Promoting Research Representation and Engagement – Opportunities Under the Common Rule

Division of Education and Development (DED)

HHS Office for Human Research Protections (OHRP)

May 2023

OASH | Office for Human Research Protections

Disclaimer

The opinions expressed are those of the presenter and do not necessarily reflect the policy of the U.S. Department of Health and Human Services.

For a complete and accurate description of the regulatory requirements, please refer to the text of the revised Common Rule available on OHRP's website.

https://www.hhs.gov/ohrp/regulations-and-policy/regulations/45-cfr-46/revised-common-rule-regulatory-text/index.html

Learning Objectives

- Review the Belmont Report principle of justice in human research ethics
- Explain how changing times have affected the interpretation of the principle of justice
- Explore relevant provisions in the Common Rule that could have an impact on promoting representation and engagement in research

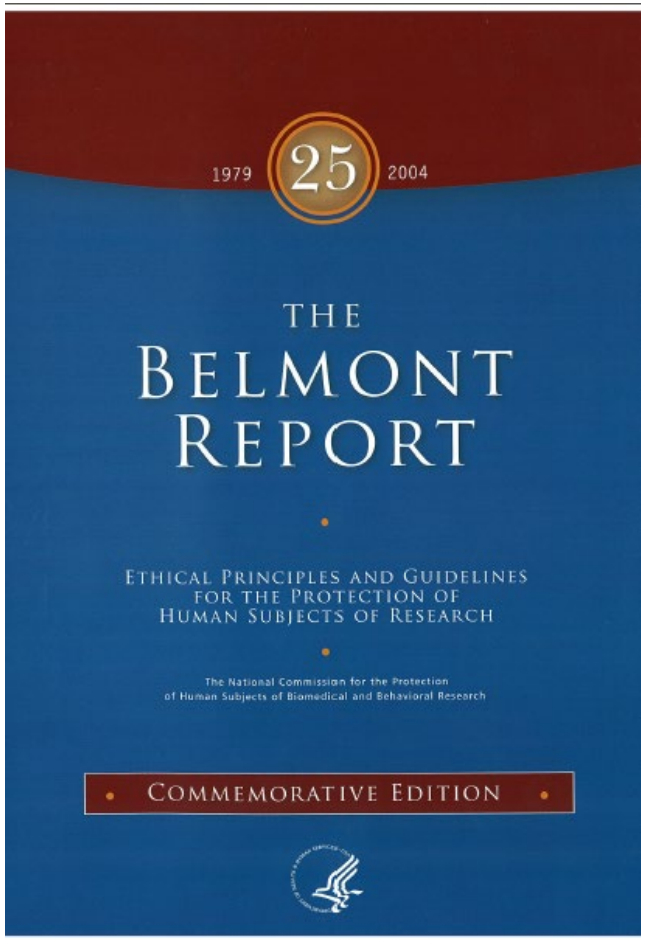
The Historical Origins

During the 19th and early 20th centuries, the poor, marginalized, and vulnerable were frequent objects of human experimentation.

Image Sources: https://catalog.archives.gov/id/956097

The Belmont Report (1979): Principle of Justice

- Consider fair procedures, fair outcomes, and fair distribution of burdens and benefits
- Acknowledge that individual institutions or investigators may not be able to resolve certain injustices institutionalized in society
- Focus more narrowly on the selection of research subjects
- Additional protections for certain vulnerable groups—pregnant women, children, and prisoners



https://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/read-the-belmont-report/index.html

Justice as Protection

- Research involves risks and is potentially exploitative
- Select research subjects not already bearing other societal burdens
- Vulnerable populations should be protected against the danger of being involved in research solely for administrative convenience, or because they are easy to influence as a result of their situation

Shift In How We Think About Justice

https://www.hhs.gov/ohrp/education-and-outreach/luminaries-lecture-series/index.html#collapseOne

Addressing the HIV/AIDS Pandemic: Ethical Challenges [December 6, 2014]

Reflecting on his 30 years as Director of the National Institute of Allergy and Infectious Disease, Anthony Fauci, M.D. speaks at PRIM&R about historical issues at the intersection of science, medicine, bioethics, policy, and politics. He recalls some of the difficult choices faced in the early years of the HIV/AIDS epidemic and connects them to current issues, including concerns around the Ebola vaccine.â€□

Dr. Fauci appeared as a keynote speaker at PRIM&R's 2014 Advancing Ethical Research Conference. For more information about the Conference and PRIM&R, Watch: Addressing the HIV/AIDS Pandemic: Ethical Challenges [43:28]

Science

The New York Times on the Web

Home | Site Index | Site Search | Forums | Archives | Marketplace

January 5, 1988

AIDS Research On New Drugs Bypasses Addicts And Women

Forum

- Join a Discussion on AIDS Epidemic

By GINA KOLATA

AIDS experts are growing more concerned that results from many trials of experimental drugs against the disease may not be valid for key segments of the population that the epidemic is increasingly hitting: drug users, nonwhites and women.

