Citing Regulations and Guidelines

Writing about clinical research frequently calls for citing regulations and guidelines such as the *Code of Federal Regulations* and the ICH Guideline for Good Clinical Practice. The reference information in the 5th edition of APA's *Publication Manual* is (dare I say it) less than detailed when describing CFR citations.

The brief explanation on page 409 (5th edition) uses an example from 16 CFR 52. Here, I have translated the APA example into clinical research language. CRA students regularly cite 21 CFR (FDA regulations) and 45 CFR (which appears under the title Public Welfare and is used by the National Institutes of Health).

The models of APA-compliant text citations and reference listings that follow serve adequately when a regulation or guideline is cited but once in a paper.

Text Citations

According to the *Code of Federal Regulations*, "Assent means a child's affirmative agreement to participate in a clinical investigation. Mere failure to object may not, absent affirmative agreement, be construed as assent" (FDA Protection of Human Subjects, 2004).

According to the *Code of Federal Regulations*, "No informed consent, whether oral or written, may include any exculpatory language through which the subject or the representative is made to waive or appear to waive any of the subject's legal rights" (Public Welfare General Requirements for Informed Consent, 2003).

The ICH Guideline for Good Clinical Practice defines good clinical practice (GCP) as "A standard for the design, conduct, performance, monitoring, auditing, recording, analyses, and reporting of clinical trials that provides assurance that the data and reported results are credible and accurate, and that the rights, integrity, and confidentiality of trial subjects are protected" (International Conference on Harmonisation, 1997).

References

FDA Protection of Human Subjects, 21 C.F.R. § 50.3 (2004).

Public Welfare General Requirements for Informed Consent, 45 C.F.R. § 46.116 (2003).

International Conference on Harmonisation, Guideline for Good Clinical Practice. Retrieved November 11, 2004, from http://www.ich.org/UrlGrpServer.jser?@_ID=276&@_TEMPLATE=254

Papers that Cite Several Regulations

When a paper cites a number of regs from both 21 CFR and 45 CFR the models above could at least make for slow reading. At worst, it could be very confusing. This text citation (Public Welfare Protection of Human Subjects, 2004), for example, can lead``` readers to two or more entries in the References section of the paper, like these:

Public Welfare Protection of Human Subjects, 45 C.F.R. § 46.102 (2004).
Public Welfare Protection of Human Subjects, 45 C.F.R. § 46.107 (2004).
Public Welfare Protection of Human Subjects, 45 C.F.R. § 46.402 (2004).

For clarity, the solution I recommend is to name specific regulations in the text, followed by the approved APA citation. Here's a model.

Text Citation

The Code of Federal Regulations (45 CFR 46.408 and 21 CFR 50.55) states that assent of children is unnecessary when

- "the capability of some or all of the children is so limited that they cannot reasonably be consulted" (Public Welfare IRB Membership, 2004)
- "the intervention or procedure involved in the clinical investigation holds out a prospect of direct benefit that is important to the health or well- being of the children and is available only in the context of the clinical investigation" (FDA Protection of Human Subjects, 2004).

References

Public Welfare Protection of Human Subjects, 45 C.F.R. § 46.408 (2004).

FDA Protection of Human Subjects, 21 C.F.R. § 50.55 (2004).

That way, when clinical research professionals look at Public Welfare and FDA references, and find two or more, they'll know which one is which. Some might construe this solution as overkill, but you will never get in trouble for simplifying life for your readers.

Odds & Ends — Useful, if Opinionated

Distance learning students are all connected to cyberspace, so one crotchety old editor (who shall remain nameless) hopes the examples above will make it a rare occurrence for her to see the *Code of Federal Regulations* cited as an undated FDA document, an outdated Health and Human Services document, an outdated book from a British publisher — the list goes on.

Of the titles most often cited by clinical research writers, 21 CFR (FDA regulations) is updated every April and 45 CFR every October. Consequently, when reporting on something that happened in January 2002, it is appropriate to cite the 2001 regulation. When writing prospectively, use the current version.

Find everything you want to know about the *Code of Federal Regulations* (and then some) at http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1

Find everything you want to know about the ICH Guideline for Good Clinical Practice: http://www.ich.org/UrlGrpServer.jser?@_ID=276&@_TEMPLATE=254

Find everything you want to know about the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use at www.ich.org