



The Australia New Zealand Therapeutic Products Authority (ANZTPA)

Regulation of *in-vitro* Diagnostic Medical Devices (IVDs)

May 2007

Presentation Outline

Welcome

Overview of ANZTPA and the Joint Regulatory Scheme

Regulation of IVDs

Next Steps

Questions for the panel

ANZTPA Consultation

Phase 1 23 May 2006

- Medicines Rule
- Medical Devices Rule
- parts Administration and Interpretation Rule

ANZTPA Consultation

Phase 2 18 October 2006

- Medicines Scheduling Provisions
- consultation paper on regulation of Blood
- consultation paper on Post-market Product Vigilance
- Advertising Rule
- consultation paper on regulation of Clinical Trials

ANZTPA Consultation

Phase 3 4 April 2007

- release 3 ANZTPA Orders for Medical Devices
- IVD Rule incorporated in Medical Devices Rule
- consultation paper on Human Cellular and Tissue Therapies (HCTs)



Australia New Zealand Therapeutic Products Authority – Structure and Governance

ANZTPA objectives:

- Establish as a world-class regulatory agency to be responsible for the effective and efficient administration of the Scheme and to be accountable to both Parties
- Safeguard public health and safety in Australia and New Zealand
- Regulate the quality, safety, and efficacy or performance of medicines, medical devices, blood and tissue products
- Avoid barriers to trade except where necessary
 - to safeguard public health or safety, or
 - to fulfill' international obligations

PEST Analysis of ANZTPA

Political

- CER and TTMRA

Economic

- Duplication of work, cost-effectiveness

Social

- Similarities of regulatory culture

Technical

- Same standards, same decisions

IVD Consultation Package – Phase 3

Medical Devices Rule 2007 – IVD Revision Draft

- Medical Devices Rule released May 2006 for stakeholder comment
- new Rules for IVDs shaded
- changes to Medical Devices Rule resulting from May 2006 consultation not included

Plain English Guide to IVDs

Background to IVD framework

- April 2003 Release of discussion paper “A Proposal for a New Regulatory Framework for IVDs”
- 31/7/2003 Australian Health Ministers Conference agreed major elements framework
- 4/3/2004 Australian Health Ministers’ Advisory Council (AHMAC) endorsed legislative framework
- 26/3/2006 Minister Pyne approved IVD cost recovery model as agreed with Australian industry
- 20/7/2006 Therapeutic Products Interim Ministerial Council agreed to include IVDs under joint scheme

How do IVDs fit into Medical Devices Rule?

IVDs are a subset of medical devices

- new Rules for IVDs shaded

Definition IVDs for therapeutic use doesn't include

- breath/blood alcohol testing
- substance of abuse testing
- parentage or kinship testing

Rule applies to commercial IVDs only

- In-house IVDs will be included later following further stakeholder consultation

IVDs for Self Testing

IVDs that will not be approved for self-testing

- those used to diagnose notifiable infectious diseases
- genetic tests, and
- those used to test for serious disorders such as cancer and myocardial infarction

Recommendation of AHMAC

Requirements in Authority Order rather than
IVD Rule

Key Deliverables

Risk based regulation of medical devices is based on a globally harmonised model:

- Low to medium risk IVDs may be approved on the basis of overseas certifications without further assessment
- Export Only products are self certified
- ANZTPA conformity assessments will open up key overseas markets
- ANZTPA recognition of MRA / MOU partners will reduce regulatory burden



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What are we Regulating?

Definition of an IVD

a reagent, calibrator, control material, kit, specimen receptacles, software, instrument, apparatus, equipment or system, whether used alone or in combination with another diagnostic product for *in vitro* use; and is intended by the manufacturer to be used *in vitro* for the examination of specimens derived from the human body, solely or principally for:

- (i) giving information about a physiological or pathological state or a congenital abnormality; or
- (ii) determining safety and compatibility with a potential recipient; or
- (iii) monitoring therapeutic measures.

This definition does not apply to a product intended for general laboratory use that is not manufactured, sold or presented for use as an IVD.

