

研究倫理的發展與國際現況

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道德.倫理.法律

- 道德：個人的價值觀 自我約束
- 倫理：團體共同信約 團體紀律的約束
- 法律：公民由一定機制形成的共同價值觀
國家公權力的執行

醫療行為

- 醫師照顧病患時的各種行為，是法律上所特許的工作。
- 由於是為了病患醫療上的需要，即使執行時侵犯到病人的身體或隱私，並不會被認定為是侵犯病人的權益。

醫療行為 vs 臨床研究

- 但是當醫師在病患身上所做的，並不是為了病人醫療上的需要，而是為了醫師自己的研究工作時，病人的權益是否有被侵犯，就是值得討論的問題。

名詞定義

- 人體試驗
- 臨床試驗
- 人體研究

臨床試驗範圍

狹義



A. 需向政府主管機關報備的人體試驗

B. 不需向政府主管機關報備的人體試驗

C. 以人為對象的非侵入性研究

D. 與人有關的研究

廣義

臨床試驗管理

狹義

A. 需經IRB核准，且向政府主管機關報備核准後方能進行，完成後可能有GCP查核。

B. 需經IRB核准。

C. 有些需經IRB核准(依要求)。

D. 有些需經IRB核准(依要求)。

廣義

醫療法第八條

本法所稱人體試驗，係指醫療機構依醫學理論於人體施行新醫療技術、藥品或醫療器材之試驗研究。

人體試驗之範圍

赫爾辛基宣言

1. 世界醫學會制定赫爾辛基宣言，作為醫師及醫學研究人員在人體試驗時之倫理指導原則。而所謂人體試驗之對象即包涵任何可辨識之人體組織或資料。

不道德人體試驗

- 二次大戰時德國以真人做試驗。
- 日本細菌戰試驗：731部隊。



紐倫堡大審

Nuremberg Trial

- 23 位醫師。
- 以猶太人為試驗對象。
- 低氧試驗：200人參加，40%死亡。
- 低溫試驗：300人參加，30%死亡。
- 化學戰劑試驗：25%死亡。



紐倫堡宣言

(Nuremberg Code for Human Experimentation)

1. 絕對需要受試者的自願同意
2. 研究必須是為了社會利益
3. 研究應該建立在動物試驗和之前獲得的知識的基礎上
4. 研究過程必須避免不必要的心理和身體傷害
5. 任何試驗如果預知可能帶來死亡或障礙失能，則切勿進行，但試驗者本身願意充當受試者時則可除外。
6. 風險的程度不能夠超過要解決問題的重要性
7. 受試者可能遭遇的任何傷害或危險，必須提供切適的保護。
8. 要有適當的設備和訓練有素的研究者
9. 受試者可以在任何時候隨意退出研究
10. 受試期間若試驗者發覺有任何可能導致受試者傷害或死亡的可能性時，應立即終止試驗。

Beecher 文章

- 1966 年麻醉師 Henry K. Beecher 博士發表了一篇文章 (Beecher HK. “倫理道德和臨床研究” NEJM June 16, 1966) ,
- 描述了22例由知名科學家進行的發表於主要學術雜誌但帶有倫理爭議的研究。
- 如果不禁止不合倫理的研究，醫學將會遭受巨大損害“。
- 總結：不合倫理或倫理上有問題的研究很普遍

Beecher 文章

1965.

phlebitis. *Arch. Surg.* (in press)

SPECIAL ARTICLE

ETHICS AND CLINICAL RESEARCH*

HENRY K. BEECHER, M.D.†

BOSTON

HUMAN experimentation since World War II has created some difficult problems with the increasing employment of patients as experimental subjects when it must be apparent that they would not have been available if they had been truly aware of the uses that would be made of them. Evidence is at hand that many of the patients in the examples to follow never had the risk satisfactorily explained to them, and it seems obvious that further hundreds have not known that they were the subjects of an experiment although grave consequences have been suffered as a direct result of experiments described here. There is a belief prevalent in some sophisticated circles that attention to these matters would "block progress." But, according to Pope Pius XII,¹ "... science is not the highest value to which all other orders of values ... should be subordinated."

