Ethical & Regulatory Oversight Considerations

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Learning goals

- Recognize regulatory and ethical challenges associated with ePCTs (and resources for addressing them!)
- Identify PCT-related considerations for research with historically underrepresented groups

Important things to know 

- Ethical analysis for ePCTs is a work in progress
- Federal and local policies and/or their operationalization regarding the oversight of ePCTs are in flux
- There is often confusion and misunderstanding about ePCTs on the part of patient-subjects, providers, IRBs, and DSMBs

ePCTs are motivated by ethical imperatives

ePCTs also raise interesting ethical and regulatory questions

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Evolving understanding of ethical/regulatory issues for ePCTs

- Informed consent
- Data monitoring
- Defining minimal risk
- Research/quality improvement distinction
- Vulnerable subjects
- IRB harmonization
- Data sharing
- Identifying direct and indirect subjects
- Gatekeepers
- FDA-regulated products
- Nature of ePCT interventions
- Privacy
- Management of collateral findings
- ….

Article

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Exploring the ethical and regulatory issues in pragmatic clinical trials

Robert M Califf[1,2,*] and Jeremy Sugarman[3,4]

Abstract

The need for high-quality evidence to support decision making about health and health care by patients, physicians, care providers, and policy-makers is well documented. However, serious shortcomings in evidence persist. Pragmatic clinical trials that use novel techniques including emerging information and communication technologies to explore important research questions rapidly and at a fraction of the cost incurred by more "traditional" research methods promise to help close this gap. Nevertheless, while pragmatic clinical trials can bridge clinical practice and research, they may also raise difficult ethical and regulatory challenges. In this article, the authors briefly survey the current state of evidence that is available to inform clinical care and other health-related decisions and discuss the potential for pragmatic clinical trials to improve this state of affairs. They then propose a new working definition for pragmatic research that centers upon fitness for informing decisions about health and health care. Finally, they introduce a project, jointly undertaken by the National Institutes of Health Health Care Systems Research Collaboratory and the National Patient-Centered Clinical Research Network (PCORnet), which addresses 11 key aspects of current systems for regulatory and ethical oversight of clinical research that pose challenges to conducting pragmatic clinical trials. In the series of articles commissioned on this topic published in this issue of *Clinical Trials*, each of these aspects is addressed in a dedicated article, with a special focus on the interplay between ethical and regulatory considerations and pragmatic clinical research aimed at informing "real-world" choices about health and health care.

Keyword

Clinical trials, cluster-randomized trial, ethics, evidence-based medicine, learning health-care system, patient-centered outcomes research, pragmatic clinical trial

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Informed Consent, Waivers, and Alterations

