# 研究倫理與受試者保護

汪志雄教授 麻醉科主任 國泰綜合醫院人體試驗委員會 JIRB TAIRB 2012.08.20

# Declaration of Helsinki #5: The Necessity of Human Research

 Medical progress is based on research that ultimately must include studies involving human subjects. Populations that are under represented in medical research should be provided appropriate access to participation in research.



	Non-US		USA		
Nuremberg Code	1947		1906	Pure Food and Drugs Act	
			1930	FDA created	
			1938	Food Drugs and Cosmetic Act	
Declaration of Helsinki (revised in 2000)	1964		1962	Kefauver-Harris amendments	
Directive 65/65/EEC	1965		1974	National Research Act	
Directive 75/319/EEC (CPMP is established)	1975		1979	Belmont Report	
WHO/CIOMS Proposed International Guidelines for			1981	FDA develops regulations on Informed Consent, IRB review/approval	
Biomedical Research Involving Human Subjects (Revised in 1992)	1982		988	Guidelines for the Monitoring of Clinical Investigations	
ICH process begun		1991			
WHO GCP Guidelines		1995		armonised Tripartite ines for Good Clinical	
		1996		Practice Practice	
Global Implementation of ICH Guidelines begins		1997			
		Global*	*Where	e applicable, compliance with country regulations in addition I GCP guidelines is essential	

Evolution of good clinical practice leading to the International Conference on Harmonisation. CIOMS, Council for International Organizations of Medical Sciences. Other abbreviations as in the legend to Fig. 2.

#### Kefauver Harris Amendment

- Drug Efficacy Amendment
  - Drug manufacturers need to prove the effectiveness and safety of the drugs before approval by FDA
  - Senator Estes Kefauver of Tennessee, and Representative Oren Harris of Arkansas
    - thalidomide for morning sickness during pregnancy with birth defects
    - considered the Amendment his "finest achievement" in consumer protection
    - Lious Lasagna a clinical pharmacologist at the <u>University of</u> <u>Rochester</u>

- The Nuremberg Code
- 共10條倫理規範
- 首次提出「告知後同意」 (informed consent)的概念





### The Nuremberg Code (key points)

- Informed consent of volunteers must be obtained without coercion in any form.
- Human experiments should be based upon prior animal experimentation.
- Anticipated scientific results should justify the experiment.
- Only qualified scientists should conduct medical research.
- Physical and mental suffering and injury should be avoided.
- There should be no expectation of death or disabling injury from the experiment

- 紐約市Jewish Chronic Disease Hospital 的醫師, 在未告知病人的情況下,將癌細胞打入病人體內 進行研究
  - information on the nature of the human transplant rejection process
  - they had good cause to predict that the cancer cells were going to be rejected
  - Two of the physicians responsible for the research were put on probation for a year
  - Three years later, one of the researchers was elected president of the American Association for Cancer Research

- Declaration of Helsinki 【赫爾辛基宣言】
  - 由世界醫學會(World Medical Association; WMA)提出之人體研究倫理原則
  - 歷經六次修訂(1975, 1983, 1989, 1996, 2000, 2008)- 上次説明(2002, 2004)

Henry Beecher發表於New Engl J Med的文章,揭露在美國研究機構中發生的22件違背醫學研究倫理的事件

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#### SPECIAL ARTICLE

ETHICS AND CLINICAL RESEARCH\*

HENRY K. BEECHER, M.D.†

- 美國當局終止已進行40年的Tuskegee研究
- US Public Health Service 贊助的計畫
- 1932開始, Macon County, 阿拉巴馬州
- 300-400名黑人
- 梅毒未接收治療,研究梅毒的自然病程
- 被告知可以接受免費治療
- 1943-penicillin available, but not given to study subjects
- 1972-Jean Heller-New York Times
- 1997-President Bill Clinton apology



# Penicillin-Syphilis Scandal

- Susan Reverby Wellesley college
- 1946-1948: 969 subjects
  - Psychiatric hospital
  - Military camp
- Tuskegee syphilis research
  - Caterley (1985, Pitt, 2003 died)



Oct. 2, 2010

- Hillary called Kathleen Sebelius
- Obama called for apology to Alvaro Colom

#### Milestones in America's IRB

1974: National commission for the protection of Human Subjects of Biomedical and Behavior Research was established through National Research Act on the requirement of the establishment of IRBs for all research funded entirely or in part by the federal government

