18 Definitions

A –

Access –The mechanism of obtaining or using information electronically, on paper, or other medium for the purpose of performing an official function.

Adverse Event – Any untoward physical or psychological occurrence in a human subject participating in research. An AE can be any unfavorable or unintended event including abnormal laboratory finding, symptom or disease associated with the research or the use of a medical investigational test article.

Agent – Any person performing institutionally-designated activities or exercising institutionally delegated authority or responsibility.

Anonymized means that data or biospecimens do not contain any identifying information and they cannot be linked to any identifiable person.

Authorization – A detailed document that gives covered entities permission to use protected health information for specified purposes, which are generally other than treatment, payment, or health care operations, or to disclose protected health information to a third party specified by the individual.

C –

Children – 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. According to Michigan state law, minors are persons under the age of 18. The general rule is that a person may consent for his/her own medical care at the age of 18. Therefore, the CMU IRB generally defines children as persons under 18 years of age. Certain statutes and case law, however, provide minors with "majority" status in some circumstances, giving them the right to consent to their own medical care. For example, for emancipated minors, Michigan law enumerates certain categories of individuals who, although under the age of 18, have the right to make medical decisions on their own behalf, such as minors who are married, widowed, or divorced; minors who are parents; etc.; for mature minors, Michigan law recognizes that some minors may be sufficiently "mature" to give consent to medical treatment, even though they do not qualify as "emancipated"; or certain minors seeking care for drug addiction, sexually transmitted diseases, emotional disorders, or abortion or mental health treatment. Because Michigan law does not specifically address consent of children with majority status to research, the CMU IRB will review issues of consent related to enrollment of these children in research on a case-by-case basis.

Note: For research conducted in jurisdictions other than Michigan, the research must comply with the laws regarding the legal age of consent in all relevant jurisdictions. The CMU General Counsel's Office will provide assistance with regard to the laws in other jurisdictions.

Clinical Trial - Clinical trial means a research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of the interventions on biomedical or behavioral health-related outcomes.

Note: This definition differs significantly from the FDA definitions of clinical study or clinical investigation. (See below)

Common Rule –The Common Rule refers to the "Federal Policy for the Protection of Human Subjects" adopted by a number of federal agencies. Although the Common Rule is codified by each agency separately, the text is identical to DHHS regulations in 45 CFR 46 Subpart A. For the purposes of this document, references to the Common Rule will cite the DHHS regulations.

Community. The term "community" encompasses any group that is identified or self-identifies as a community (including ethnic, religious, occupational, social, or special interest group or group defined by a disease or physical condition), local community organizations and advisory boards, and/or formalized community partnerships.

Covered entity –The term applied to institutions that must comply with the Privacy Rule. These include health plans and health care clearinghouses.

Health care providers who conduct certain financial and administrative transactions electronically. These electronic transactions are those for which standards have been adopted by the Secretary under HIPAA, such as electronic billing and fund transfers.D –

Dead fetus – A fetus that exhibits neither heartbeat, spontaneous respiratory activity, spontaneous movement of voluntary muscles, nor pulsation of the umbilical cord.

Delivery – Complete separation of the fetus from the woman by expulsion, extraction, or any other means.

De-identified means that identifiers have been removed from data biospecimens; a code may link individual records or specimens to identifiable persons. The requirement for IRB review depends on who deidentified the data/biospecimens and who has access to the linking code.

De-Identified Information – Health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. If information is de-identified, it no longer is subject to the Privacy Rule and is exempt from HIPAA.

Deletion – The removal, erasing, or expunging of information or data from a record.

Disclosure –The release, transfer, provision of access to, or divulging in any other manner information outside of the covered entity.

E –

Engagement – Institutions are considered "engaged" in a research project when the involvement of their employees or agents in that project includes any of the following:

1. Intervention for research purposes with any human subjects of the research by performing invasive or noninvasive procedures.
2. Intervention for research purposes with any human subject of the research by manipulating the environment.
3. Interaction for research purposes with any human subject of the research.
4. Obtaining the informed consent of human subjects for the research.
5. Obtaining for research purposes identifiable private information or identifiable biological specimens from any source for the research. In general, obtaining identifiable private information or identifiable specimens includes, but is not limited to

   a. observing or recording private behavior;

   b. using, studying, or analyzing for research purposes identifiable private information or identifiable specimens provided by another institution; and

   c. using, studying, or analyzing for research purposes identifiable private information or identifiable specimens already in the possession of the investigators.

