DoD/DON-funded Research

Policy

In 2006, the Department of the Navy (DON) enhanced its human subject protection requirements, including the application of those requirements to extramural performers. The information in this guidance is for those members of the UCSD research community involved in human subjects research supported by or in collaboration with DON. Please note that the additional DON requirements have not been adopted by the entire Department of Defense (DoD).

Responsibility for upholding DON requirements is shared between researchers and their teams, the University administration, and DON. The UCSD HRPP has incorporated many of these requirements into the Institutional Review Board (IRB) process.

When submitting a study that is supported by or in collaboration with DoD, the Principal Investigator (PI) must complete and submit the DoD supplement along with the PI's application. The supplement can be obtained here.

The University of Californian, San Diego, has signed an assurance that it will apply DoD and DON "regulations and policies for the protection of human research participants when conducting, reviewing, approving, overseeing, supporting or managing Department of the Navy supported research with human subjects."

Department of Defense Directive (DoDD) 3216.02 provides the definition of "research" and "experimental subject" including "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 (32 CFR 219.102(f), reference (c))."

Department of Defense Directive (DoDD) 3216.02, E2.1.4 defines "support" as generally meaning "the provision of funding, personnel, facilities, and all other resources."

Secretary of the Navy Instruction (SECNAVINST) 3900.39D, Section 4(a)(1) applies the Navy's Human Research Protection Program to "All biomedical and social-behavioral research involving human subjects … involving naval military personnel and DON employees as research subjects, or supported by naval activities through any agreement (e.g., contract, grant, cooperative agreement, or other arrangement), regardless of the source of funding, funding appropriation, nature of support, performance site, or security classification. It also applies to human subject research using DON property, facilities, or assets."

HRPP has received clarification from DON that DON policies *do not* apply when DON personnel are not the intended population, but incidentally participate as subjects in a project that is not supported by DON.

It should be noted that if the research participant meets the definition of an "experimental subject," a waiver of consent cannot be obtained unless a waiver is granted from the Secretary of Defense. If the research participant does not meet the definition, the IRB may provide a waiver of consent, if appropriate.

In addition, an exception from consent in emergency medicine research is prohibited unless such a waiver is obtained from the Secretary of Defense.

Procedures

1. Investigator Responsibilities
   The PI must address the following responsibilities for studies that are DoD/DON funded per regulatory and guidance referenced and ensure the Research Plan and other documents provided to the IRB for review reflect these regulations and guidance will be satisfied, as appropriate:
   a) New research and substantive amendments to approved research must undergo scientific approval prior to ethics (IRB) review [SECNAVINST 3900.39D, para. 8c(6)]
   b) Additional protections for military research subjects to minimize undue influence. These additional protections include the following: 1. officers are not permitted to influence the decision of their subordinates; 2. officers and senior non-commissioned officers may not be present at the time of recruitment; 3. officers and senior non-commissioned officers have a separate opportunity to participate; and 4. when recruitment involves a percentage of a unit, an independent ombudsman is present. [DoDD 3216.2 para.4.4.4; SECNAVINST 3900.39D, 6a(6)]
   c) Provisions for research-related injury [DoDD 3216.2, para. 5.3.4; SECNAVINST 3900.39D, para. 6a(5)]
   d) Requirements for reporting unanticipated problems, adverse events, and research-related injury [SECNAVINST 3900.39D, para 8d(2), para 8e(6), and para. 8g(6)]
   e) Appointment of Medical Monitor [DoDD 3216. 2, para. 4.4.3]
   f) Additional safeguards for research conducted with international populations [DoDD 3216. 2, para. 4.9; SECNAVINST 3900.39D, para. 6i]
   g) Limitations on research where consent by legally authorized representatives is proposed [DoDD 3216. 2, para. 4.2; SECNAVINST 3900.39D, para. 6a(3); 10 U.S.C. 980]
   h) Limitations on compensation for U. S. military personnel. These limitations include limitation on dual compensation, which prohibit an individual from receiving pay of compensation for research during duty hours and US military personnel may be compensated for research if the participant is involved in the research when not on duty. [Dual Compensation Act; 24 U.S.C. 30].
   i) U. S. Navy-wide survey research requires additional review [SECNAVINST 3900.39D, para. 6e; OPNAVINST 5300.8B]
   j) Addressing and reporting allegations of non-compliance with human research protections [DoDD 3216. 2, para. 4.10; SECNAVINST 3900.39D, para. 8d(2) and 6k]
   k) Addressing and reporting allegations of research misconduct [DoDD 3216. 2, para 4.8; DoDD 3210.7; SECNAVINST 3900.39D, para. 8d(2) and 6l]
   l) Procedures for addressing conflicting and competing interests [DoDD 3216. 2, para. 4.4.4; SECNAVINST 3900.39D, para. 6b]

