

Title:	Review of Human-Subjects Research Using Expedited Review
Department:	Human Research Affairs
Policy Type:	<input checked="" type="checkbox"/> Partners System-wide <input type="checkbox"/> Partners System-wide Template <input type="checkbox"/> Partners HealthCare <input type="checkbox"/> Partners HealthCare Departmental <input type="checkbox"/> Institution
Applies to:	Employees, Professional Staff or Other Agents of Brigham and Women's Hospital (BWH), Brigham and Women's Faulkner Hospital (BWFH), Massachusetts General Hospital (MGH), McLean Hospital (McLean), North Shore Medical Center (NSMC), Spaulding Rehabilitation Hospital (SRH), and MGH Institute of Health Professions (MGH IHP)
Approved by:	Chief Academic Officer
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Current Revision Effective Date:	May 1, 2017
Next Review Date:	May 1, 2020
Contact Person:	Director, Human Research Review and Compliance

KEYWORDS:

IRB, Institutional Review Board

PURPOSE:

The purpose of this policy is to define the procedures the Partners Human Research Committees (PHRC) follow when conducting initial and continuing review of non-exempt human-subjects research and clinical investigations and review of proposed minor changes in approved research using the expedited review procedure.

This policy is established to comply in part with the regulatory requirements in 45 CFR 46.103(b)(4)(i) and 21 CFR 56.108(a)(1) requiring IRBs to have "written procedures which the IRB will follow for conducting its initial and continuing review of research and for reporting its findings and actions to the investigator and the institution."

DEFINITIONS:

See Definition of Human-Subjects Research

Minimal risk means that the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or

during the performance of routine physical or psychological examinations or tests. [45 CFR 46.102(i)][21 CFR 56102(i)]

POLICY STATEMENT:

The PHRC may use the expedited review procedure for review and approval of certain categories of human-subjects research that involve no more than minimal risk, and for review and approval of minor changes in approved research during the period of IRB approval [DHHS in 45 CFR 46.110 and FDA in 21 CFR 56.110]. When reviewing non-exempt human-subjects research and clinical investigations using the expedited review procedure, the PHRC Chairpersons are subject to the Partners policy on *IRB Member Conflicts of Interest*.

PROCEDURES:

Investigators relying on the PHRC for IRB review of human-subjects research and clinical investigations are required to complete Insight/eIRB application forms and provide all required information and documents to the Partners Human Research Office for review by the PHRC as described in the *Protocol Submission Instructions*, *Continuing Review Instructions*, and applicable forms.

Initial Review and Continuing Review

All of the required forms and documents submitted by the investigator for review are reviewed administratively by the Human Research Office staff, and when accepted, are assigned to the PHRC Chairperson for review. The PHRC Chairperson reviewing the submission has access to the entire protocol record maintained by the Human Research Office.

Continuing review of the research is required until the research has been completed or has been closed prior to completion. The investigator must submit the Insight/eIRB continuing review form to document that the study has been completed or is being closed prior to completion. For multi-site research, the research may be considered completed or may be closed prior to completion when the investigator at this site is no longer collecting, receiving, or analyzing identifiable data.

Research activities that (1) present no more than minimal risk to human subjects, and (2) involve only procedures listed in one or more of the following categories, may be reviewed by the PHRC using the expedited review procedure authorized by 45 CFR 46.110 and 21 CFR 56.110 [Source: 63 FR 60364-60367, November 9, 1998]. The categories in this list apply regardless of the age of subjects, except as noted:

Research Categories:

- (1) Clinical studies of drugs and medical devices only when condition (a) or (b) is met.
 - (a) Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increase the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)
 - (b) Research on medical devices for which (i) an investigational device exemption application (21 CFR Part 812) is not required; or (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.
- (2) Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:
 - (a) from healthy, nonpregnant adults who weigh at least 110 pounds. For these subjects, the amounts drawn may not exceed 550 ml in an 8 week period and collection may not occur more frequently than 2 times per week; or

