Intersection of Stakeholder Activities with Human Subjects Research Regulations

Nichelle Cobb, PhD
• Director, Health Sciences IRBs Office

June 1, 2017
Goals of Presentation

Addressing three topics

• When stakeholders are considered engaged in research and part of a study team
• What to do if a stakeholder is engaged in human subjects research
• When are stakeholders not considered human subjects
When is a stakeholder not considered engaged in human subjects research?
### Activities that **Do Not** Constitute Engagement

<table>
<thead>
<tr>
<th>Activity</th>
<th>Example(s)</th>
</tr>
</thead>
</table>
| Performing a commercial or professional service for a research team      | • A transcription company whose employees transcribe research interviews as a commercial service  
• A person who translates a consent document into another language for a study team or provides interpretation services during a consent process |
| Providing feedback to research teams on study instruments or consent documents | • A community group provides consultation regarding the reading level of or specific terms used in study documents (e.g., consent forms, recruitment materials, survey instruments)                                            |
| Providing feedback to study teams regarding planning a research study, formulating a research question, interpretation of study results, or advising regarding recruitment strategies | • Patient advisory board members provide feedback to the research team planning a study regarding how they might interpret “usual care” when they go into a visit  
• A panel of physicians is shown aggregate data from a study and asked to comment on the study team’s proposed interpretations of the data set  
• A community group provides feedback on how to identify and approach research subjects |
| Informing prospective subjects about the availability of the research    | • Personnel at a community center provide copies of the consent form for a research study at events but do not obtain subjects’ consent for the research |
# Activities that Constitute Engagement

<table>
<thead>
<tr>
<th>Activity</th>
<th>Example(s)</th>
</tr>
</thead>
</table>
| Intervening for research purposes with any human subjects of the research by performing invasive or noninvasive procedures | • Drawing blood  
• Collecting biological samples directly from subjects  
• Administering individual or group counseling or psychotherapy as dictated by the study protocol |
| Interacting for research purposes with any human subject of the research  | • Engaging in protocol dictated communication or interpersonal contact  
• Conducting research interviews or administering questionnaires  
• Recording patient/provider interactions  
• Screening potential subjects to determine if they are eligible for a study |
| Obtaining informed consent from potential subjects                        | • Approaching potential subjects, describing study procedures, and obtaining permission to collect data about subjects for research purposes |
| Receiving or analyzing private, identifiable information collected from or about individuals for research purposes | • Conducting statistical analysis on identifiable data  
• Reviewing individually identifiable videotape sessions and providing input on their interpretation |
What to do if a stakeholder is engaged in human subjects research
If engaged....

Person’s activities would need to be covered by an IRB
- UW may be willing to act as the person’s IRB of record
- If UW would be the IRB, the personnel would need to be listed on the UW IRB application in ARROW

Personnel would be required to complete human subjects training
- UW provides CITI training
- Other training can be accepted by the UW

UW PI would be responsible for -
- Ensuring all personnel engaged in human subjects research are:
  - trained on study activities and
  - conducting the research in compliance with the IRB-approved protocol
Consult with the relevant IRB Office

Health Sciences IRBs

Education/Social & Behavioral Sciences IRB

608-263-2362 or asktheIRB@medicine.wisc.edu

Reliance Team (irbreliaance@medicine.wisc.edu)
When is a stakeholder considered a human subject?
Overlap in Study Roles

Stakeholder

Human Subject

Study Team Member
### Characterization of Potential Study-Related Roles*

<table>
<thead>
<tr>
<th>Activity</th>
<th>STUDY STAFF</th>
<th>STAKEHOLDER/ADVISOR</th>
<th>HUMAN SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Designs research study</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>• Provides feedback on study design, study planning or research question formulation</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>• Advise regarding study implementation/study documents</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>• Recruit study participants</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>• Collect identifiable data</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>• Analyze individual data</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>• Review and interpret de-identified research data</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>• Conduct/execute the research intervention</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>• Advise in recruitment strategies</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>• Participate in survey development and pilot (no individual retained)</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>• Provide identifiable private information about themselves that will be used as research data</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>• Undergo study interventions</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
</tr>
</tbody>
</table>

*Adapted from slides produced by a Patient-Centered Outcomes Research Institute (PCORI) Eugene Washington Engagement Award Program (EAIN-2299, PI: Katherine Bevans)
## Activities that Suggest a Person is a Subject

<table>
<thead>
<tr>
<th>Subject</th>
<th>Not a Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individually identifiable information sought by the research team</td>
<td>Individually identifiable information incidentally disclosed to the research team as part of feedback on study procedures, documents or instruments and research team does not record results or only uses aggregates responses</td>
</tr>
<tr>
<td>Research team asks individuals for information about themselves</td>
<td>Research team asks individuals for information about their organization or group</td>
</tr>
<tr>
<td>Individuals undergo protocol-dictated procedures</td>
<td>Individuals provide feedback on but do not undergo potential study procedures (e.g., feedback on survey for development purposes)</td>
</tr>
<tr>
<td>Data from or about individuals recorded with intent to create generalizable knowledge (e.g., collecting data to compare with similar data from other individuals or historical controls)</td>
<td>Interactions with individuals intended to obtain feedback/generate ideas that inform study design and implementation and not to create generalizable knowledge</td>
</tr>
</tbody>
</table>
Not a Research Subject - Examples

You collect oral feedback from a stakeholder board on proposed recruitment script

You audio record a discussion of physicians to get their take on some surprising findings from the study

You administer an anonymous questionnaire to a small group to understand if the sample’s needs will be addressed (e.g., transportation to study sessions)
## Important Considerations

<table>
<thead>
<tr>
<th>Issue</th>
<th>What to Do</th>
</tr>
</thead>
</table>
| Making the "human subject" versus "not human subject" distinction can sometimes be challenging, so… | • Consult with the IRB  
• Be clear on all individuals’ roles in your protocol and application  
• Provide rationale to the IRB if you think a group falls outside of the human subjects definition |
| Informed consent for research is not required with individuals who are not human subjects, however… | • Adhere to professional standards  
• Be clear on purpose of activity and what is required of individuals  
• Develop informational materials if helpful |
| Projects can evolve and new questions/methods may emerge, consequently … | • Your “non-subjects” may become subjects  
• Check back with the IRB as needed |
Questions and Discussion
For Reference
Guidance is applicable to **non-exempt research**
i.e., research that DOES NOT fall under 1 or more of the 6 categories outlined under the federal regulations as not requiring IRB oversight

Office for Human Research Protections
Guidance on Engagement of Institutions in Human Subjects Research

http://www.hhs.gov/ohrp/policy/engage08.html
Definition of human subjects research

A human subject is defined as “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) identifiable private information.”

Research is defined as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.”
Intervention and Interaction

*Intervention* includes both 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.

*Interaction* includes communication or interpersonal contact between investigator and subject.
Private Information

Includes 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)

Must be individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the investigator or associated with the information)