1. PURPOSE

1.1. This document establishes the definitions followed by the human research protection program at LSUHSC-NO (HSC).

2. REVISIONS FROM PREVIOUS VERSION

2.1. None

3. RESPONSIBILITIES

3.1. Individuals writing SOPs are to indicate terms defined in this SOP with a double underline.

3.2. Individuals writing SOPs are to update this SOP whenever new terms are introduced.

3.3. Individuals using SOPs are to consult this SOP for the definitions of double underlined terms.

4. POLICY/DEFINITIONS

4.1. Adverse Event (AE): An AE in research can be any unfavorable or unintended event, including abnormal laboratory findings, symptom or disease, or death associated with the research or the use of a medical investigational test article. An AE in research may occur even in the absence of any error or protocol deviation and does not necessarily have to be caused by any identifiable aspect of the research.

4.2. Allegation of Non-Compliance: An unproved assertion of Non-Compliance.

4.3. Case Report/Series: Medical case reports of 1-5 patients that fit the following criteria do not meet the federal definition of human subject research since the information in the case report is not considered generalizable knowledge. Therefore, clinicians at the HSC are not required to obtain IRB approval for medical case reports. The review of medical records for publication in such case reports, however, is subject to HIPAA rules and may require authorization from the patient to use the protected health information.

4.3.1. It is a description of medical observations or of an interesting medical condition, innovative treatment, presentation, disease progression or outcome

4.3.2. It relates to three or fewer patients

4.3.3. The patients are those treated by the clinician preparing the report

4.3.4. The report describes observations and is not presented as a systematic investigation designed to contribute to generalizable knowledge

4.3.5. The report contains no data analysis or testing of a hypothesis

4.4. Central IRB: The IRB of record that provides the ethical review for all sites participating in more multisite studies. The sites are usually in a consortium, a network or a particular program.

4.5. Certification: The official notification by the institution to the supporting Federal department or agency component that a research project or activity involving human subjects has been reviewed and approved by an IRB in accordance with an approved assurance.

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4.7. Clinical Trial: A prospective biomedical or behavioral research study of human subjects that is designed to answer specific questions about biomedical or behavioral interventions (drugs, treatments, devices, or new ways of using known drugs, treatments, or devices). Clinical trials are used to determine whether new biomedical or behavioral interventions are safe, efficacious, and effective.

4.8. Collaborative Study: A study in which two or more institutions coordinate to complete portions of the

research activities outlined in a specific protocol.

4.9. Conflicting Interest: An individual involved in research review is automatically considered to have a conflicting interest when the individual or the individual's spouse, domestic partner, children, and dependents have any of the following interests in the sponsor, product or service being tested, or competitor of the sponsor held by the individual or the individual's immediate family:

4.9.1. Involvement in the design, conduct, or reporting of the research.

4.9.2. Ownership interest, stock options, or other ownership interest of any value exclusive of interests in publicly-traded, diversified mutual funds.

4.9.3. Compensation of any amount in the past year or of any amount expected in the next year, excluding compensation for costs directly related to conducting research.

4.9.4. Proprietary interest including, but not limited to, a patent, trademark, copyright or licensing agreement.

4.9.5. Board or executive relationship, regardless of compensation.

4.9.6. Reimbursed or sponsored travel by an entity other than a federal, state, or local government agency, higher education institution or affiliated research institute, academic teaching hospital, or medical center.

4.9.7. Any other reason for which the individual believes that he or she cannot be independent.

4.10. Continuing Non-Compliance: A pattern of Non-Compliance that suggests the likelihood that, without intervention, instances of Non-Compliance will recur, a repeated unwillingness to comply, or a persistent lack of knowledge of how to comply.

4.11. Designated Reviewer: The IRB chair or an Experienced IRB Member designated by the IRB chair to conduct Non-Committee Reviews.

4.12. DHHS: Department of Health and Human Services.

4.13. Data Safety and Monitoring Committee/Data Safety and Monitoring Board (DSMC/DSMB): A committee of clinical research experts, such as physicians and statisticians, and patient advocates who monitor the progress of a clinical trial and review safety and effectiveness data while the trial is ongoing. This committee is independent of the people, organizations, and institutions conducting the clinical trial. This committee can recommend that a trial be stopped early because of concerns about participant safety or because the main research question has been answered.

4.14. Experienced IRB Member: An IRB member is considered experienced if the IRB chair considers the IRB member to have sufficient experience in and knowledge of conducting IRB reviews.

4.15. Expiration Date: The first date that the protocol is no longer approved. The date after the end date of the approval period.

4.16. External IRB: An IRB from an external institution or organization that the HSC IRB may rely on for the ethical review of Human Research.

4.17. FDA: Food and Drug Administration

4.18. Finding of Non-Compliance: Non-Compliance in fact

4.19. HRPP: Human Research Protection Program.

4.20. Human Research: Any activity that either:[1]

4.20.1. Is Research as Defined by DHHS and involves Human Subjects as Defined by DHHS; or

4.20.2. Is Research as Defined by FDA and involves Human Subjects as Defined by FDA.

4.21. Human Subject as Defined by DHHS: A living individual about whom an investigator (whether

professional or student) conducting research obtains (1) data through Intervention or Interaction with the individual, or (2) information that is both Private Information and Identifiable Information. For the purpose of this definition:

4.21.1. Intervention: Physical procedures by which data are gathered (for example, venipuncture) and manipulations of the subject or the subject's environment that are performed for research purposes.

