UNIVERSITY OF SOUTH ALABAMA

IRB SOP 506
Criteria for IRB Approval

Purpose

The purpose of this standard operating procedure (SOP) is to ensure that specified criteria are reviewed by the USA IRB and requirements determined to be adequate.

Scope

This SOP applies to all IRB administrative staff and board members.

Policy

All research projects that include human participants must meet certain criteria before the investigator can initiate research project-related procedures, which include the principles of respect for persons, beneficence, and justice as discussed in the Belmont Report. In addition, certain other criteria that are unique to the University of South Alabama may apply and must be met when applicable. The IRB systematically reviews the IRB submission, research protocol, consent documents, and HIPAA documents. (as applicable to studies)

Procedures

1.0 Criteria for IRB Approval of Research

For the IRB to approve human subjects' research at the time of Initial and Continuing Review, it must determine that the following requirements are satisfied:

1. Risks to subjects are minimized:

a) by using procedures which are consistent with sound research design and which do not unnecessarily expose subjects to risk

b) whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes.

2. Risks to subjects are reasonable in relation to anticipated benefits, if any, to subjects, and the importance of the knowledge that may reasonably be expected to result. In evaluating risks and benefits, the IRB should consider only those risks and benefits that may result from the research (as distinguished from risks and benefits of therapies subjects would receive even if not participating in the research). The IRB should not consider possible long-range effects of applying knowledge gained in the research (for example, the possible effects of the research on public policy) among those research risks that fall within the purview of its responsibility.

3. Selection of subjects is equitable. In making this assessment, the IRB should consider the purposes of the research, the setting in which the research will be conducted, and special problems of research involving vulnerable populations, such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged persons.

4. Informed consent will be sought from each prospective subject or the subject's legally authorized representative, in accordance with, and to the extent required by 45 CFR 46.116.

5. Informed consent will be appropriately documented, in accordance with, and to the extent required by 45 CFR 46.117.

6. When appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects.

7. When appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

8. When some or all the subjects are likely to be vulnerable to coercion or undue influence, such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged persons, additional safeguards have been included in the study to protect the rights and welfare of these subjects.

9. The IRB must ensure that steps to manage, reduce, or eliminate potential or real conflicts of interest (financial, role (investigator/patient relationship), and or institutional) have been taken. Specifically, a member with a conflict of interest cannot: (a) contribute to quorum; (b) be present for the discussion of the issue for which they are conflicted, except to answer questions from the committee; or (c) be present for the vote on the issue. Also, concerning disclosing conflicts of interests, this means disclosing to the IRB any potential, actual, or perceived conflict of interest of a financial, professional, or personal nature that may affect any aspect of the research.

10. The IRB must determine that all studies requiring registration on ClinicalTrials.gov have been registered by Sponsor, Sponsor-Investigator, or delegated responsible party. All studies

meeting any of the below criteria must be registered with ClinicalTrials.gov before final approval is issued. The NCT# must appear on the IRB Application.

- Studies involving drugs, devices, or biologics that are regulated by the FDA and meets the FDA definition of an Applicable Clinical Trial (ACT)
- Studies receiving NIH funding and fit the NIH definition of a Clinical Trial
- Study teams planning ICMJE journal publication and meets the ICMJE definition of a clinical trial
- Studies billing to the Centers for Medicare and Medicaid Services (CMS)

11. The IRB must determine that the PI and all other investigators of the proposed research activity have met current educational requirements for the protection of human research subjects as defined by the University's IRB. The IRB must also determine that the investigator(s) is qualified through education, training, and experience to conduct the research. For the IRB to approve human subject's research conducted or supported by the Department of Defense (DOD), the IRB must determine that the following criteria are met:

For the IRB to approve human subject's research conducted or supported by the Department of Defense (DOD), the IRB must determine additional criteria are met.

1.1 Risk/Benefit Assessment

The goal of the assessment is to ensure that the risks to research subjects posed by participation in the research are justified by the anticipated benefits to the subjects or society. The IRB must:

- Judge whether the anticipated benefit, either of new knowledge or of improved health for the research subjects, justifies asking any person to undertake the risks;
- Disapprove research in which the risks are judged unreasonable in relation to the anticipated benefits.

