

Complex Institutional Relationships

*Lessons Learned from Experiences within
The NIH Intramural Research Program*

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Disclosure: Sara C. Hull, PhD

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NIH Intramural Research Program



Intramural Research Program
Our Research Changes Lives



SEARCH MENU

What Is the IRP?

The Intramural Research Program (IRP) is the internal research program of the National Institutes of Health (NIH), known for its synergistic approach to biomedical science.

With approximately 1,200 Principal Investigators and more than 4,000 Postdoctoral Fellows conducting basic, translational, and clinical research, the IRP is the largest biomedical research institution on earth.

Its unique funding environment means the IRP can facilitate opportunities to conduct both long-term and high-impact science that would otherwise be difficult to undertake.

More than 50 buildings on NIH campuses are devoted to the research enterprise, from state-of-the-art animal care facilities to homes for 7-Tesla MRIs and confocal microscopes, to a neurosciences cluster designed to foster collaborations across disciplines. Our [240-bed research hospital](#) is devoted to clinical research protocols.



Sources of sIRB-Related Complexity

- Policy and Legislation
 - Privacy Act vs. HIPAA; GINA vs. DoD Protections
 - Federal vs. American Indian/Alaska Native
- Institutional Culture
 - Intramural vs. extramural; NHGRI vs. other 26 ICs
 - DHHS vs. DoD
- Habits
 - Risk level determinations for common procedures
 - “The way we’ve always done it.”

New Pathways for Collaboration Required



Exceptions and Respect for Sovereignty

PRIMR Webinar

Preserving a Role for Tribal Review of Research
in the Context of Single IRB Policies

Tuesday, September 20 • 1:00-2:30 PM ET



<http://www.primr.org/webinars/sept2016/>

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Before there were single IRB “mandates” ...

“Creates a requirement for US-based institutions engaged in cooperative research to use a single IRB for that portion of the research that takes place within the United States, with certain exceptions. This requirement becomes effective 3 years after publication of the final rule.”

<https://www.federalregister.gov/documents/2017/01/19/2017-01058/federal-policy-for-the-protection-of-human-subjects>

Final NIH Policy on the Use of a Single Institutional Review Board for Multi-Site Research

Notice Number: NOT-OD-16-094

Key Dates

Release Date: June 21, 2016

Effective Date: New Date - January 25, 2018 as per issuance of [NOT-OD-17-076](#)

..we tried the “voluntary” approach

- UDN Funding Opportunity Announcements
 - Coordinating Center
 - *“Applicants should describe...their experience with and proposals for putting into operation a central IRB.”*
 - Clinical Sites
 - *“Applicants should also describe their experience with a central IRB. The network will use a central IRB to accelerate IRB approval of network-wide protocols. Applicants and their institutions should indicate their willingness to participate in a network that uses a central IRB.”*

TUTORIAL

Implementing the Single Institutional Review Board Model: Lessons from the Undiagnosed Diseases Network

Kimberly Splinter^{1,*}, Sara Chandros Hull^{2,3}, Ingrid A. Holm^{4,5}, Tara L. McDonough³, Anastasia L. Wise³, Rachel B. Ramoni⁶
and Members of the Undiagnosed Diseases Network

“Notably, a single IRB does not mean simply reducing the IRB process to a single institution; it requires that the processes and infrastructure be reengineered to support the new paradigm. There are some shifts that can be made on an individual level, including dedicating personnel to IRB coordination activities and involving coordinating centers to help navigate changing requirements.”

Boilerplate and Institutional Policy



The American Journal of Bioethics

ISSN: 1526-5161 (Print) 1536-0075 (Online) Journal homepage: <https://www.tandfonline.com/loi/uajb20>

Single IRBs Are Responsible to Ensure Consent Language Effectively Conveys the Local Context

Sara Chandros Hull & Adam I. Schiffenbauer

Case Report

The Limitations of “Boilerplate” Language in Informed Consent: Single IRB Review of Multisite Genetic Research in Military Personnel

Benjamin S. Wilfond  Jennifer Zabrowski & Liza M. Johnson

Pages 81-82 | Published online: 17 Apr 2019

A Role for Research Ethics Consultation



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Clinical & Research Ethics Services

Bioethics Consultation Service

Ethics consultation is one of the major ways, along with teaching and making policy recommendations, that ethicists serve health care organizations.

Purpose:

The purpose of the service is to improve the process and outcomes of clinical care and clinical research at times when ethical quandaries arise by addressing distressing concerns and questions, and assisting with identification and analysis of ethical issues.

