Informed Consent: Who, What, Where, When, Why, and How

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Today's Objectives:

Who, What, Where, When, Why, and How

(Not necessarily in that order!)

- Requirements for informed consent
- Conducting the consent process
- Defining participants in the process
- Consenting considerations
- Tips for readability

The informed consent process is one of the primary ethical requirements of human subject research

No investigator may involve a human being as a subject in research unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative

45 CFR 46.116

Consent Form and Consent Process

The consent document is an important part of the consent process

The consent process is important for subject trust and autonomy.
It is much more than the form

Verbal or written consent must be obtained before any research procedures happen

What information is required in the consent form?

This information should always be incorporated into the consent form or script. These points apply when the consent is written or verbal

- Purpose, duration, and procedures
- Risks
- Benefits
- Other choices for treatment
- Confidentiality
- If subjects will be paid for injuries
- Contact name for assistance or questions
- A statement that participation is voluntary
- If information and biospecimens will be used in future studies and/or shared with others

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45 CFR 46.116(b)

What additional information should be in the consent form?

Depending on the kind of research, other points might need to be included in the consent form or script

- Statement that there may be risks that are unknown
- When a subject might be removed by the researcher
- Any costs the subject might have
- What will happen if the subject withdraws
- Statement that subjects will be given new information
- Number of subjects to be enrolled
- Whether biospecimens will be used for commercial profit & if subjects will share profit
- If and when clinical results will be shared with subjects
- If biospecimens will be used for whole genome sequencing

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45 CFR 46.116(c)

The consent process involves

1

Providing a potential subject with adequate information to reach an informed decision

2

Facilitating the potential subject's comprehension of the information

3

Providing an adequate opportunity to ask questions and consider participation

Consent Process Considerations

- When will the subject first see the consent document?
- Where will the consent process take place?
- Who will be involved in the consent process?
- Who will answer questions?
- Make sure there is enough time

Those conducting the consent process must be able to answer subject questions
Subjects may include any number of friends or family to help them decide

An investigator will obtain the legally effective informed consent of the subject or the subject's legally authorized representative

Prior to the process, consider who should be present. While a specific person has to sign, others may participate in the process

- Healthy adult = self
- Child = parent
- Decisionally impaired adult = LAR
- Physically impaired adult = self, potentially a witness
  - cognitively able to understand consent process but unable to physically sign the consent form

The investigator will give the subject to discuss and consider participation. The investigator will minimize coercion and undue influence.

- Provide privacy
- Allow plenty time for discussion, questions and answers
- Allow time for subjects to consult with others and make a decision
- At each study visit, recap the study and allow time for questions

Avoid: Patient with the hospital gown lying on the stretcher in the pre-op holding area

Give the information to the subject in language that they understand

- **Informed** Consent: Provide a subjects with accurate information to reach an educated and informed decision
- Write in simple language at a low reading level
- Adjust the conversation to the prospective subject:
  - Age
  - Physical/mental state
  - Health literacy
- Subject must get a copy of the consent form (does not have to be signed copy)

Remember: Have a conversation about the study. Ask questions to test understanding. Allow subject to ask questions

What kind of process do I need?

45 CFR 116

Written Informed Consent	Traditional consent form • Must obtain the written informed consent of the subject or the subject's legally authorized representative
Waiver to Document Consent	Written informed consent is not obtained • Verbal consent process takes place • May include scripts or other visual aids • Researcher documents subject's willingness in research record
Full Waiver of Informed Consent	Consent is not obtained from any subjects in the study • Researcher must justify criteria

What is a waiver to document?

- Subject and investigator talk about the study. The discussion includes all of the required elements of informed consent.
- Subjects say they agree and do not sign anything
- Investigator documents the conversation in the research record

Is it binding?

Yes. Good research practices allow an IRB to waive signed informed consent form for some or all subjects

45 CFR 46.117(c)(1)

Scripts must include all elements of consent!

When can I use it?

In **minimal risk situations** when:

- Main risk is breach of confidentiality
- The study involves no procedures that require written consent outside of research
- Cultural or community norms do not support individuals signing forms

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Common Uses of a Waiver to Document

- “Click to consent”
- Research activities over the phone or on line
- Request to fast prior to obtaining written consent
- Low risk psychosocial research
- Consent form could put subject at risk
- Other minimal risk activity (focus groups, surveys, interviews)

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What is an electronic signature?

Electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record

Is it legally binding?

In the U.S. it is.

The ESIGN Act and the Uniform Electronic Transaction Act (UETA) say that eSignatures and records are the same as traditional paper

When can I use it?

Any time written informed consent is required

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Obtaining Informed Consent

Questions?

University of Pittsburgh Policy

Study Involving Drug, Device or Surgical Procedure	**Rule**: Licensed physician PI or Co-I must obtain informed consent **Exception**: Under certain circumstances, justify another PI or Co-I qualified practitioner obtaining informed consent. Justification needs to include why a physician cannot obtain consent
Greater than Minimal Risk Study Not Involving Drug, Device or Surgical Procedure	**Rule**: Listed PI or Co-I must obtain informed consent **Exception**: No exceptions will be granted
Minimal Risk Study Not Involving Drug, Device or Surgical Procedure	**Rule**: Listed PI or Co-I must obtain informed consent **Exception**: Justify why listed investigator cannot obtain, include (by position) who will be obtaining informed consent

In all scenarios, individual must sign Investigator's Certification at time of involvement

Does licensing matter?

- Physicians must have an unrestricted Pennsylvania medical license and listed as Principal or Co-investigator
- Medical residents and fellows operating under a Pennsylvania training license **are not** considered to be licensed physicians for this purpose.
  - Exception must be requested

*Study coordinators or study staff may **assist** in the consent process for studies involving a drug, device or surgical procedure*

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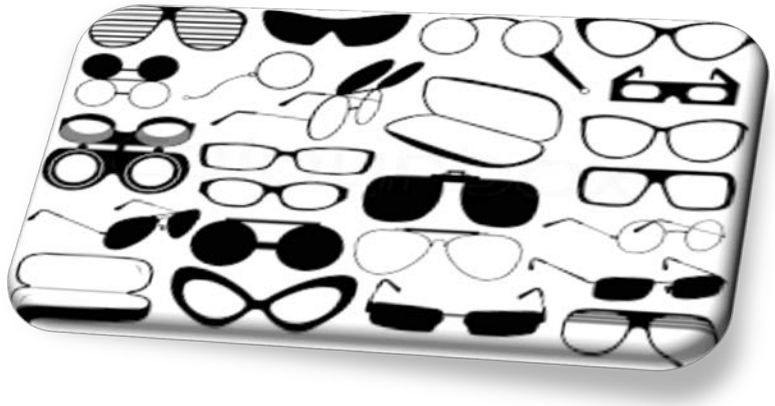
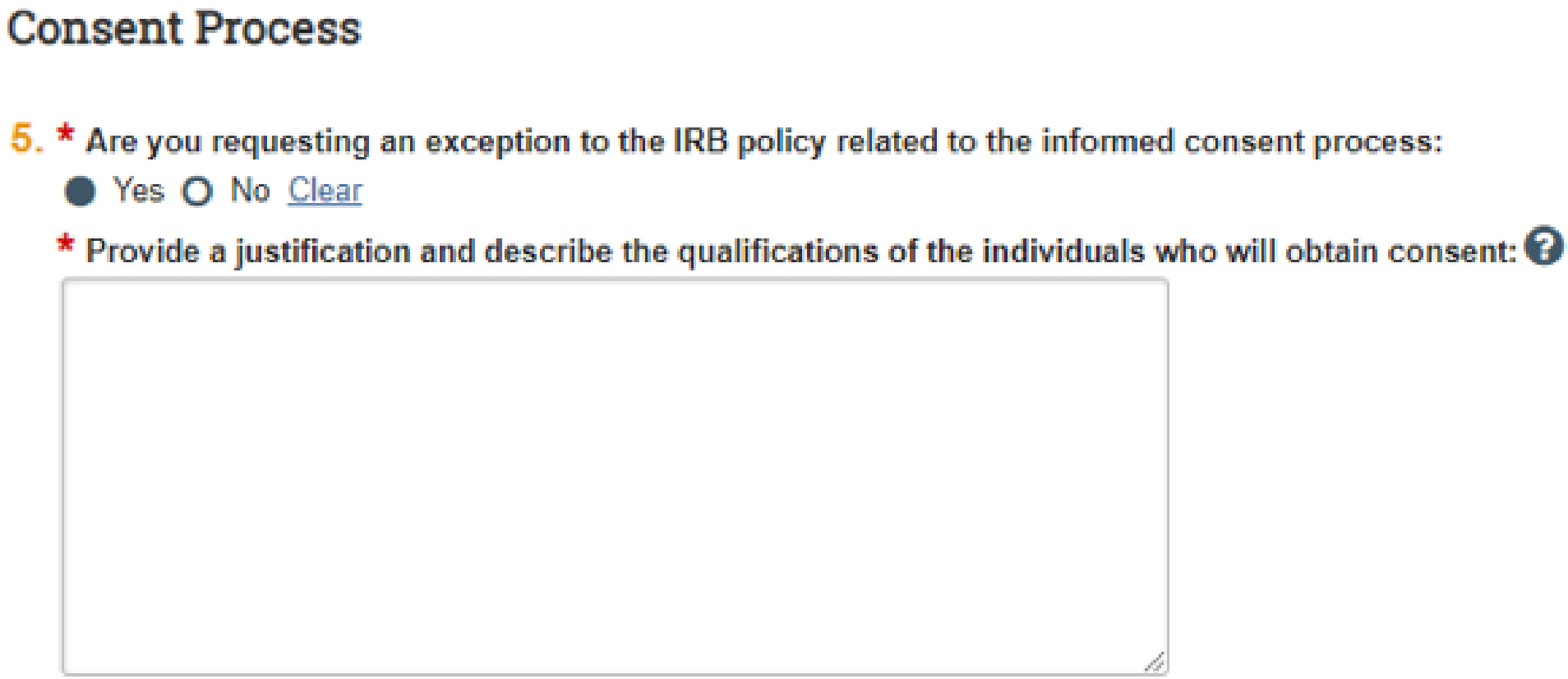
What is a “Qualified Practitioner”?