- 因應 Tuskegee醜聞,美國成立National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research
- 美國第一個致力於受試者保護的辦公室
- 1979: Belmont Report 誕生

# The Belmont Report

- Ethical Principles and Guidelines for the Protection of Human Subjects of Research
- 研究(research) vs.實務(practice)
- 倫理三原則
  - 尊重他人原則(Respect for persons)
  - 善益原則(Beneficence)
  - 公平正義原則(Justice)

1981: In response to the Belmont Report, the federal regulations were modified in 1981 to require IRB approval for all drugs or products regulated by the FDA independent of the funding source

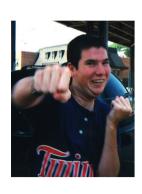
#### All Clinical Researches Required IRB Approval

- ▶ 國衛院 (民國88年)
- ▶ 衛生署 (民國89年)
- ▶ 國科會 (民國90年)

- 美國 17個聯邦政府部門採用 DHHS法規45 CFR 46中之subpart A為受試者保護之共同法:
  - The Common Rules
- 規範由聯邦政府部門(如NIH)執行或資助之研究
  - Requirements for assuring compliance by research institutions
  - Requirements for researchers' obtaining and documenting informed consent
  - Requirements for (IRB) membership, function, operations, review of research, and record keeping.

- 美國贊助的AIDS研究,於泰國測試AZT用於HIV母嬰垂直傳染的效果,安慰劑組的受試婦女,未接受任何治療
- New Eng J Med專文批判
- 經濟優勢國家至開發中國家進行研究的倫理議題
  - -利用弱勢者?
  - -標準治療?
  - -繼續提供治療?

- 美國拒絕簽署接受【赫爾辛基宣言】之2000年修 訂版,因為該版本限制使用安慰劑
- 第29條:新醫療方法的益處、風險、負荷、及其效果,應與目前已知最佳的預防、診斷與治療方法對照檢驗。而對於尚無有效預防、診斷與治療方式之研究,不排除使用安慰劑或不予治療來檢驗其療效。
- 美國成立Office of Human Research Protection (OHRP)
  - 其前身為OPRR (Office for Protection from Research Risks)
  - 隸屬於衛生服務部(HHS),為受試者保護之專責單位



- Jesse Gelsinger, 18歲,死於基因治療研究(賓州大學)
- FDA暫停基因治療臨床研究
- FDA調查發現
  - 研究人員隱瞞之前發生的兩個嚴重不良事件
  - 研究人員隱瞞之前的動物試驗曾經造成動物死亡
  - 受試者肝功能明顯不佳,但仍被納入
  - 同意書中,未充分告知研究的風險
  - 研究人員及批准相關試驗的賓州大學醫學院主管,本身就是發展相關技術的商業公司的大股東或專利權人



- Ellen Roche, 24歲, John Hopkins技術員,以健康受試者身份參與氣喘藥物研究,於接受試驗藥物第二天產生乾咳,住院治療約1個月後,因呼吸與多重器官衰退而死亡
- OHRP調查發現 "Most protocols are neither individually presented nor discussed at a convened meeting of any IRB" ,所有正在John Hopkins大學醫學院與醫院進行的研究被勒令暫停 執行
- 半年後, John Hopkins大學IRB完成2600件臨床 試驗之重新審查

- 時代雜誌封面故事
- 美國大眾對醫學研究產生信心危機
- "83% of Americans believe it essential or very important that new drugs be tested in humans; only 24% are very confident that patients in clinical trials are not treated as guinea pigs."



- CIOMS Guidelines 2002年版 (1982, 1993)
- 國際醫學組織委員會 (CIOMS) 與WHO 共同制定的生物醫學研究倫理原則
- 指引來自富有國家的贊助者與研究人員在開發中國家進行研究
- 21條準則(皆附有評論)
- 特別強調
  - -弱勢者的保護
  - 風險效益分擔
  - 安慰劑的使用



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Last Updated: Wednesday, 15 March 2006, 09:52 GMT

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#### Six taken ill after drug trials

Six men remain in intensive care after being taken ill during a clinical drugs trial in north-west London.

The healthy volunteers were testing an anti-inflammatory drug at a research unit based at Northwick Park Hospital when they suffered a reaction.



The six are being treated at Northwick Park hospital

Europe
Middle East
South Asia
UK
England
Northern Ireland
Scotland
Wales

Relatives are with the patients, who suffered multiple organ failure. Two men are said to be critically ill.