A Role for Research Ethics Consultation

- “[T]his case underscores a potential role for research ethics consultation as a resource for single IRBs who are facing the challenge of interpreting local context requirements.
 - Specialized expertise
 - Facilitated conversations





U.S. ARMY COMBAT CAPABILITIES DEVELOPMENT COMMAND – ARMY RESEARCH LABORATORY

Complex Institutional Relationships – Going beyond the multi-site
model

Theresa M. Straut, CIP, RAC
Human Protection Administrator
CCDC ARL

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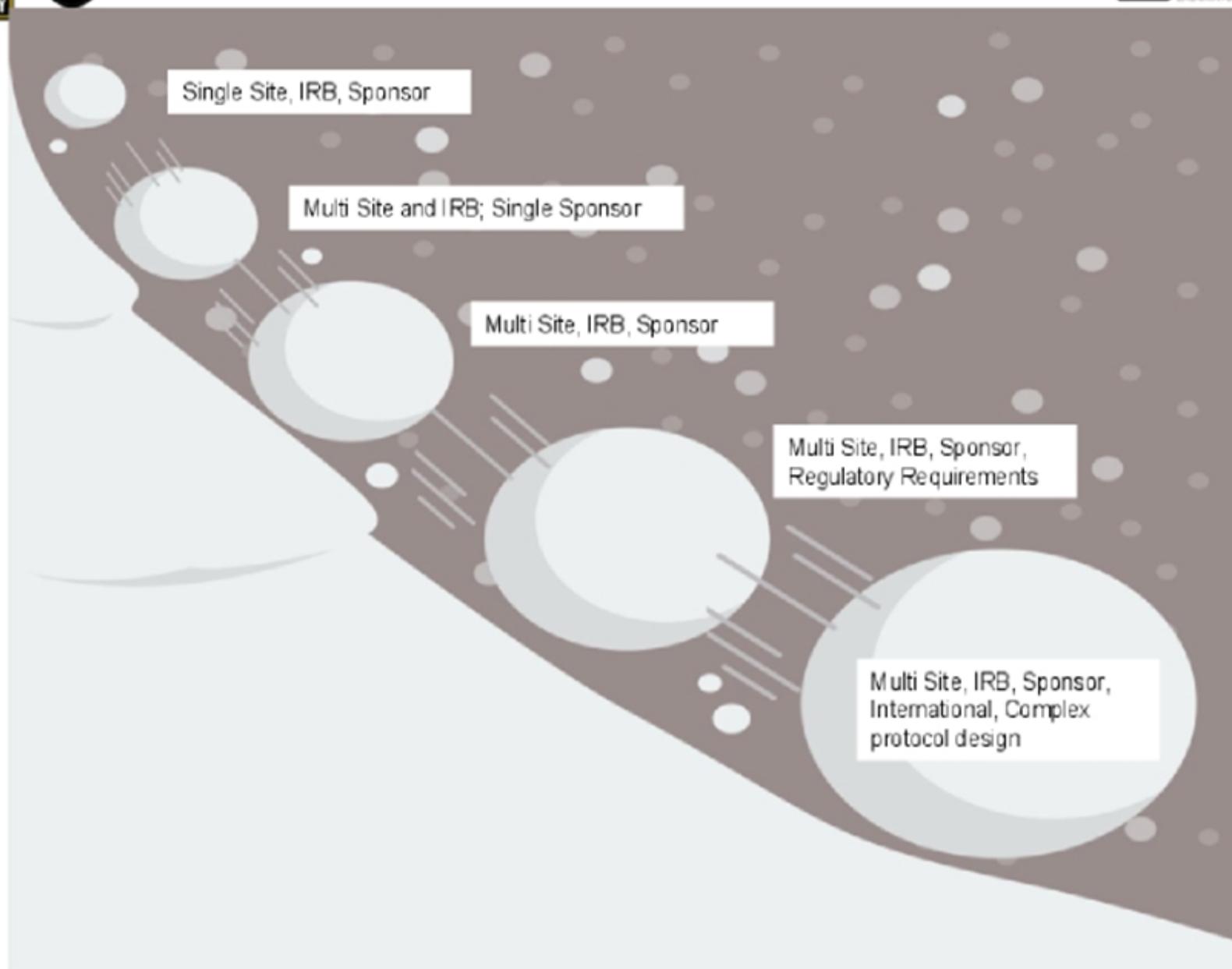
OBJECTIVES



- Learn to balance institutional requirements and local context with single IRB review.
- Learn to navigate the complex regulatory landscape that exists when institutions have different requirements
- Learn about the importance of a well-constructed reliance agreement and how this agreement can be a useful tool for facilitating research collaborations.



