



The Honorable Kathleen Sebelius
Secretary of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

RE: Recommendation of the Advisory Commission on Childhood Vaccines

Dear Secretary Sebelius:

Please find attached for your review, a recommendation of the Advisory Commission on Childhood Vaccines (ACCV) is making to you pursuant to its obligations under § 2119 of the Public Health Service Act (Act) on matters related to the implementation of the National Vaccine Injury Compensation Program (VICP).

One of the Act's primary public health policy objectives was to eliminate vaccine-preventable disease by encouraging the use of vaccinations and to advise the Secretary on matters of vaccine safety and research.

At its June 2012 quarterly meeting, the ACCV formed the Process Workgroup consisting of seven members to examine prior ACCV recommendations to the Secretary, consolidate and present the ACCV's consensus recommendations for immediate changes to improve the functioning of the Program. This Workgroup is chaired by an ACCV member, a representative of the general public who is also the parent of a vaccine-injured child, and included one health care provider representative; one representative of the general public who is also the parent of a vaccine-injured child; one representative who is an attorney representing petitioners; one representative who is a non-affiliated attorney; a former ACCV member who represents petitioners; and liaison representatives from the Division of Vaccine Injury Compensation and the DHHS Office of the General Counsel.

From June 2012 to December 2013, the Workgroup met monthly by telephone. It carefully studied and discussed issues related to the functioning of the Program and proposals for improvement. The Charter states that the legal representation of the Commission shall be composed of the following: three members who are attorneys, of whom at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death and of whom one shall be an attorney whose specialty includes representation of vaccine manufacturers. The Workgroup discussed the experience that the third attorney should possess. The Workgroup believes that having an attorney who has experience with the VICP would be beneficial to the Commission because this person could provide insight about how the Program works. Currently, only three (i.e., the petitioner's attorney and the two parents of vaccine-injured children) of the nine Commission members have this experience. Therefore, the ACCV would like to make the following recommendation:

The ACCV recommends that the Secretary consider the appointment of an attorney who has experience with the National Vaccine Injury Compensation Program, as the third member of the ACCV representing attorneys.

This recommendation was unanimously adopted by the Workgroup, which was presented to the full ACCV at its meeting on December 5, 2013. After discussion, the ACCV voted unanimously to support the above recommendation which does not require a change to the Act, but only the selection of a person in this category to serve on the ACCV. Therefore, we urge you to endorse and implement this recommendation.

Very truly yours,

/S/

David King /
Chair, ACCV

/S/

Michelle A. Williams
Co-Chair, ACCV

2/11/14