HRP - 100 - SOP: Establishing Reliance Acknowledgements

NUMBER	Effective Date	Version Number	Previous Versions
HRP-100	07/07/2020	v.5	v.4

Purpose

HRP – 100 establishes the process for executing a Reliance Acknowledgement with an external institution or University to ensure that, when sharing oversight of research with another institution, the rights and welfare of research participants are protected.

The process of establishing a Reliance Acknowledgement begins when an external IRB from another institution has requested, or a NASA PI has identified, a potential for Reliance Acknowledgement. The process ends when the study is closed or the Reliance Acknowledgement is terminated as per the policies HRP – 101 and HRP – 102.

The HHS regulations Common Rule, at 45 CFR 46.103(e), and NASA 14 CFR1230.103(e) requires that for nonexempt research involving human subjects (or exempt research that requires limited IRB review) that takes place at an institution for which an IRB not operated by that institution exercises oversight, the institution (the Relying Site) and the organization operating the IRB (the IRB of Record) must document the Relying Institution's reliance on the IRB for its research oversight. HRP – 100 describes NASA IRB's policies and procedures for reliance, including the responsibilities of each entity to ensure compliance with the regulation.

NASA 14 CFR 1230.114 and HHS 45 CFR 46.114 requires any institution located in the United States that is engaged in cooperative research must rely upon approval by a single IRB for that portion of the research that is conducted in the United States and that in the conduct of cooperative research project, each institution is responsible for safeguarding the rights and welfare of human subjects and for complying with 14 CFR 1230/45 CFR 46. An institution participating in a cooperative research project may, at the approval of the department or agency head, enter into a joint review arrangement and rely upon the review of another qualified IRB, or make similar arrangements for avoiding duplication or effort.

Policy

1. Any institution located in the United States that is engaged in cooperative research must rely upon approval by a single IRB for that portion of the research that is conducted in the United States [14 CFR 1230.114, 45 CFR 46.114(b)(1)].
    a. In the conduct of cooperative research projects, each institution is responsible for safeguarding the rights and welfare of human subjects and for complying with this policy [14 CFR 1230.114, 45 CFR 46.114(a)].
    b. NIH Awardees
        i. For NIH awardees, it is the awardee organization that is responsible for ensuring reliance agreements are in place and that documentation is maintained. The awardee organization is also responsible for meeting additional certification requirements, such as Certificates of Confidentiality and the NIH Genomic Data Sharing Policy.
        ii. For projects awarded by NIH, participating sites are expected to rely on NASA IRB if the lead team/site relies on NASA IRB, although participating sites may conduct their own review in accordance with NIH policy on exceptions from single IRB review.
    c. The reviewing IRB will be identified by the **Federal department or agency supporting or conducting the research or proposed by the lead institution, subject to the acceptance of the Federal agency supporting the research**. (Therefore, NASA and the NASA IRB shall make the identification and determination of the IRB of Record for all NASA funded research.)
        i. The following research is **not** subject to the provisions listed above:
            1. Cooperative research for which more than single IRB review is required by law (including tribal law passed by the official governing body of an American Indian or Alaska Native tribe) [45 CFR 56.114(b)(2)(i)] ; or
            2. Research for which any Federal department or agency supporting or conducing the research determines and documents that the use of a single IRB is not appropriate for the particular context. [45 CFR 56.114(b)(2)(ii)]
        ii. For research not subject to the provisions listed above, an institution participating in a cooperative project may enter into a joint review arrangement, rely on the review of another IRB, or make similar arrangements for avoiding duplication of effort [45 CFR 56.114(b)(2)(c)].

2. Is the policy of NASA IRB that the NASA IRB Office will review requests for establishing Reliance Acknowledgements and determine if it is appropriate to execute a Reliance Acknowledgement for either:
    a. The ***NASA IRB to serve as Single IRB or IRB of Record*** for a Multi-side Study or Collaborative Study in alignment with the requirements outlined in HRP – 101 - SOP: NASA IRB Serving as IRB of Record
        i. NASA IRB shall be the IRB of Record for all research involving

1. spaceflight human subjects, including International Partner crew members
2. all human subject research performed at a NASA Center or on NASA property;
3. all human subject research using NASA employees
4. parabolic flight studies funded by NASA and performed by NoveSpace, France

ii. NASA and the NASA IRB may elect to not subject research to a single IRB, pursuant to 14CFR1230.114(b)(2)(ii), 'Research for which any Federal department of agency supporting or conducting the research determines and documents that the use of a single IRB is not appropriate for the particular context.'

b. The ***NASA IRB to cede IRB review to an External IRB*** at another institution, in alignment with the requirements outlined in HRP – 102 – SOP NASA IRB Reliance on an External IRB.

c. The NASA IRB may engage in Reliance Acknowledgements with International Ethics Boards. International research partners entering into a Reliance Acknowledgement must meet all appropriate NASA IRB policies pertaining to Reliance Acknowledgements.

3. The NASA IRB may choose not to enter into a Reliance Acknowledgement with another institution when it is not appropriate for the particular context per 14CFR1230.114(b)(2)(ii). When this is determined, the NASA IRB will document that the use of a single IRB is not appropriate and outline the reason(s) why within the eIRB system.

