DISCLAIMER

This document is provided for guidance only. The classification examples provided might vary if a manufacturer assigns a different intended purpose to that used for the examples. Manufacturers and sponsors must use the Classification Rules, as contained in the Therapeutic Goods (Medical Devices) Regulations 2002, to classify their medical devices.

Please refer to the Therapeutic Goods Act, 1989 as amended by the Therapeutic Goods Amendment (Medical Devices) Bill, 2002 and the Therapeutic Goods (Medical Devices) Regulations, 2002 for legislative requirements.

FURTHER INFORMATION

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Mail: PO Box 100  
Woden  
ACT 2606

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# AMENDMENT SCHEDULE

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INTRODUCTION

This guidance document is one of a series produced to assist a wide-ranging audience to understand the regulatory system for medical devices in Australia that commenced on 4 October 2002. The system has been established by the Therapeutic Goods Act, 1989 and the Therapeutic Goods (Medical Devices) Regulations, 2002.

Although each guidance document has been developed to provide information about particular aspect of the medical devices regulatory system in Australia, it is expected that a certain amount of cross-referencing to other documents in the series will be inevitable.

PURPOSE

The purpose of this document is to provide guidance on the classification rules for medical devices and relates to the following segments of the medical device legislation.

- Section 41BD of the Therapeutic Goods Act 1989 (the Act)
- Regulation 3.2 of the Therapeutic Goods (Medical Devices) Regulations 2002 (MD Regulations).
- Schedule 2 of the Therapeutic Goods (Medical Devices) Regulations 2002.

BACKGROUND

The risks associated with using medical devices can range from little or no risk to patients and users to significant potential risks inherent in the type of device. The level of premarket intervention by the regulator is proportional to the level of potential risk and is established through a classification system based on that potential risk.

The classification risk is determined from:
- the manufacturer’s intended purpose for the medical device, and
- a set of classification rules. These rules will classify medical devices into one of five classes of medical devices.

THE CLASSES OF MEDICAL DEVICES

The five classes of medical device based upon the classification rules are:
- Class I - for low risk medical devices
  - includes low risk devices that are sterile and/or have a measuring function
- Class IIa - for low-medium risk medical devices,
- Class IIb - for medium–high risk medical devices,
- Class III - for high risk medical devices, and
- AIMD - for Active Implantable Medical Devices (are treated as Class III medical devices).
THE CLASSIFICATION RULES

Schedule 2 of the MD Regulations describes the classification rules that apply to:

- **Non-invasive medical devices (Rule 2):**
  - General (Rule 2.1),
  - Device to channel or store blood (Rule 2.2),
  - Device to modify biological or chemical composition of blood (Rule 2.3), and
  - Device to contact with injured skin (Rule 2.4).

- **Invasive medical devices (Rule 3):**
  - Device used to penetrate body orifices (Rule 3.1),
  - Surgically invasive device for transient use (Rule 3.2),
  - Surgically invasive device for short-term use (Rule 3.3), and
  - Surgically invasive device for long-term use and implantable devices (Rule 3.4).

- **Active medical devices (Rule 4):**
  - General (Rule 4.1),
  - Active device for therapy (Rule 4.2),
  - Active device for diagnosis (Rule 4.3), and
  - Active devices to administer or remove medicines from a patient’s body (Rule 4.4).

- **Special rules for medical devices:**
  - Device incorporating a medicine (Rule 5.1),
  - Device for contraception or prevention of sexually transmitted disease (Rule 5.2),
  - Device for disinfecting, cleaning another medical device (Rule 5.3),
  - Non-active device to record X-ray diagnostic images (Rule 5.4),
  - Device containing animal tissues, cells or other substances, that will need to be rendered non-viable to mitigate any infectivity risk or microbial or recombinant tissues, cells or other substances (Rule 5.5),
  - Device that is a blood bag (Rule 5.6),
  - Active implantable device (Rule 5.7),
  - Device for export only (Rule 5.8), and
  - Device that is a mammary implant (Rule 5.9).

CLASSIFYING A MEDICAL DEVICE

DECIDING WHAT CLASSIFICATION RULES APPLY

The following decisions need to be made before applying the classification rules:

- Is the product a medical device? Check the definition of a medical device on page 27,
- Do the special classification rules (Schedule 2, Part 5 of the MD Regulations) apply? See Flowchart 5- Special rules on page 21,
- Is the device intended to be non-invasive? See Flowchart 2 on page 10,
  (NB- If the device is sterile or has a measuring function conformity evidence will be needed),
- Is the device intended to be invasive through a body orifice? See Flowchart 3 on page 13,
- Is the device intended to be surgically invasive? See Flowchart 3A on page 14, or
- Is the device an active medical device? See Flowchart 4 on page 18.
IMPORTANT POINTS TO REMEMBER

