GREENVILLE HEALTH SYSTEM

Informed Consent

For Now
& What's Next

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Research Education Series
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Objectives

- Provide a review of current requirements for informed consent
- Consent issues around vulnerable populations
- Consent waiver clarification
- Biospecimen consent

Informed Consent

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- The Definition:

"A process by which a subject voluntarily confirms his or her willingness to participate in a particular trial after having been informed of all aspects of the trial that are relevant to the subject's decision to participate. Informed consent is documented by means of a written, signed, and dated informed consent form."

FDA's Guidance for IndustryE6 Good Clinical Practice: Consolidated Guidance, Section 1.28

Informed Consent

- The Ethics
  - Autonomy/Respect for Persons

    "respect for persons incorporates at least two ethical convictions: first, that individuals should be treated as autonomous agents; and second, that persons with diminished autonomy are entitled to protection…"

    Belmont Report

  The Principle of respect for persons is applied in the consent process

Required Elements

- A statement that the study involves research
- An explanation of the purpose of the study
- The expected duration of participation
- A description of the procedures to be followed and identification of any procedures which are experimental
- A description of any reasonable foreseeable risks of discomforts
- A description of any benefits to the subject or to others which may be reasonably expected

Required Elements, cont'd

- Disclosure of alternative procedures or courses of treatment
- A statement describing the extent, if any, to which the confidentiality of records will be maintained
- Any compensation or support for participation
- Explanation of treatment available if injury occurs
- Who to contact for answers to questions about the research and research subjects' rights

Required Elements, cont'd

- A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without penalty or loss of benefits to which they are entitled

Additional Elements

- A statement that a particular treatment or procedure may involve risks to the subject (or embryo or fetus), which are currently unforeseeable
- Circumstances under which the subject's participation may be terminated by the investigator without regard to the subjects consent
- Any additional costs to the subject that may result from participation in the research
- Consequences of withdrawal from the research and procedures for termination
- Statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue to participate will be provided
- Approximate number of subjects to be involved in the study

Other Issues for Consideration

- Specific safety risks
- Conflict of interest
  - Specific management plans
  - Who should be facilitating the “informed” part of this process
- March 2011 – Clinicaltrials.gov requirement
- In some places – emergency procedures with contact information

The Document

- Commonly used words
- Avoid words with more than 3 syllables
- Use bullets, headings, short paragraphs, and lots of white space
- Use an easily readable font
- Justify the left margin
- Consider an FAQ sheet to accompany the consent form
- Test it before using it -- read it out loud your self or listen to someone read it out loud

The Process

- Person or persons obtaining the consent must be sufficiently trained and knowledgeable about the study to answer questions
- Any individual obtaining consent can unintentionally influence a subject's decision to participate
- Where will the consent process take place
- When – consider timing
- Consider additional aids for complex studies

Minimal Risk Informed Consent Models

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- Must still comply with 45 CFR 46.116
  - Nature and purpose of research
  - Participation is voluntary
  - Research procedures
  - Benefits to participation
  - Alternatives to participation (if applicable)
  - Privacy and confidentiality
  - You can change your mind

The New Rule

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??????????

Documentation of Consent

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45 CFR 46.117

- Must be IRB-approved before use
  - Long form: embodies the required/applicable additional elements in §46.116
  - Short form: required elements given verbally. Signed by participant *and a witness*
    - A summary of what will be presented with the short form must be IRB-approved; *signed by a witness* and by the person obtaining consent

- Copy provided to participant

- Participant/LAR given sufficient time to read it and ask questions

Waivers of Consent

Waiver of the *process* vs. waiver of the *signed form*

Waiving the process:
45 CFR 46.116 (d)

- Research involves no more than minimal risk to participants
- Waiver will not adversely participants' rights and welfare
- Research could not practicably be carried out without the waiver
- When appropriate, participants will be provided with pertinent information after participation

Waivers of Consent

Waiver of the *process* vs. waiver of the *signed form*

Waiving the signed form:
45 CFR 46.117 (c)

- The only record linking the participant to the study would be the consent form and the principal risk is a breach of confidentiality, OR
- Research involves no more than minimal risk and involves no procedures for which written consent is normally required outside of the research context

