Transcript

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Welcome to the NIH Pragmatic Trials Collaboratory Podcast, where we discuss the latest knowledge and best practices in pragmatic clinical trials. I'm Adrian Hernandez, Co-PI for the NIH Collaboratory, and one of the moderators for this series. You can find a full list of episodes at rethinkingclinicaltrials.org/podcasts. Thanks for joining.

Kevin Weinfurt

Hi, I'm Kevin Weinfurt, Co-PI for the NIH Pragmatic Trials Collaboratory. Today we're joined by Pearl O'Rourke and David Wendler, who are here to discuss their recent publication, "Disentangling Informing Participants From Obtaining Their Consent." Pearl and David, thanks so much for being here. I guess just to start out, what are some of the big takeaways from this conceptual analysis that you reported on?

Pearl O'Rourke

Basically, we were looking at the fact that there are a number of trials in the Collaboratory in which informed consent has been waived. Too often, once informed consent is waived, there's oftentimes this feeling, "Well, I'm all done. I really don't need to tell anybody about it." And what we wanted to look at was that there's value in informing, and informing not just to get consent, but just informing people as to what the research is, what their participation means.

So, we came out with saying that the default position should be that for any research, participants should be informed. Now it's a default, obviously there can be justification to say, but it doesn't work in this situation, and we definitely address that. So it's not a one size fits all. It depends on the research, it depends on the number of participants, the difficulty of notifying, et cetera. But we just think it's something that all investigators and IRB should consider whenever they look at a study.

Dave, do you have anything to add?

David Wendler

I think that's right Pearl. And I was gonna say, we had mentioned 6 goals that we think are valuable in this context and can be promoted by notifying participants. And once you see those, it raises the question of why aren't these recognized widely? And why isn't there more notification going on when there's a waiver?

And I think a lot of it has to do with the charge of IRBs and some IRBs and IRB members thinking that really what they're supposed to be doing is just protecting participants from risks and then notifying if there are greater than minimal risks. That leads to the assumption, if the risks are minimal, which is one of the requirements for getting a waiver, then there's no need to tell people anything about the research.

And what we're trying to do is try to convince people that there are other reasons beyond notification of significant risk for giving information to research participants. We looked through some of the Collaboratory studies and we found that there were a number of them that were conducted under a waiver, but nonetheless, still notified participants.

I think that's an impressive credit to the Collaboratory. Some of them are already doing this. And I think also it just shows that it's practically feasible. It's not gonna be possible or feasible in every study, but in a lot of studies you can do it.

Pearl O'Rourke

And I would add that in talking to the various studies from the Collaboratory, there's different levels of notification. I mean, again, it goes down to the one size doesn't fit all. But it could be a general, “We do research here, your information will be used for research,” on one end of the spectrum. And on the far end of the spectrum, maybe a letter or a sit down with the study staff where they go through almost all of the elements of an informed consent form.

Kevin Weinfurt

One of the great things about the Collaboratory, I think, has been these ethics and regulatory consults with every trial. To what extent has that the Ethics and Regulatory Core already been encouraging people to consider, under waivers of consent, what options there might be for promoting some of these other ethical goals? Or is that a direction that the gang is gonna be going in from here out?

Pearl O'Rourke

I think that the Ethics and Regulatory Core, we've been quite good at asking whether or not there will be notification. And, if so, has it been discussed with the IRB? And what that notification would look like. I don't think we have it as a check mark. I mean maybe, you know, to formalize that, we could do that.

But I think we are pretty good and I think many IRBs are now also asking some of these same questions. I don't think it's gotten to the point of saying the default is notification, so maybe we could get closer to that. Tell us why you're not notifying if that's your decision.

Kevin Weinfurt

When there are folks who are not taking that perspective, is it because they might not be aware that's what they could be doing, in which case there's a need for education? Or do you think things are moving this way, it's just taking a while for people to do it more regularly?

David Wendler

I think Kevin, in a lot of cases, it's just a matter of the IRBs assuming that, if a study meets the conditions for a waiver of informed consent, then there's just no reason to tell participants anything about the study. And what we're hoping that this paper leads to is maybe just a little bit of nudging IRBs into thinking about and recognizing that there are other goals that can be realized, even when there's a waiver of consent. By notifying and giving some of the information that Pearl mentioned.

Kevin Weinfurt

When you were discussing these 6 different goals, it was reminding me a little bit of the different functions of consent. And you alluded to this a few different times, that there might be benefits that extend beyond just the particular trial participants and the study itself in interacting with participants in this way.

So, I wonder if you could just say a little bit about that. What broader effect on society in terms of society's relation to research and thoughts about research might come about as a result of what you're recommending?

David Wendler

Yeah.

