



UNIVERSITY of MARYLAND
BALTIMORE

HRPO GRAND ROUNDS

**“Upcoming Changes to the Federal Regulations
Governing Human Subjects Research”**

Julie Doherty, MSN, RN, CIP
Director, Human Research Protections Program

Tuesday, July 25th
2:30 pm – 3:30 pm

Thursday, August 31st
9: 30 – 10:30 am

Tuesday, September 19th
10:30 – 11:30 am

Location: Shock Trauma Auditorium
RSVP to HRPO@umaryland.edu



Most significant changes:

- * IRB Operations
 - * Single IRBs for multi-site cooperative research
 - * External IRBs
 - * Continuing review of research is no longer required under various circumstances



Most significant changes (cont):

- * **Scope**

- * **Definitions – human subjects, clinical trial, research , identifiable biospecimen identifiable private information/vulnerable population**

- * **Tribal law**

- * **Exemption categories expanded**



Informed Consent

- * New language/clarity
- * Basic and additional elements of informed consent
- * Broad consent
- * Recruitment/screening waivers
- * Clinical trials consent forms
- * Electronic consent
- * Legally authorized representatives



Single IRBs for multi-site cooperative research

- * NIH and revised Common Rule compatible
 - * Enhance and streamline the IRB review process for multi-site research
 - * High standards and protections for human subjects maintained
 - * Efficient and effective
 - * Eliminate redundancy
- Effective dates:
 - NIH changed from September 25, 2017 to January 25, 2018
 - Common Rule : January 20, 2020
 - Effective date for other Common Rule changes: January 19, 2018



- * Applies to U.S. institutions engaged in cooperative research for the portion of the research conducted in the U.S.

- * Not applicable:
 - * When more than single IRB review is required by law (including tribal law)
 - * Whenever any Federal department or agency supporting or the research determines and documents that the use of a single IRB is not appropriate for the particular context (§_.114(b))
 - * Foreign sites
 - * Career development (K) awards; Institutional training (T) awards; Fellowship (F) awards



- **sIRB**
 - **CICERO currently not configured to operate as a single IRB for large multi-site studies**
 - **SMART IRB Exchange**
 - **IT Platform supported Duke/Vanderbilt Trial Innovation Center**
 - **Uses SMART IRB reliance agreement**
 - **Allows institutions to:**
 - **Initiate reliance process on a study by study basis**
 - **Supports all research types regardless of funding**
 - **Initiate IRB review for a study**
 - **Access to expertise across the nation**
 - **Track IRB review status**
 - **Track approved documentation**
 - **Track IRB approvals**
- * **UMB became a participating member on May 1, 2017**
- * **247 participating site including all 64 CTSA hubs.**
- * **<https://smartirb.org>**



External IRBS

- * Reliance agreements between institutions
- * Master agreements
 - * VA cIRB
 - * NCI cIRB
- * Others currently executed at UMB on a case-by-case basis
- * Approximately 175 studies in which UMB relies on another IRB to be the IRB of record



NOTE:

- * COI management plans are reviewed by reviewing IRB. More restrictive requirements can be imposed.
- * HIPAA may be handled locally
- * UMB is responsible for ensuring that investigators and study staff are qualified and meet standards to conduct research
- * UMB is responsible for the safe and appropriate performance of the research at UMB. This includes monitoring study compliance.



Continuing review no longer required under various circumstances:

- * Research approved by expedited review**
- * Exempt research requiring limited IRB review**
- * Research in which interventions have been completed:**
- * Data analysis including analysis of identifiable private information or identifiable biospecimens**
- * Data from clinical care accessed as part of follow-up**

Note: The IRB can still require continuing review but this must be documented. (Examples: over enrollment; non-compliance)



Continuing review

- * Guidance forthcoming from oversight agencies and UMB
 - * need to determine whether existing studies that fall under expedited review (approved prior to January 19, 2018) will be transitioned to the new rule or stay with the old
 - * One more CR and then done?



Applicability

- * Studies approved before January 18, 2018
 - * Pre-2018 rules apply
 - * If new rules will be applied to previously approved research, the institution must document this in writing
- * Studies approved on or after January 19, 2018 – new rules apply



Definitions

Under the New Rule: Human subject - a living individual about whom an investigator conducting research:

- (1) Obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or**
- (2) Obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens**



UNIVERSITY *of* MARYLAND
BALTIMORE

Definitions (cont).

Intervention:

- * Now references biospecimens

Interaction

- * Includes communication or interpersonal contact between investigator or subject

Clinical trial

- * ...research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of the interventions on biomedical or behavioral health-related outcomes.



UNIVERSITY *of* MARYLAND
BALTIMORE

NOT RESEARCH – EXPANDED

- * Scholarly and journalistic activities
 - * Oral history, Journalism, Biography, Literary Criticism, Legal Research, Historical Scholarship
- * Public health surveillance activities (i.e. Zika, influenza)
 - * “conducted, supported, requested, ordered, required or authorized by a public health authority (PHA)”
PHA is defined as an agency or authority of the US, a state, territory, a political subdivision of a state or territory, an Indian tribe, or a foreign government, or a person or entity acting under a grant of authority from or contract with such public agency etc.
 - * Most public health research conducted by academicians would most likely be excluded
 - * Intent for governmental public health agencies



NOT RESEARCH – EXPANDED

- * Collection and analysis of information, biospecimens or records by or for a criminal justice agency
- * Intelligence, Homeland Security, Defense of other national security mission
 - * activities related to national security operations



