SUNY Downstate IRB & Privacy Board

FORM 11-A4: Application for Determination Letter (IRB Decision Aid)

(Version 03.02.2022)

Instructions: 1) Open form in Adobe Reader. 2) Use Fill & Sign tool to complete. 3) Confirm any preformatted fields are correct. 4) Save file. 5) Submit completed form to IRB.

Note: Free Adobe Reader available at: www.adobe.com

A. Title of Project or Activity:

Section 1: General Informa	tion:
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B.	escription of Project or Activity:
	MUST use non-scientific lay language and eliminate or explain any scientific terms)

C. Project Lead*: Degree:

*Note: Include the name of the local PI when seeking a "Not Engaged" determination for Downstate or Kings County activities involving multiple institutions).

D. Department/College:

E. Phone #:

F. E-mail:

G. Position:

	H. (Optional) Co-Lead	and Degree:
	I. (If Co-Lead is adde	ed): Co-Lead Department/College:
	J. (If Co-Lead is adde	ed): Co-Lead Phone #:
	K. (If Co-Lead is adde	ed): Co-Lead E-mail:
	L. (If Co-Lead is adde	ed): Co-Lead Position:
	M. (If Co-Lead is adde	ed): Explain the different roles and responsibilities of each
	Co-Lead and provide	the rationale for using a multi-Lead approach:
	N. Optional Contact (I	Name, E-mail, phone #, and role, i.e., Coordinator):
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Ο.	Specify type of resea	rch, if applicable:
Ρ.	Funding status:	Unfunded (Intramurally supported by Downstate)
		Pending. REMINDER: Submit IRB amendment if funding is obtained
		Fully funded (award issued for sponsored research)

	Q. Funding source (check at least one):
	Unfunded (Intramurally supported by Downstate). Comments (optional):
	NYC H + H, Kings County departmental funds, equipment, resources, or labor.
	Industry sponsor and award #:
	Federal Department/Agency sponsor and award #:
	Inbound subcontract. Specify funding entity and date of anticipated funding:
	Other (specify):
R.	Check if this activity is to support a multi-site study that has external IRB review for other site(s).
S.	Provide the following information for projects submitted during the COVID-19 pandemic:
	Compelling reason to initiate new project:
	2. Explain how the benefits of the project outweigh the risks of exposure to COVID-19:
	3. Procedures to mitigate the risk of COVID-19:

Section 2: Project staff:

- **A.** REMINDER: Include ONLY project staff who are members of the <u>Downstate</u> and/or <u>Kings County</u> workforce on the IRBNet Registration Form.
- **B.** NOTE ABOUT EXTERNAL PROJECT STAFF: Project staff from other sites should contact their IRB or Human Research Protections Office for guidance.
- C. Name(s) of investigators who are an "Investigator for the purpose of COI reporting": (Include the name of the Local PI if this is for a Not Engagement Request)

D. Name(s) of investigators or coordinators who will aid the shipment of specimens, dangerous goods, or hazardous materials:

SECTION 3: GENERAL INFORMATION:

A. C	ocuments in	cluded with	this submissio	n, as applicable:
	Project of	description/ P	rotocol	
	External	IRB approva	al letter	
	Data col	lection tools/	List of data elen	nents
	HIPAA V	Vaiver		
	Agreem	ent (e.g., DU	A, BAA, MTA, D	ata, Collaboration, Facility Use, etc.)
	Other do	ocuments (de	escribe):	
В.	Is the activi	ty an investi	gation of a drug	g, biologic, or medical device?
	NO	YES	N/A	
C.	Is the activ	ity a systema	atic investigation	on?
	NO	YES	N/A	
D.	ls the proje knowledge	_	to develop or o	contribute to generalizable
	NO	YES	N/A	
E.	Is there any the institution		blish findings o	or present at a meeting outside of
	NO	YES	N/A	
F.	_			btain information or biospecimens with an individual?
	NO	YES	N/A	
G.				, study, analyze, or generate tifiable biospecimens?
	NO	YES	N/A	
H.	sharing any	of the follow	wing:	k all applicable boxes.
	2) Educat	tion records th	hat can be linked	mation about a living individual. d to any living individual. about any individual (living or deceased)

