Guidelines in Research among Vulnerable Subjects

Edlyn B. Jimenez
UPM Research Ethics Board
edlyn.jimenez@up.edu.ph

Overview

‡Vulnerability and the ethical principles
‡Definition of vulnerability
‡General justifications for doing research among

Respect for persons

‡ Respect for autonomy, which requires that those who are capable of deliberation about their personal choices should be treated with respect for their capacity for self-determination; and

‡ Protection of persons with impaired or diminished autonomy, which requires that those who are dependent or ***vulnerable*** be afforded security against harm or abuse.

Justice

- Distributive justice, which requires the equitable distribution of both the burdens and the benefits of participation in research
- Differences in distribution of burdens and benefits are justifiable only if they are based on morally relevant distinctions between persons; one such distinction is ***vulnerability*.**

"Vulnerability"

- Refers to a substantial incapacity to protect one's own interests owing to such impediments as lack of capability to give informed consent, lack of alternative means of obtaining medical care or other expensive necessities, or being a junior or subordinate member of a hierarchical group.
- Accordingly, special provision must be made for the protection of the rights and welfare of vulnerable persons.

Justice and Vulnerability

- Sponsors of research or investigators cannot, in general, be held accountable for unjust conditions where the research is conducted, but they must refrain from practices that are likely to worsen unjust conditions or contribute to new inequities.
- Neither should they take advantage of the relative inability of low-resource countries or ***vulnerable*** populations to protect their own interests, by conducting research inexpensively and avoiding complex regulatory systems of industrialized countries in order to develop products for the lucrative markets of those countries

Justice and Vulnerability

‡ Justice requires that the research be responsive to the health conditions or needs of ***vulnerable*** subjects.

‡ The subjects selected should be the least ***vulnerable*** necessary to accomplish the purposes of the research.

‡ Risk to vulnerable subjects is most easily justified when it arises from interventions or procedures that hold out for them the prospect of direct health-related benefit.

‡ Risk that does not hold out such prospect must be justified by the anticipated benefit to the population of which the individual research subject is representative.

Guideline 7: Compensation

‡Incompetent persons may be vulnerable to exploitation for financial gain by guardians.

‡A guardian asked to give permission on behalf of an incompetent person should be offered no recompense other than a refund of travel and related expenses.

Guideline 10: Research in populations & communities with limited resources

- Responsiveness of research to health needs and priorities:
  - To meet the ethical requirement that research be responsive to the health needs of the population or community in which it is carried, it is not sufficient simply to determine that a disease is prevalent in the population and that new or further research is needed: the ethical requirement of “responsiveness” can be fulfilled only if successful interventions or other kinds of health benefit are made available to the population.

Guideline 13: Research involving vulnerable persons

Vulnerable persons are those who are relatively (or absolutely) incapable of protecting their own interests. More formally, they may have insufficient power, intelligence, education, resources, strength, or other needed attributes to protect their own interests.

Guideline 13: Justifications

‡ Research could not be carried out equally well with less vulnerable subjects;

‡ Research is intended to obtain knowledge that will lead to improved diagnosis, prevention or treatment of diseases or other health problems characteristic of, or unique to, the vulnerable class– either the actual subjects or other similarly situated members of the vulnerable class;

‡ Research subjects and other members of the vulnerable class from which subjects are recruited will ordinarily be assured reasonable access to any diagnostic, preventive or therapeutic products that will become available as a consequence of the research;

Guideline 13: Justifications

‡ Risks attached to interventions or procedures that do not hold out the prospect of direct health-related benefit will not exceed those associated with routine medical or psychological examination of such persons unless an ethical review committee authorizes a slight increase over this level of risk (Guideline 9); and,

‡ Prospective subjects are either incompetent or otherwise substantially unable to give informed consent, their agreement will be supplemented by the permission of their legal guardians or other appropriate representatives (Guidelines 14 and 15).

Vulnerable Groups

- ***Children***, and ***persons who because of mental or behavioral disorders*** are incapable of giving informed consent.
- Less obvious are prospective subjects who are junior or subsidiary members of a hierarchical group
  - Quality of their consent requires careful consideration, since their agreement to volunteer may be unduly influenced, whether justified or not, by the expectation of preferential treatment if they agree or by fear of disapproval or retaliation if they refuse; may be called upon participate often and thus inequitable distribution of burden and benefits
  - Examples: medical and nursing students, subordinate hospital and laboratory personnel, employees of pharmaceutical companies, and members of the armed forces or police

Vulnerable Groups

- ‡ Elderly persons are commonly regarded as vulnerable due to vulnerability-defining attributes: be institutionalized or develop varying degrees of dementia.
- ‡ People receiving welfare benefits or social assistance and other poor people and the unemployed
- ‡ Patients in emergency rooms
- ‡ Ethnic and racial minority groups
- ‡ Homeless persons
- ‡ Nomads, refugees or displaced persons,
- ‡ Prisoners
- ‡ Patients with incurable disease,
- ‡ Individuals who are politically powerless,
- ‡ Members of communities unfamiliar with modern medical concepts.

Guideline 13: Exceptions

‡ Children are not suitable for Phase I drug trials or for Phase I or II vaccine trials, but such trials may be permissible after studies in adults have shown some therapeutic or preventive.

‡ For example, a Phase II vaccine trial seeking evidence of immunogenicity in infants may be justified when a vaccine has shown evidence of preventing or slowing progression of an infectious disease in adults, or Phase I research with children may be appropriate because the disease to be treated does not occur in adults or is manifested differently in children.