

A piece to the puzzle?

Vaccine court finding stirs possible autism link controversy

By Heather Warlick
Staff Writer

"I'm the mother of this absolutely gorgeous, redheaded child who is 9 years old," were the first words spoken by Terry Poling at a news conference last week on the steps of Atlanta's federal courthouse. Her child, Hannah Poling, has been thrust into the media spotlight as a champion in the fight against autism since Terry and Jon Poling filed a lawsuit on their child's behalf alleging that a heavy round of routine vaccines the child was given at 18 months of age caused or triggered her autism.

The case was heard in November in the Vaccine Injury Compensation Court, a special federal court set up to award damages in cases where vaccines cause health injuries. The court conceded that vaccines may have indeed worsened an underlying disorder that ultimately led to autism in Hannah Poling. But the court also said the little girl's case is not representative of the 5,000 other cases that have been filed claiming that mercury-containing vaccines caused autism.

Dr. Julie Gerberding, head of the U.S. Centers for Disease Control and Prevention, said this case is a very special situation. Legal experts say that since the Poling case is not a classic autism case, this trial will in no way set a precedent for future trials.

"My daughter was absolutely precocious," Terry Poling continued during the news conference. "She was talking, she

was laughing, (she was) interacting with everyone in her environment. She could whistle on command. It was delightful."

But, Poling said, after Hannah's 18-month vaccinations, the child became ill. She immediately developed signs of an encephalopathy (a disease of the brain). She was screaming incessantly, arching her back, developed a high fever and was not responding to verbal stimuli.

"She stopped eating. She did not gain any weight, height or head circumference for several months whatsoever, and she had been in the 95th and 97th growth curve," Poling said.

This is when Terry and Jon Poling knew there was a serious problem.

"After six months of Hannah's illness in late 2000, we knew that Hannah's beautiful, inquisitive mind wasn't coming back," Jon Poling said. It was around this time that the Polings learned that their daughter had a mitochondrial disorder that, in theory, sets her apart from many of the other vaccine injury claims.

"Some would say that this makes our case rare and unique," Jon Poling said. But a Portuguese study suggests that 7 percent of autistic children could have the same disorder — compared to the .02 percent of people in the general population without autism. So, the Polings said, their case may not be so unusual.

In response to thousands of lawsuits filed in the vaccine court, the government has set up a set of nine

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Hannah Poling is shown above at right in an Associated Press photo. Her parents sought and won financial compensation in a lawsuit in the federal Vaccine Injury Compensation Court that claimed that the 9-year-old girl's autism was caused or exacerbated by the vaccinations she received at 18 months.

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cases, to be heard by “special masters,” in which claimants believe that vaccinations somehow triggered autism. A decision in these cases, which have been dubbed the “Omnibus Autism Proceedings,” is expected in the spring. The Poling case is not one of the nine Omnibus cases.

“Whether vaccines cause autism is a scientific question best answered in a scientific venue,” said Dr. Paul Offit, chief of infectious diseases at Children’s Hospital in Philadelphia. “I think the courts have historically been very poor places to determine scientific proofs.”

Although about 20 epidemiological studies have determined that a causal link between vaccines and autism cannot be proven, many parents and advocates of autistic children see the Polings’ success in the vaccine court as a victory that may help in the Omnibus cases.

But Offit disagrees and said that this case will not set a precedent since it isn’t a classic autism case and not one of the Omnibus cases. Offit also said this is not the first time the Vaccine Injury Compensation Program has awarded something that went against epidemiological data.

“I think the feeling of the Vaccine Injury Compensation Program, and I’m not disagreeing with this, is that if anything, you should err on the side of overcompensating,” he said. The money awarded through the vaccine court is generated by a 75-cent federal excise tax on every vaccine administered. As of Jan. 31, 2007, the trust fund balance was nearly \$2.5 billion, according to the U.S. Health and Human Services Department.

Offit and his colleagues worry that the case could make parents being afraid to have their children vaccinated. In order to attend public school, children are required to have 36 vaccinations. Some of the cases filed contend that the cumulative effect of a high number of shots given in succession may have caused injuries.

He also said this fear has spawned a “cottage industry” of false hope associated with medicines and procedures aimed at ridding mercury from the bodies of autistic children, which he said is dangerous and in one case was fatal.

“What we can all agree on now is that the number of vaccines has increased over the years, and so has the incidence rate of autism,” said Keith Geary, who founded Aaron’s Bridge, an Oklahoma-based foundation for the advancement of medical treatment and research of autism. “So, doesn’t it make logical sense that we just need to slow them down, space them apart further, not so many close together?”

Paul Howard, senior fellow at the Manhattan Institute’s Center for Medical Progress, warned that children are put at risk when they opt out of vaccinations.

“Vaccine side effects do happen very rarely, but the consequences of the diseases they’re meant to prevent are more serious,” Howard said. “As more parents start opting out of vaccines, they’re really exposing their children to the more serious risks of the disease and exposing other children to the risks of disease than they would be if they went ahead and got the vaccinations.”

To report concerns

According to the Health Resources and Services Administration, clinically significant adverse events that follow any vaccination should be reported by doctors or individuals to the Vaccine Adverse Event Reporting System (VAERS). The form is available online at www.vaers.org or by calling (800) 822-7967.