- 4) PHI from individuals who have been deceased for more than 50 years.
- 5) Data from deceased individuals without PHI.
- PHI from individuals who have been deceased for less than 50 years with a Researcher Certification for PHI of Decedents.
- 7) Substance abuse information that can be linked to any individual (living or deceased).
- 8) Genetic information that can be linked to any individual (living or deceased).
- HIV related information that can be linked to any individual (living or deceased).
- 10) Identifiable specimens (from any living individuals or any deceased individuals).
- 11) Use of human specimen(s) (including, coded, de-identified, or identifiable) to validate a medical device, diagnostic instrument, or laboratory test.
- 12) Specimens obtained from a producer or supplier (e.g., commercial cell line) that cannot be linked to an individual by the Investigators.
- 13) Use of a Limited Data Set protected by a Data Use Agreement (DUA) and investigators cannot readily identify the individuals about whom the data pertains and do not have access to the key to any codes to identify individuals.
- 14) De-identified materials.
- 15) Coded materials with process in place to prohibit release of code to staff or investigators.
- 16) Secondary data (e.g., data originally collected for another purpose).
- 17) None of the above.
- I. Describe how the safety, rights, welfare, privacy, and confidentiality are ensured to protect the affected individuals:

J. Describe any risk mitigation strategies:

SECTION 4: DETERMINATION REQUESTED:

Check the determination requested (A, B, and/or C) below and respond to the questions, applicable for the request.

A. Not Research. This project does not meet the definition of research as defined by applicable federal regulations.

If A, check specific reason(s) below and answer corresponding questions:

There is no intent to develop or contribute to generalizable knowledge.
 If checked, clarify the intent of this project, including why there is no intent to develop or contribute to generalizable knowledge.

2) The activity is not a systematic investigation.

If checked, clarify the reason this activity is not a systematic investigation:

Additional information for item A:

If "Not Research" was checked above, please check the following when applicable to the activity and answer any relevant question below the item that was checked:

 The activity is an Operations Activity or Healthcare Operations Activity (e.g., quality improvement activity) without any intent to develop or contribute to generalizable knowledge. If checked, answer the following:

Describe the operation activity:

If this is a quality improvement/assurance (QI/QA) activity, please describe the area of improvement that will help the institution. Indicate N/A if this is NOT a QI/QA activity.

If this is a Resident Traininզ	g activity, please describe or indicate N/A:
If checked, clarify the intent to develop or contribute to	t of this project, including why there is no intent generalizable knowledge.
The activity is a case report or call How may individuals will be involved.	se series involving up to three (3) individuals.
The activity is an authorized oper security, defense, or other nation	rational activity in support of intelligence, homeland nal security missions.
Name of Agency:	
Source of material(s):	
Describe the nature of the one above noted missions.	operational activity and how it supports the
,	an research as defined by Policy IRB-01 ibute to generalizable knowledge).
Pilot activity	Evidence-based practice activity
Feasibility activity	Training activity
	Educational activity

	Describe the activity:
	Clarify the intent of this project, including why there is no intent to develop or contribute to generalizable knowledge:
5)	This is a scholarly or journalistic activity which includes the collection and use of information that focuses directly on the specific individuals about whom the information is collected.
	Indicate type(s):
	Oral history, Journalism Biography Literary criticism Legal research Historical scholarship Other, describe:
	Describe the activity:
	Describe the category of specific individuals (do not list names) about whom the information is collected:
	Check at least one box below to confirm IRB approval is not required:
	The intent of this activity is NOT to form a hypothesis, draw conclusions, or generalize the findings
	This is not a systematic activity that is planned, orderly, and methodical

6)	This is a public health surveillance activity. Note: Do not choose this option for surveillance activities conducted to improve Downstate operations select Healthcare Operations activity (item 1, page 7) instead.
	Name of public health authority:
	Describe surveillance activity:
7)	This activity is for the collection and analysis of information, biospecimens, by or for a criminal justice agency for activities authorized by law or court order solely
	for criminal justice or criminal investigative purposes.
	Name of criminal justice agency:
	Describe source(s) of materials:
8)	This is an authorized operational activity in support of intelligence, homeland security, defense, or other national security measure. Describe below:
9)	The activity represents clinical care. Describe below:
	Check if this is an Off-Label Use of an FDA Approved Drug or Biologic If checked, obtain Pharmacy Ancillary Review.
	If checked, provide the name of the drug or biologic:
	If checked, describe the off-label purpose:

В.	Research-Not Human	Subjects Research	(Not Human Research).
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This project meets the definition of research; however, it does not meet the definition of human (subjects) research (HSR) as defined by applicable federal regulations.