The assessment of the risks and benefits of proposed research - one of the major responsibilities of the IRB - involves a series of steps:

- Identify the risks associated with the research, as distinguished from the risks of therapies the subjects would receive even if not participating in research
- Determine whether the risks will be minimized to the extent possible; This can be done, for example by using procedures which are consistent with sound Research design and which do not unnecessarily expose subjects to risk. This also can be accomplished, as appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes
- Identify the probable benefits to be derived from the research
- Determine whether the risks are reasonable in relation to the benefits to subjects, if any, and assess the importance of the knowledge to be gained; In

evaluating risks and benefits, the IRB should consider only those risks and benefits that may result from the Research, as distinguished from risks and benefits of therapies subjects would receive even if not participating in the Research. The IRB should not consider possible long range effects of applying knowledge gained in the Research (e.g., the possible effects of the Research on public policy) as among those Research risks that fall within the purview of its responsibility

- Ensure that potential subjects will be provided with an accurate and fair description of the risks or discomforts and the anticipated benefits Based on this assessment, risk associated with the research will be classified as either Minimal Risk or Greater than Minimal Risk.

1.2 Scientific Merit

To assess the risks and benefits of the proposed research, the IRB examines the research plan, including research design and methodology, to determine that there are no inherent flaws that would place research participants at unnecessary risk.

- The research uses procedures consistent with sound research design including an adequate data monitoring plan, or protecting confidentiality by using coded data.
- The research is not lacking in statistical power such that meaningful results cannot be obtained.
- The research design is sound enough to reasonably expect the research to answer its proposed question; and
- The knowledge expected to result from this research is sufficiently important to justify the risk.
- The review of scientific validity must determine the available nonclinical and clinical information on an investigational product is adequate to support the proposed trial.

In making this determination, the IRB may draw on its own knowledge and disciplinary expertise, or the IRB may draw on the knowledge and disciplinary expertise of others.

1.3 Select of Subject's is Equitable

By reviewing the IRB proposal, the IRB will determine that the selection of subjects is equitable with respect to gender, age, class, etc. The IRB will not approve a study that does not provide adequately for the equitable selection of subjects or has not provided an appropriate scientific and ethical justification for excluding classes of persons who might benefit from the research. In making this determination, the IRB evaluates: the purposes of the research; the setting in which the research occurs; scientific and ethical justification for including vulnerable populations such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged

persons; the scientific and ethical justification for excluding classes of persons who might benefit from the research; and the inclusion/exclusion criteria. At the time of the continuing review the IRB will determine that the PI has followed the subject selection criteria that he/she/originally set forth at the time of the initial IRB review and approval.

1.4 Recruitment of Subject's

The investigator will provide the IRB with all recruiting materials to be used in identifying participants including recruitment methods, advertisements, and payment arrangements. For specific details, see *SOP: Recruitment of Research Participant*.

An Investigator may contact potential research subjects for recruitment purposes using the following methods:

• The potential research subject may initiate the contact by responding to an IRB-approved advertisement or similar recruitment notice.

• A treating physician who is also an investigator may talk directly to the patient about recruitment into a research trial.

• If the treating physician is not the investigator, the treating physician must get an authorization to refer the patient to the investigator. The investigator may then rely on the authorization to contact the individual. The investigator will then obtain an additional authorization from the patient to participate in the research.

• An investigator may contact potential research subjects if granted a partial waiver of authorization for recruitment purposes from the IRB/Privacy Board. Investigators outside the covered entity may use this option. The Privacy Rule requirements and conditions for a waiver apply.

