

THE NORTH SHORE MEDICAL CENTER Institutional Review Board (IRB) POLICIES AND PROCEDURES	IRB Policy Number: 009.1
Title: <i>Suspension or Termination of IRB Approval of Research</i>	Page: 1 of 4
Written by: _____ Laura W. Knight, MPH; Sr. IRB Administrator	Date this issue: February 2009 Previous issue(s): 4/18/01, 2/24/04, 11/15/04
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I. PURPOSE

The purpose of this policy is to define the procedures the North Shore Medical Center Institutional Review Board (NSMC IRB) follows when suspending or terminating NSMC IRB-approved human-subjects research and clinical investigations.

This policy is established to comply with the regulatory requirement in 45 CFR 46.103(b)(5)(ii) and 21 CFR 56.108(b)(3) requiring IRBs to have written procedures ensuring prompt reporting to the IRB, appropriate institutional officials, Office for Human Research Protections, and, when applicable, the Food and Drug Administration (FDA), any suspension or termination of IRB approval

II. SCOPE

Consistent with federal regulations, the NSMC IRB has the authority to suspend or terminate approval of research that is not being conducted in accordance with the requirements or determinations of the NSMC IRB or that has been associated with unexpected serious harm to subjects. When the NSMC IRB suspends or terminates approved research, the NSMC IRB is responsible for promptly reporting the suspension or termination and the reasons for doing so to the investigator, Institutional Officials, OHRP, and when applicable, the FDA [45 CFR 46.113 and 21 CFR 56.113] and any sponsoring federal agencies.

Non-exempt human-subjects research and clinical investigations approved by the NSMC IRB are subject to this policy.

III. DEFINITIONS

Department of Health and Human Services (DHHS) definitions:

Research: A systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. [45 CFR 46.102(d)]

Human Subject: A living individual about whom an investigator (whether professional or student) conducting research obtains (1) Data through intervention or interaction with the individual, or (2) Identifiable private information.

Intervention includes both physical procedures by which data are gathered (for example, venipuncture) and manipulations of the subject or the subject's environment that are performed for research purposes.

Interaction includes communication or interpersonal contact between investigator and subject.

Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a medical record). Private information must be individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the investigator or associated with

the information) in order for obtaining the information to constitute research involving human subjects. [45 CFR 46.102(f)(1)(2)]

Food and Drug Administration (FDA) definitions:

Clinical Investigation: Any experiment that involves a test article and one or more human subjects and that either is subject to requirements for prior submission to the Food and Drug Administration under section 505(i) or 520(g) of the act, or is not subject to requirements for prior submission to the Food and Drug Administration under these sections of the act, but the results of which are intended to be submitted later to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit. The term does not include experiments that are subject to the provisions of part 58 of this chapter, regarding nonclinical studies. The terms *research*, *clinical research*, *clinical study*, *study*, and *clinical investigation* are deemed to be synonymous [21 CFR 50.3(c) and 21 CFR 56.102(c)]

Human Subject: An individual who is or becomes a participant in research, either as a recipient of the test article or as a control. A subject may be either a healthy human or a patient. [21 CFR 50.3(g) and 21 CFR 56.102(g)]

Noncompliance: Any failure to comply with any applicable federal, state, or local laws and regulations or the requirements or determinations of the NSMC IRB, which include NSMC IRB and institutional policies related to human subject protection.

Suspension: To cause some aspect of the research to be stopped for some period of time while the research undergoes review or an investigation takes place. Suspended research is still subject to continuing review.

Termination: To cause the research to be stopped in its entirety; a permanent halt to all research activities. Terminated research is no longer subject to continuing review. Of note, expiration of NSMC IRB approval is not considered termination of research.

IV. PROCEDURE

1. Circumstances Alerting the IRB to Consider Suspension or Termination

- 1.1. When research is not conducted in compliance with any applicable federal, state, or local laws and regulations or the requirements or determinations of the NSMC IRB (refer to IRB Policy 026, Investigations of Non-Compliance).
- 1.2. When research is associated with unanticipated problems involving risks to subjects or others (refer to IRB Policy 020 Unanticipated Problems and Adverse Event Reporting).
- 1.3. At the discretion of the NSMC IRB Chairperson or NSMC IRB if extenuating circumstances other than those listed above warrant suspension or termination.

