

The Problem of Influence: *Enhancing Recruitment versus Enhancing Voluntariness*

Aurora Research Ethics Day
"Everyday Research Ethics"

Don E. Workman, Ph.D.
Executive Director, OPRS
Northwestern University

Course Objectives

- Participants will learn about ways in which potential study participants may be influenced to consent to participate in research.
- Participants will be familiar with the ethical principle of respect for persons and the importance of autonomous decision-making in the informed consent process (required for legally effective informed consent).
- Participants will have a deeper appreciation for their own complex motivations and the ways in which they assert influence through their interactions with potential study subjects.

Topical Overview

- Research Ethics
- Recruitment as Initiation of Consent Process
- What Do We Know About Consent Processes?
- What Do We Know about Influence?
- What Shall We Then Do?

Beecher's 1966 NEJM Article

"Evidence is at hand that many of the patients in the examples to follow never had the risks 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."

"I am aware that these are troubling charges. They have grown out of troubling practices. They can be documented, as I proposed to do, by examples from leading medical schools, university hospitals, private hospitals...governmental institutes...and industry."

--Henry K. Beecher, M.D., "Ethics and Clinical Research," *The New England Journal of Medicine* 274 (16 June 1966):1345-1360, quotation from p. 1354.

Beecher's article



- 50 published studies with serious ethical flaws
 - Pts with acute strep assigned to control group (not allowed effective treatment), >70 developed rheumatic fever
 - Live cancer cells were injected into subjects without informed consent to study immunity

Beecher's article

Conclusions:

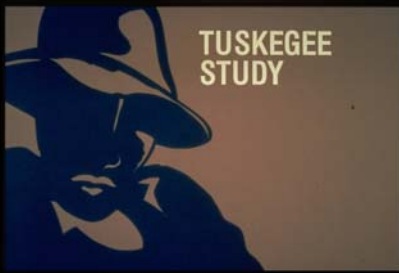
- "If suitably approached, patients will accede, on the basis of trust, to about any request from their physicians."

Beecher's article

Conclusions:

- “There is a belief prevalent in some sophisticated circles that attention to [informed consent] would ‘block progress’”

PHS-Funded Syphilis Study in African-American Men (1932-1972)



PHS-Funded Syphilis Study in African-American Men (1932-1972)

- Withholding of information: syphilis
- Therapeutic misconception
- Deception: “bad blood”
- Active prevention of meaningful treatment

Research Ethics--The Belmont Report

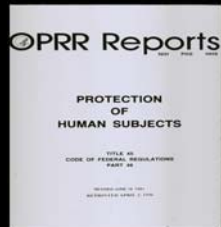
Ethical Principles and Guidelines for the Protection of Human Subjects of Research



The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research
April 18, 1979

The Common Rule: Protection of Research Subjects

- Title 45 Code of Federal Regulations, Part 46
- Adopted by 17 federal agencies in 1981



Research Ethics--Belmont Report (1979)

- **Respect for Persons**
 - Individual autonomy
 - Protect individual with lowered autonomy
- **Beneficence**
 - Do no harm
 - Maximum possible benefit
 - Minimum possible cost
- **Justice**
 - Equitable distribution of research costs and benefits

Research Ethics--Belmont Report (1979)

■ **Respect for Persons**

- Informed Consent Process
- Surrogate Consent
- Assent (by child)
- Protect subjects (vulnerable populations)

Research Ethics--Belmont Report (1979)

■ **Subject populations with limited autonomy:**

- Prisoners
- Cognitively and Psychologically impaired
- Pregnant women and Fetuses
- Minors
- Economically and Educationally disadvantaged

Recruitment as Initiation of Consent Process

FDA Guidance

■ **Media Advertising**

- Internet listings
- Newspaper, radio, TV interviews
- "Dear Doctor" Letters

■ **Receptionist Scripts**

- The IRB should assure the procedures followed adequately protect the rights and welfare of the prospective subjects. In some cases personal and sensitive information is gathered about the individual. The IRB should have assurance that the information will be appropriately handled.

<http://www.fda.gov/oc/ohrt/irbs/toc4.html#recruiting>

Recruitment as Initiation of Consent Process

HHS/FDA Regulations

- **An investigator shall seek consent only under circumstances that provide the prospective subjects or representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence.** [45 CFR 46.116; 21 CFR 50.20]

Washington Post Story *(August 6, 2007)*

Rick Weiss, Page A01

- Death of Jolee Mohr from participating in a gene transfer experiment
- “Breaches of clinical research standards and a federal oversight system that allowed a key decision to be made behind closed doors may have helped draw Mohr into an experiment that was not, her husband says what she thought it was.”

Washington Post Story *(August 6, 2007)*

- “Two fundamental rules of clinical research” were violated that day...

- “First, consent forms are to be taken home and considered, not signed on first sight.”
- “Second, when a patient’s own doctor is a principal investigator in a study, someone else is supposed to make the proposal.”



