Cases and Codes

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Cases and Codes

Topics to be covered

- Cases
- Codes, guidelines, and regulations
Section A

History of Research Ethics
Cases and Codes

 Themes
 - Lessons from history
 - Policymaking in response to tragedy
Nuremberg Trials of Nazi Germany

- Physicians
- Projects carried out . . .
  - Improving survival and rescue of German troops
  - Testing of medical procedures and pharmaceuticals
  - Experiments to confirm Nazi racial ideology
History of Research Ethics

- 1931—regulations on new therapy and experimentation
  - Based on 1900 Ministry of Health regulations

Continued
History of Research Ethics

- 1949—Nuremberg Code
  - Response to medical experimentation conducted by Nazi physicians
    - Voluntary consent is essential
    - Subject can terminate participation at any time
    - Conducted as to avoid all unnecessary physical and mental suffering and injury
History of Research Ethics

- 1953\(^1\)
  - All research to be reviewed by a committee
  - Voluntary agreement required

\(^1\) Group consideration in Clinical Research (NIH Intramural Program)  Continued
History of Research Ethics

- 1962—Kefauver-Harris amendments to Food, Drug, and Cosmetic Act
  - Response to Thalidomide disaster
  - Required Phase I, II, III, and IV testing of drugs
  - Imposed informed consent requirements on researchers during three phases of testing

Continued
History of Research Ethics

  - Developed by medical professionals
  - Based on Nuremberg principles
    - Independent review
    - Reports should not be published if research not in accordance with Declaration of Helsinki
History of Research Ethics

1. 1966—U.S. Federal Agency Policies
2. Statement of policy on clinical investigations using human subjects
3. Group consideration and informed consent in clinical research (NIH)
4. Statement on policy concerning consent for use of investigational drugs on humans
History of Research Ethics

- 1966—Henry Beecher article in NEJM
  - Willowbrook
  - Jewish Chronic Disease Hospital
Willowbrook Concerns

- Vulnerable subjects
- How informed was the informed consent
- Potential for coercion
Jewish Chronic Disease Hospital

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http://www.stanford.edu/dept/DoR/hs/History/his06.html

Continued
Jewish Chronic Disease Hospital
Concerns

- Vulnerable population
- No internal review
- Absence of physician permission
- No consent or poor consent
History of Research Ethics

- 1972—Tuskegee Syphilis Study
  - Ad Hoc Advisory Committee
Tuskegee Syphilis Study

• 1973—Congressional hearings and Ad Hoc Advisory Committee
• Committee recommends establishment of National Human Investigation Board
• Congress passed National Research Act
History of Research Ethics

- 1974—National Research Act
  - National commission for the protection of human subjects of biomedical and behavioral research

Continued
History of Research Ethics

- 1978—the Belmont Report
  - Ethical principles and guidelines for the protection of human subjects in research
    - Beneficence
    - Respect for persons
    - Justice
History of Research Ethics

  - Codified work of National Commission
  - Institutional Review Boards required and defined
  - Applies to research conducted by U.S. investigators at home and abroad
History of Research Ethics

- Drafted by Council for International Organizations of Medical Sciences (CIOMS)
History of Research Ethics


- First code to consider less developed communities
  - Consent of individuals/communities
  - Local review procedures
  - Obligations of sponsors
Section B

Current Issues in Research Ethics
Current Issues in Research Ethics

- 1994—Advisory Committee on Human Radiation Experiments
  - Review of past experiments
  - Contemporary projects
Advisory Committee on Human Radiation Experiments (1994)

- Recommendations
  1. Apologies and compensation
  2. Revisions of Radiation Exposure Compensation Act (1950)
  3. Improvements in protections for human subjects
Current Issues in Research Ethics

- 1994—NIH inclusion guidelines
  - Women and minorities
    - Improving access
    - Harms of exclusion
Current Issues in Research Ethics

❖ 1995—National Bioethics Advisory Commission Reports
  - Incompetent adults
  - Human biological materials
  - Conduct of research in developing countries
  - Conduct of research in U.S.

Continued
Current Issues in Research Ethics

- 1998—NIH Inclusion Guidelines
  - Children
Current Issues in Research Ethics

- 1998—Institutional Review Board closures
  - Suspension/deactivation of Multiple Project Assurances (MPAs)
  - Temporary suspension
  - MPA restriction
Current Issues in Research Ethics

- 2001—Death of a healthy volunteer
  - Ellen Roche
The Johns Hopkins Hospital
Current Issues in Research Ethics

- 1999—Gene Therapy Trials
  - Jesse Gelsinger Case
Current Issues in Research Ethics

- 1999—Gene Therapy Trials
  - FDA/NIH response
Current Issues in Research Ethics

- 2000—National Human Research Protections Advisory Committee
  - Advisory to DHHS
  - Companion effort to establishing OHRP

Continued...
Current Issues in Research Ethics

- 2002—Secretary’s Advisory Committee on Human Research Protections
  - Advisory to DHHS
Current Issues in Research Ethics

- 2000—Declaration of Helsinki
  - Short-course AZT trials

Continued
Current Issues in Research Ethics

- 2000—Declaration of Helsinki
  - 1996—“The potential benefits, hazards, and discomforts of a new method should be weighed against the advantages of the best current diagnostic and therapeutic methods . . .”
Current Issues in Research Ethics

- 2000—Declaration of Helsinki
  - 1996—“. . . in any medical study, every patient—including those in the control group, if any—should be assured of the best proven diagnostic and therapeutic methods. This does not exclude the use of an inert placebo in studies where no proven diagnostic or therapeutic method exists.”

Continued
Current Issues in Research Ethics

- 2000—Declaration of Helsinki
  - 2000—“The benefits, risks and burdens, and effectiveness of a new method should be tested against those of the best current prophylactic, diagnostic, and therapeutic methods . . .”
Current Issues in Research Ethics

- 2000—Declaration of Helsinki
  - 2000—"... this does not exclude the use of placebo or no treatment in studies where no proven prophylactic, diagnostic, and therapeutic method exists. At the conclusion of the study, every patient entered into the study should be assured of access to the best proven prophylactic, diagnostic, and therapeutic methods identified by the study.”
Current Issues in Research Ethics

- 2001—WMA clarification
  - Placebo-controlled trials are acceptable when there is . . .
    - A scientifically sound, methodologic reason
    - A minor condition—little or no harm
Summary

- Lessons from history
- Ongoing efforts