Physicians may delegate their duty to a “qualified practitioner.”
Qualified Practitioners include

1) Licensed advanced practice providers, and
   - May include physical therapist, optometrist, etc when the drug/device/procedure is in the scope of their practice
2) Medical residents and fellows with a training license



How do I request an exception in PittPRO?



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Obtaining Informed Consent Guidance

https://www.hrpo.pitt.edu/obtaining-informed-consent-human-subject-research

Provides a detailed chart on who may or may not obtain consent in particular situations

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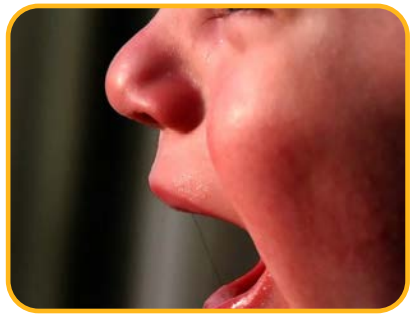
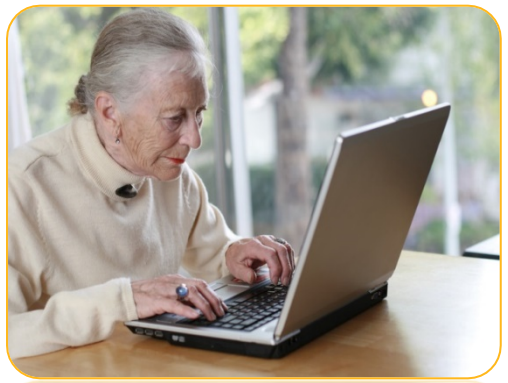
Example	Consent Requirement
Study involving anesthesia, radiation therapy, radiopharmaceuticals, or chemotherapy	Licensed physician investigator must obtain consent. An exception may be granted to a qualified practitioner investigator in the specialty.
Study involving the use of, but not evaluating the effectiveness and/or safety of an approved drug	Investigator must obtain consent. Based on the details of the study, the IRB may require a licensed physician or qualified practitioner investigator to obtain consent. Prescription and administration of medication must comply with state and federal licensing statutes
Study evaluating the effectiveness and/or safety of on-label use of an approved drug	Licensed physician investigator must obtain consent. An exception may be granted to a qualified practitioner investigator or licensed health care practitioner investigator.
Study evaluating the effectiveness and/or safety of an unapproved drug or off-label use of an approved drug	Licensed physician investigator must obtain consent. An exception may be granted to a qualified practitioner investigator for a study evaluating the effectiveness and/or safety of 1) an off-label use of an approved drug or 2) alternative formulation of a drug with well-known safety profile.
Study involving but not evaluating the effectiveness and/or safety of a device (e.g., use of a device to collect study data)	Investigator must obtain consent. Based on the details of the study, the IRB may require the consent be obtained by a licensed physician, qualified practitioner, or licensed health care provider investigator.
Study evaluating the effectiveness and/or safety of an on-label use of an approved device	Licensed physician investigator must obtain consent. An exception may be granted to a qualified practitioner or licensed health care provider investigator
Study evaluating the effectiveness and/or safety of an unapproved non-significant risk device or off-label use of an approved non-significant risk device	Licensed physician investigator must obtain consent. An exception may be granted to a qualified practitioner or licensed health care provider investigator who would normally use that type of device in their scope of practice.
Study evaluating the effectiveness and/or safety of an unapproved significant risk device or off-label	Licensed physician investigator must obtain consent. An exception may be granted to a qualified practitioner or licensed health care provider investigator for a study evaluating

