## I. Overview

Federal regulations require an Institutional Review Board (IRB) to conduct substantive and meaningful continuing review[1] of human subjects research that is within the jurisdiction of the IRB. This guidance outlines the criteria for continuing review, and investigator and IRB responsibilities.

## II. Continuing Review Frequency

1. Continuing review, sometimes referred to as "renewal," of all projects involving human subjects is required at least annually.[2 & 3]
   a) Even if no changes are made,
   b) Even if data collection or analysis has not started,
   c) Even if the only study activity is participant follow-up, and
   d) Even if the only study activity is data analysis.
2. The IRB may require more frequent review depending on the level of risk.
3. Human subjects research studies that qualify for exemption under 45 CFR 46.101(b) are exempt from all requirements of 45 CFR part 46, including the requirements related to continuing review. Once the IRB determines that a project is exempt, no continuing review of the project by the VDSS IRB is required.[4] **However**, if an investigator decides to modify an exempt human subjects research project in such a way that it would no longer qualify for exemption, the investigator must submit the modified research protocol to the IRB for review prior to implementation of the modified research project[5].
4. If the researcher does not wish to continue the study, then she/he should submit a closure report.

## III. Level of Review

A study that requires continuing review may be reviewed at one of two levels:

1. **Full Committee Review**: Human research which does not meet the criteria for Expedited Review or exemption from IRB review must be reviewed by the Full Committee at a convened meeting. Continuing review of a study which initially required Full Committee review will continue to be reviewed by the convened IRB unless:
   a) The study meets the requirements for Expedited Review under federally defined Expedited Review categories 8[6] or 9[7];

[1] 45 CFR 46.109(e)
[2] 45 CFR 46.109(d)
[3] 22VAC40-890-70F
[4] See OHRP Guidance: Extended Approval for Minimal Risk Research not Subject to Federal Oversight
[5] 45 CFR 46.103(b) and 46.109(a)
[6] Expedited Category 8: Continuing review of research previously approved by the convened IRB as follows: a) where (i) the research is permanently closed to the enrollment of new subjects; (ii) all subjects have completed all

b) Changes to the study are included with the continuing review applications such that the entire study now meets the criteria for Expedited Review, and the convened IRB determines that future reviews of the study may be reviewed using Expedited Review procedures; or
c) The convened IRB determines that the study meets the criteria for expedited view, i.e., research poses no more than minimal risk to subjects and all study procedures fall within one or more of the Expedited Review categories[8].

2. **Expedited Review**: Research which meets the criteria for Expedited Review is reviewed by the IRB Chair or her/his designee(s). A study which initially was reviewed using Expedited Review procedures may be reviewed for continuing review using Expedited Review procedures. However, research studies that previously met the criteria for Expedited Review will require Full Committee review if changes to the study are proposed which: (1) present more than minimal risk to human subjects or (2) involve procedures which do not meet the criteria for Expedited Review.

## IV. Investigator Responsibilities

**Sufficient Time**: For multi-year research, the principal investigator (PI) is responsible for submitting a continuing review application to the VDSS IRB with sufficient time prior to the expiration of the current IRB approval so that there will be no lapse in the study approval. Allow at least 30 business days for a full committee continuing review and 10 business days for an expedited continuing review. Submit the Continuing Review via E-mail to: irb@dss.virginia.gov

**Materials for Review**: For an outline of the materials required for all continuing review submissions see VDSS IRB Guidance Document entitled: *Materials Required for IRB Review and Approval*.

**Status or Progress Report**: The continuing review application form asks for information regarding the status or progress of the research during the last year. The information will include: the number of participants accrued, the number of withdrawals and the reasons for withdrawals, unanticipated problems including complaints about the research,

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research-related interventions, and (iii) the research remains active only for long-term follow-up of subjects; or b) where no subjects have been reenrolled and no additional risks have been identified; or c) where the remaining research activities are limited to data analysis.

[7] Expedited Category 9: Continuing review of research, not conducted under an investigational new drug application or investigation device exemption, where categories two (2) through eight (8) do not apply but the IRB has determined and documented at a convened meeting that the research involves no greater than minimal risk and no additional risks have been identified.

[8] 45 CFR 46.110(a)

amendments to the research, any relevant recent literature, any interim findings, any relevant multi-center trial reports if applicable, and an assessment by the PI of the current risk-potential benefit based on study results to date.

**Amendments to the Protocol**: Changes to the protocol or study documents may be submitted at the same time as the continuing review. **An investigator may not implement proposed modifications until the changes are reviewed and approved by the VDSS IRB.**

## V. Avoiding Lapses in Approval

**If IRB approval expires, all research activities involving human subjects must stop!** These activities include subject contact, data collection and data analysis. The only exception to this requirement is for activities that are needed for participant safety. Contact the IRB if this occurs. No new subjects may be enrolled.

The IRB determines on a case-by-case basis whether treatment may continue for currently enrolled subjects. The IRB will notify the investigator if it is permissible under federal guidelines to continue limited research activities.

If project activities occur or continue after the expiration date, the investigator is out of compliance with both federal and state regulations. The IRB cannot grant retroactive approval for work done after the expiration date. Even if the continuing review application has been submitted to the IRB, all activities must stop until approval is granted.

## VI. IRB Review Responsibilities

1. **Review Criteria**: Continuing review of research must be substantive and meaningful. The criteria for continuing review are the same as those for initial review. Therefore, the IRB (or the Chair or her/his designee for studies reviewed using Expedited Review procedures) must determine that all of the following requirements are satisfied:
    a. Risks to subjects continue to be minimized and reasonable in relation to anticipated benefits;
    b. Selection of subjects continues to be equitable;
    c. Informed consent is sought or waived in accordance with 45 CFR 46.116 as well as 21 CFR 50.25 for FDA-regulated research.
    d. Informed consent will be documented or documentation waived in accordance with 45 CFR 46.117 and 21 CFR 50.27 for FDA-regulated research.

e. The research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects, when appropriate;
    i. There are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data, when appropriate; and
    ii. Appropriate safeguards for vulnerable subjects are provided.
    iii. If multi-site research, the study management of information relevant to protection of subjects is adequate.

2. **Review of Recruitment, Screening and Consent Documents**: When reviewing the recruitment, screening and/or consent documents, the IRB will ensure the following:
    a. The currently approved or proposed documents are complete, accurately reflect the information in the study application, and meet all regulatory criteria for approval.
    b. Any new findings that may relate to the subject's willingness to continue participation are provided to the subject in an updated informed consent form or addendum to the informed consent form.

3. **Determining Appropriate Interval for Continuing Review**: The IRB will determine which projects require review more often than annually in order to ensure the continued protection of the rights and welfare of research subjects. The IRB considers the following factors, along with any other factors deemed relevant by the IRB, in determining the frequency of review:
    a. the nature of the study,
    b. the degree of risk involved, and
    c. the vulnerability of the study subject population

    The IRB will communicate to the investigator in writing any determinations of a requirement for review more often than annually and also indicate this in the minutes of the meeting.

4. **Verification from Other Sources**: On a case-by-case basis, the IRB will determine which projects need verification from sources other than the investigators that no material changes have occurred since the prior IRB review.

**VII. Continuing Review Reminders and Notices**: It is ultimately the investigator's responsibility to submit a continuing review application and to allow sufficient time for the review and re-approval process to be completed before the current approval expires. The expiration date listed on the Approval Notice is the last date on which research activities may occur.

**VIII. Reference**: OHRP Guidance on IRB Continuing Review of Research, November 10, 2010[9]

[9] http://www.hhs.gov/ohrp/sites/default/files/ohrp/policy/continuingreview2010.pdf