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White Paper

Beyond Compliance: Operationalizing Disclosure Intelligence for Compliance at Scale

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Introduction

Regulatory changes impact marketing authorizations, study design, and public information on clinical trials. Forward-thinking organizations weave transparency best practices into their core processes, and embrace “disclosure-by-design” as a guiding principle. They enjoy enhanced consistency across study documentation and reduced risks from evolving regulations, noncompliance, and the unexpected publication of sensitive content.

Why It Matters

More than 90 countries mandate the public disclosure of clinical trial information. Health authorities are sharing their plans for enforcement and penalties. In the United States, noncompliance fines can exceed \$14,000 per day per trial. In Europe, 14 European Economic Area (EEA) member states, most notably Belgium, may impose fines of up to €500,000 and up to three years in prison.

Financial penalties are one facet of the regulatory landscape. Risks can extend to additional strategic business functions. Patents, for example, can be rejected if public disclosure occurs before the patent application is submitted. Perceived ethical breaches can

cause reputational damage and erode public trust. Scrutiny of disclosure compliance during acquisition due diligence can extend timelines and diminish valuations.

Improvement Imperative

Understanding the nuances of cultural and regulatory diversity is key to navigating the global clinical trial disclosure landscape. Regulators are beginning to audit and enforce their requirements, demonstrated by the US Food and Drug Administration (FDA) and UK Health Research Authority initiating routine inspections in 2022. This trend is likely to extend globally, with the China Drug Authority signaling similar actions in major Asian markets.

In this changing environment, sponsors are reshaping how they handle disclosure to gain a clear advantage. By centralizing oversight and incorporating automation, they’re not just solving day-to-day issues but also creating flexible solutions that surpass basic adaptation, providing a strategic upper hand. Sponsors can transform these compliance functions into unique strengths not only meet regulatory requirements but also discover strategic opportunities.



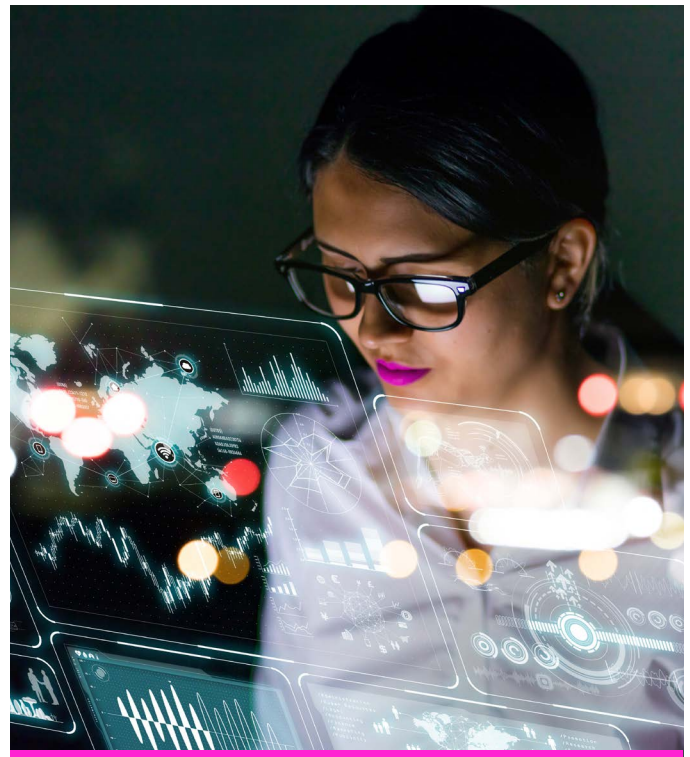
A Brief History of Clinical Trial Disclosure

Clinical trial disclosure, rooted in the 1997 FDA Modernization Act, emerged as a response to the call for increased transparency in medical research. This landmark legislation mandated the registration of specific interventional trials on the public platform ClinicalTrials.gov, which first went live in 2000. The subsequent FDA Amendments Act of 2007 further advanced disclosure requirements by requiring summarized results data for applicable registered trials.

The genesis of clinical trial disclosure was driven by the recognition of the vital role transparency plays in safeguarding public health. The legislation aimed to enhance accountability in the pharmaceutical and medical research sectors, fostering a culture of openness and ethical conduct. This evolution marked a pivotal shift toward empowering patients, healthcare professionals, and the broader scientific community with access to comprehensive information about ongoing and completed clinical trials.

The global significance of clinical trial disclosure extends beyond the initial US legislation. Over 90 countries worldwide have enacted various transparency regulations, underscoring the global commitment to fostering responsible research practices. Industry organizations such as the European Federation of Pharmaceutical Industry Associations (EFPIA) and the Pharmaceutical Research and Manufacturers of America (PhRMA) contribute to this evolving landscape, emphasizing the importance of standardized disclosure practices.