CHANGING LANDSCAPE





INCREASING COMPLEXITY



Research conducted locally. One investigator, one location, one IRB.

Sponsored research conducted across the U.S. Multiple investigators, multiple IRBs. Single sponsor requirements.

Multiple sponsors (government, industry, academics, etc), multi site studies. Single general timeline. Multiple sponsor requirements. Multiple IRBs.

International research, multiple funding sources (grants, cooperative agreements, contracts), investigators operating out of multiple sites, investigators from industry, academia, and government, non-traditional protocol structure. Multiple "everything".

Determining who does what and who has oversight is increasingly complicated. Can be difficult for investigators to navigate all the requirements.



IIRBs/HRPPs can benefit from a collaborative model just like investigators.

NIH Single IRB Review: Considering Local Requirements - Sara Hull

VA Future IRB Model Consideration and Challenges - Molly Klote

Institute for Creative Technology: Collaboration between USC and CCDC ARL - Kristen Craun

Disclosure: Molly Klote, MD, CIP

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Molly Klote, MD, CIP

Director, Office of Research Protection, Policy and Education, Veterans Health Administration

(Optional) Presenter Bio/Photo



Dr Molly Klote joined the VHA in Oct 2018 and serves as Director, Office of Research Protection, Policy, and Education within the Office of Research and Development. She has led and improved research regulatory matters for over 10 years. She was a researcher in immunodeficiency and vaccines. She is a retired Army physician who oversaw human subjects protection for the Army prior to her retirement. She has chaired 3 IRBs, and served as a research department chief at the Walter Reed National Military Medical Center. She is a Certified IRB Professional.

Single IRB Review Complicating Relationships



We have known this was coming for three years...

- Why are we still complaining?
- Everything we read talks about the upside for Industry and the researchers....
- What about the administrators and Institutions?
- Increases workload on local facilities
 - Questionable savings in time and effort
 - Most institutions are not giving up their own IRB



Local Requirements Virtually Unchanged

- Local site has to do local admin review + (PLUS)
 - Provide the reviewing IRB with state and local laws
 - Provide the reviewing IRB with any local context issues
 - Learn multiple new operating system (as applicable)
 - Lose control over process
 - Document the Agreement IAW 103(e) and .115 (a)(9)

.103(e) Compliance – 3 Choices

- (1) Developing a written agreement between the institution and the IRB; (preamble estimate of 15 hours – per institution/per agreement)
- (2) implementing an institution-wide policy directive providing the allocation of responsibilities between the institution and an IRB that is not affiliated with the institution; or
- (3) describing the allocation of responsibilities in a research protocol

.115(a)(9)

- institutions **or** IRBs retain this written agreement or other procedures undertaken to ensure compliance with the requirements of this policy,
- You better negotiate the “or” in the agreement
 - **ProTIP:** Make it an “AND”



Who picks the reviewing IRB

- .114 (b)(1) allows:
 - the Federal Department or Agency supporting or conducting the research to choose the reviewing IRB, yet,
 - allows lead institutions to propose the reviewing IRB (with concurrence from the Federal Department or Agency)
- What if multiple Federal Agencies are funding?



One IRB is not another IRB

- How can I be sure the IRB is competent?
- What is the particular expertise of the IRB for the study you are doing?
- How far do we go?
 - Ask for their IRB SOP?
 - Ask for their IRB roster?
 - Ask to audit the IRB?

TRUST BUT VERIFY!



Scrutinizing Agreements

- Indemnification clauses (hold harmless)
 - Will the IRB take responsibility if your institution is sued over a decision you relied on?
 - One way or two way indemnification?
- Insurance requirements
 - Both parties need insurance
- Are you allowed to audit?
- How transparent is the review process?
- These agreements can be long and complicated



Reviewing IRB carries the responsibility

- Relying Institution is theoretically not culpable for regulatory mistakes made by the reviewing IRB
 - Court of Public Opinion – may be otherwise
- This has not yet been tested - what does it mean for the reviewing IRB to be held accountable
- New common rule theoretically places any regulatory mistakes on the IRB

The reviewing IRB is responsible:

.101(a) “Institutions that are engaged in research described in this paragraph and institutional review boards (IRBs) reviewing research that is subject to this policy must comply with this policy.”