## TGN1412試驗

- TGN1412為全新作用機轉的單株抗體藥物(不確定因素高,風險增加)
- 第一次於人體測試 (First-in-man)
- 給予健康人免疫刺激劑(合理?)
- 6位受試者同時接收測試(合理?)
- 劑量太大(比兔子和猴子動物試驗高出500倍以上!)
- 巨額的金錢誘因(2000英鎊;約台幣12/10萬!)

- · 因應TGN1412事件, EMEA制定了新的指引
- Guideline on strategies to identify and mitigate risks for first-in-human clinical trials with investigational medicinal products (effective on 1 September, 2007)
  - 潛在風險越高,越需預防措施
  - 計畫書中應明定風險管理策略與不良反應監測計畫
  - ·應參考劑量反應曲線(preclinical),循序進行劑量 測試,各劑量測試組間,應有足夠的觀察期

## IRB任務偏離?

#### **EDITORIAL**

### Mission Creep in the IRB World

THE SYSTEM IN THE UNITED STATES FOR PROTECTING HUMAN PARTICIPANTS IN RESEARCH engages the earnest efforts of thousands of scientists, community volunteers, and administrators. Through untold hours of service on Institutional Review Boards (IRBs), they watch over the safety of human research subjects. Unfortunately, much of that effort is increasingly misdirected as the system succumbs to "mission creep" that could compromise its central goals. Our IRB system is endangered by excessive paperwork and expanding obligations to oversee work that poses little risk to subjects. The result is that we have simultaneous overregulation and underprotection.

SCIENCE VOL 312 9 JUNE 2006

Note: Mission creep,原指軍事行動中,任務與原定目標越來越偏離

"Our IRB system is endangered by excessive paperwork and expanding obligations to oversee work that poses little risk to subjects."

"The result is that we have simultaneous over regulation and under protection."



# IRB的使命

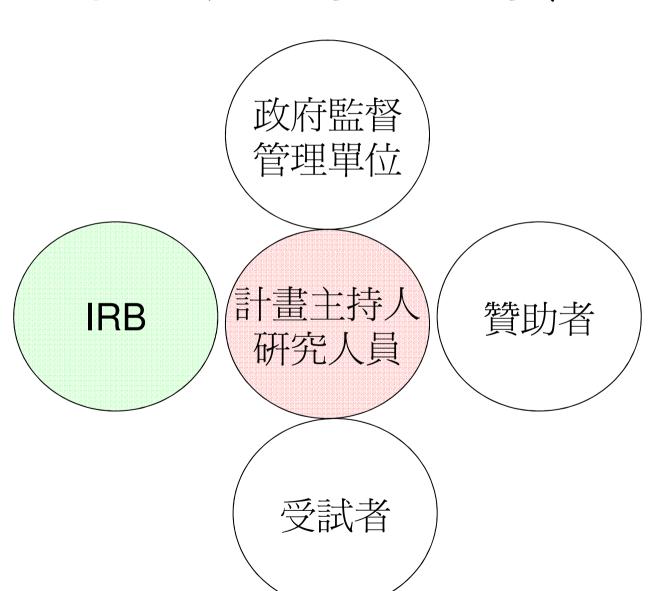
保護受試者

- -安全
- 一權益
- -福祉

## 過度管理?

- · IRB管太多、太注重細節?
- 太注重程序與形式,忽略實質內涵?
- 有些研究過度審查,阻礙研究進行?
- IRB面臨訪查時,主要缺失多與SOP或會議 記錄有關,導致惡性循環,研究人員越認為 IRB為 "ethics police"
- · 整個制度忽略了<u>研究者</u>必須對專業與倫理行 為,擔負最主要的責任

# 受試者保護一防護系統

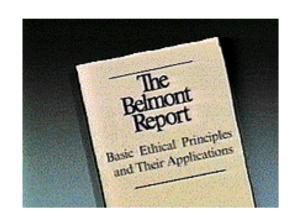


# Protective Mechanisms: Risk/Benefit

- Review of research by an IRB
- Informed consent of subjects
- Institutional assurances of compliance







Informed consent is <u>not just a form or a</u> <u>signature</u>, but <u>a **process** of information exchange that includes four components:</u>

- Information: recruitment written materials
- Comprehension: verbal instructions
- Voluntariness: Q&A
- Agreement documented by signature

# IRB: going too far? Yes!

"Ten years ago, IRB issues consumed 3 to 5% of my time. Now they consume about 30%."

