HRPP Document: **GUI339**

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Subject: **Guidance on Additional Requirements for Protocols Conducted by UAB and Sponsored by a Department of Defense (DoD) Component**

Regulations and directives that specifically address the protection of human subjects in research sponsored by any component of the US Department of Defense (DoD) include DoD Directive 3216.02 (dated March 25, 2002); Section 980 of title 10, USC; 32 CFR Part 219; and DoD Directive 6200.2 (dated August 1, 2000), and others.

OVERVIEW OF REQUIREMENTS

Identification of DoD Sponsored Research

When submitting an HSP to the UAB OIRB, the PI must identify the research as sponsored or funded by a DoD component (as defined in Department of Defense Directive 3216.02). The PI is responsible for identifying DoD component requirements specified in the grant application guidelines and for advising the OIRB staff and IRB of the requirements. DoD components include, but are not limited to:

- Navy
- Office of Naval Research
- Naval Academy
- US Naval Observatory
- Army
- US Army Corps of Engineers
- Military Academy (West Point)
- Air Force
- Air Force Academy
- Marines
- Coast Guard
- Coast Guard Academy
- National Guard
- Missile Defense Agency
- Defense Advanced Research Projects Agency (DARPA)
- Pentagon Force Protection Agency
- Defense Intelligence Agency
- National Geospatial-Intelligence Agency
- National Security Agency
- National War College
- Tricare Health System

Department of Defense Ethics Education Requirements

DoD-approved education and training in human research protections are required for personnel involved in the conduct, review, or approval of research sponsored by a DoD Component. Each DoD Component has educational requirements in the ethical conduct of human subjects research. The type and extent of training depend, in part, upon the duties and responsibilities of the persons involved in the research. Further, research ethics training is incorporated into continuing education for activities of DoD Components that involve the conduct of human subjects research (DoD Directive 3216.02, March 02, 2002).

- The PI and research team complete all initial and continuing mandatory education requirements for human subjects protections in accordance with DoD policy.

- The PI is responsible for identifying specific educational or certification requirements of the sponsoring DoD Component and conveying those requirements to the IRB. The PI consults the DoD Component, as appropriate, to identify education requirements.

- OIRB staff, with assistance from the PI, determines the need for orientation and/or education of the IRB chair, members, staff, and Institutional Official regarding DoD-specific education requirements.

- OIRB staff assists the PI, study personnel, and all IRB personnel, as identified above, in accessing the necessary human subjects training and certifications required for IRB approval.

- The PI, study personnel, and IRB members and staff complete DoD-specific research ethics training, as applicable, and the PI submits documentation of training completion to the OIRB and to the DoD Component, as appropriate.

- OGCA staff includes relevant certifications, as appropriate, in the sponsored research agreement.

- The IRB does not approve DoD-supported research until the PI and research team have completed required education and the appropriate certifications are in place.

Research Monitor Required: Greater than Minimal Risk Studies

For DoD-sponsored research involving greater than minimal risk to subjects, the DOD requires appointment of an independent research monitor. The research monitor has the authority to stop a research study in progress; remove individuals from the study; and take any steps to protect the safety and well-being of subjects until the IRB can assess the research monitor's report.

- The IRB is responsible for making the determination that the research is minimal risk or greater than minimal risk.

- The PI identifies a candidate for the position of research monitor, taking into account the nature and disciplinary focus of the study and the likely type of medical expertise required. The PI attaches to the IRB HSP application a copy of the monitor's curriculum vitae and a letter from the monitor accepting the role.

- The PI conveys to the monitor relevant DoD-specific orientation/education requirements of the role (see also Department of Defense Ethics Education above.)

- The IRB reviews the information regarding the monitor and determines whether the individual designated meets the DoD requirements for educational and professional expertise (see Definitions above). The IRB also ensures that the research monitor is independent of the research team.

Research Involving International Citizen Populations

- The PI provides the necessary information in the HSP, as appropriate, on the subject populations, the cultural context, and the languages understood by the human subjects. The PI is responsible for identifying local laws, regulations, customs and practices and following them when designing and implementing the research.
    - The PI is responsible for determining whether the sponsoring DoD Component requires an additional ethics review by the host country or a local DoD IRB with host country representation. PI is responsible for providing information and materials required in PRO124 (Procedure for Identification and Communication of Human Subjects Research to Non-UAB-Affiliated Performance Sites).