https://www.nytimes.com/1988/01/05/science/aids-research-on-new-drugs-bypasses-addicts-and-women.html

Rethinking Protection that Results in Exclusion

DIVERSITY AND INCLUSION | RESEARCH

Clinical trials seek to fix their lack of racial mix

Patrick Boyle, Senior Staff Writer

August 20, 2021

Most drugs have been tested primarily on White men, casting doubt about their efficacy for others. Researchers are trying to diversify who participates in studies.

https://www.aamc.org/news-insights/clinical-trials-seek-fix-their-lack-racial-mix

Bristol-Myers, Sanofi ordered to pay Hawaii $834 million over Plavix warning label

By Tina Bellon, Nate Raymond

2 MIN READ

(Reuters) - A judge in Hawaii on Monday ordered Bristol-Myers Squibb Co and Sanofi SA to pay more than $834 million to the state for failing to warn non-white patients properly of health risks from its blood thinner Plavix.

https://www.reuters.com/article/us-bristol-myers-sanofi-plavix/bristol-myers-sanofi-ordered-to-pay-hawaii-834-million-over-plavix-warning-label-idUSKBN2AF1YI

POLITICS

STAT+

Pregnant women who need medications face a risky guessing game. A federal task force is now trying to help

By Megan Thielking Dec. 5, 2017

Reprints

MOLLY FERGUSON FOR STAT

https://www.statnews.com/2017/12/05/pregnant-women-medication-use

Should Justice Include Consideration for Group Harms?

Indian Tribe Wins Fight to Limit Research of Its DNA

Edmond Tilousi, 56, who can climb the eight miles to the rim of the Grand Canyon in three hours. Jim Wilson/The New York Times

By Amy Harmon
April 21, 2010

https://www.nytimes.com/2010/04/22/us/22dna.html

RESEARCH NEWS

'Blood Victory' In Medical Research Dispute

April 25, 2014 · 12:16 PM ET
Heard on Tell Me More

5-Minute Listen + PLAYLIST

The Havasupai Native American tribe celebrated Blood Victory Day this week. That's the anniversary of their legal victory over researchers who misused members' blood samples without proper consent.

Transcript

CELESTE HEADLEE, HOST:

https://www.npr.org/2014/04/25/306832661/blood-victory-in-medical-research-dispute

https://journalofethics.ama-assn.org/article/genetic-research-among-havasupai-cautionary-tale/2011-02

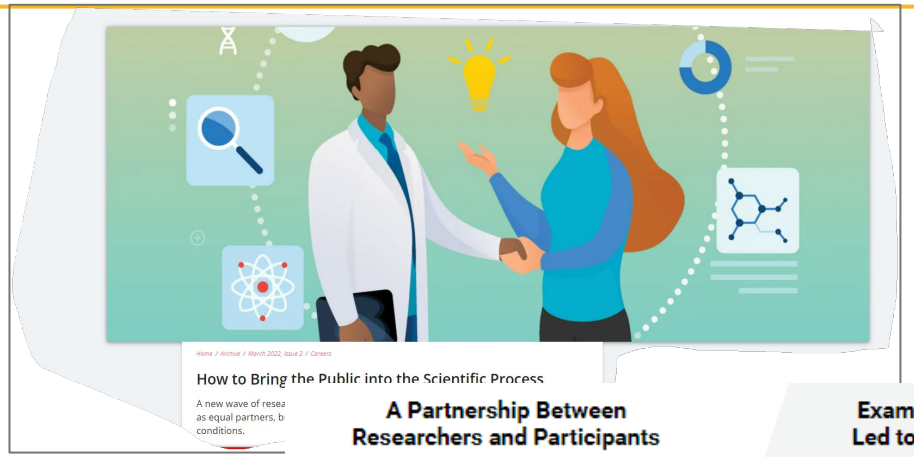
Role of Research Participant Populations and Communities in the Selection and Design of Research Studies

June 16, 2021

The Yale Model and Our Partnered Approach: Increasing Clinical Trial Representation Through Community Collaboration and Innovation

Speakers Tesheia Harris, MBA, MHS (formerly Johnson) Deputy Director and Chief Operating Officer, YCCI, Director for Clinical Research, Yale School of Medicine and Reverend Dr. Leroy O. Perry, Jr. Pastor, St. Stephens AME Zion Church discussed the Yale experience in community outreach and engagement to promote the recruitment of diverse participant populations in clinical trials. Their presentation was delivered at the OHRP Research Community Forum co-sponsored with the University of Texas Southwestern in June 2021.

https://www.hhs.gov/ohrp/education-and-outreach/luminaries-lecture-series/justice/index.html

