



UNITED STATES  
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION  
WASHINGTON, D.C. 20545

Walter H. Weyzen, M.D., Manager, Human Health Studies Programs,  
Division of Biomedical and Environmental Research

TESTS BY JAPANESE PHYSICIANS ON RADIATION VICTIMS

This is in response to your request concerning the legality of Japanese physicians performing tests upon radiation victims within the United States. The primary locations of interest for these tests are California and Hawaii.

Due to the strict California licensing provisions, it is highly unlikely that the Japanese physicians could perform any significant tests upon patients within that state. The California Board of Medical Quality Assurance informs us that these physicians could interview these patients but could not perform physical exams beyond that which laymen could undertake (i.e., they could take pulse, blood pressure, and temperature readings and make other external observations of patient conditions but could not draw blood, inject substances into the body or perform X-ray examinations). Further, they could not diagnose for the purpose of treatment or provide treatment (advice as to psychological problems would be included within the idea of treatment). In view of these restrictions, three (3) options are possible. First, these physicians could work on military reservations or in V.A. hospitals without the need for a California license. An agreement would have to be reached with the military to accomplish this, but preliminary investigations with the Navy suggest that this would be no major problem. Second, the Japanese physicians could work in conjunction with a group of California physicians and undertake any tests or treatment to which the California physicians would agree. Third, state legislation could be passed relatively quickly providing a special exemption for the Japanese physicians to perform tests under specified conditions. If only interviewing and the general testing mentioned above is to be done in California, no problems would arise; but if anything beyond this is undertaken, the options listed are the best possibilities. For help particularly under options 2. and 3. or for general questions, we should contact Mr. Richard DeWalt, Division of Licensing, Board of Medical Quality Assurance, 1430 Howe Avenue, Sacramento, California 95825 ((916) 322-5040).

The State of Hawaii has less strict requirements for licensing and would allow these physicians more leeway in their program. If these programs could be labeled as research and temporary in nature, the Japanese physicians could work with little interference from the state.



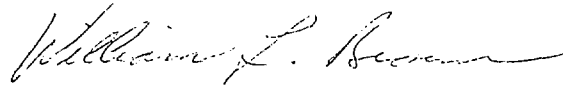
218

5008600


W. H. Weyzen, M.D.

-2-

They could interview, take basic tests including such things as blood tests and give advice as to future life styles, all without a license. Problems would arise, however, if the physicians prolonged their stay, began a continuing series of treatments for individual patients, or wished to use hospital facilities. If a more intensive and prolonged program is planned, the same three (3) alternatives provided above should be considered. The testing upon military reservations appears to be the simplest. Our contact for problems in Hawaii should be Mr. Dick Okaji, Licensing Administrator, Dept. of Regulatory Agencies, P. O. Box 3469, Honolulu, Hawaii 96801 ((808) 548-6520).



William L. Brown, Attorney  
Office of the General Counsel

  
5008601