- The manufacturer is responsible for determining the class of a device.
- The classification rules are based on the manufacturer’s intended purpose, taking into account the mechanism of action, and in some cases, more than one rule can apply. If this happens, the higher classification applies with the exception of medical devices for export only (Rule 5.8) which are classified as Class I.
- All the relevant classification rules must be considered to determine the class of the medical device.
- The classification must be consistent with the information accompanying the medical device including the label, directions for use, brochures and operating manuals.
- If the intended purpose is not clear in the information, the TGA will assume an intended purpose consistent with the purpose generally accepted in clinical practice.
- If the device is to be used in combination with another medical device, the classification rules must be applied separately to each device.
- Accessories are classified separate to the medical device they are used with.
- The duration for use must be specified for all invasive medical devices.
- If the device is not for use in a specific part of the body, its classification is based on the most critical specified use.
- Software intended to drive or influence the use of a medical device falls under the same classification as the medical device.
- Based on the intended purpose, software may be a medical device in its own right.
FLOWCHART 1- DECIDING WHAT CLASSIFICATION RULES APPLY

1. Is this a medical device? 
   - No: No need to proceed further
   - Yes: Do the special rules under Part 5, Schedule 2 apply?

2. If Yes to step 2, apply rule 5.
   - No: Is this a non-invasive device? 
     - Yes: Apply classification rule 2
     - No: Is this an invasive device? 
       - Yes: Apply classification rule 3
       - No: Is this an active device not covered by Rule 2, 3 or 5?
         - Yes: Apply classification rule 4
         - No: No need to proceed further

If any question is answered No, the flowchart ends with the respective rule application.
FLOWCHART 2  CLASSIFICATION RULES - NON INVASIVE DEVICES

These rules are described in Schedule 2, Part 2 of the Medical Devices Regulations

Rule 2.1  
General Rule
Either do not touch patient or contact only intact skin.

Class I

Rule 2.2  
Channelling or storing for eventual administration

Class Ila

Rule 2.3  
Modify biological or chemical composition of blood, body liquids intended for transfusion

Class IIb

OR

Rule 2.4  
In contact with injured skin (mechanical barrier – absorb exudates)

Class I

OR

Intended for wounds that breach dermis and heal only by secondary intent

Class IIb

OR

Intended to manage micro environment of wound + others

Class IIa
RULE 2 NON INVASIVE MEDICAL DEVICES

Rule 2.1 Non-invasive medical devices – general

This rule applies to all medical devices that are not covered by a specific rule, devices that contact intact skin and devices that do not touch the patient.

<table>
<thead>
<tr>
<th>Rule 2.1</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A non-invasive device is Class I, unless the device is classified at a higher level under another rule in Schedule 2 of the MD Regulations.</td>
<td>Devices used to collect body liquid where a return flow is unlikely eg urine collection bottles, ostomy pouches, wound drainage collection bottles and incontinence pads. Devices used to immobilise body parts and/or to apply force or compression eg non-sterile dressings, plaster bandages, cervical collars and gravity traction devices or compression hosiery.</td>
</tr>
</tbody>
</table>

Rule 2.2 Non-invasive devices intended to channel or store blood, etc

Devices covered under this rule may be indirectly invasive. Typically, they channel or store substances that will be eventually delivered into the body.

<table>
<thead>
<tr>
<th>Rule 2.2</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A non-invasive device used to channel or store blood or body liquids that are to be infused, administered or introduced into a patient. <strong>Class IIa</strong></td>
<td>Devices intended to be used to channel active drug delivery systems. Eg intravenous tubing, gastrostomy tubing, anaesthesia breathing circuits and pressure indicator and syringes for infusion pumps.</td>
</tr>
<tr>
<td>A non-invasive device to store an organ, parts of an organ or body tissue that is to be later introduced into a patient. <strong>Class IIa</strong></td>
<td>Devices to channel blood. Eg blood transfusion sets. Devices to temporarily store and transport of organs for transplant or for long term storage of biological substances and tissues such as corneas, sperm and human embryos.</td>
</tr>
<tr>
<td>A non-invasive device to channel or store a liquid or gas that is to be infused, administered or introduced into a patient and may be connected to an active medical device classified as Class IIa or higher. <strong>Class IIa.</strong></td>
<td>Oxygen tubing &amp; masks, anaesthetic tubing &amp; breathing circuits and syringes &amp; tubing for infusion pumps.</td>
</tr>
</tbody>
</table>
**Rule 2.3 Non-invasive devices intended to modify the biological or chemical composition of blood, etc**

Devices in this category must be considered separately from those in Rule 2.1, as they are indirectly invasive. The devices treat or modify substances that will be delivered into the body.

<table>
<thead>
<tr>
<th>Rule 2.3</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A non-invasive device to modify the biological or chemical composition of blood, other body liquids, or other liquids to be infused in the patient. <strong>Class IIb.</strong></td>
<td>Devices intended to remove undesirable substances out of the blood by exchange of solutes such as hemodyalizers. Auto transfusion systems. Devices used to separate cells such as gradient medium for sperm.</td>
</tr>
<tr>
<td>A non-invasive device to be used in treatment consisting of filtration, centrifugation or exchanges of gas or heat. <strong>Class IIa.</strong></td>
<td>Particulate filtration of blood in an extracorporeal circulation system, centrifugation of blood for transfusion or autotransfusion, removal of carbon dioxide from the blood and/or adding oxygen, and warming or cooling blood in the extracorporeal circulatory system.</td>
</tr>
</tbody>
</table>

**Rule 2.4 Non-invasive devices intended to have contact with injured skin**

This rule covers wound dressings without consideration of the wound depth. The technology associated with these devices is well understood and they do not result in any great hazard to the patient.