If B, check specific reason(s) below and answer corresponding questions:

 The activity does <u>NOT</u> involve obtaining, accessing, using, disclosing, or sharing individual identifiable information or individual identifiable specimens or Protected Health Information (PHI). If checked, describe the data, specimens, or other materials that will be used for the activity:

2) The activity involves data from <u>deceased individuals</u> without Protected Health Information (PHI).

If checked, describe the data, specimens, or other materials that will be used for the activity:

3) The activity involves Protected Health Information (PHI) from individuals who have been deceased for more than 50 years.

If checked, describe the data, specimens, or other materials that will be used for the activity:

How is it known the individuals have been deceased for more then 50 years?

4) The activity involves Protected Health Information (PHI) from <u>deceased</u> individuals with a Research Certification for PHI of Decedents. If checked, describe the data, specimens, or other materials that will be used for the activity:

Note: Include a copy of the Research Certification for PHI of Decedents, but do not include the names of the decedent(s) on the form submitted to the IRB. The names will be added later and securely stored with the research records).

Additional information for item B:

If "Research-Not Human Subjects Research (Not Human Research)" was checked above, please check the following when applicable to the activity and answer any relevant question below the item that was checked:

1) The activity includes an Honest Broker activity.

If checked, provide the following:

Name of Honest Brokers, who are members of the Downstate workforce, who provide coded or de-identified materials to investigators:

What type of materials are provided by the Honest Broker:

Data or Information (if checked, please describe below)

Type(s): Coded data/information

De-identified data/information

Specimens (if checked, please describe below):

Type(s): Coded specimens

De-identified samples

Leftover specimens (remnants of specimens collected for routine clinical care or analysis that would otherwise have been discarded). (if checked, please describe below):

Type(s): Coded leftover specimens

De-identified left over specimens

Please check to confirm all of the following are true:

- The honest brokers are members of the Downstate workforce and normally have access to the materials (information and/or specimens) as a part of their routine clinical duties.
- The honest brokers are not investigators for this project.
- Only the honest brokers (or future honest brokers approved by the IRB) may have access to identifiable information.
- Only the honest brokers can release the materials noted above.
- Only the honest brokers may have access to the key to the code that can identify the materials.
- HIPAA identifiers cannot be shared with the investigators.
- Any information shared cannot make the specimen source identifiable to the investigators or other individuals associated with the investigation, including a sponsor.

Note: Include the signed Application for Independent Honest Broker Agreement with the submission, which may be downloaded from Step 11 of the IRB Submissions website.

The project uses de-identified specimens to validate a medical device, diagnostic instrument, or laboratory test. Note: the FDA uses enforcement discretion to not require informed consent for the use of de-identified specimens. See: FDA Guidance on Informed Consent for In Vitro Diagnostic Device Studies Using Leftover Specimens that are NOT Individually Identifiable.

If checked, provide the following:

Source of specimens:

Will the study use specimens that were obtained from specimen repositories or leftover specimens that were previously collected for other research purposes?

> No Yes (If Yes, describe source below):

Check to confirm the following, as applicable to the project:

This is a sponsored project. The sponsors will maintain written documentation outlined in the referenced FDA guidance. The sponsors of this study are aware that FDA may require additional clinical information in order to evaluate test results, as referenced in the above guidance. When choosing to follow the FDA guidance, they accept the risk that they may not be able to provide sufficient information to satisfy FDA's premarket review needs.

An Honest Broker may obtain clinical information when needed and share coded or de-identified information with the investigators. The Honest Broker section is completed above.

None of the above.

3) The activity involves the use of specimens obtained from a producer or supplier that cannot be linked to an individual by the investigators.

> If checked, provide the name of the producer or supplier and describe the specimens obtained:

Check box if an agreement is required and include draft with submission.

Note: Agreement must be fully executed before starting the activity.
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4) The activity involves the use of a Limited Data Set protected with a Data Use Agreement (DUA) and investigators cannot readily identify the individuals about whom the data pertains and investigators do not have access to the key to any codes to identify the individuals. Include draft DUA with submission.