F –

Fetus – The product of conception from implantation until delivery.

Equivalent Protections – {define}

G –

Guardian – An individual who is authorized under applicable state or local law to consent on behalf of a child to general medical care. In Michigan, a "guardian" of a minor means someone with the duty and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with his/her general welfare [See MCL 330.1100(b)(6)].

Note: For research conducted in jurisdictions other than Michigan, the research must comply with the laws regarding guardianship in all relevant jurisdictions. The CMU General Counsel's Office will provide assistance with regard to the laws in other jurisdictions.

H –

Health Information –Any information created or received by a health care provider or health plan that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or payment for the provision of health care to an individual.

Human subject means a living individual about whom an investigator (whether professional or student) is conducting research:

(i) Obtains information or biospecimens through intervention 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.

For research covered by FDA regulations (21 CFR 50 and 56), "human subject" means an individual who is or becomes a participant in a clinical investigation (as defined below), either as a recipient of the test article or as a control. A subject may be in normal health or may have a medical condition or disease. In the case of a medical device, a human subject/participant also includes any individual on whose tissue specimen an investigational device is used or tested.

Note: The terms "subject" and "participant" are used interchangeably in this document and have the same meaning.

Human Subjects Research –This means any activity that meets the definition of "research" and involves "human subjects" as defined by either the Common Rule or FDA regulations.

I –

IDE – An investigational device exemption in accordance with 21 CFR 812.

Identifiable Health Information –A subset of health information including demographic information collected from an individual.

IND – An investigational new drug application in accordance with 21 CFR Part 312.

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.

Investigational Device – A medical device that is the subject of a clinical study designed to evaluate the effectiveness and/or safety of the device. As further stated, a device is any healthcare product that does not achieve its primary intended purpose by chemical action or by being metabolized.

Investigational Drug – An investigational drug for clinical research use is one for which the PI or a sponsor has filed an IND application (21 CFR Part 312) or an approved drug that is being studied for an unapproved or approved use in a controlled, randomized, or blinded clinical trial.

Interaction includes communication or interpersonal contact between investigator and subject.

Identifiable private information is private information for which the identity of the subject is or may readily be ascertained by the investigator or associated with the information.

An **identifiable biospecimen** is a biospecimen for which the identity of the subject is or may readily be ascertained by the investigator or associated with the biospecimen.

Institutional Review Board (IRB) – An IRB is a board designated by Central Michigan University to review, to approve the initiation of, and to conduct periodic review of research involving human subjects. The primary purpose of such review is to assure the protection of the rights and welfare of the human subjects in research. The IRB may be assigned other review functions as deemed appropriate by the VPR/DGS or the Provost of the University Central Michigan University.

Note: In the sections that follow, the singular form "IRB" will be used to mean all IRBs registered to CMU.

Institutional Official (IO) – The IO is responsible for ensuring that the HRPP at Central Michigan University has the resources and support necessary to comply with all federal regulations and guidelines that govern human subjects research. The IO is legally authorized to represent the institution, is the signatory official for all Assurances, and assumes the obligations of the institution's Assurance.

L –

Legally authorized representative means an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to the subject's participation in the procedure(s) involved in the research. If there is no applicable law addressing this issue, legally authorized representative means an individual recognized by institutional policy as acceptable for providing consent in the nonresearch context on behalf of the prospective subject to the subject's participation in the procedure(s) involved in the research.

Limited Data Set –Protected health information that excludes specific direct identifiers of the individual or of relatives, employees, or household members of an individual. A limited data set can only be used for the purposes of research, public health, or healthcare operations, and disclosed for the purpose of research.

M –

Minimum Necessary –The principle that any access should be limited to the minimum amount of information needed to accomplish the intended purpose of the use or disclosure.

Minimal risk means that that the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

N –

Neonate – A newborn.

Non-Significant Risk (NSR) – An investigational device other than a significant risk device.

Nonviable neonate – A neonate after delivery that, although living, is not viable.

P –

Pregnancy – The period of time from implantation until delivery. A woman shall be assumed to be pregnant if she exhibits any of the pertinent presumptive signs of pregnancy, such as missed menses, until the results of a pregnancy test are negative or until delivery.

Preparatory Research – The method applied to developing or designing a research study.