<table>
<thead>
<tr>
<th>Rule 2.4</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A non-invasive device to be used in contact with injured skin (including a device the principal intention of which is to manage the microenvironment of a wound). <strong>Class IIa.</strong></td>
<td>Assists healing by controlling the level of moisture and regulating the humidity, temperature, levels of oxygen, other gases and pH values of the wound environment, or by influencing the process by other physical means. Eg adhesives for topical use, polymer film dressings, hydrogel dressings and non-medicated impregnated gauze dressings.</td>
</tr>
<tr>
<td>A non-invasive device to be used as a mechanical barrier or for compression; or for absorption of exudates. <strong>Class I.</strong></td>
<td>Absorbent pads, island dressings, cotton wool, wound strips and gauze dressings to act as a barrier or absorb exudates from the wound. (NB If the device is sterile conformity evidence is required)</td>
</tr>
<tr>
<td>A non-invasive device to be used for wounds that have breached the dermis and the wounds can only heal by secondary intent. <strong>Class IIb.</strong></td>
<td>Intended for severe wounds that have extensively breached the dermis, and healing is by secondary intent (by granulation from the base of the wound). Eg dressings for chronic extensive ulcerated wounds, severe burn, severe decubitus wounds, or dressings providing a temporary skin substitute.</td>
</tr>
</tbody>
</table>
FLOWCHART 3 CLASSIFICATION RULES - INVASIVE DEVICES

These rules are described in Schedule 2, Part 3 of the Medical Devices Regulations

Rule 3.1
Invasive in body orifice or stoma (not surgical)

- Transient use
  - Class I
- Short term use
  - Class IIa
  - Class IIb
- Long term use
  - Connected to an active medical device of Class IIa or higher
  - If only in oral cavity, ear canal or nasal cavity
    - Class I
    - Class IIa

Rule 3.2
Surgically invasive – transient use

- Class IIa
  - OR
  - Diagnose/control – defect of heart/central circulatory system
    - Class III
  - OR
  - Supply energy/ionising radiation
    - OR
    - Class IIb
    - Biological effect – mainly absorbed
      - OR
      - System to administer medicines – potentially hazardous
        - Class IIb
FLOWCHART 3A CLASSIFICATION RULES - INVASIVE DEVICES

These rules are described in Schedule 2, Part 3 of the Medical Devices Regulations

Rule 3.3
Surgically invasive
Short term use

OR

Class IIa

Supply energy/ionising radiation

Class IIb

OR

Undergo chemical change in the body – or administer medicines (not in teeth)

Class III

Specifically intended to monitor/correct defect of heart or central circulatory system – by direct contact

Class III

For use in direct contact with central nervous system

Class III

Biological effect mainly absorbed

Class III

Rule 3.4
Surgically invasive long term use and implantable devices

Class IIb

OR

To be placed in teeth

Class IIa

Biological effect – mainly absorbed

Class III

Used in direct contact with heart or central circulatory/nervous system

Class III

Undergo chemical change in body - or administer medicines (NOT in teeth)

Class III

Class III
**RULE 3 INVASIVE MEDICAL DEVICES**

**Rule 3.1 Invasive devices intended to be used to penetrate body orifices**

This rule covers devices that enter the body through existing body orifices (e.g., ear, mouth, nose, eye, etc.) and surgically created stomas. Devices covered by this rule tend to be for diagnostic and therapeutic use in particular specialties (ENT, ophthalmology, dentistry, proctology, urology, and gynaecology).

<table>
<thead>
<tr>
<th>Rule 3.1</th>
<th>Examples</th>
</tr>
</thead>
</table>
| Invasive devices that are:  
- not connected to an active medical device, and are for transient use. **Class I**;  
- for short-term use. **Class IIa**;  
- for use in the oral cavity as far as the pharynx, in an ear canal to the ear drum, or in a nasal cavity. **Class I**; and  
- for long-term use. **Class IIb**.  
Invasive devices for use in the oral cavity as far as the pharynx or in an ear canal to the ear drum, or in a nasal cavity and is not liable to be absorbed by the mucous membrane. **Class IIa**.  
Invasive device to be connected to an active medical device that is classified as Class IIa or higher. **Class IIa**.  |  
Handheld dental mirrors, dental impression materials, exam gloves and prostatic balloon dilation catheters.  
Contact lenses, urinary catheters, tracheal tubes, stents, vaginal pessaries and perineal reduction devices.  
Dressing for nose bleeds, dentures removable by the patient.  
Long term urinary catheters, artificial eye and urethral stents.  
Orthodontic wire, fixed dental prostheses, fissures sealants.  
Tracheostomy tubes connected to a ventilator, powered nasal irrigators, nasopharyngeal airways, heat and moisture exchangers and suction catheters or tubes for stomach drainage. |

**Rule 3.2 Surgically invasive devices intended for transient use**

This rule covers devices that are used to create a conduit through the skin (needles, cannulae, etc.), surgical instruments (scalpels, saws, etc.) and various types of catheters, suckers, etc.

