



**Asian Harmonization Working Party**  
WORKING TOWARDS MEDICAL DEVICE HARMONIZATION IN ASIA

**FINAL DOCUMENT**

**Title:** White Paper on Medical Device Software Regulation - Software Qualification and Classification

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**Date** November 21, 2014

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## 1 **1. Introduction**

2 Software plays an increasingly important role in medical devices, especially in the field of  
3 mobile healthcare; however, the rapid evolution, particularly in relation to standalone  
4 software and mobile technology, presents new and complex challenges for regulatory  
5 agencies, globally.

6 With increasing variety of software capabilities, there is need to identify medical software  
7 currently distributed, assess which software types require control based on their risk profile,  
8 and determine the degree of regulatory control necessary for the particular risk profile  
9 medical software.

10 A set of guidelines to allow member economies to assess the appropriate level of controls  
11 pertaining to software, and facilitate a harmonized approach to the regulation across member  
12 economies, is currently lacking.

13 While some regulatory bodies have taken approaches in developing definitions and  
14 frameworks for software that have common public health goals, there are variations in  
15 approach. This paper aims to provide a summary of the regulatory guidelines from such  
16 regulatory bodies for medical software established and implemented, and serves as an  
17 environmental scan to provide direction on the guidelines on a proposed regulatory  
18 framework for adoption, based on best practices.

19 We have referenced some regulatory bodies and jurisdictions – Australia TGA, China FDA,  
20 the European Union, Health Canada, MHLW Japan and US FDA – specifically to their  
21 published guidelines for medical software regulation. Notably, the International Medical  
22 Device Regulators Forum (IMDRF) is referenced for its focus on the recent developments in  
23 defining “software as a medical device” (SaMD).

24 The main aim of developing guidelines for medical software regulation is to facilitate  
25 member economies to establish and harmonize an economic and effective approach to the  
26 control of medical software in the interest of public health and in the continued innovation of  
27 medical software development.

## 28 **2. Definitions**

29 Various definitions have been provided by jurisdictions and international organisations to  
30 assist in the qualification and classification of software and defining regulatory requirements.  
31 Existence of such definitions in use across jurisdictions should be noted and adopted where  
32 practical for convergence of interpretation across jurisdictions.

- 33 • **Active medical device (1; 2):** Any medical device, operation of which depends on a  
34 source of electrical energy or any source of power other than that directly generated  
35 by the human body or gravity and which acts by converting this energy. Medical

36 devices intended to transmit energy, substances or other elements between an active  
 37 medical device and the patient without any significant change, are not considered to  
 38 be active medical devices. Standalone software is considered to be an active medical  
 39 device.

40 • **Mobile Medical Application (3):** A software application that meets the “medical  
 41 device” definition and can be executed (run) on a mobile platform, or a web-based  
 42 software application that is tailored to a mobile platform but is executed on a server. It  
 43 either:

- 44 ○ Is used as an accessory to a regulated medical device; or
- 45 ○ Transforms a mobile platform into a regulated medical device.

46 • **Mobile platform (3):** A commercial off-the-shelf computing platforms, with or  
 47 without wireless connectivity, that are handheld in nature. Examples of these mobile  
 48 platforms include mobile computers such as the iPhone®, BlackBerry® phones,  
 49 Android® phones, tablet computers, or other computers that are typically used as  
 50 smart phones or personal digital assistants (PDAs).

51 • **Health software (4):** software intended to be used specifically for managing,  
 52 maintaining or improving health of individual persons, or the delivery of care.

53 *The term “health software” is defined in IEC 82304-1 (under development) to capture*  
 54 *the notion that the terms “medical device” and “medical software” are regulatory*  
 55 *terms that may have different meanings in different jurisdictions. “Health software”*  
 56 *includes a broader range of software than “medical software”, yet still relates to*  
 57 *software for health purposes for individual humans.*

58 • **Standalone software:** software intended to be used for one or more medical purposes  
 59 and is able to perform its medical purpose without being embedded in a hardware  
 60 medical device or being dependent on specific or proprietary medical purpose  
 61 hardware

62  
 63 *Note that the term “standalone software”, while still used frequently, is considered*  
 64 *confusing. Software that is made available without hardware -even when its intended*  
 65 *use is to drive a hardware medical device- is also often designated as “standalone*  
 66 *software”. A globally accepted term, however, has not yet been agreed upon. See also*  
 67 *chapter 5.1.1, where the IMDRF term SaMD is introduced: “software as a medical*  
 68 *device”, with approximately the same description as given here.*

### 69 3. Types of Software that are Regulated as Medical Devices

70 Across jurisdictions, software which fall under the respective jurisdiction's medical device  
71 definition are regulated as medical devices. It is noted that the medical device definitions,  
72 although vary in wording between jurisdictions, in general encompass products intended to  
73 be used in the treatment, mitigation, diagnosis, monitoring or prevention of a disease or  
74 abnormal physical condition.

75 As the medical device definitions are high level criteria that broadly cover forms,  
76 presentations and scope of intended use, relying solely on the definition would mean a  
77 substantial level of granularity would be lacking in determining whether certain software  
78 should be qualified as medical device.

