

Day two-breakout session C.2

Chairs: Jack Schwartz & Sara Hull

Note taker: Amy Farber

C.2. Human Subjects: Ethical and Legal Considerations

Scientific and technical considerations are rightly foremost in discussion of a rare disease registry associated with one or more bio-specimen repositories (“biobanks”). Successfully embarking upon this research collaboration also requires both compliance with regulatory and other legal obligations and thoughtful analysis of ethical issues. This breakout session affords participants the opportunity to explore in some detail bioethical and legal questions related to the creation of this kind of research registry, including potential benefits and harms, privacy and confidentiality protections, ownership and use of diagnostic or therapeutic approaches derived from material in biobanks, and informed consent in both the clinical and research settings, among others. With respect to legal issues, given time constraints the focus of the session will be on US (federal government) requirements, although the effect of variations in state law will be noted. Consideration of ethical issues will take into account relevant international material.

Some of the issues to be discussed include:

- Navigating the data-sharing component of this registry
 - Risk-benefit assessment
 - Maintenance of identifiers
 - Information to be released to investigators
 - Lessons from existing data-sharing models
- Approaches to informed consent
 - Clinical vs. research samples and data
 - Content, scope, and limits
 - Appropriateness of waivers
 - Assent and surrogate permission for pediatric and incapacitated adult subjects
 - Role of patient and public attitudes in shaping informed consent
- Return of research results to subjects
 - Likelihood of clinically useful (valid, actionable) results
 - Whether, how, by whom to disclose
 - Resources for recontact and counseling
 - Patient expectations
- Establishing ongoing registry oversight and governance
- Maximizing the value of collaborative partnerships between patient advocacy groups, government, and private industry
 - Benefits-sharing models
 - Minimizing potential conflicts of interest
 - Proprietary considerations

Breakout session C.2

Human subjects: Bioethical and legal issues

Chairs: Jack Schwartz & Sara Hull

Note taker: Amy Farber

Discussion Panel:

Jack Schwartz

Julie Kaneshiro

Sara Hull, Ph.D

Patricia Pearl O'Rourke

Barbara Karp, M.D

Wendy Patterson

Summary of themes, recommendations, and action items from the bioethics and regulatory session

- Better understanding the diversity and heterogeneity of the groups that will feed into a registry of registries
 - Associated variability in IRB review
 - expectations from the research
 - ethical standards and local/international laws
 - How much variability can this registry-of-registries tolerate?
- Related to the anticipated diversity: Are there ways to harmonize e.g., IRB review (centralized IRBs, reliance agreements), model approaches to informed consent ?
- Governance and oversight
 - Who is the gatekeeper for determining what the research uses can be made of samples and data?
 - Can support groups limit uses to their own disease of interest?
 - Benefits sharing arrangements
- Is intent to use retrospective, prospective, or both, and what are implications for scientific utility and informed consent
 - Don't automatically de-identify to avoid consent...
- Issues of recruitment and informed consent in a high-tech era
 - Electronic signatures, notification, dissemination of information
- Issues related to return of results

- Mechanics, resources, and associated consent
- How to ensure results are actionable/useful
- Individual vs. aggregate
- Related vs. incidental
- Are there issues specific to people with rare diseases who are information-hungry (is some information better than none)
- Are rare disease populations more vulnerable?
 - Implications for informed consent
 - Susceptibility to pressure to enroll
 - Expectations for results, focus on disease vs. broader research, etc.

Recs

- Describe the registry you want, and then bring in the ethical/regulatory experts to help guide you through what needs to be done
 - Including OHRP