<table>
<thead>
<tr>
<th>Rule 3.2</th>
<th>Examples</th>
</tr>
</thead>
</table>
| Surgically invasive device for transient use. **Class IIa**.  
Surgically invasive device for transient use to diagnose, monitor, control or correct a defect of the heart, or central circulatory system through direct contact. **Class III**.  
A reusable surgical instrument. **Class I**.  |  
Suture needles, hypodermic needles and syringes, suckers, surgical swabs and surgical gloves.  
Cardiovascular catheters (e.g., angioplasty balloon catheters), including related guidewires and coronary artery probes.  
Scissors, artery forceps, tissue forceps, tissue clamps, excavators, osteotomes and chisels.  |
A surgically invasive device for transient use to supply ionising radiation.  
A surgically invasive device for transient use to have a biological effect.  
A surgically invasive device for transient use to be wholly, or mostly, absorbed by the body.  
A surgically invasive device for transient use to administer medicine via a delivery system, and the administration is potentially hazardous to the patient.  
**Class IIb.**

<table>
<thead>
<tr>
<th><strong>Rule 3.3 Surgically invasive devices intended for short-term use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>This rule covers devices used in the context of surgery or post-operative care (eg clamps and drains), infusion devices (cannulae and needles) and catheters of various types.</td>
</tr>
<tr>
<td><strong>Rule 3.3 Examples</strong></td>
</tr>
<tr>
<td>**Surgically invasive device for short term use. ** <strong>Class IIa.</strong></td>
</tr>
</tbody>
</table>
| Catheters containing or incorporating radioactive radioisotopes where the isotope is not intended to be released into the body.  
Fibrin based tissue glues.  
Resorbable haemostat materials.  
Devices for repeated self-application where the dose and the medicine are critical, eg. personal insulin injectors (commonly referred to as pens). |
| **A surgically invasive device for short term use to supply ionising radiation, or**  
**A surgically invasive device for short term use device to undergo a chemical change in a patient’s body (except a device intended to be placed in the teeth), or**  
**A surgically invasive device for short term use to administer medicine. ** **Class IIb.** |
| Bradytherapy devices.  
Biological tissue adhesives.  
An intravenous cannula. |
| **A surgically invasive device for short term use to be specifically used to diagnose, monitor, control or correct a defect of the heart, or central circulatory system, through direct contact with these parts of the body;**  
**A surgically invasive device for short term use to be used in direct contact with the central nervous system; or**  
**A surgically invasive device for short term use to have biological effect; or be wholly, or mostly, absorbed by a patient’s body. ** **Class III** |
| Cardiovascular catheters, cardiac output probes and temporary pacemaker leads. Thoracic catheters intended to drain the heart, including the pericardium and a carotid artery shunt.  
Neurological catheters, cortical electrodes and cgononoid paddles.  
Absorbable sutures and bone anchors. |
| **A surgically invasive device for short term use that is intended by the manufacturer to be placed in the teeth and to undergo a**  
**Dental Adhesives used for root canal therapy.** |
A chemical change in the body is **Class IIa**. For this clause a medical device to be placed in the teeth includes a device that is intended to penetrate a tooth but does not enter the gum or bone beyond the tooth.

### Rule 3.4 Surgically invasive devices for long-term use and implantable devices

Devices covered by this rule include implants used in orthopaedic, dental, ophthalmic and cardiovascular fields. In addition, soft tissue implants used in plastic surgery are covered by this rule.

<table>
<thead>
<tr>
<th>Rule 3.4</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A surgically invasive device for long-term use and implantable devices. <strong>Class IIb</strong></td>
<td>Implantable joint replacements, shunts, stents, nails, plates and screws, intra-ocular lenses, infusion ports, peripheral vascular grafts, non-absorbable sutures, bone cements and maxillo-facial implants.</td>
</tr>
<tr>
<td>A surgically invasive device for long-term use to be placed in the teeth. <strong>Class IIa</strong>.</td>
<td>Bridges, crowns, dental filling materials and pins, dental alloys, ceramics and polymers.</td>
</tr>
<tr>
<td>A surgically invasive device for long-term use to be used in direct contact with the heart, the central circulatory system or the central nervous system.</td>
<td>Prosthetic heart valves, aneurysm clips, vascular prostheses, spinal stents, vascular stents, CNS electrodes and cardiovascular sutures.</td>
</tr>
<tr>
<td>A surgically invasive device for long-term use to have a biological effect.</td>
<td>Permanent vena cava filters.</td>
</tr>
<tr>
<td>A surgically invasive device for long-term use to be wholly, or mostly, absorbed by a patient’s body.</td>
<td>Absorbable sutures, bioactive adhesives and implants through the attachment of surface coatings such as phosphorylcholine.</td>
</tr>
<tr>
<td>A surgically invasive device for long-term use to undergo a chemical change in the patient’s body (except a device that is to be placed in the teeth); or</td>
<td>Rechargeable non-active drug delivery systems.</td>
</tr>
<tr>
<td>A surgically invasive device for long-term use to administer medicine. <strong>Class III</strong></td>
<td></td>
</tr>
</tbody>
</table>
FLOWCHART 4 CLASSIFICATION RULES - ACTIVE DEVICES

