Memorandum of Understanding

VA Central IRB
VA Institutional Review Board for Multisite Studies

MEMORANDUM OF UNDERSTANDING
BETWEEN
VETERANS HEALTH ADMINISTRATION (VHA)
CENTRAL OFFICE
AND
LAWRENCE BERKELEY NATIONAL LABORATORY (LBNL)

A. PURPOSE

1. This Memorandum of Understanding (MOU) sets forth the agreed upon respective authorities, roles, and responsibilities of the Veterans Health Administration (VHA) Central Office, operating the VA Central Office Institutional Review Board (IRB), hereinafter referred to as the VA Central IRB, and The Regents of the University of California, managers and operators of the Lawrence Berkeley National Laboratory (LBNL) for the VA Central IRB to serve as the IRB of Record for LBNL for multi-site human subject studies involving both VA and the LBNL (also referred to as the "parties"), for joint Department of Energy (DOE)-VA research projects conducted under the Million Veteran Program (MVP)-Computational Health Analytics for Medical Precision to Improve Outcomes Now (CHAMPION) Program.

B. BACKGROUND

1. DOE and VA established an Interagency Agreement (IAA) to combine VA's array of clinical and genomic data with DOE's national computing capabilities, to push the frontiers of precision medicine. The MVP-CHAMPION Program will develop better methods to treat, cure, detect at early stages, and prevent diseases.

2. The VA Central IRB was established to enhance the quality of human research protection in multi-site human research projects by performing appropriate ethical and scientific review while ensuring local issues are addressed and enhancing the efficiency of these reviews across participating sites.

3. A DOE policy decision has been made to allow the DOE laboratories involved in the joint DOE-VA MVP-CHAMPION Program research, to rely on the VA Central IRB (in lieu of the Central DOE IRB). The VA Central IRB serves as the VA's reviewing IRB for the MVP-related projects.

4. This MOU does not preclude LBNL from continuing to participate in any existing agreements that LBNL may have with other entities. This MOU is between the signatories only and does not include any other entities that are independently operating under their own Federalwide Assurances (FWAs), and it specifically excludes other entities with which LBNL may have a separate MOU or IRB Authorization Agreement for IRB services.

C. GENERAL PROVISIONS

1. The conduct of the parties will be guided by the "Ethical Principles and Guidelines for the Protection of Human Subjects of Research" as set forth in The Belmont Report, published by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in April 1979.

2. DOE laboratory employees conducting or reviewing research are obligated to act in accordance with Federal ethics laws and regulations, as applicable, to all individuals conducting human subjects research. Ethics officials in the DOE Office of General Counsel, as well as ethics officials at each DOE laboratory, are available to provide guidance regarding actual or potential conflicts of interest. The VA Central IRB and the LBNL will each implement its respective Federal Agency's and laboratory-specific conflict of interest policies.

3. Parties will adhere to 38 CFR 16 and 17 for VA, 10 CFR 745 for DOE, 21 CFR 50 and 56 for FDA-regulated research; and other pertinent VA, DOE, and Federal requirements applicable to human subjects research conducted by the respective party. The VA Central IRB or the LBNL will not approve a research project if it does not meet all of the above requirements. VHA Handbook 1200.05 (or the latest version) will serve as the reference source for the definitions of all terms used in this MOU. Additionally, use of the VA Central IRB as the IRB of record does not

preclude the LBNL from complying with all DOE- (see DOE Order 443.1B, Chg. 1) and site-specific human subjects protection requirements.

4. In accordance with the Health Insurance Portability and Accountability Act (HIPAA), 45 CFR 164.512(i), and VHA Directive 1605.01, Privacy and Release of Information, the VA Central IRB may grant a HIPAA Waiver of Authorization for use or disclosure of protected health information (PHI) for research reviewed by the VA Central IRB, if justified and if all criteria for a waiver of authorization are met. The VA Central IRB must document these findings as required by 45 CFR 164.512(i).