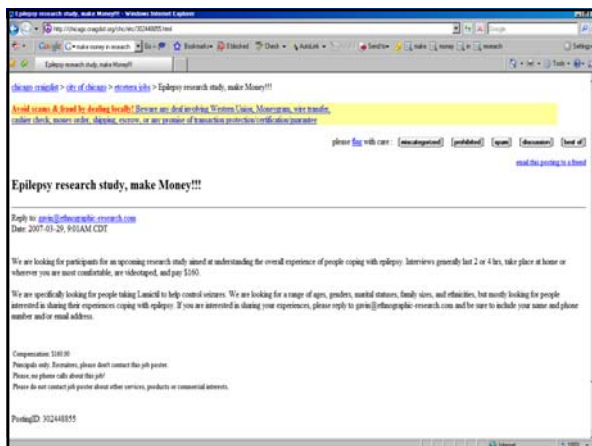
Recruitment as Initiation of Consent Process

FDA Regulations regarding compensation

- **Require IRBs to “review both the amount of payment and the method and timing of disbursement to assure that neither are coercive or present undue influence.” [21 CFR 50.20]**

Recruitment as Initiation of Consent Process

Real-life advertisements for research.....



What Do We Know About Consent Processes?

Money as an incentive for participation

- Potential Cause of Undue Influence--May also be an indication of respect for time and contribution of subjects
- Influences exist along a continuum from controlling to noncontrolling. "Control beyond a certain point is not compatible with voluntary autonomous decision making and action."
- "...money to reimburse research participants for their expenses and compensate them in some way for their time and effort may be a demonstration of respect and appreciation for these generous individuals."

Grady, C. (2001). Money for Research Participation: Does It Jeopardize Informed Consent? *The American Journal of Bioethics*, 1(2), pp40-44.

What Do We Know About Consent Processes?

Money as an incentive for participation

- Any credit for payment should accrue as the study progresses and not be contingent upon the subject completing the entire study.
- Payment to research subjects for participation in studies is not considered a benefit, it is a recruitment incentive. Financial incentives are often used when health benefits to subjects are remote or non-existent. The amount and schedule of all payments should be presented to the IRB at the time of initial review. The IRB should review both the amount of payment and the proposed method and timing of disbursement to assure that neither are coercive or present undue influence

<http://www.fda.gov/oc/ohrt/irbs/toe4.html#payment>

What Do We Know About Consent Processes?

Money as an incentive for participation

- It works
- It is problematic

Suicide brings changes to Lilly drug trials

By J.K. Wall and John Tuohy
February 11, 2004



Eli Lilly and Co. has been ordered not to accept new participants for local clinical trials of an anti-depressant and incontinence drug after the weekend suicide of a teenage test subject.

Lilly reported to the IRB Monday that Traci Johnson, 19, a former student at Indiana Bible College, hanged herself Saturday in the bathroom of her room at the hotel-like Lilly Laboratory for Clinical Research.

The Rev. Paul Mooney, president of the college, said many students at his school and other nearby universities take part in the clinical trials as a way to earn money and pay tuition.

Suicide brings changes to Lilly drug trials





What Do We Know About Consent Processes?

- “**Voluntarism** encompasses an individual’s ability to act in accordance with one’s authentic sense of what is good, right, and best in light of one’s situation, values, and prior history.”

■ Roberts, LW (2002). *Informed Consent and the Capacity for Voluntarism* Am J Psychiatry 159:705-712

What Do We Know About Consent Processes?

- “...a framework for voluntarism in clinical and research consent decisions...[includes]...four domains of potential influence: 1) developmental factors, 2) illness-related considerations, 3) psychological issues and cultural and religious values, and 4) external features and pressures.”

■ Roberts, LW (2002). *Informed Consent and the Capacity for Voluntarism* Am J Psychiatry 159:705-712

What Do We Know About Consent Processes?

- “Distinct psychological experiences of power relationships—for example, among some women, some individuals from ethnic minorities, and, of interest, among some people who have served in the military—may also limit the person’s sense that he or she may decline a course of action recommended by a clinician, who is seen as a strong authority figure.”

■ Roberts, LW (2002). *Informed Consent and the Capacity for Voluntarism* Am J Psychiatry 159:705-712

What Do We Know About Consent Processes?

- "... external circumstances and pressures can dramatically affect voluntarism, either negatively or positively. Perhaps the most obvious factor extrinsic to the individual is the presence or absence of resources in a given situation."
- Note: perception is reality!
- *Roberts, LW (2002). Informed Consent and the Capacity for Voluntarism Am J Psychiatry 159:705-712*

What Do We Know About Consent Processes?

- "Rushed timing of a complex or highly important health decision, for example, may threaten the person's ability to make a deliberate choice that is otherwise well informed and congruent with his or her life values."
- *Roberts, LW (2002). Informed Consent and the Capacity for Voluntarism Am J Psychiatry 159:705-712*

What Do We Know About Consent Processes?

- "Large financial incentives may cause the individual to subordinate usual values to take on serious risks."
- *Roberts, LW (2002). Informed Consent and the Capacity for Voluntarism Am J Psychiatry 159:705-712*

What Do We Know About Consent Processes?