I am aware that these are troubling charges. They have grown out of troubling practices. They can be documented, as I propose to do, by examples from leading medical schools, university hospitals, private hospitals, governmental military departments (the Army, the Navy and the Air Force), governmental institutes (the National Institutes of Health), Vet-

erans Administration hospitals and industry. The basis for the charges is broad.‡

I should like to affirm that American medicine is sound, and most progress in it soundly attained. There is, however, a reason for concern in certain areas, and I believe the type of activities to be mentioned will do great harm to medicine unless soon corrected. It will certainly be charged that any mention of these matters does a disservice to medicine, but not one so great, I believe, as a continuation of the practices to be cited.

Experimentation in man takes place in several areas: in self-experimentation; in patient volunteers and normal subjects; in therapy; and in the different areas of *experimentation on a patient not for his benefit but for that, at least in theory, of patients in general*. The present study is limited to this last category.

REASONS FOR URGENCY OF STUDY

Ethical errors are increasing not only in numbers but in variety — for example, in the recently added problems arising in transplantation of organs.

‡At the Brook Lodge Conference on "Problems and Complexities of Clinical Research" I commented that "what seem to be breaches of ethical conduct in experimentation are by no means rare, but are almost, one fears, universal." I thought it was obvious that I was by "universal" referring to the fact that examples could easily be found in *all* categories where research in man takes place to any significant extent. Judging by press comments, that was not obvious: hence, this note.

*From the Anaesthesia Laboratory of the Harvard Medical School at the Massachusetts General Hospital.

†Dorr Professor of Research in Anaesthesia, Harvard Medical School.

Henry Beecher, NEJM, 1966

Beecher 文章

- Beecher 的文章對提升研究工作者、大眾、以及媒體對不道德人體研究的認識起了很重要的作用。
- “在這篇文章發表以前，我們誤以為不道德研究只能在像納粹那樣的邪惡統治下才會發生。” — Robert J. Levine, MD (私人通信)

”...研究者的判斷不足以作出倫理問題的結論。”

調查在猶太人慢性病醫院的研究的NIH專家組

赫爾辛基宣言

- 涉及人體醫學實驗的倫理原則。
- 經多次修正，最新為 2000 年版。
- 中文有台北榮總江晨恩醫師翻譯，成大醫學院創院院長黃崑巖教授修訂版。

赫爾辛基宣言之內容

甲.引言

乙.醫學研究之基本原則

丙.兼顧醫療照護的醫學研究之附加原則

赫爾辛基宣言之精神

- 自主：受試驗者，是在被充分告知相關訊息後，自由決定要參加的。
- 有益：參加試驗的風險相對於可能有的好處，是可以接受的。受試驗者參加試驗後，並不會犧牲其權益，仍會受到已證明有效的最佳照顧。

赫爾辛基宣言之功能

- 道德勸說。
- 效果...

Tuskegee Trial

內容

- 於1932 -1972年由US Public Health Service (PHS)-now CDC 資助在Macon County, Alabama的觀察梅毒病程的研究。
- 追蹤200-300位黑人梅毒病患。
- 未告訴病患有關研究的訊息，未簽署同意書。
- 「government doctors」 were examining 「bad blood」

Tuskegee Trial

問題

- 1943年已發明Penicillin可有效的治療梅毒。
- 但為了完整的觀察梅毒病程，卻故意不治療這些被梅毒感染的貧窮黑人。
 - 至少有100人因梅毒或其併發症死亡。
 - 至少有40位妻子感染梅毒。
 - 至少有19位嬰兒在出生時就感染梅毒。

Tuskegee Trial

經過

- 1972年Jean Heller-New York Times舉發。
- 1997年5月美國總統Clinton公開道歉。

“...what the United States government did was shameful and I am sorry.”。

Tuskegee Trial

影響

- 修改法令：定出研究之倫理及法律上的基本要求（要有人體試驗委員會同意函）。
- 倫理原則：Belmond Report (1974)。
- 單位需簽署計劃確認書：Multiple Project Assurance (MPA)。