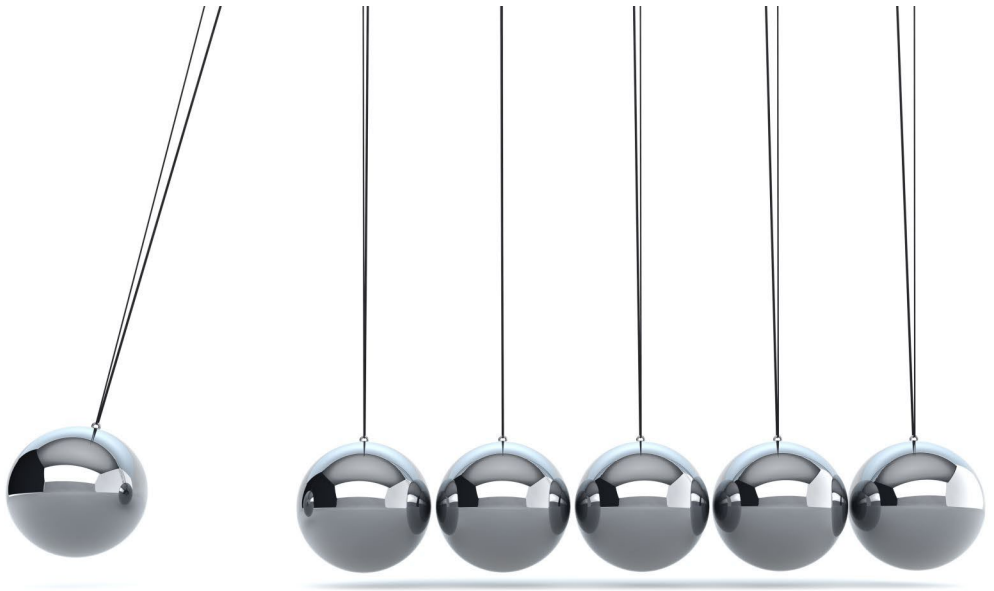


https://www.the-scientist.com/careers/how-to-bring-the-public-into-the-scientific-process-69776

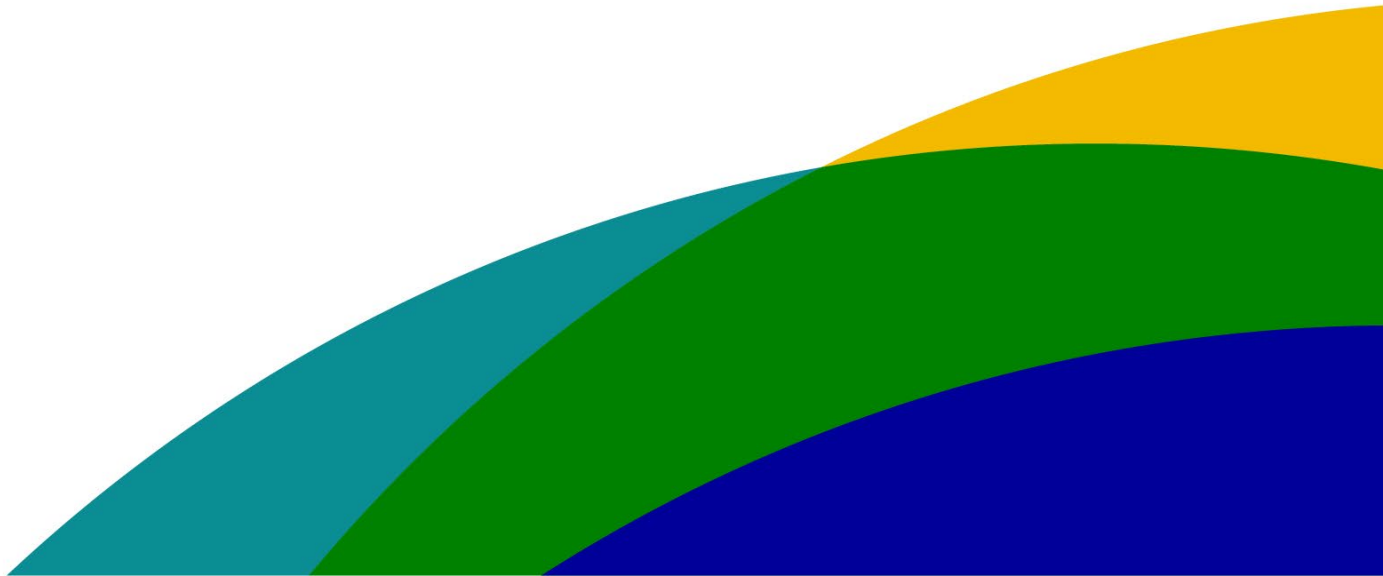
https://www.hhs.gov/ohrp/education-and-outreach/about-research-participation/printable-educational-materials/index.html

Pendulum Shift: Justice as Access

- Research offers potential benefits
- Individuals and population groups demand for the opportunities to be included in research
- Focus on inclusion and the fair distribution of benefits
- Exclude only with clear justifications



