



NCA 10-124

CLASSIFICATION: #22. HEALTH AND SAFETY

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 22, CHAPTER 4

Be it Enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. MCNCA Title 22, Chapter 4, is hereby amended to add a Section 4-115 to read as follows:

Section 4-115. Institutional Review Board.

A. Authority. There is hereby created an Institutional Review Board ("IRB") whose sole purpose is to provide the necessary review process and approvals of research conducted involving human subjects that are supported by a federal agency in accordance with and subject to the regulations contained in 45 C.F.R. Part 46. IRB authority may not exceed the regulatory authority required for an IRB in 45 C.F.R. Part 46.


B. Membership. The IRB shall consist of five members who shall be selected by the Director and who shall serve for a time period to be determined by the Director; provided a non-employee's term shall not exceed two years; and provided further an employee serving as a member of the IRB by virtue of his/her employment in a particular position shall serve during their tenure in that position and membership shall cease when his/her employment with the Division of Health ceases. A member of the IRB may serve more than one term. Notice regarding IRB members as contained in 45 C.F.R. §46.103(b)(4) shall be provided to the Principal Chief and the National Council. Members must meet the requirements contained in 45 C.F.R. Part 46, including but not limited to possessing the requisite experience, expertise and diversity to make an informed decision on whether the research is ethical, informed and that consent is sufficient and appropriate safeguards are in place.

Members may be employees of the Division of Health; provided there is no conflict with their job duties and provided further that meetings attended will be classified as time worked. Non-employee members may receive mileage reimbursement for their participation in meetings but shall not receive a stipend.

C. Policies. In addition to the regulations contained in 45 C.F.R. Part 46, the IRB shall establish policies as required by 45 C.F.R. Part 46 and may establish by policy meeting protocol including time and location of meetings.

ENACTED by the Muscogee (Creek) National Council on this 19th day of June 2010.

IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION


I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with Twenty-Three members attending this meeting on the 19th day of June 2010, and that the above is in conformity with the provisions therein adopted by a vote of 21 in favor, 1 against, 0 abstention, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Terry A. Fish, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 2 day of July, 2010, to the above Law, **NCA 10-124** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



A. D. Ellis, Principal Chief
Muscogee (Creek) Nation