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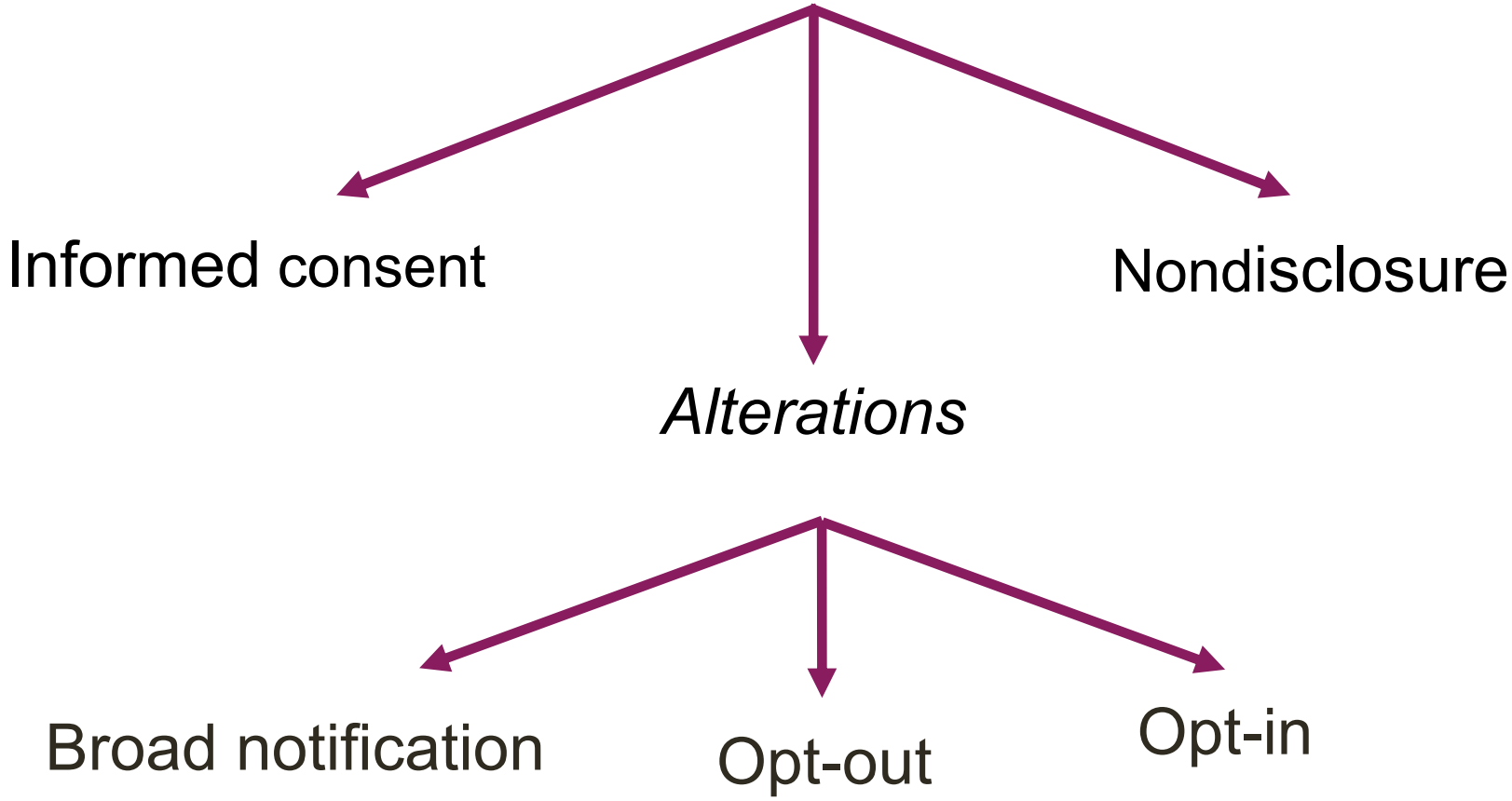
Approaches to notification & authorization



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Criteria for waiver/alteration of consent

- Research involves no more than minimal risk
- Research could not practicably be carried out without the waiver or alteration
- If research involves using identifiable private information or identifiable biospecimens, it could not practicably be carried out without using such information or biospecimens in an identifiable format
- Waiver or alteration will not adversely affect the rights and welfare of the subject
- Where appropriate, subjects will be provided with additional information about their participation

Common Rule: 45 CFR 46.116(f)

Criteria for waiver/alteration of informed consent

- Research involves no more than minimal risk

> "*Minimal risk* means that the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests." §46.102

Distinguishing research risks

- “Minimal risk” refers only to the additional risk of the research (not the underlying risk of the disease)

Regulatory permissible ≠ ethically optimal

- Regulatory criteria for waivers and alterations identical…but they are ethically distinct
  - Aim for alterations to consent to be the “minimum necessary”
  - Consider options to demonstrate respect for persons, beyond consent processes

Examples: information sheets or flyers

TiME

Information about the TiME Trial

- This dialysis facility is participating in a national research study called the TiME Trial, sponsored by the National Institutes of Health (NIH). This facility is participating in this clinical trial along with many other dialysis units throughout the country.
- The purpose of this research is to compare how patients feel, how often they are hospitalized, and how long they live based on the length of their dialysis sessions.
- Because this facility is participating in the TiME Trial, the standard approach at this facility is to prescribe a dialysis session length of at least 4 hours and 15 minutes for new patients starting hemodialysis treatment. Your nephrologist will consider the appropriateness of this treatment time for you, taking into account your individual health characteristics. If your nephrologist feels that this treatment time is not appropriate for you, he/she will prescribe a different session time. As always, you should talk with your doctor about treatment options.
- Your dialysis facility will send information about your dialysis treatments and results of laboratory tests that are done as part of your routine dialysis care to the TiME Trial study team at the University of Pennsylvania and to the NIH. ***There will be no extra tests done for the TiME Trial.*** Even if your treatment times are shorter than 4 hours and 15 minutes your treatment data and lab results will provide information that is important for this research. To protect your confidentiality, the information sent to the University of Pennsylvania and NIH will be identified by a scrambled code number. The research team will not be able to identify you from this code. ***Your confidential information (such as name, address, or date of birth) will not be distributed.***
- Thank you for reading this information about the TiME Trial. On the other side of this paper are answers to frequently asked questions that might be helpful to you. If you would like more information about the TiME Trial or if you do not want your anonymous data reported to the study team, please call this **toll-free telephone number** and a representative from DaVita will call you back to answer your questions: [redacted].

