Institutional Review Boards and Humanitarian Use Device (HUD)

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Learning objectives

- Define Humanitarian Use Device
- Describe FDA's approval
- Identify the HDE-holder responsibilities
- Identify the physician responsibilities
- Describe the IRB responsibilities

Topics

- Humanitarian Use Device (HUD)
- Humanitarian Device Exemption (HDE)
- FDA review
- HDE-holder responsibilities
- Physician responsibilities
- IRB responsibilities
- FDA concerns

Humanitarian Use Device (HUD)

- HUD definition
  - Title 21 CFR 814.3(n)
  - A device intended to benefit patients in the treatment or diagnosis of a disease or condition affecting fewer than 4,000 individuals in the US per year

Humanitarian Use Device (HUD)

- Office of Orphan Products Development designates a device as a Humanitarian Use Device (HUD)
  - Verifies that the device is designed to treat or diagnose a disease or condition following the parameters in the definition
  - Reviews a description of the device
  - Reviews a description of the rare disease or condition

Humanitarian Device Exemption (HDE)

- HDE Definition
  - Title 21 CFR 814.2
  - A premarket approval application submitted to FDA seeking a Humanitarian Device Exemption from the effectiveness requirements of sections 514 and 515 of the Food, Drug, Cosmetic Act.

Humanitarian Device Exemption Application to FDA

- FDA approval of HDE application
  - HUD does not pose unreasonable risk of injury to patients
  - That the probable benefit outweighs risk of injury from its use

Humanitarian Device Exemption Application to FDA

- FDA approval of the HDE

  HDE label states

  – The device is a Humanitarian Use Device

  – The device, to treat or diagnose a specific disease or condition, is authorized by federal law

  – The effectiveness of this device for this use has not been demonstrated

Humanitarian Device Exemption Application to FDA

- FDA approval of a HDE application allows the HUD to be marketed

HDE-Holder

- The HDE-holder must
  - Have both HUD designation and approved HDE from FDA before device is shipped to institutions with Institutional Review Board (IRB) oversight

HDE-Holder

- The HDE-holder is responsible for ensuring initial and continuing IRB review
- The HDE-holder may wish to enforce this by not shipping HUDs to institutions until after receiving documentation of IRB approval

HDE-Holder

- The HDE-holder is responsible for ensuring
  - the HUD is not administered to or implanted in a patient prior to obtaining IRB approval at the health care facility

HDE-Holder

- The HDE-holder must
  - Maintain IRB correspondence
  - Report clinical experience, including safety information, to FDA in annual reports

Physician Responsibilities

- Obtain IRB approval and continuing approval
- Follow IRB requirements
- Give patients HUD information packet
- Report serious adverse events and deaths using the Medical Device Reporting system at 21 CFR 803.

IRB initial review of HUDs

- Use approval criteria at 21 CFR 56.111
  - Consideration of the patient's need for the HUD
  - Likelihood that device is appropriate for the patient's condition or disease state

IRB continuing review of HUDs

- Follow written procedures for continuing review
  - Convened meeting, or
  - Expedited review is acceptable because it is an approved device

IRB review of HUDs

- An IRB may approve the use of the HUD
  - In general
  - For groups of HUD patients that meet certain criteria
  - Under a HUD treatment protocol, or
  - On a case-by-case HUD basis

IRB limitations on HUD use based on

- One or more measures of disease progression
- Prior use and failure of alternate treatment modalities

IRB limitations on HUDs use based on

- Reporting requirements to IRB or IRB Chair
- Appropriate follow-up precautions and evaluations
- Any other criteria it determines appropriate

IRB withdrawal of approval

- IRBs must be constituted and act in accordance with the agency's regulations and withdraw approval for:
  - Failure to follow IRB or FDA requirements
  - Unexpected serious harm or death
- Questions to ask at continuing review
  - Reporting serious adverse events or deaths
  - Following IRB conditions of approval or limitations

Medical Device Reporting (MDR) and Humanitarian Use Devices

- Applies to all FDA approved devices
- Serious adverse events and deaths must be reported to FDA and the IRB using the Medical Device Reporting system at 21 CFR 803
- HDE-holders and IRBs should ensure that physicians know about this requirement

FDA Concerns

- Off label use of an HUD
  - IRB should ensure that physicians are made aware of any restrictions or limitations of off-label use at the time of initial review.
  - FDA recommends informed consent and reasonable patient protections measures
    - Monitoring and considering the specific needs of the patient and limited information about risks and effectiveness of the HUD
  - Summary report to IRB and HDE-holder following the use

FDA Concerns

- Research for HDE-approved indication
  - No Investigational Device Exemption (IDE) required
  - IRB review and informed consent recommeded
- Research outside approved indication
  - Requires an (IDE) 21 CFR 812
  - IRB review and informed consent required

References

- Regulation
  - 21 CFR 814 Subpart H
  - 21 CFR 56 Institutional Review Boards
  - 21 CFR 803 Medical Device Reporting
- Guidance

  www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfHDE/HDEInformation.cfm
  - List of all HUDs
  - Frequently asked questions and answers

Summary

- Humanitarian Use Device and Humanitarian Device Exemption
- FDA's approval criteria
- HDE-holder responsibilities
- Physician responsibilities
- IRB responsibilities