m) Prohibition of research with prisoners of war (POW) and detainees [DoDD 3216. 2, para. 4.4.2; SECNAVINST 3900.39D, para. 6h]
n) Oversight by the DON HRPP through headquarters-level review of research protocols (including relevant IRB meeting minutes) after local institutional approval and site visits of the institution's HRPP [DoDD 3216. 2, para. 5.5.3; SECNAVINST 3900.39D, para. 6g, 8b and 8d]
o) Research involving the Air Force includes the following limitations as outlined in Air Force Instruction 40-402: 1. When active duty personnel act as human subjects, "The investigator, in consultation with the subject, should determine whether participation in a study would affect the ability of the subject to mobilize for readiness, to perform duties, or to be available for duty. Normally, if their participation could affect their performance, they should not be considered as a subject."; 2. Minors may act as subjects only when the research "is intended to be of benefit to the subject…," and a) involves no more than minimal risk to subjects; or b) if greater than minimal risk "the proposed procedures present a prospect of direct benefit to the individual subject, and the IRB finds that…the risk is justified by the anticipated benefit to the subject…the relationship of the anticipated benefit to the risk is at lease as favorable to the subjects as that presented by the available alternative approaches."; 3. Mentally disabled or institutionalized mentally infirm persons "may not participate as a test subject, unless the study would be impossible or meaningless if such subjects were excluded." In addition, a mentally disabled or institutionalized mentally infirm person may not participate as a test subject unless: "the subject has given legally effective consent, or the subject's legal guardian has given effective third part consent, according to local law"; "the proposed study is concerned with one or more of the following: the diagnosis, treatment, prevention, or etiology of a particular impairment that inflicts the subject…Any other condition from which the subject is suffering, provided there is a direct potential benefit to the subject, and prior testing has proved the risk to be acceptable…The effect of institutional life on the institutional mentally inform subjects, and involves no appreciable risk to the subjects."; 4. A prisoner "may not participate as a human subject unless the proposed protocol is concerned with the diagnosis, treatment, prevention, or etiology of a particular impairment that afflicts the prisoner and unless the prisoner may derive a direct potential benefit."; and 5. For survey research, surveys that "collect data through intervention or interaction with the subject or surveys which contain identifiable private information are not exempt and require IRB approval and informed consent." [Air Force Instruction 40-402, sections 3.2.1.; 3.2.2.; 3.2.3.; 3.2.4.; and 3.4.2.]
p) Research involving the Army includes the following limitations as outlined in Army Regulations 70-25 40-38: 1. Minors may participate as subjects when "The research is intended to benefit the subject, and any risk involved is justified by the expected benefit to the minor…The expected benefits are at least as favorable to the minor as those presented by available alternatives."; and 2. For clinical trials, "Drugs, placebos, biologicals, and vaccines not commercially available (that is, investigational drugs) will be received, stored, and controlled by the pharmacy and will not be dispensed without an approved protocol." [Army Regulations 70-25, section 3-1(o) and 40-38, section 3-3(r)]