79 As such, in addition to the medical device definition, regulatory bodies have found it  
80 necessary to publish specific guidelines in relation to software qualification and classification,  
81 providing clarity on types of software that would be regulated as medical devices in their  
82 jurisdiction.

### 83 4. Forms of Medical Device Software

84 Software presents in a range of forms and functionality. There may be need to identify the  
85 form of medical software currently in the market such that controls may then be tailored  
86 based on the understanding of software forms and distribution modes on the market.

87 The identification of software forms should be an on-going process due to rapid  
88 advancements in software development and regulatory bodies would need to continue to keep  
89 abreast of developments in medical device technology. This is done to achieve and maintain a  
90 reasonable level of control, as a balance between ensuring public health and safety and avoid  
91 stifling of innovation and development of new technology.

92 Medical software can be broadly classified into three categories:

93 a) Software that drives a medical device or influences the use of a device. This typically  
94 refers to embedded software, incorporated as a component or part of accessory of a  
95 medical device. *E.g. imaging software in diagnostic ultrasound system, software in*  
96 *pacemaker, mobile software that controls insulin pump delivery rate.*

97 b) Software intended to be an accessory to a medical device  
98 *E.g. Software that accepts data transmitted from medical devices*

99 c) Software that is a medical device in its own right  
100 Software related to the functioning of a medical device may be part of a device or a  
101 device in its own right if it is placed on the market separately from the related device.  
102 *E.g. Treatment planning software, data analysis software for the purpose of directly*  
103 *aiding in the treatment or diagnosis of a patient*

104 The above-stated categories include such software that is able to perform its medical  
105 purpose without being embedded in a hardware medical device or being dependent on  
106 specific or proprietary medical purpose hardware. This would refer to software  
107 capable of running on general purpose (non-medical purpose) computing platforms.  
108 The current IMDRF guidance defined such software as ‘software as a medical device’  
109 (SaMD) (2).

110 Two modes of presentation of SaMD identified are recognised below (non-  
111 exhaustive):

- 112 a. Software applications that are supplied via download, transfer and/or installation  
113 directly to the end-user, and may be used as an accessory to a regulated medical  
114 device, or transform a general purpose platform (e.g. mobile platform) into a  
115 regulated medical device
- 116 b. Web-based software which is executed on a server, such as a web browser. A  
117 web-based software would involve the delivery of computing as a service rather  
118 than a product.

119 A web system for the monitoring of clinical data may interact with a medical  
120 device (e.g. implanted devices or homecare devices), and uses a transmitter to  
121 send the information over the internet, a landline telephone or a mobile network.

122 The information is collected and stored on a web server usually run by an external  
123 party who is generally the manufacturer of the system. The information can be  
124 reached by authorized health professionals or the patient through an internet  
125 connection.

126 Of the above two modes of presentation for SaMDs, while the general principles of software  
127 qualification, classification and design verification and validation do not differ, it is however  
128 noted there are potential differences in mechanisms employed for their post-market control,  
129 including traceability of end-users.

130 Per IMDRF guidelines, existing regulations adequately address public health risks of  
131 software when embedded in a traditional medical device. However, existing regulations do  
132 not readily translate or address the unique public health risks posed by standalone software  
133 nor assure an appropriate balance between patient/consumer protection and promoting public  
134 health by facilitating innovation.

135 Existing regulatory controls may have limited applicability when software can be developed,  
136 distributed, and accessed in a distributed environment through the internet.

137 The below environment scan will cover controls in place for SaMD in other regulatory  
138 agencies.

## 139 5. SaMD Medical Device Software Classification Globally

### 140 5.1. International Medical Device Regulatory Forum (IMDRF)

#### 141 5.1.1. IMDRF qualification criteria

142 The IMDRF released a finalized a set of definitions for device software. This document  
143 defines “software as a medical device,” or SaMD, as “software intended to be used for one or  
144 more medical purposes that perform these purposes without being part of a hardware medical  
145 devices.” In defining SaMD, the guidance highlights a list of characteristics of SaMD:

- 146 • SaMD is a medical device and includes in-vitro diagnostic (IVD) medical device.
- 147 • SaMD is capable of running on general purpose (non-medical purpose) computing  
148 platforms
- 149 • without being part of” means software not necessary for a hardware medical device to  
150 achieve its intended medical purpose;
- 151 • Software does not meet the definition of SaMD if its intended purpose is to drive a  
152 hardware medical device.
- 153 • SaMD may be used in combination (e.g., as a module) with other products including  
154 medical devices;
- 155 • SaMD may be interfaced with other medical devices, including hardware medical devices  
156 and other SaMD software, as well as general purpose software
- 157 • SaMD includes mobile apps that meet the definition of an SaMD as set out in the  
158 guidance

159 It also provides examples of the various tasks that medical software may perform, primarily  
160 qualifying software that perform medical purposes within the scope of the medical device and  
161 In Vitro Diagnostic (IVD) medical device definitions. This includes software that can  
162 perform, or aid in the course of, the diagnosis, monitoring or treatment of, physiological  
163 status, predisposition or disease.

