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Below is a description of the provisions of the Smallpox Emergency Personnel Protection Act of 2003 that established what will become the smallpox vaccine injury compensation program.

On April 30, 2003, the President signed into law the Smallpox Emergency Personnel Protection Act of 2003 ("SEPPA"), which established a no-fault program ("the Program") to provide benefits and/or compensation to certain individuals, including health-care workers and emergency responders, who are injured as the result of the administration of smallpox countermeasures, including the smallpox (vaccinia) vaccine. The Program will also provide benefits and/or compensation to certain individuals who are injured as a result of accidental vaccinia inoculation through contact.

This program will allow the Federal Government to reimburse eligible individuals for the costs of reasonable and necessary medical treatment. Such payments will be secondary to any other coverage available to the individual (e.g., health insurance benefits). Compensation for lost employment income (beyond the first 5 days of work missed, except that the 5 day waiting period for compensation does not apply if the loss of employment extends beyond 9 work days) will also be available for certain eligible individuals. As with the Program's medical benefits, such payments will be secondary to other available coverage. The SEPPA provides parameters for determining, based on lost wages, the amount of lost employment income that will be available to particular eligible individuals. The Program may also provide a lump sum death payment in circumstances in which the eligible individual's death is determined to have resulted from a covered injury. This benefit, which will be paid to survivors, is modeled on the award available to police officers and firefighters killed in the line of duty under the Public Safety Officers Benefit Program ("PSOB"), administered by the Department of Justice. Such payments will be secondary to benefits that are paid or payable under the PSOB if an injured party is already eligible for the PSOB. As an alternative, a lost wages death benefit including payment options in the case of individuals who are survived by at least one dependent under the age of 18 will be available. SEPPA gives the Federal Government considerable discretion as to the method and frequency of payments made by the Program (e.g., the Secretary of Health and Human Services could purchase an annuity or medical insurance policy or execute a structured settlement agreement for the award of benefits and/or compensation under the Program in specified circumstances).

HHS will publish, by interim final rule, a vaccine injury table and the procedural process for filing a request for benefits and/or compensation under the Program in the near future. The vaccine injury table will list the injuries and conditions that will be presumed to be

caused by the smallpox vaccine, together with the time frame in which the presumption applies. Other injuries and conditions, or injuries and conditions outside of the published time frame, may still be eligible for benefits, but the requester will need to provide evidence of causation. The provisions included by interim final rule will be immediately effective and will cover injuries that occurred since the beginning of the Program. For further information contact Michelle Snyder, Director of the Office of Special Programs, Health Resources and Services Administration, tel: 301-443-3300.