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| The purpose of this worksheet is to provide support for IRB staff pre-reviewing research involving devices. This worksheet is to be used. It does not need to be completed or retained. | | | |
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| 1. Device Applicability (If either is “Yes” use the remainder of the worksheet. If both are “No” FDA device regulations do not apply.) | | | |
| Yes  No | | In the United States: The use of a device (iii) in one or more persons that evaluates the safety or effectiveness of that device. (If the device is/includes a software function, complete Section 2) | |
| Yes  No | | Data regarding subjects or control subjects submitted to or held for inspection by FDA(iv). | |
| Yes  No | | Data regarding the use of a device on human specimens (identified or unidentified) submitted to or held for inspection by FDA | |
| Yes  No | | Does this involve a humanitarian use device? | |
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| 1. SOFTWARE AS A MEDICAL DEVICEvi vii(Check if “Yes”. If “Yes” then the software function is excluded from the definition of device in section 201(h) of the FD&C Act and the FDA device regulations do not apply to that software function.)   ☐ Is the device, or does the device include, a software function that does any of the following? (Check all that apply)  ☐ Administrative support of a health care facility, including the processing and maintenance of financial records, claims or billing  information, appointment schedules, business analytics, information about patient populations, admissions, practice and  inventory management, analysis of historical claims data to predict future utilization or cost-effectiveness, determination of  health benefit eligibility, population health management, and laboratory workflow.  ☐ Maintaining or encouraging a healthy lifestyle and is unrelated to the diagnosis, cure, mitigation, prevention, or treatment of a  disease or condition.  ☐ Serve as electronic patient records, including patient-provided information, to the extent that such records are intended to  transfer, store, convert formats, or display the equivalent of a paper medical chart, so long as:   1. such records were created, stored, transferred, or reviewed by health care professionals, or by individuals working under supervision of such professionals; 2. such records are part of health information technology that is certified under section 3001(c)(5) of the Public Health Service Act; and 3. such function is not intended to interpret or analyze patient records, including medical image data, for the purpose of the diagnosis, cure, mitigation, prevention, or treatment of a disease or condition.   ☐ Transferring, storing, converting formats, or displaying clinical laboratory test or other device data and results, findings by a health care  professional with respect to such data and results, general information about such findings, and general background information about  such laboratory test or other device, unless such function is intended to interpret or analyze clinical laboratory test or other device data,  results, and findings.   1. IDE/HDE Requirements[[1]](#endnote-1) (One must be “Yes” If all are “No” IDE/HDE information is not complete.) | | | |
| Yes  No | | The device has an IDE or HDE. (Complete Sections 3 and 4. Complete Section 8 if applicable.) | |
| Yes  No | | The device qualifies for an abbreviated IDE. (Complete Section 6) | |
| Yes  No | | The device is exempt from the IDE requirements. (Complete Section 7) | |
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| 1. IDE/HDE Validation (At least one must be “Yes” If all are “No”, IDE/HDE cannot be validated.) | | | |
| Yes  No | | Sponsor protocol imprinted with the IDE/HDE number. | |
| Yes  No | | Written communication from the sponsor documenting the IDE/HDE number. | |
| Yes  No | | Written communication from the FDA documenting the IDE/HDE number. *(Required if the investigator holds the IDE/HDE.)* | |
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| 1. Device Control (Must be “Yes” If “No”, information regarding device control is incomplete.) | | | |
| Yes  No | | The plan for storage, control, and dispensing of the device is adequate to ensure that only authorized investigators will use the device and that they will use the device only in subjects who have provided consent.[[2]](#endnote-2) | |
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| 1. Abbreviated IDE (All must be “Yes”) | | | |
| Yes  No | | The device is not a banned by the FDA. | |
| Yes  No | | The investigator will label the device in accordance with FDA regulations. (21 CFR §812.5) | |
| Yes  No | | The IRB will approve the research and determine that the device is a non-significant risk device, and that consent will be obtained and documented in accordance with FDA regulation. | |
| Yes  No | | The investigator will comply with FDA requirements for monitoring investigations. (21 CFR §812.46) | |
| Yes  No | | The investigator will comply with FDA requirements for records and reports. (21 CFR §812.140, 21 CFR §812.150) | |
| Yes  No | | The investigator will not market or promote the device. (21 CFR §812.7) | |
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| 1. IDE Exemptions (All criteria under one category must be “Yes” for a category to be met. If none of the categories is met, the device is not exempt from an IDE.) | | | |
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| **Cat. #1** | Yes  No | | The device was not regulated as a drug before enactment of the Medical Device Amendments. (Transitional device.) |
| Yes  No | | The device is FDA-approved/cleared.[[3]](#endnote-3) |
| Yes  No | | The device Is being used or investigated in accordance with the indications in the FDA approved/cleared labeling. |
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| **Cat. #2** | Yes  No | | The device is a diagnostic device. |
| Yes  No | | The sponsor will comply with applicable requirements in 21 CFR 809.10(c). |
| Yes  No | | The testing is noninvasive.[[4]](#endnote-4) |
| Yes  No | | The testing does not require an invasive sampling procedure that presents significant risk. |
| Yes  No | | The testing does not by design or intention introduce energy into a subject |
| Yes  No | | The testing is not used as a diagnostic procedure without confirmation of the diagnosis by another, medically established diagnostic product or procedure. |
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| **Cat. #3** | Yes  No | | The device is undergoing consumer preference testing, testing of a modification, or testing of a combination of two or more devices in commercial distribution, and the testing is not for the purpose of determining safety or effectiveness and does not put subjects at risk. |
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| **Cat. #4** | Yes  No | | The device is a custom device as defined in 21 CFR 812.3(b), unless the device is being used to determine safety or effectiveness for commercial distribution. |
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| 1. IDE Oversight for investigators who hold the IDE (One of the following must be “Yes”) | | | |
| Yes  No | | The investigator does NOT hold the IDE. | |
| Yes  No | | The FDA regulatory requirements of a sponsor (including GMP when applicable) have been assumed by a contract research organization. | |
| Yes  No | | The PI certifies in writing that they will be compliant with FDA sponsor requirements (including GMP when applicable). | |