The preparatory research provision of the HIPAA Privacy Rule at 45 CFR 164.512(i)(1)(ii) allows an investigator who is not a part of the covered entity to obtain contact information through a Partial Waiver of Authorization. For further details, see *SOP: HIPAA Authorization*

The Partial Waiver must be approved the IRB or Privacy Board as permitted at 45 CFR 164.512(i)(1)(i). The IRB permits the partial waiver of authorization for the purposes of allowing an investigator to obtain protected health information (PHI) as necessary to recruit potential research subjects. For example, even if an IRB does not waive informed consent and individual authorization for the study itself, it may waive such authorization to permit the disclosure of protected health information as necessary for the investigator to be able to contact and recruit individuals into the study. The investigator must submit the research protocol and include the recruitment plan for IRB review and approval to obtain approval of the Partial Waiver of Authorization.

1.5 Informed Consent

Unless waived by the IRB, legally effective informed consent must be obtained from participants or their legally authorized representatives (LARs) as a condition for protocol approval. All relevant requirements in DHHS OHRP in 45 CFR 46.111 and 46.116, and in the FDA regulations in 21 CFR 50.20, 50.25, 50.27 and 56.111 that are applicable to the consent process and the consent document must be satisfied. The IRB may require revisions to the consent document prior to protocol approval.

To approve research, the IRB must determine that informed consent will be appropriately documented, unless the IRB waives documentation under OHRP or FDA regulations. If a participant lacks the capacity to consent, then consent for research must be obtained from their LAR.

Consent is documented through use of a written consent document signed and dated by the participant or their legally authorized representative that embodies all of the required eight basic required elements and the six additional elements specified in 45 CFR 46.116 and 21 CFR 50.25.

Only the IRB approved informed consent document may be used, and unless the requirement is waived by the IRB the document must be signed by the participant (or the participant's LAR), and a copy must be given to the person signing the form. FDA regulations and institutional policy requires that the signature be dated.

A copy of the informed consent must be placed in the patient medical record. The original document remains with the investigator. The evaluation of compliance is achieved by: 1. IRB review of the informed consent process information and document(s) provided by the investigator. 2. Periodic consent form audits comparing signed and dated consent forms with the IRB approved versions. 3. Observation of the consent process, performed either as a periodic audit function of the human subject protection program, or as requested by the convened IRB.

1.5.1 Consent Monitoring

In reviewing the adequacy of informed consent procedures for proposed research, the IRB may on occasion determine that special monitoring of the consent process by an impartial observer is required to reduce the possibility of coercion and undue influence. Such monitoring may be particularly warranted where the research presents significant risks to subjects, or if subjects are likely to have difficulty understanding the information to be provided. Monitoring may also be appropriate as a corrective action where the IRB has identified problems associated with an investigator or a research project.

1.5.2 Significant New Findings

During the course of research, significant new knowledge or findings about the medication or test article and/or the condition under study may develop. The PI must report any significant new findings to the IRB and the IRB will review them with regard to the impact on the subjects' rights and welfare. Since the new knowledge or findings may affect the risks or benefits to subjects or subjects' willingness to continue in the research, the IRB may require, during the ongoing review process, that the PI contact the currently enrolled subjects to inform them of the new information. The IRB will communicate this to the Pl. The informed consent should be updated and the IRB may require that the currently enrolled subjects be re-consented, acknowledging receipt of this new information and for affirming their continued participation.

1.6 Data Safety Monitoring

All interventional studies involving more than Minimal Risk must include a Data and Safety Monitoring Plan. A DSMP is established to assure that each research study has a system for appropriate oversight and monitoring of the conduct of the study to ensure the safety of participants and the validity and integrity of the data. The DSMP should specify whether there will be an independent Data and Safety Monitoring Board (DSMB). The primary purpose of an independent DSMB is to protect the research subjects through independent analysis of emerging data from the trial. This differs from adverse event reporting in that the DSMB can review aggregate and un-blinded data as the data accumulate, identify significant issues and trends during the study, and recommend changes in the study including recommending early termination of the study. The DSMB reviews data for both safety and efficacy. The protections afforded by this review apply to both current subjects and future subjects if the DSMB identifies the need to modify or even halt the trial. In addition to the above, an independent DSMB protects the credibility of the trial by virtue of its independence from the study sponsors, and helps to ensure the validity of study results by reviewing data on subject accrual and conducting interim reviews.