164 The guidance also briefly mentions on possible changes to SaMD during its lifecycle, which  
165 includes changes as part of the software maintenance phase. Such maintenance changes may  
166 be adaptive (e.g. keeps pace with the changing environment), perfective (e.g. recoding to  
167 improve software performance), corrective (e.g. corrects discovered problems), or preventive  
168 (e.g. corrects latent faults in the software product before they become operational faults).

169 **5.2. Australia TGA**

170 **5.2.1. TGA qualification criteria**

171 TGA's guidelines on software controls were published in Sept 2013, and the guidelines  
172 issued are relatively general. It is noted that TGA is actively participating in the IMDRF  
173 working group for SaMD, and TGA may update their guidance in light of the Working  
174 Group's ultimate recommendations (3).

175 Per TGA's guidelines, a software product is considered a medical device if it fits the  
176 definition in section 41BD of the Australian Therapeutic Goods Act 1989.

177 In line with EU guidelines on **information systems**, TGA's stand on software products  
178 limited to managing and presenting information - such as a medical records management  
179 system or a dosage calculator - would not usually come within the medical device definition  
180 unless it also incorporates a therapeutic or diagnostic function. *(Note: The dosage calculation*  
181 *described in the TGA guidance is presumed to only perform simple calculations routinely*  
182 *used in clinical practice, and not using patient specific data.)*

183 The TGA has a noted similar approach in software qualification as EU for software which  
184 play a role in diagnosing or managing illness through clinical data analysis, such as the  
185 results of blood tests or ECGs. Such software would, if they come within the definition above,  
186 be considered to be medical devices under TGA's purview.

187 Similar to the approach under FDA's guidelines for mobile medical applications, the TGA  
188 would not consider mobile apps that solely provide information (e.g. general health advice to  
189 consumers) to fall under their purview as medical devices.

190 **5.2.2. Risk classification of software in TGA**

191 Medical device software products that use a source of electrical energy to perform their  
192 functions are considered to be active medical devices under the classification rules contained  
193 in Chapter 4 of the Therapeutic Goods (Medical Devices) Regulations 2002.

194 Medical device software intended to control or influence the functions of a device will  
195 generally fall into the same classification as that device.

196 However, medical device software intended as an accessory to a medical device would be  
197 classified separately from the device with which it is used.



198 **5.3. China**

199 **5.3.1. CFDA qualification criteria**

200 SaMD, based on its intended use, is considered in its own right as medical device in China,  
201 whether the software itself is the medical device or an accessory. This would include  
202 processing-type software and data-type software. In 2012, the China Food and Drug  
203 Administration (CFDA) published detailed guidelines on the re-registration requirements for  
204 medical device software, including standalone software.

205 **5.3.2. Risk classification of software in CFDA**

206 For the purpose of defining submission requirements, CFDA has categorised software into  
207 three classification levels based on level of concern, in adopting the classification approach  
208 in the IEC 62304 standard on software life cycle processes: Class A (unlikely to cause  
209 injuries or hazards to health), Class B (may cause non-serious injury), Class C (may cause  
210 death or serious injury). The guidance also provides corresponding software submission  
211 requirements for each category.

## 212 5.4. European Union

### 213 5.4.1. EU qualification criteria

214 Guidelines MEDDEV 2.1/6 published by the European Commission refers to “standalone  
215 software” for medical device qualification (1). Such software would first need to have a  
216 medical purpose to be qualified as medical device. It is clarified that only the intended  
217 purpose as described by the manufacturer of the product is relevant for the qualification and  
218 classification of any device.

219 The guidance also clarifies some criteria for the qualification of standalone software as  
220 medical devices. Some qualification criteria are highlighted in the guidance:

- 221 • Not all standalone software used within healthcare can be qualified as a medical device.
- 222 • Standalone software can directly control an apparatus (e.g. radiotherapy treatment), can  
223 provide immediate decision triggering information (e.g. blood glucose meters), or can  
224 provide support for healthcare professionals (e.g. ECG interpretation).
- 225 • The operating systems or virtual environments on which a software may run do not  
226 impact the qualification criteria.
- 227 • Standalone software might also be an accessory of a medical device.
- 228 • The risk related to a malfunction of the standalone software used within healthcare is in  
229 itself not a criterion for its qualification or not as a medical device.

230 **Tables 1 & 2** contains some examples on EU qualification for software with specific  
231 intended use. The MEDDEV guidance clarifies that the examples given were drafted in the  
232 light of today’s state of the art and there may be more examples added in future in MEDDEV  
233 guidances in light of technological progress.

234 A software may comprise of a number of applications, where each of these applications are  
235 correlated with a module, some of which may have a medical purpose and some may not. In  
236 EU, medical device modules must comply with the medical device requirements while non-  
237 medical device modules are not subject to these requirements. However, if the modules are  
238 intended for use in combination with other modules of the whole software structure or other  
239 devices, the whole combination, including the connection system, must be safe and must not  
240 impair the specified performances of the modules which are subject to the MD Directives.