「人體試驗委員會」同意函

- 醫學雜誌要求論文需有人體試驗委員會同意函。
- 研究資助單位要求申請之計畫書需有人體試驗委員會同意函。

「人體試驗委員會」同意函

- 美國政府資助之醫學及行為科學的研究計畫自1981年起。
- 國家衛生研究院自1999年起。
- 衛生署自2000年起。
- 國科會自2001年起。

人體試驗委員會，
是否能保護受試者？

人體試驗委員會，是否關心
應該關心的倫理問題？

IRB 審查須包括：

2005 PRIM&R

- 計畫書是否符合優良臨床試驗規範？
- 試驗學理依據是否合理？
- 研究設計和統計是否適當？
- 受試者隱私的保護是否足夠？
- 主持人和研究地點是否合適？
- 是否為當地文化所能接受？
- 副作用和安全性是否可接受？

評估臨床試驗最常問的七個倫理問題 - -- 歐洲藥物管理局(EMA)的建議

1. 這個臨床試驗是不是有必要？

Was there really a need for this clinical trial?

2. 對照組該給予有效治療或是安慰劑？

Best active control treatment or placebo group?

3. 這個臨床試驗是不是沒有明顯的偏差或缺失

Has the clinical trial eliminated obvious bias and deception?

4. 若有效的話，這個臨床試驗的樣本數和統計檢定力是否足以呈現其效果？

Are sample size and statistical power adequate to show an effect if present?

5. 病患接受有效治療的機率是否能夠接受

Were patient's chances of receiving an active medicine acceptable?

6. 參與此臨床試驗之病患的安全性如何？

What was the safety of patients entering the clinical trial?

7. 參與此臨床試驗的病患是否恰當？

What type of patients should have been entered?

人體試驗委員會，
是否能保護受試者？

美國經驗：不一定？

研究數量急速增加

不合倫理之研究案件也是

美國OHRP調查之不合倫理研究案件

- 受理：每年約100件。
- 實地調查：每年約6-8件。
- 暫停研究：每年約2-3件。

(OHRP：Office for Human Research Protection)

被OHRP暫停研究之案例

- 1999-3 : Greater Los Angeles Health Care System.
- 1999-5 : Duke University Medical Center.
- 1999-8 : University of Illinois, Chicago.
- 2000-1 : Virginia Commonwealth University
- 2000-6 : U. of Oklahoma Health Sciences Center
- 2000-7 : John Hopkins University



Ellen Roche
24 years old

- Healthy volunteer in a asthma study
- Died on July 2, 2001
inhalation of a non-
approved drug
- Lungs were destroyed
- Employed at Johns
Hopkins University

