POLICY

POLICY STATEMENT

Activities that constitute human subjects research and clinical investigations fall under the jurisdiction of the NMDP Institutional Review Board (IRB).

BUSINESS SECTION/DEPARTMENT

CIBMTR and Clinical Services

PURPOSE

To define those activities that constitute human subjects research and clinical investigations, and fall under the jurisdiction of the NMDP Institutional Review Board (IRB).

SCOPE

1. The NMDP IRB is a formally designated group whose primary role is to review research involving human subjects. The primary focus of the NMDP IRB human subject review is research involving cellular therapies.
2. All human subjects research conducted by NMDP employees on its premises or under its sponsorship, or whereby an NMDP employee is considered engaged in research under the auspices of the NMDP, must be reviewed and approved by the NMDP IRB, unless determined to be exempt from the federal regulations.
3. As the IRB of record for the Center for International Blood and Marrow Transplant Research® (CIBMTR), all human subjects research conducted by CIBMTR must be reviewed by the NMDP IRB, unless determined to be exempt from the federal regulations.
4. As the single IRB for the Blood and Marrow Transplant Clinical Trials Network (BMT CTN), human subjects research conducted by BMT CTN and released to participating sites after July 1, 2017, must be reviewed by the NMDP IRB, unless the research is determined to be exempt from the federal regulations.
5. The NMDP IRB may serve as the IRB of record for sites participating in BMT CTN studies, NMDP/CIBMTR-sponsored studies, and for donor centers whose unrelated donors participate in transplant center initiated recipient research protocols.

RELATED DOCUMENTS

- Form #: F00602, Donors as Research Subjects – Algorithm Analysis
- Human Subjects Research Determination Form

DEFINITIONS

1. **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 (FDA) under section 505(i) or 520(g) of the Federal Food, Drug and Cosmetic Act; or is not subject to requirements for prior submission to the FDA under these sections of the act, but the results of which are intended to be submitted later to, or held for inspection by, the FDA as part of an application for a research or marketing permit.
2. **Exempt from regulation:** Research that qualifies for exemption from the requirements of 45 CFR 46.
3. **Human subject:** A living individual about whom an investigator (whether professional or student) conducting research: (i) obtains information or biospecimens through interventions or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or (ii) obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens. A human subject may also be an individual who is or becomes a participant in research, either as a recipient of a test article or as a control, or an individual on whom or on whose specimen an investigational device is used. A human subject may or may not be a healthy individual.
    - 3.1. **Intervention:** Includes both physical procedures by which information or biospecimens are gathered (e.g., venipuncture) and manipulations of the subject or the subject's environment that are performed for research purposes.
    - 3.2. **Interaction:** Includes communication or interpersonal contact between investigator (or research staff) and subject.
    - 3.3. **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 that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public (e.g., a medical record).
        - 3.3.1. **Identifiable private information:** Private Information for which the identity of the subject is or may readily be ascertained by the investigator or associated with the information.
        - 3.3.2. **Identifiable biospecimen:** Biospecimen for which the identity of the subject is or may readily be ascertained by the investigator or associated with the biospecimen.
    - 3.4. **Test article:** 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 that requires application to FDA for investigational use.

4. **Human subjects research:** Any activity that represents research involving human subjects as defined by the Department of Health & Human Services (DHHS) regulations, or any activity that represents a clinical investigation involving human subjects as defined by FDA regulations, or any activity that represents research involving human beings as experimental subjects as defined by the Department of Defense regulations.
5. **Research:** A systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.
   5.1. **Systematic investigation:** An activity that involves a research plan which incorporates data analysis to answer a research question. The research plan may include prospective data collection, either quantitative or qualitative, or retrospective analysis of an existing data set.
   5.2. **Generalizable knowledge:** Knowledge that can be used to draw general conclusions (i.e., applied to populations outside of the specific study population), inform policy, or generalize findings.
6. **Research involving human beings as experimental subjects:** Research funded by the Department of Defense that involves an activity, for research purposes, where there is an intervention or interaction with living individuals for the primary purpose of obtaining data regarding the effect of the intervention or interaction. Research involving human beings as experimental subjects is a subset of human subjects research. (Refer to Department of Defense Instruction 3216.02).

RESPONSIBILITIES

1. **NMDP Employees**
   - Submit completed Human Subjects Research Determination Form to the NMDP IRB office via IRBManager to determine if project/study requires approval by the NMDP IRB.