- The IRB may require that participants be provided with a written statement (i.e., information sheet) about the research
  - Information sheet: Contains required elements of consent, explanation of the study

HIPAA and Research

- Common Rule: governs *research* (including consent requirements)
  - Regulations applied by Institutional Review Boards
- HIPAA: governs privacy of *protected health information* (PHI)
  - Regulations applied by Privacy Boards or by IRBs
- For *research* involving *PHI* (i.e., clinical research), both the Common Rule and HIPAA regulations apply
- At GHS, the IRB also functions as the Privacy Board for clinical research
- Using PHI in research requires either:
  - Patient's specific authorization (included in consent form)
  - Waiver of specific authorization (granted by the IRB)

HIPAA and Research

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Common Rule ≠ HIPAA

SO

Consent waiver ≠ HIPAA waiver!

HIPAA Waiver

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An IRB/Privacy Board can waive a HIPAA research authorization when:

- PHI use/disclosure involves no more than minimal risk to patients, because:
  - *There is an adequate plan to protect PHI from improper use or disclosure*
  - *There is an adequate plan to destroy identifiers at the earliest opportunity*
  - *There is written assurance that the PHI will not be reused or disclosed to any other person or entity*
- Research could not practicably be conducted without the waiver
- Research could not practicably be conducted without access or use of the PHI

Research Involving Children

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45 CFR 46.401 – §46.409 ("Subpart D")

Assent: A child's affirmative agreement to participate in research. *Mere failure to object should not, absent affirmative agreement, be construed as assent*.

IRB Responsibilities: Determine that adequate provisions are made for soliciting the assent of the children, when in the judgment of the IRB the children are capable of providing assent.

- Based on the ages, maturity, and psychological state of children participating in the study

Research Involving Children

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Parental Permission: Agreement of parent(s) or guardian(s) to the participation of their child or ward in research.

IRB Responsibilities: Determine that adequate provisions are made for soliciting the permission of each child's parents or guardian.

1 parent: Research involving minimal risk, **OR** research greater than minimal risk but presenting a prospect of direct benefit to the individual subject.

2 parents: Greater than minimal risk with no prospect of direct benefit to the child but likely to yield important generalizable knowledge, **OR** research not otherwise approvable but presenting an opportunity to understand, prevent, or alleviate a serious problem affecting the health and welfare of children.

Waivers of Assent

- Assent can be waived by the IRB under the same circumstances that consent can be waived

- The IRB can also waive the requirement for assent if:
  - *A child's capacity is so limited that they cannot reasonably be consulted,* ***OR***
  - *The research holds out a prospect of direct benefit that is important to the health or well-being of the child and is available only in the context of the research*

Specimen Storage Consent

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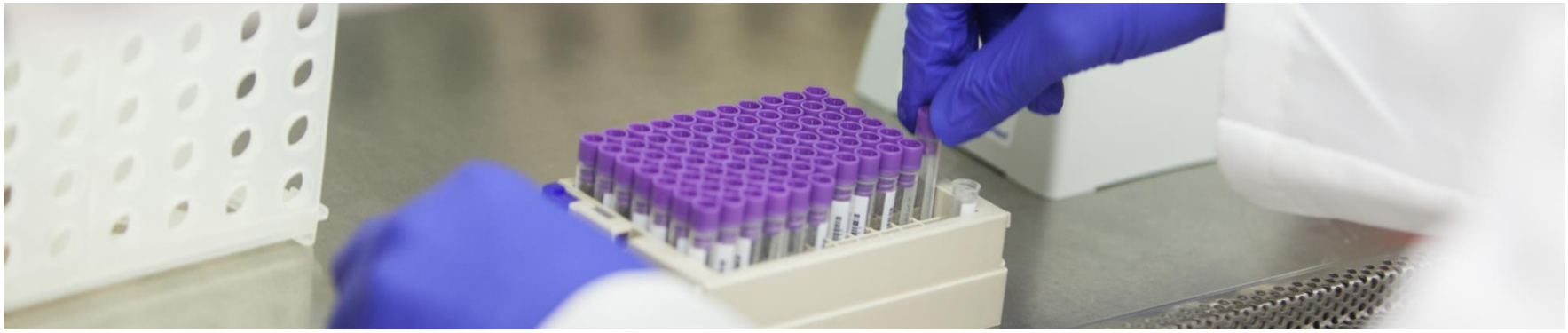
Creation of a repository with identifiable specimens is *Human Subjects Research*