Leveraging the Common Rule to Promote Representation and Engagement in Research



OASH | Office for Human Research Protections

Reorientation: Concept of Research Participation

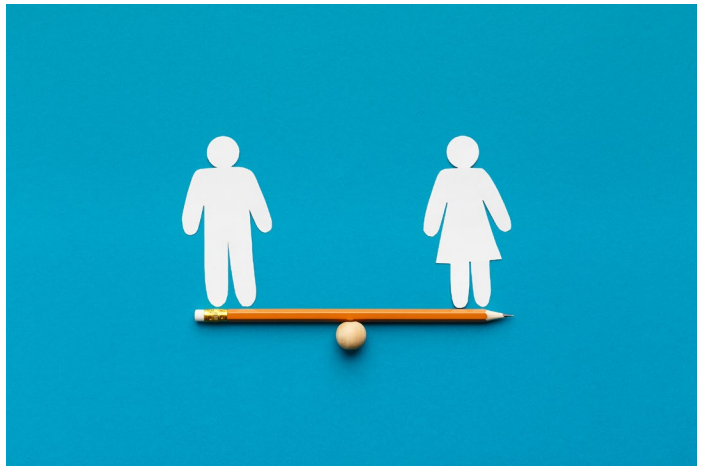
Past

- Research participation is primarily a burden to individuals
  - ➢ Avoid involving individuals—especially of vulnerable groups—unless it cannot be avoided
- Individuals are mostly reluctant, and participation is largely passive
  - ➢ Beware of unduly influencing individuals to participate

Present

- Research participation is necessary to bring benefits to the community/group of which the individual is a part
  - ➢ Failure to involve such individuals could potentially deprive them and their community/group of important benefits, and this would be unjust
- Individuals may be ready to engage
  - ➢ Objective is to facilitate participation by being realistic about burdens and finding ways to override/minimize them

Re-examining the IRB Approval Criterion of Equitable Selection of Subjects at §46.111(a)(3)



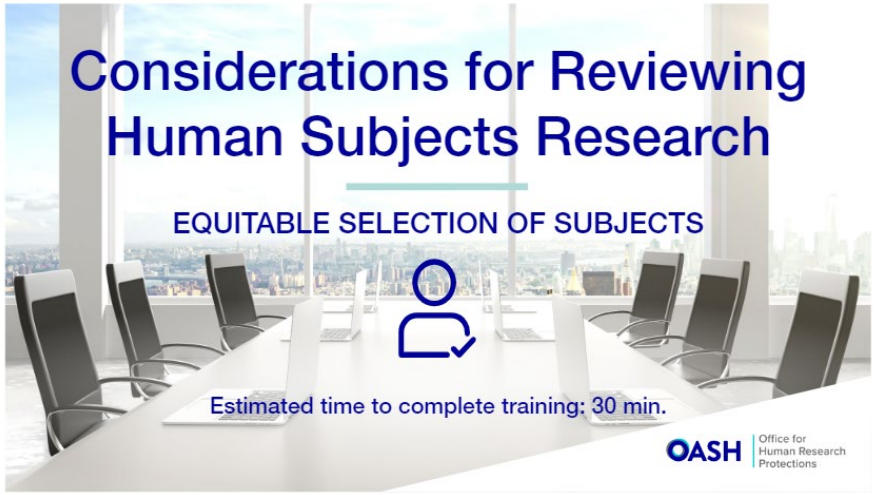
- IRBs are asked to consider the purpose and the setting of the research when deciding if subject selection is equitable
- Backed by the Belmont principle of justice—the fair distribution of the burdens and benefits of research
- Requires an adequate understanding of:
  - What are the burdens and on whom?
    - Burdens are not just the risks of research to individual participants; they may include time, effort, social burdens, and monetary and opportunity costs
  - What are the anticipated benefits and for whom?
    - Benefits are not just any direct benefits an individual participant may receive, but also the indirect benefits, including the opportunity to benefit from the fruits of research for the participants and their associated communities or groups

Promoting Equitable Selection of Subjects, 1/4

1. Who are investigators <u>including</u> for participation? What are the reasons for including them? Are these individuals appropriate for answering the research questions?
   - Avoid exploiting/taking advantage of people/groups! Avoid burdening those who have little or no chance of benefiting
   - Recruit individuals who may have a chance of directly benefiting from their participation in the research
   - Otherwise, recruit individuals from communities or groups that will most likely benefit from the fruits of the research in the future

Promoting Equitable Selection of Subjects, 2/4

2. Who are investigators excluding from participation? What are the justifications? Are these compelling reasons or is the exclusion primarily a matter of convenience?
   - Unjustifiable, unreasonable exclusions may jeopardize generalizability of the findings and limit understanding for the intervention studied
   - The lack of scientific generalizability and applicability could disenfranchise communities and lead to the erosion of trust; further disengagement, slow accrual, and the possibility of a vicious cycle



https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-training/considerations-for-reviewing-human-subjects-research/index.html

Promoting Equitable Selection of Subject, 3/4

3. What are investigators doing to facilitate a broad participant pool?
   - What is the strategy for outreach and recruitment? Is there a genuine and appropriate effort to involve marginalized and other minority groups who also stand to benefit from the research? What is the understanding for how they may benefit ?
   - Is there an adequate understanding of the barriers and burdens for participation? Are researchers proposing reasonable actions to remove barriers and minimize burdens?
   - §46.111(b) asks to include additional safeguards to protect the rights and welfare of vulnerable individuals. How might those who are vulnerable, and their communities, benefit from participation in a more concrete manner?