Consenting Issues: Special Populations

The IRB should be particularly cognizant of the special problems of research that involves a category of subjects who are vulnerable to coercion or undue influence, such as children, prisoners, individuals with impaired decision-making capacity, or economically or educationally disadvantaged persons





Consenting Thoughts for Pregnant Women

- In most cases, only the consent of the pregnant woman is necessary
- Consent of both pregnant woman and father is necessary in a greater than minimal risk study with only direct benefit to the fetus

Risk Considerations with Children

Level of Risk	Other Thoughts	Considerations for Parental Permission
Minimal Risk (§46.404/§50.51)		IRB decides consent of one parent or both
Greater than minimal risk with prospect of direct benefit (§46.405/§50.52)	• Risk is justified by the anticipated benefit; • Relation benefit to the risk is at least as favorable as that of available alternative approaches	IRB decides consent of one parent or both
Greater than minimal risk, no direct benefit, likely to yield general knowledge about the subject's disease or condition (§46.406/§50.53)	• Risk is a minor increase over minimal risk; • The intervention or procedure presents experiences to subjects that are reasonably commensurate with those inherent in their actual or expected medical, dental, psychological, social, or educational situations; • The intervention or procedure is likely to yield generalizable knowledge about the subjects' disorder or condition which is of vital importance for the understanding or amelioration of the subjects' disorder or condition	Both parents provide permission for the child to participate (unless one parent is deceased, unknown, incompetent, or not reasonably available, or when only one parent has legal responsibility for the care and custody of the child)

Parental Permission

- Depending on the level of risk, the IRB may require the consent of one or both parents
- The IRB can waive the parents' permission in certain situations

When a child turns 18, parental permission is no longer valid. The person must then provide consent on their own behalf

Who has the legal right to provide permission?

Parent	Guardian	Foster
• Biological • Adoptive	Authorized under law to consent for activity involved in the research 1. Copy of court order 2. Encompass activities involved in the research	Generally do not have authority to consent to medical care (PA Law) • Considered under the care of Children and Youth Service • Considered wards for research purposes

Physical custody is not the same as legal custody

Assent: Respect for Children

Child's affirmative agreement to participate in the research

IRB determines:

- None of the children
- Some of the children
- All of the children

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Who signs where?

https://www.hrpo.pitt.edu/consent-form-signature-lines-obtaining-parental-permission-assent-and-consent-continued

PARENTAL PERMISSION

The above information has been explained to me and all of my current questions have been answered. I understand that I am encouraged to ask questions about any part of this research study at any time. Any future questions will be answered by a qualified person or by an investigator listed on the first page of this consent document at the telephone number(s) given. I understand that I may always request that my questions, concerns or complaints be answered by a listed investigator.

I understand that I may contact the Human Subjects Protection Advocate of the IRB Office, University of Pittsburgh (1-866-212-2668) to discuss problems, concerns, and questions; obtain information; offer input; or discuss situations in the event that the research team is unavailable. A copy of this consent form will be given to me/my child.