- (b) from other adults and children, considering the age, weight, and health of the subjects, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these subjects, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8 week period and collection may not occur more frequently than 2 times per week.
- (3) Prospective collection of biological specimens for research purposes by noninvasive means. Examples: (a) hair and nail clippings in a nondisfiguring manner; (b) deciduous teeth at time of exfoliation or if routine patient care indicates a need for extraction; (c) permanent teeth if routine patient care indicates a need for extraction; (d) excreta and external secretions (including sweat); (e) uncannulated saliva collected either in an unstimulated fashion or stimulated by chewing gumbase or wax or by applying a dilute citric solution to the tongue; (f) placenta removed at delivery; (g) amniotic fluid obtained at the time of rupture of the membrane prior to or during labor; (h) supra- and subgingival dental plaque and calculus, provided the collection procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques; (i) mucosal and skin cells collected by buccal scraping or swab, skin swab, or mouth washings; (j) sputum collected after saline mist nebulization.
- (4) Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice, excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.)
Examples: (a) physical sensors that are applied either to the surface of the body or at a distance and do not involve input of significant amounts of energy into the subject or an invasion of the subject's privacy; (b) weighing or testing sensory acuity; (c) magnetic resonance imaging; (d) electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, electroretinography, ultrasound, diagnostic infrared imaging, doppler blood flow, and echocardiography; (e) moderate exercise, muscular strength testing, body composition assessment, and flexibility testing where appropriate given the age, weight, and health of the individual.
- (5) Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for nonresearch purposes (such as medical treatment or diagnosis). [Note: Research involving materials that have been collected includes materials collected for both research and nonresearch purposes per personal communication with Julie Kaneshiro of OHRP April 2003].
- (6) Collection of data from voice, video, digital, or image recordings made for research purposes.
- (7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.
- (8) Continuing review of research previously approved by the convened IRB as follows:
(a) where (i) the research is permanently closed to the enrollment of subjects; (ii) all subjects have completed all research-related interventions; and (iii) the research remains active only for long-term follow-up of subjects; or
(b) where no subjects have been enrolled and no additional risks have been identified; or
(c) where the remaining research activities are limited to data analysis.
- (9) Continuing review of research, not conducted under an investigational new drug application or investigational device exemption where categories two (2) through eight (8) do not apply

but the IRB has determined and documented at a convened meeting that the research involves no greater than minimal risk and no additional risks have been identified.

Research in any of these categories may require review at a convened meeting of the PHRC if the circumstances of the proposed research involve more than *minimal risk*.

The expedited review procedure may not be used where identification of the subjects and/or their responses would reasonably place them at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, insurability, reputation, or be stigmatizing, unless reasonable and appropriate protections will be implemented so that the risk related to invasion of privacy and breach of confidentiality is no greater than minimal.

In addition, the expedited review procedures may not be used for classified research involving human subjects. Classified research is research that has a security classification established by an authorized agency of the federal government.

The PHRC Chairpersons are responsible for reviewing and determining whether the research is eligible for review using the expedited review procedure. The reviewing PHRC Chairperson uses an Insight/eIRB reviewer checklist that includes the applicability of expedited review and the categories of research eligible for expedited review published in the Federal Register at 63 FR 60364-60367 to document that:

- The research is applicable for expedited review;
- The research is minimal risk;
- The research activities fall within one or more of the research categories eligible for expedited review; and
- The consent form includes the basic elements of informed consent or a waiver or alteration of informed consent is approved.

If the proposed research is not eligible for review using the expedited review procedure, the reviewing PHRC Chairperson requests the research activity be scheduled for full board review at a convened meeting of the PHRC.

The reviewing PHRC Chairperson may approve, require modifications in (to secure approval), or defer action pending receipt of additional information from the Principal Investigator (PI). The reviewing PHRC Chairperson may not disapprove a research activity using the expedited review procedure; a research activity can only be disapproved by the PHRC at a convened meeting.

The reviewing PHRC Chairperson may consult another PHRC member(s) or a non-PHRC member consultant with special scientific or scholarly expertise in the scientific area or discipline or special population being studied; however the reviewing PHRC Chairperson is responsible for the review and approval of research using the expedited review procedure. When a consultant is used, the reviewing PHRC Chairperson or designee is responsible for communicating with the consultant and for verifying that the consultant does not have a conflict of interest as defined in the *Partners Conflicts of Interest Policy for IRB Members*.

When the reviewing PHRC Chairperson requires modifications in the research to secure approval or defers action pending receipt of additional information, the Human Research Office notifies the PI in writing of the required modifications or additional information required for review. The PI is asked to submit a point-by-point response and revised documents to the PHRC.