Promoting Equitable Selection of Subject, 4/4

4. What are investigators doing to maximize the value for participants?
   - How much do investigators understand about the participant populations they propose?
   - What level of community engagement have investigators sought, or not?
   - What measures are in place to maximize value for participants?
     - ✓ Conducting research projects that matter to them
     - ✓ Reaching people where they are—participant-focused approach to facilitate access
     - ✓ Informing participants of progress and outcome of research

Leveraging the General Requirements for Informed Consent at §46.116(a)

- Provide information that a **reasonable person** would want to have **in order to make an informed decision** about whether to participate
- Begin with the **key information** that is most likely to assist a prospective subject in **understanding why one might or might not want to participate**
- Present information in sufficient detail and organized and presented in a way that does not merely provide lists of isolated facts, but rather **facilitates understanding of the reasons why one might or might not want to participate**

Leaning on the *Purpose* of Informed Consent

Informed consent is about making sure that prospective participants have a fair chance of getting/understanding the information they need to decide about whether to be in a study

- Pay attention to **who** needs the information, **what** information, and **how** they could best understand the information to make meaningful decisions
- Provide **content** in the participant's **context**
- Put yourself in the participant's shoes
- Rely on **community partnerships, consultations, ambassadors**, etc. **Get to know your prospective research participants**.
- Focus on **empowering individuals**, not shielding institutions from liabilities or merely satisfying regulators

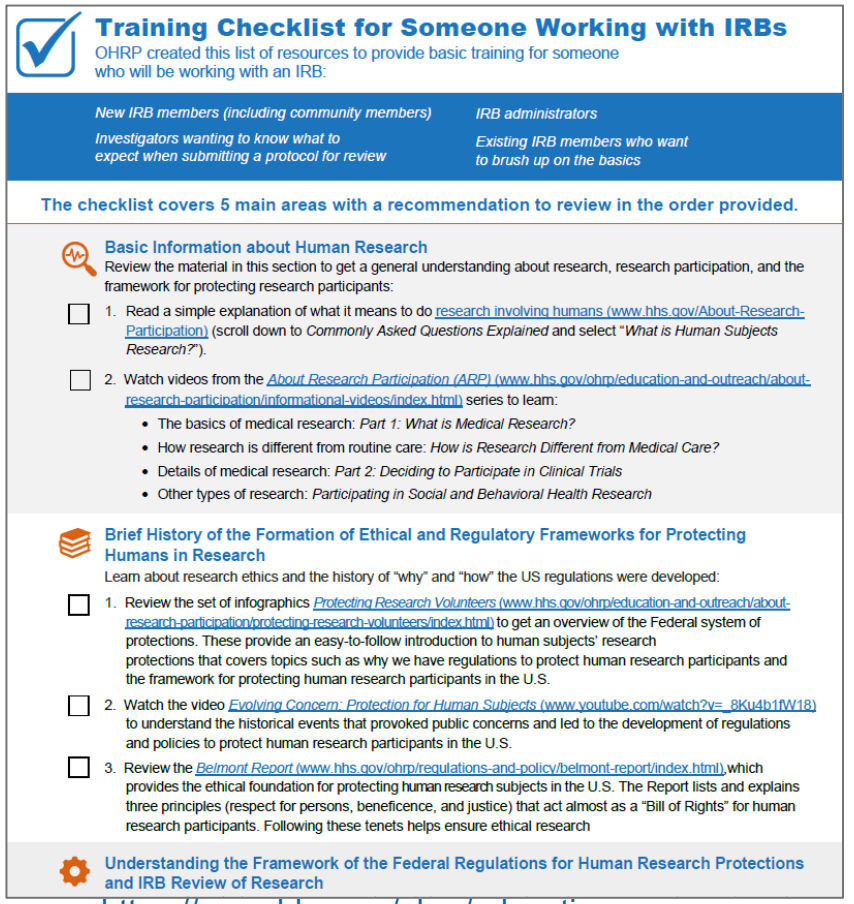
Translating *Respect for Persons* Into Effective Informed Consent

- Primary purpose is to facilitate individuals **making their own decision** about research participation
- Participants become **partners** in research and **not merely means** to another's end
- Effective consent **satisfies the ethical principles** and regulatory requirements

Common Rule Requirements for IRB Membership

- Embracing **diversity in IRB memberships** with considerations for **race, gender, and cultural** backgrounds and sensitivity to such issues as **community attitudes**, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects
- Ensuring appropriate representation at reviews by including individual(s) **knowledgeable about and experienced in** working with categories of subjects potentially vulnerable to coercion or undue influence

(§46.107)



Training Checklist for Someone Working with IRBs

OHRP created this list of resources to provide basic training for someone who will be working with an IRB:

New IRB members (including community members)
Investigators wanting to know what to expect when submitting a protocol for review
IRB administrators
Existing IRB members who want to brush up on the basics

The checklist covers 5 main areas with a recommendation to review in the order provided.