1.7 Privacy and Confidentiality

The IRB will determine whether adequate procedures are in place to protect the privacy of subjects and to maintain the confidentiality of the data.

1.7.1 Privacy

The IRB must determine whether the activities in the research constitute an invasion of privacy. To make that determination, the IRB must obtain information regarding how the investigators are getting access to subjects or subjects' private, identifiable information and the subjects' expectations of

privacy in the situation. Investigators must have appropriate authorization to access the subjects' information. In developing strategies for the protection of subjects' privacy, consideration should be given to:

- Methods used to identify and contact potential participants
- Settings in which an individual will be interacting with an investigator
- Appropriateness of all personnel present for research activities
- Methods used to obtain information about participants and the nature of the requested information
- Information that is obtained about individuals other than the target participants, and whether such individuals meet the regulatory definition of human participant (e.g., a subject provides information about a family member for a survey
- How to access the minimum amount of information necessary to complete the study.

1.7.2 Confidentiality

Confidentiality and anonymity are not the same. If anyone, including the investigator, can readily ascertain the identity of the subjects from the data, then the research is not anonymous and the IRB must determine if appropriate protections are in place to minimize the likelihood that the information will be inappropriately divulged. The level of confidentiality protections should be commensurate with the potential of harm from inappropriate disclosure. At the time of initial review, the IRB ensures that the privacy and confidentiality of research subjects is protected. The IRB assesses whether there are adequate provisions to protect subject privacy and maintain confidentiality.

The IRB does this through the evaluation of the methods used to obtain information:

- About subjects
- About individuals who may be recruited to participate in studies
- The use of personally identifiable records and
- The methods to protect the confidentiality of research data The PI will provide the information regarding the privacy and confidentiality of research subjects at the time of initial review through the completion of the IRB proposal, HIPAA Form, and/or other submitted, applicable materials.

The IRB review information received from the PI and determined whether the privacy and confidentiality of research subjects is sufficiently protected. In some cases, the IRB may also require that a Certificate of Confidentiality be obtained

to additionally protect research data. For further details, see *SOP: Certificate of Confidentiality*. In reviewing confidentiality protections, the IRB shall consider the nature, probability, and magnitude of harm that would be likely to result from a disclosure of collected information outside the research.

The IRB shall evaluate the effectiveness of proposed de-identification techniques, coding systems, encryption methods, storage facilities, access limitations, and other relevant factors in determining the adequacy of confidentiality protections.

1.8 Vulnerable Populations

At the time of initial review, the IRB will consider the inclusion of vulnerable subjects in research. To approve research involving vulnerable populations, the IRB must determine, where appropriate, that additional safeguards have been included to protect the rights and welfare of participants who are likely to be vulnerable to coercion or undue influence, such as:

- Children (45 CFR 46 Subpart D; 21 CFR 50 Subpart D)
- Prisoners (45 CFR 46 Subpart C)
- Pregnant women, human fetuses, or neonates (45 CFR 46 Subpart B)
- Persons with mental disabilities, cognitively impaired, economically or educationally disadvantaged persons Additional requirements might apply, depending on the source of support/funding (e.g., Department of Defense or other Federal Agencies).

The IRB includes among its members persons who are knowledgeable about and experienced in working with vulnerable participants. 45 CFR 46.107(a); 21 CFR 56.107(a). When a research study involves a vulnerable population not otherwise covered by these policies, the IRB takes steps to evaluate whether additional safeguards have been included in the research to protect the rights and welfare of participants. For an extensive discussion about the IRB(s) review and approval process for individual populations of vulnerable subjects.

Related Federal Regulations

45 CFR 46.111 – DHHS regulations
21 CFR 56.111 – FDA regulations

General Requirements for Informed Consent – DHHS regulations
General Requirements for Informed Consent – FDA regulations

University Related Documents

SOP: Certificate of Confidentiality
SOP: HIPAA Authorization
SOP: Recruitment of Research Participants

HISTORY

Effective Date:
Revisions: November 2018, August 2023