Prisoner – Any individual involuntarily confined or detained in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute; individuals detained in other facilities by virtue of statutes or commitment procedures that provide alternatives to criminal prosecution or incarceration in a penal institution; and individuals detained pending arraignment, trial, or sentencing. *Minimal Risk for Prisoner Research*

The definition of minimal risk in Subpart C is different than in the rest of the federal regulations. According to 45 CFR 46.303(d), "minimal risk" is the probability and magnitude of physical or psychological harm that is normally encountered in the daily lives, or in the routine medical, dental, or psychological examination of healthy persons

Privacy Act –An Act of Congress that provides for the confidentiality of individually-identified and retrieved information about living individuals that is maintained in a system of records and permits the disclosure of records only when specifically authorized by the statute. The Act provides that the collection of information about individuals is limited to that which is legally authorized, relevant, and necessary.

Privacy Board – A board comprised of members of varying backgrounds and appropriate professional competencies, as necessary, to review individual's privacy rights. It is an alternative to an IRB for privacy issues only. It cannot replace the IRB for Common Rule purposes.

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 (*eg*, a medical record).

Privacy Rule –Provides guidance on the use of protected health information in the conduct of research. It imposes requirements on those involved in research, both individuals and institutions. "Privacy" refers to a person's desire to control the access of others to information about him/herself. The evaluation of privacy involves consideration of how the investigator will access information from or about participants. The IRB members should know strategies to protect privacy interests relating to contact with potential participants and access to private information.

Protected Health Information – Individually identifiable health information transmitted or maintained electronically or in any other form or medium, except for education records or employment records, as excluded in the Privacy Rule.

R –

Related – There is a reasonable possibility that the incident, experience, or outcome may have been caused by the procedures involved in the research.

Research (DHHS) – The **Common Rule** defines research as a systematic investigation, including research development, testing, and evaluation that is designed to develop or contribute to generalized knowledge.

For the purposes of this policy, a "systematic investigation" is an activity that involves a prospective study plan that incorporates data collection, either quantitative or qualitative, and data analysis to answer a study question. Investigations designed to develop or contribute to generalizable knowledge are those designed to draw general conclusions (i.e., knowledge gained from a study may be applied to populations outside of the specific study population), inform policy, or generalize findings.

For purposes of implementing these Standard Operating Procedures, the following activities are deemed not to be research:

1) Scholarly and journalistic activities (e.g., oral history, journalism, biography, literary criticism, legal research, and historical scholarship), including the collection and use of information, that focus directly on the specific individuals about whom the information is collected.

2) Public health surveillance activities, including the collection and testing of information or biospecimens, conducted, supported, requested, ordered, required, or authorized by a public health authority. Such activities are limited to those necessary to allow a public health authority to identify, monitor, assess, or investigate potential public health signals, onsets of disease outbreaks, or conditions of public health importance (including trends, signals, risk factors, patterns in diseases, or increases in injuries from using consumer products). Such activities include those associated with providing timely situational awareness and priority setting during the course of an event or crisis that threatens public health (including natural or man-made disasters).

3) Collection and analysis of information, biospecimens, or records by or for a criminal justice agency for activities authorized by law or court order solely for criminal justice or criminal investigative purposes.

4) Authorized operational activities (as determined by each agency) in support of intelligence, homeland security, defense, or other national security missions.

Research (FDA) - FDA regulations define Research as any experiment that involves a test article and one or more human subjects and that either must meet the requirements for prior submission to the Food and Drug Administration under section 505(i) or 520(g) of the federal Food, Drug, and Cosmetic Act, or need not meet the requirements for prior submission to the Food and Drug Administration under these sections of the Federal Food, Drug, and Cosmetic Act, but the results of which are intended to be later submitted to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit. The terms "research," "clinical research," "clinical study," "study," and "clinical investigation" are synonymous for purposes of FDA regulations [21 CFR 50.3(c), 21 CFR 56.102(c)].

Experiments that must meet the requirements for prior submission to the Food and Drug Administration under section 505(i) of the federal Food, Drug, and Cosmetic Act are those that

include the use of a drug other than an approved drug in the course of medical practice [21 CFR 312.3(b)].

Experiments that must meet the requirements for prior submission to the Food and Drug Administration under section 520(g) of the Food, Drug, and Cosmetic Act are those that include any activity that evaluates the safety or effectiveness of a device [21 CFR 812.2(a)].

