

**IRB SOP 1001**  
**Medical Device Studies:**  
**Significant Risk/Non-Significant Risk Determinations**

Purpose



is used in supporting or sustaining human life; or  
is for use of substantial importance in diagnosing, curing,  
mitigating or treating disease, or otherwise prevents  
impairment of human health; or  
otherwise presents a potential for serious risk to the health, safety,  
or welfare of a subject.

- 1.2 **A Non-significant Risk (NSR) device** investigation is one that does not meet the definition for a SR study.

The risk determination is based on the proposed use of a device in an investigation, and not on the device alone. In deciding if a study poses an SR, the IRB considers the nature of the harm that may result from use of the device. Studies where the potential harm to subjects could be life threatening, could

- 2.0 The following items must be addressed:

- 2.1 The IRB (or FDA) will determine whether the medical device is significant risk (SR) or non-significant risk (NSR) per 21 CFR 812 by use of any of the following:

- 2.1.1 A risk assessment report from the sponsor explaining the device classification;
- 2.1.2 The FDA letter approving the IDE (in which case the IRB will consider the investigation an SR device study);
- 2.1.3 A Pre-Market Approval letter, supplement letter or amendment letter from the FDA;
- 2.1.4 Information from the study application, master protocol, investigator's brochure (or package insert) and other risk evaluations presented by the sponsor or investigator;
- 2.1.5 Review of the FDA Information Sheet containing examples of SR and NSR devices located at <http://www.fda.gov/oc/ohrt/irbs/devrisk.pdf>;
- 2.1.6 Reports of prior investigations conducted with the device;
- 2.1.7 Description of subject selection criteria;
- 2.1.8 Description of monitoring procedures;
- 2.1.9 Potential harm that may be caused by any surgical procedure used to place or implant the device; and
- 2.1.10 The proposed use of the device and the nature of harm that may result from its use in the study.

- 2.2

- 2.3 If the IRB decides the study is significant risk, the IRB shall notify the investigator (in writing) that an IDE must be obtained from the FDA prior to IRB review of the study. Any amendments or corrections of deficiencies required by the FDA during the IDE process must be submitted for review and approval of the IRB. Once the IDE is obtained, the investigator may resubmit the study for IRB review.
- 2.4 If an IDE application is or has been submitted to the FDA, but final approval has not been granted, the IRB can proceed with the review of the study, but final approval will not be granted until documentation of the FDA approval is submitted.
- 2.5 For NSR device studies, the IRB shall proceed to review the study per 21 CFR 56.111. If approved by the IRB, the investigator must comply with all abbreviated IDE requirements in 21 CFR 812.2(b), as well as informed consent and IRB regulations.
- 2.6 The IRB will record its determination of SR/NSR status in the minutes of the meeting. The minutes will describe the IRB's reasons for its SR or NSR determination and may also include the documents used to establish the IDE status for the study. For an SR determination, such documentation may include a copy of the IDE approval or conditional approval letter from the FDA. For an NSR determination, the documentation may include FDA's NSR classification if the agency has made such a determination.
- 2.7 The IRB will review reports of unanticipated device effects occurring during an investigation. Investigators are required to report these effects to the sponsor and to the IRB as soon as possible, but in no event later than within 10 working days after the investigator first learns of the effect. Should the IRB determine that the information gained in these reports changes the risk assessment, the IRB can reconsider any NSR decision and/or require the modification of the informed consent to contain the new information.

## **Regulated Documents**

21CFR56; 21CFR812

## **Guidance Documents**

[FDA Guidance on Significant Risk and Non-](#)