Not Human Subjects, Exempt and Expedited Review… What YOU Need to Know!

Office of Accountability and Compliance
Human Research Protections Office
University of Maryland, Baltimore

Agenda

- Not Human Subjects Research
  - Definitions
  - CICERO submission
  - Examples
- Exempt and Expedited Research
  - Categories
  - Examples
  - The CICERO application
- Questions

Does my project require IRB review?

You are responsible not to conduct Human Research without prior IRB review and approval (or an IRB determination that the Human Research is Exempt). – Investigator Manual

IRB Evaluation of Research

- It is research?
- Is it human subjects research?
- Is UMB engaged in research?
- Is it exempt?
- Is it expedited?

NOT HUMAN SUBJECTS RESEARCH

Is it Research? (DHHS)

A systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge (45 CFR 46.102)

- Having or involving a system, method or plan
- A searching inquiry for ascertaining facts; detailed or careful examination
- Done with the purpose or **intent** to elaborate or expand in detail truth, facts or information
- Universally applicable

If any are "NO" the project is not research under DHHS

Is it human subjects research? (DHHS)

A **living individual** about whom an investigator conducting research obtains -

- Data through **interaction**
  - communication, interpersonal contact between the investigator and participant

OR

- Data through **intervention**
  - physical procedures by which data are gathered and manipulations of the participant or their environment for research purposes

OR

- Information that is both
  - **Private**: the individual can expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public

AND

  - **Identifiable**: Information that is individually identifiable (the participant's identity may readily be ascertained by the investigator or associated with the information).

Is it Research? (FDA)

Any experiment that involves a test article and one or more Human Subjects, and that meets any one of the following:

- An experiment that is subject to requirements for prior submission to the Food and Drug Administration under section 505(i) of the Federal Food, Drug, and Cosmetic Act
  - any use of a drug other than the use of an approved drug in the course of medical practice
- An experiment that is subject to requirements for prior submission to the Food and Drug Administration under section 520(g) of the Federal Food, Drug, and Cosmetic Act
  - any activity that evaluates the safety or effectiveness of a device
- An experiment, the results of which are intended to be submitted later to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit.

Does the research involve human subjects? (FDA)

- An individual who is or becomes a participant in research, either as a recipient of the test article or as a control.
- A subject may be either a healthy individual or a patient.
- A human subject includes an individual on whose specimen a medical device is used.

It is human subjects research? (FDA)

- Will the activity involve the use of a drug in one or more persons that is not the use of an approved drug in the course of medical practice?
- Will the activity evaluate the safety or effectiveness of a device in one or more persons?
- Will data regarding participants or control participants be submitted to, or held for inspection by, FDA as part of an application for a research or marketing permit?
- Will data regarding the use of a device on human specimens be submitted to or held for inspection by FDA as part of an application for a research or marketing permit?

Are you engaged in research?

You are considered engaged in human subjects research when you

1) intervene or interact with living individuals for research purposes, or

2) obtain individually identifiable private information for research purposes.

Further, a site is considered to be engaged in human subjects research when it receives a direct Federal award to support the research.

Not Engaged

- HRP-310 lists all requirements
  - http://www.umaryland.edu/hrp/for-researchers/investigator-manual/referenced-materials/
- Site is not a study site, but will administer one time or short term intervention in participant's best interest
- Organization informs prospective participants about a study, but does not obtain consent

Creating the CICERO submission

- Unsure if this requires IRB review
  - Does not require departmental review
  - Brief project summary
  - Respond to 8-12 Yes/No questions
- HRPO staff will review within 1 business day of submission
- If determined to be research, the submission will need to be withdrawn and a full application submitted.

Not Research/
Not Human Subjects Research

- Acknowledges UMB IRB reviewed the information provided and has determined that the submission does not require IRB review.
- The proposed project does not involve a systematic investigation designed to develop or contribute to generalizable knowledge **OR** a human participant.
- This determination applies **only to the activities described in the IRB submission** and does not apply should any changes be made.
- **If changes are made,** please submit a new request to the IRB for a determination.

No further IRB action is required.

Not Engaged

- Acknowledges UMB IRB reviewed the information provided and has determined that the submission does not require IRB review.
- The proposed project is human subject research but that this organization is not engaged in the research.
- This determination applies **only to the activities described in the IRB submission** and does not apply should any changes be made.
- **If changes are made,** please submit a new request to the IRB for a determination.

No further IRB action is required.

Example

We propose to survey the existing literature and perform a systematic review of published literature to elucidate the rates of pelvic floor disorders in this population. We aim to address if specific treatments for malignancy worsen pelvic floor disorders, and how women with gynecologic malignancies treated with surgery, radiation, or chemotherapy do with pelvic floor disorder treatment as compared to women without malignancy.

Example

Every year we host a symposium for patients, caregivers and stakeholders. This year we are adding a new component allowing individuals to attend the symposium via a webinar.

We are administering a survey at the end of the webinar to assess the value of the webinar and determine if we are able to successfully engage webinar participants. We want to evaluate the webinar experience for participation in future conferences/symposiums and assess the utility of the webinar platform as an approach to engage patients for programmatic planning.

We would use this preliminary data to support using webinars in the future for such purposes. We do not believe this meets the criteria for human subjects research. We have attached preliminary draft of questions we will be using as well as collecting basic demographics.