241 In relation to the medical device Directives, a proposal is currently underway for replacement  
242 of the existing three EU Medical Device Directives by two sets of regulations - Regulations  
243 of the European Parliament and of the Council on medical devices (4) and in vitro diagnostic  
244 medical devices (5). The draft is noted to propose additional general safety and performance  
245 requirements under Annex I, specifically for standalone software, including considerations  
246 for software operating on mobile computing platforms.

247 More recently, a Green Paper on mobile Health ("mHealth") (6) had been released by the  
248 European Commission in April 2014 for comments, describing the increased use of mobile  
249 platforms in replacing traditional methods in healthcare, as well as the concomitant need to  
250 ensure a level of public protection and safety with such technologies. Areas of safety concern

251 highlighted include telecommunication networks, personal data and safety and performance  
252 of mHealth software applications. Certain mHealth software applications will be regulated as  
253 medical devices under the current medical device directives (MDD), with reference to the  
254 above discussed MEDDEV 2.1/6 guidelines. However, lifestyle and wellbeingapps are  
255 largely excluded from device controls and hence the performance and safety requirements of  
256 the MDD.

#### 257 **5.4.2. Risk classification of software in EU**

258 The risk classification of medical devices in EU is via a risk-based system based on the  
259 vulnerability of the human body taking account of the potential risks associated with the  
260 devices. The classification rules are set out in Annex IX of the EU Directive 93/42/EEC.

261 Standalone software that meets the definition of a medical devices are considered as an  
262 ‘active medical device’, meaning that the risk classification rules 9, 10, 11 and 12 of Annex  
263 IX of the EU Directive 93/42/EEC may apply.

Software type	Hospital Information Systems (HIS)	Information Systems		Communication Systems (Tele-medicine)		Web Systems for monitoring of data		Decision Support Software
		Electronics Patient Record	Additional modules in Electronics Patient Record for diagnosis, therapy and follow-up					
<b>Intended use</b>	Patient admission, scheduling patient appointments, insurance and billing purpose	Store & transfer electronic patient records.  Archives all kinds of documents & data related to a specific patient (e.g. vital parameters, patient identification, scheduling, examination results, image identification details & other documented clinical observations. - <i>Clinical Information Systems (CIS)/ Patient Data Management Systems (PDMS)</i> - <i>Pre-hospital ECG System</i> - <i>Radiological Information Systems</i>	Modules that are intended to provide additional information that contributes to diagnosis, therapy and follow-up, e.g. - <i>Image viewer with functionality for diagnosis</i> - <i>Medication module</i> - <i>Generate alarms</i> - <i>Provide information to start patient's treatment to paramedics when patient is transported</i>	General communication systems (email, mobile, video, paging etc.) for general purposes - <i>Home care monitoring</i> - <i>Video appointment</i>	Telesurgery software - intended to conduct a surgical procedure from a remote location.  Remote control software used in combination with telesurgery robots.	Monitoring of non-medical performance of medical devices (software monitoring medical devices in hospital for maintenance & report)	Monitoring of performance of medical devices	Computer based tools which combine medical knowledge databases and algorithms with patient specific data <i>e.g. Radiotherapy treatment planning systems (calculate ionizing irradiation dosage), drug/chemotherapy planning systems (calculate drug dosage administration) &amp; Computer aided detection system (automatically read x-ray images or interpret ECG)</i>
<b>EU qualification</b>	Not MD	Not MD	<b>MD</b> (modules only)	Not MD	<b>MD</b>	Not MD	<b>MD</b>	<b>MD</b>

Table 1: Examples of software types and their qualification as general medical devices in EU

Software type	Laboratory Information Systems (LIS) and Work Area Managers (WAM)	Expert System	Interpretation of raw data	Home care monitoring
<b>Intended use</b>	Support the process from patient sample to patient result.  Management & validation of incoming information from IVD analysers (e.g. calibration, QC, product expiry, feedback) through interconnection with various analytical instruments. Takes care of communication of data (results, statistics) to external databases.  Results are available, readable and understandable without the intervention of the software.	Intended to capture and analyse together several results obtained for one patient by 1 or more IVD devices, to provide information falling within the definition of an IVD medical device e.g. differential diagnosis. e.g. - Software that uses algorithm to characterize viral resistance to various drugs, passed on nucleotide sequence generated by genotyping assays	Used to render raw data (obtained from an IVD test) readable for the user	Intended for archiving patient results or for transferring results from home to healthcare provider.  Results are available, readable and understandable by the user without the intervention of the software.

EU qualification*	Not MD	IVD MD	IVD MD	Not MD
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Table 2: Examples of IVD software types and their qualification as IVD medical devices in EU

*Note: All above software may be used with additional modules. These modules might be qualified in their own right as medical devices.*

295 **5.5. Health Canada**

296 **5.5.1. Health Canada qualification criteria**

297 Per guidelines as set out in Canada, software that is intended or represented for use in the  
298 diagnosis or treatment of an abnormal physical state of a patient meets the definition of a  
299 medical device under the Food and Drugs Act and must therefore comply with the  
300 requirements of the Medical Devices Regulations in Canada.

