PROTECT: Drugs and Devices

Nicole Grant

Different questions in the 2 systems

iRIS

- Are there any commercial, FDA approved products used as the object of the investigation?
  - If yes, list each product in the table below
- Will the protocol be conducted under an IND or IDE (including NSR)?
  - If yes, list the product used in this research

PROTECT

- Does the study specify the use of an approved drug or biologic, use and unapproved drug or biologic, or use a food or dietary supplement to diagnose, cure, treat or mitigate a disease or condition?
- Does the study evaluate the safety or effectiveness of a device or HUD?

DRUGS

Question: Does the study specify the use of an approved drug or biologic, use and unapproved drug or biologic, or use a food or dietary supplement to diagnose, cure, treat or mitigate a disease or condition?

You should answer “yes” to this question if any of the above is true; this means it is a FDA regulated study (and the IRB has to apply the FDA regulations when it reviews the protocol).

DRUGS

- Current question in PROTECT: List all drugs, biologics, foods, and dietary supplements to be used in the study: (include all that are being investigated as part of this study; do not include supportive care medications)

- Proposal to change the question to: List only the drugs, biologics, foods, and dietary supplements that are being investigated as part of this study. Do not list supportive care medications.

DRUGS

- The only products that need to be listed in PROTECT are those that are ones you are using to answer your research question (the object of the investigation).
- There may be other products that you are using in a systematic way with the research participants that need to be described in the protocol and potentially the consent, but do not need to be listed in PROTECT as the IRB does not need to make a determination about those products (e.g. supportive care medications).

DRUGS

This will require critical thinking as to:

- what needs to be included in the protocol (what is being given in a systematic way to all participants),
- what needs to be in the consent (what do the participants need to know about the research in order to make a decision about whether they want to participate or not), and
- what needs to be included in PROTECT (what are the investigational products that the IRB needs to make a determination about).

It is not always black and white

DRUGS

- Note: The IRB prefers that standard of care medications/procedures, especially those that are given on an “as needed” basis NOT be specified in the protocol or consent; this is not part of the research and creates confusion about what the research really is.
- This also reduces potential deviations as standard of care is provision of medical care/at the discretion of the treating physician and not part of what is being studied in a systematic manner
- Dr. Green gave a presentation about this in February 2020: Research vs. Practice: Separating church from state in NIH protocols.

DEVICES—what is a medical device?

The first question you need to ask is if it is a medical device.

- The definition of the term device in section 513(a)(1) of the FD&C Act is an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article or component part or accessory which:
  - is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease
  - is intended to affect the structure or any function of the body
  - does not achieve any of 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 any of its primary intended purposes

Non-traditional medical devices--In vitro diagnostics (IVDs)

- IVDs are those reagents, instruments, and systems intended for use in diagnosis of disease or other conditions.
  - For example, pregnancy test, HIV blood screening test, oncogene testing
- Such products are intended for use in the collection, preparation, and examination of specimens taken from the human body.
  - ex. blood, spinal fluid, tissue samples, serum, urine
- The FDA considers the IVD to be the entire process from specimen collection to results reporting:
  - Specimen collection and transport
  - Specimen preparation
  - Specimen examination/analysis
  - Method of calculating/reporting result
- Clinical studies, particularly drug studies, often contain objectives with the purpose of determining whether biomarkers correlate with disease state, treatment response, or risk of disease. Depending on study design, this analysis can be considered the early development of an IVD that is subject to 21 CFR 812 .

Non-traditional medical devices--Software Functions and Mobile Medical Applications

- FDA has regulatory oversight of software functions that meet the definition of a device in section 201(h) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), and these software functions are referred to as "device software functions." Device software functions may include "Software as a Medical Device (SaMD)" and "Software in a Medical Device (SiMD)."
- A Mobile Medical Application (MMA) ". . .is a mobile app that incorporates device software functionality that meets the definition of device in section 201(h) of the FD&C Act; and either is intended:
  - to be used as an accessory to a regulated medical device; or
  - to transform a mobile platform into a regulated medical device."
- Device software functions may be used on a mobile platform (e.g., mobile medical apps), other general-purpose computing platform, or in the function or control of a hardware device.
- Generally, if a software function is intended to perform a medical device function (i.e. to diagnose disease or other conditions, or cure, mitigate, treat, or prevent disease), it is regulated as a medical device, regardless of the platform on which it is run.
- FDA Guidance for Industry and FDA Staff - Policy for Device Software Functions and Mobile Medical Applications

DEVICES

- Question: Does the study evaluate the safety or effectiveness of a device or HUD?
- You should answer “yes” only if the objective of the clinical investigation is to assess the safety and/or effectiveness of a medical device, or if you are using a medical device that is not approved/cleared by the FDA (investigational device)
- Then the study is a device study and is subject to regulatory oversight by the US Food and Drug Administration as defined in 21 CFR 812 (Investigational Device Exemption).
- If the objective of the study is not to test the safety or effectiveness of the device, then the study would not fall within the scope of 21 CFR 812 (you would answer “no”).
    - Such a device is used as a "tool". One example of this would be when an MRI is used to collect data in an oncology drug trial to evaluate tumor response or a thermometer used to check temperature as an inclusion criteria for a study.

DEVICES—IDE exempt?

Is the device FDA cleared or approved?

Look up in the FDA database to see if it has a 510K premarket notification

Look up in the FDA database to see if it has a PMA (Premarket Approval)

- may be easiest to search by the applicant (company who makes/owns the product) name

If the device is being used per the label, then the study is EXEMPT from the IDE regulations

DEVICES– IDE exempt?