Frequently Asked Questions About Research and About the TiME Trial

What is a clinical trial?
A clinical trial is a research study in which treatments are evaluated to determine what is best for patients. In order to best compare treatments, clinical trials often involve assignment of patients or treatment centers to a specific treatment approach. Clinical trials help doctors answer a variety of questions about diseases and their treatments.

Why is this clinical trial being conducted?
This trial is being done to determine if longer dialysis sessions are better for patients in terms of how patients feel, how often they are hospitalized, and how long they live.

Why am I being included in this clinical trial?
You are being included in this trial because your dialysis unit has agreed to participate. Like all other patients in this facility who are new to dialysis, you will be included in this trial unless you choose not to participate.

How will this clinical trial affect my care?
Because of this trial, the standard dialysis time for new patients at this facility is at least 4 hours and 15 minutes. This means that that your treatment time might be longer than it otherwise would have been. However, your nephrologist will decide whether you should receive the research-assigned treatment time or a different treatment time for your dialysis sessions.

What if I object to having a dialysis session of at least 4 hours and 15 minutes?
As always, you should discuss your care and treatment options with your doctor and let your doctor know if you have concerns.

How long will my participation in this clinical trial last?
Your participation will be for approximately 2-3 years.

What if I move and have dialysis treatments in a unit that is not part of the clinical trial?
If you move to another DaVita unit, information about your dialysis treatments and results of lab tests that are done as part of your medical care will continue to be included as trial data even if the dialysis unit is not part of the trial. Your dialysis session length will be prescribed by your nephrologist in the new unit and may stay the same or may change. You should call the toll-free telephone number shown below if you do not want your information included as trial data after you move to a new facility.

Are there risks related to this clinical trial?
Dialysis sessions of 4 hours and 15 minutes are used routinely in dialysis and do not have risks compared with shorter dialysis treatments as far as we know. There is a very low risk that your dialysis treatment information could be seen by people other than the researchers. The confidentiality of your data is very important to us and we will make every effort to keep all information collected in this trial strictly confidential.

Data and Safety Monitoring

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Why monitor for changes to risk-benefit balance and data integrity?

- Protect the welfare of research participants
- Inform decision making for patients with the same clinical condition outside the trial
- Ensure trial results will be informative

Data monitoring committee

Group of experts that review the ongoing conduct of a clinical trial to ensure continuing patient-subject safety as well as the validity and scientific merit of the trial

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Unique considerations for monitoring ePCTs

- Poor adherence to intervention: problem or finding?
- Limited or delayed access to study outcomes during study conduct
- Are interim analyses actionable?
- Differential data collection/contact by study arm

Adapted from Greg Simon, PCT Grand Rounds, December 8, 2017

Unique considerations for monitoring ePCTs

- Nature of the study interventions (and evidence base regarding their safety)
- Level of data needed to change practice, especially when studying treatments in wide use?
- Differential obligations for trials using waivers/alterations of consent?

Adapted from Greg Simon, PCT Grand Rounds, December 8, 2017

Identifying Direct and Indirect Participants

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Regulatory perspective: Who are the subjects in ePCTs?

Definition of human subject

- Human subject means a living individual about whom an investigator conducting research:
  - 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

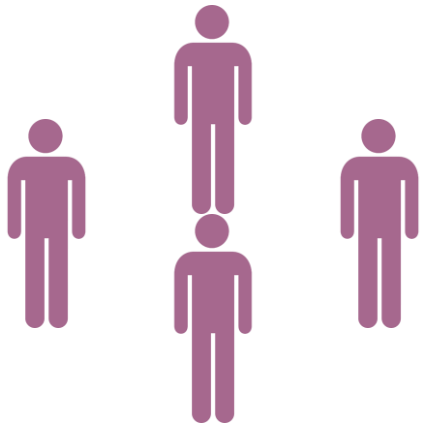
Common Rule: 45 CFR 46.102(e)(1)

Regulatory perspective: Who are the subjects in ePCTs?

