



Policy Name: Review of Research Involving Medical Devices Policy and Procedures		
Approved		
Effective Date: 01/27/2012	Page 1 of 7	Section: HRPP 4.3
Replaces Policy: 02/20/2009		

I. POLICY

A. Introduction

This document describes the policies and procedures for conducting studies involving investigational new devices at MUSC Hospitals & Clinics (MUSC) as well as the secure storage of those devices and new biologics, in keeping with the policy of MUSC's Human Research Protection Program (HRPP).

B. Federal Regulations

Clinical investigations of investigational medical devices at MUSC are subject to Federal regulations and are required to comply with Investigational Device Exemption (IDE) regulations as outlined in FDA document 21 Code of Federal Regulations (CFR) 812 and 21 CFR 814, unless exempted under certain specified conditions. All principal investigators (PI) are expected to fulfill all of the responsibilities delineated in the FDA regulations, other federal and State laws and regulations relating to clinical research and MUSC policies and procedures.

C. Storage and Control

Investigational devices under the control of principal investigators and used at MUSC must be procured, stored, secured, dispensed, and monitored in accordance with the MUSC Human Research Protection Program (HRPP) and specific device requirements.

D. Approval for Use

Investigational devices may only be used after research studies and associated documentation have been approved by the MUSC Institutional Review Board (IRB) and any other governing committees, excluding the exemption which permits emergency use of an investigational device on a one-time basis per institution without IRB review and approval [21 CFR 56.104(c)].

E. Classification of Devices

Devices are classified as a Significant Risk Device [21 CFR 812.3m] or Non-significant Risk (NSR) Device, unless EXEMPT from the regulations for Investigational Device Exemptions (IDE).

1. Device studies require review and approval by the MUSC IRB.
2. NSR device studies require MUSC IRB review and approval with regard to informed consent, record keeping, and study monitoring.
3. If a principal investigator (PI) proposes the initiation of a NSR device investigation to the IRB, and if the IRB agrees the device study is NSR and approves the study, the investigation may begin immediately, without submission of an IDE application to the FDA.

Note: If the IRB disagrees with a claim the device is non-significant risk or agrees with the claim and disagrees with the investigator's rationale, the rationale for the IRB's determination will be documented in the IRB meeting minutes.

1. 4. Any safety and efficacy data collection on a significant risk device for other than approved indication requires an IDE in advance of IRB approval

F. Administration of Policy

Contact the Chairman of the Safety Committee (Safety Officer) and/or consult the IRB in situations where guidance is required in administering this policy.

II. DEFINITIONS

Definitions for the following terms may be found in the HRPP Program Guide Section 1.3 – Definitions of terms:

- A. **Custom Device**
- B. **Emergency Use**
- C. **Investigational Device**
- D. **Investigation Device Exemption (IDE)**
- E. **Medical Device**
- F. **Non-Significant Risk (NSR) Device Study**
- G. **Significant Risk (SR) Device Study**

III. PROCEDURES

A. Informed Consent

The Principal Investigator is required to obtain informed consent from the research participant or their legally authorized representative, unless the

FDA requirements for exception from informed consent are met [21CFR 50.23(a)]. Note: A note in the medical record will serve to notify hospital personnel that the patient is a research participant in a clinical study involving an investigational device.

B. Responsibilities of the Principal Investigator

1. **Prior to Use** – Prior to use of the investigational device for any reason, the PI must:
 - a) Submit a scientific protocol and all required initial and continuing documentation to the appropriate IRB committee and follow all applicable policies of the MUSC HRPP, including, but not limited to, record keeping by the PI under 21CFR 812.140(a).
 - b) Adhere to the IDE regulations [21 CFR 812]. Research investigations involving NSR devices must adhere to the abbreviated requirements at 21 CFR 812.2(b).
 - c) Obtain IRB approval for research as well as the MUSC informed consent from the research participant or their legal representative [45 CFR 46.116].
 - c) d) Forward IRB acknowledgement of approval to the manufacturer and/or sponsor.
2. **During Use** – During the use of the investigational device, the PI must:
 - Provide secure and controlled access storage for each investigational device through the MUSC clinical department where they will be utilized (e.g., OR, Cardiac Catheterization Laboratory) that satisfies storage requirements (e.g., controlled temperature, sterile conditions) and maintains proper control of the device for security, storage, inventory, dispensing and disposal purposes;
 - b) Ensure proper dispensing and utilization of investigational devices as defined in the research protocol to those authorized to receive and use it. Note: The PI is responsible for the education of co-investigators, study personnel, and hospital personnel who prescribe, distribute, or administer the investigational device.
 - c) Protect the rights, safety, and welfare of the research participants enrolled in the study.