Printed Name of Child-Subject_____

I understand that, as a minor (age less than 18 years), the above-named child is not permitted to participate in this research study without my consent. Therefore, by signing this form, I give my consent for his/her participation in this research study and provide my authorization for the use of his/her medical records.

Parent's or Guardian's Name (Print)_____ Relationship to Participant (Child)_____

Parent or Guardian Signature_____ Date_____

CERTIFICATION of INFORMED CONSENT

I certify that I have explained the nature and purpose of this research study to the above-named individual(s), and I have discussed the potential benefits and possible risks of study participation. Any questions the individual(s) have about this study have been answered, and we will always be available to address future questions as they arise. I further certify that no research component of this protocol was begun until after this consent form was signed.

Name of Person Obtaining Consent (Print)_____ Role in Research Study_____

Signature of Person Obtaining Consent_____ Date_____

CHILD ASSENT

This research has been explained to me, and I agree to participate.

Signature of Child-Subject_____ Date_____

VERIFICATION OF EXPLANATION

I certify that I have carefully explained the purpose and nature of this research to (name of child) in age appropriate language. He/she has had an opportunity to discuss it with me in detail. I have answered all his/her questions and he/she provided affirmative agreement (i.e., assent) to participate in this research.

Signature of Person Obtaining Assent_____ Date_____

Decisional Impairment

Study **MUST** be approved for enrollment of persons with decisional impairment

Decisionally Impaired: Persons who have a diminished capacity to understand the risks and benefits for participation in research and to provide informed consent for themselves.

- Legally authorized representative consent
- Decisionally impaired person's assent
- Decisionally impaired person's consent

Additional Safeguards Employed

Can use any of the following:

- Independent party to assess the capacity of the potential subject;
- Standardized assessment of cognition and/or decisional capacity;
- Informational or educational techniques;
- Independent person to monitor the consent process;
- Waiting periods to allow for additional time to consider information about the research study;
- Proxy consent;
- Assent in addition to proxy consent in order to respect the autonomy of individuals with decisional impairment.

Proxy Consent

Proxy is a person giving consent for someone who cannot consent on their own behalf. The proxy should make the decisions that they think the subject would make for themselves.

Who can act as the proxy?

- In the United States, a person can appoint someone in court to act on their behalf. If someone has not taken that step, other people are legally allowed to consent:
  - Spouse
  - Adult child
  - Parent (natural or adoptive)
  - Adult sibling
  - Any other adult relative known & documented to have made previous health care decisions

Decisional Impairment and Subject Assent

- **Assent: subjects' affirmative agreement to participate in the research**
- If potential subject can exercise **some** judgement, but not enough to consent, assent needs to be obtained
  - Objections should be noted and respected
  - Direct informed consent will be obtained if subjects are to regain capacity → subject can decline to continue

Examples:

- Person intoxicated on alcohol cannot consent on their own behalf but can understand enough to agree
- Person with moderate autism
- Conscious person with brain injury

Other Impairments

Visual Considerations:

- Present the information orally
- Use Braille consent form

Physical Considerations:

- Document methods and how subject communicates agreement
- Use and impartial third-party witness

Hearing Considerations:

- Visual study documents can enhance subject experiences and understanding

Child note: Parent & child must participate in process. If one is affected and one is not, tailor process to both

Non-English Speaking Participants

General Requirements for Informed Consent §46.116(a)(3)
The information that is given to the subject or the legally authorized representative shall be in language understandable to the subject or the legally authorized representative

Must have a plan to manage language during all phases of study:

- Recruitment
- Consent process
- Study visits
- Phone calls
- Questions

Methods to Manage Language

Written Translation of IRB Approved Documents

Used when the study targets enrollment of non-English speakers

- Written into consent process and enrollment
- Documents translated and certified
- Follow the process in the IRB Approved protocol

Use of Short Form and Exception

Enrollment of non-English speakers is not targeted but a person is otherwise eligible

- Locate language-appropriate short form
- Submit exception to IRB
- Follow procedures for translator and witness

http://www.hrpo.pitt.edu/non-english-speaking-participants
http://www.hrpo.pitt.edu/short-form-consent-documents