2. **NMDP IRB Staff**
   - Communicate in writing determinations of IRB jurisdiction to investigators who submit protocols to the IRB office questioning whether or not the study needs NMDP IRB approval.
   - Communicate in writing determinations of IRB jurisdiction to NMDP employees who submit a Human Subjects Research Determination Form to the IRB office.

REQUIREMENTS

1. **Determining whether an activity is subject to NMDP IRB jurisdiction**
   1.1. Investigators are responsible for determining whether their activity is research or a clinical investigation, and if so, whether the research/clinical

investigation involves human subjects in accordance with the above definitions.

1.1.1. NMDP IRB staff may be consulted regarding this determination.

1.2. If a research study that is conducted outside NMDP involves unrelated donors, investigators are responsible for determining whether the unrelated donors are considered human subjects in accordance with the above definitions.

1.2.1. The document, Donors as Research Subjects – Algorithm Analysis (F00602) is available as a resource to help investigators make this determination. NMDP IRB staff may also be consulted regarding this determination.

1.3. Any research project conducted by an NMDP employee under the auspices of the NMDP, or whereby an NMDP employee is engaged in such research, must be submitted to the NMDP IRB office prior to implementation.

1.3.1. If the NMDP employee knows that the research involves human subjects according to the above definitions, a completed NMDP IRB Application must be submitted.

1.3.2. If the NMDP employee is unsure whether or not the research requires NMDP IRB review, a completed Human Subjects Research Determination form must be submitted to determine whether the project meets the regulatory definitions for research and human subjects.

1.4. Certain activities have the characteristics of research but may not meet the regulatory definition of human subjects research needing IRB approval according to DHHS or FDA regulations.

1.4.1. Examples of such activities include, but are not limited to, the following:

1.4.1.1. Surveys issued or completed by NMDP personnel for the intent and purposes of improving services and programs of the NMDP or for developing new services or programs.

1.4.1.2. Quality improvement projects

1.4.1.3. Using a standard donor product, e.g. whole blood, to create an investigational product (test article) where the product is only being studied in the context of the recipient's infusion, and no additional donor data is provided to the investigator.

1.4.1.4. Using donor product for quality control activities, such as process validation for the test article.

1.4.1.5. Banking donor product for 3rd party patients or anonymous research in the event the recipient is not able to use the new drug or therapy made from the donated product.

1.4.2. The Human Subjects Research Determination form must be completed and submitted to the NMDP IRB office to determine whether or not the activity meets the regulatory definitions for research and human subjects.

2. **Communicating determinations of IRB jurisdiction**

2.1. If an investigator submits a protocol to the NMDP IRB questioning whether or not the protocol falls under the jurisdiction of the NMDP IRB, the investigator will be informed in writing of the IRB staff's determination.

2.2. NMDP employees who submit a completed Human Subjects Research Determination form to the IRB office will be informed in writing whether or not the project requires review and approval by the NMDP IRB.

REFERENCES

- 45 CFR 46
- 21 CFR 50
- 21 CFR 56
- Department of Defense Instruction (DoDI) 3216.02
- OHRP Guidance on Engagement of Institutions in Human Subjects Research

REVISION HISTORY

Revision	Brief Description of Revision
P00019 rev 1	New Policy
P00019 rev 2	(revisions not documented)
P00019 rev 3	Formatted into new Policy template. Revised primary focus of NMDP IRB under sect 1 of Scope. Added sect 5 under Scope. Revised definition of Human Subjects Research. Added Responsibilities section. Revised 1.5.1 under Requirements. Added 1.7 under Requirements. Added references to Be The Match as appropriate.
P00019 rev 4	Revised Scope section 4 regarding BMT CTN. Updated definitions of human subject and intervention. Added definitions of identifiable private information and identifiable biospecimen. Deleted definition of Innovative Therapy and section 1.6 on innovative therapy.
P00019 rev 5	Deleted section 1.5 regarding review of studies utilizing the Research Database or Research Sample Repository. Deleted section 1.6 regarding SMDS review.
P00019 rev 6	Business Section changed from CIBMTR to POE. Clarified definition of Test Article. Added examples of donor activities that do not meet the regulatory definition of human subjects in Section 1.4
P00019 rev 7	Removed form # F00756 from Human Subjects Research Determination form, since the form is now in IRBManager and archived in Master Control.
P00019 rev 7	Re-branding - removed references to National Marrow Donor Program and Be The Match.

ADDENDA

Not applicable