4 Classes

- Class 4 IVD (high public health risk), eg IVDs used to screen the blood supply (HIV, HCV) , IVDs for determination of ABO, Rhesus or Kell blood groups
- Class 3 IVD (moderate public health risk or high personal risk), eg IVDs to test for transmissible agents included on the notifiable diseases lists
- Class 2 IVD (low public health risk or moderate personal risk) eg most biochemistry assays, tests for autoimmune conditions
- Class 1 IVD (no public health risk or low personal risk), eg instruments, specimen containers, general IVD reagents



- The regulatory framework covers all IVDs
- All IVDs are subject to the requirement for a product license



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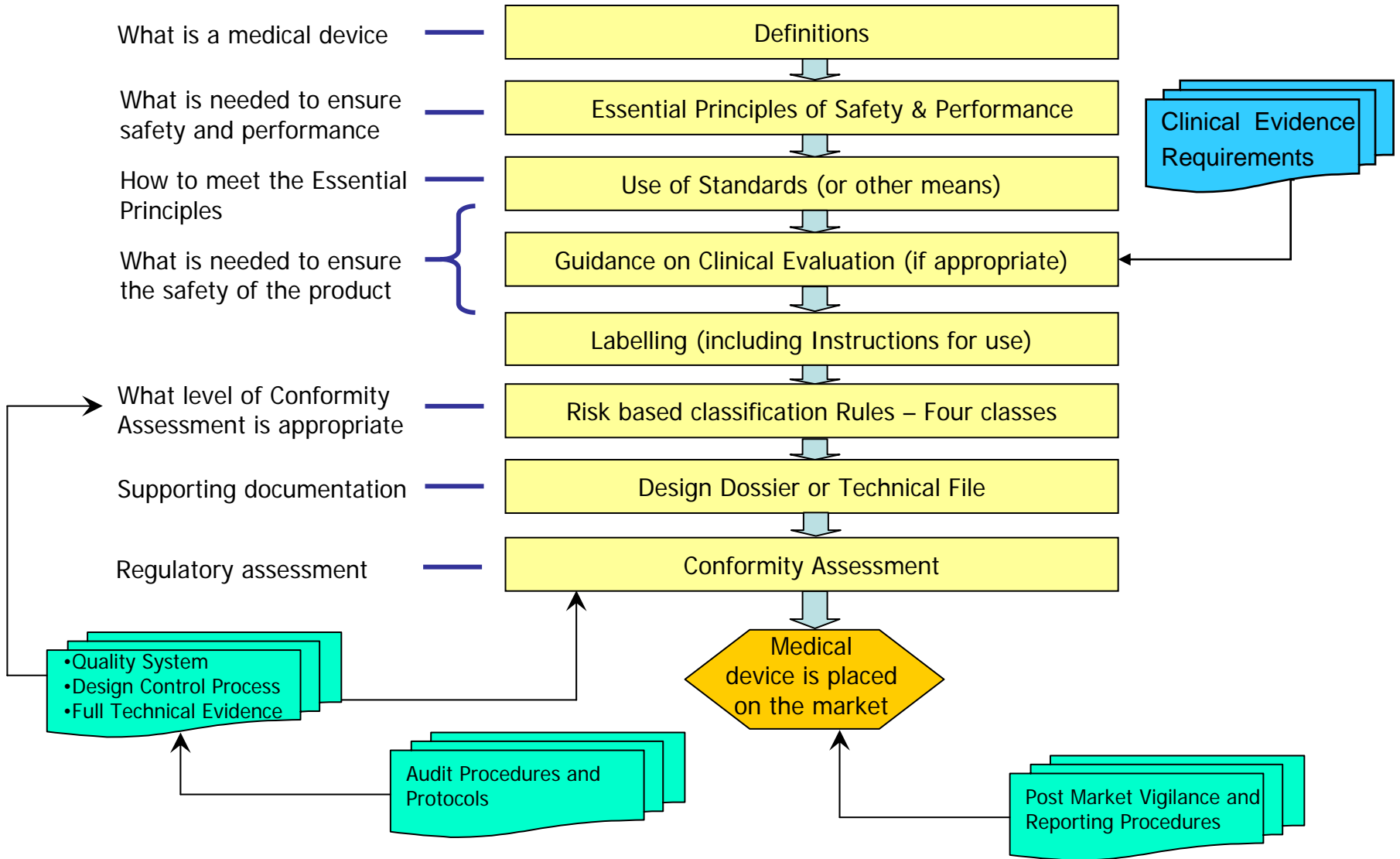
Elements of the Regulatory Model

The regulatory model

- Based on GHTF principles
 - GHTF is a forum of regulators and industry associations from the EU, USA, Canada, Japan and Australia, established in 1992
 - Objective is the convergence of regulatory requirements to reduce duplication,
- Will utilise international agreements, eg EC/EFTA MRA and Canadian MoU

