New NIH Human Subjects Requirements

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Agenda

• Updated definition of Clinical Trial
• Single Institutional Review Board (sIRB) requirements
• Certificate of Confidentiality (CoC)
• Forms E - PHS Human Subjects and Clinical Trials Information Form
OSP Roundtable – New NIH Human Subjects Requirements

Updated Definition of Clinical Trial
What has changed?

• NIH’s definition of clinical trial has been updated to communicate a much broader applicability:

“A research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of those interventions on health-related biomedical or behavioral outcomes.”

Prospectively assigned: a pre-defined process (e.g., randomization) by which research participants are assigned to one or more arms (e.g., intervention, placebo, or other control) of a study.

Intervention: a manipulation of the research participant or their environment (e.g., use of a wearable device such as a Fitbit; diet or exercise; surgical technique).

Health-related Biomedical or Behavioral Outcome: a pre-specified goal or condition that reflects the effect of the intervention(s) on participants’ biomedical or behavioral status or quality of life (e.g., improvement of lung capacity; changes to psychological wellbeing).
Decision Tree for NIH Clinical Trial Definition

Does the study involve human participants research?

YES

Are participants prospectively assigned to an intervention?

YES

Is the study designed to evaluate the effect of the intervention on the participants?

YES

Is the effect being evaluated a health-related biomedical or behavioral outcome?

YES

The study is NOT a clinical trial.

This study is a clinical trial.

Example 1

A study involves the recruitment of school children to evaluate two different tools for monitoring food intake. Food consumption behavior will be measured by asking children to activate a pocket camera during meals and to use a diary to record consumed food. Changes to eating behavior will be assessed.

- **Does the study involve human participants?** Yes, children are human participants.
- **Are the participants prospectively assigned to an intervention?** Yes, the participants are prospectively assigned to two food monitoring methods.
- **Is the study designed to evaluate the effect of the intervention on the participants?** Yes, the study is designed to determine whether using the monitoring methods changes eating behavior.
- **Is the effect being evaluated a health-related biomedical or behavioral outcome?** Yes, eating behavior is a health-related outcome.

*This study is a clinical trial.*
Example 2

A study involves the recruitment of children at two schools to monitor eating behavior. Children’s food choices will be monitored using a remote food photography method. Food consumption and the accuracy of food monitoring methods will be assessed.

• **Does the study involve human participants?** Yes, the children participating in this study are human participants.

• **Are the participants prospectively assigned to an intervention?** No, not in this context. The study involves observing and measuring eating behavior, but not modifying it. This is an observational study.

This study is not a clinical trial.
What are the implications of this change?

- With this broader definition, many more studies are classified as clinical trials and are therefore subject to additional human subjects compliance requirements, including:
  - All researchers on the protocol for the NIH-funded clinical trial study must complete training in Good Clinical Practice (GCP).
  - The study must be registered within 21 days of enrollment of first participant on ClinicalTrials.gov and must provide summary results and updates about the study as required.
  - For clinical trials funded by any federal agency, all consent forms must be posted online (website TBD) after the study is closed to recruitment and within 60 days of the end of data collection.
What are the implications of this change?

- Researchers and administrators will need to determine whether the project meets the definition of a clinical trial **prior to submitting a proposal to NIH for funding consideration.** Effective for due dates on or after January 25, 2018, NIH will require all applications involving one or more clinical trials be submitted through a Funding Opportunity Announcement (FOA) specifically designated for clinical trials.

  **Due Dates on or after January 25, 2018**

  All clinical trial applications **MUST** be submitted to an FOA that allows clinical trials.

Next Steps: Cornell Researchers

• **All** researchers;
  – Prior to starting your NIH proposal, determine whether your project is a clinical trial. Ask the Cornell IRB Staff at irbhp@cornell.edu for help if you are not sure!
  – Work with your pre-award administrator and OSP Grant & Contract Officer to apply to the correct NIH Funding Opportunity Announcement (FOA).
  – Add a few days to your proposal planning and preparation timeline.