When received, the reviewing PHRC Chairperson reviews the PI's response, including revised documents, and determines whether the modifications have been made as requested and the research

can be fully approved. The reviewing PHRC Chairperson may continue to request additional modifications or information until the research is approved or referred for full board review at a convened meeting of the PHRC.

When the human-subjects research is reviewed using the expedited review procedure, the reviewing PHRC Chairperson is responsible for determining that all of the requirements set forth in 45 CFR 46.111 and, when applicable, 21 CFR 56.111 are satisfied.

When the human-subjects research is reviewed using the expedited review procedure, the date of expiration of PHRC approval is automatically set to one year from the date the PHRC Chairperson fully approves the research initially or one year from the anniversary date of the last continuing review approval if approved within 30 days prior to the current expiration date. The only exception is in the limited circumstances noted below. The expiration date is the first date the research is no longer approved by the PHRC.

Minimal risk research activities that fall within research category (5) of this policy (as determined by the PHRC) may be eligible to be approved for the period of two years from the date the PHRC Chairperson fully approves the research when all of the following apply to the research:

- No external funding of any type;
- No FDA-regulated products are involved;
- No NIH Certificate of Confidentiality has been issued; and
- No sponsor or other contractual requirement for more frequent review.

Independent verification of information provided at initial or continuing review, or for review of proposed changes in research during the period of approval may be requested by the reviewing PHRC Chairperson in the course of conducting the review. Such independent verification may be considered in the following situations:

- research being conducted by persons who have previously failed to comply with all regulations or requirements of the PHRC;
- research conduct that comes into question as a result of information provided at continuing review; or
- research in which substantial segments of the project are conducted off-site by Partners investigators or non-Partners collaborators.

Independent verification may include, but is not limited to the following sources of information:

- audits by the Human Research Quality Improvement Program;
- communications with the sponsor, collaborating institutions, coordinating centers, or regulatory agencies
- communications from any monitoring group, e.g., DSMB or DMC
- GCRC evaluations and reviews;
- NIH communications and reviews; and/or
- communications with collaborating IRBs.

Minor Changes in Approved Research

The reviewing PHRC Chairperson is responsible for reviewing and determining whether the proposed change (or amendment) is minor, and if minor, may review and approve the change using the expedited review procedure described above.

The proposed change is considered minor when the research meets all of the following criteria:

- the proposed change does **not** significantly alter the risk to benefit assessment the PHRC relied upon to approve the research;
- the proposed change does **not** significantly affect the safety of subjects;

- the proposed change does **not** involve the addition of procedures, interactions or interventions that add significant medical, social or psychological risks;
- the proposed change does **not** involve the addition of a vulnerable population in research not otherwise eligible for expedited review; and
- the proposed change does **not** significantly alter the scientific question or the scientific quality of the research.

The reviewing PHRC Chairperson documents approval using an Insight/eIRB review checklist that documents the rationale and basis for approving the change using the expedited review procedure. The reviewing PHRC Chairperson may request additional information from the PI to make this determination.

Notification of Principal Investigators, PHRC Members, and Institution

The Human Research Office is responsible for notifying the Principal Investigators in writing of PHRC approval of initial or continuing review, or proposed changes in research activities during the period of approval. The approval letter includes the date of expiration of PHRC approval. The expiration date is the first date the research is no longer approved by the PHRC.

The Human Research Office is responsible for preparing and distributing a report of all human-subjects research approved using the expedited review procedure, including initial and continuing review, and proposed changes in approved research during the period of PHRC approval. Reports are distributed on a monthly basis to the members of the IRBs registered to the institution responsible for reviewing the research.

Reports are made available to the Institutional Officials in a secure area on the Partners network. In addition, the Human Research Office provides individuals and/or departments within Partners with responsibility for some aspect of the human research protection program access to PHRC review information and protocols via the Insight Research Portal.

OTHER APPLICABLE PARTNERS HEALTHCARE POLICIES:

IRB Member Conflicts of Interest

Review of Human-Subjects Research at a Convened Meeting of the PHRC

Proposed Changes in PHRC-Approved Research and Exceptions

Continuing Review and Expiration of PHRC Approval

REFERENCE:

45 CFR 46

21 CFR 56

DEVELOPMENT AND CONSULTATION

Human Research Office