

Title:	Definition of Human-Subjects Research
Department:	Human Research Affairs
Policy Type:	<input checked="" type="checkbox"/> Partners System-wide <input type="checkbox"/> Partners System-wide Template <input type="checkbox"/> Partners HealthCare <input type="checkbox"/> Partners HealthCare Departmental <input type="checkbox"/> Institution
Applies to:	Employees, Professional Staff or Other Agents of Brigham and Women's Hospital (BWH), Brigham and Women's Faulkner Hospital (BWFH), Massachusetts General Hospital (MGH), McLean Hospital (McLean), North Shore Medical Center (NSMC), Spaulding Rehabilitation Hospital (SRH), and MGH Institute of Health Professions (MGH IHP)
Approved by:	Chief Academic Officer
Original Approval Date:	December 6, 2007
Original Effective Date:	December 6, 2007
Revision Approval Date(s):	September 8, 2010; March 7, 2014; May 1, 2017
Current Revision Effective Date:	May 1, 2017
Next Review Date:	May 1, 2020
Contact Person:	Director, Human Research Review and Compliance

KEYWORDS:

IRB, Institutional Review Board

PURPOSE:

The purpose of this policy is to define the applicability of the definitions of *research* and *human subject* found in 45 CFR 46 and *clinical investigation*, *human subject* and *subject* found in 21 CFR 50, 56 and 812 to activities overseen and conducted by employees or agents of the applicable Partners-affiliated entities and the procedures investigators, administrators, and the Partners Human Research Committees (PHRC) follow when making such determinations.

DEFINITIONS:

Human-subjects research means activities that meet the DHHS definition of *research* and involve a *human subject* as defined by DHHS or meet the FDA definition of *clinical investigation* and involve a *human subject* or *subject* as defined by FDA. The DHHS definition for *research* and *human subject* and the FDA definition for *clinical investigation*, *human subject*, and *subject* are provided below:

Research as defined by DHHS means a *systematic investigation*, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. [45 CFR 46.102(d)] For the purposes of this policy, a *systematic investigation* is considered an activity that involves a prospective research plan which incorporates data

collection, either quantitative or qualitative, and data analysis to answer a research question. Systematic investigations that are designed to develop or contribute to *generalizable knowledge* are those that allow the knowledge gained from the research to be applied to populations other than the study population, inform policy, or generalize findings.

Human subject as defined by DHHS means 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)]

Clinical investigation as defined by FDA means 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 as defined by FDA means 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)]

Test article as defined by FDA means any drug (including a biological product for human use), medical device for human use, human food additive, color additive, electronic product or any other article subject to regulation under the act or under sections 351 and 354-360F of the Public Health Service Act (42 U.S.C. 262 and 263b-263n).

Subject as defined by FDA means a human who participates in an investigation, either as an individual on whom or on whose specimen an investigational device is used or as a control. A subject may be in normal health or have a medical condition or disease [21 CFR 812.3(p)].

POLICY STATEMENT:

Human-subjects research conducted by employees or agents of the applicable Partners-affiliated entities must be reviewed and approved by the Partners Human Research Committee (PHRC). Activities that meet the DHHS definition of *research* and involve a *human subject* as defined by DHHS or meet the FDA definition of *clinical investigation* and involve a *human subject* or *subject* as defined by FDA are subject to PHRC review and approval.

PROCEDURES:

Before employees or agents of the applicable Partners-affiliated entities undertake activities that might be considered human-subjects research, they should consider whether the activity is *research* involving *human subjects* as defined in DHHS regulations 45 CFR 46 or a *clinical investigation* involving *human subjects* as defined in FDA regulations 21 CFR 50, 56 and 812 and consult the PHRC as necessary to ensure that human-subjects research activities, including clinical investigations, are reviewed prospectively by the PHRC.

Generally, when individuals request a determination from the PHRC, they are asked to submit the appropriate PHRC forms describing the activity in sufficient detail to make the required determinations; including, when applicable, the grant application or proposal for funding, scope of work, etc. In such cases, the PHRC Chairperson or designee will follow the procedures outlined below. The PHRC Chairperson or designee may request additional written information to make the determination. When an Insight/eIRB application form is submitted to the PHRC, the PHRC staff will provide the individual making the request with written documentation of the determination and the basis for the determination usually within two weeks.

The PHRC Chairpersons use the Insight/eIRB review checklist when reviewing Insight/eIRB applications submitted to the PHRC or otherwise refer to the definitions in this policy when making human-subject research determinations in response to email inquiries or correspondence.

DHHS-Regulated Research

1. Determine whether the activity meets the DHHS definition of *research*;
2. When the activity is determined to meet the DHHS definition of *research*, determine whether the activity involves *human subjects* as defined by DHHS.
3. When the activity does not meet the DHHS definitions of *research* involving *human subjects*, make FDA-Regulated Research determinations.

FDA-Regulated Research

1. Determine whether the activity meets the FDA definition of *clinical investigation*.
2. When the activity is determined to meet the FDA definition of *clinical investigation*, determine whether the activity involves human subjects or subject as defined by FDA.
3. When the activity does not meet the FDA definitions of *clinical investigation* involving *human subject* or *subject*, no further action is required.

REFERENCE:

45 CFR 46
21 CFR 50, 56, 312, 812

DEVELOPMENT AND CONSULTATION

Human Research Office