人體試驗委員會

未能發揮審查功能的原因

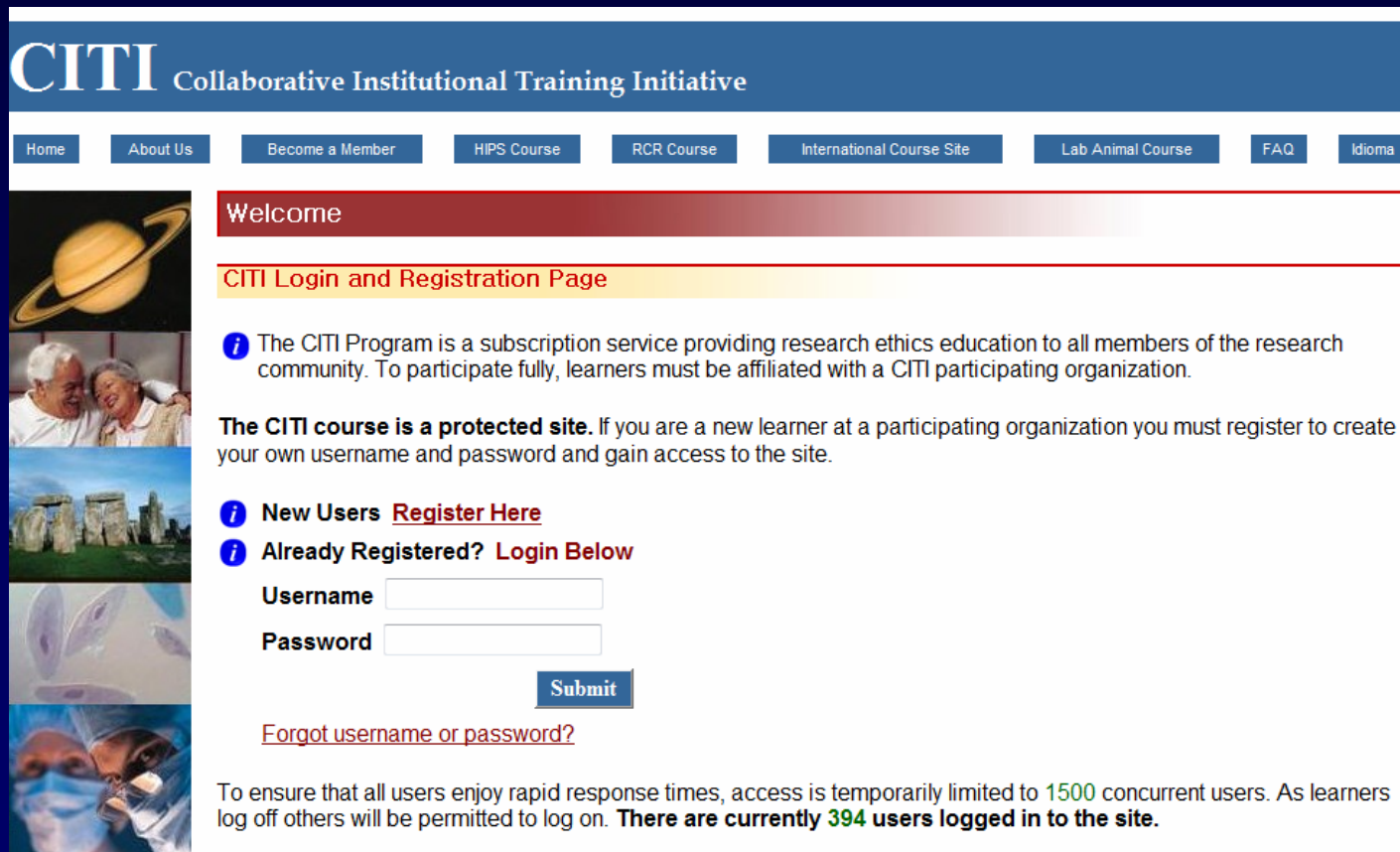
- 所審查的資料不足
- 會議記錄不完整，案件積壓。
- 工作量過重，行政人員不足。
- 委員和審查案有利益衝突。
- 委員缺乏教育訓練，不知如何審查。

(OHRP調查JHU後發現)

The Collaborative Institutional Training Initiative (CITI Program)

網路訓練課程

- CITI Program是關於受試者保護的網路訓練課程。不僅可以作為人體試驗委員會之委員訓練，也可提供研究醫師或研究護士等研究相關人員訓練之用。（網址：<http://www.citiprogram.org>）



The screenshot shows the CITI Program website. The header includes the CITI logo and the text "Collaborative Institutional Training Initiative". Below the header is a navigation bar with links: Home, About Us, Become a Member, HIPS Course, RCR Course, International Course Site, Lab Animal Course, FAQ, and Idioma. The main content area has a "Welcome" section, followed by a "CITI Login and Registration Page" section. This section contains an information icon and text explaining that the CITI Program is a subscription service for research ethics education. It also states that the CITI course is a protected site and requires registration for new learners. There are links for "New Users Register Here" and "Already Registered? Login Below". Below these links are input fields for "Username" and "Password", and a "Submit" button. At the bottom of the login section is a link for "Forgot username or password?". A footer note mentions that access is temporarily limited to 1500 concurrent users and that 394 users are currently logged in.

CITI Collaborative Institutional Training Initiative

Home About Us Become a Member HIPS Course RCR Course International Course Site Lab Animal Course FAQ Idioma

Welcome

CITI Login and Registration Page

i The CITI Program is a subscription service providing research ethics education to all members of the research community. To participate fully, learners must be affiliated with a CITI participating organization.