2. Institutional Responsibilities

Some of the responsibilities of the Institutional Official, IRB, and Investigators are identified below. The regulations and guidance include the following:

a) Initial and continuing research ethics education and for all personnel who conduct, review, approve, oversee, support, or manage human subject research [DoDD 3216. 2, para. 4.5; SECNAVINST 3900.39D, para. 6a(2)]
b) Written determination by a designated institutional official (other than investigators) whether research meets criteria for exemption [SECNAVINST 3900.39D, para. 6c]
c) New research and substantive amendments to approved research shall undergo scientific review prior to ethics (IRB) review [SECNAVINST 3900.39D, para. 8c(6)]
d) Additional protections for military research subjects to minimize undue influence [DoDD 3216.2 para.4.4.4; SECNAVINST 3900.39D, 6a(6)]
e) Provisions for research-related injury [DoDD 3216.2, para. 5.3.4; SECNAVINST 3900.39D, para. 6a(5)]
f) Requirements for reporting unanticipated problems, adverse events, and research-related injury [SECNAVINST 3900.39D, para. 8d(2), para. 8e(6), and para. 8g(6)]
g) Additional protections for pregnant women, prisoners, and children (Subparts B, C, and D of 45 CFR 46) [DoDD 3216. 2, para. 4.4.1; SECNAVINST 3900.39D, para. 6a(6)]
h) Limitations on research where consent by legally authorized representatives is proposed Limitations on research where consent by legally authorized representatives is proposed [DoDD 3216. 2, para. 4.2; SECNAVINST 3900.39D, para. 6a(3); 10 U.S.C. 980]
i) Limitation on exceptions from informed consent in emergency medicine research [DoDD 3216. 2, para. 4.2; SECNAVINST 3900.39D, para. 6a(3) and 7a(1); 10 U.S.C. 980]
j) Limitations on compensation for U. S. military personnel [Dual Compensation Act; 24 U.S.C. 30]
k) Additional review for DoD-sponsored survey research or survey research within DoD
l) Addressing and reporting allegations of non-compliance with human research protections [DoDD 3216. 2, para. 4.10; SECNAVINST 3900.39D, para. 8d(2) and 6k]
m) Addressing and reporting allegations of research misconduct [DoDD 3216. 2, para 4.8; DoDD 3210.7; SECNAVINST 3900.39D, para. 8d(2) and 6l]
n) Procedures for addressing conflicting and competing interests [DoDD 3216. 2, para. 4.4.4; SECNAVINST 3900.39D, para. 6b]
o) Prohibition of research with prisoners of war (POW) and detainees [DoDD 3216. 2, para. 4.4.2; SECNAVINST 3900.39D, para. 6h]
p) Provisions for research with human subjects using investigational test articles (drugs, device, and biologics) [DoDD 3216. 2, para. 4.9; DoDD 6200.2; SECNAVINST 3900.39D, para. 6h]
q) Recordkeeping requirements [DoDD 3216. 2, para. 5.3.2; SECNAVINST 3900.39D, para. 8c(18)] Recordkeeping requirements for DON-supported research with human subjects are longer than the Common Rule's requirements. The DON HRPP is developing policy guidance.
r) Oversight by the sponsoring DoD Component (which may include DoD Component review of the research and site visits).
s) When conducting multi-site research, a formal agreement between organizations is required to specify the roles and responsibilities of each party.

t) The IRB will consider the appointment of a research monitor, which is required for greater than minimal risk, although the IRB can require a research monitor for a portion of the research or studies involving no more than minimal risk, if appropriate. The independent research monitor is appointed by name. The research monitor has the authority to a) stop a research study in progress; b) remove individuals from study; and c) take any steps to protect the safety and well being of subjects until the IRB can assess.