Note: The DUA must be fully executed prior to sharing the limited data set.

5) The activity involves the use of de-identified materials, not described above.

If checked, describe source of de-identified materials:

6) The activity involves the use of coded materials not described above, with a process in place to prohibit release of key to the code to the investigators.

If checked, describe source of the coded materials:

If checked, indicate the names of the individuals (who are NOT investigators) who hold the key to the code:

C. Research-Not Engaged (Institution Not Engaged in Human Research)

Note: Check this option when the institution is conducting or assisting with research and the Downstate and/or Kings County is <u>not</u> Engaged in Human Research and the activity does not represent a violation of an informed consent, HIPAA Authorization, or policy. Provide responses based on the activities of the individuals on this application.

Check here if an external IRB has approved or plans to approve the overall project where other sites are engaged in human research. Please attach IRB approval letter, if issued.

Name of Department Chair, Dean, or Senior Hospital Administrator who approves this activity:

If C, check specific reason(s) below and answer corresponding questions:

1)This activity represents referring others to a new study. If checked, check the process that will be used to refer others to a new study:

Clinical staff refer their own patients to a new study.

Staff refer patients unknown to them.

Other (describe):

Note: If checked include any Recruitment Authorization Form(s), which can be downloaded from <u>Step 8 of the IRB Electronic Submission Website</u>.

 The Downstate workforce (or Kings County) is involved in an activity that is limited to one or more activities listed in Section III (B) of the <u>October 16, 2008 Guidance on Engagement</u> of <u>Institutions in Research.</u>
If checked, describe non-engaged activities limited to those listed in the guidance:
3) The Downstate and/or Kings County workforce is involved in an activity that is limited to one or more activities listed in OHRP Correspondence .
If checked, describe non-engaged activities limited to those listed in the correspondence
4) The Downstate or Kings County workforce performs a service for investigators under the following conditions: a) the services performed do not merit professional recognition or publication privileges; b) the services performed are typically performed by those institutions for non-research purposes; and c) the institution's employees or agents do not administer any study intervention being tested or evaluated under the protocol. If checked, describe the service below:

5) Downstate and/or or Kings County is not selected as a research site whose workforce provides clinical trial-related medical services that are dictated by the protocol and would typically be performed as part of routine clinical monitoring and/or follow-up of participants enrolled at a study site by clinical trial investigators.

All of the conditions below are true:

- members of the workforce do not administer the study interventions being tested or evaluated under the protocol;
- the clinical trial-related medical services are typically provided by Downstate for clinical purposes;
- members of the workforce do not enroll participants or obtain the informed consent; and
- when appropriate, investigators from an institution engaged in the research retain responsibility for: i) overseeing protocol-related activities; and ii) ensuring appropriate arrangements are made for reporting protocol-related data to investigators at an engaged institution, including the reporting of safety monitoring data and adverse events as required under the IRB-approved protocol.

If checked, describe the clinical trial-related medical services provided:

6) Downstate and/or Kings County was not initially selected as a research site; however, the workforce members administer the study interventions being tested or evaluated under the protocol limited to a one-time or short-term basis.

All of the conditions below are true:

- a) an investigator from an institution engaged in the research determines that it would be in the participant's best interest to receive the study interventions being tested or evaluated under the protocol;
- b) members of the workforce do not enroll participants or obtain the informed consent;
- c) investigators from the institution engaged in the research retain responsibility for
 - i) overseeing protocol-related activities;
 - ii) ensuring the study interventions are administered in accordance with the IRB-approved protocol; and
 - iii) ensuring appropriate arrangements are made for reporting protocol-related data to investigators at the engaged institution, including the reporting of safety monitoring data and adverse events as required under the IRB-approved protocol; and an IRB designated on the engaged institution's FWA is informed that study interventions being tested or evaluated under the protocol have been administered at an institution not selected as a research site.

			4.		4.1 14.1	
It (checked	describe	the	short-term	activities	helow:

7) Members of the Downstate and/or Kings County workforce ONLY do one or more of the following activities, as checked below:

Inform prospective participants about the availability of the research.

Provide prospective participants with information about the research (which may include a copy of the relevant informed consent document and other IRB approved materials) but do not obtain participants' consent for the research or act as representatives of the investigators.