Tips to Improve Understanding

- Use a low reading level
- Avoid small font sizes
- Use simple words and short sentences
- Avoid scientific and technical terms
- Highlight sections that are important
- Use charts or bulleted lists
- Use visual aids

Tip Examples: Use Simple Words

Abdomen:	stomach, belly
Anesthetic:	a drug that numbs an area of your body
Central nervous system:	brain and spinal cord
Injection:	shot
Subcutaneous:	under the skin
Transdermal:	through the skin
Randomize:	choose by chance, like flipping a coin

NO benefit to using medical language
Use websites with common language choices

Tip Examples: Emphasis

- If you have important information that you want the subject to remember, highlight the section

Call the research staff immediately if you develop a fever or rash while taking this medication.

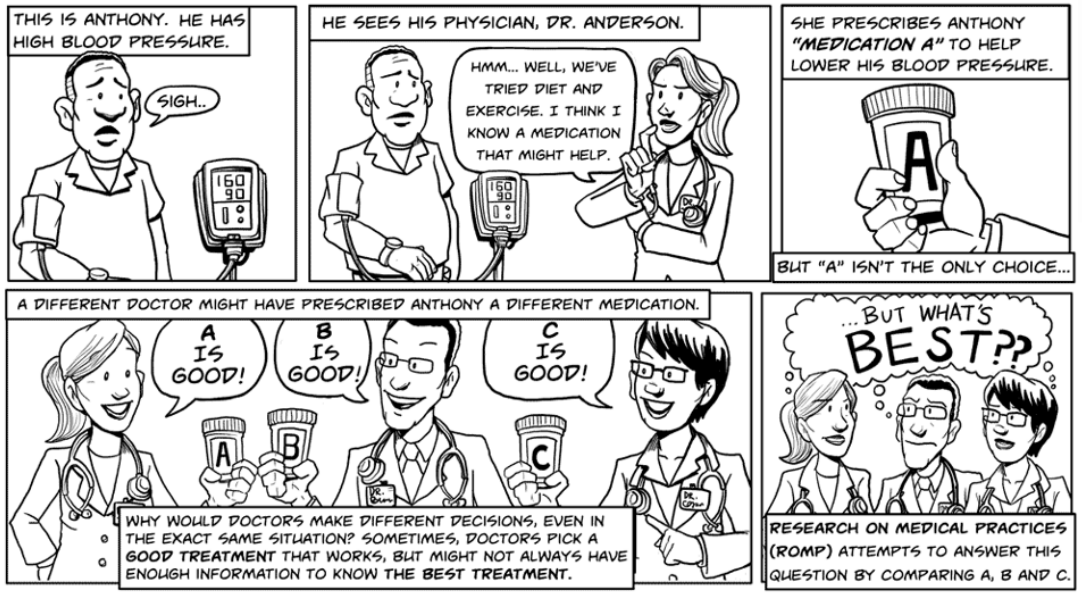
Tip Examples: Chart

Visit 1 **Screening**	**Visit 2** **Day 1**	**Visit 3** **Day 30**	**Visit 4** **Day 60**	**Visit 5** **Day 90**	**Visit 6** **Day 120** **End of study**
-Medical history -Physical -Survey	-EKG -Give drug	-Physical -Blood draw -Collect drug	-EKG -Physical -Blood draw -Give drug	-Physical -Blood draw -Collect drug	-Physical -Blood draw -EKG -Collect drug -Survey -Final Instruction