• Clinical Trial researchers;
  – Have all study team members take Good Clinical Practices (GCP) training http://www.oria.cornell.edu/training/citi/login/index.cfm
  – Familiarize yourself with ClinicalTrials.gov and set up an account https://grants.nih.gov/policy/clinical-trials/reporting/steps.htm
Next Steps: Research Administrators

• Become familiar with;
  – The updated definition and determination criteria for clinical trials
  – Clinicaltrials.gov and the reporting requirements
  – Updated NIH Funding Opportunity Announcements (NOT-OD-18-106)
  – Forms E, especially the new PHS Human Subjects and Clinical Trials Information Form

• Work with all NIH researchers to;
  – Determine whether their project is a clinical trial. Ask the Cornell IRB Staff at irbhp@cornell.edu for help if you are not sure!
  – Ensure all proposals, both those that are and are not clinical trials, are submitted to the correct NIH Funding Opportunity Announcement (FOA)

• Add a few days to your proposal planning and preparation timeline.
NIH Resources

• Guidance

NIH’s Definition of a Clinical Trial Website
https://grants.nih.gov/policy/clinical-trials/definition.htm

NIH’s Clinical Trials FAQs

NIH’s Clinical Trial Case Studies Website

NIH’s Good Clinical Practice (GCP) Training Website

• Policy

NIH Policy Notice NOT-OD-15-015: Notice of Revised NIH Definition of “Clinical Trial”


NIH Policy Notice NOT-OD-18-106: Policy on Funding Opportunity Announcements (FOA) for Clinical Trials Takes Effect 1/25/2018
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Single Institutional Review Board (sIRB) Requirements
What is a single Institutional Review Board (sIRB)?

• One IRB that is responsible for conducting an ethical review of, and coordinating, all human participant research performed at all the locations in a multi-site study.

• Role of the sIRB:
  – Conducts ethical review for studies at all sites, including recruitment, applications, consent forms, incident reports, data and privacy, in keeping with Common Rule requirements.
  – May also serve as Privacy Board (HIPAA Privacy Rule - use/disclosure of PHI for research).
  – Handles all changes to the study and ensure that they are uniformly implemented, ensure all concerns are addressed, maintain documentation, correspond with the NIH and regulators.

• Role of participating sites:
  – Rely on sIRB to carry out review functions and report to sIRB (unanticipated problems, study progress, information regarding local context issues), meet all IRB requirements for study at their site (local review, documentation, training, oversight, incident reporting, etc.)
What has changed?

- NIH has a new policy, intended to streamline the IRB review process, harmonize IRB requirements for an NIH-funded study, and reduce administrative burden.

All multi-site projects with non-exempt human participant research (clinical and non-clinical) where the same research protocol is conducted at more than one domestic site will be required to use a single Institutional Review Board (sIRB).

- Applies to all competing grant applications (new, renewal, revision, resubmissions) due on or after January 25, 2018, and all contract solicitations published starting January 25, 2018.
- Does not apply to international sites, or to Career Development (K), Research Training (T), or Fellowship (F) mechanisms.
What are the implications of this change?

- If the NIH proposal involves conducting the same research at multiple locations, the proposal must include an sIRB Plan
  - Plan must indicate the sIRB, confirm that participating sites will adhere to the sIRB Policy, describe communications between sites and sIRB
  - sIRB costs might be permitted as direct charges (Talk to you GCO!)
  - If awarded, all participating sites must execute an Authorization Agreement & the sIRB Plan will be incorporated into the Notice of Award (NOA) as a term and condition

The administrative responsibility of the Single IRB is very significant.
Do not assume Cornell can act as sIRB.
Contact Cornell IRB (irbhp@cornell.edu) well in advance of proposal submission.
NIH Resources

• Guidance

NIH’s Single IRB policy for Multi-site Research Website

• Policy


NIH Policy Notice NOT-OD-18-003: Guidance on Exceptions to the NIH Single IRB Policy

What is a Certificate of Confidentiality?

- A Certificate of Confidentiality (CoC) **protects the privacy of research participants** by prohibiting disclosure of participants’ identifiable, sensitive information in response to legal demands, such as a subpoena.
What has changed?

- Effective **October 1, 2017**, for NIH-funded research active on December 13, 2016;
  - All research that collects or uses identifiable, sensitive information is deemed to be issued a CoC
  - No documentation will be given — determination of whether a CoC applies is left to the institution and researchers
  - Previously, obtaining CoC protections required an application to NIH— not all requests were granted

- For **non-NIH studies**, PIs may request a CoC (the new, automatic issuance only applies to NIH studies) if they believe it is necessary to protect participants
What are the implications of this change?