Provide prospective participants with information about contacting investigators for information or enrollment.

Seek or obtain the prospective participants' permission for investigators to contact them.

If any items are checked in item 7, describe the activities with the prospective participants:
8) Downstate and/or Kings County permits use of their facilities for interventions or interactions with participants by investigators from another institution. Note: if checked, execute a Facilities Use Agreement when required.
If checked, describe activities to take place in facilities:
9) The Downstate and/or Kings County workforce release to investigators at another institution identifiable private information or identifiable biological specimens pertaining to the participants of the research. All other institutional requirements must be satisfied before the information or specimens may be released.
If checked, describe information and/or materials to be released:
10) The Downstate and/or Kings County workforce obtain coded private information or coded specimens from another institution involved in the research that retains a link to
individually identifying information; and the workforce are unable to readily ascertain the identity of the participants for whom the coded information or coded specimens pertain.
If checked, describe the information or specimens to be received:

11)The Downstate and/or Kings County workforce access or utilize individually identifiable private information only while visiting an institution that is engaged in the research, and their research activities are overseen by the IRB of the institution that is engaged in the research. <i>CAUTION:</i> Before selecting this as an option, consider whether an application for Exempt Research or Oversight from an External IRB is required. If checked, describe details below:
12)The Downstate and/or Kings County workforce review identifiable private information for purposes of study auditing. If checked, describe the study audit:
13)The Downstate and/or Kings County workforce receive identifiable private information for purposes of satisfying U.S. Food and Drug Administration reporting requirements. If checked, describe purpose and requirements:
14)The Downstate and/or Kings County workforce author a paper, journal article, or presentation describing human research study(ies). If checked, describe activities:

Section 5: Privacy, confidentiality and data security:

A.	What will be done to ensure the privacy of participants? (e.g., use of curtains,			
	drapes, closed room)	Check box if N/A (i.e. data only).		
В.	 ☐ Sensitive documents a copiers. ☐ Simulated data is used ☐ Confidential or secure (e.g., Shred-It program, of secure information is NO ☐ Enable a password program 	security. Check all that apply. Locks. Fire suppression. Alarms. are not in plain view on desk, computer, fax machines and d for training purposes. information is discarded in accordance with Downstate policy omputer/electronic waste procedures, etc.). Confidential or f discarded in a waste receptacle or recycling bin. otection/screen lock and establish automatic security timeout e than 15 minutes of inactivity.		
С	C. Technical safeguards for dat	a security. Check all that apply.		
	use a "downstate.edu" e- Store data on Downst Back-up data on Down Transmit Electronic Properties Information (ECI), or Electronic Properties EPHI, ECI, or ESI residents	tudy staff who are members of the Downstate workforce will mail address. ate approved network drive. Instate approved server or other alternative location. Totected Health Information (EPHI), Electronic Confidential stronic Sensitive Information (ESI) with technical security use attach supporting documentation. des in centralized secure location (e.g., behind Downstate). If checked, describe Location/Device:		
	☐ EPHI, ECI, or ESI on Security Officer. If check ☐ EPHI, ECI, or ESI is Naptop, or non-encrypted ☐ Mobile devices provide(MDM) platform.	ed to IT for enrollment into the Mobile Device Management Downstate's network (from one Downstate.edu account to		

Emails containing EPHI, ECI, or ESI that are sent outside of Downstate's network (including forwarding or replying to external emails) MUST be encrypted. *Note: The simplest way to encrypt an email message using the Downstate MS Outlook program is to enter "Confidential" without quote anywhere in the message subject.*

Mobile devices connected to a Downstate network are encrypted.

Downstate and Non-Downstate owned mobile devices (e.g., laptops, notebook, tablets, cell phones, smart phones, USB connected thumb drives, portable storage device, etc.) are used for research; however, they DO NOT contain EPHI, ECI, or ESI.

Mobile devices are encrypted with a validated Federal Information Processing Standard (FIPS 140-2) or other encryption algorithms or protocols approved by Downstate policy (see HIS-13). If checked, please attach supporting documentation.

Data repository, data warehouse, file server and/or database that stores research data in compliance with Downstate policies. If checked, please attach supporting documentation.

