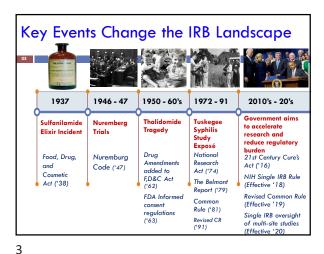


Institutional Review Board (IRB) & Privacy Board

- Protects the rights and welfare of Research Participants (Human Subjects)
- Empowered to approve, require modifications, or disapprove
 Human Research.
- Ensures Human (Subjects) Research is scientifically/scholastically valid, ethical, and in compliance with all requirements.
- □ Ensures compliance through oversight functions.
- □ Serves as a Privacy Board to ensure HIPAA compliance.
- □ May conduct or request audits

2



Q1: Is it Research? (Under the Common Rule)

□ A Research Activity is BOTH:

■ A systematic investigation (including research development, testing, and evaluation) (i.e., activity that is planned, orderly, methodical, and uses data collection to answer a question)

-AND-

Designed to develop or contribute to generalizable knowledge (i.e., knowledge gained from a study may be applied to populations outside of the specific study population).

4

Q2: Does it Involve Research Participants (Human Subjects)? (Under the Common Rule)

- □ For research to be considered human research (and thus requiring IRB approval before the study begins), the research must involve living individuals about whom an investigator (whether professional or student) conducting research either
 - obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or
 - obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens.

Is IRB Approval Required? f "YES" to Q1 and Q2: Submit an IRB Q2: Does it involve application. YES ResearchParticipants (human subjects)? If "NO" to Q1: Is it research? Q1 or Q2: NO Consult with "IRB Decision Aid", or call X8480. 6

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Is IRB Approval Required for Performance Improvement Activities?

- Does the activity meet the definition of research, including the intent to develop or contribute to generalizable knowledge*?
 - If YES, IRB approval is required, if there is an intervention/interaction or it involves identifiable private information or identifiable biospecimens.
 - If NO, IRB approval is NOT required
 - * Intent to publish is an insufficient criterion for determining whether a quality improvement activity involves research. Planning to publish an account of a quality improvement project does not necessarily mean that the project fits the definition of research; people seek to publish descriptions of nonresearch activities for a variety of reasons, if they believe others may be interested in learning about those activities. Conversely, a quality improvement project may involve research even if there is no intent to publish the results.

Is IRB Approval Required for

- Case Reports/Series of up to three (3) individuals <u>do not</u> need IRB approval
 - □ Such limited activities are generally not considered to be both systematic and generalizable

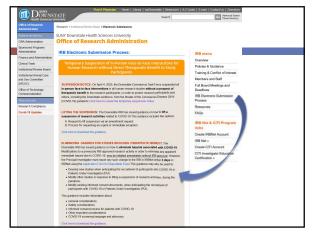
Case Reports or Case Series?

□ Examples:

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- Review records of 3 patients
- Review records of one patient and ask questions of 2 family members
- May request an IRB Determination letter (may be required by journal or conference)
- Some journals require informed consent/HIPAA Authorization

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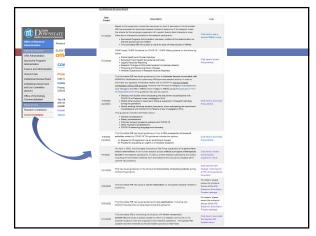
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Is IRB Approval Required for Performance Improvement Activities?

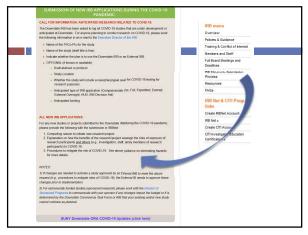
Example:

- The Emergency Department monitors their process for treating COVID-19 patients with the intent of improving the quality of their service and patient outcomes at Downstate.
- □ Identifiable patient information is collected
- □ Without changing intent, clinic staff could
 - □ Share the results at a conference
 - Publish the results
- Recommend obtaining IRB determination letter stating IRB approval is not required.

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STEP 1: Review the Downstate IRB website, policies, and guidance.

- Review the Downstate IRB website for instructions and details on how to submit an IRB application.
 - https://research.downstate.edu/irb/electronic-submission.html
- Refer to the Policy and Guidance webpage to understand
 Downstate Policy IRB-01 and other applicable policies and
 IRB guidance.
 - https://research.downstate.edu/irb/policies.html

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STEP 2: Plan the project.

□ Start early!

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- Conduct a literature search and keep a bibliography of references to include with the protocol.
- Consult with a mentor and other experts in the field, as needed.
- □ Consult with a biostatistician, as needed.
- ☐ More tips available on IRB website.

