

PARTNERS HUMAN RESEARCH COMMITTEE GUIDANCE DOCUMENT

Human-Subjects Research Supported by the Department of Defense

Human-subjects research that is supported by the Department of Defense (DoD) or one of its components (e.g., Departments of the Army, Air Force, and Navy and Marine Corps) through a contract, grant, cooperative agreement, or other arrangement with BWH, MGH, or FH must comply with DoD Regulations for “Protection of Human Subjects” at 32 CFR 219 and with DoD Directive 3216.2. Other DoD component-specific requirements may also apply depending on the particular study. This guidance is intended to highlight some of the primary issues for investigators to be aware of when conducting DoD-supported research, but is not a substitute for investigators to obtain project-specific information about DoD’s requirements from the applicable DoD human research protection administrator as directed below. Investigators are expected to include information relevant to and address any applicable DoD requirements in their protocol submissions.

When BWH, MGH, or FH receive DoD funding for human-subjects research, the recipient institution, at the request of DoD, will sign a DoD Addendum to its Federalwide Assurance (FWA) attesting that the institution will comply with applicable federal regulations and DoD requirements for protection of human subjects in research.

DoD Definitions

The following definitions apply to human-subjects research supported by the DoD or one of its components:

Research means any systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

Research involving a human being as an experimental subject means an activity, for research purposes, where there is an intervention or interaction with a human being for the primary purpose of obtaining data regarding the effect of the intervention or interaction.

DOD DIRECTIVE 3216.2 REQUIREMENTS

The DoD and its components have adopted the “Common Rule” Federal policy for protection of human subjects in research. DoD’s implementation of the Common Rule is found at 32 CFR 219. Additional DoD policies and requirements for the protection of human subjects are described in DoD Directive 3216.2. Most of the DoD requirements outlined in DoD Directive 3216.2 are consistent with Partners Human Research Committee (PHRC) policies and procedures. However, DoD has imposed certain restrictions on the use of surrogate consent and waiver of informed consent and additional human subject protections for research involving greater than minimal risk. Investigators should be aware of these and other additional requirements when developing proposals for DoD support. Some of the main additional requirements are described below. Because components of DoD may have additional requirements for human subject protection, investigators should obtain DoD component specific requirements from the applicable DoD human research protection administrator when applying for funding.

1. **Scientific Review**

DoD requires scientific review for all new DoD-supported human research and substantive amendments to approved research prior to IRB review. The PHRC considers substantive amendments to be those that meet the PHRC criteria for more than a minor change in approved research. The PHRC may use appropriately qualified IRB chairs, members or consultants with relevant scientific expertise to perform scientific review of DoD-supported research prior to IRB review.

2. **Education and Training**

DoD may impose additional education and training requirements on investigators beyond those required by Partners. Investigators should contact their DoD human research protection administrator for information about specific education requirements. At the request of DoD, others involved in the Partners Human Research Protection Program (e.g., the Institutional Officials and IRB chairpersons) will be asked to complete DoD required education in human research protection.

3. **Additional Protections for Pregnant Women, Human Fetuses and Neonates; Prisoners; and Children**

DoD-supported research must meet the additional protections for pregnant women, human fetuses, neonates, prisoners and children in 45 CFR 46, Subparts B, C, and D. When applicable, investigators are required to provide an assessment of risks and potential benefits to pregnant women and fetuses, nonviable neonates and neonates of uncertain viability and children in the Partners eIRB Human Research Application. The BWH, MGH and FH rely on the Harvard School of Public Health IRB for review of research involving prisoners. Contact the Partners Human Research Office before submitting research involving prisoners.

4. **Prisoners of War**

DoD prohibits the involvement of prisoners of war in DoD-supported human-subjects research.

5. **Informed Consent**

No DoD component may support research involving a human being as an experimental subject without requiring the prior informed consent of the subject with certain limited exceptions described below. Investigators should take these restrictions into consideration when describing the consent process in the protocol submission.

Legally Authorized Representatives – If the subject lacks capacity, due to age, condition, or other reason, to make a decision regarding consent to participate in the research, prior consent may be provided by a legal representative of the subject if the IRB determines that the research is intended to be beneficial to the subject.