To ensure data security when in transit, data entry or file transfers containing EPHI, EPHI and ECI) or ESI are sent to an external site via a HTTPS secured website, encrypted e-mail, or via a secure file transfer, Secure File Transfer (SFTP), Virtual Private Networks (VPN), or via other methods approved by the DMC Information Security Officer. If checked, please attach supporting documentation.

USB drives or other removable storage devices are NOT USED for long-term storage of EPHI, ECI, or ESI.

Other (describe):

D.	Internet and telehealth platforms. Check all that apply.
	 MS One Drive for de-identified data (Cannot be used for EPHI). MS Forms for de-identified data (Cannot be used for EPHI). Google Forms for de-identified data (Cannot be used for EPHI). SharePoint for de-identified data (Cannot be used for EPHI). Qualtrics for de-identified data (Cannot be used for EPHI). Fax transmissions (no EPHI).
	Fax transmissions using secure fax machine with Downstate approved HIPAA
	Facsimile Cover Page. REDCap hosted by Downstate (approved for EPHI).
	Note: The REDCap system hosted at Downstate is HIPAA compliant; however, there is no documentation in place for 21 CFR Part 11 certification (therefore e-consent via REDCap cannot be used for FDA regulated clinical investigations). REDCap hosted by another site; however, EPHI, ECI, and ESI are NOT shared
	on REDCap. REDCap hosted by another site with sharing of EPHI, ECI, or ESI approved and documented by the Downstate Data Security Officer. If checked, please attach supporting documentation. Zoom without EPHI.
	Zoom (temporary) with EPHI. May be used with PHI during the COVID-19 health crisis during discretion period of the COVID-19 health crisis as outlined by the Office of Civil Rights (OCR) Notification of Enforcement Discretion for Telehealth. Docu-Sign without EPHI.
	Docu-Sign with Downstate BAA for EPHI. If checked, please attach BAA. Doxy.Me hosted by Downstate (approved for PHI). BAA on file with Downstate.

 □ FDA COVID MyStudies App. Permitted e-consent for clinical investigations the occur during the COVID public health emergency. □ Other platforms described in the OCR Notification of Enforcement Discretion for Telehealth may be used during the discretion period of the COVID-19 health crisis when approved by the Downstate IRB, Privacy Officer, and Information Security Officer. If checked, please attach supporting documentation. Describe: 	r
Social Media platform (describe):	
Other (describe below and attach supporting documentation):	
E. Administrative safeguards for data security. Check all that apply.	
Follow general SUNY Downstate and SUNY RF policies and guidance for administrative safeguards (i.e., password protections, not sharing credentials, not using passwords across different media, no using someone else's password, removing access to study personnel who are no longer part of the research team, apply disciplinary actions for unauthorized activities, report suspected violations, on the retaliate toward or harass employees who in good faith report suspected violations, report lost or stolen mobile devices).	
Other (describe):	

F.	Plans for sharing de-identified data:
G.	Plans and protections (not described above) for sharing EPHI, ECI, or ESI:
Н.	Methods to destroy identifiable data at the end of the research life cycle:
l.	Methods to retain identifiable data at the end of the research life cycle. Include whether and how data will be stripped of identifiers:
J.	Does the European Union General Data Protection Regulation (EU GDPR) or Californian Consumer Privacy Act (CCPA) apply to this research? EU GDPR – required EU GDPR informed consent disclosures included. CCPA – required CCPA informed consent disclosures included. None of the above
K.	Required agreements: Check if there are no agreements Data Agreements Data Use Agreements (DUA) for research involving limited data sets Business Associate Agreements (BAA) Material Transfer Agreements (MTA) Confidentiality agreements Confidentiality and Non-Disclosure Agreements (CDA/NDAs) Clinical Trial Agreement (CTA) (DO NOT ATTACH) Other (describe):
	ancillary reviews: Check if N/A ancillary review is required, as outlined on the IRB submission website (Step 14 & 15):
INS OT	B PATHOLOGY LABORATORIES STITUTIONAL BIOSAFETY COMMITTEE (IBC) HER DEPARTMENT OR COLLEGE (OUTSIDE PI LOCATION) HER (Specify):

Section 8: Additional information (optional):

Note: Include a discussion of any plans to use any materials for future research that has not been proposed in the form above, including whether the materials are de-identifed or coded.