These rules are described in Schedule 2, Part 4 of the Medical Devices Regulations

Rule 4.1
All active medical devices not covered by Rules 2, 3 or 5

Class I

Rule 4.2
Active medical device for therapy to administer or exchange energy

Class Ila

OR

Class Iib

Administer or exchange energy in a potentially hazardous way

OR

Intended to control or monitor or influence directly a Class Iib active medical device

Rule 4.3
Active device for diagnosis. May supply energy, for “imaging purpose” monitor vital physiological process

Class Ila

OR

Class Iib

When used to monitor vital processes where variations could result in immediate danger

Rule 4.4
Active device to administer/remove medicines & substances to or from the body

Class Ila

OR

Class Iib

If administration/removal is hazardous to patient
**RULE 4 ACTIVE MEDICAL DEVICES**

**Rule 4.1 Active medical devices – general**

This rule applies to active medical devices that are not covered by a specific rule.

<table>
<thead>
<tr>
<th>Rule 4.1</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>An active device is <strong>Class I</strong>, unless the device is classified at a higher level under another rule in Schedule 2 of the MD Regulations.</td>
<td>Examination lights, surgical microscopes, diagnostic devices for thermography, active devices for recording, processing or viewing of diagnostic images and dental curing lights.</td>
</tr>
</tbody>
</table>

**Rule 4.2 Active medical devices for therapy**

This rule covers devices that are electrical equipment used in surgery, devices used in specialised treatments and stimulation devices.

<table>
<thead>
<tr>
<th>Rule 4.2</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>An active device for therapy to administer energy to a patient, or exchange energy to or from a patient. <strong>Class IIa.</strong></td>
<td>Electrical, magnetic and electromagnetic energy- muscle stimulators, external bone growth stimulators, TENS devices and electrical acupuncture. Thermal energy- warming blankets except for unconscious patients, cryosurgery equipment and heat exchangers. Mechanical energy- powered dermatomes, drills and dental hand pieces. Light- phototherapy for skin treatment and for neonatal care Sound- hearing aids.</td>
</tr>
<tr>
<td>An active device to control or monitor, or directly influence the performance of an active medical device for therapy of the kind mentioned in the 2nd box above. <strong>Class IIb.</strong></td>
<td>External feedback systems for active therapeutic devices, after-loading control devices.</td>
</tr>
</tbody>
</table>
### Rule 4.3 Active medical devices for diagnosis

This rule covers devices that are used in ultrasound diagnosis and capture of physiological signals and devices used in therapeutic and diagnostic radiology.

<table>
<thead>
<tr>
<th>Rule 4.3</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A device to supply energy that will be absorbed by a patient’s body (except a device that illuminate the patient’s body in the visible spectrum).</td>
<td>Magnetic resonance equipment, pulp testers, evoked response stimulators, diagnostic ultrasound.</td>
</tr>
<tr>
<td>A device to be used to image in vivo distribution of radiopharmaceuticals in patients.</td>
<td>Gamma cameras, positron emission tomography and single photon emission computer tomography.</td>
</tr>
<tr>
<td>Devices to allow direct diagnosis or monitoring of vital physiological processes of a patient (except a device mentioned in the 1st paragraph in the box below. <strong>Class IIa</strong>.</td>
<td>Electrocardiographs, electroencephalographs, cardioscopes with or without pacing pulse indicators and electronic thermometers.</td>
</tr>
<tr>
<td>A device to monitor vital physiological parameters of a patient, and the nature of variations monitored could result in immediate danger to the patient.</td>
<td>Intensive care monitoring systems, biological sensors, blood gas analysers used in open-heart surgery, cardioscopes and apnea monitors, including those in home care.</td>
</tr>
<tr>
<td>A device to emit ionising radiation and to be used for diagnostic or therapeutic interventional radiology, or</td>
<td>Diagnostic X-ray sources.</td>
</tr>
<tr>
<td>A device to control, monitor, or directly influence the performance of a device in the previous paragraph. <strong>Class IIb</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Rule 4.4 Active medical devices intended to administer or remove medicines, etc from a patient’s body

This rule covers drug delivery systems and anaesthesia equipment.