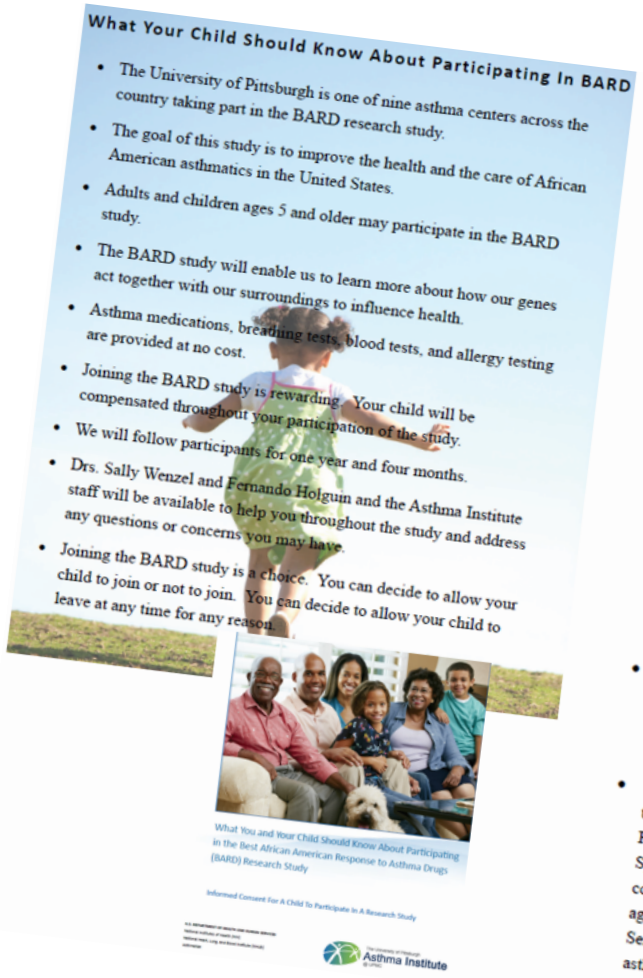
Tip Examples: Visual Aids

Use a picture to show study procedure:

This is how you will lay in the MRI



ROMP Ethics Study https://www.iths.org/rompethics/



What Your Child Should Know About Participating In BARD

- The University of Pittsburgh is one of nine asthma centers across the country taking part in the BARD research study.
- The goal of this study is to improve the health and the care of African American asthmatics in the United States.
- Adults and children ages 5 and older may participate in the BARD study.
- The BARD study will enable us to learn more about how our genes act together with our surroundings to influence health.
- Asthma medications, breathing tests, blood tests, and allergy testing are provided at no cost.
- Joining the BARD study is rewarding. Your child will be compensated throughout your participation of the study.
- We will follow participants for one year and four months.
- Drs. Sally Wenzel and Fernando Holguin and the Asthma Institute staff will be available to help you throughout the study and address any questions or concerns you may have.
- Joining the BARD study is a choice. You can decide to allow your child to join or not to join. You can decide to allow your child to leave at any time for any reason.

What You and Your Child Should Know About Participating in the Best African American Response to Asthma Drugs (BARD) Research Study

Informed Consent For A Child To Participate In A Research Study

Asthma Institute

Why is the BARD research study important?

- African American asthmatics report more asthma-related urgent care visits, higher rates of hospitalization, and higher death rates.
- The BARD study is important because it will help us understand how we can improve the health and the care of African American asthmatics.
- This study will help us learn more about how our physical, social, environmental, cultural, or genetic factors affect the health of asthmatics.
- The BARD study is being done to test if taking inhaled corticosteroids (ICS) like Flovent, Pulmicort, Qvar, Advair, Symbicort or Dulera, alone or in combination with the long-acting beta agonist (LABA) medication like Serevent, will help prevent worsening asthma symptoms and attacks.
- The study may help us determine if adults and children differ in how they respond to the asthma treatments.
- Studies that helped establish the current guidelines for treating asthmatics were conducted in predominantly non-African American populations.

How long will the BARD study last?

- We will follow study participants for approximately 66-68 weeks (about 1 year and 4 months).
- There are 15 to 18 study visits & 10 scheduled telephone calls.
- Study visits are from 15 minutes to 4 hours long, with most visits taking about an hour.
- Phone calls usually take less than 10 minutes to complete.
- If your child's asthma worsens during the study, you and your child may be asked to come in for extra safety visits.

How many asthmatics will be in the BARD study?

- About 500 U.S. children and adults will be in this study. About 50 individuals will take part at the University of Pittsburgh.

Supplement Brochure of Facts

Make a comic about the study

Consent is important! Take your time!

Most common Reportable New Information (RNI) submissions:

- Starting research procedures without consent
- Using the wrong consent form to get consent
- Having the wrong person get consent
- Having the wrong person sign informed consent

Who should be there?

What should they talk about?

Where and how should it happen

At what time point is it being obtained?

Other Questions?