"There is, to my knowledge, not a shred of evidence that the ballooning bureaucracy of IRBs has reduced the number of adverse events or saved a single life."

"I share the authors' concern that the focus on minor details has diverted discussions from substantive to trivial. It is also diverting scarce funding from research into indirect costs and discouraging talented young scientists from doing human research."

THOMAS M. VOGT Center for Health Research, Hawaii, Kaiser Permanente, USA.

# IRB: going too far ? NO!

"I see no evidence that IRBs are neglecting their duties for thoughtful consideration of ethical questions surrounding the welfare of human subjects because of a focus on procedures and documentation; to the contrary, ethical scrutiny is increasing, not decreasing."

DAVID L. FELTEN
Vice President, Research and Medical
Director, Beaumont
Research Institute, William Beaumont
Hospitals, Royal Oak, USA.

#### Harming through protection?

#### 因保護而致傷害?

#### • 緣起

(New Engl J Med, 2008)

- John Hopkins的研究人員幫助密西根州的67家醫院103個ICU進行院內品質增進計畫
- 結果發現以檢核表(checklist)提醒醫護人員洗手與其他清潔步驟,可有效減少感染,估計可救1500人,並節省約2億美金
- 2006年文章發表於NEJM
- OHRP接獲匿名檢舉,稱該計畫未經IRB核准
- OHRP調查後,中止該計畫直到取得IRB核准為止
- 多個醫學組織聯名寫信向衛生服務部陳情, New York Times報導
- OHRP允許該計畫繼續執行,稱目前使用該方法只做臨床用途,已無研究的顧慮,但進一步強調當初該計畫或許符合簡易審查與免簽同意書的條件

### 三個基本問題

(Miller and Emanuel, NEJM 2008;358:765-7)

- Did this quality-improvement initiative involve human-subjects research that should have been reviewed by an IRB?
  - Yes
- If so, could it have been approved through expedited review?
  - Yes; minimal risks
- Was informed consent required?
  - No; safe & routine procedures; no additional risks

### 案例

預防青少年之間藉由性行為傳染的疾病 (STDs)

- 研究目的:了解青少年在得到STDs之前所知道的相關訊息為何,以及這些資訊是否會影響他們的性行為
- 研究方法:訪談,無任何治療及個人資料收集
- 受試者:已接受治療之青少年,這些青少年在決 定接受治療時不須取得父母同意
- 問題:可否免除父母許可?

## 案例

• Pl在執行放射性檢查時,給予放射劑量 通常有一個醫界認可的容忍範圍。 Pl提 出一個研究:在此容忍治療劑量內,將 受試群體分層(stratified),探討不同劑量 下的影像清晰度比較,均無損病患權益 ,請問是否適用 waiver for informed consent?

# 臨床試驗受試者招募原則

- 藥品優良臨床試驗準則第八十三條
- 臨床試驗受試者招募廣告不得於國中以下校 園內刊登
- 招募廣告應經人體試驗委員會核准始得刊登

# 招募廣告得刊載下列內容

- 1. 試驗主持人姓名及地址
- 2. 試驗機構名稱及地址
- 3. 試驗目的或試驗概況
- 4. 主要納入及排除條件
- 5. 試驗之預期效益
- 6. 受試者應配合事項
- 7. 試驗聯絡人及聯絡方式

# 招募廣告不得有下列內容或類似涵意之文字

- 1. 宣稱或暗示試驗藥品為安全、有效或可治癒疾病
- 2. 宣稱或暗示試驗藥品優於或相似於現行之藥物或治療
- 3. 宣稱或暗示受試者將接受新治療或新藥品,而未提及該研究屬試驗性質
- 4. 強調受試者將可獲得免費醫療或費用補助
- 5. 強調臨床試驗已經衛生主管機關或人體試驗委員會核准
- 6. 使用名額有限、即將截止或立即聯繫以免向隅等文字
- 7. 使用含有強制、引誘或鼓勵性質之圖表、圖片或符號
- 8. 其他經中央衛生主管機關公告不得刊登之內容

### 案例: 毒品使用的問卷調查研究

- 對象為被保護管束的青少年
  - 是否可以免受試者同意書?
  - 是否須受試者簽署同意書?
  - 是否需要經過觀護人同意?