- Test case:
  - Nursing homes randomized to receive a training intervention for staff
  - After training, investigators use data from medical records to assess patient health outcomes and staff behaviors

Largent et al. Ethical & Regulatory Issues for Embedded Pragmatic Trials Involving People Living with Dementia. JGAS 2020.

Ethical perspective:
Whose rights and welfare need to be protected?



Largent et al. Ethical & Regulatory Issues for Embedded Pragmatic Trials Involving People Living with Dementia. JGAS 2020.

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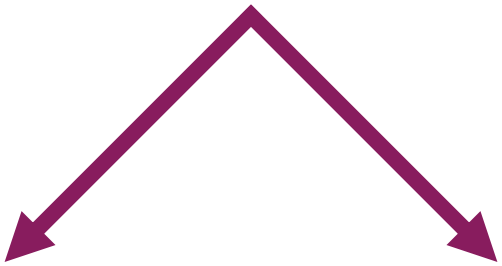
Types of participants in an ePCT

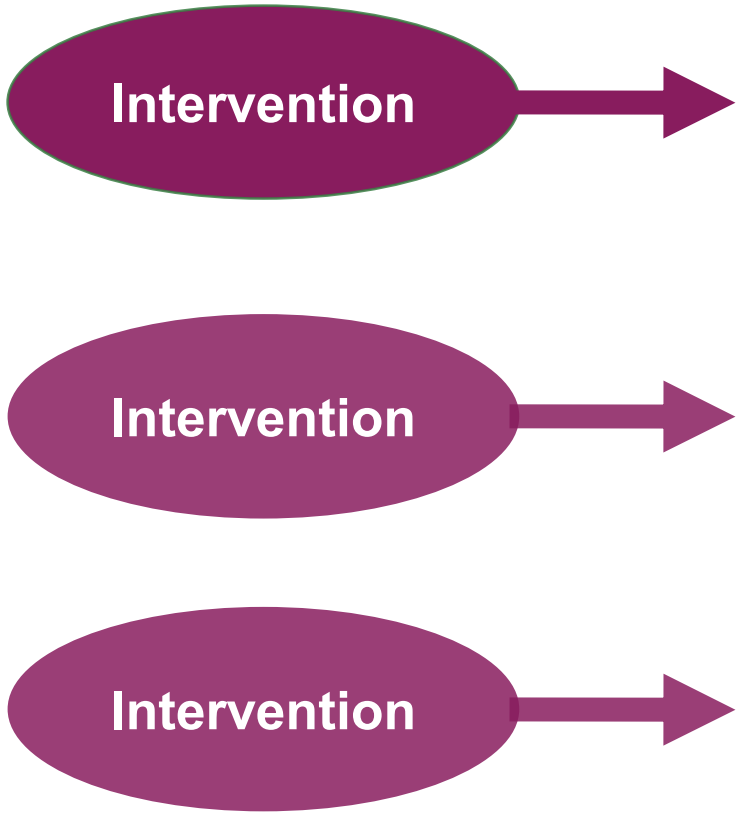


Direct