- If a CoC applies to an NIH-funded study:
  - The IRB office will inform the PI during the approval process
  - The researcher may not disclose protected information to any person not connected with the research, including for legal proceedings
  - The consent should inform participants about the CoC
  - Collaborators & other recipients of identifiable information or biospecimens are subject to the same restrictions, and the PI is responsible for communicating this to collaborators
NIH Resources

• Guidance

  NIH’s Certificates of Confidentiality Website
  https://humansubjects.nih.gov/coc/index

• Policy

  NIH Policy Notice NOT-OD-17-109: Notice of Changes to NIH Policy for Issuing Certificates of Confidentiality
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Forms E - PHS Human Subjects and Clinical Trials Information
Effective for due dates on or after January 25, 2018, the Forms E Application package, including the new Human subjects and Clinical Trials Information form, is required for all applications submitted to NIH.

PHS Human Subjects and Clinical Trials Information Form

• New form making it’s debut in Forms E!
• Purpose:
  – Consolidates human subjects, inclusion enrollment, and clinical trial information previously collected across multiple agency forms
  – Incorporates structured data fields
  – Collects information at the study-level
• PHS 398 Research Plan has also been updated to remove the human subjects attachments Protection of Human Subjects, Data Safety Monitoring Plan, Inclusion of Women and Minorities, and Inclusion of Children.
Study Record: PHS Human Subjects and Clinical Trials Information

Section 1 - Basic Information

1.1. Study Title (each study title must be unique)

1.2. Is this Study Exempt from Federal Regulations?

1.4. Clinical Trial Questionnaire

1.4.1. Does the study involve human participants?
1.4.2. Are the participants prospectively assigned to an intervention?
1.4.3. Is the study designed to evaluate the effect of the intervention on the participants?
1.4.4. Is the effect that will be evaluated a health-related biomedical or behavioral outcome?

Section 2 - Study Population Characteristics

2.1. Conditions or Focus of Study

2.2. Eligibility Criteria

2.3. Age Limits: Minimum Age: __________ Maximum Age: __________

2.4. Inclusion of Women, Minorities, and Children

2.5. Recruitment and Retention Plan

2.6. Recruitment Status

2.7. Study Timeline

2.8. Enrollment of First Subject

Inclusion Enrollment Report(s)
### Inclusion Enrollment Report

1. Using an Existing Dataset or Resource: [Yes] [No]

2. Enrollment Location Type: [Domestic] [Foreign]

3. **Enrollment Country(s):**
   - [Input Field]

4. **Enrollment Location(s):**
   - [Input Field]

5. **Comments:**
   - [Input Field]

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#### Table: Racial Categories vs Ethnic Categories

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#### Table: Cumulative (Actual)

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**Navigation:**
- Previous Report
- Next Report
- First Report
- Delete Report
- Last Report
### Section 3 - Protection and Monitoring Plans

#### 3.2. Is this a multi-site study that will use the same protocol to conduct non-exempt human subjects research at more than one domestic site?

- [ ] Yes
- [x] No
- [ ] N/A

If Yes, describe the single IRB plan:

- [ ] Add Attachment
- [ ] Delete Attachment
- [ ] View Attachment

### Section 4 - Protocol Synopsis

#### 4.2. Intervention

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<th>Name</th>
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- [ ] Add New Intervention

#### 4.2g. Attrition

#### 4.5. Outcome Measures

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<table>
<thead>
<tr>
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<th>Brief Description</th>
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<tr>
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</table>

- [ ] Add New Outcome

#### 4.4. Statistical Design and Power

#### 4.5. Subject Participation Duration

#### 4.6. Will the study use an FDA-regulated intervention?

- [ ] Yes
- [x] No

#### 4.6a. Yes, describe the availability of Investigational Product (IP) and Investigational New Drug (IND)/Investigational Device Exemption (IDE) status:

- [ ] Add Attachment
- [ ] Delete Attachment
- [ ] View Attachment

### Section 5 - Other Clinical Trial-related Attachments

#### 5.1. Other Clinical Trial-related Attachments

- [ ] Add Attachments
- [ ] Delete Attachments
- [ ] View Attachments
NIH Resources

• Guidance

PHS Human Subjects and Clinical Trials Information Form Walk-through
https://www.youtube.com/watch?v=nz9NWFhYOG8

New Human Subjects and Clinical Trial Information Form Website

Annotated Forms Version E For NIH Grant Applications due on/after January 25, 2018

• Policy

SF 424 (R&R) Forms Version E – Significant Changes
https://grants.nih.gov/grants/how-to-apply-application-guide/forms-e/general/g.120-significant-changes.htm

SF 424 (R&R) Forms Version E – PHS Human Subjects and Clinical Trials Information Guidelines
Overview of New NIH Policies on Human Subjects Research

OSP Roundtable – New NIH Human Subjects Requirements

Questions?
OSP Roundtable – New NIH Human Subjects Requirements

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