite 7154 Bethesda, MD 20892 Express Mail: 20817 Phone # (301) 827-8028

From: (b) (6)

Sent: Monday, August 5, 2019 12:31 PM To: Gao, Yunling (NIH/NHLBI) [E] <<u>gaoy2@nhlbi.nih.gov</u>> Cc:^{(b) (6)} Subject: PHS Report- Assurance D16-00475

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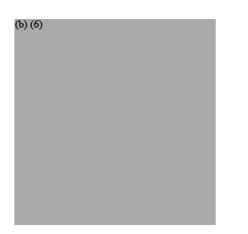
Dear Dr. Gao,

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Please find attached a notification of research non-compliance as determined by our IACUC, and sent on behalf of Dr. Adam Kuspa, Institutional Official.

Please feel free to contact me if you have any questions.

Thank you,





CONFIDENTIAL

August 1, 2019

Yunling Gao, MD, PhD Program Official National Heart, Lung, and Blood Institute Gaoy2@nhlbi.nih.gov

RE: Assurance #D16-00475

Dear Dr. Gao,

As Institutional Official for Baylor College of Medicine (BCM), I have the duty to inform you of our Institutional Animal Care and Use Committee's (IACUC) recent finding in animal research after an assessment of the following protocol:

Protocol: AN-1002: Nuclear Orphan Receptor, Coup-TFII, in Development and Disease Species: Mice

Funding Sources: National Institutes of Health (NIH) R01-HL129191 and Non-PHS Funding

For this investigator's first incident of this nature, the IACUC determined that the following finding constituted serious noncompliance¹ with the federal regulations:

Expired Drugs II

During a post approval monitoring assessment, it was found that expired Buprenorphine sustained-release had been administered to twelve mice. None of the twelve mice had any adverse effects and recovered without incident.

Corrective Actions:

- 1. The IACUC requires a comprehensive plan from the PI to ensure appropriate oversight of compliance by all personnel involved in surgery.
 - The oversight plan must include a process of accounting of all surgeries conducted, substances delivered to an animal during the perioperative periods, including anesthetic and analgesic drugs (pre- & post-surgery), and a verification process that such activities were performed by the surgeon, e.g. review and sign-off by a lab manager or another lab surgeon (i.e. a "buddy system").
 - c The plan will be reviewed at the next convened IACUC meeting for approval. If the plan is not
 - approved, all surgeries will be suspended until a satisfactory plan is approved by the IACUC.
 Once the plan is approved, the IACUC Chair will convene a mandatory meeting with the Pl and laboratory personnel to review and discuss the determination, the required corrective actions, and
 - the plans for ensuring compliance.
 - The Principal Investigator (PI) will review records, procedures, and compliance (e.g. any checklists, discussion at lab meetings, and description of material reviewed).

* PHS Policy IV.C.1.a: "Procedures with animals will avoid or minimize discomfort, distress, and pain to the animals, consistent with sound research design."

Page 1 of 2

OFFICE OF RESEARCH

One Baylor Plaza, BCM310 Houston, Texas 77030-3411

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- If compliance with the IACUC approved plan or the increased oversight is not maintained, there will be escalating punitive corrective actions including, but not limited to suspension of all surgical privileges.
- 4. All research personnel are required to complete the "Animal Work at 8CM: Mice & Rat" training.
- All research personnel are required to take the AALAS Learning Library Training: "Working with Controlled Substances" which includes use, documentation, and control of controlled substances.
- All expired controlled substances are labelled appropriately and must be disposed of at the next DEA Controlled Substance Collection/Disposal event.

This notification will also be sent to the Office of Laboratory Animal Welfare (OLAW), AAALAC International, and the non-PHS funding source according to the terms and conditions of the award.

Please do not hesitate to contact me if you have any questions.

Sincerely, (b) (6)

Adam Kuspa, PhD Senfor Vice President and Dean of Research Institutional Official Baylor College of Medicine

CC:

Principal Investigator Department Chair Research Compliance Services files