4.21.2. Interaction: Communication or interpersonal contact between investigator and subject.

4.21.3. Private Information: Information about behavior that occurs in a context in which an individual can reasonably 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 (for example, a medical record).

4.21.4. Identifiable Information: Information that is individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the investigator or associated with the information).

4.22. Human Subject as Defined by 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 human or a patient. A human subject includes an individual on whose specimen an investigational medical device is used. When medical device research involves in vitro diagnostics and unidentified tissue specimens, the FDA defines the unidentified tissue specimens as human subjects.

4.23. Immediate Family: Spouse, domestic partner; and dependent children.

4.24. Impartial Witness: A person, who is independent of the study, who cannot be unfairly influenced by people involved with the study, who attends the informed consent process if the subject or the subject's legally acceptable representative cannot read, and who reads the informed consent form and any other written information supplied to the subject to affirm the completeness of the consent process.

4.25. Independent Monitor: A person not involved with the research assigned by the IRB or Institutional Official or designee to verify that (a) the rights and well-being of human subjects are protected; (b) the reported trial data are accurate, complete, and verifiable from source documents; and (c) the conduct of the trial is in compliance with the currently approved protocol/amendment(s), with GCP, and with the applicable regulatory requirement(s).

4.26. Institutional Official/Organizational Official (IO/OO): The Institutional Official/Organizational Official (IO/OO) has the authority to take the following actions or delegate these authorities to a designee:

4.26.1. Ensure that the HRPP has sufficient resources, including IRBs appropriate for the volume and types of Human Research to be reviewed, so that reviews are accomplished in a thorough and timely manner.

4.26.2. Determine what IRBs the Institution will rely upon.

4.26.3. Ensure that the research review process is independent and free of undue influence.

4.26.4. Create policies and procedures related to the HRPP that are binding on the Institution.

4.27. Institutional Profile: A record of information an institution keeps about another collaborating institution/organization for one or more Collaborating Studies or Multi-Site Studies.

4.28. IRB of Record: The IRB that is responsible for the ethical review of Human Research on behalf of an institution/organization or individual investigator.

4.29. Legally Authorized Representative (LAR): An individual or judicial or other body authorized under

applicable law to consent on behalf of a prospective subject to the subject's participation in the procedures(s) involved in the research.

4.29.1. If there is no applicable law addressing this issue, then this individual is recognized by institutional policy as acceptable for providing consent in the non-research context on behalf of the prospective subject to the subject's participation in the procedure(s) involved in the research.

4.29.2. See "SOP: Legally Authorized Representatives, Children, and Guardians (HRP-013)" for who may serve as a Legally Authorized Representative at this institution

4.30. Minimal Risk: The probability and magnitude of harm or discomfort anticipated in the research that 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.[2]

4.30.1. For research involving prisoners Minimal Risk is the probability and magnitude of physical or psychological harm that is normally encountered in the daily lives, or in the routine medical, dental, or psychological examination of healthy persons.

4.30.2. When following Department of Defense regulations, the definition of minimal risk based on the phrase "ordinarily encountered in daily life or during the performance of routine physical or physiological examination or tests" shall not be interpreted to include the inherent risks certain categories of human participants face in their everyday life. For example, the risks imposed in research involving human participants focused on a special population should not be evaluated against the inherent risks encountered in their work environment (e.g., emergency responder, pilot, soldier in a combat zone) or having a medical condition (e.g., frequent medical tests or constant pain).

4.31. Multi-Site Study: A study which uses the same protocol to conduct non-exempt human subjects research at more than one site, with each site completing all research activities outlined the protocol.

4.32. Non-Committee Review: Any of the following:

4.32.1. Determination of whether an activity is Human Research.

4.32.2. Determination of whether Human Research is exempt from regulation.

4.32.3. Reviews of non-exempt research using the expedited procedure.

4.32.4. Determinations of which subjects can continue to be treated when research has lapsed in IRB approval.

4.33. Non-Compliance: Failure to follow the regulations, or the requirements or determinations of the IRB.

4.33.1. In the case of research funded or conducted by the Department of Defense (DOD), Non-Compliance includes failure of a person, group, or institution to act in accordance with Department of Defense (DOD) instruction 3216.02, its references, or applicable requirements

4.34. Participating Site: An institution that participates in a Multi-Site Study or a Collaborative Study.

4.35. Prisoner: Any individual involuntarily confined or detained in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute, individuals detained in other facilities by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in a penal institution, and individuals detained pending arraignment, trial, or sentencing.

4.35.1. For Department of Defense (DOD) research the term includes military personnel in either civilian or military custody.