301 In a published FAQ, software regulated as medical devices is further specified as such  
302 software that:

- 303 1. provides the only means and opportunity to capture or acquire data from a medical device  
304 for aiding directly in diagnosis or treatment of a patient; or  
305 (e.g. picture archiving and communication system (PACS) and other types of software  
306 that have traditionally been licensed since they are adjuncts or accessories to medical  
307 devices)
- 308 2. replaces a diagnostic or treatment decision made by a physician.  
309

310 **5.5.2. Risk classification of software in Health Canada**

311 Per Health Canada guidelines, medical device software that meets the definition of a medical  
312 device would therefore be classified in accordance with the classification rules for medical  
313 devices as stated in the Regulations.

314 As such, medical device software is considered to be an active device because it relies on a  
315 source of energy other than energy generated by the human body or gravity, and as such the  
316 risk class rules for the active medical devices would apply.

Software type	Hospital Information Systems (HIS)	Information Systems		Communication Systems (Tele-medicine)			General fitness, health or wellness	Decision Support Software	
		Electronic Medical Records	Additional modules in Electronics Patient Record for diagnosis, therapy and follow-up						
<b>Intended use</b>	Perform administrative calculations and manipulations (such as determining time between appointments, or workflow management),	Electronic Medical Records (EMRs), Electronic Patient Records (EPRs), and Electronic Health Records (EHRs)  Medical Device Data System Software that display, store, or transfer medical device data in its original format	Modules that are intended to provide additional information that contributes to diagnosis, therapy and follow-up, e.g. - <i>Image viewer with functionality for diagnosis</i> - <i>Medication module</i> - <i>Generate alarms</i> - <i>Provide information to start patient's treatment to paramedics when patient is transported</i>	Display medical device data to perform active patient monitoring	Software intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease  Analyzing device-provided data for the purpose of directly aiding in the treatment or diagnosis of a patient	Intended to be used to view images, or other real time data, as an adjunct to the monitoring device itself, for the purpose of aiding in treatment or diagnosis of a patient	Middleware - software that connects two or more software applications so that they can exchange data	Intended for individuals to log, record, track, evaluate, or make decisions or behavioral suggestions related to developing or maintaining general fitness, health or wellness  e.g. Wii Fit video game, personal BMI calculators and pedometer software used for fitness	Data manipulation, data analysis, data editing, image generation, determination of measurements, identification of a region of interest in an image, or identification (by an alarm or alert) of results from a monitor that are outside of an established range
<b>Health Canada qualification</b>		Not MD	<b>MD</b>	<b>MD (Class I)</b>	<b>MD (Class II)</b>		Not MD	Not MD	<b>MD</b>

Table 3: Examples of software types and their qualification as medical devices in Health Canada

## **5.6. MHLW Japan**

### **5.6.1. MHLW Japan qualification criteria**

Embedded software which are intended to operate the medical device is regulated as unbroken part of the Hardware (medical device), have been regulated as medical devices under the current and original legal framework. MHLW, in taking such standalone software as medical devices, had done so in considering the appropriate regulation for the medical software, due to the importance of regulatory control on these products.

It is noted, from an update in Nov 2012, that the relevant Japanese industry associations, JIRA/JAHIS/JEITA, have formed a joint work group with the goal of make recommendations on the range of the regulations on software.

Revised Pharmaceutical Affairs Law (PAL) was adopted by the Diet, and announced on 27 November 2013. Standalone medical device software will be regulated by the revised PAL. Currently the details on the regulatory framework like the qualification, classification and control of the standalone software are being discussed. The revised law will be enforced in November 2014.



## **5.7. US FDA**

### **5.7.1. US FDA qualification criteria**

Under the US FDA regulations for medical devices, any software that meets the legal definition of a device under section 201(h) of the Federal Food Drug & Cosmetic (FD&C) Act, is deemed a device and is known as medical device software.

Similar to the EU, there are further general criteria specified by the US FDA to be considered for qualification of medical device software:

- Operating systems or virtual environments on which a software may run do not impact the qualification criteria.
- Qualification is based on the intent of the product, and is not based on the engineering definition of software functionality  
If software intent falls under the legal definition, software is still a device regardless of the means by which the software is delivered to the end user (factory-installed, field-installed, embedded, etc)

With the Mobile Medical Applications guidance published in Sept 2013 by the US FDA, the agency has broadly categorized mobile applications (MAs) as (1) MAs that are the focus of FDA's regulatory oversight, (2) MAs that are not medical devices and (3) MAs that, although qualify as medical device, FDA intends to exercise enforcement discretion as they pose a low risk to patients.

### **5.7.2. Risk classification criteria in US FDA**

Medical devices are categorised into 3 classes, Class I, II, III, based on the device's risk. Rather than providing a set of general guidelines as other reference agencies, the FDA defines specific device categories under Title 21 of the Code of Federal Regulations, each of which has a regulation number, and assigns the risk classification accordingly.