台灣亦順應國際潮流配合國際規範,於下列法規中明確規定設置人體試驗委員會(IRB)之必要性:

- •1987年醫療法施行細則
- •1996年藥品優良臨床試驗規範
- •1997年新醫療技術人體試驗計畫作業規範
- •2002年9月20日 ... 修定(採用ICH E6 GCP)
- •2003年醫療機構人體試驗委員會組織及作業基準
- •2005年藥品優良臨床試驗準則
- •2009年醫療法增修
- •2010年Biobank相關法規
- •2012年Biobank審查中

# 人體試驗委員會訪查沿革

- ▶ 2005年衛生署委託醫策會辦理「人體 試驗委員會訪查」
- 目的為瞭解現行各醫療機構人體試驗委員會之實質作業內容
- ▶ 完成43家醫療機構人體試驗委員會之 實地訪查作業

# 人體試驗委員會訪查沿革

- ➤ 2005年訪查IRB待改進項目
  - 受試者同意書取得程序維護之確實性
  - 監督及管理之妥善性
  - 經費及人力之充裕性
  - 人體試驗委員會組成之適法性
  - 試驗風險評估與監測之充分性
  - 計畫審查之確實性
  - 受試者納入及招募流程評估之嚴謹性
  - 決定程序之適法性
  - 審查程序之完整性
  - 資料建檔之完備性
  - 保護受試者隱私及機密程序評估之嚴謹性
  - 組織章程及書面作業程序之完備性
  - 審查及監督多中心研究程序之完備性
  - 利益迴避原則之遵行情形

### 2005醫療機構人體試驗委員會訪查結果

#### •推論

- -醫院層級、規模及申請件數對於基準之達成 度可能為正向關係。
- -對於IRB組織章程、組成之適法性、審查程序、 經費及人力等書面或結構性基準達成度較高, 可見基礎架構及資源已初步建立,但其執行 之確實及更進一步之監督管理與檢討改善仍 有待加強
- -現階段IRB對於計畫審查、監督與受試者同意 書之取得與監測等各階段流程之達成度較低, 恐將影響受試者保護與權益確保。

## 人體試驗委員會訪查沿革

- ➤ 2006年衛生署辦理IRB成員與人體試驗工作人員之教育 訓練: JIRB
- > 2007年衛生署委託醫策會辦理「人體試驗委員會訪查」
  - ▶ 26家機構人體試驗委員會通過訪查
  - ▶ 整體IRB作業程序、審查功能較2005年進步
- ▶ 2012: 現在由醫策會常規評鑑訪視
  - ▶ 目前通過訪視且在效期內共57家IRB
  - > FERCAP+AHHRPP
  - > Participants protection, informed consent processing
- ▶ 國科會人文處進行建立大學與區域型IRB之研究計劃

#### 新制教學醫院試評基準試評項目

(醫學中心之必要項目)

必 人體試驗委員會之組織章程及作業程序之 完備性 必 受試者同意書取得與權益確保之完整性 必 計畫審查作業及監督管理機制

### 國內人體試驗委員會發展現況

#### 通過亞太論壇FERCAP訪查

- ▶ 2005:彰基、JIRB
- ▶ 2006:台大、三總、北榮、長庚
- ▶ 2007:奇美、成大、高醫、中山、中榮
- ▶ 2008:國泰、萬芳、花蓮慈濟、高榮、馬偕
- ▶ 2009:新光、中國、中研院、新店慈濟
- ▶ 2010:台灣共21個IRB通過/FERCAP(北醫等)
- 2010: TAIRB coordinator for PERCAP survey
- 2011: WIRB 簽約合作, 23 IRBs通過/FERCAP
- 2012: new one (振興醫院), AHHRPP (台大、 北醫、彰基)
- > 2010-2013: 國科會人文處研究計劃建構SBS之倫理審查

### 2002

- 時代雜誌封面故事
- 美國大眾對醫學研究產生信心危機
- "83% of Americans believe it essential or very important that new drugs be tested in humans; only 24% are very confident that patients in clinical trials are not treated as guinea pigs."



### 臨床研究倫理現況

第一階段:研究價值與倫理審查

第二階段:研究與倫理審查實務

第三階段:人體試驗委員會的委員訓練

第四階段:確立倫理審查的品質

正在努力:追蹤研究之執行品質

Final Goal: Public trust

### 結論

- 研究倫理: born in scandal
- 重要倫理原則:尊重、善益、正義
- 受試者保護機制: 告知同意、IRB審查
- 關鍵人物:計畫主持人與協同研究人員
- 未來發展:
  - 實證研究
  - 法規精進
  - IRB的功能的最優化
    - IRB networking: facilitate discussion and information sharing

# Q & A