ANPRM – The AAHRPP View

ANPRM

- More experience in evaluating IRBs other than FDA
  - More than 500 site visits in 10 years
  - Wide range of organizations
- There is a need to revise the regulations
  - Have not been substantially revised since 1981
  - ANPRM driven by burden on researcher

ANPRM

- As judged by the more than 70 questions, OHRP lacked critical information in initiating the rulemaking process
- No baseline data exist to answer the questions posed by OHRP
- ANPRM was premature
Assumptions behind the revisions

- Oversight of research is not commensurate with the level and nature of the risks in a research study
- Essentially all research studies are treated similarly by IRBs and organization, thus, leading to unnecessary and excessive oversight of research involving no greater than minimal risk and insufficient oversight of research involving greater than minimal risk
- If unnecessary burdens were removed, all would be in a better position to provide protections in the riskier research studies

AAHRPP’s recommendations

- Evaluate revisions in terms of adding value to protection human research subjects
- When protections are preserved or equivalent, reduce burden on IRBs, researchers and institutions

AAHRPP’s recommendations

- Do not take away institutions’ ability to exert flexibility in applying the regulations
- Regulations should take into account different types of research
- Evaluate and revise regulations that are obsolete, such as reviewing grant applications, requirement for signed written consent documents
Don’t fix requirements that are not broken and fix what is broken

- The consent process (broken)
- Exemptions (not broken)
- Broad application of HIPAA regulation (broken and not a good fix)
- Post approval monitoring (good idea applied to wrong IRB process)
- Harmonization (broken)

ANPRM did not go far enough

- Jettison the categories for use of the expedited review procedure
- Allow IRB staff to review certain types of research
- Incorporate ethical issues other types of research besides biomedical and behavioral and social science into the regulations

Issues the ANPRM did not address

- Education requirement
- Responsibilities of researchers
- Community involvement and consequences of research on communities
- Revision of the criteria for approval of research (46.111)
- Revision of the criteria for legally effective consent (46.116)
Single IRB Review

- AAHRPP supports the proposed requirement that a single IRB review multi-site studies
  - Local IRBs have a false expectation about their ability to change the protocol in clinical trials
  - Selection of the single IRB
  - Different types of multi-site research
  - Single IRB review includes different types of models

The IRB as part of a human research protection program

IRBs

- Primary function: determine that research is ethically justifiable
  - Risks are minimized
  - Risks are reasonable in relation to any anticipated benefits to participants and to the importance of the knowledge that is reasonable expected to result
  - Selection of participants is equitable
  - Consent will be sought and documented
  - Research plan makes adequate provisions for monitoring the data to ensure safety
  - Adequate provisions to protect the privacy of participants and maintain confidentiality of data
  - Additional protections for vulnerable individuals
Responsibilities of IRBs

Requirements in regulations
- Initial review and approval of research
- Primary reviewer systems
- Expedited procedures for review
- Consent
- Notification of investigators
- Continuing review
- Minutes
- Records retention

Additional Requirements
- Research determinations
- (Exemption determinations)
- Relevant materials for review
- Documentation of determinations and protocol-specific findings

Federal requirements of institutions that are often imposed on IRBs to carry out
- Assurance of compliance (45 CFR 46)
- IRB roster
- Procedures the IRB will follow for conducting initial and continuing review of research and reporting its findings to the investigator and the institution
- Procedures for determining which projects require review more frequently than annually
- Procedures for prompt reporting of unanticipated problems involving risk to subjects or others
- Procedures for prompt reporting of serious or continuing non-compliance
- Procedures for prompt reporting of suspensions and terminations
- Procedures for verification by a third party of no material changes since the last IRB review

Note FDA regulations stipulate that these are IRB responsibilities

Shared authority and responsibilities
- IRB review
- Conflict of interest
- Scientific review
- Resources for conducting a study
- State and local law
- Research determination and exemptions
- Non-compliance
- Unanticipated problems involving risks to subjects or others
- Reporting to IRB, institutional officials, and federal agencies
- Post IRB approval monitoring
- Test articles
Shared means shared

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Why use a central or lead IRB?

- Better protections for research subjects
  - Competent, experienced IRB
  - One IRB reviews unanticipated problems involving risks to subjects or others, protocol deviations, data monitoring reports, and amendments
  - More efficient than multiple reviews

Factors that might lead to success

- Both parties understand there are shared responsibilities
  - Clear delineation of roles
- Agreements
  - Should be in writing
  - Address all the issues that are related to regulatory requirements
Predictions

- Regulations to protect research participants are unlikely to change
- Institutions will continue to look for and use flexibility
- Single IRB review will be the model of choice for multi-site studies
  - Accredited IRBs
  - Specialized IRBs
  - Federal funding for single IRB models