The significance of clinical trial disclosure cannot be overstated. Beyond ensuring compliance with regulatory mandates, disclosure serves as a cornerstone for building public trust. Transparent reporting of trial methodologies and outcomes not only aids in preventing ethical breaches but also enables informed decision-making by patients, clinicians, and researchers. Furthermore, disclosure plays a pivotal role in promoting scientific integrity and accelerating medical knowledge by providing a comprehensive repository of trial data for analysis and reference.



Operationalization Challenges

When assessing dozens of sponsors' global disclosure operations, several recurring operational challenges surface routinely indicating why maintaining compliance proves problematic for most:

Regulatory Landscape

Navigating regulations strains resources, compounded by textual nuances, ambiguity, and the diverse array of sources, including regulations, guidance documents, and FAQ from regulators; the escalating demand for translations in non-English guidelines further amplifies uncertainty.

Stakeholder Coordination and Engagement

Understanding regulations is essential, but effective execution requires widespread dissemination of regulatory knowledge among globally dispersed stakeholders, including regulatory groups, study teams, local affiliates, Contract Research Organizations (CROs), and legal teams.

Data Quality and Harmonization

Ensuring the accuracy, consistency, and timeliness of data across various registries is crucial. This involves addressing data discrepancies and managing the complexities of data handling in a multi-regional and multi-system context.

Manual reentry reworks data redundantly across functions without efficiency gains from automation. Reporting lags since automation provides real-time insights rather than periodic manual assessments. Legacy reliance handicaps agile adaptation to escalating transparency expectations and enforcement trends.

Visibility and Control

Reliance solely on local affiliates or CROs to manage global disclosure without centralized oversight proves increasingly high risk as inconsistencies multiply. While these groups may be knowledgeable about local situations, they may not have a global view of the impacts of a study on strategic activities such as patent filing.

Inspection Readiness

Preparing for and managing regulatory inspections and audits is a key challenge. Many sponsor organizations lack policies and Standard Operating Procedures (SOPs) that are clear and adaptable to diverse regulatory environments. Fewer still conduct internal audits to review compliance with disclosure regulations and SOPs.

Technology Limitations

Overcoming the constraints posed by existing systems and shifting away from reliance on "management by spreadsheet" are key considerations. The need becomes evident when managing diverse systems, at times with conflicting information, especially when some companies resort to spreadsheet management due to the lack of a unified system.

Reputational Risk

Averting unwelcome surprises related to noncompliance risks, including potential legal penalties and reputational harm, remains an ongoing imperative for preserving the integrity of clinical research. Companies continually grapple with the task of proactively managing these risks to prevent unforeseen negative press, as transparency advocates, journalists, and patient advocates vigilantly monitor these aspects.

Recommendations

Structuring operations for compliance at scale promises a strategic pivot from obligation into capability advancing opportunity. Drawing from observed best practices, sponsors can transform disclosure as a differentiating function that conveys principled leadership. Detailed sections unpack imperatives around consolidating intelligence, structuring robust data flows, embedding cross-functional coordination, and fortifying inspection defenses through automation. Those pursuing disclosure excellence distinguish themselves amid regulatory turbulence where reactive peers struggle.

Gathering and Interpreting Regulatory Requirements and Trends

In clinical trial disclosure, staying abreast of evolving global regulations is crucial. Organizations must align internal policies with these diverse and often ambiguous global requirements. Continuously monitoring regulatory and enforcement trends is essential to ensure compliance with international standards and practices, facilitating effective management of disclosure processes. This vigilance allows for adaptive responses to the changing regulatory environment, ensuring up-to-date, compliant practices in clinical trial disclosure.

TRACKING REGULATIONS	ASSESSING OTHER REQUIREMENTS
<ul style="list-style-type: none">• Locate local regulations, which may require searching in local languages• Obtain a high-quality translation of the regulation• Assess and document local requirements• Communicate requirements to study teams, local affiliates, partners, and CROs• Monitor local regulations continually for amendments• Track upcoming inspections	<ul style="list-style-type: none">• Ethics committees• Patient advocates• Industry associations• Company commitments• Domain-specific news analysis• Transparency advocate articles and compliance-tracking websites

Develop Policies and SOPs

Creating clear, standardized processes for regulatory compliance in clinical trial disclosure is essential. These policies and SOPs must address the challenges of harmonizing multi-regional requirements, navigating language and translation barriers, and ensuring consistency

in disclosures across various jurisdictions. Addressing discrepancies in global trial dates and managing decentralized processes are also vital. These policies should be adaptable to diverse regulatory environments, ensuring consistency and accuracy in disclosure practices worldwide.