<table>
<thead>
<tr>
<th>Rule 4.4</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>An active device to administer or remove medicine, body liquids or other substances. <strong>Class IIa</strong></td>
<td>Suction equipment, feeding pumps, Jet injectors for vaccination.</td>
</tr>
<tr>
<td>An active device to administer or remove medicine, body liquids or other substances in a way that is potentially hazardous to the patient, having regard to the substances, the part of the body concerned, and the characteristics of the device. <strong>Class IIb</strong>.</td>
<td>Infusion pumps, ventilators, anaesthesia machines, anaesthetic vaporisers, dialysis equipment, blood pumps for heart-lung machines, hyperbaric chambers, pressure regulators for medical gases, medical gas mixers, moisture exchangers in breathing circuits. Nebulisers where the failure to deliver the appropriate dosage form could be hazardous.</td>
</tr>
</tbody>
</table>
FLOWCHART 5 CLASSIFICATION RULES –SPECIAL RULES
These rules are described in Schedule 2, Part 5 of the Medical Devices Regulations

- Rule 5.1: Device incorporating a medicine and has an ancillary action on the body - Class III
- Rule 5.2: Device for contraception or preventing sexually transmitted diseases - Class IIb
- OR
  - If implantable or long term invasive - Class III

- Rule 5.3: Specific for disinfecting, cleaning, rinsing or hydrating contact lenses - Class IIb
- OR
  - Device for disinfecting other devices other than by physical action - Class IIb

- Rule 5.4: Non active devices to record X-ray diagnostic images - Class Ila

- Rule 5.5: Devices containing non viable human or animal tissue (not for intact skin) - Class III
- OR
  - Device containing cells or substances of bacterial or recombinant origin - Class III

- Rule 5.6: Blood bags - Class IIb
- Rule 5.7: AIMD - Class AIMD
- Rule 5.8: Export only - Class I
- Rule 5.9: Mammary implants - Class III
**RULE 5 SPECIAL RULES**

**Rule 5.1 Devices incorporating a medicine**

This rule covers medical devices that incorporate a medicinal substance including stable derivatives of human blood and blood plasma that assists the function of the device.

<table>
<thead>
<tr>
<th>Clause 5.1</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A device incorporating a substance that if used separately would be a medicine and has an ancillary action on the body. <strong>Class III</strong></td>
<td>Antibiotic bone cements, condoms with spermicide, heparin coated catheters. Dressings incorporating an antimicrobial agent where the purpose of such an agent is to provide ancillary action on the wound.</td>
</tr>
</tbody>
</table>

**Rule 5.2 Devices for contraception or prevention of sexually transmitted diseases**

Some devices covered by this rule may perform both functions, eg. condoms.

<table>
<thead>
<tr>
<th>Rule 5.2</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A device for contraception or the prevention of sexually transmitted diseases. <strong>Class IIb.</strong></td>
<td>Condoms, contraceptive diaphragms.</td>
</tr>
<tr>
<td>An implantable or invasive device for long-term use. <strong>Class III.</strong></td>
<td>Contraceptive intrauterine devices (IUDs) and surgically implanted contraceptive devices.</td>
</tr>
</tbody>
</table>

**Rule 5.3 Devices intended for disinfecting, cleaning, rinsing etc**

This rule covers various contact lens fluids and substances or equipment to disinfect another medical device. It does not cover devices that clean by a physical action only.

<table>
<thead>
<tr>
<th>Rule 5.3</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>A device specifically for disinfecting, cleaning, rinsing or hydrating contact lenses. <strong>Class IIb</strong></td>
<td>Contact lens solutions, comfort solutions.</td>
</tr>
<tr>
<td>A device specifically for disinfecting another medical device. <strong>Class IIb</strong></td>
<td>Disinfectants for haemodialysis devices or endoscopes, sterilisers to sterilise medical devices and washer disinfectors.</td>
</tr>
</tbody>
</table>

**Rule 5.4 Non-active devices intended to record X-ray diagnostic images**

A non-active medical device to record X-ray diagnostic images such as X-ray films, photostimulable phosphor plates are **Class IIa**.

**Rule 5.5 Devices containing non-viable animal tissues or derivatives**

This rule covers devices that contain or are made of animal tissues that have been rendered non-viable or derivatives from such tissues also being non-viable. Rendering non-viable refers primarily to the inactivation of any infective agent that has been identified in a risk analysis as being potentially transmissible.
<table>
<thead>
<tr>
<th><strong>Rule 5.5</strong></th>
<th><strong>Examples</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Devices containing animal tissues or derivatives that have been rendered non-viable and not intended to come into contact with intact skin only. <strong>Class III.</strong></td>
<td>Biological heart valves, porcine xenograft dressings, catgut sutures, implants and dressings made from collagen.</td>
</tr>
<tr>
<td>A devices that contains tissues, cells or substances of bacterial or recombinant origin or a combination of tissues, cells or substances of animal, bacterial or recombinant origin. Wherever these devices contain material of bacterial or recombinant origin, they are <strong>Class III</strong>, even if they only come into contact with intact skin.</td>
<td>Intra-ocular fluids, meniscul joint fluid replacement, anti-adhesion barriers, tissue fillers based on hyaluronic acid derived from bacterial fermentation processes.</td>
</tr>
</tbody>
</table>

**Rule 5.6 Devices that are blood bags**

<table>
<thead>
<tr>
<th><strong>Rule 5.6</strong></th>
<th><strong>Examples</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A device that is a blood bag <strong>Class IIb.</strong> If the blood bags have a function greater than storing purposes and include systems for preservation other than anti-coagulants then other rules (eg. rule 5.1) may apply.</td>
<td>Blood bags (including those containing or coated with an anticoagulant).</td>
</tr>
</tbody>
</table>

**Rule 5.7 Active implantable medical devices**

An active implantable medical device is classified as Class AIMD.