Indirect

Direct participants

Immediate or mediated targets of the intervention



Patients

Providers

Clinics

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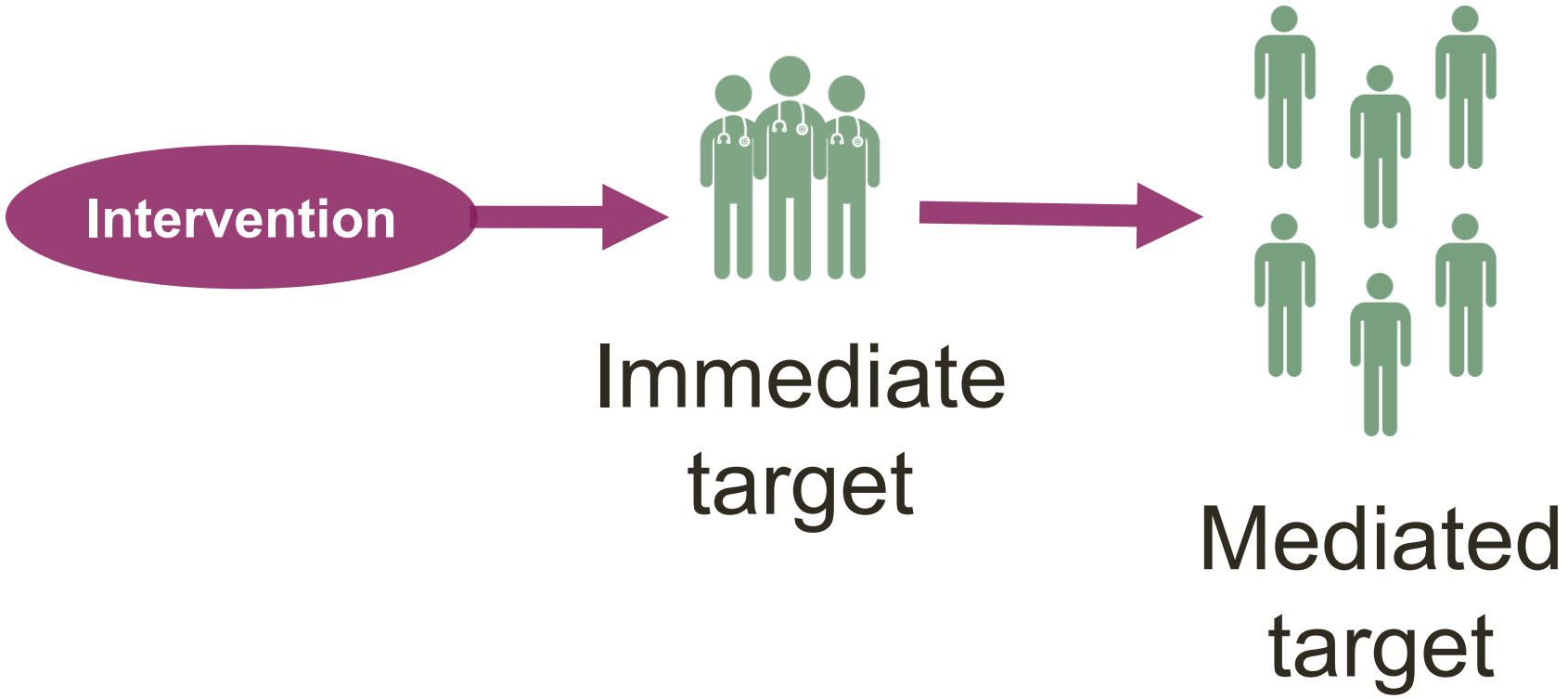
Direct participant



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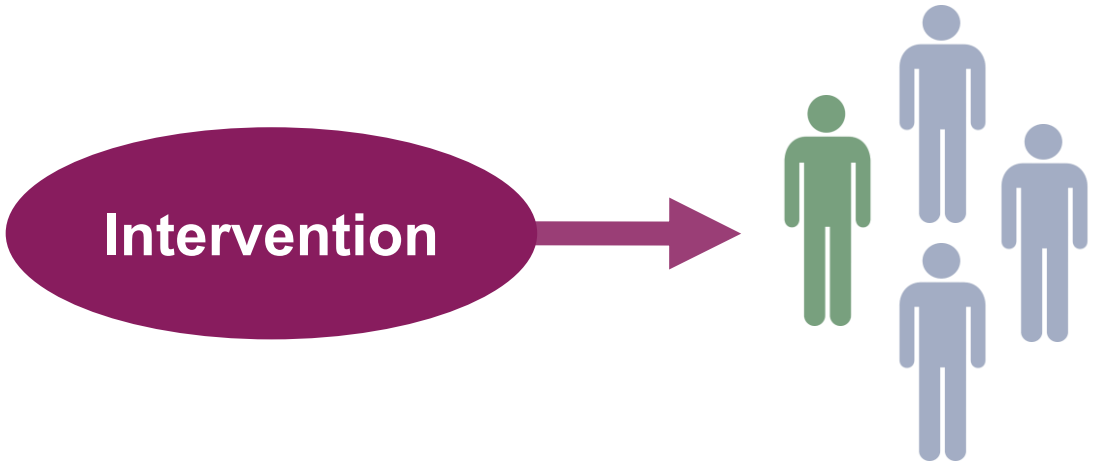
Indirect participants

People affected by routine exposure to the environment (e.g., family/caregivers)



PCTs and Underrepresented Groups

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PCTs, equity, and underrepresented groups

- Traditional explanatory research often lacks representativeness
- Yet embedded nature of PCTs may similarly reinforce research inequities