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TRANSPARENCY POLICIES	DISCLOSURE SOPS
<ul style="list-style-type: none"> • Publish a plain language version of the policy on the company’s website. The statement version can describe the scope of the disclosure commitments, including the disclosure formats, timing, and location of the information. • Agree to share analysis-ready datasets and clinical study reports (CSRs). Sponsors should do so for all interventional trials they conduct. • Commit to sharing data within six months of product approval. Consider sharing data within 18 months of study completion for trials of previously approved products. • Publish a report about data requests. The report should detail the data requests received, approved, and denied. 	<ul style="list-style-type: none"> • Clinical trial protocol registration and results disclosures • Registration of Expanded Access Programs • Registration of post-authorization safety studies • Plain language summary (PLS) authorization and distribution • Responses to non-public data-sharing requests • Requesting disclosure delays

Support Inspection Readiness Through Internal Audits

Supporting inspection readiness through internal audits involves thoroughly reviewing compliance with disclosure regulations and SOPs, documenting, and correcting compliance issues, and tracking current disclosure processes. Ensuring data accuracy and timely submission across registries and resource optimization for stronger compliance processes are integral parts of this component. These audits provide oversight of organization-wide disclosure compliance and enable necessary adjustments, ensuring preparedness for regulatory inspections.

- Update or establish policies, SOPs, guidelines, and checklists
- Document roles and responsibilities
- Complete lists of affiliates, acquisitions, divestitures, and name changes since at least May of 2004
- Draft trial and workflow reports to respond to requests during inspections

Optimize Data Management and Quality Assurance

Optimizing data management and quality assurance involves ensuring the accuracy and timeliness of disclosure data across various registries. Organizations need to focus on resource optimization to strengthen compliance processes, including maintaining data quality, consistent submission timelines, and addressing any issues. These steps are critical in managing the complexities of data management within the landscape of clinical trial disclosure, ensuring reliable and high-quality data dissemination to stakeholders, including:

- **Disclosure team:** disclosure lead and trial disclosure analyst(s) or disclosure vendor
- **Reviewers and approvers:** Clinical program medical writer, clinical development lead, regulatory affairs representative, and more
- **Other departments:** Corporate communications, publications manager, investor relations, and medical information teams

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Global Visibility

Establish centralized disclosure oversight enabling consistent global transparency through integrated process and automation. Key areas of harmonized coordination include:

- Managing disclosure timelines and compliance
- Harmonizing global content
- Aligning intellectual property protections
- Providing oversight dashboards into status
- Using audit trails to demonstrate inspection readiness

Centralized authority provides connected visibility as local groups execute regionally. Structured coordination convenes around vision, not constricts initiative, empowering global progress unimpeded.

Automate Key Processes

Automation in clinical trial disclosure is essential for increasing the speed and efficiency of compliance tasks. This technology standardizes and accelerates the completion of disclosures, allowing teams to focus on strategic goals. Automated tools integrate with various systems in today's regulatory landscape, reducing information loss and human error. They facilitate global visibility and information transfers among data sources, disclosure systems, and trial registries, significantly limiting time spent on compliance and advancing research, including:

- **Data sources:** Clinical protocol, CRs, and the CTMS, CDMS, TMF, and EDC systems
- **Disclosure systems:** Commercial disclosure systems and homegrown disclosure systems
- **Trial registries:** ClinicalTrials.gov, IRCT, EU CTR, IRCTN registry, ANZ CTR, JCTR, and more

- **Trial websites, recruiters, and patient advocacy groups:** SubjectWell, ELF, CliniSpan Health, Curify, Allergan, Amgen, and beyond

Succeed with Updated Strategies and Innovative Technology

Innovative technology and updated strategies are vital for clinical trial disclosure success in the current regulatory landscape. Balancing transparency with confidentiality and IP concerns is critical. Additionally, the component focuses on embracing emerging transparency expectations and navigating ethical obligations and public trust issues. By automating key disclosure tasks and workflows, sponsors can:

- Improve operational efficiency
- Ensure global document and data consistency
- Manage compliance across disparate trials
- Streamline preparations for inspections and audits

Innovative technology supports transparency and addresses these ethical and privacy concerns, ensuring compliance and fostering public trust in clinical research.