The Mobile Medical Applications guidance provides a consolidated list of already existing classifications for regulated medical devices, which pertain to devices that potentially contain or are presented as software, the Class according to which they are regulated and the corresponding submission type to the US FDA. The list is noted as a reference starting point for mobile medical app manufacturers in identifying regulated medical devices and is likely not meant to be exhaustive.

Software type	Hospital Information Systems (HIS)	Information Systems			Communication Systems (Tele-medicine)			Decision Support Software		Mobile apps that transform mobile platforms into medical devices	Automate tasks for health care providers
		Medical Device Data System	Patient management/information	Access electronic/public health records							
<b>Intended use</b>	Patient admission, scheduling patient appointments, insurance and billing purpose	Software that display, store, or transfer medical device data in its original format	Help patients: <ul style="list-style-type: none"> <li>• Self-management disease/ conditions without providing specific treatment or suggestions</li> <li>• Organize and track their health information</li> <li>• Access information related to their health conditions or treatments</li> <li>• Document, show, or communicate potential medical conditions to health care providers</li> </ul>	Enable individuals to interact with PHR systems or EHR systems	Display medical device data to perform active patient monitoring	General communication systems (email, mobile, video, paging etc.) for general purposes - <i>Video appointment</i>	Remote Medication Management System software intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease  Mobile apps that connect to an existing device type for purposes of controlling its operation, function, or energy source	Computer based tools which combine medical knowledge databases and algorithms with patient specific data <i>e.g. Radiotherapy treatment planning systems (calculate ionizing irradiation dosage), drug/chemotherapy planning systems (calculate drug dosage administration) &amp; Computer aided detection system (automatically read x-ray images or interpret ECG)</i>	Perform simple calculations routinely used in clinical practice <ul style="list-style-type: none"> <li>• Body Mass Index (BMI)</li> <li>• Total Body Water / Urea Volume of Distribution</li> <li>• Mean arterial pressure</li> <li>• Glasgow Coma Scale score</li> <li>• APGAR score</li> <li>• NIH Stroke Scale</li> <li>• Delivery date estimator</li> </ul>	Mobile apps that transform the mobile platform into a regulated medical device by using attachments, display screens, or sensors or by including functionalities similar to those of currently regulated medical devices	Automate simple tasks for health care providers
<b>US FDA qualification</b>	Not MD	<b>MD</b> (Class I, 21 CFR 880.6310)	MD (Enforcement discretion applied to not regulate)	MD (Enforcement discretion applied to not regulate)	<b>MD</b>	MD (Enforcement discretion applied to not regulate)	<b>MD</b>	<b>MD</b>	MD (Enforcement discretion applied to not regulate)	<b>MD</b>	MD (Enforcement discretion applied to not regulate)

Table 4: Examples of software types and their qualification as medical devices in US FDA

## 1 **6. Summary of regulatory agency qualification of software as a medical device**

2 Based on currently published guidelines across the jurisdictions, it is clear that software form  
3 – embedded, standalone, mobile application – plays little to no role in determining whether  
4 the software is qualified as a medical device based on the medical device definition. With the  
5 enormous complexity and rapid advancements in software technology, it would be  
6 appropriate to follow suit and avoid defining software forms in any guidelines on software  
7 qualification to be developed. The focus of determining regulatory control has been  
8 emphasized to be passed on the intended use of the software, and hence the degree of risk to  
9 the user.

10 The US FDA and Australia TGA have additionally specified that general platforms, on which  
11 such medical software may run or be distributed, are not intended by their manufacturer to be  
12 used for therapeutic purposes would not be regulated as a medical devices. Such examples of  
13 platforms include general-use mobile phones, computers and tablets, which are not entities  
14 that exclusively distribute medical software.

15 In regards to specific software types, a similar trend is observed in qualification of types of  
16 software as medical devices, although guidelines from each jurisdiction may specify certain  
17 software types that are not identified in other jurisdictions' guidelines, while some software  
18 types addressed differ in qualification status across jurisdictions.

19 A cross reference summary for Software as Medical Device for US FDA, European Union  
20 (EU) and Health Canada (HC) is provided in Table 5.

### 21 **Hospital Information Systems (HIS)/ Workflow Management Systems – Non-medical** 22 **device**

23 Such software intended for **communication and management in a clinical setting not**  
24 **related to patient therapy and diagnosis**, such as appointment scheduling, billing and  
25 workflow management, are generally recognised across jurisdictions as not medical devices.

### 26 **Electronic Health Records – Non-medical device**

27 Per Australia TGA, EU and Health Canada guidelines, **information systems** that only  
28 intended to store and view patient information (for example: age, weight, notes about a  
29 patient's appointment, patient test results, order processing, scheduling, or managing patient  
30 movement) would not be subject to medical device regulation. These are such software types  
31 that simply act to replace a patient's paper file. However, additional modules in such  
32 systems that are intended to provide additional information that contributes to diagnosis,  
33 therapy and follow-up would be regulated as medical devices.