Basic Information about Human Research

Review the material in this section to get a general understanding about research, research participation, and the framework for protecting research participants:

1. Read a simple explanation of what it means to do research involving humans (www.hhs.gov/About-Research-Participation) (scroll down to *Commonly Asked Questions Explained* and select "*What is Human Subjects Research?*").
2. Watch videos from the *About Research Participation (ARP)* (www.hhs.gov/ohrp/education-and-outreach/about-research-participation/informational-videos/index.html) series to learn:
   - The basics of medical research: *Part 1: What is Medical Research?*
   - How research is different from routine care: *How is Research Different from Medical Care?*
   - Details of medical research: *Part 2: Deciding to Participate in Clinical Trials*
   - Other types of research: *Participating in Social and Behavioral Health Research*

Brief History of the Formation of Ethical and Regulatory Frameworks for Protecting Humans in Research

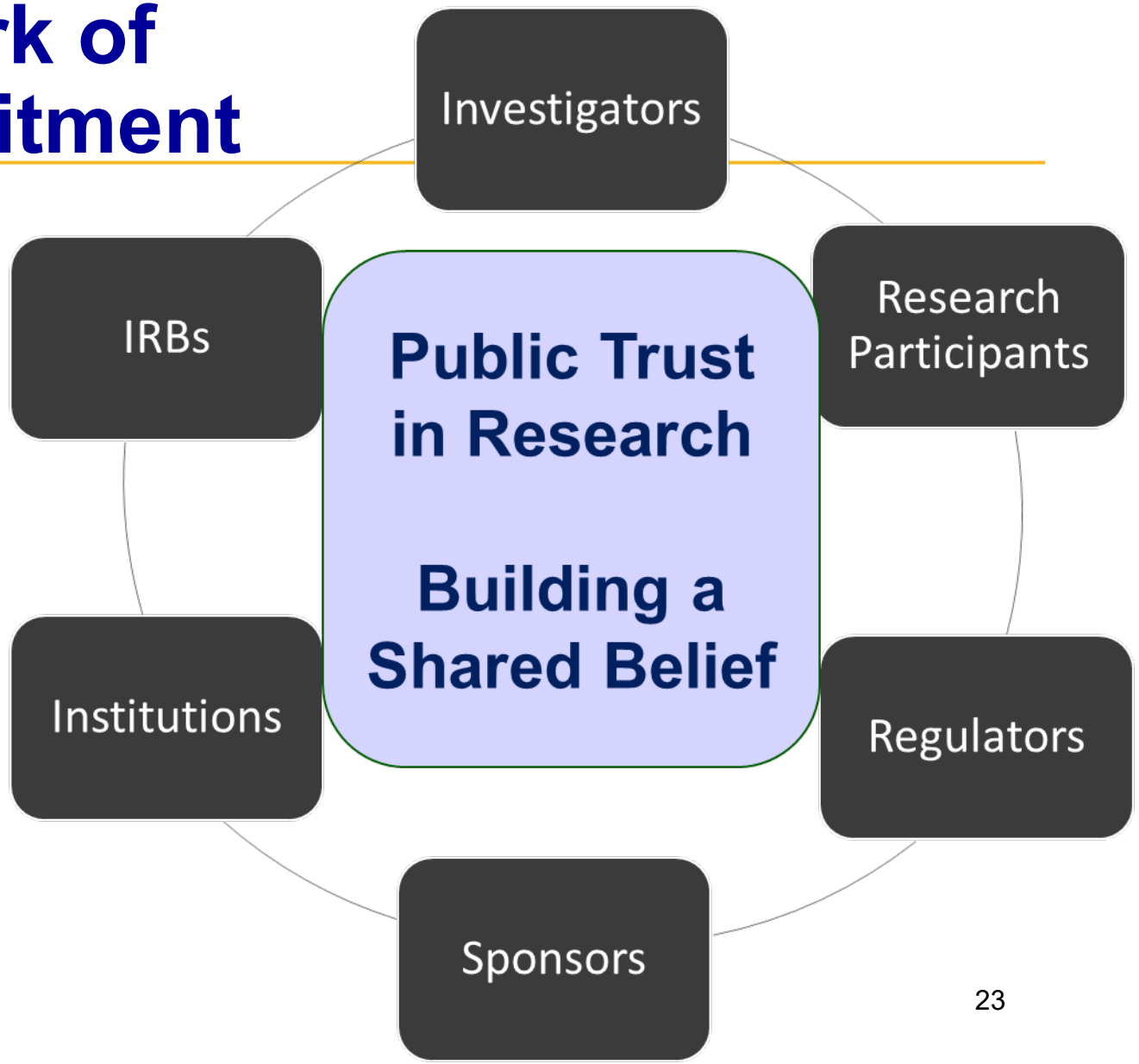
Learn about research ethics and the history of "why" and "how" the US regulations were developed:

1. Review the set of infographics *Protecting Research Volunteers* (www.hhs.gov/ohrp/education-and-outreach/about-research-participation/protecting-research-volunteers/index.html) to get an overview of the Federal system of protections. These provide an easy-to-follow introduction to human subjects' research protections that covers topics such as why we have regulations to protect human research participants and the framework for protecting human research participants in the U.S.
2. Watch the video *Evolving Concern: Protection for Human Subjects* (www.youtube.com/watch?v=_8Ku4b1fW18) to understand the historical events that provoked public concerns and led to the development of regulations and policies to protect human research participants in the U.S.
3. Review the *Belmont Report* (www.hhs.gov/ohrp/regulations-and-policy/belmont-report/index.html), which provides the ethical foundation for protecting human research subjects in the U.S. The Report lists and explains three principles (respect for persons, beneficence, and justice) that act almost as a "Bill of Rights" for human research participants. Following these tenets helps ensure ethical research

Understanding the Framework of the Federal Regulations for Human Research Protections and IRB Review of Research

https://www.hhs.gov/ohrp/education-and-outreach/human-research-protection-program-fundamentals/index.html

A Connected Framework of Partnership and Commitment



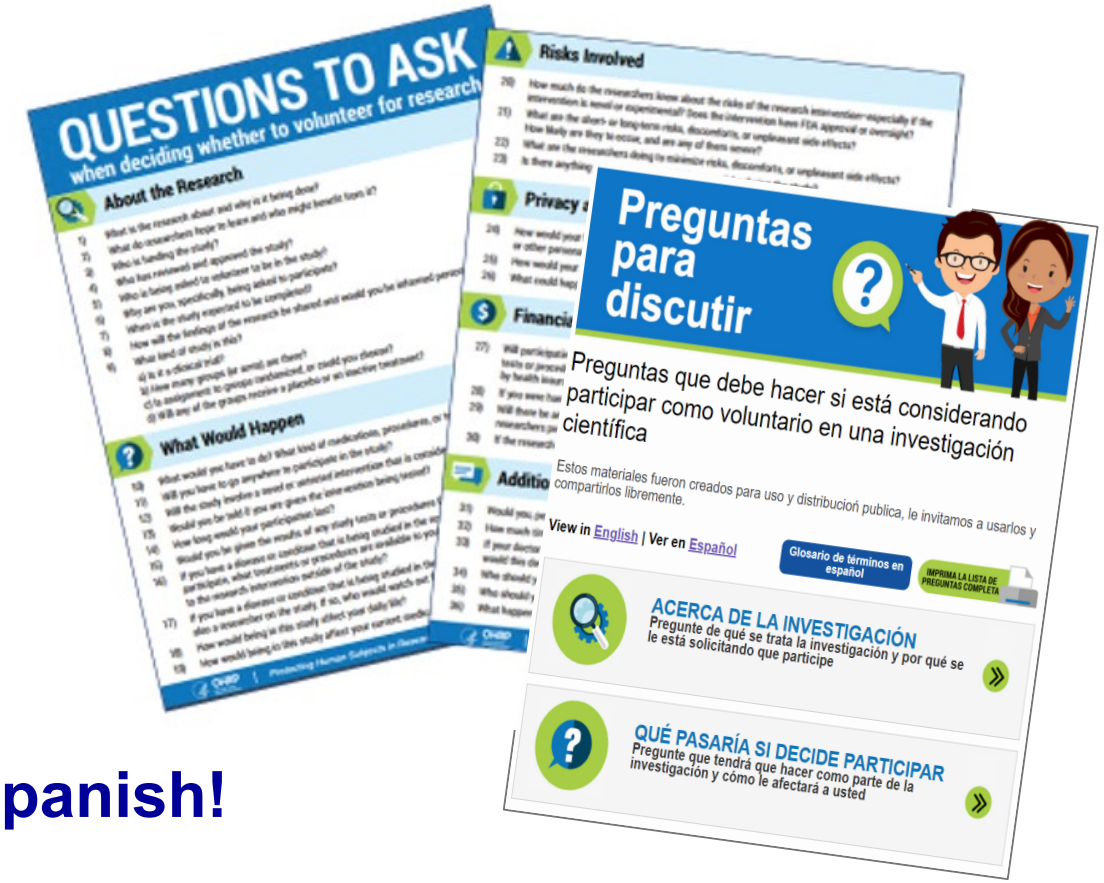
Educational Resources Highlights

www.hhs.gov/ohrp/education-and-outreach/index.html

Or write to OHRP-EDU@hhs.gov for information

Inform the Public to Build Trust!

Visit www.hhs.gov/About-Research-Participation



Available in Spanish!

Upcoming OHRP Educational Events

www.hhs.gov/ohrp/education-and-outreach/index.html

OASH | Office for Human Research Protections

Upcoming Webinars – Save the Dates!

