CPHS Basics

What is CPHS and what do we do?

Under the federal Common Rule, CPHS is the Institutional Review Board (IRB) for all of the departments under the CalHHS. As such, the IRB is required to review human subjects research involving funding, staff, or subjects under the custodial control (such as state hospital patients) of CHHS departments. Under the California Information Practices Act, CPHS is also required to review and approve all research-related requests for data that can be linked to an individual that is held by any state department. The CPHS review pathways are illustrated in Figure 1. If requesting state vital statistics data please refer to Important Information for Researchers Using Data Originally Sourced from Birth or Death Certificates.

What is defined as research?

Not all activities that collect or use data are considered research and need to be reviewed by the Committee for the Protection of Human Subjects (CPHS). Investigators may submit a "Not Research Application" to CPHS for a determination that their activities do not constitute research. However, state departments under CPHS jurisdiction can make this determination on their own if they are certain that their activities do not constitute research. CPHS uses the definition of research specified in Section 46.102 of the federal Common Rule (CFR title 45, part 46).

> *Research* means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. For example, some demonstration and service programs may include research activities. For purposes of this part, the following activities are deemed not to be research:
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> (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.
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> (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 mission

What is defined as Exempt Research?

An investigation involving human subjects may be considered research, but still may be "exempt" from CPHS review under the federal Common Rule. Researchers must submit an "Exempt Research Application" for CPHS to make such a determination. Researchers should not make this determination on their own. Please note that research involving the use of protected state data cannot be considered exempt from CPHS review under the California Information Practices Act.

CPHS uses the exemption categories specified in Section 46.104 of the federal Common Rule (CFR title 45, part 46). These exemptions do not apply to research involving prisoners, except for research aimed at involving a broader subject population that only incidentally includes prisoners. Note that a "Prisoner" is defined by Department of Health and Human Services regulations, 45 Code of Federal Regulations (CFR) part 46.303(c), as "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 which provide alternatives to criminal prosecution or incarceration in a penal institution, and individuals detained pending arraignment, trial, or sentencing." CPHS considers patients residing in state mental hospitals to be prisoners for this purpose. Parolees who are legally required to stay in a transition facility, such as a half-way house or drug-treatment facility, are also considered prisoners.

Exempt Research Categories

(1) Research, conducted in established or commonly accepted educational settings, that specifically involves normal educational practices that are not likely to adversely impact students' opportunity to learn required educational content or the assessment of educators who provide instruction. This includes most research on regular and special education instructional strategies, and research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research that only includes interactions involving educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior (including visual or auditory recording) if at least one of the following criteria is met: (Note: this exemption only applies to research involving

children when the investigator(s) do not participate in the educational tests or the observation of public behavior.

- The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects
- Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; or
- The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination required. (Note: does not apply to research involving children)

(3) Research involving benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and information collection and at least one of the following criteria is met:

- The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects.
- Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; or
- The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination required.

For the purpose of this provision, benign behavioral interventions are brief in duration, harmless, painless, not physically invasive, not likely to have a significant adverse lasting impact on the subjects, and the investigator has no reason to think the subjects will find the interventions offensive or embarrassing. Provided all such criteria are met, examples of such benign behavioral interventions would include having the subjects play an online game, having them solve puzzles under various noise conditions, or having them decide how to allocate a nominal amount of received cash between themselves and someone else. If the research involves deceiving the subjects regarding the nature or purposes of the research, this exemption is not applicable unless the subject authorizes the deception through a prospective agreement to participate in research in circumstances in which the subject is informed that he or she will be unaware of or misled regarding the nature or purposes of the research. Please note that this exemption does not apply to research involving children.

(4) Secondary research for which consent is not required: Secondary research uses of identifiable private information or identifiable biospecimens, if at least one of the following criteria is met:

- The identifiable private information or identifiable biospecimens are publicly available.
- Information, which may include information about biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects.
- The research involves only information collection and analysis involving the investigator's use of identifiable health information when that use is regulated under 45 CFR parts 160 and 164, subparts A and E, for the purposes of "health care operations" or "research" as those terms are defined at 45 CFR 164.501 or for "public health activities and purposes" as described under 45 CFR 164.512(b); or
- The research is conducted by, or on behalf of, a Federal department or agency using government-generated or government-collected information obtained for non-research activities, if the research generates identifiable private information that is or will be maintained on information technology that is subject to and in compliance with section 208(b) of the E-Government Act of 2002, 44 U.S.C. 3501 note, if all of the identifiable private information collected, used, or generated as part of the activity will be maintained in systems of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, and, if applicable, the information used in the research was collected subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq.