### 34 **General well-being – Non-medical device**

35 Information systems that are solely sources of information, i.e. providing general health  
36 advice to health professionals or consumers, are not regulated as medical devices per US  
37 FDA and TGA guidelines. In addition, software intended for developing or maintaining

38 **general fitness, health or wellness** of persons, without specific intention for the diagnosis of  
39 a disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease,  
40 are not regulated as medical devices per US FDA and Health Canada guidelines.

#### 41 **Communication Systems for patient monitoring – Variation in qualification guidelines**

42 **Communication Systems** intended for active patient monitoring have been qualified as  
43 medical devices under US FDA and Health Canada guidelines. However, the current  
44 Australia TGA guidelines do not specify qualification of such software. Under EU guidelines  
45 such telemedicine devices intended for home care monitoring are not considered as medical  
46 devices.

#### 47 **Communication Systems for controlling medical devices – Medical Device**

48 It is noted that, across the regulatory agencies, communication software that connects to an  
49 existing device type for purposes of **controlling a medical device’s operation, function** are  
50 regulated as medical devices. Such examples include software for performing tele-surgery,  
51 wireless remote controls or synchronization devices for computed tomography (CT), X-Ray  
52 machines, infusion pumps.

#### 53 **Decision Support Software – Medical Device**

54 Across jurisdictions, **decision support software**, with their role in provide additional  
55 information that contributes to diagnosis and therapy are regulated as medical devices. Such  
56 software may combine medical knowledge databases and algorithms with patient specific  
57 data, or suggest treatments for specific patient conditions. This would include radiotherapy  
58 treatment planning systems that calculate ionizing irradiation dosage, drug or chemotherapy  
59 planning systems and computer aided detection systems that automatically read x-ray images  
60 or interpret ECG. As such software would indeed directly influence in the treatment and  
61 diagnosis of the patient, such software would fit into the medical device definitions across the  
62 jurisdictions.

Software type	Hospital Information Systems (HIS) / Workflow Management System	Information Systems				Laboratory Information Systems (LIS) and Work Area Managers (WAM)	Communication Systems(Tele-medicine)				Web Systems for monitoring of data (Device Monitoring)	Decision Support Software/ Expert System (EU IVDD) / Interpretation of raw data (EU IVDD)		Automate tasks for health care providers	General fitness, health or wellness		
		Medical Device Data System	Patient management/ information (US) / Home care monitoring (EU)	Access electronic/ public health records	Additional modules in Electronics Patient Record for diagnosis, therapy and follow-up		Any Platform										
Intended use- EU Interpretation	Patient admission, scheduling patient appointments, insurance and billing purpose		Intended for archiving patient results or for transferring results from home to healthcare provider.  Results are available, readable and understandable by the user without the intervention of the software.	Store & transfer electronic patient records.  Archives all kinds of documents & data related to a specific patient (e.g. vital parameters, patient identification, scheduling, examination results, image identification details & other documented clinical observations. - <i>Clinical Information Systems (CIS)/ Patient Data Management Systems (PDMS)</i> - <i>Pre-hospital ECG System</i> - <i>Radiological Information Systems</i>	Modules that are intended to provide additional information that contributes to diagnosis, therapy and follow-up, e.g. - <i>Image viewer with functionality for diagnosis</i> - <i>Medication module</i> - <i>Generate alarms</i> - <i>Provide information to start patient's treatment to paramedics when patient is transported</i>	Support the process from patient sample to patient result.  Management & validation of incoming information from IVD analyzers (e.g. calibration, QC, product expiry, feedback) through interconnection with various analytical instruments. Takes care of communication of data (results, statistics) to external databases.  Results are available, readable and understandable without the intervention of the software.		General communication systems (email, mobile, video, paging etc.) for general purposes - <i>Home care monitoring</i> - <i>Video appointment</i>	Telesurgery software - intended to conduct a surgical procedure from a remote location.  Remote control software used in combination with telesurgery robots.			Monitoring of non-medical performance of medical devices (software monitoring medical devices in hospital for maintenance & report)	Monitoring of performance of medical devices	MDD: Computer based tools which combine medical knowledge databases and algorithms with patient specific data e.g. <i>Radiotherapy treatment planning systems (calculate ionizing irradiation dosage), drug/chemotherapy planning systems (calculate drug dosage administration) &amp; Computer aided detection system (automatically read x-ray images or interpret ECG)</i>  IVDD Expert System: Intended to capture and analyse together several results obtained for one patient by 1 or more IVD devices, to provide information falling within the definition of an IVD medical device e.g. differential diagnosis. e.g. - Software that uses algorithm to characterize viral resistance to various drugs, passed on nucleotide sequence generated by genotyping assays  IVDD Interpretation of raw data: Used to render raw data (obtained from an IVD test) readable for the user			
EU qualification	Not MD (MDD)		Not MD (IVDD)	Not MD (MDD)	MD (MDD) (modules only)	Not MD (IVD)		Not MD (MDD)	MD (MDD)			Not MD (MDD)	MD (MDD)	MD (MDD) MD (IVDD)			
Intended use- HC Interpretation	Perform administrative calculations and manipulations (such as determining time between appointments, or workflow management),			Electronic Medical Records (EMRs), Electronic Patient Records (EPRs), and Electronic Health Records (EHRs)  Medical Device Data System Software that display, store, or transfer medical device data in its original format	Modules that are intended to provide additional information that contributes to diagnosis, therapy and follow-up, e.g. - <i>Image viewer with functionality for diagnosis</i> - <i>Medication module</i> - <i>Generate alarms</i> - <i>Provide information to start patient's treatment to paramedics when patient is transported</i>		Display medical device data to perform active patient monitoring	Middleware - software that connects two or more software applications so that they can exchange data	Software intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease  Analyzing device-provided data for the purpose of directly aiding in the treatment or diagnosis of a patient	Intended to be used to view images, or other real time data, as an adjunct to the monitoring device itself, for the purpose of aiding in treatment or diagnosis of a patient			Data manipulation, data analysis, data editing, image generation, determination of measurements, identification of a region of interest in an image, or identification (by an alarm or alert) of results from a monitor that are outside of an established range		Intended for individuals to log, record, track, evaluate, or make decisions or behavioral suggestions related to developing or maintaining general fitness, health or wellness  e.g. Wii Fit video game, personal BMI calculators and pedometer software used for fitness		
HC qualification				Not MD	MD		MD (Class I)	Not MD	MD (Class II)	MD (Class II)				MD		Not MD	
Intended use- US Interpretation	Patient admission, scheduling patient appointments, insurance and billing purpose	Software that display, store, or transfer medical device data in its original format	Help patients: <ul style="list-style-type: none"><li>• Self-management disease/ conditions without providing specific treatment or suggestions</li><li>• Organize and track their health information</li><li>• Access information related to their health conditions or treatments</li><li>• Document, show, or communicate potential medical conditions to health care providers</li></ul>	Enable individuals to interact with PHR systems or EHR systems			Display medical device data to perform active patient monitoring	General communication systems (email, mobile, video, paging etc.) for general purposes - <i>Video appointment</i>	Remote Medication Management System software intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease  Mobile apps that connect to an existing device type for purposes of controlling its operation, function, or energy source		Mobile apps that transform the mobile platform into a regulated medical device by using attachments, display screens, or sensors or by including functionalities similar to those of currently regulated medical devices			Computer based tools which combine medical knowledge databases and algorithms with patient specific data e.g. <i>Radiotherapy treatment planning systems (calculate ionizing irradiation dosage), drug/chemotherapy planning systems (calculate drug dosage administration) &amp; Computer aided detection system (automatically read x-ray images or interpret ECG)</i>	Perform simple calculations routinely used in clinical practice Body Mass Index (BMI) Total Body Water / Urea Volume of Distribution Mean arterial pressure Glasgow Coma Scale score APGAR score NIH Stroke Scale Delivery date estimator	Automate simple tasks for health care providers	