1. This document satisfies AAHRPP elements I.7.A, I.7.B

   ii. This includes software functions the FDA considers to be medical devices. Examples of software functions the FDA considers to be a medical device (along with examples of devices that the FDA does NOT consider a medical device) can be found in FDA’s Policy for Device Software Functions and Mobile Medical Applications. Note that for certain cases where the FDA is exercising enforcement discretion, such software functions are still subject to the Investigational Device Exemption (IDE) requirements in 21 CFR 812, unless exempt as per 21 CFR 812.2(c). [↑](#endnote-ref-1)
2. [↑](#endnote-ref-2)
3. iii The term ‘‘device’’ means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article,

   including any component, part, or accessory, which is:

   (1) recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them,

   (2) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals, or

   (3) intended to affect the structure or any function of the body of man or other animals, and which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes. [↑](#endnote-ref-3)
4. . Due to changes to Section 3060 of the 21st Century Cures act, the term “device” does not include software function that is intended for:

   administrative support of a health care facility, including the processing and maintenance of financial records, claims or billing information,

   appointment schedules, business analytics, information about patient populations, admissions, practice and

   inventory management, analysis of historical claims data to predict future utilization or cost-effectiveness, determination of health benefit

   eligibility, population health management, and laboratory workflow;

   maintaining or encouraging a healthy lifestyle and is unrelated to the diagnosis, cure, mitigation, prevention, or treatment of a disease or

   condition;

   serve as electronic patient records, including patient-provided information, to the extent that such records are intended to transfer, store,

   convert formats, or display the equivalent of a paper medical chart, so long as—

   such records were created, stored, transferred, or reviewed by health care professionals, or by individuals working under supervision of such professionals;

   such records are part of health information technology that is certified under section 3001(c)(5) of the Public Health Service Act;

   and such function is not intended to interpret or analyze patient records, including medical image data, for the purpose of the diagnosis, cure, mitigation, prevention, or treatment of a disease or condition; or

   transferring, storing, converting formats, or displaying clinical laboratory test or other device data and results, findings by a health care professional with respect to such data and results, general information about such findings, and general background information about such laboratory test or other device, unless such function is intended to interpret or analyze clinical laboratory test or other device data, results, and findings.

   To review the FDA’s guidance regarding the changes to the existing medical definition due to the 21st Century Cures Act, please visit this website: https://www.fda.gov/media/109622/download. To review software functions that are the focus of the FDA’s regulatory oversight, please review the following guidance: https://www.fda.gov/media/80958/download.

   iv. This is specific to submissions that are part of an application for a research or marketing permit. However, unless otherwise indicated, assume all submissions to FDA meet this requirement.

   v. This is specific to submissions that are part of an application for a research or marketing permit. However, unless otherwise indicated, assume all submissions to FDA meet this requirement.

   vi. Due to changes to Section 3060 of the 21st Century Cures act, the term “device” does not include software function that is intended for the functions listed in this section.:

   To review the FDA’s guidance regarding the changes to the existing medical definition due to the 21st Century Cures Act, please visit this website: https://www.fda.gov/media/109622/download. To review software functions that are the focus of the FDA’s regulatory oversight, please review the following guidance: https://www.fda.gov/media/80958/download.

   vii Guidance (including IRB risk considerations) for studies involving Digital Health Technologies (DHTs) can be found here: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/digital-health-technologies-remote-data-acquisition-clinical-investigations>.

   viii If there are questions about which category is appropriate, have the investigator apply for an IDE following 21 CFR §812.20.

   ix The investigator or other designated individual must maintain records of the product's delivery to the clinical trial site, the inventory at the site, the use by each subject, and the return to the Sponsor or alternative disposition of unused products. These records include dates, quantities, batch or serial numbers, and expiration dates (if applicable), and the unique code numbers assigned to the investigational products and trial subjects.

   x The risk determination is based on the proposed use of a device in an investigation, and not on the device alone. (See <http://www.fda.gov/downloads/regulatoryinformation/guidances/ucm126418.pdf>)

   xi In commercial distribution immediately before May 28, 1976, or 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.

   xii <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpcd/315.cfm>

   xiii In addition to in vitro diagnostic devices, studies with other types of diagnostic devices (e.g., SaMD), are eligible to qualify as exempt studies under 21 CFR 812.2(c)(3) (per FDA correspondence dated March 12, 2024 and Question #6 <https://blog.primr.org/webinar-follow-up-irb-oversight-and-fda-review-of-studies-that-include-ivds/?_ga=2.56835114.1853572302.1710178902-1380167154.1707514316>)

   xiv Blood sampling that involves venipuncture is considered non-invasive for purposes of this exemption. The use of surplus samples of body fluids or tissues that are left over from samples taken for non-investigational purposes is also considered non-invasive. http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm071230.pdf [↑](#endnote-ref-4)