(5) Research and demonstration projects that are conducted or supported by a Federal department or agency, or otherwise subject to the approval of department or agency heads (or the approval of the heads of bureaus or other subordinate agencies that have been delegated authority to conduct the research and demonstration projects), and that are designed to study, evaluate, improve, or otherwise examine public benefit or service programs, including procedures for obtaining benefits or services under those programs, possible changes in or alternatives to those programs or procedures, or possible changes in methods or levels of payment for benefits or services under those programs. Such projects include, but are not limited to, internal studies by Federal employees, and studies under contracts or consulting arrangements, cooperative agreements, or grants. Exempt projects also include waivers of otherwise mandatory requirements using authorities such as sections 1115 and 1115A of the Social Security Act, as amended. Each Federal department or agency conducting or supporting the research and demonstration projects must establish, on a publicly accessible Federal Web site or in such other manner as the department or agency head may determine, a list of the research and demonstration projects that the Federal department or agency conducts or supports under this provision. The research or demonstration project must be published on this list prior to commencing the research involving human subjects.

(6) Taste and food quality evaluation and consumer acceptance studies:

- If wholesome foods without additives are consumed, or

- If a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

(7) Storage or maintenance for secondary research for which broad consent is required: Storage or maintenance of identifiable private information or identifiable biospecimens for potential secondary research use if an IRB conducts a limited IRB review and makes the determinations required. Please note that this exemption is not applicable since CPHS does not currently conduct limited reviews.

(8) Secondary research for which broad consent is required: Research involving the use of identifiable private information or identifiable biospecimens for secondary research use, if the following criteria are met:

- Broad consent for the storage, maintenance, and secondary research use of the identifiable private information or identifiable biospecimens was obtained in accordance with §46.116(a)(1) through (4), (a)(6), and (d);
- Documentation of informed consent or waiver of documentation of consent was obtained in accordance with §46.117;
- An IRB conducts a limited IRB review and makes the determination required by §46.111(a)(7) and makes the determination that the research to be conducted is within the scope of the broad consent referenced in paragraph (d)(8)(i) of this section; and
- The investigator does not include returning individual research results to subjects as part of the study plan. This provision does not prevent an investigator from abiding by any legal requirements to return individual research results. Please note that this is exemption is not applicable since CPHS does not currently conduct limited reviews.

What is an Expedited Review?

An expedited review is a review conducted by a subcommittee of one to two reviewers, as opposed to the full committee. Expedited reviews take 15 business days to two months to complete based on the completeness of the project application. Research protocols can be approved by expedited review but cannot be denied approval by expedited review. Only the full committee can reject a research protocol. According to the Federal Common Rule, expedited reviews can be conducted for:

(1) Clinical studies of drugs and medical devices only when condition (a) or (b) is met.

a. Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)

b. Research on medical devices for which (i) an investigational device exemption application (21 CFR Part 812) is not required; or (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.

(2) Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:

a. from healthy, nonpregnant adults who weigh at least 110 pounds. For these subjects, the amounts drawn may not exceed 550 ml in an 8-week period and collection may not occur more frequently than 2 times per week; or

b. from other adults and children [2], considering the age, weight, and health of the subjects, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these subjects, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8-week period and collection may not occur more frequently than 2 times per week.

(3) Prospective collection of biological specimens for research purposes by noninvasive means.

(4) Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice, excluding procedures involving x-rays or microwaves.

(5) Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for non-research purposes (such as medical treatment or diagnosis). CPHS considers all research involving data without human subjects contact to be eligible for expedited review under the California Information Practices Act.

(6) Collection of data from voice, video, digital, or image recordings made for research purposes.

(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies. (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human subjects. 45 CFR 46.101(b)(2) and (b)(3). This listing refers only to research that is not exempt.)

(8) Continuing review of research previously approved by CPHS.

What is a Full Committee Review?

