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TELEGRAPHIC MESSAGE

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ACCOUNTING CLASSIFICATION	DATE PREPARED 12/29/78		TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input checked="" type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS
FOR INFORMATION CALL			
NAME DR. HOBSON	PHONE NUMBER 389- 2616		
THIS SPACE FOR USE OF COMMUNICATION UNIT			

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

**TO: DIRECTORS OF VETERANS ADMINISTRATION MEDICAL CENTERS,
MEDICAL AND REGIONAL OFFICE CENTERS, DOMICILIARY,
OUTPATIENT CLINICS, AND REGIONAL OFFICES WITH OUTPATIENT CLINICS**

00/15 CIRCULAR 10-78-300 SUBJ: DHEW REQUIRED INFORMATION ABOUT
COMPENSATION AND TREATMENT OF INJURED CLINICAL RESEARCH PARTICIPANTS
(43 FR 51559).

1. AFTER 1/2/79, PROJECTS SUPPORTED BY RESEARCH FUNDS FROM DHEW MUST PROVIDE THAT PROSPECTIVE PARTICIPANTS IN CLINICAL, BIOMEDICAL OR BEHAVIORAL RESEARCH BE INFORMED AS TO COMPENSATION AND MEDICAL TREATMENT AVAILABLE IF THEY SUSTAIN PHYSICAL INJURY.
2. IN OBTAINING INFORMED CONSENT, VA INVESTIGATORS MUST SPECIFICALLY INFORM PARTICIPANTS OF THEIR RIGHT TO COMPENSATION AND TREATMENT FOR PHYSICAL INJURY IF THE RESEARCH PROTOCOL IS APPROVED AFTER 1/2/79. INVESTIGATORS MUST GIVE THE REQUIRED INFORMATION IN CONFORMITY WITH FEDERAL LAWS, AND MUST FOLLOW THE CONTENTS OF THIS MEMORANDUM.
3. INVESTIGATORS WILL BE REQUIRED TO PROVIDE DIFFERENT INFORMATION TO VETERANS ELIGIBLE FOR MEDICAL CARE ON THE ONE HAND AND TO NON-ELIGIBLE VETERANS AND NON-VETERANS ON THE OTHER. FOR EXAMPLE,

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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

ELIGIBLE VETERANS ARE ENTITLED TO MEDICAL CARE AND TREATMENT FOR ANY INJURY SUSTAINED. COMPENSATION MAY ALSO BE PAYABLE UNDER 38 USC 351 OR, IN SOME CIRCUMSTANCES, UNDER THE FEDERAL TORT CLAIMS ACT.

4. NON-ELIGIBLE VETERANS AND NON-VETERANS ARE ENTITLED TO MEDICAL CARE AND TREATMENT ON A HUMANITARIAN EMERGENCY BASIS WITH THE MEDICAL CARE APPROPRIATION REIMBURSED FROM RESEARCH FUNDS. ANY COMPENSATION FOR THEM, HOWEVER, WOULD BE LIMITED TO SITUATIONS WHERE NEGLIGENCE OCCURRED AND WOULD BE CONTROLLED BY THE PROVISIONS OF THE FEDERAL TORT CLAIMS ACT.

5. IT IS SUGGESTED THAT QUESTIONS IN SPECIFIC INSTANCES BE REFERRED TO YOUR DISTRICT COUNSEL. THIS CIRCULAR EXPIRES DECEMBER 28, 1979.

15/10A



DONALD L. CUSTIS, M.D.
DEPUTY CHIEF MEDICAL DIRECTOR

29 1980
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