- To ensure the IRB has appropriate knowledge of the local context, the IRB may use a consultant in accord with its standard operating procedures outlined in PRO122 (Procedure for Initial Review of Proposed Research at the Convened IRB Meetings).

- Additional safeguards may not be applicable to minimal risk social-behavioral research. The PI and/or OIRB staff consults with the sponsoring DoD component, as appropriate.

Provisions for Human Subjects Research Using Investigational Test Articles

Investigators may not be designated as sponsors for drug, device or biologic studies (INDs and IDEs).

Research Involving US Military Personnel as Research Participants

The PI submits the HSP application incorporating additional safeguards to minimize undue influence from individuals within a potential participant's chain of command. The PI should consult the sponsoring DoD Component, as necessary, to assist him in making provisions for these additional safeguards.

- If the research involves greater than minimal risk to participants and involves military personnel, the PI must include in the HSP a plan to ensure that officers, senior or other non-commissioned officers cannot influence the decision of their subordinates in their recruitment plan, including their presence during the consenting process.

- The PI must include in the HSP a plan to provide separate recruitment procedures for officers and senior non-commissioned officers to participate in the research study.

- In accordance with UAB IRB policy, the PI must have a witness independent of the research team present during the recruitment and consenting process. The IRB will not waive this requirement for DoD sponsored research.

- The IRB will review any proposed compensation to ensure that it does not violate the Dual Compensation Act) which prohibits military personnel from receiving pay from more than one position for more than an aggregate of 40 hours of work in one calendar week.

- DoD policies do not apply when U.S. military personnel incidentally participate as subjects in a study that is not DoD-sponsored or supported and U.S. military personnel are not the intended target population.

Research Involving Prisoners of War and Detainees

Research involving any person captured, detained, held, or otherwise under the control of DoD personnel is prohibited.

Classified Research

Classified research must receive prior approval from the Secretary of Defense and is not eligible for review under the expedited review procedures.

Research in Which Legally-authorized Representatives (LARs) Provide Consent

According to military law and DoD Directive, informed consent may be provided by a legally-authorized representative of participants if:

- The participant lacks capacity, due to age, condition, or other reason to make a decision regarding consent to participants in the research; and
- The IRB has determined that the research is intended to be beneficial to the individual participant.

See POL025 (UAB Policy on Definition of "Legally Authorized Representative" for Decisionally Impaired Adults) and PRO125 (Procedure for Review of Decisionally Impaired Adults Involved in Human Subjects Research).

Waiver of Consent and Exception from Informed Consent in Emergency Medicine

- If a research subject meets the definition of “experimental subject,” DoD regulations prohibit a waiver of consent unless the PI obtains a waiver from the Secretary of Defense.
  - The IRB makes the determination as to whether the research subject meets the definition of “experimental subject.” The IRB shall not approve a waiver of consent if the research subject meets the definition of “experimental subject” unless the Secretary of Defense has issued a waiver. The IRB may waive the consent process if the research does not meet the definition of “experimental subject.”

- DoD regulations prohibit an exception from informed consent in emergency medicine research unless the PI obtains a waiver from the Secretary of Defense.
  - The IRB shall not approve an exception from informed consent in emergency medicine research unless the PI has obtained a waiver from the Secretary of Defense.

Multi-Site or Collaborative Research Requirements

The PI in conjunction with OGCA staff should ensure that the formal research agreement between participating institutions includes a statement of work and specifies the roles and responsibilities of each party.

- When developing a proposal for DoD funding or other support that involves other collaborating institutions, the PI consults the sponsoring DoD Component and OIRB Director early in the proposal development process to identify additional requirements for multi-site research.

- In order to ensure consistent protection of subjects under DoD requirements, a PI conducting DoD-sponsored multi-site research submits information to the IRB in accordance with PRO152 (Procedure for Identification and Communication of Human Subjects Research to UAB-Affiliated Performance Sites) and PRO124 (Procedure for Identification and Communication of Human Subjects Research to Non-UAB-Affiliated Performance Sites).

Provisions for Research-related Injury

The PI is responsible for informing OIRB staff of the DoD Component's requirements for the provision of care in the case of a research-related injury. If the DoD Component has stricter requirements than the Common Rule or UAB, the PI and OGCA should ensure this language is included in the research agreement and the OIRB staff will verify the language is consistent with the language in the consent document.