Research projects that have any contact with human subjects, including interviews and surveys, must be presented to the full committee at the next scheduled CPHS public meeting. Also, projects that are not approved by expedited review must be presented to the full committee for review. All projects requiring full committee review are assigned one committee member as the primary reviewer. The primary reviewer will contact the principal investigator before the meeting regarding any questions or suggested changes of the research protocol. At the meeting the principal investigator will be asked to summarize their research project and the primary reviewer will share any remaining questions or concerns they have about the research project. Following that, other committee members are given the opportunity to ask questions and express concerns. A committee member (usually the primary reviewer) will make a motion regarding the research project on which the full committee will vote. Potential motions are:

- Approved.
- Approval deferred pending specified minor revisions requiring only expedited review by a subcommittee including the primary reviewer.
- Approval deferred pending specified major revisions requiring a subsequent full committee review.
- Tabled pending resolution of major issues that will require several amendments to the research protocol and reconsideration by the full committee at a subsequent full committee meeting.
- Disapproved.

What is a Continuing Review?

Most research projects are approved for a one-year period. Projects that are deemed more than minimal risk by CPHS must be approved for shorter periods (usually 6 months). In order for a project to continue past the approval period, a continuing renew application must be submitted to and approved by CPHS before the required renewal date. If this is not done, federal rules require that all work stop on the project. For this reason, it is important that researchers keep track of their project's renewal date and file continuing review applications in a timely manner (in the two-month period before the renewal date). CPHS staff will also send out reminder notices, but it is the researcher's responsibility to fulfill these requirements. A protocol cannot be amended as part of the continuing review application. All requests for protocol amendments must be submitted separately as an Amendment Application.

How are Amendments Reviewed?

Any proposed changes to a research protocol that has been approved by CPHS must be reviewed and approved by CPHS before being instituted. This includes minor changes such as the addition or removal of study personnel, as well as major changes such as modifications in the study methodology or informed consent procedures. To make any changes of a project protocol, an Amendment form must be completed via

IRBManager. Amendments can be submitted at any time but must not be implemented until the amendment has been reviewed and approved by CPHS.

What is an Adverse Event/Unanticipated Problem?

An adverse event is an incident that has or could cause harm to research participants or to people whose data is being analyzed. An unanticipated problem is an unexpected departure from the approved research procedures, or a data breach where harm has not or is not expected to occur. Both types of events must be reported to CPHS in IRBManager within 48 hours using the Unanticipated Problem or Adverse Event Form (even if also reported to another IRB). Please call the CPHS staff at (916) 651-5599 if you have questions about whether an event should be reported.

After a preliminary review of the report by the CPHS Chair, the report will be scheduled for review at the next CPHS public meeting. The CPHS Chair may determine that corrective action is needed before the next CPHS public meeting. In this case, the researcher will be contacted directly by the Chair or a delegated CPHS member. At the meeting, the researcher will provide a brief summary of the event and the corrective action taken. The Committee may accept the report and corrective action or request additional corrective action before accepting the report. CPHS staff will send a letter within 10 business days after the meeting indicating the Committee's decision.

What is IRBManager?

IRBManager is the application used by CPHS to receive information from researchers and to communicate with researchers. It can be accessed at https://chhs.my.irbmanager.com All new project applications, project amendments, continuing review applications, not research applications, exempt research applications, and adverse/unanticipated event reports must be submitted through IRBManager. Questions are also posed to researchers by CPHS staff and reviewers using the IRBManager note function. Researchers are required to respond back to these questions through IRBManager. Failure to follow this workflow will prevent processing and approval of the application.

Who Must Register in IRBManager?

It is mandatory that the principal investigator (PI) and the institution's responsible official (RO) register with IRBManager prior to submitting a project. The RO is an individual one to two levels above the PI (e.g., your boss or your boss's boss) in the line of authority. Usually ROs are a department chair, chief deputy director or director. PhD candidates may list their faculty advisor or the RO.

If the project has other staff who will be handling the data or involved with human subject contact, such as a Co-Principal Investigator (Co-PI), Administrative Contact, or Research Staff, their contact information must be submitted in the project protocol, but they do not need to complete registration in IRBManager.

How to Create a New Project in IRBManager?

Once all the required individuals (at a minimum the PI and the RO) have successfully registered, you are able to create a new project. Please see the IRBManager Manual for Researchers for detailed information on IRBManager use. After clicking on "Start a New Project Application" in the left-hand navigation column, IRBManager will provide a number of required data entry fields. In addition to providing the responses, the following documents must be attached to the project applications.