Promoting equity and representativeness

- Selection of health system partners
- Prospective engagement of stakeholders to identify and mitigate barriers to recruitment and implementation

POLICY ANALYSES

Learning Health Systems

Justice and equity in pragmatic clinical trials: Considerations for pain research within integrated health systems

Joseph Ali[1,2] | Alison F. Davis[3] | Diana J. Burgess[4,5] | Daniel I. Rhon[6] | Robert Vining[7] | Stacey Young-McCaughan[8,9] | Sean Green[3] | Robert D. Kerns[10,11]

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Achieving Health Equity in Embedded Pragmatic Trials for People Living with Dementia and Their Family Caregivers

Ana R. Quiñones PhD, Susan L. Mitchell MD, Jonathan D. Jackson PhD, María P. Aranda PhD, Peggye Dilworth-Anderson PhD, Ellen P. McCarthy PhD, Ladson Hinton MD

First published: 26 June 2020 | https://doi.org/10.1111/jgs.16614 | Citations: 4

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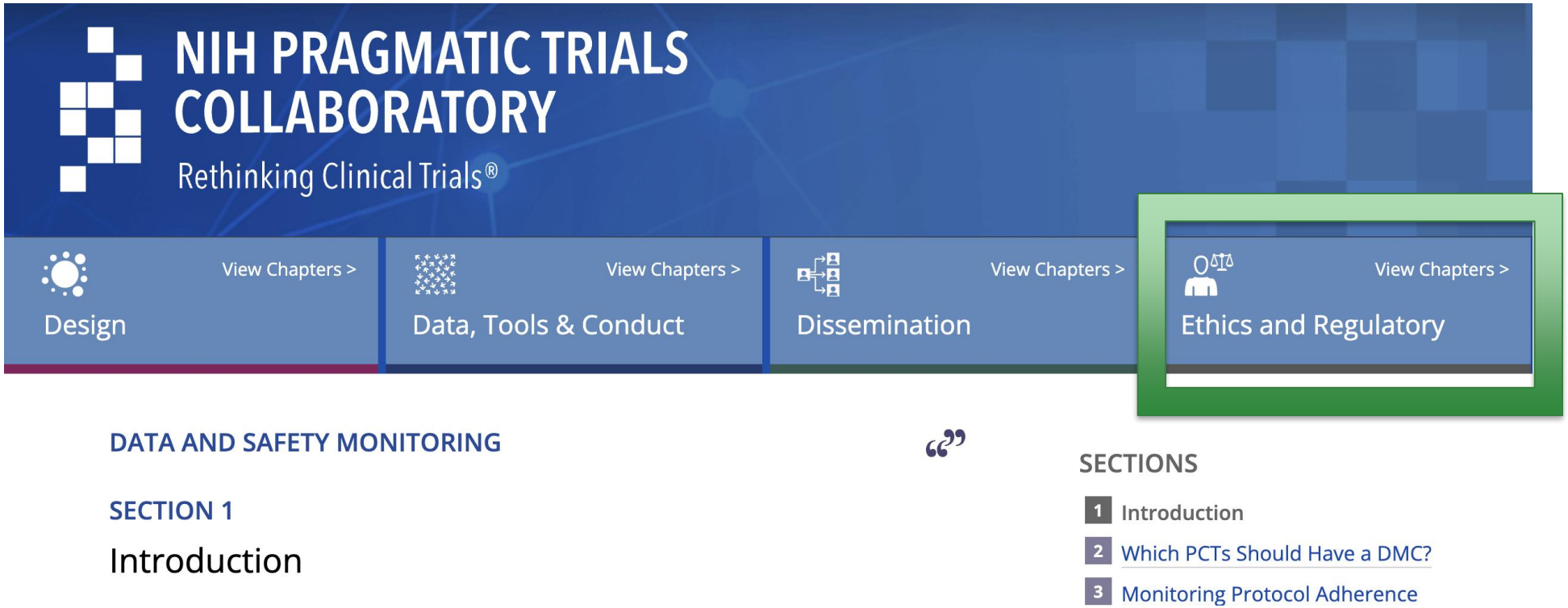
Important things to do

- Designate someone to track local and federal regulatory developments and serve as liaison with regulatory/oversight bodies
- You can contact OHRP for guidance
- Budget sufficient time for proactive education and negotiations with relevant regulatory/oversight bodies
- Identify all parties who might be affected by the study and its findings; consider protections and processes

Important things to do

- Make use of existing resources!



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