Guideline for Investigators Regarding Paying Subjects for Research Participation

Neither the Common Rule nor the FDA regulations offer specific limitations on payment of research subjects. The Common Rule states that researchers "shall seek informed consent only under circumstances that provide the prospective subject or the legally authorized representative sufficient opportunity to discuss and consider whether or not to participate and that minimize the possibility of coercion or undue influence." (45 CFR 46.116(a)(2)).

The types of payments to subjects may vary. They may receive **reimbursement** for out-of-pocket expenses incurred as a result of participating in research, such as travel costs like taking a cab to a study visit. Payment can serve as **compensation** to subjects for their time and effort expended in research participation and associated inconveniences, such as providing a fixed hourly amount to a subject for completing a research interview. **Incentive payments** go beyond what is necessary to either reimburse or compensate with the intention of improving subject recruitment or retention. For example, subjects may be offered a monetary amount as a completion bonus.

In their document, *Addressing Ethical Concerns Offers of Payment to Research Participants*, the HHS Secretary's Advisory Committee On Human Research Protections (SACHRP) noted that investigators must be vigilant about minimizing the possibility of coercion and undue influence. In studies of considerable duration or that involve multiple interactions or interventions, payment should be prorated during subjects' participation in the study rather than delayed until study completion. Delaying payment until study completion could unduly influence a subject's decision to exercise their right to withdraw from the study at any time. In its information sheet, *Payment and Reimbursement to Research Subjects: Guidance for Institutional Review Boards and Clinical Investigators*, the FDA also recommended that any credit for payment should accrue as the study progresses. It should not be contingent upon the subject completing the study in its entirety.

Compensation to participate in research should be ethically appropriate, just, and fair. While protocols may differ in complexity and subject population, investigators must make reasonable judgments about how compensation might potentially affect enrollment and ongoing participation. When deciding whether to offer payment to subjects, consider the nature of the study, the type of participant contributions and vulnerabilities, institutional or organizational guidelines, and local societal and cultural norms.

International Guidance on Payment to Subjects

The 2013 revision of the *World Medical Association Declaration of Helsinki* states that "the protocol should include information regarding . . . incentives for subjects" and be submitted to a research ethics committee (or EC which is similar to a US IRB) for review and approval. The Council for International Organizations of Medical Sciences (CIOMS), in collaboration with the World Health Organization (WHO), published the *International Ethical Guidelines for Health-related Research Involving Humans*, which notes that "compensation can be monetary or non-monetary…compensation must not be so large as to induce potential participants to consent to participate in the research against their better judgement."

Investigator Responsibilities Regarding Payment to Subjects for Research Participation

- Include the amount and schedule of payment in both the protocol and consent form at time of initial IRB review and again if there are any changes to the payment amount and schedule. Payment information, like the method (e.g., cash, check) and timing, should be clearly described in the applicable study documents. Describe how payments will be prorated if there are multiple

research activities or if a subject withdraws from the study before finishing. Specify the purpose of payment (e.g., reimbursement, compensation vs. incentive), and justify the amount for subject compensation. Alternatively, both the protocol and the informed consent form(s) must describe that compensation will not be provided (if this is the case for the protocol).

- The compensation plan must be consistent with Policy 302, *Subject Reimbursement and Compensation* and not present undue influence to research subjects.
- Ensure that protocol documents do not state or imply that compensation is a "benefit" of the research.
- Whenever possible, compensation for research participation must accrue over the course of the study and be provided to subjects in a prorated manner (e.g., rather than being made in a single payment and the end of the study). Subjects who withdraw prior to completion of the study should receive compensation for study activities that have been completed.
- Ascertain that any payment made for completing the study is reasonable and not so large that it entices the subject to enroll and undertake risks they would not be willing to accept with smaller monetary incentives or to continue in the study when they might otherwise have withdrawn.
- Ensure that compensation is applied fairly to all study subjects in the same protocol. For example, when a study enrolls both affected individuals and healthy volunteers and there is no prospect of direct benefit to either cohort, the subjects will be offered compensation based on the same parameters, and compensation amounts will not be adjusted on an individual basis or due to cohort assignment.
- When submitting recruitment materials, ensure that payment described is not overly emphasized (e.g., use of larger or bold type font) and will not unduly influence subjects to enroll on the study.
- Subjects may decline to receive compensation for participation in research and still participate in the study.

Additional Issues When the Study is FDA Regulated

- For FDA-regulated research, subjects cannot be compensated via a coupon or a discount on the purchase price of the test article once it is approved for marketing.

Considerations When Minor Subjects are Being Enrolled

- Children and adolescents may be prone to over valuing a financial reward depending on their age and maturity.
- When minors will be paid for their participation in research, **reimbursement** can be directed to the parents who may incur out-of-pocket expenses like mileage and parking. **Compensation** can be directed to the minor, enrolled in the research study.
- Compensation provided to the minor needs to be age appropriate as young children may not understand the concept of money. Consider whether noncash compensation for the child may be suitable such as gift card redeemable at a children's store, a toy or a book based on the age of the children to be enrolled.
- The protocol and consent must describe who will be paid (minor and/or parent/guardian).

For questions related to payment of research subjects, contact the NIH Office for IRB Operations at irb@od.nih.gov.