The purpose of this checklist is to provide support for IRB members or the Designated Reviewer following the WORKSHEET: Criteria for Approval and Additional Considerations (HRP-314) when research involves waiver of the consent process for planned emergency research. This checklist must be used for all reviews (initial, continuing, modification, review by the convened IRB, and review using the expedited procedure.)

- For initial review using the expedited procedure and modifications and continuing reviews where the determinations relevant to this checklist made on the previous review have changed, the Designated Reviewer completes this checklist to document determinations required by the regulations along with protocol specific findings justifying those determinations. The Designated Reviewer attaches this checklist to CHECKLIST: Non-Committee Review (HRP-402). The IRB Office retains this checklist in the protocol file.

- For initial review using the convened IRB and for modifications and continuing reviews where the determinations relevant to this checklist made on the previous review have changed, one of the following two options may be used:
  1. The convened IRB completes the corresponding section of the TEMPLATE MINUTES (HRP-501) to document determinations required by the regulations along with protocol specific findings justifying those determinations, in which case this checklist does not need to be completed or retained.
  2. The convened IRB completes this checklist to document determinations required by the regulations along with protocol specific findings justifying those determinations and the IRB Office retains this checklist in the protocol file.

## Checklist: Waiver of the Consent Process for Emergency Research

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### 1 Waiver of Informed Consent for Planned Emergency Research

- The research is NOT subject to regulation by a Common Rule agency other than DHHS.
- The IRB has reviewed and approved consent procedures and a consent document in accordance with "WORKSHEET: Criteria for Approval and Additional Considerations (HRP-314)."
- The Human Subjects are in a life-threatening situation.
  - Provide protocol specific findings justifying this determination:
- Available treatments are unproven or unsatisfactory.
  - Provide protocol specific findings justifying this determination:
- The collection of valid scientific evidence, which may include evidence obtained through randomized placebo-controlled investigations, is necessary to determine the safety and effectiveness of particular interventions.
  - Provide protocol specific findings justifying this determination:
- Obtaining informed consent is not feasible because the subjects will not be able to give their informed consent as a result of their medical condition.
  - Provide protocol specific findings justifying this determination:
- Obtaining informed consent is not feasible because the intervention under investigation must be administered before consent from the subjects’ legally authorized representatives is feasible.
  - Provide protocol specific findings justifying this determination:
- Obtaining informed consent is not feasible because there is no reasonable way to identify prospectively the individuals likely to become eligible for participation in the research.
  - Provide protocol specific findings justifying this determination:
- Participation in the research holds out the prospect of direct benefit to the subjects because they are facing a life-threatening situation that necessitates intervention.
  - Provide protocol specific findings justifying this determination:
- Appropriate animal and other preclinical studies have been conducted, and the information derived from those studies and related evidence support the potential for the intervention to provide a direct benefit to the individual subject.
  - Provide protocol specific findings justifying this determination:
- Risks associated with the investigation are reasonable in relation to what is known about the medical condition of the potential class of subjects, the risks and benefits of standard therapy, if any, and what is known about the risks and benefits of the proposed intervention or activity.
  - Provide protocol specific findings justifying this determination:
- The research could not practicably be carried out without the waiver.
  - Provide protocol specific findings justifying this determination:
- The proposed investigational plan defines the length of the potential therapeutic window based on scientific evidence, and the investigator has committed to attempting to contact a legally authorized representative for each subject within that window of time and, if feasible, to asking the legally authorized representative contacted for consent within that window rather than proceeding without consent. The investigator will summarize efforts made to contact legally authorized representatives and make this information available to the IRB at the time of continuing review.
  - Provide protocol specific findings justifying this determination:
- Additional protections of the rights and welfare of the subjects will include consultation (including, where appropriate, consultation carried out by the IRB) with representatives of the communities in which the research will be conducted and from which the subjects will be drawn.
  - Provide protocol specific findings justifying this determination:
- Additional protections of the rights and welfare of the subjects will include public disclosure to the communities in which the research will be carried out.
  - Provide protocol specific findings justifying this determination:
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- Conducted and from which the subjects will be drawn, prior to initiation of the research, of plans for the investigation and its risks and expected benefits.
  
  *Provide protocol specific findings justifying this determination:

- Additional protections of the rights and welfare of the subjects will include public disclosure of sufficient information following completion of the research to apprise the community and researchers of the study, including the demographic characteristics of the research population, and its results.
  
  *Provide protocol specific findings justifying this determination:

- Additional protections of the rights and welfare of the subjects will include establishment of an independent data monitoring committee to exercise oversight of the research.
  
  *Provide protocol specific findings justifying this determination:

- If obtaining informed consent is not feasible and a legally authorized representative is not reasonably available, the investigator has committed, if feasible, to attempting to contact within the therapeutic window the subject’s family member who is not a legally authorized representative, and asking whether he or she objects to the subject’s participation in the research. The investigator will summarize efforts made to contact family members and make this information available to the IRB at the time of continuing review.
  
  *Provide protocol specific findings justifying this determination:

- Procedures are in place to inform, at the earliest feasible opportunity, each subject, or if the subject remains incapacitated, a legally authorized representative of the subject, or if such a representative is not reasonably available, a family member, of the subject’s inclusion in the research, the details of the investigation and other information contained in the informed consent document.
  
  *Provide protocol specific findings justifying this determination:

- If a legally authorized representative or family member is told about the research and the subject’s condition improves, the subject is also to be informed as soon as feasible.
  
  *Provide protocol specific findings justifying this determination:

- If a subject is entered into a research with waived consent and the subject dies before a legally authorized representative or family member can be contacted, information about the research is to be provided to the subject’s legally authorized representative or family member, if feasible.
  
  *Provide protocol specific findings justifying this determination:

- The investigator will interpret “family member” to mean any one of the following legally competent persons: spouses; parents; children (including adopted children); brothers, sisters, and spouses of brothers and sisters; and any individual related by blood or affinity whose close association with the subject is the equivalent of a family relationship.
  
  *Provide protocol specific findings justifying this determination:

- If the research is FDA-regulated, the protocol is being performed under a separate investigational new drug application (IND) or investigational device exemption (IDE) that clearly identifies this protocol as including subjects who are unable to consent. (“N/A” if not FDA-regulated)
  
  *Provide protocol specific findings justifying this determination:

- If the research is FDA-regulated, a licensed physician who is a member of or consultant to the IRB and who is not otherwise participating in the research has concurred with the above findings. (“N/A” if not FDA-regulated)
  
  *Provide protocol specific findings justifying this determination:

- If the research is NOT FDA-regulated, the research is not subject to regulations codified by the FDA at title 21 CFR part 50. (“N/A” if FDA-regulated)