

Congress Repeals Provision in Homeland Security Act Protecting Vaccine Drug Manufacturers

A hotly debated provision of the 2002 Homeland Security Act that protected Eli Lilly and Co. and other drug manufacturers from injury lawsuits arising from the use of the compound thimerosal in vaccines has formally been repealed. The repeal provision, supported by legislators from both parties, was part of a massive spending bill passed by Congress on February 14th.

Michigan Senator Debbie Stabenow, the U.S. Senate's most vocal and active opponent of the provision protecting the vaccine drug companies introduced legislation in January (S. 105), to strip it from the Homeland Security bill. This legislation was nearly identical to a House initiative, H.R. 237, introduced by Indiana Representative Dan Burton. The goal of these separate bills was achieved by the passage of the omnibus spending bill by both the House and Senate.

ICA has always opposed mandatory vaccinations and has a policy statement on "Immunization and Vaccination." This policy states that ICA recognizes that vaccines are not without risk and supports freedom of choice in such matters.

ICA's Council on Pediatrics also raised more than \$4,000 for NVIC to help them with their lobbying efforts (such as repeal of the provision in the Homeland Security Act), on behalf of parents and children injured by vaccines.

Regular updates on vaccination safety and consumer rights issues are available through the National Vaccine Information Center web-site: www.909shot.com.

Senator Stabenow told ICA's representatives that when she voted for the Homeland Security Act in November she noted that one of her first acts when Congress reconvened in January would be to repeal this special interest provision from the bill. "This provision," she said, "was added in the dark of night, clearly as a payback to powerful political supporters, and it had no place in legislation intended to protect American families."

The International Chiropractors Association had aggressively campaigned to repeal this immensely controversial federal law that would have shielded pharmaceutical companies from liability from injuries caused by the application of certain vaccines in the United States.

The provisions were anonymously inserted in the homeland security legislation that passed in the closing hours of the 107th Congress, over the strenuous objections of concerned legislators from both parties. ICA contacted every Member of the U.S. House and Senate urging their support for the legislation that has now repealed the offensive

provisions and restored vital consumer rights and protections inherent in basic American freedoms.

The secret and anonymous insertion of the waiver provision last year shocked consumer rights groups and significant numbers of legislators from both parties, many arguing that the last-minute and conspiratorial appearance of the pro-drug company provision "undermined confidence in the legislative process," according to one Republican critic.

Repeal of the provision shielding vaccine makers will allow most, if not all of the lawsuits that would have been terminated by the earlier bill to continue.

Physical Therapists Re-Introduce Federal Direct Access Legislation

The American Physical Therapy Association (APTA) has re-introduction legislation that would give PTs direct access to Medicare patients in all states in which the law allows general direct access to their services. The Senate version of the PT initiative, titled the Medicare Patient Access to Physical Therapists Act of 2003 (S493), was introduced on February 27, 2003 by Senators Blanche Lincoln (D-AR), Arlen Specter (R-PA), Mary Landrieu (D-LA) and John Ensign (R-NV). Companion legislation (HR792) was reintroduced earlier in February in the House of Representatives by Reps. Phil Crane (R-IL) and Earl Pomeroy (D-ND).

The two bills are similar to legislation introduced in the last session of Congress to provide Medicare beneficiaries with direct access in states that currently allow non-Medicare pa-

tients to see physical therapists without a referral.

The APTA is organizing a major grassroots campaign on behalf of these bills and is even planning a major rally on the National Mall on Thursday, June 19th.

These bills are part of a growing trend on the part of all non-MD providers to get out from under medical control by elimination of referral requirements via state and federal legislation. ICA's Legislative Team is closely watching these initiatives and will work to relate these Washington, D.C. efforts to the ongoing campaign by the physical therapists to gain doctor level status in the states, including authority to "adjust" the spine. ICA is actively opposing such efforts since the addition of such profound new privileges without the appropriate education and qualification clearly places the public at risk.

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