US FDA qualification	Not MD	MD (Class I, 21 CFR 880.6310)	MD (Enforcement discretion applied to not regulate)	MD (Enforcement discretion applied to not regulate)			MD	MD (Enforcement discretion applied to not regulate)	MD		MD			MD	MD (Enforcement discretion applied to not regulate)	MD (Enforcement discretion applied to not regulate)	
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Table 5: Summaries of software types and their qualification as medical devices in EU, HC and US FDA

## 63 7. Conclusion

64 In regards to specific software types, it can be observed that there is a general trend in  
65 qualification of types of SaMD, although guidelines from each jurisdiction do have  
66 unique software types identified that are not addressed in other jurisdictions' guidelines,  
67 while some software types addressed differ across jurisdictions in their qualification  
68 status as medical devices.

69

70 Broadly, the paper has also attempted to identify trends across jurisdictions in the  
71 qualification of SaMD, where a possible identification of best practice approach in  
72 software qualification can be explored.

73

74 In regards to software classification, referenced jurisdictions generally have not produced  
75 new classification criteria specifically for SaMD, instead providing additional guidelines  
76 for software referring back to the existing classification guidelines to determine software  
77 risk class. Given that majority of such guidelines specify classification assignment based  
78 on intended purpose and degree of risk the end user is exposed to, their application to  
79 SaMD, which is also qualified based on intended function and risk, still would remain  
80 appropriate.

81

82 It is proposed that the next steps for the AHWP would be to adopt a position on the  
83 qualification and classification of SaMD, with a view to align as far as possible to global  
84 harmonisation or convergence of SaMD guidelines. Following which, development of  
85 regional documentation or guidance on software qualification and definition, submission  
86 format and software change evaluation, as well as maintain follow-up with developments  
87 in medical device regulatory activities, internationally.

88

89 In the course of establishing recommendations for software regulatory controls  
90 throughout the software lifecycle, software international standards that are currently  
91 available can be identified that may facilitate regulators and manufacturers compliance to  
92 medical device safety and performance requirements (7; 8).

93

94 The group will also follow closely on the progress of and work together as far as possible  
95 with the International Medical Device Regulators Forum (IMDRF) Standalone Medical  
96 Device Software Working Group, to ensure a harmonised approach in software regulatory  
97 controls, globally.

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