

Guidance and Procedures Number: 10
Title: IRB Review Process – Continuing Review
Date of Last Revision: February 26, 2009

I. Introduction

With the exception of human research that has been certified as exempt, federal regulations and university policy require that the UCLA Institutional Review Board (UCLA IRB) review all research involving human subjects, including research in which the remaining activities are limited to data analysis only, at intervals appropriate to the degree of risk, but not less often than once a year (45 CFR 46.109(e) and 50 CFR 56.109(2)(f)). Continuing review of research must be substantive and meaningful. The criteria that must be satisfied at the time of both initial and continuing review in order for the IRB to approve research include, among other things, determinations by the IRB regarding risks, potential benefits, informed consent, and safeguards for human subjects. (45 CFR 46.111 and 50 CFR 56.111). Additional protections apply for pregnant women, neonates and fetuses (45 CFR 46, Subpart B), for prisoners as subjects (45 CFR 46 Subpart C), and for children involved as subjects in research (45 CFR 46 Subpart C) and (21 CFR 50 Subpart D).

II. Materials to be Reviewed

For an outline of the materials required for all continuing review submissions, please refer to *UCLA Checklist for HS-4 Continuing Review Application Submissions* available on the OPRS website.

III. Level of Review Required

A. Full Board Review. Human research which does not meet the criteria for expedited review or exemption from IRB review must be reviewed by the full Board at a convened meeting. A protocol which initially required full board review and approval will be reviewed by the full board unless the study meets the requirements for expedited review under federally defined expedited review categories 8 or 9 (45 CFR 46.109 or 21 CFR 56.110) .

B. Expedited review. Research which meets the criteria for expedited review (as referenced above) is reviewed by the Chair or a designated member of the IRB. A protocol which initially was reviewed using the expedited review procedures may be reviewed for continuing review under the expedited review procedures. However, research protocols that previously met the criteria for expedited review will require full Board review if changes to the protocol are submitted which: (1) present more than minimal risk¹ to human subjects or (2) involve procedures which do not meet the criteria for expedited review.

IV. Investigator Responsibility - Continuing Review Submission Process

For multi-year research, the principal investigator is responsible for submitting a continuing review application with sufficient time prior to the expiration of the current IRB approval so that

¹ *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.

there will be no lapse in the study approval. As a courtesy, the OPRS mails the principal investigator a reminder with a web link to the UCLA IRB Continuing Review Application 90 days prior to the expiration of the current IRB approval. Although OPRS also sends reminder notices again at 60 and 30 days prior to the expiration of the study, Investigators are advised to complete the Continuing Review Application and return it along with the required accompanying documentation to OPRS within thirty days from the date of the first reminder notice. Investigators bear ultimate responsibility for making sure that there are no lapses in IRB approval.

If the study expires before the date of IRB continuing review approval, all enrollment, data collection and data analysis must stop by the day after the study expires. See Section VII below for the possibility of a limited exception to this requirement for therapeutic studies.

V. IRB Continuing Review Responsibilities

A. Review Criteria

Continuing review of research must be substantive and meaningful. The criteria for continuing review are the same as those for initial review. Therefore, the IRB (or the Chair or designated member of the IRB for protocols reviewed under the expedited review procedures) must determine that all of the following requirements are satisfied:

1. Risks to subjects continue to be minimized and reasonable in relation to anticipated benefits;
2. Selection of subjects continues to be equitable;
3. Informed consent is sought or waived in accordance with 45 CFR 46.116 as well as 21 CFR 50.25 for FDA-regulated research.
4. Informed consent will be documented or documentation waived in accordance with 45 CFR 46.117 and 21 CFR 50.27 for FDA-regulated research.
5. The research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects, when appropriate;
6. There are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data, when appropriate; and
7. Appropriate safeguards for vulnerable subjects are provided.
8. If multi-site research, the study management of information relevant to protection of subjects is adequate.

B. Review of Recruitment, Screening and Consent Documents

When reviewing the recruitment, screening and/or consent documents, the IRB should ensure the following:

1. The currently approved or proposed documents are complete, accurately reflect the information in the study application, and meet all the regulatory and University criteria for approval.
2. Any new findings that may relate to the subject's willingness to continue participation are provided to the subject in an updated informed consent form or addendum to the informed consent form.

C. Determining Appropriate Interval for Continuing Review

The IRB will determine which projects require review more often than annually in order to ensure the continued protection of the rights and welfare of the research subjects. The IRB shall consider the following factors, along with any other factors deemed relevant by the

IRB, in determining the frequency of review: the nature of the study, the degree of risk involved and the vulnerability of the study subject population.

Determinations of requirements for review more often than annually will be communicated to the investigator in writing and indicated in the minutes for the meeting.

D. Verification from Other Sources

The IRB will determine which projects need verification from sources other than the investigators that no material changes have occurred since previous IRB review on a case-by-case basis.

VI. Modifications to the Protocol

Changes to the protocol or study documents may be submitted at the time of continuing review. An investigator may not implement the proposed modifications until the changes are reviewed and approved by the IRB. The requirements needed for amendments to the protocol are requested in the Continuing Review Application and indicated on the Checklist for Continuing Review Application.

VII. Lapse in Approval

If the approval expires prior to submission of the continuation application, the investigator is required to suspend subject contact, data collection and data analysis until the continuation is approved by the IRB. There is one exception to this rule and that is when a change in the protocol is necessary to eliminate apparent immediate hazards to the subject. Any emergent change from the IRB-approved application made without prior IRB review must be reported within five working days of its occurrence. However, no new subjects may be contacted, recruited, or enrolled until the investigator obtains current IRB approval.

In cases of the need for emergent change from the IRB-approved application as described above, the IRB determines on a case-by-case basis whether treatment may continue for currently enrolled subjects. In order to request IRB approval for continuation of limited study activities for therapeutic purposes, the information that is needed for the IRB to allow this exception is included in the Continuing Review Application. The IRB will notify the investigator if it is permissible under federal guidelines to continue limited research activities. If any data is collected during an approval lapse, it cannot be used for research unless approved by the IRB.

References:

- OHRP Guidance on Continuing Review – January 15, 2007
- FDA Information Sheets: Continuing Review After Study Approval, Frequently Asked Questions: IRB Procedures
- OPRS IRB Continuing Review Application
- OPRS IRB Checklist for Continuing Review Application Submissions (with and without amendments)