Waiver of Informed Consent – The requirement for prior informed consent may be waived only by the Head of a DoD component and only with respect to a specific research project to advance the development of a medical product necessary to the Armed Forces when the research project may directly benefit the subject. A waiver from the Head of the DoD

component is also required in order to permit an exception to informed consent in emergency research under 21 CFR 50.24.

6. Survey Research

Survey research supported by the DoD typically requires Department of Defense Survey Review and approval. Investigators should contact their DoD human research protection administrator about the requirements for DoD review of surveys and communicate these requirements to the PHRC.

7. Research Involving More than Minimal Risk

Independent Medical Monitor – When the research involves more than minimal risk to subjects, an independent medical monitor must be appointed by name. Medical monitors may be physicians, dentists, psychologists, nurses, or other healthcare providers capable of overseeing the progress of research protocols, especially issues of individual subject management and safety. Medical monitors must be independent of the research team and must possess sufficient educational and professional experience to serve as the subject advocate. Among other things, these monitors must have the authority to stop a study, remove subjects from a study, and take any other steps necessary to protect the safety and well-being of subjects. Investigators should describe the responsibilities and authorities of the independent medical monitor in the data and safety monitoring plan.

Recruitment and Consent of Military Personnel – When the research involves more than minimal risk to subjects and the intended study population includes military personnel, unit officers and noncommissioned officers (NCOs) must not influence the decisions of their subordinates to participate or not to participate as research subjects. When the intended study population is military personnel, unit officers and NCOs in the chain of command must not be present at the time of recruitment and consent of subjects. In addition, during recruitment briefings to a unit where a percentage of the unit is being recruited to participate as a group, an ombudsman not connected in any way with the proposed research or the unit must be present to monitor that the voluntary nature of participation is adequately stressed and that the information provided about the research is adequate and accurate. Investigators should describe the procedures for recruitment of any military personnel in the protocol submission.

Research-related Injury – When the research involves more than minimal risk to subjects the institution must make arrangements for emergency treatment and necessary follow-up of any research-related injury. The Partners Research Consent Form templates include the provision of care for treatment of research-related injuries. Investigators should contact their DoD human research protection administrator about any additional research-related injury requirements and communicate those to the PHRC.

8. Compensation of Military Personnel

Military personnel may not receive dual compensation for participation in research. This includes military personnel with temporary, part-time and intermittent appointments.

9. Multi Site Research and International Research

Multi Site Research – For multi site research, DoD requires a formal agreement between organizations to specify the roles and responsibilities of each party. The investigator must contact the DoD research protection administrator to determine the specific requirements for agreements or other documentation of cooperative review arrangements for IRB review of multi site research and communicate those to the PHRC. See PHRC policy on Multi Site Collaborative Human-Subjects Research.

International Research – When the research is conducted outside the United States or its territories, and the research involves subjects who are not U.S. citizens or DoD personnel, the investigator must obtain permission of the host country and follow PHRC policy and procedures for research conducted outside the United States or its territories. See PHRC policy on Review of Human-Subjects Research Conducted Off-Site.

10. Noncompliance and Research Misconduct

Noncompliance –DoD must be notified of any investigations of alleged noncompliance with applicable human subject protection regulations or DoD requirements outlined in Directive 3216.2 arising in DoD-supported research and of any resulting findings. Reports of noncompliance should be coordinated with the Partners Human Research Committee policy on Noncompliance in Human-Subjects Research and reporting requirements on Reporting to Institutional Officials and Regulatory Agencies.

Research Misconduct – DoD must be notified of any allegations of research misconduct and misconduct proceedings in DoD-supported research. The requirement to report is consistent with the Partners Research Integrity Policy to also follow any specific requirements of the funding agency. Reports of allegations of research misconduct and misconduct proceedings should be coordinated with the relevant institutional Research Integrity Officer.

11. Record Keeping

The DoD may require submission of records to the DoD for archiving. When the DoD requests records for archiving, the investigator should contact Research Compliance to ensure that all institutional record keeping requirements are also met.