



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

August 26, 2019

Re: Animal Welfare Assurance  
A3823-01 [OLAW Case 8A]

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 16, 2019 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at Baylor College of Medicine (BCM). According to the information provided OLAW understands that fifty mice received expired Buprenorphine following ovariectomy and cannulation procedures. There were no complications with the surgical procedures or post-operative care and all animals recovered as expected without any issues. It is understood that the related protocol was partially PHS funded but that the incident did not pose any potential or actual effect on costs related to the research.

Corrective actions included labelling and segregating the expired drug and obtaining a new supply. The drug log was revised to ensure verification of the expiration date. An automatic alert reminder system was implemented for all controlled and non-controlled substances to notify all laboratory personnel one month before any drug expires. The IACUC included further requirements to be part of a comprehensive plan. The plan included increased oversight of surgeries and verification of substances delivered to animals including anesthetic and analgesic drugs. The PI will review and verify records and procedures and notify the IACUC of any deviations. A monthly review of all surgery, anesthesia and analgesia records and adherence to the plan will be conducted by the IACUC. Two Post-Approval Monitoring reviews will be conducted within six months. In addition, the laboratory personnel will complete applicable online training courses.

The consideration of this matter by Baylor College of Medicine was consistent with the philosophy of institutional self-regulation. OLAW concurs that the incident warranted reporting. Based on the information provided, OLAW is satisfied that appropriate actions have been taken to investigate this incident and prevent recurrence. 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



13823-8A  
OFFICE OF RESEARCH

One Baylor Plaza, BCM310  
Houston, Texas 77030-3411

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

CONFIDENTIAL

August 16, 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-5479: Nuclear Receptor and their Coactivators as Mediators of Systems Metabolism

**Species:** Mice

**Funding Sources:** National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) R01-DK117281-01, P01-DK113954-01A1 and Non-PHS Funding

For this investigator's first incident of this nature, the IACUC determined that the following finding constitutes *serious noncompliance*<sup>1</sup> with the federal regulations:

**Expired Controlled Substances<sup>II, III</sup>**

During a post-approval monitoring session, a review of the controlled substance log and surgical records indicated that fifty mice received expired Buprenorphine following ovariectomy and cannulation procedures. There were no complications with the surgical procedures or post-operative care and all animals recovered as expected without any issues.

**Corrective Actions:**

1. The expired drug was immediately labelled and segregated and a new supply was obtained.
2. A revised drug log was implemented to ensure verification of the expiration date.
3. An automated alert reminder system was implemented for all controlled and non-controlled substances to notify all laboratory personnel one month before any drugs expire.

<sup>1</sup> 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"

<sup>II</sup> PHS Policy IV.C.1.b: "Procedures that may cause more than momentary or slight pain or distress to the animals will be performed with appropriate sedation, analgesia, or anesthesia, unless the procedure is justified for scientific reasons in writing by the investigator."

<sup>III</sup> BCM IACUC Guidelines Use Guidelines for Expired Drugs, Medical Material: The use of expired drugs and medical material such as fluids, catheters, or suture material for survival procedures is not considered to be acceptable veterinary practice and does not constitute adequate veterinary care."

4. The IACUC requires a comprehensive plan from the PI to ensure appropriate oversight of compliance by all personnel involved in surgery.
  - o 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").
  - o 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.
  - o 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.
  - o The Principal Investigator (PI) will review records, procedures, and compliance (e.g. any checklists, discussion at lab meetings, and description of material reviewed).
  - o The PI will document in writing their review of the surgical records and notify the IACUC of any deviations from approved procedures.
5. 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.
  - o There will be two Post-Approval Monitoring (PAM) reviews focused on surgery within 6 months of the IACUC determination.
  - o A monthly review of all surgery, anesthesia, and analgesia records and adherence to the plan will be conducted.
6. 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.
7. All laboratory personnel were required to take the training modules "Working with Controlled substances" and "Animal Work at BCM."

This finding of non-compliance does not appear to pose any potential or actual effect on cost related to this PHS supported research.

This notification will also be sent to AAALAC International, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) and non-PHS funding sources 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

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

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**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Wednesday, August 21, 2019 11:56 AM  
**To:** (b) (6) OLAW Division of Compliance Oversight (NIH/OD)  
**Cc:** (b) (6)  
**Subject:** RE: OLAW Report – Assurance D16-00475

Thank you for providing these reports (b) (6) We will send official responses 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:** Wednesday, August 21, 2019 9:48 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 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,

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(b) (6)

(b) (6)



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CONFIDENTIAL

August 16, 2019

Corinne Silva, PhD  
Program Official  
National Institute of Diabetes and Digestive and Kidney Diseases  
silvacm@mail.nih.gov

RE: Assurance #D16-00475

Dear Dr. Silva,

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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