- d) Maintain complete records as required by the policy of the MUSC HRPP.
 - e) Use investigational devices only in approved research protocols.
 - f) Maintain records of receipt, use or disposition (including retrieval of unused product) of the investigational device. Records should include the type and quantity of the device, the dates of receipt, the batch number or code mark, the names of all persons who received, used, or disposed of each device, and why and how many units of the device have been returned to the sponsor, repaired, or otherwise discarded.
3. **After Use** – After use of the investigational device the PI must return or dispose of the device in accordance with the manufacturer's specifications.
 4. **Throughout** - Through the MUSC sponsoring department, in conjunction with the manufacturer or vendor sponsor of the device, the PI must:
 - a) Provide for the ongoing security, inventory, and dispensing of the investigational device to appropriate personnel for use by following the MUSC HRPP and MUSC policies, regulations and procedures.
 - b) Perform quality audits to insure security, integrity, and inventory of the investigational device.

C. Responsibilities of the MUSC Clinical Department

The MUSC clinical department where the device will be utilized will cooperate with and assist the Principal Investigator in obtaining secure and controlled access storage in the clinical department for each investigational device satisfying its storage requirements (e.g., controlled temperature, sterile conditions) and maintain proper control of the device for security, storage, inventory, dispensing, and disposal purposes.

D. Adverse Event Reporting

1. The Principal Investigator who holds an IDE or a device with NSR has responsibilities for reporting adverse events associated with use of an investigational device.
 - a) The Principal Investigator must report any adverse effect to the sponsor and the IRB *within 10 days of discovery*.

- b) The sponsor is required to evaluate the specific adverse event and investigate under a sponsor's monitoring requirements [21 CFR § 812.46(b)].
 - c) The sponsor must then report its findings to the FDA, to all participating investigators, and to (all) reviewing IRB committee(s) within 10 working days after the sponsor receives notice of the adverse effect.
- 2. The Principal Investigator must also follow *all* MUSC reporting policies pertaining to Adverse Event Reporting, and must participate in any investigation and/or quality review.
- 3. The PI of a study using an investigational radiology device must also report any adverse event to the MUSC Clinical Radiation Safety Committee, which reports to the MUSC Administrative Panel on Radiological Safety.

E. Custom Devices for Clinical Research – Investigational Device Exemption (IDE)

Clinical application of custom and/or investigational devices must satisfy all of the requirements of *FDA 21 CFR part 812, Investigational Device Exemptions*. Custom devices are *exempt* unless the device is being used to determine safety or effectiveness for commercial distribution [21 CFR 812.2(c)(7)]. A custom device is as follows [21 CFR 812.3(b)]:

- 1. The device necessarily deviates from devices generally available or from an applicable performance standard or pre-market approval requirement in order to comply with the order of an individual physician.
- 2. The device is not generally available to, or generally used by, other physicians or dentists.
- 3. The device is not generally available in finished form for purchase or for dispensing upon prescription.
- 4. The device is not offered for commercial distribution through labeling or advertising.
- 5. The device is intended for use by an individual patient named in the order of a physician and is to be made in a specific form for that patient, or is intended to meet the special needs of the physician in the course of professional practice.

F. Non-Significant Risk Device - Investigational Device Exemption (IDE)

When research is conducted to determine the safety or effectiveness of a device, where the device is not a significant risk device, the IRB staff, the convened IRB, or the reviewer using the expedited procedure determines whether the device fulfills one of the IDE exemption categories

1. A device, other than a transitional device, in commercial distribution immediately before May 28, 1976, when used or investigated in accordance with the indications in labeling in effect at that time.
2. A device, other than a transitional device, introduced into commercial distribution on or after May 28, 1976, that FDA has determined to be substantially equivalent to a device in commercial distribution immediately before May 28, 1976, and that is used or investigated in accordance with the indications in the labeling FDA reviewed under subpart E of part 807 in determining substantial equivalence.
3. A diagnostic device, if the sponsor complies with applicable requirements in 21 CFR 809.10(c) and if the testing:
 - a) Is noninvasive.
 - b) Does not require an invasive sampling procedure that presents significant risk
 - c) Does not by design or intention introduce energy into a subject.
 - d) Is not used as a diagnostic procedure without confirmation of the diagnosis by another, medically established diagnostic product or procedure.
4. A device undergoing consumer preference testing, testing of a modification, or testing of a combination of two or more devices in commercial distribution, if the testing is not for the purpose of determining safety or effectiveness and does not put subjects at risk.

IV. LEGAL AUTHORITY/REFERENCES

- A. [CDRH, 21 CFR § 812 and § 814, Investigational Device Exemptions, Center for Devices and Radiological Health, Food and Drug Administration](#)
- B. [FDA, Department of Health and Human Services \(DHHS\), as reported in the Federal Register, Volume 62, No. 181, September 18, 1997](#)

C. [FD&C Act](#)