- If not used per label, is the device diagnostic?
- A diagnostic device study is exempt from the IDE regulations if it complies with the labeling requirements in §809.10(c) and if the testing:
  - is noninvasive;
  - does not require an invasive sampling procedure that presents significant risk;
  - does not by design or intention introduce energy into a subject; and
  - is not used as a diagnostic procedure without confirmation by another medically established diagnostic product or procedure;

DEVICES—if not IDE exempt

- The sponsor makes an initial risk assessment that is submitted to the IRB.
- The IRB then makes the significant risk determination, or if the IRB wants the FDA to make the risk assessment, a submission to FDA is necessary.
- A significant risk device is one that:
  - Is intended as an implant and presents a potential for serious risk to the health, safety, and welfare of a subject.
  - Is used to support or sustain human life.
  - Is of substantial importance in diagnosing, curing, mitigating, or treating disease and/or otherwise preventing impairment of human health.
  - Otherwise presents a potential for serious risk to the health, safety, or welfare of a subject.
- **The study risk determination is based on the proposed use of a device in an investigation, and not on the device alone**. (The same device can be in both an SR study and an NSR study.)
- If study is not SR, then it is NSR.

DEVICES

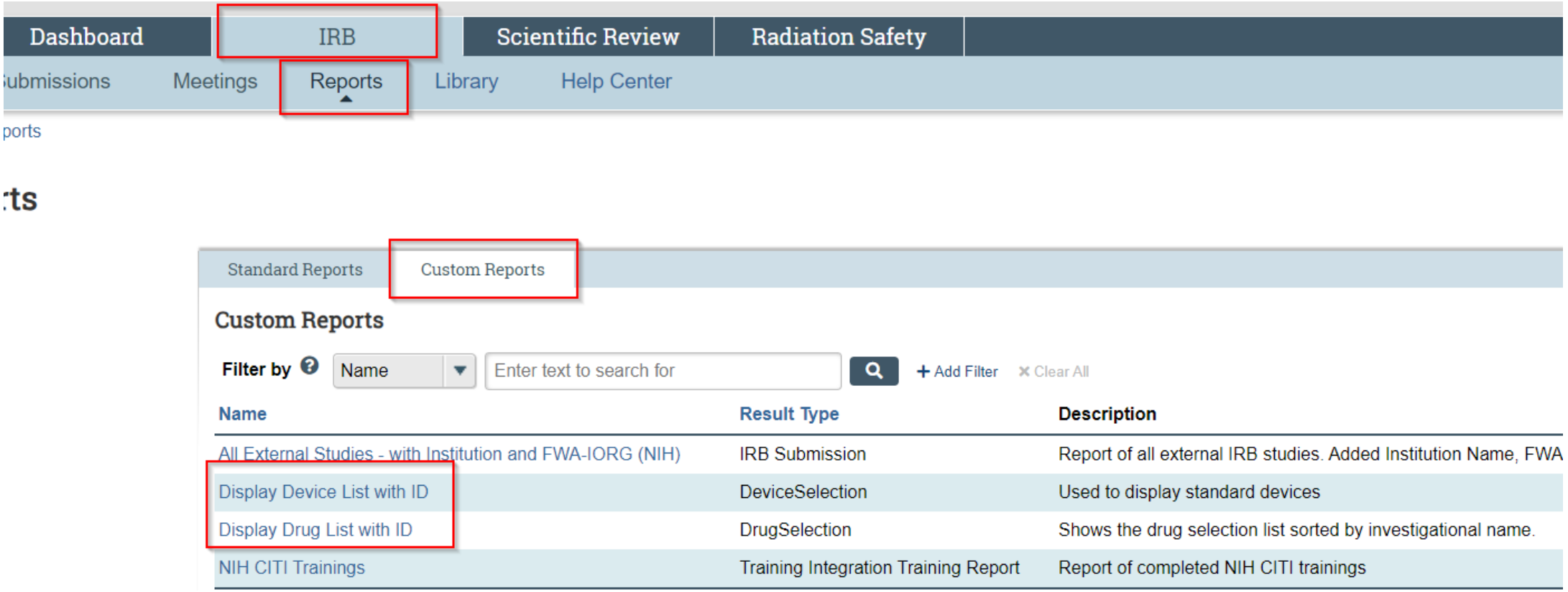
This will require critical thinking as to:

- what needs to be included in the protocol (what device is being used in a systematic way with all participants),
- what needs to be in the consent (what do the participants need to know about the research in order to make a decision about whether they want to participate or not), and
- what needs to be included in PROTECT (what are the investigational device(s) that the IRB needs to make a determination about).

It is not always black and white

Adding a new product in PROTECT

First check to see if the drug/device is already listed in PROTECT



Adding a new product in PROTECT

Enter a ticket at the PROTECT Help Desk

Request to add a new device to PROTECT

Choose this form to request a new device to be added to PROTECT

Request to add a new drug to PROTECT

Choose this form to request a new drug to be added to PROTECT

DRUGS

- Include all known names (investigational, generic, trade names)
- Include the manufacturer
- For FDA approved drugs, search the FDA orange book to find if there are multiple generic manufacturers (if yes, and not obtaining drug for the study from a specific manufacturer, can use “generic”)
- For FDA approved biologics, search the FDA Purple Book to see if there are biosimilars (these would need to be entered in PROTECT as a new drug)
- For approved drugs, attach the package insert. For investigational drugs, attach the IB (if there is one).

DEVICES

- Only request devices be added if they are
  - A medical device
  - Being used as an investigational device in the study
- Include the 510K clearance or PMA clearance if available
- Include device manual or other descriptive information about the device if there is no FDA approval

Questions?