

PARTNERS HUMAN RESEARCH COMMITTEE POLICIES AND PROCEDURES

Review of Human-Subjects Research Conducted Off-Site

1.0 PURPOSE

The purpose of this policy is to define the requirements and procedures the Partners Human Research Committees (PHRC) follow for review of non-exempt human-subjects research and clinical investigations conducted by employees or agents (e.g., professional staff) of Brigham and Women's Hospital (BWH) and/or Massachusetts General Hospital (MGH) at sites other than those owned or controlled by BWH or MGH (off-site research).

2.0 SCOPE

Off-site non-exempt human-subjects research and clinical investigations reviewed by the PHRC are subject to this policy.

3.0 DEFINITIONS

As used in this document, human-subjects research encompasses activities that meet the DHHS definitions of *research* and *human subject* and/or the FDA definitions of *clinical investigation* and *human subject*. The DHHS definition for *research* and *human subject* and the FDA definition for *clinical investigation* and *human subject* are provided below.

Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. [45 CFR 46.102(d)]

Human subject means 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. *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). Private information 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) in order for obtaining the information to constitute research involving human subjects. [45 CFR 46.102(f)(1)(2)]

Clinical investigation means any experiment that involves a test article and one or more human subjects and that either is subject to requirements for prior submission to the Food and Drug Administration under section 505(i) or 520(g) of the act, or is not subject to requirements for prior submission to the Food and Drug Administration under these sections of the act, but the results of which are intended to be submitted later to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit. The term does not include experiments that are subject to the provisions of part 58 of this chapter, regarding nonclinical studies. The terms *research*, *clinical research*, *clinical study*, *study*, and *clinical investigation* are deemed to be synonymous... [21 CFR 50.3(c) and 21 CFR 56.102(c)]

Human subject means 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. [21 CFR 50.3(g) and 21 CFR 56.102(g)]

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 56.102(i)].

Off-site research means research conducted by BWH or MGH employees or agents (e.g., professional staff) at sites not owned or controlled by BWH or MGH. Sites or spaces that are leased by BWH or MGH are generally considered controlled by the hospital(s) for the purposes of this policy, but are nonetheless subject to certain requirements as specified in this policy.

4.0 POLICY

The PHRC must consider the local research context when reviewing non-exempt human-subjects research and clinical investigations being conducted by BWH/MGH investigators off-site and must confirm that off-site research will be conducted in compliance with federal, state, and local laws and regulations, as well as the performance site's known institutional requirements.

5.0 PROCEDURES

The investigator must specify in the Partners Human Research Application the places where employees or agents of BWH/MGH will conduct the research, including any off-site locations.

5.1 Performance Sites Not Engaged in Human-Subjects Research

When the research will be conducted off-site at a performance site that is not engaged in human-subjects research, the PHRC will require the site to provide written documentation of approval of that institution or entity (e.g., schools, nursing homes, assisted living facilities, community centers) to use its facilities for research or, when applicable, approval of an involved governmental agency or authorities (e.g., ministry of health). The PHRC has a template agreement that may be used for this purpose (Performance Sites Not Engaged in Research).

5.2 Performance Sites Engaged in Human-Subjects Research

When the research will be conducted off-site at a performance site that is engaged in human-subjects research, the PHRC will require documentation of the performance site's Federalwide Assurance (FWA) and IRB approval. When the research is not federally-funded, in its discretion, the PHRC may find it acceptable that the research has been reviewed and approved by other internationally recognized Institutional Ethics Committees, e.g., those that adhere to World Health Organization (WHO), Declaration of Helsinki, Council for International Organizations of Medical Sciences (CIOMS) or other similar guidelines, or to the International Council on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use Good Clinical Practice guidelines (ICH-GCP).

5.2.1 Reliance of Performance Sites on PHRC

The performance site may seek permission to rely on the PHRC for review of the research on the site's behalf, under an IRB Authorization Agreement (IAA). If the BWH/MGH agrees to provide such review, the PHRC will require the site to have its own FWA (see comment above if not federally funded) and will require that the IAA be executed before the research is initiated at the performance site.

5.2.2 Reliance of BWH/MGH on the Performance Site's IRB

The BWH/MGH may seek permission to rely on the performance site's IRB, under an IRB Authorization Agreement (IAA), such as when the majority of the research is being conducted at the performance site or when the performance site's IRB has more expertise and/or knowledge of the local research context. In such cases, the performance site must have a FWA (see comment above if not federally funded). The PHRC will require the IAA be executed before the research is initiated at the performance site.

5.2.3 The Director of Human Research Affairs and the IOs are responsible for executing IAAs on behalf of the institutions. The Human Research Affairs staff is responsible for retaining records of all executed IAAs for at least six (6) years from the date of completion of the research.

5.3 Local Research Context

When reviewing human-subjects research occurring off-site, the PHRC obtains and considers information about the local research context appropriate to the degree of risk to subjects (i.e., minimal risk or greater than minimal risk) and nature of the research (i.e., intervention or interaction with subjects or use of subject's private identifiable information) to include some or all of the following information about the involved institution/entity and proposed activities:

- The anticipated scope of the institution's research activities;
- The types of subject populations likely to be involved;
- The size and complexity of the institution;
- Institutional commitments and regulations;
- Applicable law;
- Standards of professional conduct and practice;
- Method for equitable selection of subjects;
- Method for protection of privacy of subjects;
- Method for maintenance of confidentiality of data;
- Language(s) understood by prospective subjects;
- Method for minimizing the possibility of coercion or undue influence in seeking consent; and
- Safeguards to protect the rights and welfare of vulnerable subjects.

When the research will be reviewed by both the PHRC and the performance site's IRB, the PHRC may rely on the performance site's IRB's assessment of the local research context. Human Research Affairs staff, through written communication with the performance site's IRB, will ascertain prior to PHRC approval, and in some cases prior to review, whether any material changes have been required in the research in order to secure approval of the performance site's IRB.

5.3.1 Domestic Performance Sites Outside Massachusetts

If the performance site is in a state other than Massachusetts, and there is a question about applicable state law, the PHRC may consult with the Partners Office of the General Counsel (OGC) and may discuss with the site as necessary to confirm that requirements of applicable local laws will be met. If the site is relying on the PHRC for review under an IAA, the agreement may require the site to inform the PHRC of specific applicable local legal requirements and policies affecting the research.

5.3.2 International Performance Sites

The PHRC may rely on the performance site's IRB's assessment of the local research context. In such cases, the PHRC will require documentation of local IRB approval prior to PHRC review.

Additionally, the PHRC may gather information on the local research context either through the use of consultants within the United States, or through teleconferencing with consultants at the international site. The PHRC may also call upon one of its members with personal knowledge of the local research context, such knowledge having been obtained through extended, direct experience with the research institution, its subject populations, and its surrounding communities.

5.4 Leased Space/Sites

If the BWH/MGH research is being conducted wholly or partly in space or a site leased by BWH or MGH from another entity (the landlord), the research will be considered in the same way as research conducted in/at BWH-/MGH-owned space/sites. However, the investigator is responsible for confirming with the landlord, the responsible office within Partners/BWH/MGH, or others as necessary that the specific proposed activities are consistent with the activities permitted to be conducted in the space/at the site under the terms of the lease.