Levels of IRB Review

All research involving humans that falls under the jurisdiction of the IRB for review and approval must meet the criteria for one of the following methods for review:

⇒ Exempt from IRB Committee Review  
⇒ Expedited Review  
⇒ Full Review

No Human participants may be enrolled or recruited prior to receipt of written final approval of the study from the IRB.

Exempt Review

Exemption does not mean “Do nothing.”

In each instance, the investigator will make the initial request for exempt status and the IRB Chair will make the final determination. If the research is submitted by the IRB Chair, for non-VA studies, either the Vice Chair or the Vice Provost for Research at East Tennessee State University will review this determination. For VA studies, the Vice Chair will review this determination.

Neither the Chair nor the Vice Chair may review for approval research studies submitted for exempt or expedited review from their respective departments or divisions (for larger departments. For non-VA studies, in the absence of the Chair or Vice Chair, the Vice Provost for Research will review the determination. For VA studies, the exemption status must be approved by the IRB Chair or an experienced IRB member designed by the Chair. If upon this review the determination of exemption is not upheld, the investigator will be informed and provided with the reasons for denial of exemption. The protocol will then be submitted for either expedited or full review, as appropriate to the level of risk, by the IRB.

The institution retains the option under the assurance to not claim the options provided for exempt status, but instead choose to require IRB review. Documentation for all exemptions will include citation of the specific category justifying the exemption.

Research that is determined to be exempt from IRB review is not exempt from protection of human subjects. All exempt research is subject to all human subject protections and ethical standards. Studies submitted requesting exempt status will be reviewed by the Chair or Vice Chair to determine whether the research fulfills the organization’s ethical standards. The standards are as follows:

1. The research holds out no more than minimal risk to the participants.

2. The selection of participants is equitable.
3. If the study includes recording of identifiable information, there are adequate provisions to maintain the confidentiality of the data

4. *If the study includes interactions with participants, there is a consent process that discloses such information as

   a. that the activity involves research
   b. a description of the procedures
   c. that participation is voluntary
   d. the name and contact information for the investigator

5. The research has adequate provisions to maintain the privacy interests of participants.

   *In limited circumstances, the IRB Chair may determine that this requirement is not appropriate. Contact the IRB staff for questions.

If the Chair or Vice Chair identifies ethical concerns in the research submitted for exemption, the study will not be exempted.

**Categories for Exempt Approval:** Only studies that meet the six specific categories of exempt activities as delineated by HHS Regulations 45 CFR 46 (101) (b) are eligible to be given exempt status. **NOTE:** These categories do not apply to prisoners and categories 1-5 do not apply to FDA regulated research

1. 45 CFR 46.101 (b)(1): Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as

   a. research on regular and special education instructional strategies, or
   b. research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

2. 45 CFR 46.101 (b)(2): Research involving the use of educational tests, (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, **unless:**

   a. information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and
   b. any disclosure of the human subjects responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation or insurability.

For 45 CFR 46 (101) (b)(2), the exemption for research involving survey or interview procedures or observations of public behavior **DOES NOT** apply to research covered by 45 CFR Part 46, Subpart D (Additional DHHS
Protections for Children Involved as Subjects in Research), except for research involving observation of public behavior where the investigators do not participate in the activities being observed.

3. 45 CFR 46.101(b)(3): Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under 45CFR 46.101(b)(2)) if:

   a. the human subjects are elected or appointed public officials or candidates for public office, or

   b. federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

4. 45 CFR 46.101(b)(4): Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

To qualify for the above 45 CFR 46 (101) (b) category 4 exemption, data, documents, records or specimens must already exist at the time the research is proposed.

5. 45 CFR 46.101(b)(5): Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine:

   a. Public benefit or service programs;

   b. procedures for obtaining benefits or services under those programs;

   c. possible changes in or alternatives to those programs or procedures; or

   d. possible changes in methods or levels of payment for benefits or services under those programs. To qualify for Exemption 5 for Public Benefit Projects, which is for projects conducted by or subject to approval of federal agencies, the following criteria must be satisfied:

      a) The program under study must deliver a public benefit (e.g., financial or medical benefits as provided under the Social Security Act) or service (e.g., social, supportive or nutrition services as provided under the Older Americans Act)

      b) The research or demonstration project must be conducted pursuant to specific federal statutory authority
c) There must be no statutory requirement that the project be reviewed by an IRB

d) The project must not involve significant physical invasions or intrusions upon the privacy of participants

e) Authorization or concurrence by funding agency

For VA studies, the determination of exempt status for research and demonstration projects meeting the criteria in this category must be made by the Under Secretary for Health on behalf of the Secretary of VA, after consultation with Office of Research and Development (ORD), Office of Research Oversight (ORO), Office of General Counsel (OGC), and other experts, as appropriate.

6. 45 CFR 46.101(b)(6) and 21 CFR 56.104(d): Taste and food quality evaluation and consumer acceptance studies,

a. if wholesome foods without additives are consumed or

b. if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the US Department of Agriculture

If the proposed research activities do not meet the criteria for exemption, the IRB will promptly correspond with the investigator outlining any additional information needed and proper type of review (e.g., expedited or full)

**Modifications**: Any proposed changes to an exempt study must be submitted to the IRB for review and approval prior to implementation. Some modifications to the research may change the review status and require the investigator to submit an application for expedited or full review. (Refer to modification policy)

**Expedited Review**

Expedited review does not mean “fast” but rather, certain research, meeting the specified criteria, may be reviewed by the IRB Chairperson, Vice Chair or two or more IRB members who have been selected based on their expertise and experience, not at a convened Committee meeting.

