

I. PURPOSE

The purpose of this SOP is to describe the review of research involving individuals or groups that could be potentially vulnerable to coercion or undue influence because of impaired decision-making capacity, neurological, developmental or psychiatric disorders; educational disadvantages; medical, social, or economic conditions; or other circumstances that might restrict the individual's capacity to provide informed consent or to protect their own interests.

II. POLICY STATEMENT

The IRB will assure that additional protections are implemented, as necessary, to protect vulnerable research subjects. The extent of additional protection afforded should depend upon the risk of harm and the likelihood of benefit.

III. SCOPE

These policies and procedures apply to all research submitted to the IRB.

IV. DEFINITIONS

Investigator: An individual at the institution who participates in the design, conduct, analysis, or reporting of research activities.

Legally Authorized Representative (LAR): The individual or judicial or other body with the legal authority to provide proxy consent for a person who lacks the capacity or legal status to function autonomously. In Pennsylvania, PA Act 169 (Advance Directives) establishes the priority order of individuals who may serve as the LAR in situations where the incompetent individual has not designated an LAR. If the research takes place outside of Pennsylvania, and/or there is no applicable law, this is the representative designated by the appropriate institutional policy as acceptable for providing consent in the non-research context.

Vulnerable Subjects: Subjects are vulnerable in the research context when they are unable to protect their own interests. This includes situations where they are legally prohibited, have impaired decision-making capacity or are economically-disadvantaged. These limitations prevent the individuals from providing effective informed consent, or make them subject to possible coercion or undue influence.

V. PROCEDURES

A. Review, Revision, Approval of Research Involving Vulnerable Subjects

1. When prisoners will participate in the research, or subjects who participate have a reasonable likelihood of being incarcerated at some time point during the study, the procedures outlined in **SOP 503** will be followed. SOP 503 will also be

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followed for approved studies proposing to enroll a prisoner or continued participation of a subject who becomes a prisoner (e.g., change in status).

2. When pregnant women, fetuses, neonates who are either non-viable or of uncertain viability will participate in the research, or when the research will involve fetal materials or products of conception, the procedures outlined in **SOP 502** will be followed.
3. When children will participate in the research, the procedures outlined in **SOP 504** will be followed.
4. When minors who do not meet the definition of “children” will participate in the research, the procedures outlined in **SOP 505** will be followed.

5. When there is a reasonable possibility that Wards and Foster Children will participate in the research, the procedures outlined in **SOP 504** will be followed.
6. When adults with limited capacity for self-determination are identified for recruitment, the IRB will determine whether or not it is appropriate to enroll them into the research.
 - (a) The decision will be based on the objectives and the potential risks of the research.
 - (b) When adults with limited capacity for self-determination are permitted to enroll, the IRB will determine whether or not additional protections are required and whether or not there are adequate procedures for ensuring that an appropriate assessment of capacity is performed and valid consent (subject or subject's legally authorized representative) will be obtained (**SOP 701**).
7. When there is a reasonable possibility that individuals with limited English-proficiency will participate in the research, the procedures outlined in **SOP 701** will be followed to ensure that adequate procedures are in place to obtain valid consent (unless a waiver of consent is issued).
8. Employees, students and trainees who are under the supervision of the investigator(s), hospital volunteers and the non-adult immediate families of the investigators, are potentially vulnerable in the research context. Potential vulnerability is due to the possibility that refusal to participate might adversely affect the prospective subject's position, performance evaluation or future employment status. Pressures to participate may be real or perceived.
 - (a) Employees, students, trainees, volunteers, and non-traditional personnel (NTP) may not participate in a research study conducted by investigators to whom they report, unless it is a therapeutic or treatment study (i.e., a study for which the IRB has determined that there is a prospect for direct benefit).
 - (1) A waiver may be granted by the Chair, CPHS or their designee for studies in which employees students, trainees, volunteers and NTPs are by design the subject of the research (e.g., educational interventions directed at physicians, nurses or other health care providers). The decision will be based on the objectives, potential benefits and the potential risks of the research.

- (b) Non-adult immediate family members of investigators may not participate in research studies conducted by investigators, unless it is a therapeutic or treatment study (i.e., a study for which the IRB has determined that there is a prospect for direct benefit), and a physician unaffiliated with the study has confirmed that it is the best therapeutic option available for the child.
9. When the proposed research may involve subjects that are potentially vulnerable, the IRB may choose to apply additional protections to ensure that the subjects' rights and welfare are adequately protected. Examples of additional protections include having a third party observe the consent process, having a subject advocate assist the subject, engaging consultant reviewers or requiring additional monitoring of the research.

VI. APPLICABLE REGULATIONS AND GUIDELINES

45 CFR 46.107, 45 CFR 46.111(b)	21 CFR 56.111(b)
45 CFR 46 Subpart B, 45 CFR 46 Subpart C, 45 CFR 46 Subpart D	21 CFR 56 Subpart D

VII. REFERENCES TO OTHER APPLICABLE SOPS

SOP 502: Research Involving Pregnant Women, Fetuses, and Neonates	SOP 504: Research Involving Children
SOP 503: Research Involving Prisoners	SOP 505: Minors Who Are Not Children in the Research Context
SOP 701: Required Elements of Consent and Documentation of Consent	CHOP Policy on Consent and CHOP Job Aid: Evaluating an Individual's Capacity to Consent to Clinical Care

VIII. RESPONSIBILITIES

Title	Responsibility
Director, HSR	The Director or designee is responsible for making sure appropriate representatives are involved in the review of research involving vulnerable subjects.

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Chair, CPHS

The Chair or designee is responsible for making sure reviews are conducted adhering to regulations outlined in Subpart B, C, and D.

IX. ATTACHMENTS

X. REVISIONS:

- 06-10-2010 Revised to update the names of other SOPs and minor formatting changes.
- 09-27-2012 Revised to be more explicit about adults with limitations and to include examples of additional protections that may be required by the IRB.
- 09-08-2014 Revised to address employees and family members as research participants (previously covered under IRB SOP 15)
- 09-25-2018 Revised to make administrative edits and update the title of SOP 701 in the “References to Other Applicable SOPs” section.
- 12-13-2022 Revised to make administrative edits.

XI. APPROVAL:

Approval Indicator: Approved by Amy Schwarzhoff and Barbara Engel on 12/13/22
Amy Schwarzhoff, Director, Human Subjects Research and Barbara Engel, Chair, CPHS