

SUPPLEMENTARY INFORMATION: The Health Resources and Services Administration (HRSA) proposes to establish a new system of records: "The Smallpox Vaccine Injury Compensation Program, HHS/HRSA/OSP." The Act authorizes the creation of a Smallpox Vaccine Injury Compensation Program ("the Program") by directing the Secretary, HHS, to establish administrative procedures designed to provide benefits and other compensation to certain individuals who sustained a covered injury as the direct result of the administration of smallpox countermeasures, and certain individuals who sustained a covered injury as a direct result of accidental vaccinia inoculation through contact with the foregoing persons or with individuals accidentally inoculated by them. The Secretary will issue regulations implementing the Program. Individuals eligible to be considered for benefits and other compensation are:

1. (a) Health care workers, law enforcement officers, firefighters, security personnel, emergency medical personnel, other public safety personnel, or support personnel for such occupational specialties;

(b) Who are or will be functioning in a role identified in a State, local, or HHS smallpox emergency response plan approved by the Secretary;

(c) Who have volunteered for, and been selected to be members of, a smallpox emergency response plan prior to the time at which the Secretary publicly announces that an active case of smallpox has been identified either within or outside of the United States;

(d) To whom a smallpox vaccine is administered pursuant to such an approved plan during the effective period of the Declaration Regarding Administration of Smallpox Countermeasures ("the Declaration") issued by the Secretary, HHS, on January 24, 2003, and published in the **Federal Register** on January 28, 2003 (68 FR 4212); and

(e) Who sustain a covered injury, disability, illness, condition, or death as a direct result of receiving a covered countermeasure, including the smallpox vaccine, during the effective period of the Declaration; or

2. Certain individuals who sustain a covered injury, disability, illness, condition, or death as a direct result of vaccinia contracted through contact with one or more of the individuals described above or through contact with individuals accidentally inoculated by those individuals, during the specified time frame.

Subject to certain provisions, the Act authorizes benefits and other

compensatory payments, generally secondary to other available coverage, for the following:

(1) Reasonable and appropriate medical items and services to treat a covered injury.

(2) Lost employment income incurred as a result of a covered injury beyond the first five days of work missed unless the loss of employment extends beyond nine days, to a maximum of \$50,000 for any given year with a limited exception for persons with a permanent and total disability, through the age of 65.

(3) Death payment to survivors in circumstances in which death is determined to have resulted from a covered injury.

This system of records is required to comply with the implementation directive set forth in the Act. It will be used for Program planning, implementation, payment, evaluation, monitoring, and document storage purposes.

HRSA permits disclosure of the records to third parties pursuant to the following routine uses: The first routine use permits disclosure to a congressional office to allow subject individuals to obtain assistance from their representatives in Congress, if they wish to do so. The second routine use allows disclosure to Federal, State or local Government entities or to private entities for the purpose of their providing information relevant to medical or legal documentation required for determinations of eligibility or payment. The third routine use allows disclosure of records to contractors engaged by the Department who need access to the records in order to assist the Department, *e.g.*, expert consultants providing advice on requesters' eligibility for benefits and/or compensation. The fourth routine use allows disclosure of records to individuals and/or entities as necessary for the purposes of obtaining financial advice and providing benefits and other compensation to requesters approved for payment under the Program. The fifth routine use allows disclosure to a Federal agency administering aspects of the Program under a Memorandum of Agreement or assisting in the accomplishment of a Departmental function related to the purposes of the Program. The sixth routine use allows disclosure of records to the Department of Justice or a court, in the event of litigation. The seventh routine use allows disclosure to the appropriate Federal, State or local agency in the event of a violation of law. The eighth routine use allows disclosure of records for certain medical research purposes.

The following notice is written in the present tense, rather than the future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the system becomes effective.

Dated: October 28, 2003.

Elizabeth M. Duke,
Administrator, Health Resources and Services Administration.

09-15-0065

SYSTEM NAME:

Smallpox Vaccine Injury Compensation Program, HHS/HRSA/OSP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Special Programs, Health Resources and Services Administration, 4350 East-West Highway, 10th Floor, Bethesda, Maryland 20814.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system are requesters and/or their representatives filing for benefits and other compensation under the Smallpox Vaccine Injury Compensation Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of documents that may include general or congressional correspondence, requests, case number assignment, HHS responses, medical and legal documentation, employment documentation, documentation concerning services or benefits available from the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer), payment information, and other related case processing documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Management of the system is authorized by Pub. L. 108-20, the Smallpox Emergency Personnel Protection Act of 2003, enacted April 30, 2003 (42 U.S.C. 239 *et seq.*).

PURPOSE(S):

The purpose of the system is to provide for benefits and other compensatory payments to certain individuals who sustained a covered injury as the direct result of the administration of smallpox countermeasures, and certain individuals who sustained a covered injury as a direct result of accidental vaccinia inoculation through contact with the foregoing persons or with individuals accidentally inoculated by them, during a specified time period.