Expedited review **MAY NOT** be used if:

⇒ research is minimal risk but does not appear in one of the listed categories

⇒ research involves greater than minimal risk.
research where identification of the subjects and/or their responses would reasonably place them at risk of criminal or civil liability or be damaging to the subject’s financial standing, employability, insurability, reputation, or be stigmatizing, unless reasonable and appropriate protections will be implemented so that risks related to invasion of privacy and breach of confidentiality are no greater than minimal.

research is classified and involves human subjects.

**Categories for Expedited Approval:** HHS Regulations at 45CFR.46.110(b)(1) limit the use of expedited review procedures to specific research categories published in the Federal Register at 63 FR 60364-60367. The following categories of research may be reviewed by the IRB through an expedited review procedure:

Only those research activities that:

A. present no more than minimal risk to human subjects **AND**

B. involve only procedures listed in one or more of the following categories may be reviewed by the IRB through the expedited review procedure authorized by 45 CFR 46.110 and 21 CFR 56.110:

1. Clinical studies of drugs and medical devices only when condition (a) or (b) is met.
   
   a) Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)
   
   b) Research on medical devices for which

   (i) an investigational device exemption application (21 CFR Part 812) is not required; or

   (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.

2. Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:

   a) from healthy, nonpregnant adults who weigh at least 110 pounds. For these subjects, the amounts drawn may not exceed 550 ml in an 8 week period and collection may not occur more frequently than 2 times per week; **or**
b) from other adults and children\(^2\), considering the age, weight, and health of the subjects, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these subjects, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8 week period and collection may not occur more frequently than 2 times per week.

3. Prospective collection of biological specimens for research purposes by noninvasive means. Examples:

a) hair and nail clippings in a nondisfiguring manner

b) deciduous teeth at time of exfoliation or if routine patient care indicates a need for extraction

c) permanent teeth if routine patient care indicates a need for extraction

d) excreta and external secretions (including sweat)

e) uncannulated saliva collected either in an unstimulated fashion or stimulated by chewing gumbase or wax or by applying a dilute citric solution to the tongue

f) placenta removed at delivery

g) amniotic fluid obtained at the time of rupture of the membrane prior to or during labor

h) supra- and sub-gingival dental plaque and calculus, provided the collection procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques

i) mucosal and skin cells collected by buccal scraping or swab, skin swab, or mouth washings

j) sputum collected after saline mist nebulization.

4. Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice, excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.) Examples:

a) physical sensors that are applied either to the surface of the body or at a distance and do not involve input of significant amounts of energy into the subject or an invasion of the subject’s privacy
b) weighing or testing sensory acuity

c) magnetic resonance imaging

d) electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, electoretinography, ultrasound, diagnostic infrared imaging, doppler blood flow, and echocardiography

e) moderate exercise, muscular strength testing, body composition assessment, and flexibility testing where appropriate given the age, weight, and health of the individual.

5. Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for non-research purposes (such as medical treatment or diagnosis). (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human subjects. 45 CFR 46.101(b)(4). This listing refers only to research that is not exempt.)

6. Collection of data from voice, video, digital, or image recordings made for research purposes.

7. Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies. (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human subjects. 45 CFR 46.101(b)(2) and (b)(3). This listing refers only to research that is not exempt.)

8. Continuing review of research previously approved by the convened IRB as follows:

a) Where

(i) the research is permanently closed to the enrollment of new subjects;

(ii) all subjects have completed all research-related interventions; and

(iii) the research remains active only for long-term follow-up of subjects; or

b) where no subjects have been enrolled and no additional risks have been identified; or

c) where the remaining research activities are limited to data analysis.
9. Continuing review of research, not conducted under an investigational new drug application or investigational device exemption where categories two (2) through eight (8) do not apply but the IRB has determined and documented at a convened meeting that the research involves no greater than minimal risk and no additional risks have been identified.

2 Children are defined in the HHS regulations as "persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law of the jurisdiction in which the research will be conducted."

Expedited reviews should be conducted with the same depth as reviews conducted by the convened board. Research materials submitted must include sufficient detail for the reviewer(s) to determine the study meets criteria 45 CFR 46.111, 21 CFR 56.111 and 38 CFR 16.111, if applicable, for approval.

Expedited reviewers may approve research, require modifications in order to secure approval, or defer the proposal to the convened board. Protocols are also referred to the convened board if the investigator does not concur with the requested modifications.

If the proposal is approved or approved with stipulations, reviewers also decide on the interval for the ongoing review of the study based on the degree of risk to human subjects. Continuing reviews for approval beyond the initial year will be annual reviews or other predefined review periods not to exceed one (1) year. The following criteria are considered when determining the review interval for expedited studies:

⇒ Recommendations by another committee, such as the VA Research and Development Committee

⇒ Consent being given by legally authorized representatives

⇒ Identified conflict of interest of involved study personnel

⇒ Research for which participants would be exposed to additional risk (i.e., disproportionate number or severity of unanticipated problems, Phase I study)

The full Committee is advised of research proposals/activities that have been approved through the expedited review procedure.

**Full Reviews**

For Initial Full reviews, see Full Review Section of this handbook.