Additional DoD Review Required Prior to Study Initiation

Once the IRB completes its review and issues approval, the PI submits documentation of IRB approval, the risk level, and the expiration date of the research to the DoD Component sponsoring or supporting the study.

- The PI may not initiate the study until the human research protection officer (HRPO) within the sponsoring DoD Component reviews and approves the IRB approval and other submitted documentation.

- The DoD may also request additional documentation to verify compliance with federal and DoD policies, including minutes related to the research. As appropriate, OIRB staff provides the PI any additional information pertinent to IRB review, which may not be under a PI's purview (e.g., IRB minutes). The PI sends requested information to the DoD.

- If the study is for DoD-sponsored survey research or survey research within the DoD that involves DoD personnel, military or civilian, the PI and the OIRB identify any requirements for an additional level of DoD review of the study. Surveys typically require DoD Survey Review and approval. The PI submits surveys and all required documentation relevant to survey research review to the requesting DoD Component.

- The PI notifies OGCA and OIRB staff upon receipt of relevant HRPO authorization and/or DoD Survey Review approval, as appropriate. OGCA staff establishes the account only after receiving certification of final human subjects and survey review and approval from the HRPO or relevant DoD designee.

Scientific Review for Substantive Amendments of Approved Protocols: Prior Scientific Review Required

DoD requires that all substantive amendments to approved DoD research involving human subjects receive scientific review prior to IRB review. Therefore, the Department Chair (or designee) needs to complete departmental scientific review and approval (e.g., Protocol Oversight Review Form – PORF or departmental equivalent) for submission by the investigator with the Project Review/Amendment Form to the IRB for review.

Non-compliance Reporting Requirements

UAB will report to DoD any of the following for DoD-related research:

- Suspension or Termination of the research;
- Initiation and results of investigations of alleged non-compliance;
- Unanticipated problems involving risks to subjects or others, and/or serious adverse events
- Any audit, investigation or inspection of DoD-supported research;
- Any audit, investigation or inspection of the institution's HRPP conducted by outside government entities (e.g., FDA or OHRP);
- Significant communication between institutions conducting research and other federal departments and agencies regarding compliance and oversight;
- Any restriction, suspension or termination of the institutions' assurance.

See PRO128 (Procedure for Compliance Issues with Human Subjects Regulations or IRB Requirements or Determinations), POL024 (UAB Policy on Reporting to Institutional Officials and Regulatory Agencies), and PRO106 (Procedure to Ensure Prompt Reporting Of Unanticipated Problems Involving Risks to Subjects or Others). All findings of serious non-compliance shall be reported to the DoD, Director, Defense Research and Engineering.

Research Misconduct

For DoD funded activities in which an inquiry identifies sufficient evidence to proceed to an investigation, UAB will notify the official specified in the applicable award. Following completion of the investigation, UAB will provide a copy of the evidentiary record, the report of the investigation, recommendations made to the institution's adjudicating official, and the written response of the individual that is the subject of the allegation to any recommendations. This information will be provided to the Contracting Officer, Grants Officer, Agreement Officer, or other designated official. See SUP400 (UAB Policy Concerning the Maintenance of High Ethical Standards in Research and Other Scholarly Activities).

Maintenance of Records

OIRB staff maintains IRB records for DoD-sponsored research in accordance with PRO126 (Procedure for Maintenance of IRB Records). In addition, the PI may be required to

maintain other research-related and compliance documents in their files. The PI is responsible for fulfilling these requirements and should contact the DoD Component to determine their specific requirements.

REFERENCES

Department of Defense Directive, DoD 3216.02, March 25, 2002, Certified Current as of April 24, 2007 – Protection of Human Subjects and Adherence to Ethical Standards in DoD Supported Research" (http://www.dtic.mil/whs/directives/corres/pdf/321602p.pdf)

Title 10 United States Code Section 980

SECNAVINST 3900.39D - "Human Research Protection Program"

Title 24 United States Code Section 30

DoD Directive 6200.2 – "Use of Investigational New Drugs for Force Health Protection"

DoD Directive 3210.7 – "Research Integrity and Misconduct"

32 CFR 219 (National Defense regulations)

45 CFR 46, Subparts B, C, and D (HHS regulations)

21 CFR 50, 56, 312, 812, 600 (FDA regulations)

42 CFR 93 (PHS regulations)