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STEP 3: Identify a Principal Investigator with "PI Status".

- Seasoned investigator with a field-specific terminal degree who is a Faculty Member at Downstate
- □ Clinician with clinical privileges at NYC H + H, Kings County
- □ Faculty member under recruitment to Downstate with written approval by a Dean
- Individual approved to be a PI by written memo or e-mail from the Downstate Institutional Official
- Individual who qualifies to be a PI at an external site, when the research makes Downstate engaged. Downstate becomes engaged when:
 - Federal funding or support is provided to Downstate
 - Co-investigators or key personnel on the study are members of the Downstate workforce

STEP 4: Determine whether investigators are members of the Downstate workforce

- Understanding whether an Investigator (or Key Personnel) is a member of the "Downstate workforce" will help determine:
 - □ IRB Training Requirements of Investigators and Key
 Personnel & Conflict of Interest (COI) Requirements for
 "Investigators for the Purposes of COI,
 - Whether IRB Reliance Agreement(s) or Individual Investigator Agreement(s) are required, and
 - Which IRB to use.

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The Downstate IRB has Oversight of the Downstate Workforce:

- □ Faculty members, employees, and staff who are paid by Downstate,
- Employees, staff, or contractors paid by the Research Foundation for SUNY, working on behalf of Downstate,
- Individuals with a Downstate Voluntary Faculty appointment with medical privileges (credentialed by University Hospital SUNY Downstate)
- Retired Downstate faculty member with emeritus status (approved by IO & Dean/Department Chair),
- Residents, Fellows, or Medical Students who are sponsored by
- □ Students in a Downstate academic program,
- Temporary Employees or SUNY contractors working on behalf of Downstate or
- Downstate Volunteers (officially approved by the Downstate Volunteer Office).

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STEP 5: Determine which IRB to use ...

- □ Downstate IRB
- □ External IRBs:
- □ Single IRB (sIRB): Federally Funded multi-site research
- □ Commercial IRB: Sponsored research
- NCI Central IRB: Oncology group trials
- Main site IRB: Institutional IRB
- Tribal IRB: When required by (tribal) law, typically for research with a focus on American Indians, Alaskan Natives tribes, or indigenous people.

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STEP 6: Complete training ...

- □ Summary of training requirements:
 - □ CITI training (Group 1 or Group 2)
 - □ HIPAA compliance training
 - Downstate workforce completes OCAS required training
 - Kings County Investigators complete CITI Module #14
 - □ If applicable:
 - COI & research misconduct training (PI and other investigators who are determined to be investigators for COI purposes)
 - Dangerous Goods Shipping certification (if involved with shipping specimens, infectious substances, biological or hazardous substances
 - GCP training (if conducting NIH clinical trial or when required by sponsor)
 - Department of Defense training is required (if receiving DoD funding)

Individuals who are <u>not</u> members of the Downstate Workforce

- External consultants (e.g., those paid by sponsors or other entities outside of Downstate),
- Individuals with Voluntary Faculty appointments at Downstate <u>without</u> medical privileges, and
- Employees or agents of institutions that are NOT listed as components of the Downstate's FWA including:
 - University Physicians of Brooklyn (UPB),
 - NYC Health + Hospital, Kings County Hospital,
 - □ Companies within the Downstate Biotech Park,
 - Other institutions, or
 - □ Private practices.

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STEP 5: ...and establish required agreements, as applicable to the research

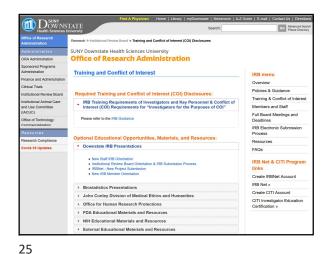
- □ External IRB Reliance Agreement (IRA) -request their form
- SUNY Downstate IRA if external site relies on Downstate IRB
- This is already in place for UPB, NYC H+H, NYC and some Downstate Incubator Tenants
- Individual Investigator Agreement (IIA) for each external investigator who is not covered by:
 - SUNY Downstate IRA
 - PHS COI management process or training program
- Data Use Agreement (DUA) for limited data sets, when applicable
- Business Associates Agreement (BAA) for activities with business associates
- Confidentiality Agreements
- Clinical Trial Agreement or Facilities Use Agreement

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STEP 6: ... and submit conflict of interest disclosures.

- Investigators who are determined by the PI to be if investigator for COI purposes, must submit Annual COI disclosures and Transactional Questionnaires for each study.
- Update their Annual COI disclosure within 30 days of any new significant financial interest (SFI).
- □ Management Plans must be established for any SFI.
- Investigators who are not members of the Downstate workforce must follow their COI disclosure process at their institution and submit their COI adjudication (determination) with the IRB submission or establish IIA.