Pearl O'Rourke

I think we are recommending transparency, I think is the probably the correct word. We have a public that has very poor research literacy. Not quite understanding it, not understanding what goes into it, what the oversight of it is, and I think we all own that problem. I don't think we've done a good job with that.

The things that we are proposing here for any research going forward, it would be information out. Even if you think about just a general notification, “We do research at this institution, your information may be used” – that’s what we do. Why aren't we telling people that? So, I think it could push the needle towards transparency.

I think there is fear from many institutions: “Once people know that, what if they don't want to participate? What happens?” But it is what we're doing. I think we should be upfront about it.

David Wendler

Yeah. And I was thinking, Kevin, that, as people who are familiar with the regulations know, IRBs are only able to waive the requirement for regulatory consent under fairly strict conditions. Including, as we've mentioned already, that the risks are minimal. So, from an IRB perspective, from a researcher perspective, you might think that if we're not giving the transparency that Pearl was referring to, it's not that big of a deal because there's not that much at stake.

One of the problems with that mindset, I think, is that from the public's perspective, think about the context or situations in which we're reluctant to tell people what we're doing with them. And that tends to be cases where something serious is at stake and we're worried about them being bothered or upset or not liking it.

So, one worry is that, if we don't have this level of transparency and people realize that “Oh, I was in this study last week, I was in this study last year,” they might assume the reason why they weren't told is because there was something particularly problematic or nefarious going on. And I think one of the benefits of transparency is just reassuring people that that's not the case.

Kevin Weinfurt

Yeah, such a great point. It reminds me of some of the empirical studies that different folks have done looking to see how people react when you describe what they're going

through in a research study versus withholding that and then they later find out that was the case. And finding out that something was kept from you, even if it seemed innocuous, really makes people extremely uncomfortable. Much more uncomfortable than they would've been had you just told them upfront what was going on.

Pearl O'Rourke

And there's certainly, there have been studies done asking the general population, you know, how do you feel about this? And in general, people want to know.

Kevin Weinfurt

Let me get to maybe a more challenging issue that you bring up. And that is the IRB's role in saying what things ought to be included in a notification if it's short of full consent, right? So a waiver has been allowed. We're saying the default should be that people ought to be notified, but it leaves open the question of "Well, how much should they be notified about, in what way?"

And, you know, sometimes we have experiences where it seems like the IRBs might be overly conservative and over-inclusive and not attending to what some of the impacts of those things might be on the research. How should we think about that? Is there a way out of that?

David Wendler

I agree with you, Kevin. I think, in many cases, IRBs just think that there's no downside to including more information, adding more information to a consent form, disclosing more information. And I think there can be important downsides in terms of taking longer, confusing people, obscuring what the really important issues are.

So the thought here is that really should be focused on is the very general, most important, salient aspects of the study that it's important for people to know. That might just be the fact that it's research. That might be enough. It might be 1 or 2 other aspects of it.

And the thought then is you can't always predict what people want to know. So rather than putting everything into the form and burdening people with information they don't want, a better approach to just give them that information and then if they want more information, if they have questions, give them an avenue, give them a phone number.

Give them somebody to talk to who can help answer those questions for the people who want them.

Pearl O'Rourke

And I would add, I do think that IRBs are very good at looking at the details of the research. And that they could figure out how much information, depending on the study. For example, if it is a study looking at new soap in the O.R. You know, putting a general thing, “We do research here,” is probably more than adequate for that.

But if it's a study, like some of the studies that we described in the paper, where you're talking about different amounts of time for dialysis... that's a different situation where, you know, that was done with a waiver. But that notification was quite detailed. And I do think that IRBs are in a good position to make those differentiations on how involved is the interaction between the participant and the research activities. In the first case, it’s very minor; in the dialysis case, it's pretty significant. So, I think that, you know, IRBs could figure where you are on that spectrum and help with that.

You know for the PCT arena, obviously you don't wanna change routine care that much by saying, “This is exactly what we're gonna do and we're gonna see whether or not you fill your prescriptions or do this.” It may change behavior. And that would be a justification that the researchers would have to come back to the IRB and say, “If we do that level of notification, this research is going to be so biased that it's unrealistic.” But I think at least have that dialogue.

Kevin Weinfurt

Yeah. Yep. That's really helpful. Well Pearl and David, thanks so much for coming to talk to us today about this really interesting article that you and your colleagues put together. It was a fascinating discussion. I encourage folks to have a look at that article. And you should be able to find a link to that in the Collaboratory’s Living Textbook.

And if you're interested in hearing more firsthand perspectives on pragmatic clinical trials or ways of doing them, join us next month for another episode of the NIH Collaboratory Podcast.

Adrian Hernandez

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