4.36. Protected Health Information: Individually identifiable health information that is (1) transmitted by

electronic media; (2) maintained in electronic media; and, (3) transmitted or maintained in any other form or medium. For purposes of this definition, protected health information excludes individually identifiable health information in: (a) educational records covered by the Family Educational Rights and Privacy Act; (b) records maintained by an educational agency or institution, or by a person acting for such agency or institution, on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice; and (c) employment records held by a covered entity in its role as an employer.

4.36.1. Individually Identifiable Health Information: Information that is a subset of health information, including demographic information collected from an individual, and

4.36.2. Is created or received by a health care provider, health plan, employer, or health care clearinghouse and;

4.36.3. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and

4.36.3.1. That identifies the individual; or

4.36.3.2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

4.37. Reportable New Information: Information that becomes known during the course of a research study that will need to be reported to the IRB in a timely, meaningful way so that research participants can be protected from avoidable harms. This information may be Unanticipated Problems Involving Risk to Subjects or Others (UPIRSOs) and/or Non-compliance.

4.38. Related to the Research: A financial interest is Related to the Research when the interest is in:

4.38.1. A sponsor of the research;

4.38.2. A competitor of the sponsor of the research;

4.38.3. A product or service being tested; or

4.38.4. A competitor of the product or service being tested.

4.39. Research as Defined by DHHS: A systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

4.40. Research as Defined by FDA: Any experiment that involves a test article and one or more Human Subjects, and that meets any one of the following:

4.40.1. Must meet the requirements for prior submission to the Food and Drug Administration under section 505(i) of the Federal Food, Drug, and Cosmetic Act meaning any use of a drug other than the use of an approved drug in the course of medical practice;

4.40.2. Must meet the requirements for prior submission to the Food and Drug Administration under section 520(g) of the Federal Food, Drug, and Cosmetic Act meaning any activity that evaluates the safety or effectiveness of a device; OR

4.40.3. Any activity the results of which are intended to be later submitted to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing

permit.

4.41. Restricted: Applies to investigators who are delinquent in meeting IRB requirements.

4.42. Serious Non-Compliance: Serious noncompliance can be defined as failure to comply with regulations, university policies, or the requirements/determinations of the IRB, when, in the judgment of the institution, such failure substantially increases risks to subject welfare/safety, subject rights, or data integrity. Serious noncompliance may also involve compromising the effectiveness of UM's human subject research protection program

4.42.1. For Department of Defense (DOD) research Serious Non-Compliance includes failure of a person, group, or institution to act in accordance with Department of Defense (DOD) Instruction 3216.02 and its references such that the failure could adversely affect the rights, safety, or welfare of a human subject; place a human subject at increased risk of harm; cause harm to a human subject; affect a human subject's willingness to participate in research; or damage or compromise the scientific integrity of research data.

4.43. Suspension of IRB Approval: An action of the IRB, IRB designee, Institutional Official, or designee of the Institutional Official to temporarily or permanently withdraw IRB approval of some or all research procedures short of a Termination of IRB Approval. Suspended studies remain open and are subject to continuing review.

4.44. Termination of IRB Approval: An action of the IRB, IRB designee, Institutional Official, or designee of the Institutional Official to permanently withdraw IRB approval of all research procedures. Terminated studies are permanently closed and no longer require continuing review.

4.45. Unanticipated Problem Involving Risks to Subjects or Others: Any information that is (1) unanticipated and (2) indicates that subjects or others are at increased risk of harm.

4.45.1. Is unexpected (in terms of nature, severity, or frequency) given the procedures described in the research protocol documents (e.g., the IRB-approved research protocol and informed consent document) and the characteristics of the human subject population being studied.

4.45.2. Is related or possibly related to participation in the research (in this Instruction, possibly related means there is a reasonable possibility that the incident, experience, or outcome may have been caused by the procedures involved in the research).

4.45.3. Suggests that the research places human subjects or others at a greater risk of harm (including physical, psychological, economic, or social harm) than was previously known or recognized, even if no harm has actually occurred.

4.46. Ward. A child who is placed in the legal custody of the state or other agency, institution or entity, consistent with applicable federal, state or local law.

4.47. Withdrawal of Subjects: Subjects who signed the consent, but later are withdrawn from the study, either before or after receiving a study drug, device or intervention. This includes screen failures if subjects signed consent prior to screening.

5. PROCEDURE

5.1. None

6. MATERIALS

6.1. None

7. REFERENCES

7.1. 45 CFR §46.102.

7.2. 21 CFR §50.3, 21 CFR §56.102, 21 CFR §312.3, 21 CFR §812.2(a), 21 CFR §812.3(p)

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[1] The terms "Human Subject Research," "Research Involving Human Subjects," "Clinical Research," "Clinical Investigation," "Clinical Study" and similar phrases are considered to be synonyms for the term Human Research.

[2] The phrase "ordinarily encountered in daily life or during the performance of routine physical or physiological examinations or tests" should not be interpreted to include the inherent risks certain categories of subjects face in their everyday life. For example, the risks imposed in research involving human subjects focused on a special population should not be evaluated against the inherent risks encountered in their environment (e.g., emergency responder, pilot, soldier in a combat zone) or having a medical condition (e.g., frequent medical tests or constant pain).