2. Suspension/Termination Procedure and Documentation

2.1 Suspension or Termination of Research by Investigator

2.1.1 Investigator-Initiated

When the conduct of the research rises to the level of either circumstance 1.1 or 1.2, the investigator may voluntarily stop research activities, thereby preventing an imposed suspension or termination, until such time as the circumstances are resolved. Voluntary suspensions are not subject to the reporting requirements in 45 CFR 46.103(b)(5) and 21 CFR 56.108(b)(2).

Upon favorable NSMC IRB evaluation of the circumstances, the investigator may be permitted to continue research activities with or without modification. If the NSMC IRB's evaluation is not favorable, suspension or termination of research activities may be issued by the IRB.

2.1.2 IRB-Initiated

When in the course of determining a study may need to be suspended or terminated, the NSMC IRB Chairperson / NSMC IRB will consider the following:

- subjects currently on active treatment must be withdrawn from the study;
- subjects will be placed at risk of harm by withdrawing them from the study; and
- subjects must continue to be followed for safety reasons.

2.2 Early Withdrawal of Subjects

2.2.1 When the reviewing NSMC IRB Chairperson or the NSMC IRB votes to withdraw subjects from an interventional study, the NSMC IRB Chairperson/ NSMC IRB considers and determines what, if any, termination procedures are required for the safety and welfare of those subjects. Termination procedures may include, but are not limited to the following:

- tapering of the drug;
- making a final study visit at which a physical exam and/or laboratory or other tests will be performed; or
- making arrangements for subjects to receive medical care by their primary care physician or specialist or through referrals to other healthcare providers.

2.3 When Subjects are at Risk of Harm

2.3.1 When the NSMC IRB determines that the suspension or termination will place subjects at risk of harm, the NSMC IRB must determine what subjects are to be told and the manner in which they are to be notified, e.g., in writing or by telephone.

2.4 Subject Follow-Up

2.4.1 When the NSMC IRB requires or approves subject follow-up for safety reasons, the investigator is subject to continuing review and requirement to promptly report any unanticipated problems involving risks to subjects or others, including adverse events, to the NSMC IRB and, when applicable, the sponsor.

2.5 Notification of Subjects

2.5.1 Depending upon the reasons for the suspension or termination and the design of the protocol, the NSMC IRB may require that the following subjects be notified of the suspension or termination:

- all subjects who have been or are enrolled;
- subjects currently on protocol; or
- subjects who participated in a certain aspect of the protocol.

2.6 Reporting Requirements and Follow-Up

2.6.1 Whenever the NSMC IRB suspends or terminates a research protocol involving human subjects, a letter will be prepared that will include, at a minimum, the following information:

- Effective date of suspension or termination;
- Reason for suspension or termination;
- Corrective actions necessary, request for corrective actions, or instructions for closure of the study, as appropriate;
- Timeframes for implementation of any corrective actions;
- Who the letter is being distributed to;
- Specific instructions pertaining to enrolled research participants as discussed in Sections 2.2-2.5.

2.6.2 The NSMC IRB will notify or assure notification to the following (when appropriate) of the suspension or termination and the reasons for the suspension or termination within 10 working days of the suspension/termination:

- Study participants;
- Principal investigators, co-investigators and study staff;
- Department Head (chair/chief);
- Departments involved in the conduct of the research;
- Institutional Official(s);
- Institutional Representatives and IRB Chairperson(s) of Institutions relying on the NSMC IRB;
- Partners Clinical Research Office (sponsored research);
- Food and Drug Administration (FDA); and
- Office for Human Research Protections (OHRP).

2.7 Re-Assessment of Suspension

2.7.1 The NSMC IRB shall continue to monitor the Investigator's progress at resolving a suspension. If sufficient progress is not made and the issues have not been resolved within two (2) months, the IRB may immediately terminate the research.

2.7.2 Suspension imposed on some or all of the research protocol may be lifted when, and if, the IRB finds that subjects are adequately protected from risk in order to continue in the study safely. Suspension may also be lifted when, and if, the IRB finds that the corrective action plan has been adequately addressed such that subjects are fully protected and events preceding the suspension are unlikely to recur.

V. RELATED POLICIES, REGULATIONS, AND REFERENCES

IRB Policy 020 Unanticipated Problems and Adverse Event Reporting Policy

IRB Policy 026 Investigations of Non-Compliance

DHHS Regulations 45 CFR Part 46

FDA Regulations 21 CFR Parts 56