GHTF Model

Pre-market Technical Requirements



Key elements of the Framework

- Essential Principles
- Standards
- Product Classification
- Conformity Assessment Procedures
- Post market surveillance

Essential Principles for quality, safety and performance

- **General principles – apply to all device, including IVDs**
- **Principles for specific types of devices - may or may not apply to IVDs**
- **IVD specific principles**

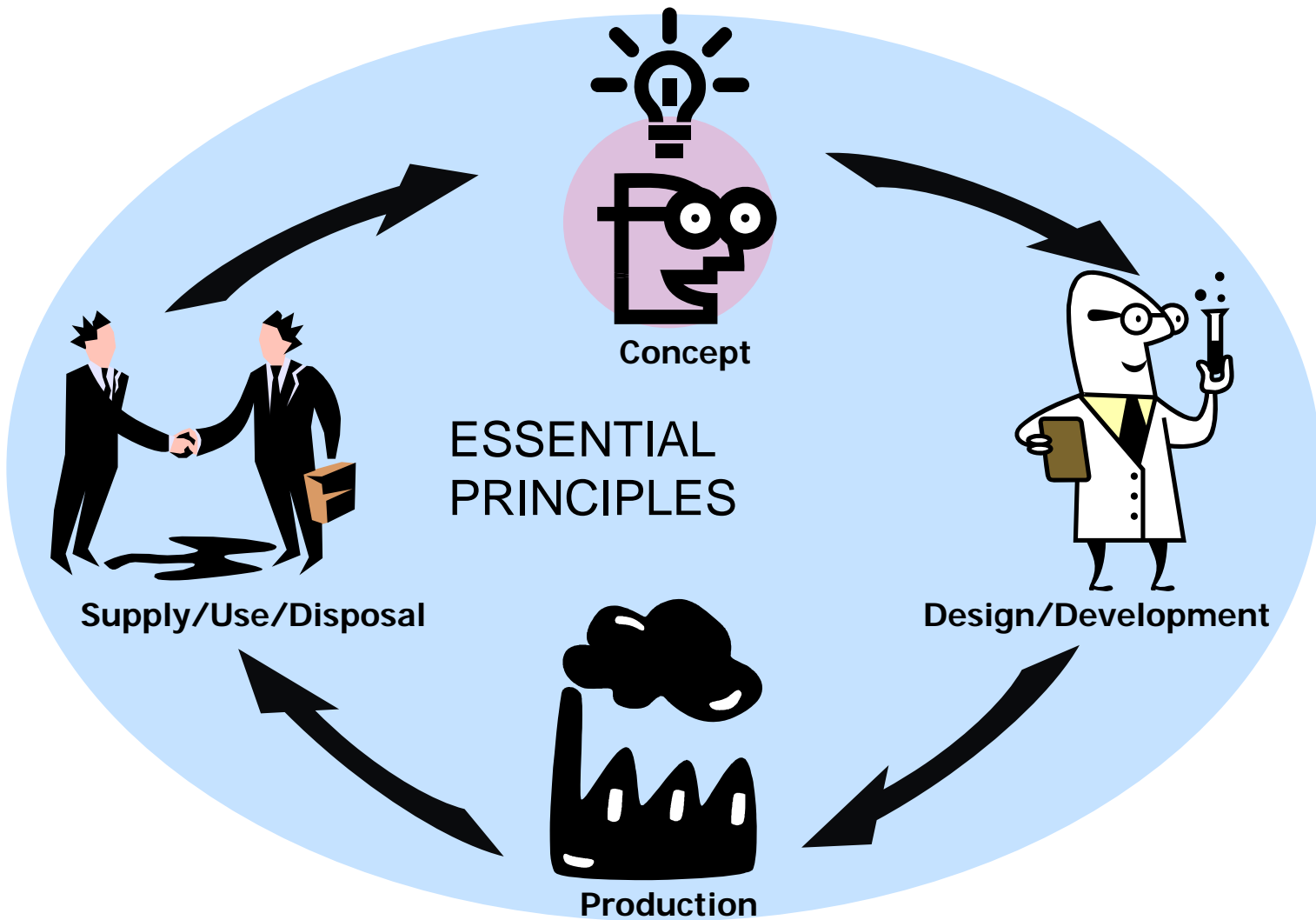
Essential Principles for quality, safety and performance