3. Post-Approval Responsibilities
   a) Documentation

   The Principal Investigators and UCSD's HRPP are responsible for maintaining certain documentation in their files. Principal Investigators are also responsible for submitting documentation to DON prior to starting an IRB-approved study and upon subsequent reviews by the IRB (addenda, continuing reviews, etc.). DON uses such documentation to conduct a "headquarters-level administrative review." [DoDD 3216. 2, para. 5.3.3; SECNAVINST 3900.39D, para. 6g, 8b, and 8d]

   Two parts of DON have documentation requirements. See the following links for the documentation requirements of each (please note that the requirements differ):

   1. Office of Naval Research (ONR)
   2. Department of the Navy Human Research Protections Program (DON HRPP)

   DON HRPP requires certain IRB documentation that is *not* maintained by the PI (such as IRB meeting minutes). These items will be sent directly from the UCSD HRPP to DON, generally within 1 week of IRB approval. The UCSD HRPP will provide the PI with a copy of the correspondence (without the attached documentation).

   The contact information for submission to ONR is provided at the ONR website above.

   The contact information for submission to the DON HRPP is as follows:

   Department of the Navy
   Bureau of Medicine and Surgery (BUMED)
   Human Research Protections Program
   Code M00R
   2300 E Street, NW
   Washington, DC 20372-5300
   Phone: 202-762-0262
   Fax: 202-762-0976
   E-Mail: human.research@med.navy.mil

   If the PI is asked to provide a copy of the DoD/DON Addendum to UCSD's Federalwide Assurance, the PI may obtain this document from the HRPP Office.

b) Continuing Education
DON requires PIs to complete continuing human subject protections training every 3 years. If applicable, please plan to take refresher modules within 3 years. Please see DON HRPP Education and Training Policy.

c) Addenda
When submitting addenda (modifications to previously approved research) to the IRB, the PI should review the Face Sheet DoD/DON Supplement to ensure that it still accurately reflects the research. Submit a revised supplement (and any additional documentation) if necessary. If an addendum involves substantive changes (e.g., new procedures, a new subject population), then the IRB must receive documentation of scientific review and approval of the changes.

d) Continuing Reviews
When reviewing study materials in preparation for continuing review, the PI should review the Face Sheet DoD/DON Supplement as well to ensure that it still accurately reflects the research. Submit a revised supplement (and any additional documentation) if necessary.

DON requires that the IRB receive and maintain copies of publications, presentations or reports based on the research protocol. Please include such items (if any) when submitting an application for continuing review.

These procedures should be followed in addition to the procedures associated with submitting continuing review documents to the UCSD IRB.

e) Reporting Requirements
The PI should be familiar with the UCSD policies for reporting events to HRPP and the IRB. HRPP may be required to notify DON and the sponsor (if there is a non-DON sponsor) about such reports and any actions taken regarding the reports.

DON must also be notified of any audits, investigations or inspections of DON-supported research. The PI should always report such inspections to DON. HRPP will report such inspections to DON *only* when HRPP conducts or are aware of the inspection.

f) Study Closure
The PI should be familiar with the UCSD policies for study closure. DON requires that the IRB receive and maintain copies of publications, presentations or reports based on the research protocol. Please include such items (if any) when closing a study. The PI should also continue to submit such items after closure of the study.

g) Record retention
The agency may require submitting records to the Department of Defense for archiving. Local policies regarding records must also be followed, as appropriate.

4. Additional Guidance

This institution assures it shall comply with the following laws, regulations, and guidance when conducting, reviewing, approving, overseeing, supporting, or managing DoD-supported research with human subjects:

a) The Belmont Report
b) Title 32 Code of Federal Regulations Part 219 (32 CFR 219), Department of Defense Regulations, "Protection of Human Subjects"
c) Title 45 Code of Federal Regulations Part 46, (45 CFR 46) Department of Health and Human Services Regulations, "Protection of Human Subjects," Subparts B, C, and D as made applicable by DoDD 3216.02
d) Title 21 Code of Federal Regulations 50, 56, 312, and 812, Food and Drug Administration (FDA) Regulations
e) DoD Directive (DoDD) 3216.02, "Protection of Human Subjects and Adherence to Ethical Standards in DoD-supported Research"
f) Title 10 United States Code Section 980 (10 USC 980), "Limitation on Use of Humans as Experimental Subjects"
g) DoDD 3210.7, "Research Integrity and Misconduct"
h) DoDD 6200.2, "Use of Investigational New Drugs in Force Health Protection"