

INVESTIGATIONAL DEVICE (IDE) EDUCATIONAL HANDOUT

Institutional Review Board and Human Subjects Office

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Introduction

To ensure that research involving investigational devices is conducted in accordance with applicable federal regulations, sponsor-investigators (SI) must understand their responsibilities before undertaking a trial involving an investigational device.

This document will guide sponsor-investigators who hold a Investigational Device Exemption (IDE) in understanding and complying with the federal regulations. The federal regulations for IDEs are found at [21 CFR 812.20\(b\)](#). Hyperlinks to the IDE regulations are included so researchers may refer to the complete text of the corresponding regulations. Additional FDA IDE guidance is found here: [FDA Decisions for IDEs](#) and [Guidance for IRBs, Clinical Investigators and Sponsors](#).

Sponsor-investigators are required to follow all federal regulations and University of Iowa policies and guidance for human subjects research. University of Iowa policies and guidance for human subjects research are available in the [University of Iowa IRB Standard Operating Procedures \(SOP\) & Researcher Guide](#).

Definitions

The FDA considers an investigation of an investigational device(s) to have an approved IDE when IRB concurs with the risk determination and approves the study.

What is a Sponsor?

A sponsor is an individual, or other entity that

- Takes responsibility for and initiates a clinical investigation.
- Does not actually conduct the investigation.

What is an Investigator?

- An individual who conducts a clinical investigation.
- Is responsible for the administration and/or dispensing of the test article.

What is a Sponsor-Investigator?

A sponsor-investigator is an individual:

- Who initiates (i.e., *obtains an IDE*) and conducts an investigation.
- Under whose immediate direction an investigational device is dispensed or used.
- Once an NSR determination is made and has an approved IDE, an investigator must assume the responsibilities of the sponsor, and is called a “sponsor-investigator.”

Responsibilities of Sponsors of Investigational Device Studies

The SI responsibilities are abbreviated and include those described in [21 CFR 812.2\(b\) Abbreviated requirements](#).

The Sponsor is responsible for:	
A. Obtaining IRB Approval	Reference
<ul style="list-style-type: none">• Maintaining IRB approval throughout investigation	21 CFR 812.2(b)(ii)
B. Labeling the device in accordance with FDA requirements	
The investigational device or its immediate package must have a label that states: <ul style="list-style-type: none">• Name and place of business of the manufacturer, packer or distributor• Quantity of contents, if appropriate• The statement: “CAUTION – Investigational device. Limited by Federal (or United States) law to investigational use.” (21 CFR 812.5(a))• The label or other labeling must describe all relevant contraindications, adverse effects, hazards, interfering substances or devices, warnings and precautions• Labeling should not include any statements that may be false or misleading and should not represent the device as safe or effective for the purposes for which it is being investigated.	21 CFR 812.5(a) & (b)
C. Monitoring investigations - to protect the human subjects and assure protocol compliance.	
Securing compliance or discontinuing shipment or terminating participation <ul style="list-style-type: none">• If sponsor discovers an investigator is not complying with the signed agreement, the investigational plan, applicable FDA regulations or any FDA/IRB conditions of approval, s/he must:<ul style="list-style-type: none">○ Secure compliance or○ Discontinue shipments of the device to the investigator and terminate the investigator's participation in the investigation	21 CFR 812.46

<ul style="list-style-type: none"> ○ Require the investigator to dispose of or return the device, unless this action would jeopardize the rights, safety, or welfare of a subject. <p>Immediately evaluating unanticipated adverse device effects</p> <ul style="list-style-type: none"> • As sponsor, if you determine an unanticipated adverse device effect poses unreasonable risk to subjects, you must terminate all investigations or parts of investigations presenting that risk as soon as possible. Termination must occur: <ul style="list-style-type: none"> ○ No later than 5 working days after this determination And ○ No later than 15 working days after first receiving notice of the effect • Obtaining approval for resumption of terminated studies <ul style="list-style-type: none"> ○ IRB approval is required to resume a terminated investigation ○ FDA approval is required if the investigation was terminated because the unanticipated adverse device effect posed an unreasonable risk. <p>Ensure that investigator’s maintain required records and submit required reports</p> <ul style="list-style-type: none"> • Described below under “Sponsors must ensure that investigators” section. 	
D. Recordkeeping Requirements	
<p>Maintain the following records in one location; make available for FDA inspection & copying:</p> <ul style="list-style-type: none"> • The name and intended use of the device • The objectives of the investigation • A brief explanation of why the device is not a significant risk device • The name and address of each investigator • The name and address of each IRB that has reviewed the investigation • A statement of the extent to which the good manufacturing practice regulation in part 21 CFR 820 will be followed in manufacturing the device • Any other information required by FDA • Records of adverse device effects (whether anticipated or unanticipated) and complaints 	21 CFR 812.140(b)(4) &(5)
E. Reporting Requirements	

For investigational devices, sponsors must report the following:

[21 CFR 812.2\(b\)](#)

&

[21 CFR 812.150 \(b\) \(1-3\) & \(5-10\)](#)

To FDA, all reviewing IRB's and participating investigators

- Unanticipated adverse device effects.
 - Report evaluation results
 - Within 10 working days after the sponsor first receives notice of the effect.
 - Submit additional reports concerning the effect per FDA requests.
- Withdrawal of IRB approval.
 - Notify any withdrawal of approval or a part of an investigation by a reviewing IRB
 - Report within 5 working days after receipt of the withdrawal of approval.