<table>
<thead>
<tr>
<th><strong>Rule 5.7</strong></th>
<th><strong>Examples</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>An implantable accessory to an active implantable device. An active device to control, monitor, or directly influence the performance of an active implantable device. <strong>Class III</strong></td>
<td>Electrode leads associated with pacemakers, defibrillators and nerve stimulators. Clinician’s programming device for pacemakers, patient control device for nerve stimulation devices.</td>
</tr>
</tbody>
</table>

**Rule 5.8 Medical devices for export only**

A device that is intended by the manufacturer for export only is classified as **Class I.**

**Rule 5.9 Devices that are mammary implants**

A device that is a mammary implant is classified as **Class III.**
APPENDIX A - DEFINITIONS

**Accessory** (reference subsection 3(1) of the Act)

An article that its manufacturer specifically intended to be used together with a medical device to enable the device to be used as the manufacturer of the device intended.

**Active implantable medical device** (reference- Dictionary in the MD Regulations)

An active medical device (other than an implantable medical device) that is intended by the manufacturer:

(a) either:
   (i) to be, by surgical or medical intervention, introduced wholly, or partially, into the body of a human being, or
   (ii) to be, by medical intervention, introduced into a natural orifice in the body of a human being, and

(b) to remain in place after the procedure.

Examples: Pacemaker, nerve stimulator, artificial cochlear and implantable bradytherapy seeds.

**Active medical device** (reference- Dictionary in the MD Regulations)

A medical device that is intended by the manufacturer:

(a) To depend for its operation on a source of electrical energy or other source of energy (other than a source of energy generated directly by a human being or gravity), and

(b) To act by converting this energy; but does not include a medical device that is intended by the manufacturer to transmit energy, a substance, or any other element, between an active medical device and a human being without any significant change in the energy, substance, or other element being transmitted.

Examples: surgical diathermy, surgical lasers, air driven surgical drills and saws, powered traction systems and examination lights.

**Active medical device for diagnosis** (reference- Dictionary in the MD Regulations)

An active medical device that is intended by the manufacturer to be used on a human being, either alone or in combination with another medical device, to supply information for the purpose of detecting, diagnosing monitoring or treating physiological conditions, states or health, illness or congenital deformities.

Example: Ultra sound device

**Active medical device for therapy** (reference- Dictionary in the MD Regulations)

An active medical device that is intended by the manufacturer to be used on a human being, either alone or in combination with another medical device, to support, modify, replace or restore biological functions or structures for the purpose of treating or alleviating an illness, injury or handicap.

Examples: therapeutic laser, infant incubator, lung ventilator, deep heat therapy lamp and an electrical muscle stimulator.
Ancilliary action  (reference – European Commissions Guidelines relating to Medical Device Directives – MEDDEV 2.4/1 – rev 8 Part 2: Guidelines for the Classification of Medical Devices - July 2001 (MEDDEV 2.4/1))

The action of the medicine is subordinate/subsidiary to that of the device.

Biological effect  (reference – MEDDEV 2.4/1)

A material is considered to have a biological effect if it actively and intentionally induces, alters or prevents a response from the tissues that is mediated by specific reactions at a molecular level. Such a device may be described as bioactive.

Body orifice  (reference- Dictionary in the MD Regulations)

A natural opening or a permanent artificial opening, in a human being’s body, and includes the external surface of the eyeball.

Examples: Includes stomas such as a colostomy, gastrostomy and tracheostomy.

Central circulatory system  (reference- Dictionary in the MD Regulations)

The system in a human being comprising the following vessels:
- Arteriae pulmonales (pulmonary artery)
- Aorta ascendens (ascending aorta)
- Arteriae coronaryae (coronary artery)
- Arteria carotis communis (common carotid artery)
- Arteria carotis externa (external carotid artery)
- Arteria carotis interna (internal carotid artery)
- Arteria cerebri (cerebral arteries)
- Truncus brachiocephalicus (brachiocephalic trunk)
- Venae cordis (cardiac veins)
- Venae pulmonales (pulmonary vein)
- Vena cava superior (superior vena cava)
- Vena cava inferior (inferior vena cava)
- Arcus aorta (aortic arch)
- Thoracica aorta (thoracic aorta)
- Abdominalis aorta (abdominal aorta)
- Iliaca communis (common iliac arteries and veins).

Note: The thoracic aorta, abdominal aorta and the common iliac are not considered part of the definition of the central circulatory system in the EU Medical Devices Directive - this will result in differences between Australia and the EU in classifying devices used for these vessels.

Central nervous system  (reference- Dictionary in the MD Regulations)

The system in a human being comprising the brain, meninges and spinal cord.