5. The VA Central IRB Privacy Officer and Information Security Officer (ISO) Representatives will perform the required privacy and information security reviews. If additional privacy and information reviews are required by the LBNL, the VA Central IRB ISO and Privacy Officer will work with the DOE Facility to address the issues.

6. The VHA Central Office and the LBNL will each maintain a current FWA through the Department of Health and Human Services Office for Human Research Protections (OHRP). The LBNL will list the VA Central IRB as the IRB of Record for purposes of the join research conducted under the MVP-CHAMPION Program. Any lapse in approval, restriction, suspension, termination, or failure to maintain an approved FWA by any of the parties to this MOU will be reported in writing to the others promptly (upon discovery).

7. This MOU will go into effect as of the last date of signature of the parties and will remain in effect until terminated per this MOU or the MOU is amended and/or revised per mutual written agreement of all parties. This MOU must be reviewed and revised as conditions change and renewed in writing every three years. The MOU must be amended in writing when there is a change in any of the signatory officials, with a copy of the amendment sent to ORO per VHA Handbook 1058.03, Assurance of Protection for Human Subjects in Research, as well as to the DOE and NNSA Human Subjects Protection Program Managers.

8. This MOU is neither a fiscal nor a funds obligation document. Nothing in this MOU authorizes or is intended to obligate the Parties to expend, exchange, or reimburse funds, services, or supplies, or to transfer or receive anything of value.

9. This MOU is strictly for internal management purposes for each of the Parties. It is not legally enforceable and shall not be construed to create any legal obligation on the part of either Party. This MOU shall not be construed to provide a private right or cause of action for or by any person or entity.

10. This MOU is subject to, and will be carried out in compliance with, all applicable laws, regulations and other legal requirements.

D. RESPONSIBILITIES OF THE VHA CENTRAL OFFICE HRPP AND VA CENTRAL IRB

The VHA Central Office Human Research Protection Program and VA Central IRB will carry out the following functions and responsibilities in accordance with all applicable Federal requirements:

1. The VA Central IRB will meet a minimum of once a month. The VA Central IRB can meet more often if determined necessary by the VA Central IRB Co-Chairs and VA Central IRB administrative staff. If the Co-Chairs and administrative staff determine there are no agenda items that require immediate action by the convened IRB, the scheduled meeting may be cancelled.

2. The VA Central IRB will perform initial and continuing review of selected DOE multi-site research projects as determined by the VHA Central Office Human Protections Administrator and the VA Central IRB Co-Chairs. The VA Central IRB website will have the most current information concerning the submission of new projects.

3. The VA Central IRB will evaluate each project submitted using one or more of the following methods:

    a. Reviewing the LBNL's Local Site Investigator (LSI) Application (VA Central IRB Form 104), and any additional information submitted by the LSI, or the LBNL.

    b. Knowledge of the local research context by one or more of VA Central IRB members or staff. Such knowledge may have been obtained through direct experience with the LBNL, its subject populations, and/or the local community.

    c. Obtaining relevant information from an appropriate ad hoc advisor(s) who has had direct experience with the LBNL its subject populations, and/or the local community.

    d. Systematic, reciprocal, and documented communication between the VA Central IRB and the LBNL, as well as other designated points of contact at DOE. This communication will include regular

interactions with one or more designated site liaisons by one or more VA Central IRB members or administrative staff.

4. The VA Central IRB will provide timely written notice, usually within 10 working days, of IRB determinations to the LBNL researcher, of all actions involving the conduct of a project at LBNL. Upon approval of a new protocol, the VA Central IRB will provide a copy of the approved protocol and the VA Central IRB's approval letter to the DOE and NNSA Human Subjects Protection Program Managers and the IRB Administrator for the Central DOE IRB. The VA Central IRB will also ensure that these same individuals are provided with approval letters for continuing reviews and, in the case of modifications to an already-approved protocol, a copy of the approval letter and the revised protocol.