Example

We aim to describe state and plan innovation in Medicaid benefits for young adults with FEP. We will conduct qualitative interviews with representatives from state Medicaid programs and Medicaid plans to document innovations related to identification and treatment of individuals with FEP in Medicaid.

Example

We are investigating outcomes of heart and lung transplantation using the de-identified United Network for Organ Sharing Database related to recipient factors, donor factors, and factors related to the transplant process, and to characterize these heart and lung transplant candidates and eventual recipients.

We want to investigate the relationship of recipient race with post-transplant survival. Regarding donor factors we want to identify donor factors that negatively affect post-transplant survival and then investigate outcomes of matching donor risk with recipient severity.

Example

An instructor is surprised at some of the unique findings that appeared when students completed surveys as part of a classroom activity. The instructor would like to do additional analysis on the data and submit it for presentation or publication when the course ends.

EXEMPT AND EXPEDITED RESEARCH

Exempt Research

- Department (and Specialty Review) required
- Research activity is exempt from further IRB review
- Determination is made by the IRB, not the researcher
- In conducting this research you are required to follow the requirements listed in the Investigator Manual
- Is still considered research:
  - Submit complete application in CICERO
  - Submit modifications

General Exclusions

- Cannot be FDA regulated
- Cannot involve prisoners

Categories of Exempt Research

- The regulations acknowledge 6 categories of Exempt research
- HRP-412 lists all requirements
  - http://www.umaryland.edu/hrp/for-researchers/investigator-manual/referenced-materials/
- UMB sees 1, 2 and 4 most commonly

Exempt Category 1

Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as:

- research on regular and special education instructional strategies, or
- research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

Both the procedures involve normal education practices and the objectives of the research involve normal educational practices.

Exempt Category 1

- A study comparing two curricula that are currently being implemented in an area high school.
- Study of a new reading technique on delayed readers in 2nd grade.
- An assessment of an educational technique, such as medical simulation of clinical scenarios.

Exempt Category 2

Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless:

(i) information obtained is recorded in such a manner that Human Subjects can be identified, directly or through identifiers linked to the subjects; **and**

(ii) any disclosure of the Human Subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation.

In addition: If the research involves children the procedures are limited to (1) the observation of public behavior when the investigator(s) do not participate in the activities being observed and (2) the use of educational tests.

Exempt Category 2

- Identifiable is not necessarily just PHI
  - Class survey collecting demographics
- Consideration to employability, reputation
  - If the participant can be identified and a breach of confidentiality could have a negative impact, does not qualify as exempt
  - Can potentially collect sensitive information and qualify as exempt as long as **anonymous**

Exempt Category 4

Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

Exempt Category 4

- Must exist at the time the research is proposed
- Record without any PHI
- One time access to record without maintaining link (such as master list)

Expedited Research

- Department (and Specialty Review) required
- At initial review, there are 7 categories research can fall into
- HRP-413 lists all requirements
  - http://www.umaryland.edu/hrp/for-researchers/investigator-manual/referenced-materials/
- In conducting this research you are required to follow the requirements listed in the Investigator Manual
- Requires at least annual IRB review and modifications when necessary.

Expedited Research

- IND/IDE not required
- Blood
  - Limits on amount
  - Limits on number/timing of collections
- Non-invasive collection of specimens or data
- Materials that have been collected for any purpose, or will be collected solely for non-research purposes.
- Individual/group characteristics - Surveys, interviews, focus groups

Considerations

- When designing research, consider if minor changes will result in less burdensome path
  - Can you collect age (under 89) rather than DOB and still get same results? Length of stay versus dates of admission and discharge?
  - Does the survey require the participant's name or email address?

Creating the CICERO submission

- For all research, a full IRB submission will need to be completed
- Smart form
  - Will populate sections based on previous answers
  - Some sections are required for any application
    - Related to criteria for approval

The CICERO application

- Research Team Information
  - CITI and HIPAA training
  - Significant Financial Interest
- Research Protocol
  - Some (not all!) sections allow you to reference
  - References should be specific
- Risk Level
  - Minimal risk

The CICERO application

- Type of Research
  - Drug
  - Food/supplement
  - Device
  - Psychological/Behavioral/Educational
  - Sample
  - Data

The CICERO application

- Samples
  - Existing
  - Prospective
- Data
  - Retrospective
    - Accessed vs. collected
    - Case report form/Data collection sheet
  - Prospective

The CICERO application

- Participant Selection
  - Participants or specimens/charts
  - Worldwide includes local
  - Over-enrollment
  - Language
- Vulnerable Populations
  - Considerations – autonomy, risk
  - Chart review

The CICERO application

- Recruitment
  - Phone script
  - Letter or email
- Risks
  - Minimal risk may not mean no risk
  - Confidentiality
- Benefits

The CICERO application

- Withdrawal
- Privacy – person
- Confidentiality – data
- Monitoring Plan
  - Individual
  - No plan
- Costs
- Payments

The CICERO application

- HIPAA
  - Affiliation or use of data
    - School of Medicine
    - School of Dentistry
    - VA
  - Written authorization
  - Waiver
    - Recruitment
    - Entire study

The CICERO application

- Informed Consent process
  - Written consent
  - Waiver of documentation
  - Waiver of consent process
  - Not applicable (exempt)
    - If interaction, process is still required!
- Consent Forms – Draft
  - Only documents that will be stamped
  - Recruitment, Survey, Additional Documents

Questions?

Human Research Protections Office

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