Responsibilities

The NASA IRB Office is responsible for ensuring the procedures listed in this policy are executed accurately and efficiently.

The IRB of Record and Relying Institution shall comply with this SOP as well as the responsibilities listed in the Reliance Acknowledgement document and supplementary SOPs [*HRP – 101- SOP: NASA IRB Serving as the IRB of Record, HRP – 102 – SOP: NASA IRB Reliance on an External IRB*] in addition to each Institutional HRP SOPs, policies, and requirements, as applicable.

The NASA IRB will consult with NASA Legal (the NASA IRB Primary and Alternate members representing the NASA legal department) for any substantial changes to the RA forms of policies.

Procedures

NASA IRB as the IRB of Record

1. An institution may request reliance on NASA IRB by creating a new submission in eIRB:
    a. NASA investigators must provide NASA IRB information about the study and reasons for requesting another institution rely on NASA IRB as the IRB of Record.
        i. Create a new study in eIRB
        ii. Question 4, click "Multi-site or Collaborative Study"
        iii. Question 5, click "NO" (Will an external IRB act as the IRB of record for this study?)
        iv. Question 6, click "YES" (Will your IRB act as the single IRB of record for other participating sites?"
        v. Question 8, Upload the ***Reliance Acknowledgement*** document to the "Basic Information" with information and signatures from the Relying Institution completed.
        vi. Complete the remaining submission questions, and click "Submit".
2. NASA IRB Office review of the Submission:
    a. Ensure eIRB submission of the research project is complete and meets NASA IRB Office pre-review requirements.
    b. Ensure that the Reliance Acknowledgement (RA) has been completed by the Requesting Relying Institution.
    c. On the completed form submitted to eIRB by the other institution, complete information pertaining to NASA IRB's role in the agreement.
    d. Forward to the NASA IRB Manager or designated reviewer for appropriateness and completion. Include a copy of the completed *WORKSHEET: Criteria for Reliance Acknowledgement.*
        i. Confirm that, in the opinion of the NASA IRB Manager or designee, the Relying Institution can fulfill its responsibilities as outlined in the Reliance Acknowledgement and related SOPs.
    e. The NASA IRB Manager or designee will send the Reliance Acknowledgement to the Office of the Chief Health and Medical Officer (OCHMO) for signature.
    f. When the NASA IRB Office has received the completed and signed Reliance Acknowledgement, NASA IRB Office will upload it to the eIRB system.
    g. The NASA IRB will move forward with review of the protocol as submitted to eIRB in compliance with all applicable policy and procedures.
3. Terminating the Reliance Acknowledgement
    a. NASA IRB as the IRB of Record or the External IRB of Record may terminate the Reliance Acknowledgment as outlined in HRP – 101 and HRP – 102.
    b. If an institution relying on NASA IRB has not yet been approved to conduct research, written notification of Termination is required by submission of a letter addressed to the NASA IRB Office that includes the effective end date and reason for the agreement termination.

c. If a site is relying on NASA IRB and has been approved to start research (and may or may not have enrolled subjects,) researchers must submit documentation that shows approval of the research from another IRB in addition to written notification of Termination by submission of a letter addressed to the NASA IRB Office that includes the effective end date and reason for the agreement termination.
d. If a Relying Institution is no longer participating in the approved research, researchers should complete a Site Closure Form rather than Termination of the IRB Authorization Agreement.
e. The written notification of Termination will be uploaded in to eIRB and maintained with official research documents.

NASA Ceding IRB Review to an External IRB of Record

1. NASA Investigators may request NASA IRB to cede review by creating a new submission in eIRB:
    a. NASA investigators must provide NASA IRB information about the study and reasons for ceding review by creating a New Study in eIRB. The submission is NOT a NASA IRB review trigger; it is a means to, (1) review / approve the cede request, (2) prompt applicable ancillary reviews, (3) track research activities occurring at NASA, and (4) ensure that the NASA IRB consent form includes the required local context language.
        i. Create a new study in eIRB
        ii. Question 4, click "Multi-site or Collaborative Study"
        iii. Question 5, click "YES" (Will an external IRB act as the IRB or record for this study?)
        iv. Question 8, Upload the ***Reliance Acknowledgement*** document to the "Basic Information" with the IRB of Record information and signatures.
        v. Complete the remaining submission questions, and click "Submit".
2. NASA IRB Office Review of the submission
    a. Ensure the eIRB submission of the research project is complete and meets NASA IRB Office pre-review requirements, as applicable.
    b. Ensure the Reliance Acknowledgment has been completed by the IRB of Record named in the RA.
    c. On the completed RA form submitted to eIRB that includes the IRB of Record information and signatures, complete the information pertaining to NASA IRB's role in the agreement.
    d. Forward the completed RA form to the NASA IRB Manager or designated reviewer for appropriateness and completion. Include a copy of the completed 'WORKSHEET: Criteria for Reliance Acknowledgement'.
    f. The NASA IRB Office (inclusive of the IRB Chair) will review th**e submission for determination** that the External IRB is qualified to serve as the IRB of Record for the NASA human subject research project by confirming the following:

i. The External IRB organization's Human Research Protection Program is accredited by an independent accrediting body, or the organization has documented an equivalent level of standards for protection of human subjects.
ii. The External IRB of Record has an active FWA on file with the OHRP.
iii. If the organization or the External IRB of Record has received any recent FDA warning letters or OHRP determination letters within the previous year, they are communicated to NASA IRB as part of the request to cede review.
iv. The External IRB of Record Board Membership satisfies the requirements of 45 CFR 46.107 and 21 CFR 56.107.
v. The External IRB has a process in place to notify the NASA PI (who will subsequently report in NASA IRB's eIRB system) of its approvals, determinations, reportable events, suspensions, and terminations.
vi. In the opinion of NASA IRB and OCHMO leadership, the External IRB of Record can fulfill its responsibilities as outlined in the Reliance Acknowledgement and related SOPs.

g. If it has been determined that the External IRB is qualified to serve as the IRB of Record and it has been documented on the *WORKSHEET: Criteria for Reliance Acknowledgement*, the NASA IRB Manager or designee will send the completed RA form to the Office of the Chief Health and Medical Officer (OCHMO) for signature.
h. When the NASA IRB Office has received the completed and signed Reliance Acknowledgement from the OCHMO, NASA IRB Office will upload it to the eIRB system.
i. When IRB Review has been ceded to an External IRB, the NASA PI is required to submit documentation to the NASA IRB as specified in *HRP – 102 – SOP: NASA IRB Reliance on an External IRB.*

3. Terminating the Reliance Acknowledgement
   a. NASA IRB may withdraw from ceded review by following procedures as outlined in HRHP-101 or HRP-102. The IRB of Record will maintain oversight of the research until the NASA IRB sends formal acknowledgement of the transfer of IRB responsibilities or the closure of the study within the External IRB of Record.
   b. If the External IRB on which NASA IRB or the NASA PI is relying has not yet been approved to conduct research, written notification of Termination is required by submission of a letter addressed to the External IRB that includes the effective end date and reason for the agreement termination.
   c. If the NASA PI has been approved to start research by the External IRB of Record (and may or may not have enrolled subjects,) researchers must submit documentation that shows approval of the research from another IRB of Record in addition to written notification of Termination by submission of a letter -and copied to the NASA IRB Office- that includes the effective end date and reason for the agreement termination.
   d. If the NASA PI is no longer participating in the approved research, the NASA PI should complete a Site Closure with the IRB of Record rather than Termination of the IRB Authorization Agreement.

a. The written notification of Termination will be uploaded in to eIRB and maintained with official research documents.

NASA IRB Chooses Not to Enter into a Reliance Acknowledgement

1. Per 14CFR1230.114(b)(2)(ii), the NASA IRB will document that the use of a single IRB is not appropriate for the particular context and outline the reason(s) why within the eIRB system or by providing formal documentation to the affected institution.

Definitions

Cooperative Research: those projects covered by this policy that involve more than one institution.

Department or agency head [14 CFR 1230.102]: the head of any federal department or agency and any other officer or employee of any departments or agency to whom authority has been delegate.

Engaged: NASA is considered engaged in research when NASA's *employees or agents* obtain:

(1) data about the subjects of the research through intervention or interaction with them, or
(2) identifiable private information about the subjects or research, or
(3) the informed consent of human subjects for the research

and analog and parabolic flight studies funded by NASA.

Institution [14 CFR 1230.102]: any public or private entity or agency (including federal, states, and other agencies).

IRB of Record: The "Reviewing IRB" to which authority for IRB review and oversight has been ceded by the Relying IRB or Relying Site for an instance of research specified I the RA.

NASA IRB Office: NASA IRB Coordinators, IRB Manager, IRB Chair, and others as applicable.

Principal Investigator (PI): The NASA PI or PI that is responsible for coordination with the NASA IRB or the IRB of Record for all research sites.

Reliance Acknowledgement (RA): An agreement or 'acknowledgement' entered in to by two or more institutions engaged in human subject research that permits one or more institutions to cede IRB review to another IRB. The signed acknowledgement permits a single IRB to review human subject research activities for more than one site and documents respective authorities, roles, responsibilities, and communication between an organization providing the ethical review and a participating organization relying on a reviewing IRB.

Relying IRB: The local IRB an institution or organization that has ceded IRB review to another IRB to provide IRB review and oversight for a specific study or set of studies.

Relying Site (Relying Institution): The research site(s) at an institution or organization that has ceded IRB review to another IRB to provide IRB review and oversight for a specific study or set of studies.

References

NASA

1. 14 CFR 1230.114
2. NPR 7100.1A

DHHS Regulations
3. 45 CFR 46.103(e), 46.114

FDA Regulations and Guidance
4. 21 CFR 50, 56, 312, and 812

Other
5. ICH-GCP (E6)

AAHRPP
6. AAHRPP Tip Sheet 24: Single IRB or EC Review

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