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STEP 7: Develop the research protocol.

- □ Options:
 - Use the protocol provided by the sponsor.
 - Use template available on Downstate IRB website.
 - Develop your own.
- □ Caution:
 - Must meet Downstate Data Security requirements.
 - Must be consistent with the funding documents.

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STEP 8: Develop consent materials or applicable waivers.

- □ Review guidance for Obtaining Legally Effective Informed Consent and HIPAA Research Authorization.
- Develop the informed consent templates and related materials or request a waiver, when applicable.
- □ HIPAA authorizations (or waivers) apply to exempt research involving PHI.
- □ Include SUNY RF Payment Consent, if:
 - \square Compensation is \geq \$600 / calendar year
 - □ Compensation is over \$100 per study visit (unless waived for indirect payments, such as cash, gift/pre-paid cards)

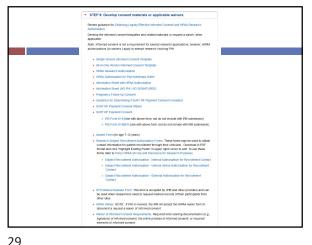
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 - □ Compensation is over \$100 per study visit (unless waived for indirect payments, such as cash, gift/pre-paid cards)

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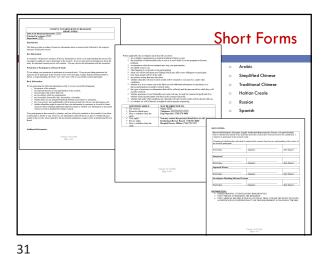
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STEP 9: Develop Short Forms, if applicable.

- Review guidance for Obtaining Legally Effective Informed Co horization to determine if Short Forms should be used
- Short Forms and certificates of translations are available on IRB website
- Written translation of the $\underline{\text{long form is}}$ expected when the research anticipates the enrollment of <u>five or more</u> research participants with limited English proficiency of the same language (e.g., 6 Spanish speaking participants), for the following types of research:
 - Phase 0, 1,1/2, 2, 2a, 2b, or 2/3 Clinical trials which are determined to be greater than minimal risk without any anticipated therapeutic benefit for the research participants
 - Studies which are determined to be a minor increase over minimal risk, when there is no direct benefit to the research participant;
- □ Complex clinical trials; or
- When required by the sponsor.
- Interpreter and Witness signs both the of the Long Form (English version) & Short Form (in the preferred language of research participant)



STEP 10: Determine if any additional materials are required.

- Recruitment Materials, Questionnaires, Surveys, Data Collection Tools
- □ IND study: Investigator Brochure, <u>FDA Form 1572</u>, IND letter
- □ IDE study: Package Insert, IDE Letter, SR/NSR determination
 □ For trials following GCP, or when requested: CV/Biosketch
- When requested, credentials of study staff performing clinical interventions
- □ When requested: Contract with Sponsor
 - □ IRB may need to confirm consistency of informed consent language regarding compensation for injuries, additional costs, GDPR disclosures, data security requirements, or other information.
- □ HIPAA Preparatory to Research Certification Form.

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Data Capture/Survey Tools

□ REDCap: Research Data Capture and Analysis System

Note: REDCap Surveys are HIPAA compliant and can be used to capture Protected Healthcare Information (PHI).

□ Qualtrics Survey Software

Note: Do not use Qualtrics for surveys that must capture PHI.

STEP 11: Determine which IRB Application Form to use for initial review.

- □ IRB Application Forms are posted in IRB Website
- □ Website includes guidance on which form to use
- □ IRB is in the process of converting to PDF fillable forms
 - Download Adobe Reader DC, if needed
 - □ Update your software, if needed

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Types of IRB Applications

- □ Most Common:
 - Exempt
 - Expedited or Full Board
 - External IRB Oversight
 - IRB Decision Aid
- Other Types:
- □ Clinical Use of a Humanitarian Use Device (HUD)
- Expanded Access (Investigational Drug/Biologic for Treatment Use)
- Honest Broker Agreement (used with other applications)

Exemption Categories

(Revision effective January 2019)

- 1) Normal educational practices in established educational settings
- 2) Educational tests, surveys, interviews, or observation of public behavior
- 3) Benign behavioral interventions with adults with prospective agreement
- 4) Secondary research for which consent is not required (includes retrospective chart reviews with HIPAA waiver)
- 5) Federal research and demonstration projects
- 6) Taste and food quality evaluation and consumer acceptance studies

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Expedited Review of Some Studies That Are No Greater Than Minimal Risk

