



Vanderbilt Medical Center

Office of Contracts Management
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September 18, 2012

MEMORANDUM

TO: Clinical Trial Collaborators

FROM: Gordon R. Bernard, M.D. *Gordon R Bernard M.D.*
Associate Vice Chancellor for Clinical and Translational Research
Senior Associate Dean for Clinical Sciences

RE: Effect of Vanderbilt's subject injury policy on the informed consent

Pursuant to Vanderbilt University Medical Center policy, Vanderbilt does not hold a patient/research participant responsible for the cost of treating illness or injury caused by participation in research at Vanderbilt.

Vanderbilt's position is that the commercial sponsor of a clinical study should take responsibility for the cost of treating research injuries caused by that sponsor's drug, device, or protocol. These obligations are spelled out in the relevant clinical trial agreement. It is understood, that the detailed and highly nuanced language contained in a contract regarding this subject may vary from study to study. For example, a sponsor may desire to clarify that their responsibility should not extend to injuries to the extent resulting from the negligence of Vanderbilt. The contract, as the document setting forth the legal obligations between Vanderbilt and the sponsor, is the appropriate vehicle to parse out such distinctions.

The informed consent form plays a different role. It is meant to clearly convey Vanderbilt's subject injury policy to its patients who are contemplating whether or not to participate in a clinical trial. To this end, Vanderbilt's IRB has adopted uniform language in its consent templates consistent with Vanderbilt's policy on subject injury. This language is not subject to modification at the request of a sponsor on a study-by-study basis as Vanderbilt's commitment to its patients does not change on a study-by-study basis. Since the informed consent form represents an understanding between Vanderbilt and its patient, any gap between the subject injury protection provided by a sponsor through the clinical trial agreement and that set forth in the informed consent form would be a matter solely between Vanderbilt and its patient.