5. The VA Central IRB will notify facilities, and provide a copy via e-mail, when signed copies of approved VA Central IRB meeting minutes are available. A copy of the VA Central IRB approved minutes for meeting in which DOE research is discussed or reviewed will be emailed to the DOE laboratory human subjects protection lead.

6. The VA Central IRB will email a copy of the annual self-evaluation to the LBNL in accordance with VA Central IRB Standard Operating Procedures. The email will be sent to the DOE laboratory human subjects protection lead at the LBNL, with a copy to the DOE and NNSA Human Subjects Protection Program Managers.

7. VA Central IRB oversight of approved projects will include, but not be limited to:

    a. Reviewing significant (as defined in DOE Order 443.1B, Chg. 1) and serious adverse events, unanticipated problems involving risks to subjects or others, protocol deviations, complaints, local Research Compliance Officer (RCO) audit reports, and any audit reports from sponsors, VA and DOE oversight bodies or other oversight agencies, regarding projects for which the VA Central IRB is serving as the IRB of record in accordance with VHA Handbooks 1058.01 and 1200.05.

    b. Working closely with the LBNL to investigate and make required IRB determinations, if applicable, regarding:

        i. Any complaints from subjects or others;

        ii. Apparent serious and/or continuing noncompliance;

        iii. Unanticipated problems involving risks to subjects or others;

iv. Unanticipated significant and serious adverse events that may be related to the conduct of a research project; and

v. Suspension or termination of research project activities.

8. The VA Central IRB will work closely with the LBNL to ensure the LBNL Institutional Official, as well as other designated points of contact at DOE (the DOE and NNSA Human Subjects Protection Program Managers and the Administrator of the Central DOE IRB), receive information necessary to facilitate prompt reporting to regulatory agencies in accordance with VA Central IRB Standard Operating Policies and Procedures (SOPs), local site SOPs, and all DOE and other Federal requirements.

9. If the VA Central IRB determines a given project does not constitute research, does not constitute human research, or that a particular site is not engaged in human subjects research pertaining to that project, it will provide written correspondence concerning its decision to the researcher and forward a copy to the local site human subjects protection lead, as well as other designated points of contact at DOE (the DOE and NNSA Human Subjects Protection Program Managers and the Administrator of the Central DOE IRB).

10. If the VA Central IRB determines that a given project is exempt from IRB review, it will provide written correspondence concerning its decision to the researcher and forward a copy to the local site human subjects protection lead, as well as other designated points of contact at DOE (the DOE and NNSA Human Subjects Protection Program Managers and the Administrator of the Central DOE IRB).

11. The VA Central IRB will distribute correspondence through its secure SharePoint site or via e-mail. Documents placed on its SharePoint site will be uploaded to the specific project folder, site folder, or site liaison folder. The VA Central IRB then will send an e-mail to the applicable project contacts notifying them that the documents are available for review and/or download or by sending the documents by email. The VA Central IRB will grant access to the local SharePoint site at the Department of Energy if they are also granted a VA appointment.

12. The VA Central IRB Administrative Office will maintain all project documentation, VA Central IRB membership documents, meeting minutes, and other relevant records in accordance with VA Central IRB SOPs, and all VA and other Federal requirements.

a. The VA Central IRB Administrative Office will provide LBNL, the VA ORO, and other designated points of contact at DOE (including the DOE and NNSA Human Subjects Protection Program Managers and others, as needed), ready access to pertinent VA Central IRB records, documents, or reports relevant to compliance reviews for review and/or copying as needed.

b. The VA Central IRB Administrative Office will provide information to support any VA HRPP or DOE HRPP accreditation review, regulatory requirement, or any matter concerned with the oversight of VA Central IRB-approved projects and oversight of the local HRPP.