- Clinical studies of drugs and medical devices only under specific conditions (no IND or IDE)
- □ Chart reviews (Consider Exemption #4, if PHI involved)
- □ Survey research (Consider Exemption #2)
- □ Collection of blood samples
- □ Biological specimens obtained by non-invasive means
- □ Collection of data through non-invasive means
- □ Materials collected solely for non-research purposes (Consider Exemption #4)
- Collection of data from voice, video, etc. (Consider Exemption #2 and/or #3)
- □ Research employing surveys, focus groups, etc. (Consider Exemption #2)

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Examples of Full Board Review

- Studies involving greater than minimal risk
- □ Clinical Trials involving IND, IDE, or HUD
- Humanitarian Use Device (HUD) for clinical purpose
- Expanded Access (Drug/Biologic for Treatment Use)
- Initial review of research that meets the criteria for "expedited review" category #1 or #2:
 - □ If it involves biomedical interventions with children, pregnant women, neonates, prisoners, or cognitively impaired adults, or
 - □ If referred by the expedited reviewer

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General External IRB Oversight Process

STEP 1: Initiate Reliance Request:

- On file: BRANY IRB, NCI CIRB, & SMART IRB Network (711 sites)
- □ Others with approval of Downstate IO
- Downstate IRB clarifies local research requirements for the external IRB
- STEP 2 (Optional): Pre-Activation/Pre-Review of materials by Downstate IRB
- STEP 3: Obtain External IRB approval of Downstate workforce
- STEP 4: Activation by Downstate IRB:
 - □ Confirms all local research requirements are met
 - Acknowledges External IRB approval
 - Downstate reserves the right to request amendments or make recommendations
- STEP 5: Follow all applicable policies

IRB Decision Aid — Application for a
Determination that IRB Approval is Not required

- Use FORM A4A when <u>Downstate is not engaged</u> in human research.
- Use FORM A4A when there is no intention of developing or creating generalizable knowledge, and the proposed activity is limited to one of the following:
 - Health care operations activity (e.g., performance improvement),
 - □ Case report or case series (up to three individuals)
 - Operational activity,
 - Pilot activity, feasibility activity, or evidence-based practice activity. or
- Training or educational activity

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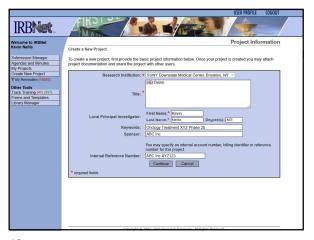
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IRB Decision Aid — Application for a Determination that IRB Approval is Not required

- $\hfill \square$ Use FORM A4B for \underline{any} request, such as:
 - Any activity described for Form 4A above, particularly if the activity also includes other activities like those listed below,
 - Secondary data or materials (data collected for another purpose) which has been de-identified,
 - Use of data or specimens from deceased individuals
 - Specimens or commercial cell lines that cannot be linked to an individual by the investigator,
 - $\hfill\Box$ De-identified or coded materials,
 - Use of a limited data set under a Data Use Agreement,
 - □ Preparatory to research activities,
 - Referring others from Downstate to a new study,
 - Pilot activity, feasibility activity, or evidence-based practice that does not involve human research as defined in Policy IRB-01, or
 - Training or educational activity that does not involve human research as defined in Policy IRB-01.

STEP 12: Upload all application materials.

- □ Create Username and Password to use IRBNet
- □ Refer to IRB guidance on how to create a new project in IRBNet
- Add all documents to the package
- □ Complete the IRBNet registration form (Start Wizard)
- OPTIONAL: If desired, share with IRB Administrator to request Pre-Review for any additional feedback



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STEP 13: Obtain Scientific/Scholarly Review when required.

- Scientific/Scholarly Review (SR) is required prior to IRB approval of the following types of research projects:
 - $\hfill\square$ Downstate Full Board Applications, and
 - Downstate Expedited Review Applications that qualify for research reviewed under categories (1A) or (1B) (e.g., studies involving a drug, biologic, or medical device).
- □ Share the submission and request electronic signature in IRBNet

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STEP 15: Obtain Downstate Department Chair or Dean Approval.

- $\hfill\Box$ Department Chair of Dean must approve application
 - Each area needs to approve the study
 - Share the submission and request electronic signature in IRBNet
- Chair/Dean may delegate to another person via
 "Delegation of e-Signature Form"

STEP 14: Obtain ancillary reviews, when required.

UHB Pathology Laboratories Services
Institutional Biosafety Committee (IBC)
NIH Novel and Exceptional Technology and Research Advisory Committee (NExTRAC)
Downstate Research Pharmacy
Others, if requested by IRB

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STEP 17: Respond to IRB Within Deadlines.

