GUIDANCE: Case Reports and Case Series

Background:

An investigator planning to retrospectively report on the clinical experience of one or more patients may ask whether this activity requires IRB review. The first step in answering this question is to consider whether the activity meets the regulatory definition of "research."

> Research, as per Federal Regulation 45CFR46.102(l) and 45CFR164.501 is defined as:
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> "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge."

There is nothing else in the regulations that directly address questions around case reports and series, so the PPHS evaluates these projects based on the above definition. While case reports may "feel" different they are a variation of a retrospective chart review.

For simplicity's sake this guidance will use case report to refer to a single case, and a case series as any report of more than one case.

The guidance below will help the investigator think through these questions.

1. **What constitutes a case report?**

   A case report is a retrospective analysis of a single clinical case. In almost all cases a solitary report, even if prepared for publication as a contribution to general knowledge, will not meet the "systematic investigation" threshold and will not be considered research, by federal definition, and therefore, would not require IRB review and approval.

   It is conceivable that a single case report could be written after a systematic investigation went looking for a "a needle in a haystack." This is not the usual origin of a single case report, but should it be a case it would have to be considered research, by federal definition, and therefore, may require IRB review and approval. In this or other unusual circumstances, please consult with the PPHS.

2. **Do persons who prepare a case report for publication require IRB approval prior to preparation?**

   In most cases, NO, as the single case report would not meet the federal threshold.

3. **Are there HIPAA implications associated with publication of a single case report or series?**

   YES. Under HIPAA, a case report or a series are both activities to develop information to be shared for medical/educational purposes. The author of a case report must comply with HIPAA. Best practice is for the author of the article to obtain the signed authorization of the

patient, or the patient's legally authorized representative if appropriate, to use the patient's information in the article. This authorization does not need to be submitted to the IRB for review. There are two release forms which can be found on the PPHS website's Guidance page under the General Guidance heading:

MR207 form: Authorization for Release of Protected Health Information (PHI) for Media Relations

MR207C form: Authorization for Release of PHI for Scientific Publication

The use of the authorization is mandatory in cases where, even if all HIPAA identifiers are removed. The information associated with the subject of the article includes enough details, and/or a unique characteristic which would make it identifiable to the subject, or the author has actual knowledge that the information about the subject could be used alone or in combination with other information to identify the subject. Since case reports tend to highlight the unusual and uncommon, reidentification is that much more likely than a standard aggregated retrospective review, and as such authorization is needed.

Specific questions around HIPAA should be directed to the HIPAA compliance office at: 646.605.7130 or email Heather.Chamides@mssm.edu.

4. Who makes the determination regarding whether a case report or series requires IRB review?

A For a **single case report**, the author may use this guidance and can render a decision as to whether or not IRB review is required. However, if the single case will be combined with cases from other collaborators within or outside of ISMMS, it will be considered a case series.

B For a case series involving **more than one case**, the decision as to whether IRB review is required must be made by the PPHS/IRB office.

5. My case report does involve <u>more than one case:</u>

Since a case series that was developed by systematically reviewing charts or polling colleagues would constitute research, by federal definition, an application through the electronic submission system will be needed. The project will be processed along the expedited or exempt pathways as appropriate.

6. Contacting the PPHS

In situations where 1) the series is quite small, 2) there is some uncertainty about the systematic investigations, 3) where you need more direction from the PPHS to resolve questions or ambiguities and/or 4) assistance with submitting a project:

- Please email the PPHS/IRB Office at: irb@mssm.edu with “Case Report/Case Series Information” in the subject line.
- Provide the following information within your email:
  1. Your name
  2. Your department
  3. Your contact Information (email and phone)
  4. How many cases are included in your review?
  5. Are the patients within your case report your own patients? Please specify additional sources of cases, internal or external to ISMMS, that you are combining into a larger case series?
  6. Explain whether your case report activity is a systematic investigation? For example, how were the cases identified and information obtained. Was a search performed to identify these cases?
  7. In the unusual circumstance where you don’t think the report will contribute to generalizable knowledge, please provide an explanation.

7. What if the journal to which I am submitting my case report or case series asks for a letter or acknowledgement from the IRB indicating their determination of whether approval was required?

Upon request, the IRB can issue a formal letter to the investigator for provision to a journal editor. To receive this documentation, your case report/series information must first be entered into the electronic submission system for IRB review and PPHS tracking purposes. Please email the PPHS/IRB Office at: **irb@mssm.edu** for specific instructions.

8. Do teaching activities, or my obtaining a colleague’s advice on clinical care for a specific patient or cohort of patients during presentation of a case at departmental conference, require IRB review?

NO. IRB review is not required under these circumstances.

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In summary, investigators are advised to consult with the PPHS/IRB when uncertainty exists about whether an activity meets the definition of human subjects research.