- Cover letter summarizing the project
- Curriculum Vitae of the Principal Investigator, Co-Principal Investigator(s), and Translator (if applicable)
- Data Dictionaries/Lists of Variables for every data set being requested
- Departmental Letter of Support
- Project Budget Document
- A Data Security Letter signed by the Institution's Internet/Data Security Officer. This letter must be updated whenever the data is stored at a different institution or the data storage procedures of the institution change.

The following documents may also be applicable based on the project:

- Authorization Agreements for delegation of reviews between IRBs.
- Checklists for studies involving prisoners, children, pregnant people and fetuses and neonates
- Questionnaires, surveys, debriefing scripts, recruitment materials and other study procedures documents
- Consent and Assent Forms
- HIPAA Authorization Forms
- Other documents related to the research project

Is there a submission deadline?

The submission deadline for projects needing full committee review is one month prior to the next CPHS public meeting date. Applications received after this date will need to wait for the following meeting for review. After submission, CPHS staff screens, processes, and assigns all project applications to CPHS members for review before the public meeting date. Project applications not needing full committee review can be submitted through IRBManager at any point in time. Continuing review applications should be submitted 1 to 2 months before the required renewal date.

How Do I Make Changes to a Project Protocol?

To make any changes on your project, an amendment form must be completed via IRBManager.

For projects initiated in IRBManager, see the following instructions:

- Access the project by logging into IRBManager.
- From your dashboard, under My Projects (#Active) heading, click the (# active) projects.
- Click the project number.
- Once you are in the project page, navigate to the "Events (#)" section, click on the most recent amendment (or the initial submission if it is the first time that you are submitting an amendment for this project).
- Once in the event page, navigate to the left-hand side Actions Menu, and click xForms (#).
- Once on the xForms page select the folder with the green dot next to the application.
- A window prompt will open asking if you would like to copy the form for an amendment, click ok.

For projects initiated in CalPROTECTS (the application used before IRBManager), see the following instructions:

- Access the project by logging into IRBManager.
- From your dashboard, under My Projects (#Active) heading, click the (# active) projects.
- Click the project number.
- Once you are in the project page, navigate to the left-hand side Actions Menu, and click Start xForm.
- Once on the xForms page select Amendment Form for Projects Approved in CalPROTECTS.

Do I need to attach documents with track changes?

Yes, if changes are being proposed for attached documents, such as consent forms and questionnaires, please include both the track changes version and a clean copy version with the documents.

All changes made to information in the project protocol are automatically tracked and saved on IRBManager. However, proposed changes to attached documents, such as consent forms and questionnaires, must be uploaded to IRBManager in both clean and track change versions.

Approval Letters

Upon approval of a new project or amendment, CPHS staff will release the approval letter via IRBManager. An email is sent to all personnel listed on the project. Approval letters for expedited review projects are released within 10 days of approval by the subcommittee. Full committee project approval letters are released within 10 days of the convened public meeting. Researchers will receive a courtesy email notifying them that their continuing review is recommended for approval after the review has been

completed. Continuing review approval letters are released 10 business days after the next public meeting date.

Please note that state departments require researchers to provide a copy of the CPHS approval letter in order to receive data. CPHS is not responsible for distributing data or notifying individual departments of approval.

Reminder Emails/Notifications

For new projects, the entire research team will be notified of the application's progress. If your account is listed in the project-site contacts section, but you are not receiving any email notifications, check the spam folder of your email address and/or check with your organization's IT department to inquire if your firewall is blocking the email from being received. If you are still not receiving notifications, please contact CPHS Staff at (916) 651-5599 or at CPHS@chhs.ca.gov to request access to the project.

For ongoing projects, only the PI will receive emails from IRBManager related to expiration and continuing reviews.

Completing and Withdrawing Projects

To withdraw a project, submit an email to CPHS@chhs.ca.gov requesting a withdrawal of your project. For completed projects, you are required to submit a final report application (through IRBManager?)

How can I update my account information?

Once your account is created, you will be required to contact CPHS staff for any changes except for your password. If the need arises, to change/reset passwords, go to the CPHS IRBManager website and click on the "Forgot Password?" option.

For other account information changes (i.e., address, phone, organization), contact CPHS staff.

What do I do when logging into IRBManager if I receive an alert that my account has been deactivated?

IRBManager accounts must be logged into once a year in order to remain active. If you receive an alert that your account has been deactivated, please contact CPHS via phone or email.