IVD specific principles

- Sensitivity, specificity, trueness, repeatability, reproducibility, control of interference, and limits of detection
- Traceability of controls and calibrators
- Consider the user of the test - easy to use instructions/protocol
- Reduce risk of error in use and interpretation
- Design allows for verification by user



IVDs



Standards/ “ANZTPA Orders”

- Standards are not mandatory
 - but they are the foundation of the framework
- Recognised national / international standards eg, ISO, IEC, EN, AS, NZS adopted through
 - product Orders mapped to relevant Essential Principles;
 - compliance with an Order deems compliance with relevant elements of Essential Principles
 - manufacturing Orders (eg, for QMS - ISO 13485)



Conformity Assessment

- The process the manufacturer follows to show compliance with essential principles and other regulatory requirements
- Procedures are dependant upon the product type and allow some choice by the manufacturer:
 - Use of appropriate Quality Management System
- The process conclusions are subject for review by the Authority

Conformity Assessment

Manufacturer

- Provides a Declaration of Conformity that
 - the product(s) complies with the applicable Essential Principles
 - the appropriate conformity assessment procedure has been followed
- Notifies the Authority of changes to QMS (including scope)
- Undertakes post market monitoring of devices
- Keeps records

Classification of IVDs

- Defines the level of pre-market assessment
- Based on
 - the manufacturer's intended use
 - Risk to public health and the health of the individual being tested
- Classification rules accommodate new technology



Classification of IVDs

- Class 4 IVD (high public health risk)
- Class 3 IVD (moderate public health risk or high personal risk)
- Class 2 IVD (low public health risk or moderate personal risk)
- Class 1 IVD (no public health risk or low personal risk)

Classification of IVDs

12 Rules for classification

- Used in the diagnosis of infection with transmissible agents
- Used in patient management
- Blood and tissue typing
 - Detection of antigens and antibodies to red blood cells
 - Non-red blood cell typing
- Special rules
 - Reagents instruments etc
 - IVDs for export only
 - Exceptions
 - “Catch all “ – IVDs not covered by any other rule are Class 2



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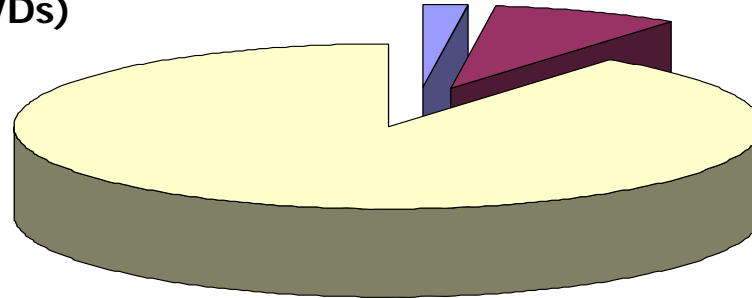


Implementation of The Regulatory Framework



IVDs

Conformity Assessment - ~2%
(Class 4 IVDs)



Application Audit
(Technical file review
for IVDs) - ~8%

Licence issued without further assessment - ~
90%
(Most Class 1, 2 and 3 IVDs)

This is the picture for medical devices, based on experience. The model is expected to be similar for IVDs

Conformity Assessment Certificate Required

Specific IVDs

- Class 4 IVDs

Specific Manufacturers

- Australian and New Zealand manufacturers of Class 2, 3 and 4 IVDs

Technical File Review

- Performed at the time that an applicant applies for a product licence
- Shorter process than Conformity Assessment
- Desk audit of documentation
- Undertaken to verify the compliance with the Essential Principles



Selection for Technical File Review

Mandatory

- Non-assay specific QC material used for monitoring Class 4 IVDs
- IVDs for self-testing
- POC tests, not done within the control of a laboratory
- Class 3 IVDs for STIs
- Assays for monitoring the treatment of infections diagnosed using a Class 4 IVD (eg quantitative NAT and genotyping assays for HIV and HCV)

Non-mandatory

- Applications suspected of containing false information
- Where the device incorporates a new, different or emerging technology
- Questionable regulatory history
- Random selection

NOTE - Also undertaken post-market – ie, at any time after product has been placed on the market

Provision for

- Special Access Schemes for access to unapproved IVDs

(Separate consultations)

- Clinical Trial Applications
- Product Vigilance

See www.anztpa.org

Expert Advisory Committee

Will be made up of:

- Independent Members drawn from Australia and New Zealand
- Broadly based expertise

May establish sub-committees eg. to review adverse event reports and investigations