Translation: We can now hold IRBs not operated by an FWA-holding institution directly responsible for compliance when appropriate.



Variations in State Laws

- For multi-State Research:
 - Sites are to provide the applicable state and local laws
 - How is the IRB supposed to know if the information is correct?
 - How is your staff keeping current with applicable laws?
 - No National Database of State laws
 - Some commercial IRBs have them but they are proprietary

Flip Side: Reviewing IRB risk

- The reviewing IRB is subject to reputational risk by getting involved
 - IRB does not directly oversee the conduct of the project
- Once you take on the responsibility of the IRB review, you can't "fire" the site without finding another IRB to take over – especially in cases of clinical studies.
 - "I don't have anywhere else to go."
 - You can't close the study because it is interventional and will put subjects at risk."

Changing a multi-site to a MULTI-SITE

- IRB initially told a few sites
 - Workload calculated and accepted
- Project adds 10 more sites
 - Can the IRB refuse?
 - Can the IRB charge more?
 - What does the agreement state?

Variations in Responsibilities

Institution

- Feasibility
- Impact
- Disclosures
- Oversight of Conduct
- Reporting

▪ IRB

- Workload
- Expertise
- Review/Oversight

Questions?

Thank You

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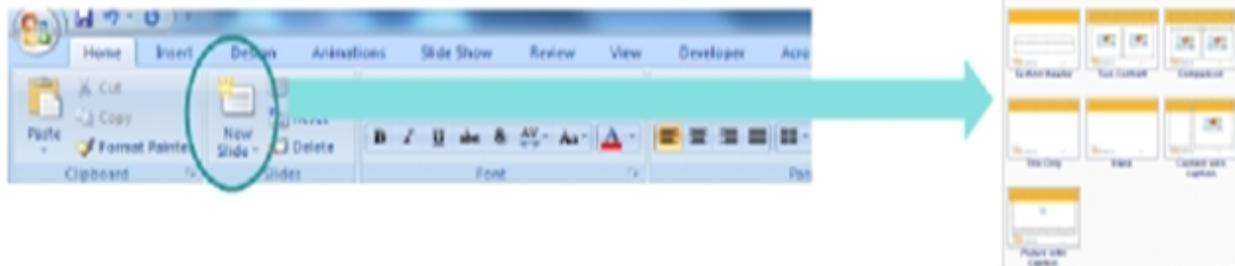


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Disclosure: [Kristin Craun]

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Presenter Bio/Photo



Kristin Craun is the Director of the University of California Los Angeles (UCLA) Office of the Human Research Protection Program (OHRPP)

University of Southern California (USC)

- USC Institute of Creative Technologies
 - Established in 1999, ICT is a DoD-sponsored University Affiliated Research Center (UARC) working in collaboration with the [U.S. Army Research Laboratory](#).
 - Leaders in the artificial intelligence, graphics, virtual reality and narrative communities are working to advance immersive techniques and technologies to solve problems facing service members, students and society

University of Southern California (USC)

- Research projects explore and expand how people engage with computers, through virtual characters, video games and simulated scenarios. ICT is a recognized leader in the development of virtual humans who look, think and behave like real people.

Challenges

- Research that is funded by the DoD
- Compliance with DoD, OHRP, and USC Institutional regulations/policy
- Research that does not neatly fit into the mold of human subject protection regulations
- Confusion and Frustration for researchers and IRB staff/Chair/committee

Example:

- Army Research Lab requirement of an HRPO review for all external research
 - Separate from the USC IRB review
 - Regulatory Review
 - Research may not begin until the study undergoes HRPO review
- USC research community and USC HRPP was not fully unaware of the HRPO review requirement or what information needed to be submitted

Collaboration

- Due to potential non-compliance the USC HRPP and ARL HRPP needed to come together and educate each other and the research community
 - Scheduled annual in-person education sessions with USC and ARL HRPP and research staff at ICT
 - Developed guidance documents as to what is required for USC and ARL and where items differed
 - Shared this information in person with the USC ICT researchers
 - Allowed USC and ARL HRPP's to establish a continued collaborative relationship

Continued Collaboration

- ARL West opened in 2016
 - Partnerships continue with USC, the University of California Los Angeles (UCLA) as well as UC Santa Barbara, UC Irvine and UC Riverside

Questions?

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