To FDA and all reviewing IRB's

- Recall and device disposition.
 - Any request that an investigator return, repair, or otherwise dispose of any units of a device.
 - State why the request was made.
 - Report within 30 working days after the request is made
- Other
 - Upon request by a reviewing IRB or the FDA, provide accurate, complete, and current information about any aspect of the investigation.

To all reviewing IRB's and participating investigators

- Withdrawal of FDA approval
 - Any withdrawal of FDA approval of the investigation
 - Report within 5 working days after receipt of notice of the withdrawal of approval.

To all reviewing IRBs

- Progress reports
 - Submit at regular intervals
 - Submit at least yearly in an annual report
- Final report
 - Submit within 6 months after termination or completion.

To FDA

- A current investigator list
 - Include names and addresses of all participating investigators
 - Submit at 6-month intervals
 - Send the first list 6 months after FDA approval
- Device use without consent

<ul style="list-style-type: none"> ○ A copy of any report by an investigator of such use ○ Submit within 5 working days of receipt of notice of such use. ○ (See the “Sponsors must ensure that investigators” section below) 	
F. Prohibitions	
<p>A sponsor, investigator or any person on their behalf shall not:</p> <ul style="list-style-type: none"> • Represent an investigational device as safe or effective for the purposes for which it is being developed • Promote or test market an investigational device until the FDA has approved the device for commercial distribution • Commercialize an investigational device by charging the subject or investigators for a device a price larger than that necessary to recover the costs of manufacture, research development and handling • Unduly prolong an investigation 	21 CFR 812.7
Sponsors must ensure that investigators:	
A. Obtain/document Informed Consent	
<ul style="list-style-type: none"> • For each subject at each participating site 21 CFR 50 • Unless the IRB waives documentation 21 CFR 56.109(c) 	21 CFR 812.2(b)(1)(iii)
B. Maintain Records as required by FDA	

<ul style="list-style-type: none"> • Case histories include case report forms and supporting data: <ul style="list-style-type: none"> ○ Signed and dated consent forms ○ Documentation that informed consent was obtained prior to participation in the study ○ Medical record information - Doctors progress notes and the nurses notes • Study documents evidencing informed consent for <ul style="list-style-type: none"> ○ Any use of a device by the investigator <u>without informed consent</u>, ○ Any written concurrence of a licensed physician and ○ A brief description of the circumstances justifying the failure to obtain informed consent. 	21 CFR 812.140 (a)(3)(i)
C. Submit Reports as required by FDA	
<p>Prepare & submit the following complete, accurate and timely reports to:</p> <p>The sponsor and reviewing IRB</p> <ul style="list-style-type: none"> • <u>Unanticipated adverse device effect</u>: <ul style="list-style-type: none"> ○ A report of any unanticipated adverse device effect occurring during an investigation ○ Report as soon as possible ○ Report no later than 10 working days after the investigator first learns of the effect • <u>Informed consent</u>: <ul style="list-style-type: none"> ○ Uses of a device without obtaining informed consent ○ Report within 5 working days after the use occurs <p>The Sponsor</p> <ul style="list-style-type: none"> • <u>Withdrawal of IRB approval</u>: <ul style="list-style-type: none"> ○ Any withdrawal of approval by the reviewing IRB of the investigator's part of an investigation ○ Report within 5 working days of notification <p>The reviewing IRB or FDA</p> <ul style="list-style-type: none"> • <u>Other</u>: upon request, an investigator must provide accurate, complete, & current information about any aspect of the investigation. 	21 CFR 812.150(a)(1), (2), (5) & (7)
D. Financial Disclosures	
<p>If the data from an investigational device study is submitted in a marketing application, financial disclosure applies.</p> <ul style="list-style-type: none"> • The investigator must disclose to the sponsor sufficient and accurate financial information that allow the IDE applicant (or sponsor) to submit certification or disclosure of financial interests. • The investigator must update the information if any relevant changes occur <ul style="list-style-type: none"> ○ Throughout the investigation ○ For one year following completion of the study. 	21 CFR 54 21 CFR 812.110(d)