Chemical change  (reference – MEDDEV 2.4/1)

Chemical change does not apply to products such as bone cements where the chemical change takes place during the placement and does not continue in long term.
Direct diagnosis (reference – MEDDEV 2.4/1)

Continuous surveillance by direct measurement.

Duration (reference Classification Rules Part 1 (1.1) Schedule 2 of the MD Regulations)

Transient - intended to be used continuously for less than 60 minutes.
Short term - intended to be used continuously for at least 60 minutes but not more than 30 days.
Long term - intended for continuous use for more than 30 days.

Implantable medical device (reference- Dictionary in the MD Regulations)

A medical device (other than an active implantable medical device) that is intended by the manufacturer:
(a) to be, by surgical intervention, wholly introduced into the body of a human being, and to remain in place after the procedure, or
(b) to replace, by surgical intervention, an epithelial surface ,or the surface of an eye, of a human being, and to remain in place after the procedure, or
(c) to be, by surgical intervention, partially introduced into the body of a human being, and to remain in place for at least 30 days after the procedure.
Examples: cardiovascular stent, bone plates and screws, intra-ocular lees, internal/external fixation systems, resorbable anti-adhesion barriers and heart valve prosthesis.

Integral (reference – MEDDEV 2.4/1)

A device and the ancillary medicine form a single physical unit.

Intended purpose (reference- Dictionary in the MD Regulations)

The purpose for which the manufacturer of the device intends it to be used, as stated in:
(a) the information provided with the device, or
(b) the instructions for use of the device, or
(c) any advertising material applying to the device, and
(d) the mechanism of action of the device.

Note: The mode of action of a device must be consistent with the intended purpose of the device. Where not stated explicitly it will be assumed that the device will be used in accordance with reasonably foreseeable Australian medical practice.

Invasive medical device (reference- Dictionary in the MD Regulations)

A medical device that is intended by the manufacturer to be used, in whole or in part to penetrate the body of a human being through a body orifice or through the surface of the body.

Examples: wound drains, colonoscope, gastroscope, artificial larynx, urinary catheter, hypodermic needle, naso-gastric tube, and a feeding tube.

Measuring function (reference- Regulation 1.4 of the MD Regulations)

A measuring function is one intended by the manufacturer to measure quantitatively, a physiological or anatomical parameter, or a quantity, or a qualitative characteristic, of energy or substances delivered to or removed from the body. Is displayed in Australian units of measurement or other units of measurement approved by the Secretary, of the particular device, or
is compared to at least one point of reference indicated in such units, and must be accurate to enable the device to achieve its intended purpose.

**Medical device** (reference- Section 41BD of the Act)

A medical device is:
(a) any instrument, apparatus, appliance, material or other article (whether used alone or in combination, and including the software necessary for its proper application) intended, by the person under whose name it is or is to be supplied, to be used for human beings for the purpose of one or more of the following:
   (i) diagnosis, prevention, monitoring, treatment or alleviation of disease;
   (ii) diagnosis, monitoring, treatment, alleviation of or compensation for an injury or handicap;
   (iii) investigation, replacement or modification of the anatomy or of a physiological process;
   (iv) control of conception;
and that does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, but that may be assisted in its function by such means; or
(c) an accessory to such an instrument, apparatus, appliance, material or other article.

**Potentially hazardous** (reference – MEDDEV 2.4/1)

The concept of “potentially hazardous” is dependent on the type of technology involved and the intended application of the device to the patient and not on the measures adopted by the manufacturer in view of good design management. A device is potentially hazardous if the basic risk of the device before deliberate measures have been taken to minimise risk by inherent design or protection mechanisms, is considered intolerable. For example all devices intended to emit ionizing radiation, all lung ventilators and lithotriptors should be in a higher risk class.

**Reusable surgical instrument** (reference- Dictionary in the MD Regulations)

A medical device that is intended by the manufacturer:
(a) to be used surgically, without being connected to an active medical device, for cutting, drilling, sawing, scratching, scraping, clamping, retracting, clipping or any other similar procedure, and
(b) to be used after the appropriate procedures specified by the manufacturer in the instructions for use have been carried out.

**Surgically invasive medical device** (reference- Dictionary in the MD Regulations)

(a) An invasive medical device that is intended by the manufacturer to be used with the aid, or in the context of, a surgical operation, and
(b) A medical device that is intended by the manufacturer to be used to penetrate the body of a human being in any way other than through a body orifice.

Examples: scalpel blades, biopsy devices, surgical instruments, skin stapling devices, staples, clips and clamps for blood vessels tissues or organs, coronary angioplasty balloon catheters.
**Vital physiological process** (reference – MEDDEV 2.4/1)

Includes respiration, heart rate, cerebral functions, blood gases, blood pressure and body temperature. Medical devices intended to be used for continuous surveillance of vital physiological processes in anaesthesia, intensive care or emergency care are in a higher risk class, whilst medical devices intended to be used to obtain readings of vital physiological signals in routine check ups and in self-monitoring are in a lower risk class.

**Wholly or mainly absorbed**

Refers to the degradation of a material within the body and the metabolic elimination of the resulting degradation products from the body.