Public Health Division
Protocol Deviation and Noncompliance

Investigators are responsible for conducting human subject's research in accordance with all applicable federal and state regulations, as well as the specific requirements of the Public Health Institutional Review Board (PH IRB). Once PH IRB approval has been obtained for a research protocol and its supporting documents (consent form, authorization form, data collection tool, etc.), changes may not be made unless prospective review and approval by the PH IRB is granted. Meaning, the research team must request approval for any proposed changes to the PH IRB approved documents by submitting a Project Revision/Amendment Form (PRAF) and applicable documents in "tracked changes" form. The only exception to this rule involves emergency action by an investigator to protect subjects from apparent immediate hazards.

Definitions:
Protocol Deviation: Any alteration or modification in the conduct of the research that has NOT been approved by the PH IRB prior to its initiation or implementation.

- Minor deviation: Does not have a significant impact on the research participants' rights, safety or welfare; the integrity of the data; nor does it substantially alter the expected risks to subjects as determined by the PH IRB.
- Major deviation: May impact the participants' rights, safety or welfare; the integrity of the data; or may substantially alter the expected risks to subjects as determined by the PH IRB.

Noncompliance: Failure to comply with federal regulations or the requirements or determinations of the PH IRB.

- Continuing non-compliance: Repeated instances of noncompliance by the investigator.
- Serious non-compliance: Instances that pose an increased risk to the safety, rights and welfare of research participants including when investigators either avoid or ignore PH IRB policies and fail to comply with PH IRB requirements/determinations and/or federal regulations.

Reporting Requirements:
Formal reports using the Protocol Deviation/Non-compliance Report Form must be made by the Principal Investigator to the PH IRB within the following timeframes:

- Minor deviations must be reported to the PH IRB within ten working days of their occurrence or within ten working days of the Principal Investigator becoming aware of their occurrence.
- Major deviations must be reported to the PH IRB within five working days of their occurrence or within five working days of the Principal Investigator becoming aware of their occurrence.
- Non-compliance must be reported as soon as the Principal Investigator becomes aware, however, it is important to note that non-compliance will typically be recognized by the PH IRB itself and thus a report will be requested by the IRB for submission to account for the continuous non-compliance.
- If any of the above involve significant harm or risk of significant harm to a subject, the Principal Investigator must make a report to the PH IRB within 24 hours of discovery.

It is the responsibility of the Principal Investigator to determine whether a deviation is minor or major in nature and to ensure proper reporting to the PH IRB, however, the PH IRB Coordinator will review and analyze the report to ensure the description of the occurrence aligns with the context of

the report. All submitted reports should be routed by the Principal Investigator to their study sponsor as outlined in the sponsor's protocol.

PH IRB Review of Submitted Reports:
Upon receipt of the report, the PH IRB Coordinator will review to ensure the description of the occurrence aligns with the context of the report, including what the Principal Investigator has distinguished it as. Revisions may be requested for purposes of accuracy. Once ready for final review, the report will be forwarded to the PH IRB Chair and/or Vice Chair along with a draft determination memo. Either the Chair, Vice-Chair, or a designated PH IRB Board member will then provide a subsequent review, comparing what occurred to the PH IRB approved protocol. The Principal Investigator may be asked to respond to questions. A decision regarding the seriousness of the deviation or non-compliance will be made, including what corrective action, if any, to take. Recommended actions may include but are not limited to increased reporting requirements, suspension of the study until corrective action is taken, or termination of the study.

In the case of minor deviations, the Principal Investigator will be notified in writing of next steps, if any, to correct the situation that lead to the violation. Investigators will have 30 calendar days to respond. Non-response will constitute non-compliance and subject recruitment may be suspended or the project may be terminated. The deviation report and its conclusions will be presented at the next scheduled PH IRB Full Board meeting. The Full Board may request further action.

On the other hand, major deviations may lead to immediate protocol suspension or termination by the PH IRB but the decision, including a summary of the violation, review process, and conclusions drawn will be presented at the next scheduled PH IRB Full Board meeting. The Full Board will review the report and resulting actions. Additional next steps may be requested. The Principal Investigator will be notified in writing of any next steps to correct the situation that initially led to the violation. They will be told to notify their appropriate institutional officials of the report including a copy of the resulting PH IRB corrective action plan. Investigators will have 15 calendar days to respond. Non-response will constitute non-compliance and the subject recruitment may be suspended or the project may be terminated.

Any serious or continuing non-compliance will be reported by the PH IRB to the Office for Human Research Protections (OHRP) and the sponsoring federal department or agency head.

Applicable Regulations
45 CFR 46.103 and 46.113
21 CFR 56.113