July 11, 12 – 1:00 PM EDT

46.111 Review Criteria

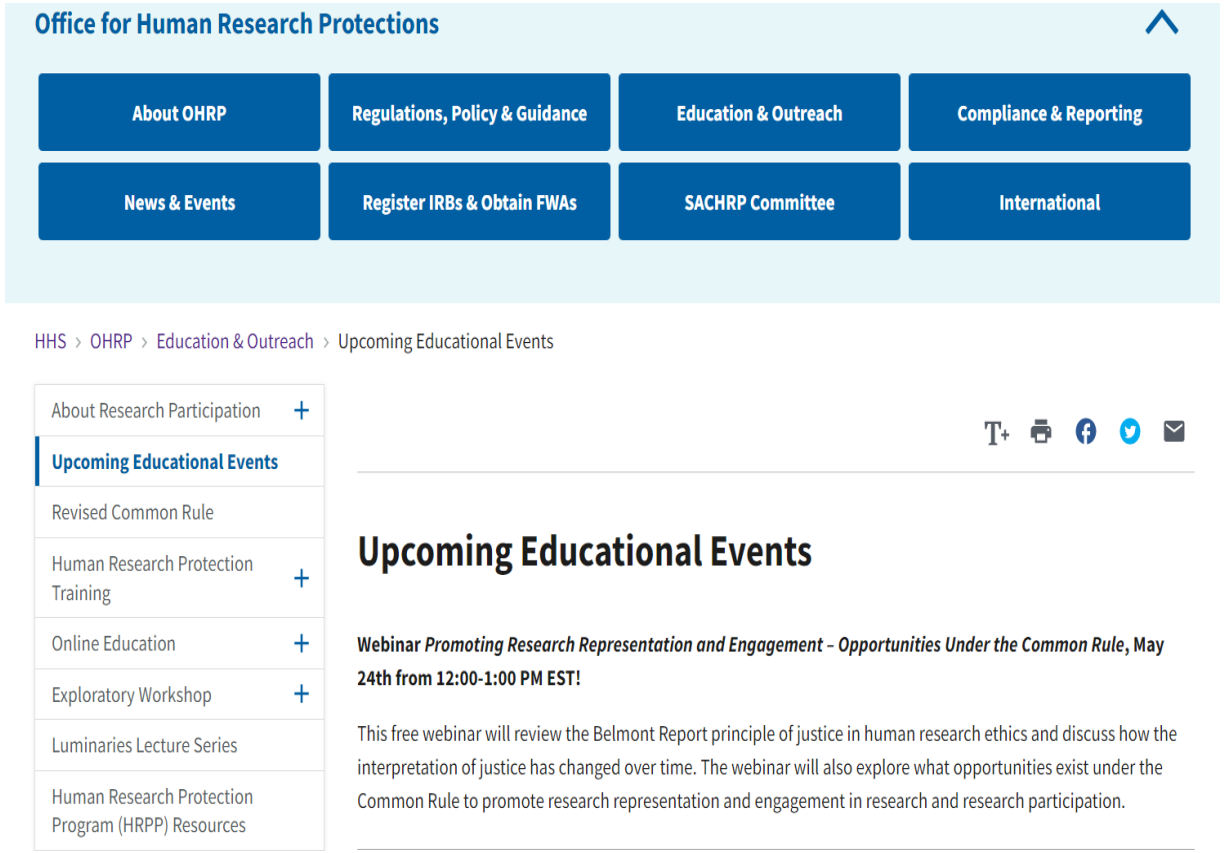
July 18, 12 – 1:00 PM EDT

IRB Membership Basics

July 25, 12 – 1:00 PM EDT

Basics of IRB Review

Free, but registration required; open in June.



https://www.hhs.gov/ohrp/education-and-outreach/upcoming-educational-events/index.html

2023 OHRP Exploratory Workshop

Livestream on Thursday, September 14, 2023
9:45 AM – 4:20 PM EDT
No registration required

Psychedelics are powerful psychoactive substances that alter perception and mood and affect numerous cognitive processes. Their origins predate written history, and early cultures used them in many sociocultural and ritual contexts. The name 'psychedelics' was coined by Humphrey Osmond in 1957, suggesting that they have a mind-manifesting capability that may reveal useful or beneficial properties of the mind. For decades, psychedelics have been classified as illegal drugs. Recent research suggests that these substances may provide a potential breakthrough in the treatment of a myriad of mental health conditions. This exploratory workshop will examine the ethical and practical considerations for psychedelics research with the goal of promoting an open and grounded discourse on how to conduct research that is inclusive and protective of participants.

Access workshop website from OHRP homepage or directly at:

https://www.hhs.gov/ohrp/education-and-outreach/exploratory-workshop/index.html

Save the date! OHRP's next Research Community Forum (RCF) will be held in beautiful Ann Arbor, Michigan, Sept. 26-27

https://research-compliance.umich.edu/human-subjects/ohrp-research-community-forum

Contacts and Resources

- Visit OHRP website at www.hhs.gov/ohrp
- Review OHRP Educational Resources
- Check out OHRP Luminaries Lecture Series
- Review SACHRP Recommendation on July 22, 2021: Consideration of the Principle of Justice 45 CFR part 46
- Contact us or submit your questions to OHRP@hhs.gov


Thank you!