Any activity in which results are being submitted to or held for inspection by FDA as part of an application for a research or marketing permit is considered to be FDA-regulated research [21 CFR 50.3(c), 21 CFR 56.102(c)].

Research Under the Auspices of Central Michigan University – Research under the auspices of the institution includes research conducted at this institution, conducted by or under the direction of any employee or agent of this institution (including students) in connection with his or her institutional responsibilities, conducted by or under the direction of any employee or agent of this institution using any property or facility of this institution, or involving the use of this institution's non-public information to identify or contact human subjects.

S –

Secondary research means conducting research using data or biospecimens originally collected for another purpose, which may or may not have been research. The requirements for IRB review and informed consent depend on the circumstances under which the data were collected and whether the data can be linked to individuals.

Significant Risk (SR) – A significant risk device is an investigational device that

1. is intended as an implant and presents a potential for serious risk to the health, safety, or welfare of a subject; or
2. is purported or represented to be for a use in supporting or sustaining human life and presents a potential for serious risk to the health, safety, or welfare of a subject; or
3. is for a use of substantial importance in diagnosing, curing, mitigating, or treating disease, or otherwise preventing impairment of human health and presents a potential for serious risk to the health, safety, or welfare of a subject; or
4. otherwise presents a potential for serious risk to the health, safety, or welfare of a subject.

Surrogate Consent – Consent obtained from a legally authorized representative on behalf of a participant determined to lack decision-making capacity.

T –

Test Article – Test articles covered under the FDA regulations include the following:

1) **Human drugs** – The primary intended use of the product is achieved through chemical action or by being metabolized by the body. A "drug" is defined as "a substance recognized by an official pharmacopoeia or formulary; a substance intended for use in the diagnosis, cure, mitigation,

treatment, or prevention of disease; a substance (other than food) intended to affect the structure or any function of the body; a substance intended for use as a component of a medicine but not a device or a component, part or accessory of a device." [http://www.fda.gov/Drugs/InformationOnDrugs/ucm079436.htm]

2) **Medical Devices** – A "device" is "an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including a component part, or accessory which is: recognized in the official National Formulary, or the United States Pharmacopoeia, or any supplement to them, intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals, or intended to affect the structure or any function of the body of man or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of man [sic] or other animals and which is not dependent upon being metabolized for the achievement of any of its primary intended purposes." [http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Overview/ClassifyYourDevice/ucm051512.htm]

3) **Biological Products** – These include a wide range of products, such as vaccines, blood and blood components, allergenics, somatic cells, gene therapy, tissues, and recombinant therapeutic proteins. Biologics can be composed of sugars, proteins, or nucleic acids or complex combinations of these substances or may be living entities, such as cells and tissues. Biologics are isolated from a variety of natural sources – human, animal, or microorganism – and may be produced by biotechnology methods and other cutting-edge technologies. Gene-based and cellular biologics, for example, often are at the forefront of biomedical research and may be used to treat a variety of medical conditions for which no other treatments are available. [http://www.fda.gov/Drugs/InformationOnDrugs/ucm079436.htm]

4) **Food Additives** – In its broadest sense, a "food additive" is any substance added to food. Legally, the term refers to "any substance the intended use of which results or may reasonably be expected to result – directly or indirectly – in its becoming a component or otherwise affecting the characteristics of any food." This definition includes any substance used in the production, processing, treatment, packaging, transportation, or storage of food.

5) **Color Additives** – A "color additive" is any dye, pigment, or substance that, when added or applied to a food, drug, or cosmetic, or to the human body, is capable (alone or through reactions with other substances) of imparting color. [http://www.fda.gov/Food/FoodIngredientsPackaging/ucm094211.htm#foodadd]

6) **Foods** – These include dietary supplements that bear a nutrient content claim or a health claim.

7) Infant Formulas – Infant formulas are liquid foods intended for infants and that substitute for mother's milk.

U –

Unexpected – The incident, experience, or outcome is not expected (in terms of nature, severity, or frequency), given the research procedures that are described in the protocol-related documents,

such as the IRB-approved research protocol and informed consent documents, and the characteristics of the subject population being studied.

V -

Viable – As it pertains to the neonate, it means being able, after delivery, to survive (given the benefit of available medical therapy) to the point of independently maintaining heartbeat and respiration.

W.

Waiver of Authorization –A means of requesting approval from an IRB or Privacy Board rather than asking each research subject for an authorization to access protected health information.