Tel: 347.862.9321
Fax: 347.862.9323
www.thehrpconsultinggroup.com

FDA Draft Guidance – Diversity Action Plans to Improve Enrollment of Participants from Underrepresented Populations in Clinical Studies

Fast Facts

- FDA draft guidance titled "Diversity Action Plans to Improve Enrollment of Participants from Underrepresented Populations in Clinical Studies" was published in the Federal Register on 6/28/24.
- Comments must be submitted by 9/26/2024.
- The draft guidance, once finalized, will replace April 2022 FDA draft guidance on diversity plans for clinical trials.
- FDA is issuing this guidance as mandated under section 3602 of the Food and Drug Omnibus Reform Act (FDORA), which requires that FDA update or issue guidance relating to the format and content of Diversity Action Plans required by the Federal Food, Drug, and Cosmetic Act (FD&C Act).
- This guidance is intended to assist sponsors (including sponsor-investigators) conducting certain clinical studies involving drugs, biological products, and devices to meet requirements for the submission of Diversity Action Plans.
- Diversity Action Plans are intended to increase enrollment of participants who are members of historically underrepresented populations in clinical studies to help improve the strength and generalizability of the evidence for the intended use population.
- Some requirements and recommendations for Diversity Action Plans vary between device and drug submissions.

Background

- In the United States, certain groups are often underrepresented in clinical studies, despite being disproportionately affected by specific diseases compared to their representation in the general population.
- Increasing diversity in clinical studies not only broadens the applicability of results to various patient populations, but also improves understanding of the disease or medical product being studied, leading to safer and more effective use.
- This draft guidance signifies "one of many ongoing efforts [by FDA] to address the participation of underrepresented populations in clinical trials to help improve the data we have about patients who will use the medical products if approved."[1]

[1] FDA News Release: FDA Guidance Provides New Details on Diversity Action Plans Required for Certain Clinical Studies. https://www.fda.gov/news-events/press-announcements/fda-guidance-provides-new-details-diversity-action-plans-required-certain-clinical-studies

When a Diversity Action Plan Is Required

- **For Clinical Studies of Drugs**
  - A Diversity Action Plan is required for a clinical investigation of a new drug that is a phase 3 study (as defined in 21 CFR 312.21) or, as appropriate, another pivotal clinical study of a drug or biological product (other than a bioavailability or bioequivalence study).
- **For Clinical Studies of Medical Devices**
  - A Diversity Action Plan is required for any clinical study of an investigational device unless the study is exempt from IDE requirements under 21 CFR 812.2(c). The guidance also states, "FDA does not intend to receive or review Diversity Action Plans for studies that are not designed to collect definitive evidence of the safety and effectiveness of a device for a specified intended use." While the draft guidance clarifies that not all studies of medical devices will need Diversity Action Plans, the FDA strongly advises sponsors to "develop and implement a comprehensive diversity strategy throughout their entire clinical development program, including in early studies, when possible."

Diversity Action Plan Content

- Under sections 505(z) and 520(g)(9) of the FD&C Act, the sponsor's Diversity Action Plan must include all of the following:
  - Enrollment goals
    - Enrollment goals must be disaggregated by race, ethnicity, sex, and age group of clinically relevant study populations.
  - Rationale for enrollment goals
    - This should include details about the disease or condition and its prevalence or incidence across different demographic groups.
  - Measures to meet enrollment goals
    - This must include an explanation of how the sponsor intends to meet the specified enrollment goals, including a description of enrollment and retention strategies for the study population (focusing on measures that address diversity and representativeness) and plans to monitor enrollment goals.
- The guidance provides specific recommendations and examples to aid sponsors with meeting the above statutory requirements.
- When sponsors plan to conduct multiple clinical studies for a single marketing authorization, a Diversity Action Plan must be prepared for each study. These plans should aim for overall proportionate representation, even if individual studies may not achieve this. Rationale for different enrollment goals across planned studies must be included.
- A helpful summary of the elements of a Diversity Action Plan is included in Appendix 1 of the draft guidance.

Timing of Diversity Action Plan Submission

- FDORA specified that the requirement to submit a Diversity Action Plan applies to clinical studies beginning enrollment 180 days after the final guidance is published. In the draft guidance, the FDA acknowledges that "sponsors engage in study planning and implementing study activities prior to when enrollment commences" and provides certain exceptions to this submission timeline.
- **For Clinical Studies of Drugs**
    - Sponsors must submit the Diversity Action Plan to the IND application no later than the date on which the sponsor submits the protocol to FDA for the phase 3 study (or other pivotal study). FDA encourages sponsors to submit the plan earlier, such as at the End-of-Phase 2 meeting.
- **For Clinical Studies of Medical Devices**
    - The Diversity Action Plan must be included in the IDE application for clinical studies of a device requiring an IDE; or
    - For other clinical studies of a device that require a Diversity Action Plan, it must be created to guide development of the study and then later submitted to FDA in any premarket notification (e.g., 510(k), 513(f)(2), or 515), request for classification, or premarket approval application (PMA).
    - FDA encourages sponsors who would like to request feedback on specific questions to follow the Q-submission process.

Diversity Action Plan Waivers

- The Draft Guidance indicates that the FDA generally expects a Diversity Action Plan to be submitted, emphasizing its commitment to increasing enrollment diversity. However, the FDA acknowledges that in certain "rare instances" the requirement for a Diversity Action Plan may be waived if specific statutory criteria are met, such as:
    - A waiver is needed based on current knowledge or estimations regarding the prevalence or incidence of the disease or condition in the U.S. for which the new drug or device is being developed (including the patient population that may use the drug or device);
    - Conducting a clinical investigation according to a Diversity Action Plan would be impracticable; or
    - A waiver is needed to protect public health during a public health emergency.
- The draft guidance outlines the process and timelines for requesting a Diversity Action Plan Waiver and receiving a response from FDA. Since FDA must issue a written response granting or denying a waiver request within 60-days of the request, sponsors should plan ahead and submit waiver requests no later than 60 days before the Diversity Action Plan is required for submission.