Manage Legal and Reputational Risks

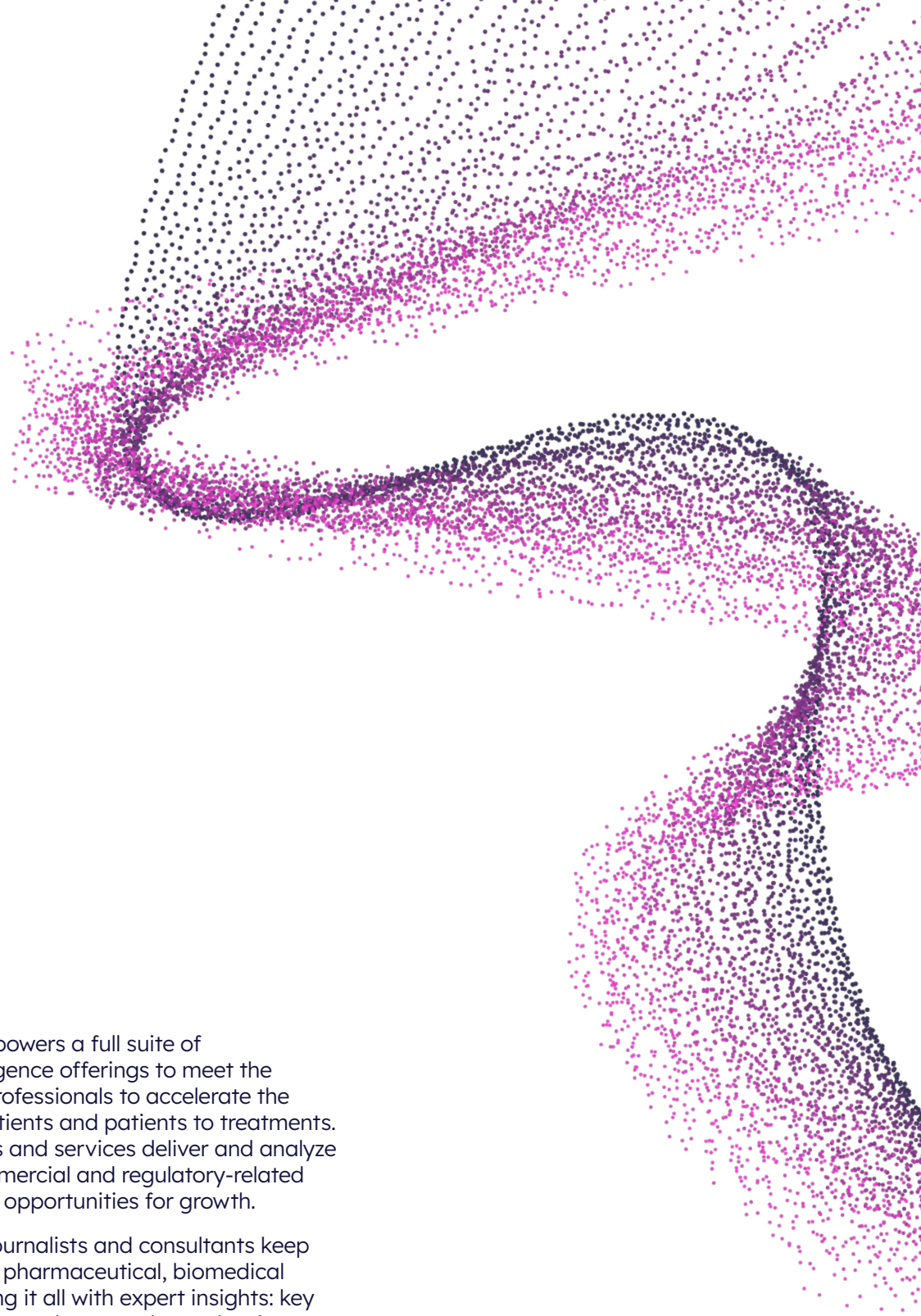
Managing legal and reputational risks in clinical trial disclosure involves understanding the consequences of noncompliance, including legal penalties and reputational damage. It emphasizes the importance of inspection readiness through internal audits and maintaining high compliance standards to mitigate these risks. This component underscores the need for organizations to develop strategies for handling potential legal challenges and safeguarding their reputation in the industry.

Conclusion

Integrated intelligence and transparency can elevate your organization beyond mere compliance to unlock a lasting competitive advantage. Regulations will continue to multiply, and complexity will continue to intensify as more countries formalize transparency requirements. Sponsors who prioritize the operationalization of regulatory intelligence now are better poised for

the dynamic regulatory environments ahead. Centralizing global oversight and advanced automation prove pivotal for compliance at scale amid changing requirements. Managed properly, disclosure leadership conveys strategic differentiation signaling ethics and principled governance upholding community trust during turbulent times.





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