The CITI course is a protected site. If you are a new learner at a participating organization you must register to create your own username and password and gain access to the site.

i **New Users** [Register Here](#)

i **Already Registered?** [Login Below](#)

Username

Password

[Forgot username or password?](#)

To ensure that all users enjoy rapid response times, access is temporarily limited to 1500 concurrent users. As learners log off others will be permitted to log on. **There are currently 394 users logged in to the site.**

- 80% of AAHRPP accredited institutions utilize the CITI program as a component of their HSP educational

Biomedical research

- **History and Ethical Principles**
- **Basic Institutional Review Board (IRB) Regulations and Review Process**
- **Informed Consent**
- **Conflicts of Interest in Research Involving Human Subjects**
- **Records-Based Research**
- **International Research**
- **HIPAA and Human Subjects Research**
- **Genetic Research in Human Populations**
- **The IRB Member Module - "What Every New IRB Member Needs to Know"**
- **Social and Behavioral Research for Biomedical Researchers**

Biomedical research (cont.)

- **Research With Protected Populations - Vulnerable Subjects: An Overview**
- **Vulnerable Subjects- Research With Prisoners**
- **Vulnerable Subjects- Research Involving Minors**
- **Vulnerable Subjects- Research Involving Pregnant Women and Fetuses in Utero**
- **Workers as Research Subjects-A Vulnerable Population**
- **Group Harms: Research With Culturally or Medically Vulnerable Groups**
- **FDA-Regulated Research**
- **Hot Topics**
- **Human Subjects Research at the VA**

Social Behavior Research

- History and Ethical Principles - SBR
- Defining Research with Human Subjects - SBR
- The Regulations and The Social and Behavioral Sciences - SBR
- Assessing Risk in Social and Behavioral Sciences - SBR
- Informed Consent - SBR
- Privacy and Confidentiality - SBR
- Research with Prisoners - SBR
- Research with Children - SBR
- Research in Public Elementary and Secondary Schools - SBR
- International Research - SBR
- Internet Research - SBR

SIDCER

- Strategic Initiative for Developing Capacity in Ethical Review (SIDCER)
- 設在TDR下
 - Special Programme for Research & Training in Tropical Disease, UNDP/World Bank/WHO
- 全球性的地區論壇聯絡網。
- 和OHRP合作推廣受試者保護工作。
- 下分5個地區論壇

SIDCER 下之地區論壇

- FERCAP 亞太地區 Forum for Ethical Review Committees in Asia and the Western Pacific
- FLACEIS 拉丁美洲 Latin American Forum of Ethics Committees in Health Research
- PABIN 非洲 Pan-African Bioethics Initiative
- FECCIS 東歐 Forum of Ethics Committees in the Confederation of Independent States
- FOCUS 美加地區 Forum for ERCs/IRBs in Canada and the United States.

人體試驗委員會之標準

運作標準

- 醫療機構人體試驗委員會組織及作業基準92.11.12
衛署醫字第○九二○二○二五○七號公告
- WHO : Operational Guidelines for Ethics Committees That Review Biomedical Research

認證/稽核/普查標準

- WHO : Surveying & Evaluating Ethical Review Practice
- AAHRPP : Association for the Accreditation of Human Research Protection Program, Inc
- NHRI Forum--人體試驗委員會評鑑標準

國內人體試驗委員會訪查計畫

- 2004年委託國家衛生研究院論壇研議「醫療機構人體試驗委員會訪查基準」草案。
- 2005年委託醫策會辦理「醫療機構人體試驗委員會訪查」作業，43家參與訪查。
- 2007年再次委託醫策會辦理「人體試驗委員會訪查」作業。 23家通過。

人體試驗委員會與研究者的關係

- 朋友（同在一個屋檐下）
- 合作伙伴（把研究做好）
- 教導者（如何把研究做好）
- 服務員（把研究做好）
- 文字編輯（受試者同意書）

Helen McGough, Director, Human Subject Division, UW

研究倫理的未來趨勢

- 更詳細清楚的法規。
- 人體試驗委員會運作成本提高。
- 人體試驗委員會(研究單位)認證制度。
- 研究醫師訓練、認證制度。
- 全球化一致的作業標準。