Vulnerable Populations

- * Removed pregnant women
- * Replaced “handicapped or mentally disabled persons” with individuals with impaired decision making capacity”
- * Added “ economically or educationally disadvantaged persons”
- * Prisoner—see exemptions



Exemption – 1 (revised)

- * Research, conducted in established or commonly accepted educational settings, *that specifically involves normal educational practices that are not likely to adversely impact students' opportunity to learn required educational content or the assessment of educators who provide instruction*

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



Exemption 2 (revised)

- * Research that *only includes interactions involving* educational tests, survey procedures, interview procedures, or observation of public behavior (including visual or auditory recording if at least one of the following criteria are met:
 - * Information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects
 - * Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation or
 - * The information obtained is recorded *by the investigator* in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a *limited IRB review* to make the determination required



Exemption 3 –New

- Research involving benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and information collection and at least one of the following is met:
 - * The information obtained is recorded by the investigator in such a manner that the identify of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects
 - * Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation or
 - * The information obtained is recorded *by the investigator* in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a *limited IRB review* to make the determination required



Benign behavioral interventions:

- brief in duration
- harmless
- painless
- not physically invasive
- not likely to have a significant adverse lasting impact on the subjects
- investigator has no reason to think the subjects will find the interventions offensive or embarrassing
- includes authorized deception research



Exempt 4 New

Secondary research for which is not required: secondary research uses of identifiable private information or identifiable biospecimens, if *at least one* of the following criteria are met:

- * The identifiable private information or identifiable biospecimens are publicly available
- * Information, which may include information about the biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects



Exemption 5 (new)

- * Research and demonstration projects conducted or supported by a federal department or agency
- Very narrow application

Exemption 6 (unchanged)

- * Food and taste quality



UNIVERSITY *of* MARYLAND
BALTIMORE

Exemption 7 and 8 (New)

*Secondary research use of identifiable private information or identifiable biospecimens (and storage or maintenance for such secondary research use) for which *broad consent* is required

If broad consent is not adopted, Exempt 7 and 8 cannot be used.

There are limitations to applicability of exemptions related to Subparts B, C, and D.



Consent

- * One of the more extensively modified sections
 - * Added regulations for use of biospecimens
 - * Changed the formatting requirements for consent documentation
 - * Include language pertaining to the consent process
 - * Include board consent for storage, maintenance, and secondary research use of identifiable private information and identifiable biopsecimens



Consent (cont.)

- Subjects must be provided with the information that a “reasonable person” would want to have in order to make an informed decision, and subjects must be provided an opportunity to discuss that information.
 - What does ‘reasonable’ mean?



Consent (cont.)

- * Informed consent process must begin with a concise and focused presentation of the “ key information” that is most likely to assist a prospective subject in understanding the reasons why one might or might not want to participate in the research
- * Informed consent must “ be organized and presented in a way that facilitates comprehension”
- * Consent not required for obtaining screening data/specimens
- * One consent form for each clinical trial must be posted on the federal website after trial is closed (might be ct.gov)



Broad Consent (cont.)

- Elements (.116)
 - Must include the basic elements from .116 (risks, benefits, confidentiality , voluntary, commercial profit, whole genome sequencing and contact information)
 - General description of types of research that might be conducted
 - Description of the identifiable information/biospecimens that might be used in future research, sharing and type of institutions/researchers that might conduct research
 - Length of time identifiable information/biospecimens will be stored, used
 - Requires a statement that subjects will not be informed of the purpose or details of subsequent research
 - Unless known that clinically relevant research results will under all circumstances be disclosed to subjects, this element requires statement that research results may not be disclosed to subjects
 - Contact information about rights, storage and use and in the event of research related harm



Broad consent (cont.)

- * If broad consent procedures are used, an IRB *may not omit or alter* any of the required elements
- * For identifiable data/specimens, criteria for waiver includes research not practicable without identifiers



Documentation of consent

- * **Electronic signatures allowed for consent documentation but a written copy must be given to the person signing the consent form**
 - **Local guidance forthcoming**
- * **Consent forms may be read to subjects (i.e. include in informed consent process documentation)**
- * **Short forms must follow presentation format (key information and facilitate comprehension)**
- * **Add waiver of documentation of consent if subjects are from a distinct cultural group or community in which signing consent forms is not the norm**



Other changes:

- * Department of Labor is a new signatory to the Common Rule and DOJ is not listed
- * Eliminates requirement that blood spots be considered research with human subjects
- * Requirement for grant applications to be reviewed by the IRB has been eliminated
- * Definitions of “ identifiable private information” and “identifiable biospecimens” will; be re-examined within one year and at least every four years thereafter



Additional information:

- * Working under new rules and old rules
- * FDA not harmonized
- * VA ?
- * Further guidance from OHRP



UNIVERSITY *of* MARYLAND
BALTIMORE

University of Maryland Baltimore

- * Effective date: January 19, 2018
- * Incorporating changes into CICERO as required
- * Training and education of PI's, research community, HRPO staff, IRB leadership, IRB members
- * Modification to standard operating procedures
 - * Will include guidance as indicated



UNIVERSITY *of* MARYLAND
BALTIMORE

Questions ???

Thank you !!!



UNIVERSITY of MARYLAND
BALTIMORE

HRPO GRAND ROUNDS

**“Upcoming Changes to the Federal Regulations
Governing Human Subjects Research”**

Julie Doherty, MSN, RN, CIP
Director, Human Research Protections Program

Tuesday, July 25th
2:30 pm – 3:30 pm

Thursday, August 31st
9: 30 – 10:30 am

Tuesday, September 19th
10:30 – 11:30 am

Location: Shock Trauma Auditorium
RSVP to HRPO@umaryland.edu