…therefore, Common Rule applies and proper consent is required

New Common Rule

45 CFR 46.116.b(9)

- **New** basic element of consent
  - *Must* include statement about any research that involves the collection of identifiable private information or identifiable biospecimens and future research use
    - Could the information be used for future research?
    - Identifiability?

Study Specific Consent Including Biospecimens

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Four Options/Scenarios for Specimen Research:

1. Remove identifiers from specimen and use for future research use
2. Use the entire specimen for specific study, or destroy specimens after specific study
3. Specific study requires identifiable specimens be stored for future research to participate
4. Specific study makes it optional to store identifiable specimens for future research

Study Specific Consent Including Biospecimens

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Four Options/Scenarios for Specimen Research:

1. Remove identifiers from specimen and use for future research use
   (One Consent Form)
2. Use the entire specimen for specific study, or destroy specimens after specific study
   (One Consent Form)
3. Specific study requires identifiable specimens to be stored for future research
   (One Consent Form)
4. Specific study makes it optional to store identifiable specimens for future research
   (Two Consent Forms)

Identifiable Specimen Storage Consent Elements

- Include all *basic required elements:*
  - Purpose
    - *Who* will manage specimens and who will have access
    - *What* specimen(s) and information will be stored
    - *Where* will the specimen(s) be going
    - *When* – how long will the specimen(s) be retained (i.e. 5 years, indefinitely, until used, etc.)
    - *Why*- explain if future research use is known; or explain it is unknown
  - Risks & Benefits
  - Alternatives
  - Costs
  - Confidentiality
  - Contact information
    - Could the participant be re-contacted for future research use?
  - Voluntary

Identifiable Specimen Storage Consent Elements

- Include all *additional appropriate elements:*
  - Explain potential commercial profit and whether the participant will share in this profit
  - Explain whether clinically relevant research results, including individual results, will be shared with participants… and if so, under what conditions
  - Explain if future research does/could include whole genome sequencing and/or genetic testing

Uploading Consent Forms in eIRB

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CONSENT TO PARTICIPATE IN A RESEARCH STUDY

LIST COMPLETE TITLE HERE

*Note: Highlighted sections are instructions/prompts to the investigator and **should be removed** from the final version of the consent form. Use lay language at a 6th grade reading level.*

Study to be Conducted at: *List each facility name*
Address
City, State Zip

Sponsor Name: *List sponsor name here (if applicable)*

Principal Investigator: *List PI name and telephone number*

If your study includes children, use the following statement:

For legal guardians of minors, please note that any words referring to "you" (such as I, me, myself, you, your, yourself) also refer to "your child" throughout this consent form. Permission from you is required for your child to participate in this study.

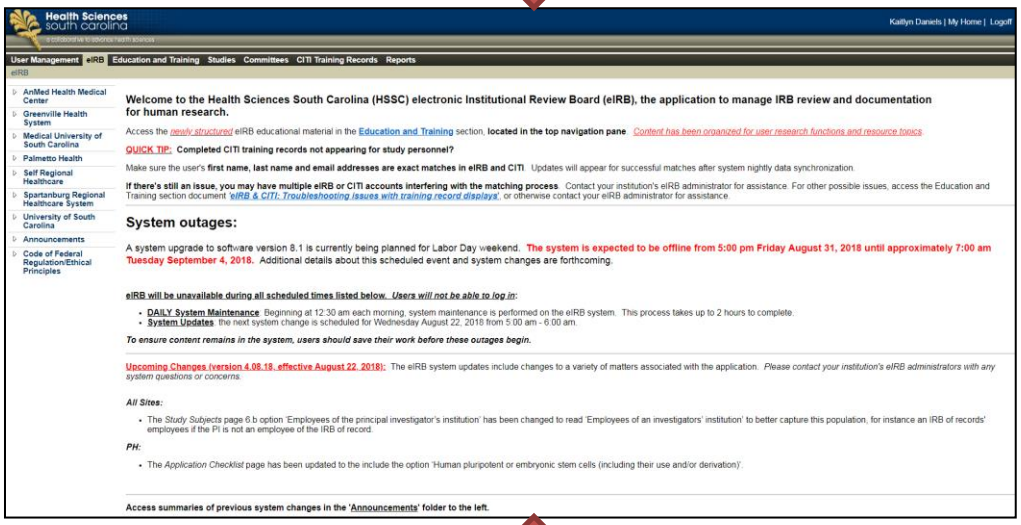
KEY INFORMATION
You are being asked to participate in a research study. Participation in a research study is voluntary. The information in this consent form is meant to better inform you so you may decide whether or not to participate in this research study. Please ask the study doctor to explain anything you do not understand.