- “The presence of a supportive family member may improve the person’s ability to identify and state his or her preferences, whereas the presence of an insensitive or domineering family member may have the opposite result.”

■ *Roberts, LW (2002). Informed Consent and the Capacity for Voluntarism Am J Psychiatry 159:705-712*

What Do We Know About Consent Processes?

- “Ill-defined but potent role conflicts inherent in dual or overlapping relationships create confusion about the intent of a consent decision and may create complex contextual pressures affecting the true voluntarism of the decision maker...[for example]...when a person enrolls in a study in which his or her personal clinician is also the principal investigator.

■ *Roberts, LW (2002). Informed Consent and the Capacity for Voluntarism Am J Psychiatry 159:705-712*

What Do We Know About Consent Processes?

- “Alternatively, an unfolding and conscientious dialogue between a clinician and a patient who is suffering from a chronic illness may provide an optimal situation for authentic decision making”

■ *Roberts, LW (2002). Informed Consent and the Capacity for Voluntarism Am J Psychiatry 159:705-712*

What Do We Know About Consent Processes?

- “Fostering voluntarism in clinical care and biomedical research entails our best skills: listening, sensing, clarifying, making the implicit explicit, and genuinely attending to the person before us. It is respectful of people and of differing experiences and values that they bring to decisions in their lives.”

■ Roberts, LW (2002). *Informed Consent and the Capacity for Voluntarism* Am J Psychiatry 159:705-712

What Do We Know About Consent Processes?

- “It takes a willingness to observe our own biases and to evaluate the effects of the contexts in which we serve patients and interact with research participants. It is through such efforts that we will come closer to the hard, good work of fulfilling voluntarism and, more fundamentally, to achieving the principle of respect for persons in clinical care and biomedical research.”

■ Roberts, LW (2002). *Informed Consent and the Capacity for Voluntarism* Am J Psychiatry 159:705-712

What Do We Know about Influence?

- Weapons of Influence
 - Story of the turquoise jewelry
 - Mother Turkeys
 - Human Behavior and Verbal Prompts
 - Click-Whir

■ Cialdini, Robert B. (2007). *Influence: The Psychology of Persuasion, revised edition*. HarperCollins Publishers, New York, NY.

What Do We Know about Influence?

■ The Law of Reciprocation

“Pay every debt as if God wrote the bill.”

--Ralph Waldo Emerson

What Do We Know about Influence?

■ The Law of Reciprocation

- Christmas cards to strangers
- “...we should try to repay, in kind, what another person has provided us.”
- “much obliged” as a way of saying “thank you”

▪ Cialdini, Robert B. (2007). *Influence: The Psychology of Persuasion*, revised edition, HarperCollins Publishers, New York, NY.

What Do We Know about Influence?

■ The Law of Reciprocation

- Richard Leakey: “We are human because our ancestors learned to share their food and their skills in an honored network of obligation.”
- Unique adaptive mechanism-exchange of goods and services bind individuals together in highly efficient units

▪ Cialdini, Robert B. (2007). *Influence: The Psychology of Persuasion*, revised edition, HarperCollins Publishers, New York, NY.

What Do We Know about Influence?

- The Law of Reciprocation
 - Study by Dennis Regan: “Art appreciation study”
 - The influence of an unsolicited favor
 - One Coke, double the raffle tickets
 - 500 percent return on investment
 - One 10¢ Coke, two 25¢ raffle tickets

■ Cialdini, Robert B. (2007). *Influence: The Psychology of Persuasion, revised edition*. HarperCollins Publishers, New York, NY.

What Do We Know about Influence?

- The Law of Reciprocation
 - Hare Krishnas and donation-request procedure
 - Target is given a gift
 - Book, magazine, or flower
 - Not allowed to return it “No it is our gift to you”
 - Political Examples

■ Cialdini, Robert B. (2007). *Influence: The Psychology of Persuasion, revised edition*. HarperCollins Publishers, New York, NY.

What Do We Know about Influence?

- The Law of Reciprocation
 - Amway Corporation
 - The Bug—assorted samples
 - “try the products for 24 hours”

■ Cialdini, Robert B. (2007). *Influence: The Psychology of Persuasion, revised edition*. HarperCollins Publishers, New York, NY.

What Do We Know about Influence?

- Rejection-then-retreat technique:
 - TV sales—commission-based, but continued employment required 40% service contract sales
 - One year plan \$35
 - Three year plan \$140

What Do We Know about Influence?

- Rejection-then-retreat technique:
 - Advocate the longest plan, expecting rejection, then retreat to the shortest and cheapest plan.
 - Resulted in 75% sales, as compared to 40% for others

What Shall We Then Do?

- The right thing
- Follow the golden rule
- Work hard to enroll subjects who we help to **freely choose** to participate
- Be aware of our own multiple and mixed incentives
- Be aware of our own capacity for influence

What Shall We Then Do?

- Manage our conflicts of interest
- Ask for feedback
- Seek external validation
- Offer/ask to observe others
- Volunteer ourselves

Questions?

- Contact information for Don Workman:
d-workman@northwestern.edu
(312) 503-2616