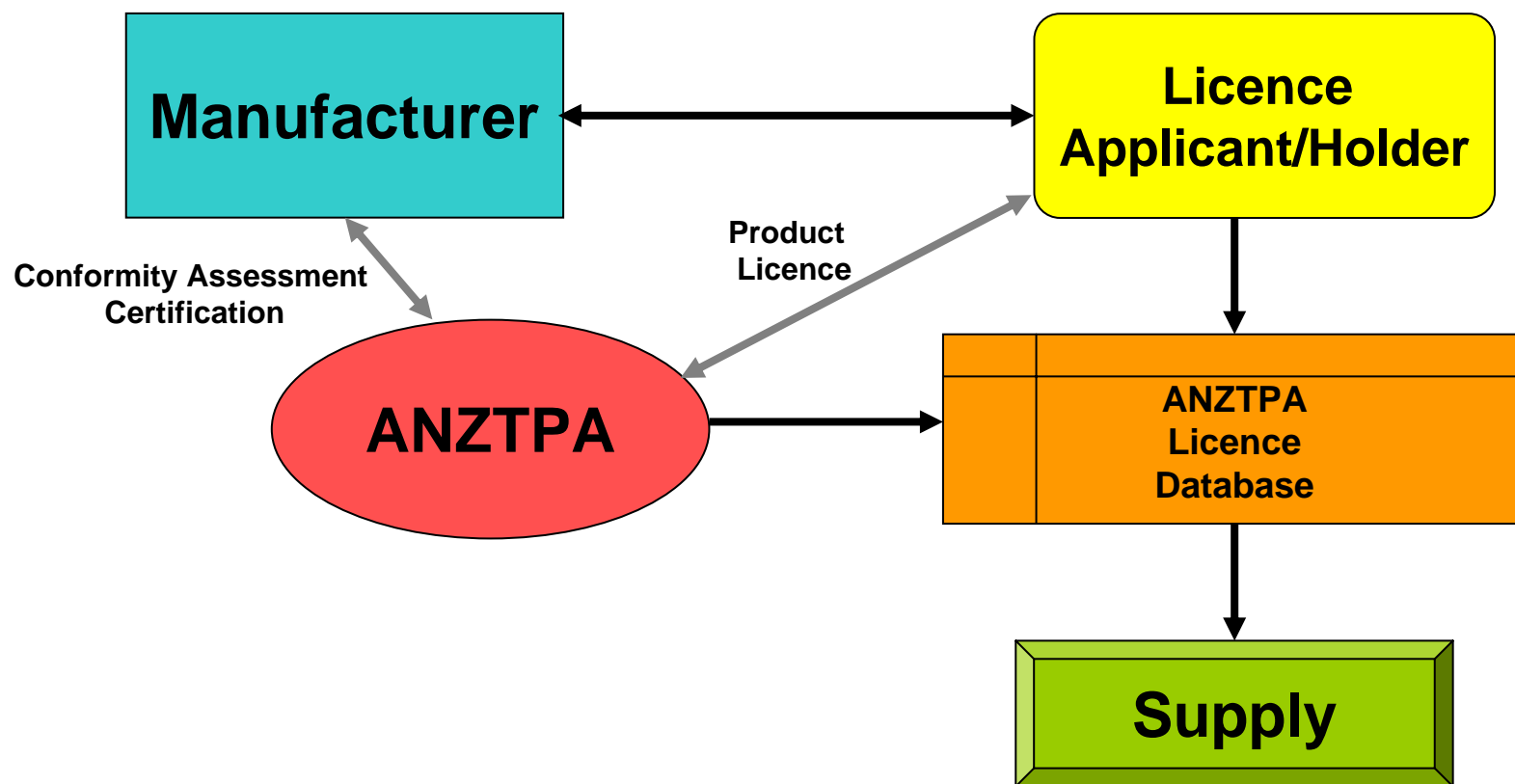


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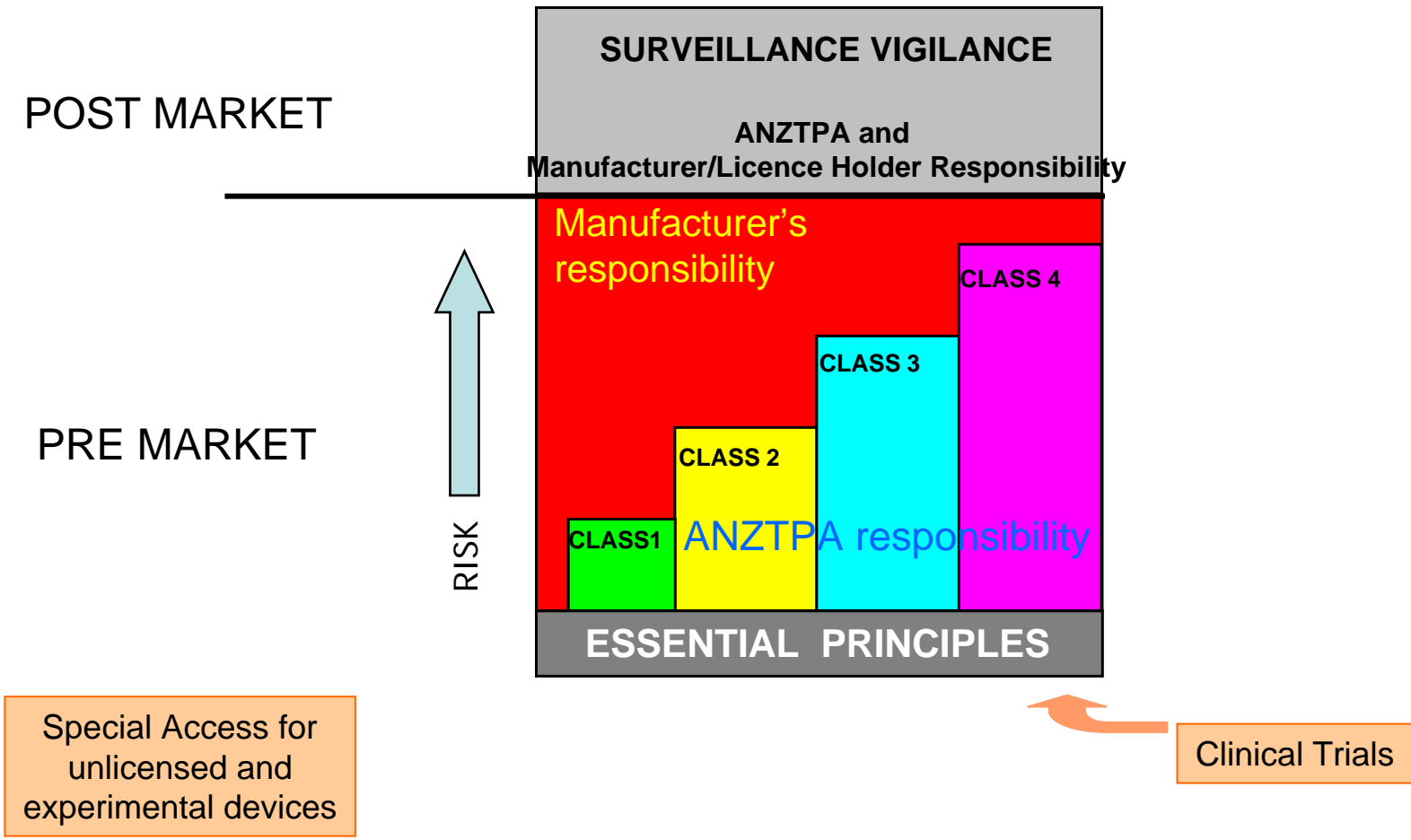


Roles and Responsibilities

Key players and roles



Key players and roles





Transition Arrangements

- All IVDs legally supplied at the time of commencement will be given transitional approval
- New products require ANZTPA Product Licence before they can be supplied
- New manufacturers require ANZTPA Conformity Assessment Certificate before commence manufacturing activities

Next Steps

The Australia New Zealand Therapeutic Products Authority (ANZTPA)

Next Steps

Process

- New Zealand Bill introduced to Parliament 5/12/2006. Public consultation occurs through Select Committee process
- Australian Bill exposure draft released for consultation 2/4/2007, prior to later commencement of Parliamentary process

Next Steps

Process

Following passage of legislation in both countries

- Agreement ratified
- ANZTPA and Ministerial Council established
- Managing Director and Board members appointed
- Rules and Orders signed and tabled in both Parliaments
- Rules and Orders come into effect
- Joint regulatory scheme commences

Next Steps

Phase 3 Consultation on

- Draft IVD Rule
- Consultation paper on HCTs

closes 13 June 2007

Next Steps

For further information

Go to: www.anztpa.org

Email submissions and/or queries to:

consultation@anztpa.org

Guidance on IVDs: www.tga.gov.au (on medical devices page)



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Questions for the Panel