

Department: UAMS Institutional Review Board
Policy Number: 17.13
Section: Special Populations
Effective Date: February 25, 2005
Revision Date: January 24, 2011; September 1, 2015; February 15, 2016, April 1, 2020

SUBJECT: Legally Authorized Representatives

I. Purpose

To describe who meets the criteria of a legally authorized representative for the purpose of providing consent to participate in research studies for individuals with diminished functional abilities.

II. Definitions

- A. **Diminished Functional Abilities:** Substantial impairment of cognitive functions (such as attention, comprehension, memory and intellect), communication abilities or other abilities that affect capacity to make and express a decision regarding participation in a research study. Such condition may be either temporary or permanent.
- B. **Health care.** Any care, treatment, service or procedure to maintain, diagnose, treat or otherwise affect an individual's physical or mental condition.

III. Policy

- A. **Research involving Health Care.** The following individuals may provide consent for research involving Health Care on behalf of individuals with Diminished Functional Abilities or who have not reached the age of majority under Arkansas law:
 - 1. Any parent, whether an adult or a minor, for his or her minor child (Child as used here includes biological or adopted children.).
 - 2. Any guardian, conservator, or custodian, for his or her ward or other charge under disability pursuant to a court order.
 - 3. A minor who is married, emancipated or incarcerated for him/herself.
 - 4. A person designated in writing by an adult individual as having authority to make health care decisions for the individual, such as a health care proxy, health care agent, durable power of attorney for healthcare or surrogate decision maker.
 - 5. In the absence of an alternate decision maker designated by the individual, a person designated as a surrogate decision maker by the individual's designated physician in the individual's medical record.
- B. **Research that does not involve Health Care.** The following individuals may provide consent for research that does not involve Health Care on behalf of individuals with Diminished Functional Abilities or who have not reached the age of majority under Arkansas law:
 - 1. Any parent, whether an adult or a minor, for his or her minor child (Child as used here includes biological or adopted children.).
 - 2. Any guardian, conservator, or custodian, for his or her ward or other charge under disability.
 - 3. A minor who is married, emancipated or incarcerated for him/herself.
 - 4. A person designated in writing by an adult individual as having authority to make decisions for the individual, such as a power of attorney.

5. A person designated in writing by an adult individual as having authority to make health care decisions for the individual, such as a health care proxy, health care agent, durable power of attorney for healthcare or surrogate decision maker.
6. In the absence of an alternate decision maker designated by the individual, a person designated as a surrogate decision maker by the individual's designated physician in the individual's medical record.

REFERENCES:

Ark. Code Ann. §§ 20-6-101 et. seq.