- □ "Unlocked" package in IRBNet by IRB:
 - Revise materials when requested
 - Lock package and mark revisions complete
- □ "Modifications Letter" published by IRB:
 - □ Submit follow-up package in IRBNet
 - □ Include point by point response cover letter
- □ CAUTION: Automatically withdrawn by IRB if response is not timely; however, PI may request more time if needed.

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STEP 18: Complete requirements for external sites.

- □ NYC H+H, Kings County:
 - Follow policies of NYC H+H and Downstate
 - Submit IRB approval in System to Track and Approve Research (STAR).
 - □ Site Principal Investigator must be a full-time, part-time or voluntary physician who is a member of the Medical Staff at Kings County and who has appropriate clinical privileges
- Other external sites:
 - Follow policies of both the external site and Downstate
 - □ Follow requirements of IRA and/or IIA

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STEP 19: Complete Post-IRB Requirements Before Starting the Research

- Upon approval by the IRB, the study team should do the following:
- Review the IRB approval letter for accuracy and appropriate determinations.
- Check the approval date and expiration date in letter and approved documents (consent, recruitment materials, etc.). An expiration date is NOT needed for recruitment materials
- □ Contact the IRB if there are any discrepancies, errors, or questions.
- Share applicable documents with sponsor.
- File documents in study binder.
- Ensure the study meets Applicable Clinical Trial Requirements of the FDA, within the required deadlines.
- Understand and ensure the requirements of sponsor.
- Understand reporting requirements to the IRB, sponsor, and FDA.
- Do not use laboratory reports from research laboratories for diagnosis, treatment and prevention of disease, unless the research laboratory is properly certified or accredited.
- Finalize clinical trail agreements, facilities use agreements, with Sponsored Programs Administration, as applicable for the study
- Complete any required ancillary reviews that are still pending approval

STEP 20: Submit required updates after IRB approval.

- Acknowledgement
- Reportable Events
- Amendment (2 TYPES)
 - Staff Changes Only
 - All other changes
- □ Continuing Review (3 OPTIONS)
 - □ Abbreviated forms for External IRB or HUD for Clinical Use
- □ Check-In Report (for studies with 3 year approval periods)
- □ Final Report (Study Closure)

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Reportable Events

- Privacy or Information (Data) Security Violation (Breach)
- Incarceration of a research participant Any FDA Action or Changes to HUD
- Unanticipated Serious Adverse Event
- Apparent non-compliance (including serious or continuing non-compliance)
- Research related Injury involving provision of Unexpected Adverse Event
- New information that indicates a change to the risks or potential benefits of the project
- Administrative or enrollment hold Local unanticipated problem involving risks to
 - participants or others
- Unanticipated adverse device effect
 - Adverse Event, external event, or other
- hazard
- Changes to eliminate an apparent immediate sponsored required reporting

Summary

- □ Submit IRB applications online using IRBNet
 - □ Initial IRB approvals
 - Required updates
- □ Follow instructions, policies, and guidance on
- IRB website
- □ Call or visit the IRB Office for help

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IRB Contacts	
Clinton Brown, MD, IRB Chair	(718) 270-1729
Stanley Friedman, MD, Vice Chair	(718) 270-1335
Jeannette Jakus, MD, Vice Chair	(718) 270-1229
Kevin L. Nellis, MS, CIP, Executive Director, Human Research Protection & Quality Assurance	(718) 613-8461
Diann Johnson, MPH, Associate IRB Administrator	(718) 270-4341
Nikol Celestine, BA, CIP, IRB Management Analyst	(718) 270-4411
Nakih Gonzales, IRB Assistant	(718) 270-4372
IRB Office (BSB 3-26) IRB@downstate.edu Appointments recommended; walk-ins welcome	(718) 613-8480

Additional Contacts (718) 270-4033 (Privacy Officer, HIPAA, Compliance Training, Audits, Internal Controls, Clinical Reimbursements, Financial Conflict of Interest Committee) (718) 613-8593 gor Gorelik, Information Security Officer (929) 359-0401 (718) 270-2680 nsored Programs Administration (Contracts, Grant Review, Submission, and Management) (718) 270-3027 Finance and Administration (Financial Analysis, HR, Payroll, (718) 613-8514 Technology Commercialization (Commercialization and IP) Michele Follen, MD, PhD, MBA, Director of Research and Chair, (718) 613-8401 Facility Research Review Committee (KC) (718) 613-8185 Bryce Petty, CCRC, Facility Research Coordinator (KC)/STAR contact

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Thank you for helping protect our study participants!

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