E. RESPONSIBILITIES OF LBNL

The LBNL's Institutional Official assures the VHA Central Office HRPP that LBNL human subjects protection program (HSPP) will assume the following requirements in accordance with all applicable VA and other Federal requirements:

1. Retaining ultimate responsibility for oversight of its local HSPP;
2. Advising the VA of any changes in status of its Federalwide Assurance;
3. Ensuring Local Site Investigators are informed that the project (or that researcher's role in the project, if ongoing) may not be initiated until it has been approved by the VA Central IRB.
4. Ensuring that the Local Site Investigators know who to contact on the VA Central IRB with questions when preparing the initial Local Site Investigator Application to participate in any research project that has been designated for review by the VA Central IRB.
5. Following receipt of a report from the researcher, promptly (within 48 hours of discovery) informing the VA Central IRB and the DOE and NNSA Human Subjects Protection Program Managers of any complaints from subjects or others; unanticipated problems involving risks to subjects or others; unanticipated significant and serious adverse events; suspension or termination of research activities; and/or apparent serious or continuing noncompliance encountered in human subjects research projects overseen by the VA Central IRB.
6. Following receipt of report from the researcher, immediately reporting to the VA Central IRB and to the Department of Energy (see DOE Order 443.1B, Chg. 1, Contractor Requirements Document) any unauthorized use, loss, or disclosure of personally identifiable information in research overseen by the VA Central IRB.
7. Maintaining documentation that all training required to perform DOE research is current for all local HRPP staff and for all local research team members of VA Central IRB-approved projects. The VA will accept documentation of completed DOE-required training, which is considered comparable to that required by the VA for its own researchers.

8. Forwarding any Freedom of Information Act (FOIA) requests received by LBNL for any records concerning VA Central IRB documents to the VHA Central Office FOIA Officer, with a copy to the DOE and NNSA Human Subjects Protection Program Managers, for review and release as applicable.
9. Providing a copy of facility procedures for coordinating approval of any applicable local committees in accordance with local SOPs, when relevant.
10. Ensuring that an appointment is made for a local site liaison to the VA Central IRB.

Researcher responsibilities include:

1. Complying with all Federal, DOE-, and VA-specific human subjects protection requirements, including reporting (see DOE Order 443.1B, Chg. 1).
2. Advising the VA Central IRB of any real or perceived conflicts of interest the researcher has.
3. Submitting the Local Site Investigator Application to the Principal Investigator or Study Chair. The Principal Investigator or Study Chair will be responsible for submitting the Local Site Investigator Application to the VA Central IRB.
4. Notifying the VA Central IRB in writing promptly upon discovery of research impropriety, suspension, debarment, or restriction associated with a VA Central IRB-approved project.
5. Maintaining files on each VA Central IRB-approved project.
6. Providing the VA Central Research Office with all relevant research project records if required as part of any oversight or monitoring by the VHA Central Office HRPP or the VA Central IRB. Cooperating with the VHA Central Office in its preparation of the annual review of the VHA Central Office HRPP in accordance with VA Central IRB SOPs.

F. TERMINATION PROVISIONS

1. This MOU may be terminated by the LBNL or the VHA Central Office HRPP without cause by giving a 60 day advance written notice of the intent to terminate to the other institutions and to ORO. This MOU may be terminated for cause only under the direction and guidance of ORO or the compliance oversight entity for DOE. This MOU may be amended in writing to describe the process and timeline for termination. Termination is subject to E.2 below.

2. All parties agree that the rights and welfare of subjects participating in the research must be protected. All current and active research projects will continue to be monitored under the provisions of the MOU until all VA Central IRB-approved projects active at the LBNL have been closed or

safely moved to another site. This MOU will not be terminated until all studies under the oversight of the VA Central IRB have been safely closed. On behalf of all participating DOE sites, DOE Headquarters, through the Central DOE IRB, will maintain copies of documentation provided by the VA Central IRB; and researchers at LBNL will maintain relevant research records in accordance with the time frames specified in VA and other Federal, DOE, and site-specific requirements.

3. Points of Contact ("POC") for questions and any written notices required under this MOU:

For VA:

Annette Anderson, MS
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For the Lawrence Berkeley National Laboratory:

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For DOE:

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and

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and

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9/22/2017

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Marisue Cody, Ph.D Date
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