Insert a concise summary of the study. Focus on key information that is most likely to assist a person in understanding the study and deciding why they might or might not want to participate. This includes, but is not limited to, the study purpose, the main risks and benefits, a description of how participation in the study would differ from routine care, and alternatives to the study.

The Institutional Review Board of the Greenville Health System has reviewed this study for the protection of the rights of human participants in research studies, in accordance with federal and state regulations.

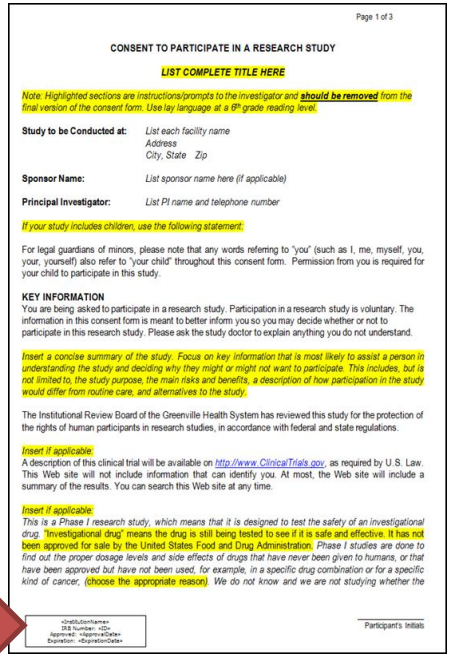
Insert if applicable:
A description of this clinical trial will be available on *http://www.ClinicalTrials.gov*, as required by U.S. Law. This Web site will not include information that can identify you. At most, the Web site will include a summary of the results. You can search this Web site at any time.

Insert if applicable:
This is a Phase I research study, which means that it is designed to test the safety of an investigational drug. "Investigational drug" means the drug is still being tested to see if it is safe and effective. It has not been approved for sale by the United States Food and Drug Administration. Phase I studies are done to find out the proper dosage levels and side effects of drugs that have never been given to humans, or that have been approved but have not been used, for example, in a specific drug combination or for a specific kind of cancer, (choose the appropriate reason). We do not know and we are not studying whether the



Uploading Consent Forms in eIRB

- Must be a Word document
- Only clean (non-track changed) versions uploaded in the study application workspace
- Only track-change versions uploaded in amendment workspace
- Blank IRB Approval stamp/ watermark must be located in the footer of the consent document



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IRB Approval Stamp/Watermark

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«InstitutionName»
IRB Number: «ID»
Date Approved «ApprovalDate»
Version Valid Until: «ExpirationDate»

- IRB approval stamp is required for all consent forms reviewed and approved by GHS IRB
- Do not modify watermark on consent template
- If you must copy and paste watermark, copy entire box (including border) and paste in footer of consent
- Do not have the watermark translated

Closing Remarks

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- Announcements
  - Research Education Series focused on IRB and Human Research Protection Issues, Good Clinical Practice Guidelines and The New Rule
  - IRB Community Members needed
  - eIRB unavailable Friday 8/31(evening) through Monday 9/3. Will be back up Tuesday morning 9/4

OHRP Live Stream Event

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Meeting New Challenges in Informed Consent in Clinical Research

Friday, September 7

8:00 am – 4:45 pm

Live Stream

Free

Contact Us

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